

August 18, 2005

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

Subject: PC 05-01; 21 W 680 Butterfield Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioners request that the Village take the following actions on the subject property.

1. Approval of an Annexation Agreement;
2. Annexation to the Village of Lombard;
3. Approval of a map amendment rezoning from the R1 Single-Family Residence District to the C/R Conservation/Recreation Zoning District;
4. Approval of a Planned Development with the following exceptions, variations and deviations:
 - a. To allow for a conditional use as referenced in Section 155.206(B)(2)(a)(1) of the Zoning Ordinance and a use exception and variation from Section 155.508 (B)(3) of the Zoning Ordinance (Standards for Planned Developments with Use Exceptions) to allow for a personal wireless facility monopole; and
 - b. A deviation from Section 153.501(b)(2)(d) of the Sign Ordinance to allow for two existing freestanding signs on the subject property, where one (1) sign is permitted.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on July 18, 2005. Michael Fugiel, Lombard Park District Director, presented the petition. Mr. Fugiel stated that the petition has nothing to do with a previous petition presented before DuPage County several years prior for a variation to allow a one hundred (100) foot monopole where only seventy-five (75) feet was allowed. He stated that the petition included variations for two

existing freestanding signs on Butterfield Road. He stated that the Park District is looking to reduce its fees, as they recently experienced a \$1600 increase for their liquor license. He stated that annexation would provide the Park District a substantial saving.

Acting Chairperson Sweetser then opened the meeting for public comment.

Bob Rettger, 21 W 766 Clifford Road, referenced the petition for a cell tower from previous years. He stated that he wanted clarification as to where the tower would be located.

Michael Hixenbaugh, of Butterfield Park District, read a prepared statement and submitted it to the record. He stated that the Butterfield Park District does not have an objection to the voluntary annexation of the Western Acres Golf Course into the Village of Lombard. In addition, through communication with the Lombard Park District and the Lombard Community Development office we understand the following to be true about the personal wireless facility monopole:

- 1) That the location of the pole will not be near the Western Acres maintenance garage facility as previously proposed.
- 2) That the likely location would be near the club house or the golf course pump station, though this has not been decided.
- 3) That the size of the pole will remain the same as the original permit which is 75 feet.

Terrance Olton, 2 S 163 Mayfield Lane, asked if how annexing the undeveloped portion of the golf course would effect residents of Butterfield West.

John Lagioia, 2 S 610 Danbury Drive, asked if there were a cell tower or multiple towers and if there were actually a plan. He asked about the effect on property values.

Prem Kanoth, 22 W 065 Ahlstrand Road, stated that a cell tower will directly effect property values. He stated that studies have been done on cell towers. He stated that a tower would destroy the entire property. Mr. Kanoth requested that the matter be studies properly.

Lisa Saunderson, 2 S 585 Danbury Drive, a resident and Butterfield Park District commissioner, asked if the zoning change would provide additional rights or take away rights that the residents should be aware of. She asked if the petition allowed for one tower or more than one attachment on the tower. She stated that the Park District did not receive notification of the meeting. Ms. Saunderson asked if the proposed location of the tower is located near the ninth hole and Peace Lutheran. She asked that the cell tower be located a good distance away from the homes. She stated that the Butterfield Park District had not been able to consider it fully as a board. She stated that cell towers were no longer allowed to be located near fire stations, as firemen were becoming ill. She stated that the FCC reports that all of the data is not in regarding towers.

Rakesh Subramanian, 2 S 554 Danbury Drive, stated that he was the president of the Green Briar Glen Homeowner's Association. He asked whether there was any implication of their subdivision being annexed in the future. He asked what was the implication on property values.

Charles Menard, 2 S 585 Danbury Drive, wanted specifications as to where the tower would be located. He stated that he is an electrical engineer and works for a cell tower infrastructure company. He stated that he is aware of radiation issues with cell towers. He stated that he has concerns about illness as others had stated.

Bob Gans, 2 S 575 Danbury Drive, stated that property owners adjacent to the golf course were not notified of the meeting. He stated that there was no mention of any plans for a tower in the petition yet it was a part of the annexation agreement. He asked why.

Mr. Fugiel responded that he had not been contacted in over seven years for the placement of a cell tower. He stated that it was included in the request as they currently have rights through DuPage County to install a tower. He stated that he is not aware of multi-cell towers. He stated that one, seventy-five (75) foot tower is allowed and anything else would require the same process but through the Village of Lombard. Mr. Fugiel stated that the complexion of the golf course will not change and he did not believe the complexion of the surrounding properties would either. He stated that the maintenance garage was not included as part of the annexation request. He stated that the Park District has no involvement in the staff notifications. He stated that in regards to the forcible annexation of other properties, it was his understanding that according to state statute those areas could not be forcibly annexed as they exceeded the acreage requirement for forcible annexations.

Acting Chairperson Sweetser asked if there was some comment regarding a preferred location for the towers. He stated that cell towers need to be located near a source of electricity in order to operate. He stated that the area near the fifth hole and the clubhouse have electricity and that's why they were chosen.

Acting Chairperson Sweetser asked if Mr. Fugiel would like to address the health concerns. Mr. Fugiel stated that seven or eight years ago when the matter appeared before the ZBA, members of the audience were instructed not to address those issues as there was no validity to those concerns.

Acting Chairperson Sweetser then requested the staff report.

Angela Clark, Planner II, presented the staff report. Ms. Clark stated that the subject property is owned by the Lombard Park District and operated as Western Acres Golf Course. The property includes the golf course and clubhouse. The maintenance building located near Route 53 is not included in this request as it is outside of the Lombard Intergovernmental Boundary Agreement area. The Park District seeks annexation into the Village at this time. As all newly annexed

properties are assigned R1 Single Family Residential zoning by default, the Park District also requests a map amendment from R1 to the CR Conservation Recreation Zoning District.

The Park District also requests approval of a planned development with a use exception for a personal wireless facility and a deviation for two existing freestanding signs. Presently the Lombard Park District is afforded the opportunity, by right, to place a personal wireless facility on the subject property under DuPage County regulations. While there are no immediate plans to erect a monopole on the subject property, the Park District requests a use exception to allow for placement of such a structure in the future.

Ms. Clark stated that the use of the subject property would not change, therefore the use was compatible with the surrounding uses and zoning. She stated that the use is identified as a permitted use within the proposed zoning classification and was compatible with the designation identified by the Comprehensive Plan.

Ms. Clark noted that the existing signs were approximately twenty square feet in area. She stated that the petitioner obtained variations from DuPage County for the signs and the Village did not object at the time. She stated that they were included within the request to ensure that the signs could be replaced in the event that they were damaged or destroyed.

Ms. Clark noted the request for a personal wireless facility. She stated that the petitioner presently has the right to erect a monopole facility, therefore it was included within the request for annexation. Ms. Clark stated that staff had discussed a potential location for the pole should the need arise.

Ms. Clark noted the request for a planned development. She stated that it would give the Village greater flexibility over any future developments or changes that would take place on the site. She noted that the CR zoning designation is more restrictive than the R1 zoning residential given to newly annexed properties by default. Ms. Clark stated that staff recommended approval of the petition, subject to the conditions noted in the staff report.

Lisa Saunderson asked if the staff report indicated that the preferred location for the cell tower was near the fifth hole. Ms. Clark stated that it was a recommended location.

William Heniff, Senior Planner, stated that the DuPage County adopted the Telecommunications Act of 1997 verbatim, requiring the tower to be a minimum of three hundred (300) feet away from adjacent residences.

Ms. Saunderson asked if the recommendation would move forward with that location. Mr. Heniff stated that the Plan Commission would make its recommendation now and the Board of Trustees would review it on August 18, 2005. Ms. Saunderson asked if the public was able to comment at the board meeting. Mr. Heniff stated that there was a public comment period.

Mr. Gans stated that he did not believe the area in question was three hundred (300) feet away from adjacent residences. He stated that he did not believe that the number was accurate. He asked that the issue not be voted on until the number could be verified.

Phyllis Walters, 2 S 407 Golfview Drive, stated that she does not believe that the pump station was three hundred (300) feet from the residential areas.

Mr. Olton asked where the tower was proposed relative to the pond. Mr. Fugiel stated that there are three ponds on the course. Mr. Olton said that he was referencing the one near Glen Valley Drive. Mr. Fugiel stated that it would be south of par three and east of the pond.

Acting Chairperson Sweetser then opened the meeting for discussion among the Plan Commission members.

Commissioner Burke stated that the petitioner mentioned two potential locations for the cell tower. He asked if the second location should be included in condition number two. He stated that language should also be added that the construction of any tower must meet the state statute guidelines.

Commissioner Olbrysh stated that he has no problem with the annexation and requested signage variation. He stated that there are no plans for a monopole and there have been no plans for a monopole for several years. He stated that it is premature to even include the request in the petition. He stated that it might be several years before a request for a monopole. He stated that details, information, and neighbors may change within that time period. He recommended elimination of condition two.

Commissioner Zorn stated that she agreed with Commissioner Olbrysh. She stated that it should not be included if there were no plans for one.

Commissioner Burke asked if the petitioner believed the Park District would move forward with the annexation if conditions two and three were removed.

Mr. Fugiel stated that he believed they would. He stated that the tower was included since they already have access to the provision.

Commissioner Olbrysh asked staff if there would be a problem removing conditions two and three.

Mr. Heniff stated that the Commission could approve the rezoning and annexation subject to the conditions they wanted.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed variations comply with the standards of the Zoning Ordinance. Therefore, the Plan

Commission, by a roll call vote of 4 to 0, recommended to the Corporate Authorities, **approval** of the following relief associated with PC 05-01:

1. Approval of an Annexation Agreement;
2. Annexation to the Village of Lombard;
3. Approval of a map amendment rezoning from the R1 Single-Family Residence District to the C/R Conservation/Recreation Zoning District;
4. Approval of a Planned Development with the following exceptions, variations and deviations:
 - a. A deviation from Section 153.501(b)(2)(d) of the Sign Ordinance to allow for two existing freestanding signs on the subject property, where one (1) sign is permitted.

The recommendation for approval is subject to the following conditions:

1. That the petitioner shall enter into an annexation agreement with the Village setting forth the terms and conditions of the annexation of the subject property.

Respectfully,

VILLAGE OF LOMBARD

Ruth Sweetser, Acting Chairperson
Lombard Plan Commission

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c. Petitioner
Lombard Plan Commission