

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: William T. Lichter, Village Manager
DATE: April 27, 2004 (B of T) Date: May 6, 2004
TITLE: PC 04-09: 995 S. Columbine Avenue (Sunset Knoll Park)
SUBMITTED BY: Department of Community Development *DCH*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration a petition requesting approval of a major change to the Sunset Knoll Park Planned Development to allow for a conditional use as referenced in Section 155.206(B)(2)(a)(1) of the Zoning Ordinance and a use exception from Section 155.508 (B)(3) of the Zoning Ordinance (Standards for Planned Developments with Use Exceptions) to allow for a 100 foot high personal wireless facility monopole located within a C/R PD Conservation/Recreation District, Planned Development. (DISTRICT #2)

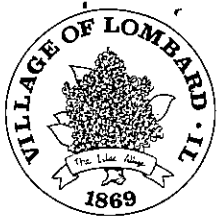
The Plan Commission recommended denial of this petition.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *William T. Lichter* Date *4/28/04*

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager

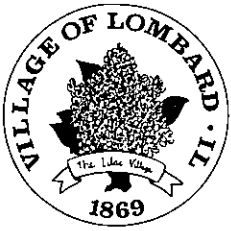
FROM: David A. Hulseberg, AICP, Director of Community Development *DGH*

DATE: May 6, 2004

SUBJECT: **PC 04-09: 995 S. Columbine Avenue (Sunset Knoll Park)**

Attached please find the following items for Village Board consideration as part of the May 6, 2004 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 04-09;
3. An Ordinance prepared by Village Counsel stating the reasons for denial of the petition. This Ordinance was prepared in order to meet the provisions of the Zoning Ordinance and the Telecommunication Act of 1996, which requires local governments to state the specific reasons for denial of the petition.
4. Plans associated with the petition.



VILLAGE OF LOMBARD

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May 6, 2004

Village President
William J. Mueller

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Trustees

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Village Manager
William T. Lichter

Subject: PC 04-09: 995 S. Columbine Avenue (Sunset Knoll Park)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests approval of a major change to the Sunset Knoll Park Planned Development to allow for a conditional use as referenced in Section 155.206(B)(2)(a)(1) of the Zoning Ordinance and a use exception from Section 155.508 (B)(3) of the Zoning Ordinance (Standards for Planned Developments with Use Exceptions) to allow for a 100 foot high personal wireless facility monopole located within a C/R PD Conservation/Recreation District, Planned Development.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 15, 2004. Prior to the start of the presentation, Commissioner Flint stated that his architectural firm, Arcon Associates, was the architectural firm for the Park District fleet maintenance building recently completed on the site. Since he is a principal owner of the firm, he would recuse himself from considering or voting on the petition. Commissioner Melarkey also recused himself saying that his employment in the telecommunication industry precludes him from considering the petition.

Andy Anderson, 1202 S. Main St., South Bend, Indiana, representing T-Mobile, presented the petition. Their proposal is to construct a 100-foot high monopole in Sunset Knoll Park. He discussed the history of their petition. He noted that in 1996, the federal Telecommunication Act established the framework for auctioning off of licensing throughout the United States. T-Mobile was known as Voice Stream Wireless and they purchased a license that covers DuPage, Cook and Lake Counties in Illinois. The restrictions on license providers were to provide service on a planned basis on five-year increments. As that grew, the requirements grew to keep their license.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

T-Mobile currently has two antenna sites in Lombard, one located one mile north of the site and one 1.5 miles south of the site. Those sites were intended to provide coverage for the Village and the I-355 corridor. Those sites did provide adequate service at that time. However, in the area between the two sites they are beginning to have coverage breaks and the monopole antenna is designed to solve this problem. Their engineering staff selects the monopole location. The chosen site has to have a willing tenant and building site. They have identified a site in the Sunset Knoll Park next to the maintenance building.

He then referred to the site plan drawings. The maintenance building and the access off of Route 53 would be used as it exists now. The rear of the maintenance area contains a row of bins for mulch for the Park District. North of the access road is a detention pond. The monopole location is a 25'x30' tract of land north of the last mulch bin. They will provide the same type of fence to screen the mulch bins and would landscape the perimeter of the fenced area. He referred to the site plan and indicated that the monopole would be approximately 500 feet north of the south property line and residents that surround the park are a distance of at least 800 feet away.

He then referenced the existing and proposed RF coverage maps that indicate the acceptable area of cell phone coverage. He then identified the proposed coverage area, which improves the coverage along the I-355 corridor. He provided referenced an aerial of the entire park. He referenced the entrance approach, maintenance building, and the site at end of the mulch bins. The tower would be 100 feet tall and it would be shielded by the sled hill. He mentioned the tower would appear to be no taller than the existing light stands and the tower will not be lighted. He mentioned the older mature 40-foot trees to stand above and shield the visual from the surrounding area. He referenced the area along Route 53, where additional trees will be planted, which will reduce the visual impact of the tower.

Mr. Anderson noted that wireless is a vital part of our lives today. The monopole is adjacent to a park and recreational activity area - emergency calls and enhanced service would be advantageous. The site location is crucial to operate in higher frequency, 1900-megahertz band. Higher frequencies require more precise locations. Their operating frequency will not affect televisions and automatic door openers.

Mr. Anderson said they believe the subject property is a good site and they tried hard to find a site that would have minimal impact. The monopole will not be lighted; it does not make any noises or strange smells and is compatible with their neighbors. They are community minded people and the monopole will generate revenue for the Park District.

Chairperson Ryan then opened up the meeting for public comment. No one to speak in favor.

Speaking against the petition were:

Don Swanson, 1040 Shady Lane, raised concerns about the electro-magnetic field effects. Does it pose as a terrorist target? He noted that there is a day care center close by. The proposal is turning the site into commercial property and it should be used as a park. He referred to the

industrial park across Route 53 and asked if it could be located there. He noted access problems from Route 53.

Jill Quass, 554 W. Edgewood, stated that she had huge concerns and did not want the maintenance shed there. She bought where she bought because the school was there, which is now gone. The maintenance building is located where there were trees. She raised concerns about the employees constructing the maintenance building. Now she has to deal with the Park District people. The park should be filled with children, not metal structures.

Deborah Mraz, 1011 Shady Lane, said that the residents sound hostile because they feel they never got their fair share. She mentioned the older trees coming down. She mentioned the public hearing notice and stated that she doesn't know what the monopole will look like. She mentioned the sled hill and the white pines. The plan represents something else being taken away. She said she does not feel this is needed in our area. She would like for it to go across the street in the Wood Lake Corporate Park and away from the children.

Dave Mallas, 1012 Shady Lane, said he has lived there for 18 years. What attracted him to his house is the adjacent park. He feels that this is Lombard's least favorite park. The building will not hide it and he does not want to look at it. He now looks at back of maintenance building. The park will resemble an industrial park and he agrees that it should be built across the street.

Charles McKinney, 1001 Shady Lane, said he lives right next to park and behind the maintenance building in the park. He feels this will be another eyesore. He asked how long the project would take to complete. He asked if they have IDOT permits for access. He asked how much money would this bring in for the Park District. He would like to see some of that come back to the homeowners. He also asked what else is projected to be put in the park.

Art Frerichs, 248 West Road, Lombard, learned of this petition as a third party – he did not really come to address this issue. He has a cell tower on his property – his tower includes a fence so kids cannot get at it. He has never had a problem with the cell tower. There are not any radio frequencies that cause ill effects on anyone - a single pole is not that obtrusive. The revenue would help the Park District for a minimal amount of inconvenience. When contractors put up monopoles, the poles come in sections and it took about three weeks and they had a pre-made building that they brought right to the site. He is not trying to sell it but it is not all that bad. Village ordinance requires the monopoles to be 500 feet apart so that some people would not have a cell farm. His is 100 feet and you wouldn't really know it is there.

Mr. Swanson, a resident who spoke earlier, noted that the Flowerfield residents would not receive any revenue for the monopole, whereas Mr. Frerichs does.

Joe Zeimet, 1025 Shady Lane, mentioned that he believes the new maintenance building is unattractive and it destroyed his park view. He opposes the petition.

Terra Mortenson, 1036 Shady Lane, stated that she is against the proposal and would like to know why T-Mobile needs a site every mile. T Mobile is her cell provider, she never gets call dropped in Lombard. She disagrees with the petitioner's maps.

Mr. Anderson then responded to the questions raised by the audience. Regarding access, they will use the existing driveway provided for the park and he does not know the history of the permit. Once the tower is built, they may need to service and inspect it once or twice a month. The tower will be a monopole similar to light stands at the ballpark.

They will not be using a shelter for the associated equipment - they will be using three cabinets. Their construction time will be approximately two to three weeks from start to finish. He assured the residents that if they act out of line, the contractors will be reprimanded and not be able to build any other sites for them.

With respect to coverage area, this is not based on speculation. All equipment is extensively monitored when they drop a call or are unable to complete a call. They know for a fact from the current towers that they do have dropped calls in this area due to lack of coverage.

He then discussed the Telecommunications Act provisions, which places restrictions on zoning actions. He said the Act includes the following provisions:

1. Treat all providers equally.
2. Municipalities cannot refuse to deny us the use you have to tell use why within documentation in writing, and
3. The emissions issue cannot be a factor to deny.

The emissions from a monopole are less than your home microwave oven. TV station towers transmits 1 million watts, the local police rated 200 watts, and they will operate at 40 watts. They monitor their equipment and frequency and power output at all times and they have to comply with the FCC to keep their license.

He then discussed the business park across Route 53. The park slopes to a high point and tapers down and they are at a plateau point.

Sanjay Jaisingani, project engineer, noted that he answers to all the people that call in on a daily system with complaints. He has to call them and respond to why they are dropping calls. Most of the call drops are from people in their homes. That is why they need sites closer to each other. Their additional coverage also addresses upgraded systems like pictures and teleconferencing.

The limit that is set for EMF they are determined by the FCC and they have to file notices with the FCC and if they were in violation of anything they would lose their license. The frequencies in which they operate is a high frequency, so the signal takes a beating and begins to deteriorate and makes the signal weak.

Responding to the locational issue, this site was selected based on the ground elevation. The software they use comes up with the grid patterns and chose the one that will meet their coverage requirements. His seemed to be the best fit in the grid most optimum with elevations. In conclusion, they picked this site for those reasons and because of the aesthetic reasons. They picked this area as it would have the least impact on the park.

David Malice, 1012 Shady Lane, asked about the tower will help serve the travelers on I-355. If you located it across Route 53, it would put you closer to I-355. Also, if the ground slopes down have they considered making it higher? He would be all for that.

Mr. Jaisingani talked about going to a lower elevation, but it would restrict area coverage. He cannot answer to the question of making it taller – they worked with the parameter of keeping the tower to a 100-foot height maximum. He stated that they have to be in a grid, there is a tower to the east and west and they have to stay in the grid. The tower will be a single pole and will be fenced by a fence. No heavy machinery, no little house surrounded by bushes or short trees or both. You will see a tall thin tower not to look industrial.

Mr. Anderson said that their request is for an amendment to the conditional use for the development of the park and they intended on keeping the height of their tower to a minimum. Mr. Anderson noted that the tower would be constructed to handle another wireless providers.

William Heniff, Senior Planner, noted that the Lombard Zoning Ordinance places a cap on the maximum height of monopoles at 100 feet.

Chairperson Ryan then asked for the staff report.

The subject property is owned by the Lombard Park District and operated as Sunset Knoll Park. The site includes a recreational building, ball fields and park space and is one of the largest land holdings of the District. The Park District constructed a maintenance facility on the subject property (addressed as 995 S. Columbine Avenue) in 2003.

The petitioner is seeking approval of an amendment to the planned development and conditional use approval to allow for a 100-foot high wireless facility monopole on the property. He noted that there were no comments from the other IDRC members.

From Planning's perspective, Ordinance 5190 granted approval of a planned development in order to provide for the construction of a fleet maintenance building for the park district, which was completed in late 2003. The monopole was not considered as part of the initial public hearing. As such, staff deems this to be a major change to the existing planned development, which requires approval of an amendment to a planned development.

The Zoning Ordinance states that personal wireless service facilities that do not comply with the requirements may be authorized only in accordance with procedures for conditional uses. Monopoles are limited to the I Limited Industrial District – hence a use exception is requested.

The petitioner identified a coverage hole for wireless services as shown on their submitted RF coverage plan. In review of the area, there were no existing monopoles or tall structures that could provide sufficient coverage. As such, they are proposing to install a new monopole.

In review of available sites, they represented that they selected the park district site as a desirable location because of the distance from residences, the lack of structures at grade and the existing and proposed screening for the site.

Mr. Heniff noted that the setback requirements for monopoles differ from other provisions of the Zoning Ordinance. He noted the monopole would be located 253 feet from the nearest property line with the closest residence approximately 500 feet from the proposed monopole location.

East of the proposed monopole are several 65 foot high light poles for the ball fields. The light poles are also fifteen feet higher in grade than where the monopole is proposed. The top of the monopole will only be twenty feet higher than the existing light standards. Per code requirements, the area will be secured by a solid six-foot fence, identical to the one erected along the east end of the maintenance facility and they will surround the leased area with evergreen plantings.

The principal use of the site will still be a community park facility. The monopole is being located in an area that would not normally be used for active or even passive recreational uses. The maintenance building will screen the base of the tower from the southwest while the elevational change on the property and mature vegetation will soften the view from other directions. Additionally, the monopole will not be lit and it will be of a neutral color (gray metallic) to decrease its prominence on the property.

The principal use will still remain as parks and open space, which is consistent with the Comprehensive Plan. The monopole, in terms of overall square footage, will remain ancillary to both the existing park facilities as well as the maintenance activities. In closing, staff recommended approval subject to the conditions noted in the staff report.

George Wagner, Village Counsel, stated that it is important to note that the petitioner's statements pertaining to radio frequency. If there is a motion for denial, the motion needs to be supported by substantial evidence and the reasons for the denial must be stated.

Commissioner Sweetser said the testimony from petitioner is quite complete and grounded of the technical nature of the siting. We need to recognize their expertise in the site selection process. The Plan Commission reviews the issues and plans that are brought before them. Responding to the resident's testimony, a park is covered with metal – the picture included in the packet shows the site with the fence on the east and since there are concrete structures surrounding the property, there is no possibility of anyone playing in that area and it is already screened by a fence and landscaping.

Chairperson Ryan said he is very cognizant of revenue issues to help the Park District, but he also believes that this tower could be located across the street in the commercial park. He does not believe that the Park District should be in the business of renting out space. He would like to see additional revenue for the park but thinks it is not the best use of the land and the monopole belongs in an industrial or commercial area. He cannot vote for it.

Commissioner Sweetser asked in terms of the requirements for denial - do we have those in place? Mr. Wagner stated that the reasons for denial such as safety, pedestrian, traffic issues, that the petitioner has not made a case for it, or that there is a better place for it must be stated.

Commissioner Sweetser asked if the Village has information from the petitioner as to where this site lies in the ¼ mile in order to fulfill the grid. Mr. Heniff noted that they have only have the submitted colored map.

Chairperson Ryan asked if the Commissioners if they could use the argument that the land use is not the best use? Mr. Wagner stated that you could state that this is generally a residential area, the Village requirements state that these types of structures be installed in industrial areas, or that there could be justification on location or evidence that has been presented.

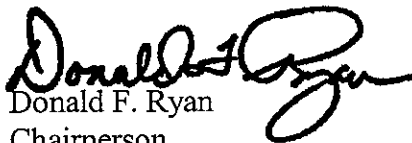
After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed conditional use and planned development does not comply with the standards of the Zoning Ordinance, based upon the following considerations:

1. Monopoles should be erected in non-residential areas; and
2. Insufficient evidence that the subject property is the only site for which the monopole could be located.

Therefore, the Plan Commission, by a roll call vote of 4 to 0, recommended to the Corporate Authorities, **denial** of all requested relief associated with PC 04-09.

Respectfully,

VILLAGE OF LOMBARD


Donald F. Ryan
Chairperson

Lombard Plan Commission

c Petitioner
Lombard Plan Commission

East: R2 Single-Family Residence District; Single-Family Residences
West: OPD Office Planned Development (Lombard) and R4 Single-Family Residence District (DuPage County); developed as the Woodlands Corporate Park and Single Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents:

1. Public Hearing Application, dated February 10, 2004
2. Response to the Standards for Conditional Uses and Planned Developments
3. Site Plan Packet (includes site plans, equipment plans, landscaping/screening plans, utility plans and details), prepared by T-Mobile and Fullerton Engineering consultants, Inc., dated January 28, 2004.
4. RF (coverage analysis), prepared by T-Mobile, dated March 2, 2004.
5. Photographs of Subject Property.

DESCRIPTION

The subject property is owned by the Lombard Park District and operated as Sunset Knoll Park. The site includes a recreational building, ball fields and park space and is one of the largest land holdings of the District. The Park District constructed a maintenance facility on the subject property (addressed as 995 S. Columbine Avenue) in 2003.

The petitioner is seeking approval of an amendment to the planned development and conditional use approval to allow for a 100-foot high wireless facility monopole on the property. The petitioner selected the subject property based upon their operational needs and in consideration of the existing built environment.

ENGINEERING

The Private Engineering Services Division has reviewed the petition and does not have any comments.

PUBLIC WORKS

Public Works has reviewed the petition and does not have any comments.

BUILDING AND FIRE

The Bureau of Inspectional Services has reviewed the petition and does not have any comments.

PLANNING

Compliance with the Zoning Ordinance

Ordinance 5190 granted approval of a planned development on the subject property. This action was taken in order to provide for the construction of a fleet maintenance building for the park district, which was completed in late 2003. The proposed monopole was not considered as part of the initial public hearing. As such, staff deems this to be a major change to the existing planned development, which requires approval of an amendment to a planned development.

Conditional Use/Use Exception

Section 155.206(A)(2) of the Zoning Ordinance states that personal wireless service facilities which do not comply with the requirements of Section 155.206 may be authorized only in accordance with procedures for conditional uses. Monopoles are limited in Section 155.206(B)(2)(a) to the I Limited Industrial District, unless the petitioner can demonstrate that any existing towers or structures can accommodate the proposed antenna.

The petitioner, a wireless facility carrier, identified a hole in their coverage for wireless services as shown on their submitted RF coverage plan. To address this issue, the petitioner began to look for sites that could provide for a wireless facility. In review of the area, there were no existing monopoles or tall structures that could provide sufficient coverage to the affected area. As such, they are proposing to install a new monopole.

In review of available sites, they represented that they looked for areas separated from residences. The park district site was selected as a desirable location because of the distance from residences, the lack of structures at grade and the existing and proposed screening for the site.

Setbacks

Monopoles have differing setback requirements above that which is required by other provisions of the Zoning Ordinance, as follows:

Personal wireless service facility towers shall be set back not less than one hundred five percent (105%) of the height of the tower from the nearest property line, except where the

applicant provides certification from a structural engineer that the tower is designed to limit the area of damage in the event of collapse to the required setback, or that the tower has been designed to withstand winds to one hundred (100 mph) miles per hour.

The proposed monopole will be located 253 feet from the nearest property line.

Personal wireless service facility towers shall be set back from the nearest property line of any residentially zoned property, such that the angle from the grade at the property line to the top of the tower shall not exceed fifty-six (56) degrees.

The petitioner notes that the closest residence is approximately 600 feet from the proposed monopole location, which would calculate to be a nine- percent angle from grade to the top of the monopole.

In review of the subject property, staff notes that east of the proposed monopole are several light poles for the fall fields. The Park District confirmed their height from grade to be 65 feet. The light poles are also fifteen feet higher in grade than the elevation where the monopole is proposed. Therefore, the top of the proposed monopole will only be twenty feet higher in overall elevation than the existing light standards. When accounting for site lines, the monopole is not anticipated to appear to be higher than the existing light standards when viewed from the eastern end of the park or from Finley Road.

Landscaping & Screening

Per code requirements, the area is proposed to be secured by a solid six-foot fence, identical to the one erected along the east end of the maintenance facility area. Additionally, the petitioner is proposing to surround the leased area with evergreen plantings to further soften the base of the monopole structure.

Compatibility with Surrounding Uses

The principal use of the site will still be a community park facility. The monopole is being located in an area that would not normally be used for active or even passive recreational uses. The maintenance building will largely screen the base of the tower from the southwest while the elevational change on the property and mature vegetation will soften the view from other directions. Additionally, to meet the provisions of Section 155.206, the monopole will not be lit and it will be of a neutral color (gray metallic) to decrease its prominence on the property.

Compliance with the Comprehensive Plan

The Long-Range Plan Map of the Comprehensive Plan recommends that the property be used as open space. The principal use of the property will still remain as parks and open space, which is consistent with the Comprehensive Plan. The monopole, in terms of overall square footage, will remain ancillary to both the existing park facilities as well as the maintenance activities for the site.

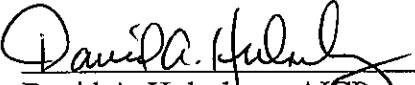
FINDINGS AND RECOMMENDATIONS

The proposed conditional uses are compatible with the surrounding land uses and zoning. Based on the above, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the requested conditional use and amendment to the Sunset Knoll planned development comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission recommend to the Corporate Authorities **approval** of PC 04-09, subject to the following conditions:

1. That the site be developed in compliance with the plans prepared by T-Mobile and Fullerton Engineering consultants, Inc., dated January 28, 2004 and submitted as part of this petition.
2. That the monopole shall not exceed one hundred feet in height.
3. That the petitioner shall apply for and receive approval of a building permit from the Village prior to starting installation of the monopole. Said monopole shall be subject to all relevant Village, state and federal regulations.

Report Approved By:



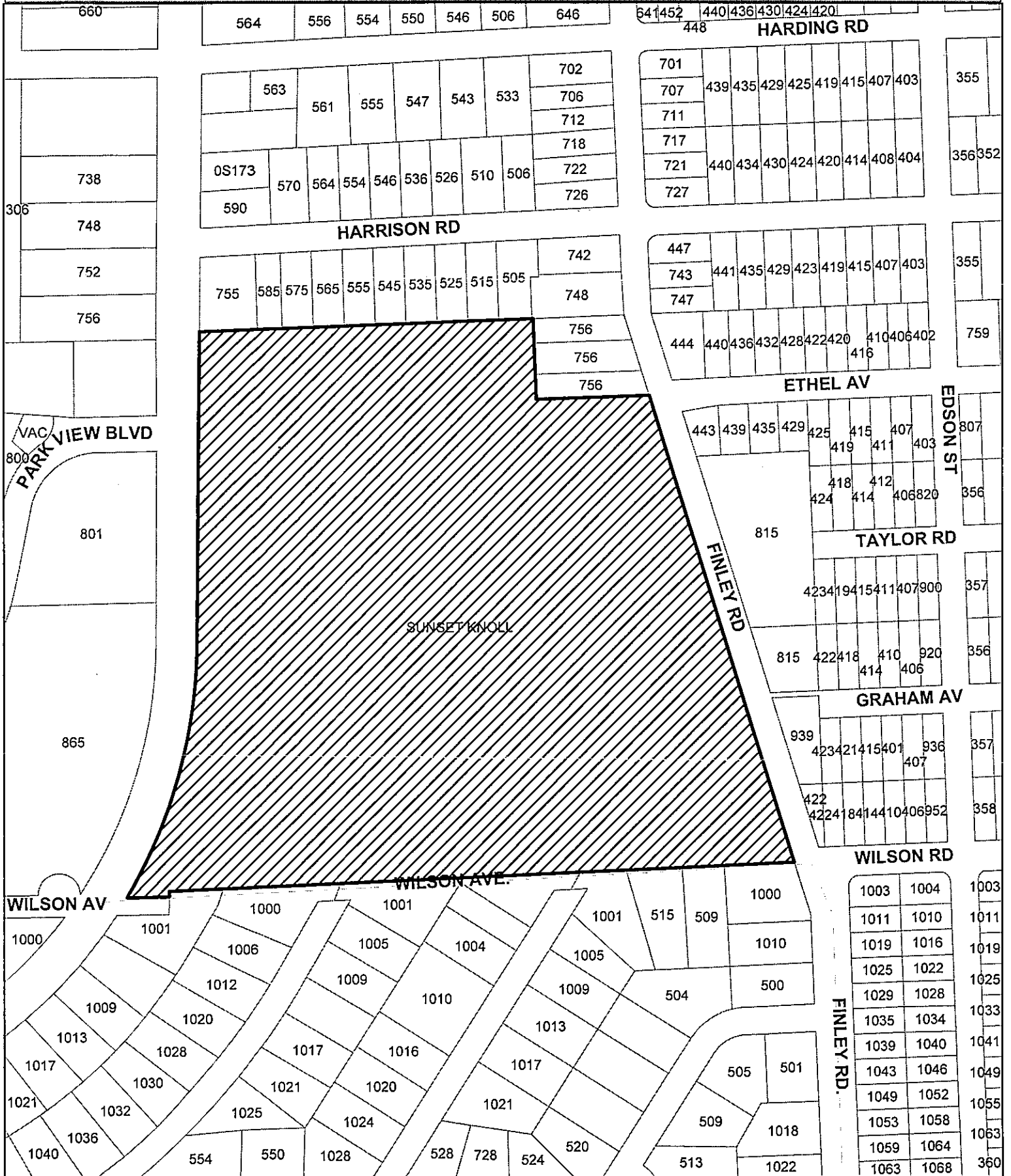
David A. Hulseberg, AICP
Director of Community Development

DAH/WJH:
att-

c. Petitioner

Location Map

PC 04-09: Finley Road & Wilson Avenue Sunset Knoll Planned Development



Village of Lombard
Standards for Conditional Use
Section 155.103 (F)(8)
Of the Lambard Zoning Ordinance

No conditional use shall be recommended by the planning Commission unless it finds:

1. The conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.

This 100 ft unlighted monopole will have virtually no visual impact, it will create no noise, odor, or other negative impact on the area, neighborhood, or the immediate property. There are no safety issues to this use and the site will have no effect on the morals, comfort or general welfare of the area and the community in general. To the contrary, the fact that it will dramatically improve wireless communications in the area, it should improve all of these aspects. Today 60 % plus of all 911 calls come by way of cell phones nation wide.

2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair property values with in the neighborhood in which it is to be located.

As described above this facility will have virtually no impact on the property or the surrounding neighborhood. Property values will not be impacted by this; first because of its height (100 ft), second by its location on the property near the maintenance area, and finally by the wood fence and other landscaping proposed for the site.

3. The conditional use will not impede the normal and orderly development and the improvement of the surrounding property for uses permitted.

The site is located in the maintenance area of a Public Use area and is compatible with the current and future use.

4. Adequate public utilities, access roads and drainage and/or necessary facilities have been or will be provided.

All utilities needed, electrical and telco are available on site of at the property line, access easements for roads and utilities are provided for in the lease and will be built and maintained by the developer (T-Mobile). The property contains a retention pond and the site plan reflects all needed drainage and utility descriptions.

5. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The existing paved access driveway will be used for this site, the increase in traffic will be minimal with once monthly technician visits being the normal traffic impact, even with multiple providers there would be no more than 3 or 4 visits to the site on a monthly basis.

6. the conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard.

We could find no reference on the Village Comprehensive Plan that would be in conflict with this proposed conditional use, in fact the intent of the comprehensive plan seems to have the underlying intent of improving the community and the availability of services to the community are very much compatible with this proposed use.

7. The proposed conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

The proposed conditional use is compatible with the regulations of this district except for the requirement to have this proposed use be reviewed by the Planning Commission to evaluate the impact of the proposed use. And finally approved by the Village Board.

T-Mobile Communications Monopole

Lombard, Illinois

Section 5: Planned Developments

1. Proposed use exception enhances the quality of the planned development and is compatible with the primary uses.

The improved wireless service will be advantageous to the recreational use of the development, by allowing park users better use of their wireless phone while using the other park facilities. The area where the facility will be located is in the maintenance and service area of the park with other such facilities.

2. Proposed use exception is not of a nature, nor is located, so as to create a detrimental influence in the surrounding properties.

The location in the maintenance area takes advantage of the existing building and the existing screening to minimize ground level visual impact on the surrounding properties. The height of the tower and the elevation of surrounding property and distance from those properties will have the effect of the tower appearing to be the same height or shorter than the 65 ft. light stands around the ball fields in other areas of the park.

3. Proposed use exception shall not represent more than 40% of the site area

The 25 ft . X 30 ft. ground space is only a fraction of 1 % of the total planned development. The balance of this question is non applicable to this proposal, since no building will be involved and this is not a residential planned development.

T-Mobile Communications Monopole

Lombard, Illinois

Lombard Zoning Ordinance 2.17 General Provisions:

2.a.2) Non-Residential Districts / Location

Evidence submitted to demonstrate that no existing tower or structures can accommodate the proposed antennas.

After reviewing the 6 criteria listed in this section, there are no towers that are within the design criteria of ½ mile from this proposed location. The 2 closest towers, one a little over a mile North of this site is being used by T-Mobile as well as tower about a 1 ½ South of this site. We have provided the Department of Community Development with coverage maps that show existing coverage in this area of Lombard and what that coverage would look like with this site.

ORDINANCE NO. _____

AN ORDINANCE DENYING A MAJOR CHANGE
TO THE SUNSET KNOLL PARK PLANNED DEVELOPMENT
UNDER TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS

PC 04-09: 995 South Columbine Avenue (Sunset Knoll Park)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Lombard Village Code; and

WHEREAS, Sunset Knoll Park, 955 South Columbine Avenue, Lombard, Illinois, as legally described in Section 4 below (the "Subject Property"), is zoned CR/PD Conservation Recreation District, Planned Development; and

WHEREAS, an application has been filed with the Village of Lombard requesting approval of a Major Change to the Sunset Knoll Park Planned Development to grant a conditional use under Section 155.206(B)(2)(a)(1) of the Lombard Village Code and a use exception under Section 155.508(B)(3) of the Lombard Village Code (Standards for Planned Developments with Use Exceptions) to allow for a 100 (one hundred) foot high personal wireless facility monopole on the Subject Property (the "Petition"); and

WHEREAS, a public hearing was conducted by the Plan Commission on March 15, 2004, pursuant to appropriate and legal notice, and the Plan Commission recommended denial of the Petition; and

WHEREAS, the President and Board of Trustees concur with the recommendation of the Plan Commission and have determined that it is in the best interests of the Village to deny the Major Change to the Sunset Knoll Park Planned Development;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The President and Board of Trustees, after considering the Findings of Fact and Recommendation of the Plan Commission and other matters properly before it, hereby finds as follows relative to the Petition:

- a. In accordance with Section 155.504(A) of the Lombard Village Code, the Director of Community Development determined that the Petition was a request for a Major Change to the Sunset Knoll Park Planned Development, such that new or amended preliminary plan and final plan documents must be submitted and approved.

- b. The Petition for a proposed 100 (one hundred) foot high personal wireless facility monopole does not comply with the requirements of Section 155.206 of the Lombard Village Code (Regulations For Radio, Satellite & Television Antennas, Towers & Dishes), as ground mounted personal wireless service facility towers are only permitted in the I Limited Industrial District, pursuant to Section 155.206(B)(2)(ii) of the Lombard Village Code, with said towers being neither permitted nor conditional uses in the CR Conservation Recreation District in which the Subject Property is located (See Section 155.404 of the Lombard Village Code.) Therefore, in accordance with Section 155.206(A)(2) of the Lombard Village Code, the proposed use must comply with the standards for a conditional use, as set forth in Section 155.103(F)(8) of the Lombard Village Code.

- c. The Petition fails to meet the standards for a conditional use for the following reasons:
 - i. The proposed 100 (one hundred) foot high personal wireless facility monopole would be injurious to the use and enjoyment of other property in the immediate vicinity of the Subject Property by creating a negative visual impact to be viewed from the park and the surrounding residential properties, contrary to Section 155.103(F)(8)(b) of the Lombard Village Code;

 - ii. The applicant has failed to demonstrate that the proposed 100 (one hundred) foot high personal wireless facility monopole would not substantially diminish and impair property values within the neighborhood in which it is to be located, as required by Section 155.103(F)(8)(b) of the Lombard Village Code;

 - iii. The proposed conditional use for a 100 (one hundred) foot high personal wireless facility monopole does not conform to the applicable regulations of the district in which it is located, as required by Section 155.103(F)(8)(g) of the Lombard Village Code. Said monopole, being a ground mounted personal wireless service facility tower, is only permitted in the I Limited Industrial District, and is neither a permitted nor a conditional use in the CR Conservation Recreation District; and

 - iv. Though the proposed conditional use for a 100 (one hundred) foot high personal wireless facility monopole does not comply with the use restrictions in the CR Conservation Recreation District as noted in Section (iii) above, the requirements of Section 155.103(F)(8)(g) may be met by modification of the district regulations pursuant to the recommendation of the Plan Commission. Such modification requires approval of a use exception in compliance with the Standards for Planned Developments with Use Exceptions, as set forth in Section 155.508(B) of the Lombard Village Code. Said standards have not been met for the following reasons:

- (a) The proposed use exception would not enhance the quality of the primary use of the planned development as a park, as required by Section 155.508(B)(1) of the Lombard Village Code;
 - (b) The proposed use exception would not be compatible with the primary use of the planned development as a park, as required by Section 155.508(B)(1) of the Lombard Village Code, and
 - (c) The proposed use exception is of such a nature and location, as to create a detrimental influence in the surrounding properties by creating a negative visual impact to be viewed from the park and the surrounding residential properties, contrary to Section 155.508(B)(2) of the Lombard Village Code.
- d. The applicant has not demonstrated that the Subject Property is the only suitable location for a personal wireless facility monopole to achieve the coverage being sought, and that there are no less-sensitive alternative sites available.

SECTION 2: Based upon the findings set forth in Section 1 above, the Petition is denied.

SECTION 3: This Ordinance is limited and restricted to the Subject Property, located at Sunset Knoll Park, 955 South Columbine Avenue, Lombard, Illinois, and legally described as follows:

LOT 1 OF THE LOMBARD PARK DISTRICT PLAT OF
 CONSOLIDATION OF PART OF SECTION 18, TOWNSHIP 39
 NORTH, RANGE 11 EAST AND SECTION 13, TOWNSHIP 39
 NORTH, RANGE 10 EAST, ALL IN DU PAGE COUNTY, ILLINOIS.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as required by law.

Passed on first reading this _____ day of _____, 2004.

First reading waived by action of the Board of Trustees this _____ day of _____, 2004.

Passed on second reading this _____ day of _____, 2004, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2004.

William J. Mueller
Village President

ATTEST:

Barbara A. Johnson
Deputy Village Clerk

Published by me in pamphlet form this ____ day of _____, 2004.

Barbara A. Johnson
Deputy Village Clerk