

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

SUBJECT:	TYPE:	SUBMITTED BY:
Special Use for a Telecommunications Tower at Hummer Park	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A Special Use Ordinance has been prepared to construct a telecommunications tower in an R-4 residential zoning district at 4833 Fairview Avenue, commonly known as Hummer Park.

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 equipment pad within Hummer Park. Hummer Park is zoned R-4, Single Family Residential, and a telecommunications tower is a permitted Special Use in the R-4 zoning district.

The Village has previously deemed telecommunications towers to be special uses in all residential zoning districts, including the R-4 district.

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. If the applicant was able to find an existing structure of height in the target search area, a special use would not have been required for the antenna. The petitioner has provided information (attached to Staff Report dated March 3, 2008) describing how the proposal complies with the Municipal Code and the Radiofrequency (RF) Emissions regulations.

The petitioner is proposing to construct a 75-foot telecommunications tower designed to appear as a flag pole. The tower will be located immediately north of the existing park shelter building and will include the necessary apparatus to fly a United States flag. Two T-Mobile antennas will be located within the tower and will not be visible to the naked eye. The tower is not designed to support additional antenna. A small brick paver walkway and landscaping will be constructed around the approximately 28-inch tower base.

The tower's equipment cabinets will be located within an existing fenced service area immediately east of the shelter. The equipment will be secured with an additional closed design six-foot fence and will not be visible or accessible to park users.

A telecommunications tower must comply with Section 28.1307 of the Zoning Ordinance and the rules and regulations of the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA). The petitioner has provided a Radiofrequency (RF) Emissions Compliance Report prepared by a professional engineer which indicates compliance with FCC requirements and a Market Value Study prepared by a certified real estate appraiser which finds the tower and equipment will have no negative impact on the value of surrounding properties. 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	Provided
North Setback	20'	530'
East Setback	36'	300'
South Setback	25'	440'
West Setback	25'	175'
Tower Height	90'	75'
Separation from other towers	1,500'	3,168' (min)

Numerous residents spoke at the Plan Commission meeting on March 3, 2008. The public expressed concern about long-term health effects, the improper use of open space and public land, the size of the tower and flag, lightning strikes, the noise and lighting of the flag at night and the preference to see towers located in industrial areas.

The Plan Commission considered this petition at its March 3, 2008, meeting and unanimously recommended denial of the petition. The Commission believed the commercial use of a park was not appropriate, felt telecommunication towers should be sited within industrial zoning districts and did not believe alternative locations had been exhausted. The Commission alluded to its findings regarding the proposed telecommunications tower at Gilbert Park. In the Gilbert Park petition, the Commission felt the tower would be too much of an infringement and intrusion on public open space without a public purpose, the tower is not a desirable use and the proposed tower and equipment does not conform to the Future Land Use Plan in preserving the park for open space.

ATTACHMENTS

Ordinance

Hummer Park Alternative Tower Sites Information

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A SPECIAL USE
TO PERMIT A TELECOMMUNICATION
TOWER AT 4833 FAIRVIEW AVENUE**

WHEREAS, the following described property, to wit:

