

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

SUBJECT:	TYPE:	SUBMITTED BY:
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

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A SPECIAL USE
TO PERMIT TELECOMMUNICATION
TOWER FACILITIES AT 1500 GILBERT AVENUE**

WHEREAS, the following described property, 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)

(hereinafter referred to as the "Property") is presently zoned in the "*R-3, Single Family Residence District*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28.506 of the Zoning ordinance be granted to allow telecommunication tower facilities within a residential zoning district.

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, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

1. The proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
2. The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
3. The proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located.
4. The proposed use is one of the special uses specifically listed for the district in which it is to be located and, if approved with restrictions as set forth in this ordinance, will comply with the provisions of the Downers Grove Zoning Ordinance regulating this Special Use.

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

SECTION 1. That Special Use of the Property is hereby granted to allow telecommunication tower facilities within a residential zoning district.

SECTION 2. This approval is subject to the following conditions:

1. The telecommunications tower facilities shall substantially conform to the Staff Report dated February 11, 2008, preliminary engineering plans prepared by WT Engineering, dated November 29, 2006, last revised January 7, 2008 and the Plat of Annexation prepared by Intech Consultants, dated January 10, 2008 except as such plans may be modified to conform to Village Codes and Ordinances.
2. Before the issuance of any building permits, the applicant shall submit an engineer's cost estimate in the amount sufficient to fund any costs incurred by the Village due to Owner's failure to comply with all codes, ordinances, rules and regulations of the Municipal Code including any removal or restoration work that the Village must perform itself or have completed as a consequence of the Owner's failure to comply with all provisions of the Municipal Code. Following the approval of such cost estimate, the applicant shall establish a "Security Fund" in that amount with the Village, in the form of an unconditional letter of credit, surety bond or other instrument. The letter of credit, surety bond or other instrument shall (i) provide that it shall not be canceled without prior notice to the Village; and (ii) not require the consent of any other person other than the proper Village official prior to the collection by the Village of any amounts covered by said letter of credit, surety bond or other instrument. The Security Fund shall be continuously maintained in accordance with the Zoning Ordinance, Section 28.1307, at Owner's sole cost and expense.
3. All necessary construction permits shall be obtained by the petitioner prior to any site development activities.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use to allow telecommunication tower facilities in a residential zoning district is hereby granted. Violation of any or all of such conditions shall be deemed a violation of the Village of Downers Grove Zoning Ordinance, the penalty for which may include, but is not limited to, a fine and or revocation of the Special Use granted herein.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Mayor

Passed:

Published:

Attest: _____

Village Clerk