

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL MEETING  
MAY 20, 2008 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
Annexation, Zoning Map Amendment and Special Use for a telecommunications tower at Gilbert Park	Resolution ✓ Ordinances Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

**SYNOPSIS**

Ordinances have been prepared for annexation of the last remaining parcel of Gilbert Park still in unincorporated DuPage County and for the Zoning Map Amendment to change the zoning of the parcel upon annexation from R-1 Single Family District to R-3 Single Family Residence District. A Special Use Ordinance has been prepared to construct a telecommunications tower.

**STRATEGIC PLAN ALIGNMENT**

The Five Year Plan and Goals for 2007-2012 identified *Preservation of the Residential and Neighborhood Character*. Supporting this goal are the objectives *Tolerance of Neighborhood Private Redevelopment* and *Continuing Reinvestment in the Neighborhoods*.

**FISCAL IMPACT**

N/A.

**UPDATE & RECOMMENDATION**

This item was discussed at the May 13, 2008 Workshop. During that meeting, Council directed staff to draft two versions of the ordinance. The first version of the ordinance would remand the item to the Plan Commission if approved. The second version of the ordinance would either approve the item. The ordinance remanding the item to the Plan Commission will be presented to Council first. If Council votes against the ordinance to remand, the ordinance to approve the item will be presented to Council for a vote.

Council requested additional information pertaining to the exploration of alternative sites for the cellular tower. In response, T-Mobile provided staff with the attached information.

Council also requested an environmental assessment of the impact the cellular tower would produce on the surrounding area. An environmental assessment of the impact of the cellular tower was not a required condition of the Special Use application. As a result, an environmental assessment of the area was not conducted by T-Mobile.

In addition, Council mentioned the construction and placement of the cellular tower could produce an “attractive nuisance” at the park and may compromise the safety of individuals, particularly children, playing in the area. Regarding these concerns, it should be noted that safety issues related to the construction and placement of the cellular tower at the park are not unique to this particular project and were considered as part of the regular Special Use application process.

Staff recommends approval on the May 20, 2008 active agenda.

## **BACKGROUND**

The petitioner is requesting approval of a Special Use pursuant to Section 28.502(t) of the Zoning Ordinance to allow construction of a new telecommunications tower and an equipment shelter for the tower equipment, and annexation of the property currently located in unincorporated DuPage County. A zoning map amendment is requested to rezone the property from R-1 Single Family Residence District to R-3 Single Family Residence District. The Park District is requesting the rezoning to have a consistent zoning classification for the entire park. The subject property, part of Gilbert Park located at 1500 Gilbert Avenue, is contiguous to the Village and is the only remaining portion of the park still in unincorporated DuPage County.

The Village has previously deemed telecommunications towers to be special uses in all residential zoning districts. The portion of Gilbert Park that is within the Village limits is zoned R-3 and the portion of the park where the tower is proposed to be located would also be zoned R-3.

The Village has a duty to apply the special use standards for the structural portions of the tower. The enforcement of the height and setback provisions will ensure that the public is protected from the tower itself.

The petitioner has provided information (attached to Staff Report dated March 3, 2008) describing how the proposal complies with the Municipal Code, the Radiofrequency (RF) Emissions regulations and has submitted a report from a certified real estate appraiser assessing the potential impact of the proposed facility on the surrounding home values.

As there are no existing telecommunications towers or tall structures within the target area, T-Mobile originally proposed to replace the northwest baseball field light pole with a 110-foot high telecommunications tower with field lights reinstalled at 60 feet (their current height). A new equipment shelter was also proposed immediately south of the tower.

Based on comments from the public and the Plan Commission, the petitioner has revised its plans to relocate the tower and equipment shelter farther to the northwest. The revised location is intended to “hide” the tower in the heavily wooded area (Maple Grove Forest Preserve) to the west. The revised location will also have less interference with activities that take place in the park as the tower and equipment shelter will be closer to the existing parking lot.

As a result of revising the tower’s location, the height will be decreased to 90 feet due to the higher elevation of the land. The tower will still accommodate up to two users. The equipment shelter is also larger to indicate the location of the second user’s equipment. The revised proposal meets all other zoning requirements. Staff is recommending additional landscaping around the tower and equipment shed due to their proximity to Gilbert Avenue.

A telecommunications tower must comply with Section 28.1307 of the Zoning Ordinance. The proposed telecommunications tower facility meets all zoning requirements and fully complies with the bulk regulations as shown in the table below.