THAT PART OF BLOCK 1 IN AUSTIN'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED FEBRUARY 2, 1884 AS DOCUMENT NO. 32849 IN THE DUPAGE COUNTY RECORDER'S OFFICE, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 1, SAID POINT BEING ALSO THE SOUTHWEST CORNER OF LOT 5 IN GIERZ AVENUE RESUBDIVISION; THENCE SOUTH 89°58'07" EAST ALONG THE NORTH LINE OF SAID BLOCK 1 A DISTANCE OF 367.01 FEET TO THE NORTHWEST CORNER OF LOT 12 IN WORLEY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 10, 1890 AS DOCUMENT NO. 42864; THENCE SOUTH 25°29'46" EAST ALONG A WESTERLY LINE OF SAID WORLEY'S SUBDIVISION, 196.38 FEET TO THE NORTHWEST CORNER OF LOT 17 IN PARK VIEW ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 28, 1956 AS DOCUMENT NO. 794392; THENCE THE NEXT 3 COURSES AND DISTANCES ALONG THE WESTERLY LINE OF SAID PARK VIEW ESTATES: 1) SOUTH 24°30'34" EAST 115.53 FEET; 2) THENCE SOUTH 24°41'39" EAST 153.68 FEET; 3) THENCE SOUTH 24°38'50" EAST 110.43 FEET TO THE NORTHEAST CORNER OF LOT 1 IN FLASKA'S RESUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 8, 1957 AS DOCUMENT NO. 829081; THENCE SOUTH 66°14'29" WEST ALONG THE NORTHERLY LINE OF SAID FLASKA'S RESUBDIVISION, 239.07 FEET TO THE NORTHWEST CORNER OF LOT 4 IN SAID FLASKA'S RESUBDIVISION; THENCE SOUTH 00°06'25" EAST ALONG THE WEST LINE OF LOT 4 IN SAID FLASKA'S RESUBDIVISION, 214.65 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4, SAID POINT BEING ALSO ON THE NORTHERLY LINE OF A PUBLIC ROADWAY HERETOFORE DEDICATED AS SHELDON AVENUE; THENCE SOUTH 66°21'48" WEST ALONG SAID NORTHERLY LINE OF SHELDON AVENUE, BEING ALSO THE SOUTHERLY LINE OF BLOCK 1 IN SAID AUSTIN'S SUBDIVISION, 427.14 FEET TO THE SOUTHWEST CORNER OF BLOCK 1 IN SAID AUSTIN'S SUBDIVISION; THENCE NORTH 00° EAST (ASSUMED BEARING) ALONG THE WEST LINE OF BLOCK 1 IN SAID AUSTIN'S SUBDIVISION, BEING ALSO THE EAST LINE OF A PUBLIC ROADWAY HERETOFORE DEDICATED AS FAIRVIEW AVENUE, 1004.79 FEET TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THAT PORTION PREVIOUSLY DEDICATED AS WILCOX AVENUE

Commonly known as 4833 Fairview Avenue, Downers Grove, IL (PINs 09-09-102-001, 09-09-102-002, 09-09-103-001)

(hereinafter referred to as the "Property") is presently zoned in the "R-4, 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 28-508 of the Zoning ordinance be granted to allow a telecommunication tower 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 a telecommunication tower within a residential zoning district.

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

1. The Special Use shall substantially conform to Staff Report dated March 3, 2008, the preliminary engineering plans prepared by Fullerton Engineering Consultants, dated August 10, 2007 and landscape plans prepared by Fullerton Engineering Consultants, dated January 4, 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. The landscape plan shall be revised to include a mixture of small and medium height (two to six feet) shrubs.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use to allow a telecommunication tower 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

HUMMER PARK (CH65-325A)

Site Selection Process, General

PCS technology relies on a network of adjoining cells or circles of radio signals broadcast by antennas. T-Mobile was issued a license by the FCC which requires them to provide reliable, seamless service to the market area they are licensed to cover.

Using the help of sophisticated computer models, drive test data, and customer feedback, T-Mobile network design engineers determine required locations for new sites. These locations are then plotted on a "Search Ring Map" which shows a specific, defined area in which improved coverage is required, along with a desired antenna height. The Site Acquisition Agent then takes this Search Ring map into the field to scout potential candidates.

It should be noted, owing to the frequency at which T-Mobile broadcasts, these Search Rings are quite small, typically only one quarter mile in radius. Owing to the narrow geographic parameters, a potential antenna site *must* be located within the boundaries of the Search Ring, ideally as close to its center as possible, for it to be effective in resolving coverage gaps. As such, it is not technologically feasible to locate the antenna in a more convenient or aesthetically acceptable area without sacrificing its efficacy.

The search process is prioritized as follows:

1. The first priority is to find existing communications towers within the Search Ring.
2. Barring #1 above, the next priority is to find existing structures of height within the Search Ring such as water towers or tall buildings.
3. Finally, as a last resort, T-Mobile will search for appropriately zoned parcels of land within the Search Ring upon which a new tower can be constructed.

For an existing structure to be considered viable, the following are prerequisite:

1. Must be of sufficient height to meet RF coverage objectives.
2. Must be of sufficient structural soundness to allow attachment/addition of T-Mobile antennas/equipment.
3. Must be in an area of appropriate zoning, and/or
4. Must have the ability to meet zoning requirements.
5. Must have a landlord willing to lease space on the structure at terms agreeable to T-Mobile.

In the event no viable existing structures exist, T-Mobile will consider constructing a new telecommunications structure. Toward this end, the following are prerequisite:

1. Must be in an area of appropriate zoning, and/or
2. Must have the ability to meet zoning requirements.
3. Must be in a “logically appropriate” location. (For example, even if permitted by zoning, T-Mobile would not consider building a new tower in the front yard of a single family dwelling.)
4. Must meet FCC site development requirements as they relate to flood zones, historic property impacts, Native American tribal rights, designated wetlands, ecologically sensitive areas, FAA safety zones, environmental contamination, etc.
5. Must meet soil quality standards.
6. Must have a landlord willing to lease ground space at terms agreeable to T-Mobile.

Hummer Site Selection Process

Per the attached materials, T-Mobile engineers identified a gap in reliable coverage in the general area of Fairview and the the BNSF RR ROW. There were few existing structures as noted below and only one land parcel (Hummer Park) that passed the above prerequisites while meeting Downers Grove statutory setback requirements for new towers. The Search Ring was prosecuted as follows:

Existing Structures Considered:

1. *Tivoli Tower, 635 Rogers*. Rejected as too far west of Search Ring center; not structurally capable of supporting T-Mobile’s antennas.
2. *GMAC Realty Smokestack, 340 Burlington*. Rejected due to 40’ estimated height (too short to meet RF coverage objectives), and doubtful structural capacity.
3. *Village of Downers Grove Municipal Tower*. Rejected as too far west of Search Ring center; proposed to be removed.

Land Sites Considered:

1. *Pepperidge Farm, 230 2nd St.*. The site is non-viable due to setback requirements (see below). Pepperidge Farm was not interested in pursuing an agreement.
2. *PTL, 555 Rogers*. The site is non-viable due to setback requirements (see below).
3. *Bekstad Builders, 5100 Williams*. The site is non-viable due to setback requirements (see below).
4. *5008-5018 Fairview (Willis)* The site is of questionable viability due to setback requirements (see below) and current building footprint.
5. *Hummer Park*. A permitted special use under Downers Grove code and of ample size to meet all required setbacks.

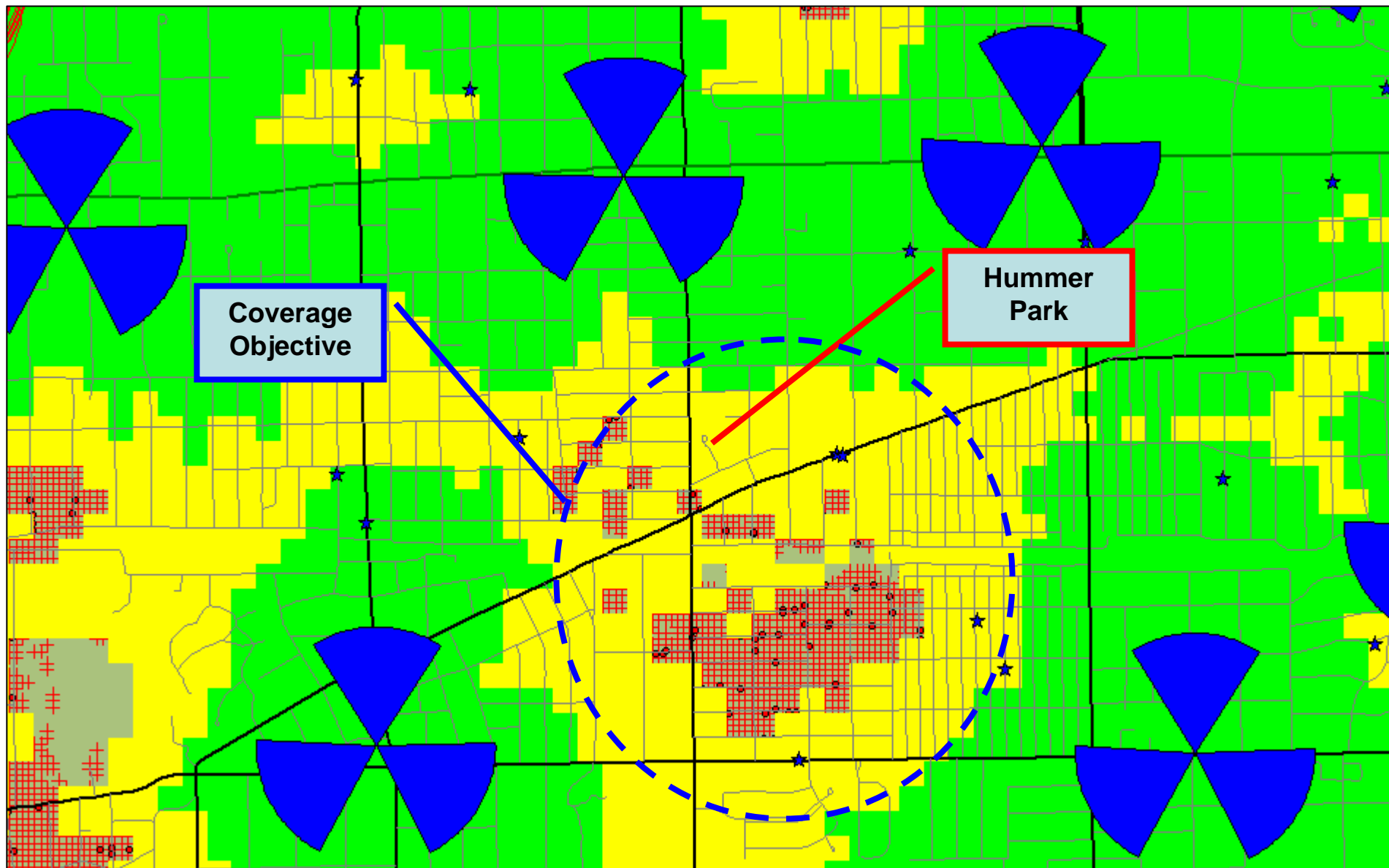
By way of further explanation, new tower development in Downers Grove is very specifically regulated under Sec. 28-1307 of the Downers Grove Zoning Ordinance. One of the more restrictive provisions of this section appears under Subsection d (3) which states that new towers on non-residentially zoned property "...shall be separated from residential districts by a distance of 200 feet or 300% of telecommunications tower height, whichever is greater."

Per the accompanying materials, the non-residentially zoned districts within or proximate to the Search Ring are all parcels of insufficient size to accommodate the required setbacks. The width of the district (from the centerline of Rogers to the centerline of BNSF RR) is 377 ft. The direct center point is 188.5 ft. There is no location that meets the minimum required 200 ft setback from a residential district without a variation. If a variation was sought, the 300% rule would restrict the maximum tower height to 62 ft (188.5 ft/3) which is below the proposed height of 75' at Hummer Park.

Other Issues Raised by Public:

1. Site Safety/Attractive Nuisance:
 - The pole will not be fenced.
 - There is no additional danger or undue risk associated with the proposed installation beyond those risks which already exist in the park.
2. Impact to Property Values:
 - Report provided by David A. Kunkel certifying to the lack of measurable impact towers pose to property values.
 - As an Illinois Certified General Appraiser, I (Mark Layne) have performed similar valuation impact studies, arriving at the same conclusions as presented in Mr. Kunkel's report.

Current Coverage Without CH65325A



Green = Optimal In Building Coverage

Yellow = In Vehicle Coverage

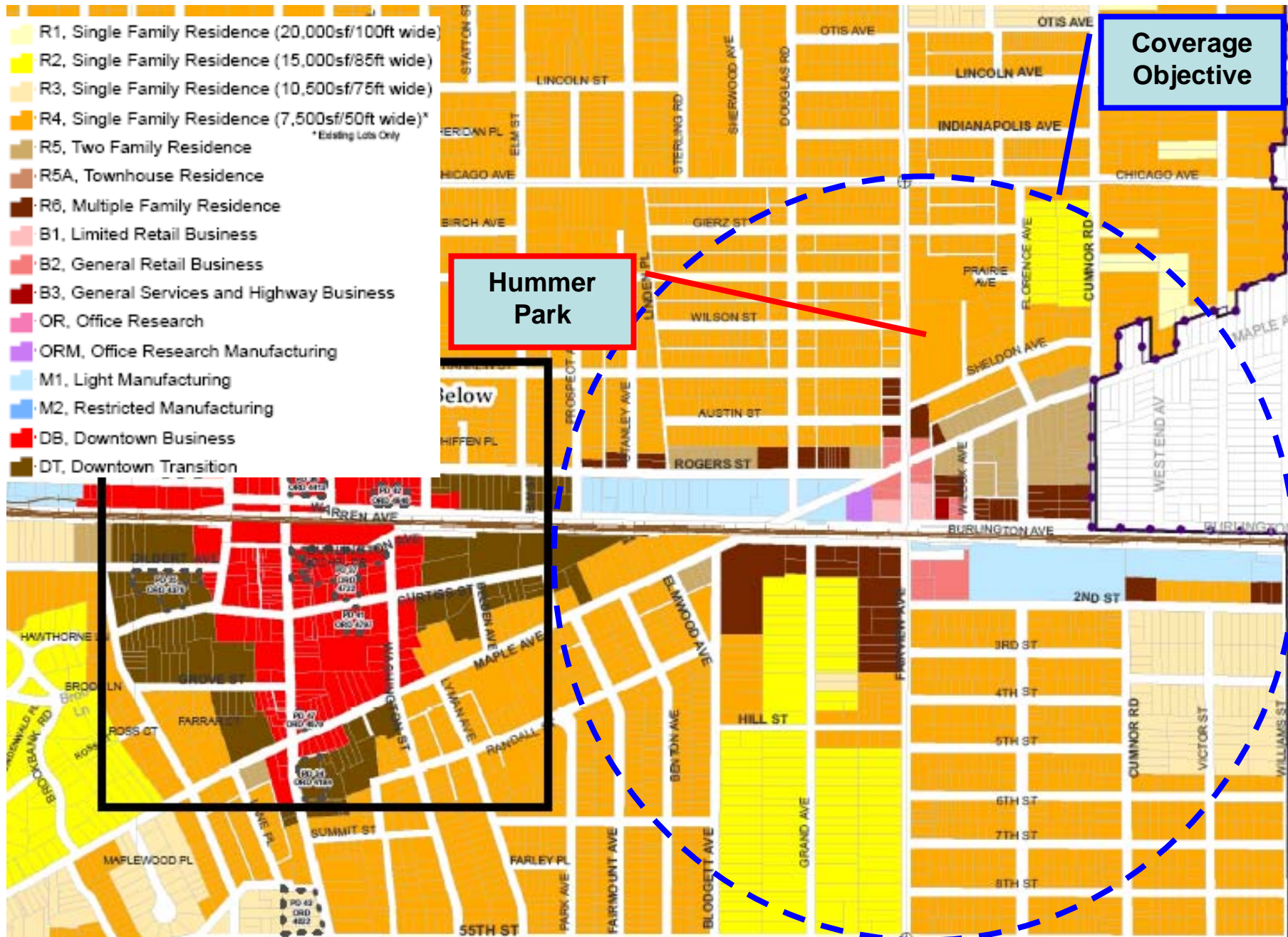
Gray = Outdoor Coverage

Red = Poorly Covered Residential

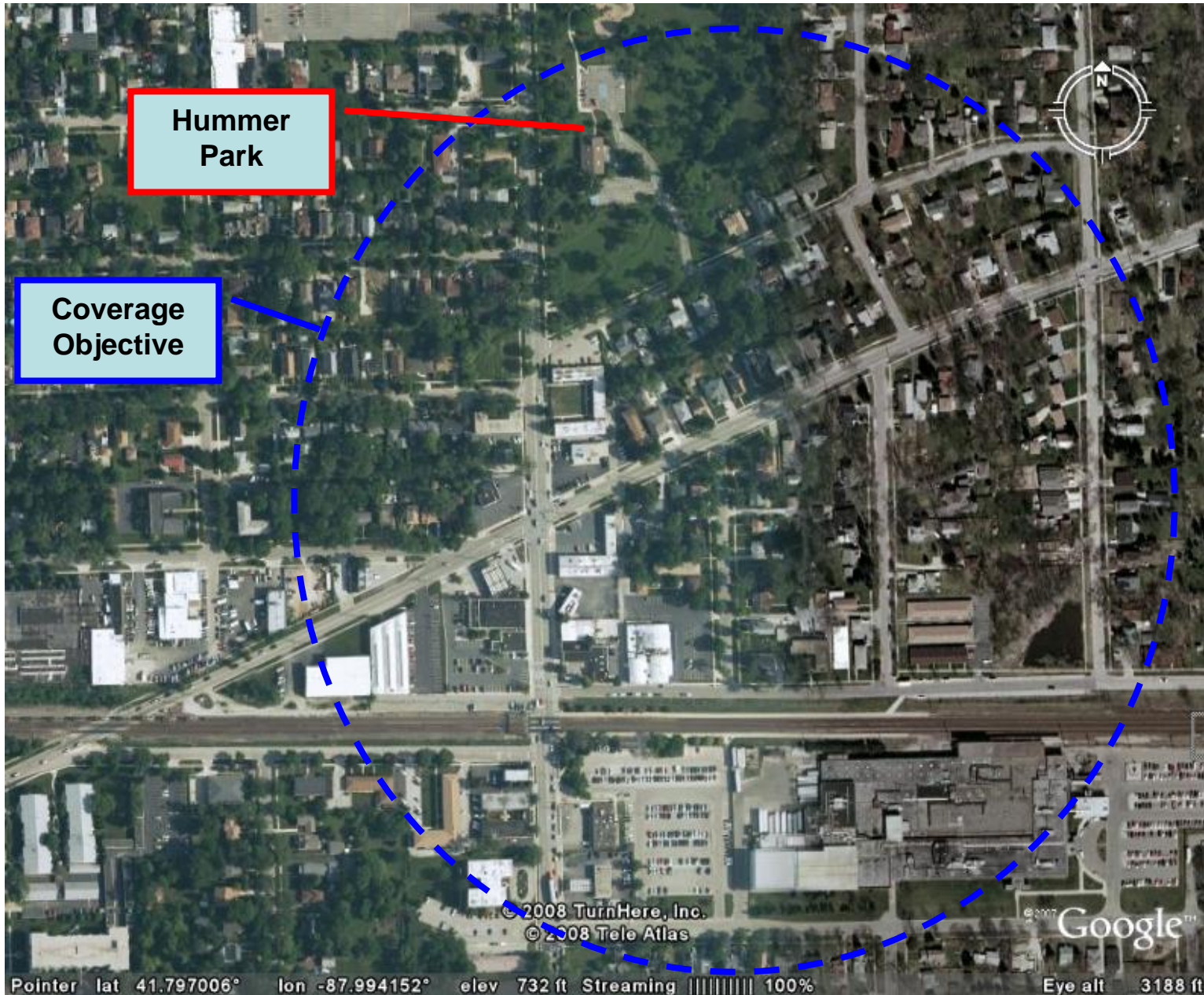
White = No Coverage

Blue Symbols = Existing Sites

Downers Grove Zoning Map



Hummer Area Aerial



Hummer
Park

Coverage
Objective



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Google

Pointer lat 41.797006° lon -87.994152° elev 732 ft Streaming 100%

Eye alt 3188 ft

Candidates Considered

