

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
DECEMBER 1, 2009 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Special Use for a Telecommunications Tower at Downers Grove South High School	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A Special Use Ordinance has been prepared to permit the construction of a telecommunications tower in an R-1 residential zoning district at 6401 Springside Avenue, commonly known as Downers Grove South High School.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2008-2013 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 November 24, 2009 workshop. Staff recommends approval on the December 1, 2009 active agenda.

BACKGROUND

The petitioner is requesting approval of a special use pursuant to Section 28.502(t) of the Zoning Ordinance to allow the construction of a new telecommunications tower and equipment pad at the Downers Grove South High School football field. The parcel is zoned R-1, Single Family Residential, and a telecommunications tower is a permitted special use in the R-1 zoning district. If the applicant was able to find an existing structure in the target search area upon which to locate their antenna, they would be required to locate upon that structure.

The use and operation of telecommunication towers are also regulated by the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA). The Village is preempted from factoring in environmental issues with regard to the placement of telecommunication towers per Section 704(a) of the Federal Telecommunications Act of 1996. The Act includes the following language which expressly preempts the Village from regulating telecommunication towers based on radiofrequency emissions:

No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's [Federal Communication Commission] regulations concerning such

emissions.

The petitioner has provided information (attached to Staff Report, RF Study dated November 12, 2007) describing how the proposal complies with the Municipal Code, and the Radiofrequency (RF) Emissions regulations.

The proposed telecommunications tower will be 86.5 feet tall with the top of the antenna array extending to 90 feet above grade. The pole will be approximately four feet wide at the base and taper to the top. The telecommunications pole will replace an existing 80-foot tall light standard. The new tower will include an antenna array centered at 86.5 feet and the top of the football field lights at 78 feet. The tower is designed to hold only T-Mobile's antenna and will not support additional telecommunication providers.

The tower's equipment cabinets will be located underneath the existing west bleachers. Coaxial cables running from the equipment to the tower will be underground. The perimeter of the ancillary and accessory facilities will be secured with a six-foot chain link fence and be accessible from underneath the west side of the bleachers. An existing four-foot chain link fence surrounds the football field and track while a larger six-foot chain link fence surrounds the entire football field complex. T-Mobile access to the site will be via a gate within the six-foot fence along Springside Avenue.

A telecommunication 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 telecommunication 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	40'	845'
East Setback	10'	365'
South Setback	20'	210'
West Setback	40'	72'
Tower Height	90' (Max.)	90'
Separation from other towers	1,500' (Min.)	5,700'

The goals of Section 28.1307 include minimizing the number of towers in the community while providing opportunities for telecommunication providers to provide coverage in areas with an identified coverage gap, locating towers in non-residentially zoned areas and encouraging the location of antenna on existing tower sites.

T-Mobile has identified a coverage gap in the area through the completion of a drive test where a T-Mobile employee drives the area measuring signal strength. The gap runs north south from Maple Avenue to Concord Drive and east west from Dunham Road to Woodward Avenue and Belmont Road. The underserved area is entirely residential in nature with a very limited amount of commercially zoned properties along the western and northern fringes of the coverage gap.

Based on coverage maps and information provided by T-Mobile, the location of a new telecommunication

tower at Downers Grove High School is the only feasible location for T-Mobile to service the overall coverage gap and their coverage objective. Existing antenna sites were examined and determined to be infeasible by various factors. Based on staff's recommendations, T-Mobile examined the Maple Avenue Water Tank site twice. There are no existing non-residentially zoned properties within the identified coverage gap that are feasible alternatives to the proposed tower location. Additionally, there are no commercial structures in this area whose height would allow for an antenna placement. The area within T-Mobile's coverage objective is almost exclusively residentially zoned. Staff believes T-Mobile has examined and exhausted all possible alternatives to the proposed Downers Grove South High School site.

T-Mobile held a neighborhood meeting in May 2008, but no individuals attended. Throughout the process staff spoke with various residents. Concerns were expressed over the tower height, design, structural stability and the impact of the tower on the adjacent townhouses and property values. Three residents spoke against the proposed tower at the Plan Commission's November 2, 2009 meeting. These residents were concerned about the safety of the equipment and tower and the perceived negative value that the tower may inflict on neighboring residential properties.

Staff believes the special use standards for approval (Section 28.1902 of the Zoning Ordinance) have been met. The proposed tower complies with the DB regulations, is a desirable use and will contribute to the general welfare of the community. The development will not be detrimental to the health, safety, morals, general welfare or property values. The requested special use is listed as an allowable special use in Section 28.502(t) of the Zoning Ordinance. Staff also believes the goals of Section 28.1307 of the Zoning Ordinance have been met.

The Plan Commission considered this petition at their November 2, 2009 meeting and recommended approval of the petition by a 5:1 vote. The lone dissenting member was concerned about the proximity of the equipment and tower to sporting events and believed the credibility of the completed studies would have been better served by having an outside consultant complete the reviews. The member believed standards A, B, and C of Section 28.1902 were not met. Staff concurs with the Plan Commission's positive recommendation.

ATTACHMENT
Ordinance

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Applicant **DATE:** December 1, 2009
(Name)

RECOMMENDATION FROM: Plan Commission **FILE REF:** PC-10-09
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT A TELECOMMUNICATION TOWER FOR THE PROPERTY LOCATED AT 6401 SPRINGSIDE AVENUE", as presented.

SUMMARY OF ITEM:

At their meeting of November 2, 2009, the Plan Commission recommended that a Special Use be granted to permit a telecommunications tower within a residential zoning district.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A SPECIAL USE
TO PERMIT A TELECOMMUNICATION TOWER FOR THE PROPERTY
LOCATED AT 6401 SPRINGSIDE AVENUE**

WHEREAS, the following described property, to wit:

That part of the North Half of Section 19, Township 38 North, Range 11 East of the Third Principal Meridian, DuPage County, Illinois, described as follows: Beginning at a point where the center line of Dunham Road intersects with the center line of 63rd Street, as platted and recorded; thence North 89 degrees 52 minutes West along the center line of 63rd Street, a distance of 1435.94 feet to an angle point in the road; thence South 89 degrees 21 minutes West along the center line of said 63rd Street, a distance of 396.75 feet; thence South 0 degrees 2 minutes East, a distance of 1146.84 feet; thence North 90 degrees 0 minutes East, a distance of 1831.99 feet to a point on the center line of Dunham Road; thence North 0 degrees 0 minutes East along the center line of said Dunham Road, a distance of 1148.00 feet to the place of beginning except that portion previously dedicated for public roads, in DuPage County, Illinois.

Commonly known as 6401 Springside Avenue, Downers Grove, IL
(PINS 09-19-101-002, 09-19-200-003)

(hereinafter referred to as the "Property") is presently zoned in the "*R-1, Single Family Residential 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 28-502(t) of the Zoning Ordinance be granted to allow a telecommunications tower within a residential zoning district; 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 November 2, 2009 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 a telecommunications tower within a residential zoning district.

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

1. The Special Use shall substantially conform to the preliminary engineering plans prepared by Fullerton Engineering Consultants, dated March 14, 2008 except as such plans may be modified to conform to Village Codes and Ordinances.
2. The petitioner shall install a fence or barrier on top of the existing equipment fence to ensure that access to the equipment can not be obtained by going through the bleachers above.
3. 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.

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