Zoning Requirements	Required	Proposed (Revised Plan)	
		<i>Shelter</i>	<i>Tower</i>
Front Setback (north)	30'	41'	57'
Side Setback (west)	6' (Shelter) 22.5' (Tower)	56'	23.5'
Rear Setback (south)	6' (Shelter) 20' (Tower)	273'	286'
Height	23' (Shelter) 110' (Tower)	18'-4"	90'
Separation from pre-existing tower	1,500'	N/A	aprox. 1600'
Separation from closest residential property	330'	N/A	aprox. 380'

The Plan Commission considered the petition at its March 3, 2008, meeting. During the meeting, community members spoke in opposition of the proposed tower citing concern about the public safety due to Radiofrequency (RF) Emissions, improper use of public land, and that the unsightly tower will interfere with park activities among others.

As part of the fact finding, the Plan Commission did not find evidence the petitioner explored other alternatives for tower location. The Plan Commission also found that the proposed tower would be too much of an infringement and intrusion on public open space without the public purpose, and that the proposed telecommunications tower facility does not conform to the Future Land Use Plan in preserving the park for open space. The Plan Commission noted the request did not comply with standards *a)*, *b)* and *d)* for approval of Special Uses as the tower is not necessary at the particular location proposed, and it is not consistent with the Future Land Use Plan. As such, the Plan Commission recommended unanimous denial of the petition.

#### **ATTACHMENTS**

Ordinances

Gilbert Park Alternative Tower Sites Information

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** \_\_\_\_\_ Petitioner \_\_\_\_\_ **DATE:** May 20, 2008  
(Name)

**RECOMMENDATION FROM:** Plan Commission **FILE REF:** PC-02-08  
(Board or Department)

**NATURE OF ACTION:**

**STEPS NEEDED TO IMPLEMENT ACTION:**

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED TO REZONE PROPERTY LOCATED AT 1500 GILBERT AVENUE", as presented.

**SUMMARY OF ITEM:**

At their meeting of March 3, 2008, the Plan Commission recommended 7:0 denial of the rezoning petition for 1500 Gilbert Avenue. Adoption of the attached ordinance shall rezone 1500 Gilbert Avenue from Village R-1 Single Family Residential to Village R-3 Single Family Residential.

**RECORD OF ACTION TAKEN:**

---

---

---

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE  
OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS  
CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED  
TO REZONE PROPERTY LOCATED AT 1500 GILBERT AVENUE**

WHEREAS, the real estate located in Gilbert Park, hereinafter described has been classified as "R-1 Single-Family Residence" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and,

WHEREAS, the owner or owners of said real estate have requested that such property be rezoned as hereinafter provided; and

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition on March 3, 2008 and has made its findings and recommendations respecting said requested rezoning in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, making due allowance for existing conditions, the conservation of property values, the development of the property in conformance to the official Future Land Use Plan and Map of the Village of Downers Grove, and the current uses of the property affected, the Council has determined that the proposed rezoning is for the public good.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

SECTION 1. The Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code (which ordinance as heretofore amended, is hereinafter referred to as the "Zoning Ordinance"), is hereby further amended by changing to "R-3, Single Family Residence District" the zoning classification of the following described real estate, to wit:

Commencing at the center of Section Seven (7), Township Thirty-Eight (38) North, Range Eleven (11), East of the Third Principal Meridian; thence North 25 degrees 41 minutes West, a distance of three hundred eighty-six and six-tenths (386.6) feet to an iron pipe in the South line of the Chicago, Burlington & Quincy Railroad Company's right-of-way; thence East 88 degrees 51 minutes East, a distance of two hundred forty-five (245.0) feet along the South line of the Chicago, Burlington & Quincy Railroad Company's right-of-way to a concrete monument; thence South 12 degrees 41 minutes West, a distance of three hundred fifty-two and one-tenth (352.1) feet to the place of beginning, enclosing an area of 1.22 acres.

Commonly known as 1500 Gilbert Avenue, Downers Grove, IL (PIN 09-07-113-010)

SECTION 2. The official zoning map shall be amended to reflect the change in zoning classification effected by Section 1 of this ordinance, subject to the following conditions:

1. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported

to the Village. The Village reserves the right to re-open its review process upon receipt of such information; and

2. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

---

Mayor

Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk