

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES  
FROM: David A. Hulseberg, Village Manager  
DATE: January 24, 2012 (BOT) Date: February 2, 2012  
TITLE: PC 12-02: 21W555 Bemis Road (Glenbard Wastewater Authority)  
SUBMITTED BY: Department of Community Development *WKO*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests approval of a conditional use for noncompliance with the requirements of the Zoning Ordinance pertaining to personal wireless service facilities (as per Section 155.206(A)(2) of the Zoning Ordinance) with the following variations:

1. A variation from Section 155.205(A)(4) to allow for the use of barbed wire as part of a seven-foot high chain link fence;
2. A variation from Section 155.206(A)(6) to allow for a personal wireless service facility without full landscape screening;
3. A variation from Section 155.206(B)(2)(a)(ii) to allow for a personal wireless service facility in the CR District;
4. A variation from Section 155.206(B)(2)(b)(i) to allow for a personal wireless service facility in excess of 45 feet in height;
5. A variation from Section 155.206(B)(2)(d)(i) to allow for a 100-foot high personal wireless service facility to be less than 105 feet from the nearest property line

The Plan Commission recommended approval of this request with conditions.

The petitioner is requesting a waiver of first reading.

Please place this item on the February 2, 2012 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X _____	Date _____

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:** David A. Hulseberg, Village Manager

**FROM:** William Heniff, AICP  
Director of Community Development *WH*

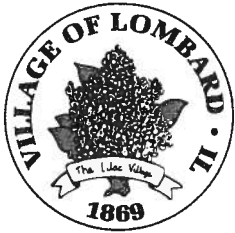
**DATE:** February 2, 2012

**SUBJECT:** PC 12-02; 21W555 Road (Glenbard Wastewater Authority)

On January 23, 2012, the Plan Commission recommended approval of the zoning actions associated with this property. Attached please find the following items for Village Board consideration as part of the February 2, 2012 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 12-02;
3. Plans associated with the petition;
4. An ordinance granting a conditional use with variations.

The petitioner has requested a waiver of first reading.



## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org

February 2, 2012

**Village President**  
William J. Mueller

**Village Clerk**  
Brigitte O'Brien

**Trustees**  
Greg Alan Gron, Dist. 1  
Keith T. Giagnorio, Dist. 2  
Zachary C. Wilson, Dist. 3  
Peter Breen, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
David A. Hulseberg

*"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses 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."*

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

### **Subject: PC 12-02: 21W555 Bemis Road (Glenbard Wastewater Authority)**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests approval of a conditional use for noncompliance with the requirements of the Zoning Ordinance pertaining to personal wireless service facilities (as per Section 155.206(A)(2) of the Zoning Ordinance) with the following variations:

1. A variation from Section 155.205(A)(4) to allow for the use of barbed wire as part of a seven-foot high chain link fence;
2. A variation from Section 155.206(A)(6) to allow for a personal wireless service facility without full landscape screening;
3. A variation from Section 155.206(B)(2)(a)(ii) to allow for a personal wireless service facility in the CR District;
4. A variation from Section 155.206(B)(2)(b)(i) to allow for a personal wireless service facility in excess of 45 feet in height;
5. A variation from Section 155.206(B)(2)(d)(i) to allow for a 100-foot high personal wireless service facility to be less than 105 feet from the nearest property line.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 23, 2012.

George Wagner, Village Counsel, explained the restrictions and requirements of the Federal Telecommunications Act of 1996 as they pertain to the petition.

Chris Barton, 1815 S. Meyers Road, Oakbrook Terrace, presented a PowerPoint presentation summarizing their request.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition.

Katina Finley, 21W500 Buckingham, Glen Ellyn, asked about the exact location of the tower, who will own the tower, if adjacent residents would be notified if the location changes, the timeframe for construction, the routing of trucks, and issues with radiation.

John Heath, 2S038 Valley Road, Lombard, asked about the exact location of the tower, security and access, and if any new service road would be constructed.

Kelly Caluiendo, 21W611 Glen Crest, Glen Ellyn, asked about maintenance and if a test hole was dug by AT&T.

Dave Finley, 21W500 Buckingham, Glen Ellyn, asked how much digging would take place and if it would impact flooding in the area.

The petitioner showed a photo simulation illustration of the proposed location. The tower will be owned by AT&T. Construction will be during Summer 2012 and will take 30 to 60 days. The location is governed by the lease and the requested Plan Commission approval is specific to this location, so any change would require re-approval. The FCC governs health and wellness surrounding tower sites. The compound will be surrounded with a seven-foot high barbed wire fence, and the outer perimeter of the Glenbard Wastewater facility is also fenced. Access to the site will be during business hours except in the event of an emergency. AT&T will maintain the site, but the necessary frequency of maintenance is not known.

Erik Lanphier, Manager at Glenbard Wastewater Authority, stated that no test hole had been dug and all exploratory work has been visual.

Mr. Barton added that flooding should not be affected. The existing access road will be used to access the lease site, and there is no planned access from Butterfield Road. They do not anticipate a great deal of construction traffic or debris. The tower will be west of the East Branch of the DuPage River.

Mr. Lanphier added that the facility's water retention ponds are east of the river and there is a fence east of the retention ponds. There is no access to the site from the east, and AT&T will take access from the facility's main gate on Bemis Road.

Chairperson Ryan then requested the staff report.

Jennifer Henaghan, Senior Planner, presented the staff report. The Zoning Ordinance allows noncompliance with the Village's regulations for radio, satellite, and television antennas, towers, and dishes through the conditional use process. Variations are also requested with respect to the proposed monopole's height, location, landscape screening, and associated fencing.

Private Engineering Services and the Building Division had comments on the petition which must be addressed as conditions of approval.

The petitioner has submitted a statement demonstrating how no existing tower or structure can accommodate the petitioner's proposed antennas. The request is compatible with both the recommendations of the Comprehensive Plan and the surrounding land uses.

Staff finds that the requested fence variation is appropriate for this particular combination of location and land use. Staff finds that, given the unique nature of the industrial land uses on the site, the requested variation for reduced landscape screening is appropriate. The request for a personal wireless facility in the CR District in excess of 45 feet in height is consistent with other requests for CR-zoned properties and, as per the petitioner's submitted materials, they have represented that there are no other viable locations in this general area. The requested setback relief is appropriate given that it will only impact publicly-owned properties.

Staff finds that the information submitted by the petitioner as part of this petition appears to meet the Standards for Conditional Uses and Standards for Variations and recommends approval of the requested relief, subject to the conditions noted in the staff report.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Sweetser corrected the petitioner's Response to Standards for Conditional Uses, noting that the IEEE is the Institute of Electrical and Electronics Engineers, not the Institute of Electrical Electronics.

Commissioner Olbrysh asked why barbed wire was necessary. Mr. Barton stated that the barbed wire will be used because it is an unmanned facility with valuable equipment. Barbed wire is a standard requirement for them unless special circumstances warrant otherwise.

Mr. Wagner corrected the Village Code referenced in the petitioner's Response to Standards for Conditional Uses, noting that it should read that the conditional use will not be detrimental to or endanger the public health, morals, comfort, or general welfare.


On a motion by Commissioner Burke and a second by Commissioner Sweetser, the Plan Commission voted 6 to 0 to recommend that the Village Board **approve** the requested relief, subject to the following conditions:

1. The petitioner shall develop the site in substantial conformance with the plans submitted as part of this petition.
2. All IDRC comments must be addressed prior to the issuance of a building permit.
3. The petitioner shall enter into all requisite agreements with the property owner and Glenbard Wastewater Authority.

February 2, 2012  
PC 12-02  
Page 4

Respectfully,

**VILLAGE OF LOMBARD**

A handwritten signature in black ink, appearing to read "Donald Ryan", written over the printed name.

Donald Ryan, Chairperson  
Lombard Plan Commission

c. Petitioner  
Lombard Plan Commission

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**VILLAGE OF LOMBARD  
INTER-DEVELOPMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission

HEARING DATE: January 23, 2012

FROM: Department of Community  
Development

PREPARED BY: Jennifer Henaghan, AICP  
Senior Planner

**TITLE**

**PC 12-02: 21W555 Bemis Road (Glenbard Wastewater Authority):** The petitioner requests approval of a conditional use for noncompliance with the requirements of the Zoning Ordinance pertaining to personal wireless service facilities (as per Section 155.206(A)(2) of the Zoning Ordinance) with the following variations:

1. A variation from Section 155.205(A)(4) to allow for the use of barbed wire as part of a seven-foot high chain link fence;
2. A variation from Section 155.206(A)(6) to allow for a personal wireless service facility without full landscape screening;
3. A variation from Section 155.206(B)(2)(a)(ii) to allow for a personal wireless service facility in the CR District;
4. A variation from Section 155.206(B)(2)(b)(i) to allow for a personal wireless service facility in excess of 45 feet in height;
5. A variation from Section 155.206(B)(2)(d)(i) to allow for a 100-foot high personal wireless service facility to be less than 105 feet from the nearest property line.

**GENERAL INFORMATION**

Petitioner: NTP Wireless  
4619 N Ravenswood Ste. 301  
Chicago, IL 60640

Property Owner: Village of Glen Ellyn  
535 Duane St  
Glen Ellyn, IL 60137

Relationship of Petitioner to Property Owner: Agent for lessee (AT&T)

**PROPERTY INFORMATION**

Existing Zoning: CR District – Conservation Recreation

Existing Land Use: Glenbard Wastewater Authority treatment plant

Size of Property: Approximately 26 acres  
Comprehensive Plan: Recommends institutional land uses

### **SURROUNDING ZONING AND LAND USE**

North: Unincorporated DuPage County; developed as single-family residences  
South: Unincorporated DuPage County; developed as single-family residences  
East: CR Conservation Recreation District; developed as the East Branch of the DuPage River and detention ponds  
West: Unincorporated DuPage County; developed as public school and single-family residences

### **ANALYSIS**

#### **SUBMITTALS**

This report is based on the following documents filed with the Department of Community Development:

1. Public Hearing Application.
2. Responses to Standards for Conditional Uses and Variations.
3. Propagation Plots prepared by AT&T.
4. Project plans prepared by AT&T, dated August 2, 2011 and last revised December 19, 2011.
5. Plat of Survey prepared by Landmark Engineering LLC, dated June 22, 2011 and last revised August 22, 2011.

#### **DESCRIPTION**

The petitioner is proposing to construct a personal wireless service facility monopole on the subject property. The Zoning Ordinance only permits such facilities to be located within the I Limited Industrial District. However, the Zoning Ordinance allows noncompliance with the Village's regulations for radio, satellite, and television antennas, towers, and dishes through the conditional use process. Variations are also requested with respect to the proposed monopole's height, location, landscape screening, and associated fencing.

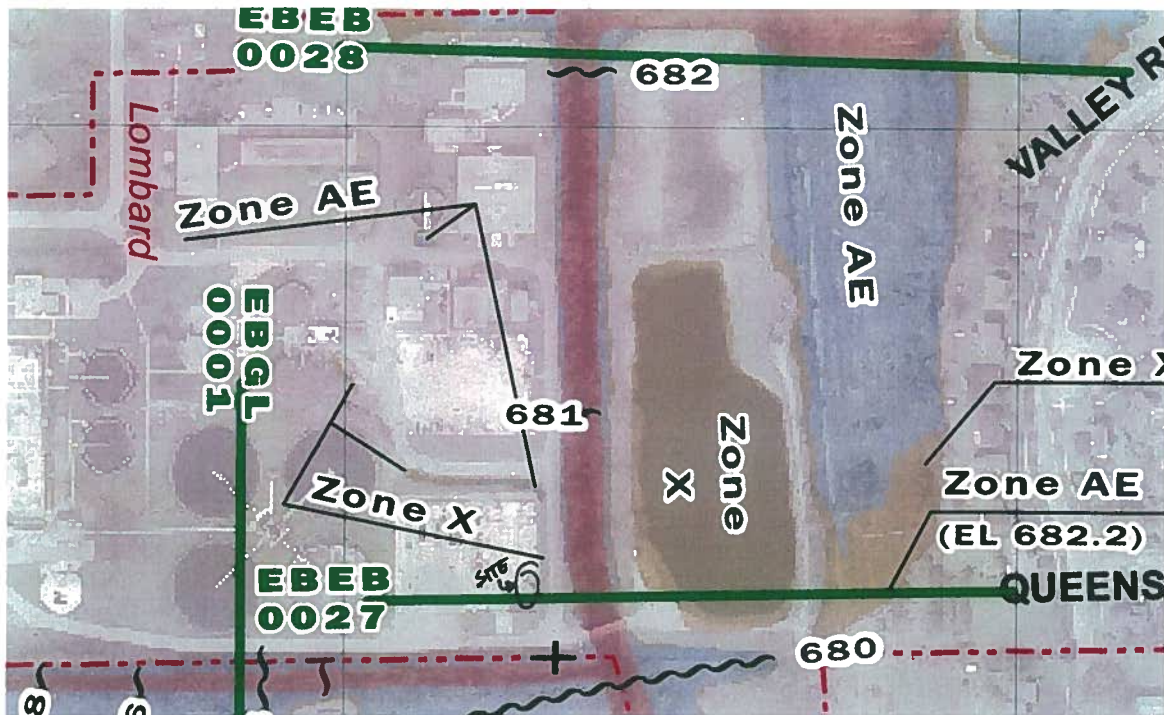
This property is owned by the Village of Glen Ellyn and is on the Glen Ellyn side of the Lombard-Glen Ellyn boundary agreement. If, in the future, the property becomes contiguous to the Village of Glen Ellyn, the Village of Lombard will consider de-annexing the property so that it may be annexed into Glen Ellyn.



## INTER-DEPARTMENTAL REVIEW COMMENTS

### PRIVATE ENGINEERING

The PES Division of the Community Development Department notes that the petitioner shall ensure that structure is appropriately protected from the floodplain as shown on the following map:



### PUBLIC WORKS

The Engineering Division of the Public Works Department has no comments.

### BUILDING DIVISION

The Building Division offers the following comments:

1. All structures of this type (large monopole) require the plans to be stamped by a licensed "Structural Engineer." The current plans are stamped by a "Professional Engineer."
2. The plans state they meet the 2003 International Building Code, but Lombard has adopted the 2009 International Building Code for designing these type structures.
3. The lightning protection code used to design the structure should be the 2008 NFPA 780 rather than the 2000 NFPA 780 as currently on the plan set submitted.

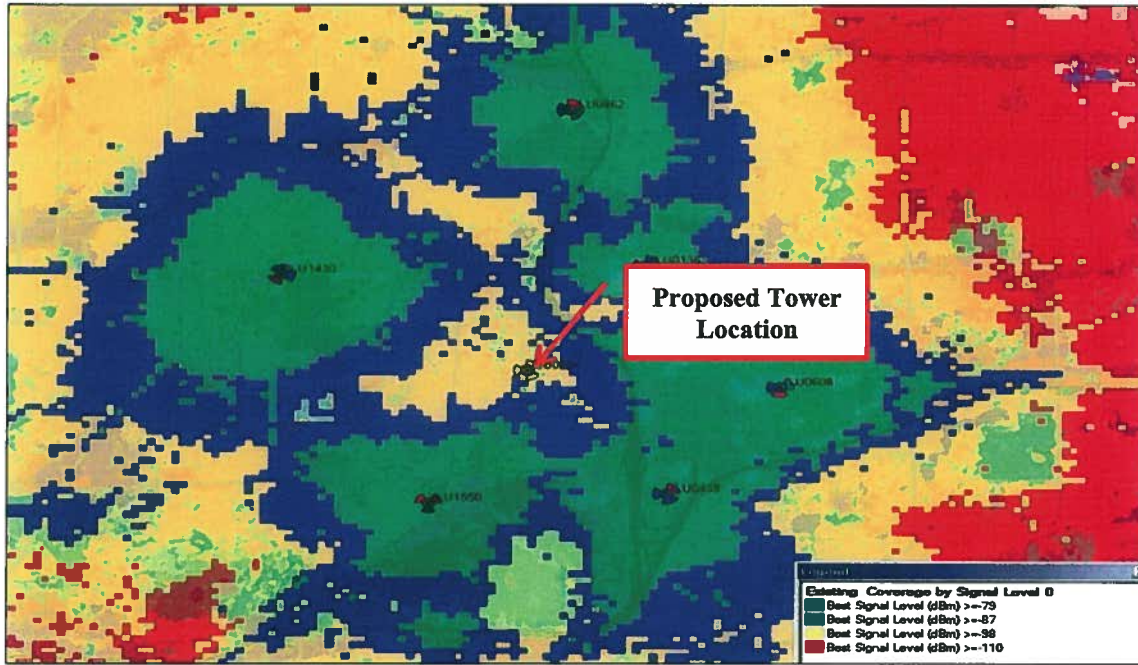
### FIRE DEPARTMENT

The Fire Department has no issues or concerns.

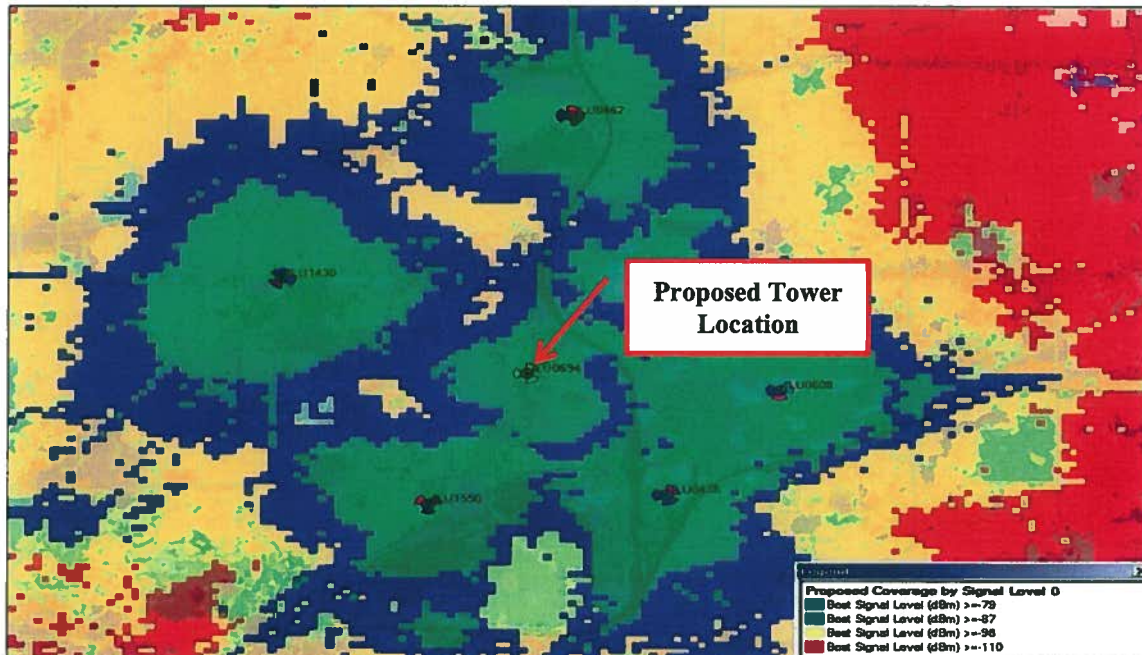
## PLANNING

As required by the Zoning Ordinance for all new ground-mounted personal wireless service facility towers, the petitioner has submitted a statement demonstrating how no existing tower or structure can accommodate the petitioner's proposed antennas. The following maps shows coverage with and without the proposed tower:

*Existing Coverage (Green indicates stronger signal)*



*Proposed Coverage (Green indicates stronger signal)*



**Compatibility with the Comprehensive Plan**

The Comprehensive Plan recommends institutional land uses for the subject property. The proposed personal wireless service facility is compatible with this recommendation in that it is not uncommon for institutional uses (including public buildings and structures) to have personal wireless service facility antennas on-site.

**Compatibility with the Surrounding Land Uses**

The subject property is compatible with the surrounding land uses. The proposed tower is at the far southeast corner of the Glenbard Wastewater treatment complex, placing it as far as possible from the residences that surround the north, west, and southwest sides of the facility.

**Compliance with the Zoning Ordinance**

*Proposed Conditional Use for Noncompliance with Section 155.206 of the Zoning Ordinance*

The Telecommunications Act of 1996 is the primary regulation governing the placement, construction, and modification of personal wireless service facilities, placing the bulk of the oversight of such facilities under the jurisdiction of the Federal Communications Commission. The petitioner's request appears to not be inconsistent with the restrictions of that act.

Antenna towers, dishes and personal wireless service facilities which do not comply with the requirements of Section 155.206 may be authorized only in accordance with the procedures for Conditional uses. Conditional uses are those that, due to their unique characteristics, must be considered on a case-by-case basis as to their impact on neighboring land and the public need for the particular use in the particular location. The procedure by which petitioners may request a conditional use for noncompliance with the regulations for radio, satellite, and television antennas, towers, and dishes is unusual in that the individual items of relief being requested are addressed as variations (following the Standards for Variations as required by Code) and the conditional use itself is not for a particular item. Nevertheless, the petitioner's Response to Standards for Conditional Uses indicate that the requested relief will not be detrimental to public health, morals, comfort, or general welfare; will not be injurious to the uses and enjoyment of other property in the immediate vicinity; will not impede normal and orderly development; necessary facilities are provided; traffic congestion will be minimized; the use is not contrary to the Comprehensive Plan; and will conform to all applicable regulations aside from those from which relief is being requested as part of this petition.

*Proposed Variation for Barbed Wire as Part of a Seven-Foot High Chain Link Fence*

Fences within the CR Conservation Recreation District are not permitted to include the use of barbed wire. The vast majority of CR-zoned properties within the Village are publicly-enjoyed uses such as parks or schools. The Glenbard Wastewater Facility is a more industrial-type use that, for safety reasons, is not open to the general public. The location of the proposed wireless service facility is on the far southeast portion of the site, well removed from any public right-of-way. Accordingly, staff finds that the requested fence variation is appropriate for this particular combination of location and land use.

*Proposed Variation for a Personal Wireless Facility Without Full Landscape Screening*

The petitioner is requesting a variation to not install the required landscaping along the north, west, and east sides of the proposed tower location. The Village of Glen Ellyn (property owner) has fiber optic lines approximately two to three feet underneath the ground running along the east side of the proposed compound. In light of this equipment, Glen Ellyn has requested that the petitioner not plant the 11 trees required along the east side of the compound. The north and west sides are adjacent to an area where heavy equipment is used by Glenbard Wastewater. In order to protect the tower from potential damage caused by this heavy equipment, the petitioner is requesting steel bollards to replace the required landscaping on those sides. The required trees on the south side will be installed to block the view from the adjacent school. The petitioner has represented that the un-landscaped sides will not be directly visible from any adjacent residential property. Staff finds that, given the unique nature of the industrial land uses on the site, the requested variation for reduced landscape screening is appropriate.

*Proposed Variations for a Personal Wireless Facility in the CR District in Excess of 45 Feet in Height*

The Zoning Ordinance prohibits both personal wireless service facility towers and any ground-mounted tower in excess of 45 feet high outside of the I Limited Industrial District. Both of these variations are necessary due to the classification of the subject property within the CR Conservation Recreation District. Although the Glenbard Wastewater treatment plant is permitted as a municipal facility as a conditional use or essential government service in the CR District, the nature of the use is highly industrial. Given the site's close proximity to residential areas, this property is zoned CR (rather than Limited Industrial) to prevent the possibility of a future occupant converting the property to a more intensive industrial use. However, the more restrictive CR District regulations also limit the property owner's ability to construct a personal wireless service facility tower or any ground-mounted tower in excess of 45 feet high. The Village has previously granted approval for personal wireless service facility towers in the CR District at Sunset Knoll park. This request is consistent with other requests for CR-zoned properties and, as per the petitioner's submitted materials, they have represented that there are no other viable locations in this general area.

*Proposed Variation for a Personal Wireless Facility Less than 105 Feet From the Nearest Property Line*

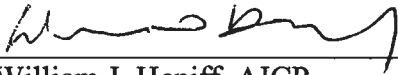
Personal wireless service facility towers are required to be set back not less than 105 percent of the tower height from the nearest property line. The proposed tower meets this requirement on three sides, but will be only approximately 40 feet from the eastern property line (adjacent to the East Branch of the DuPage River). On the other side of the river are ponds used by Glenbard Wastewater Authority. Staff finds that the requested setback relief is appropriate given that it will only impact publicly-owned properties.

## FINDINGS AND RECOMMENDATIONS

Based on the submitted petition and the testimony presented, the proposal **complies** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and that granting the associated relief and is in the best interest of the Village. Therefore, I recommend to the Corporate Authorities **approval** of PC 12-02, subject to the following three conditions:

1. The petitioner shall develop the site in substantial conformance with the plans submitted as part of this petition.
2. All IDRC comments must be addressed prior to the issuance of a building permit.
3. The petitioner shall enter into all requisite agreements with the property owner and Glenbard Wastewater Authority.

Inter-Departmental Review Group Report approved by:

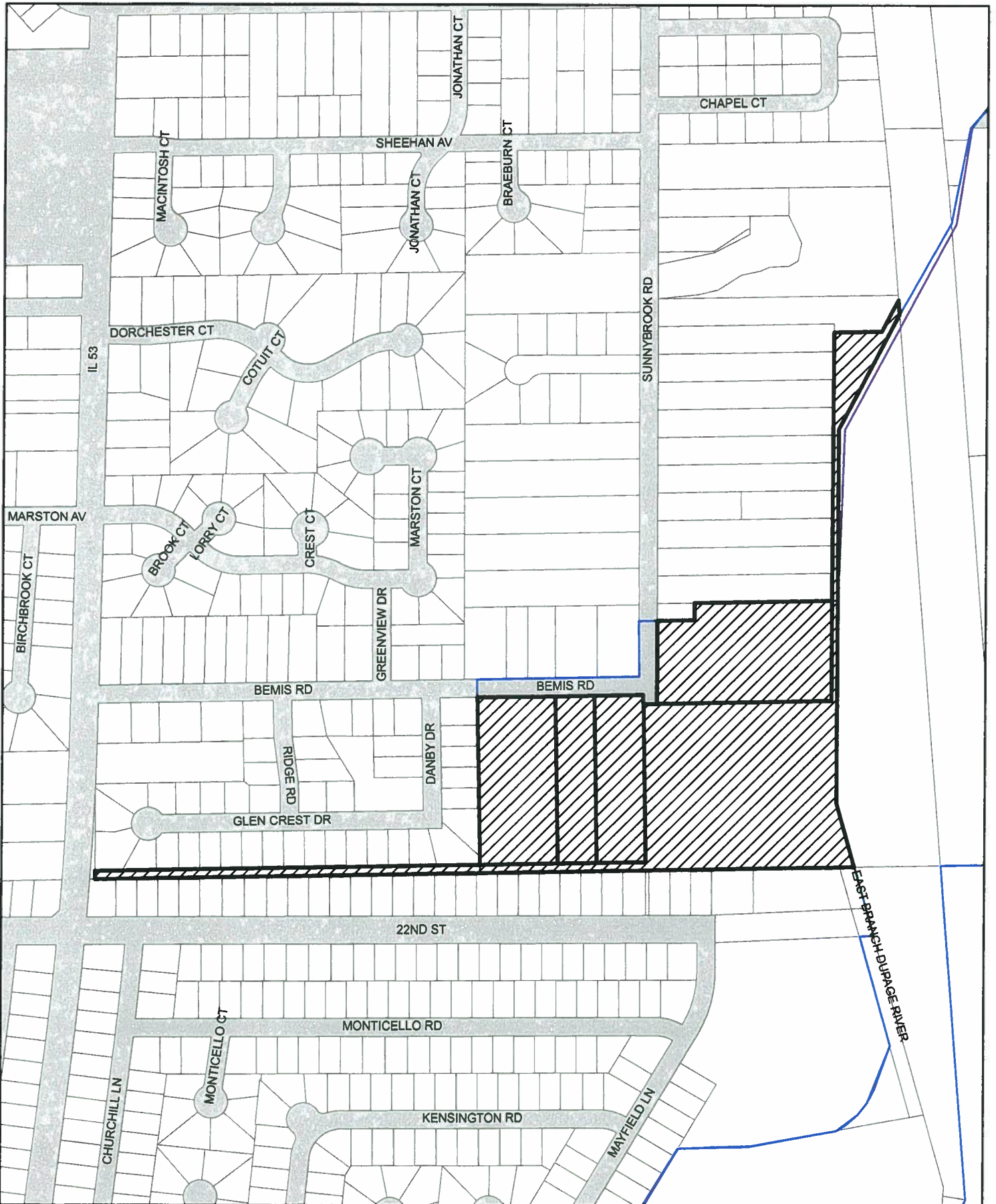


William J. Heniff, AICP  
Director of Community Development

c: Petitioner

# Location Map

21W551 Bemis Rd





AT&T Mobility  
930 National Parkway  
Schaumburg, IL 60173

January 13, 2012

Jennifer Henaghan, AICP  
Senior Planner  
Village of Lombard  
255 E. Wilson Ave  
Lombard, IL 60148

RE: AT&T Response to Village of Lombard's Supplemental Questions Regarding Conditional Use and Associated Variation Application Regarding Proposed Monopole Tower at Glenbard Wastewater Treatment Facility

Dear Ms. Henaghan,

I am writing to respond to the Village of Lombard's follow-up questions regarding AT&T's conditional use and associated variation application package for the proposed monopole tower construction at the Glenbard Wastewater Treatment Facility.

The purpose of this proposed tower construction is a result of no viable alternatives in the specific geographic area needed to serve AT&T's customers. No existing tower or structures are located within the geographic area required to meet AT&T's radio frequency engineering requirements. The search ring for this site is one-half mile. No existing tower or structure is available in the search ring that would allow AT&T to collocate its antennas near the one hundred foot (100') elevation required by AT&T's radio frequency engineers. Please reference pages seven (7) and eight (8) of previously provided propagation study. The propagation study demonstrates the strategic importance of this specific location.

AT&T's need to construct the proposed tower is not due to any structural inadequacies of existing towers or structures or potential electromagnetic interference caused by other carriers' existing antennas. The impetus for the proposed tower is lack of viable alternatives inside the search ring. AT&T's radio frequency engineers selected the search ring due to the gap of service in the immediate vicinity. In addition, the need for the proposed tower is not based on exorbitant fees or costs or unreasonable contractual terms set forth by owners of existing towers. The requirement of the tower is due to the lack of viable alternative structures in the specific geographic area. Without any viable structures for the AT&T equipment, they have an existing coverage gap in this specific geographic area.

Sincerely,

Sara Vaince  
Real Estate Manager- IL/WI  
AT&T Mobility

**STATEMENT SUPPORTING REQUEST FOR A CONDITIONAL USE PERMIT  
AND FIVE (5) ASSOCIATED VARIATIONS**

**Nature of Application**

AT&T Mobility respectfully requests approval of a conditional use for noncompliance with the requirements of Section 155.206(A)(2) of the Village of Lombard's Zoning Ordinance pertaining to personal wireless service facilities and the following variations:

1. Variation from Section 155.205(A)(4) to allow for use of barbed wire as part of seven (7) foot high chain link fence;
2. Variation from Section 155.206(B)(2)(a)(ii) to allow for a personal wireless facility in CR District;
3. Variation from Section 155.206(B)(2)(b)(i) to allow for a personal wireless service facility in excess of forty-five (45) feet in height;
4. Variation from Section 155.206(B)(2)(d)(i) to allow for a one hundred (100) foot high personal wireless service facility to be less than one hundred five (105) feet from the nearest property line;
5. Variation from Section 155.206(B)(2)(d)(ii) to allow for the angle from grade at the nearest residentially zoned property to the top of a personal wireless service facility to be greater than fifty-six (56) degrees

AT&T Mobility plans to construct a one hundred (100) foot monopole tower and a new 11'-5" x28'-0" equipment shelter inside a forty-five (45) by twenty (20) foot lease area. It plans to install nine (9) antennas on the proposed tower at the ninety-nine (99) foot level.



## Village of Lombard

### Section 155.103(F) Standards of Review for a Conditional Use Permit

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

(a) That the establishment, maintenance, or operation of the conditional use will be detrimental to, or endanger the public health, morals, comfort, or general welfare;

The establishment, maintenance or operation of the conditional use at the particular location will not be detrimental to or endanger the public health, morals, comfort, or general welfare.

**The monopole tower and 11'-5"x28'-0" shelter will be wholly contained within an forty-five (45) foot by twenty (20) foot lease area screened by twenty-five (25) six (6) foot tall American Arborvitae trees and enclosed by a seven (7) foot tall barbed-wire fence. The monopole tower compound will be placed at the southwest corner of the Glenbard Wastewater Treatment Facility located at 21W551 Bemis Road, Glen Ellyn, IL 60137.**

**The proposed facility consists of antennas, radio equipment cabinets, and coaxial cables. AT&T Mobility is proposing to install nine (9) panel antennas. The top of the antennas will be ninety-nine (99) feet high. The radio equipment cabinets will be located inside of the existing building, as depicted on the site plan.**

**AT&T Mobility is licensed and regulated by the Federal Communications Commission (FCC), which imposes strict health and safety standards. These standards are set by independent safety and standard groups such as the American National Standards Institute (ANSI) and the Institute of Electrical Electronics (IEEE). AT&T Mobility intends to comply with these standards. AT&T Mobility also intends to comply with applicable FAA guidelines.**

**Wireless telecommunication technology does not interfere with any other form of communication, whether public or private. Wireless technology provides vital communications in emergency situations and will commonly be used by local residents and emergency personnel to protect the general public's health, safety, and welfare.**

(b) That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values in which it is to be located.

**The proposed wireless telecommunications facility will have no adverse impact on the use and enjoyment of other property in the immediate vicinity of this facility or substantially diminish or impair property values of other property in the area.**

**AT&T Mobility is sensitive in selecting and designing its site so that it can minimize the visual impact on surrounding properties.**

**As stated above, the size of the lease area is minimal and the compound's visual impact is lessened by the planting of twenty-five (25) American Arborvitae trees. Furthermore, the adjacent parcel to the south of the proposed telecommunications facility is used the Westfield Elementary School and the parcel to the immediate east of the site is used a water retention and power lines separate the proposed facility from the residential development to the east**

**AT&T Mobility's operations are passive in nature. No traffic or air emissions will be created by installation of the telecommunication facility.**

(c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property uses permitted in the district;

**The telecommunications facility will not impede the orderly development and improvement of the surrounding property uses permitted in the district. The conditional use will be located in a forty-five (45) by twenty (20) foot lease area inside the the Glenbard Wastewater Treatment Facility. The size of the proposed lease area is minimal in relation to the size of the subject parcel.**

**The nature of the use is a wireless telecommunications facility. The facility will consist of one hundred (100) foot monopole tower, an equipment shelter, cables, and nine (9) antennas. The facility will transmit and receive radio frequency signals to allow for the operation of digital wireless devises in Glen Ellyn and Lombard and will be part of AT&T Mobility's network. The facility will be unmanned and entirely self-monitored. The only utilities used by the facility are phone and electricity.**

**Access to the telecommunications facility will be obtained via Bemis Road. The proposed telecommunications facility will be located in the southeast corner of the Glenbard Wastewater Facility. The telecommunications facility will be unmanned and entire self-monitored. Maintenance personnel will visit the facility once or twice a month.**

**The proposed telecommunications facility will have a positive impact on the orderly development and improvement of the surrounding property. Construction of this facility will allow AT&T Mobility to foster development and improvement in the surrounding area by providing wireless services to residences and businesses. The facility will also have the capacity to allow up to four (4) co-located telecommunications providers.**

(d) That adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;

**The telecommunications facility will only require phone and electricity. Both phone and electricity service are already provided to the site. At present, there is an existing power pole and telco pedestal at the southern property line.**

(e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

**This unmanned facility will not increase traffic to the area. A maintenance crew may visit site approximately two (2) times per month to conduct routine maintenance.**

(f) That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard;

**The proposed telecommunication facility is aligned with the Village's Comprehensive Plan and is not contrary to its objectives.**

(g) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.

The proposed telecommunications facility conforms to all applicable regulations.

**Section 155.103(C)(7) Standard for Variation to 155.205(A)(4) to allow for use of barbed wire as part of seven (7) foot high chain link fence**

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

(a) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied;

**The reason for the barbed-wire fence at the proposed telecommunications facility is due to the unique nature of the facility and AT&T Mobility's desire to protect its valuable asset as well as to keep unauthorized people out do the safety hazard presented from a tower at site.**

(b) The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification;

**This requested variation is due to the unique nature of the proposed telecommunications facility at a CR Conservation/Recreation-zoned parcel.**

(c) The purpose of the variation is not based primarily upon a desire to increase financial gain;

**Utilizing the barbed-wire on the compound fence will not result in any financial gain, rather will simply allow AT&T Mobility to safeguard its asset and restrict access to its facility.**

(d) The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property;

**The hardship restricting AT&T Mobility's use of barbed-wire in a CR Conservation/Recreation-zoned parcel is caused by this ordinance and is not created by anyone having an interest in the property.**

(e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

**Granting of the variation to allow for the barbed-wire will not have any detrimental impact on the public welfare or other property in the neighborhood.**

(f) The granting of the variation will not alter the essential character of the neighborhood;

**Allowing use of the barbed-wire fence will not be visible and will have no impact to the essential character of the neighborhood.**

(g) The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

**Granting the variation to allow the use of barbed-wire fencing will not have any of the above impacts. The fencing will be screened by twenty-five (25) American Arborvitae trees and is the telecommunications facility (on the ground) will not be visible directly from any adjacent residential property.**

**Section 155.103(C)(7) Standard for Variation from Section 155.206(B)(2)(a)(ii) to allow for a personal wireless facility in CR District**

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

(a) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied;

**The specific geographic location of the proposed telecommunications facility is ideal for AT&T Mobility. Construction of a telecommunications facility at this location would satisfy its gap in coverage. Please reference pages six (6) and seven (7) from the attached Propagation Plots analysis.**

(b) The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification;

**AT&T Mobility selected this parcel based on its specific geographic location. Other CR Conservation/Recreation parcels would not offer suitable location that would allow AT&T Mobility to service its customers demand for radio frequency coverage.**

(c) The purpose of the variation is not based primarily upon a desire to increase financial gain;

**The purpose of this variation is to allow AT&T Mobility to increase its radio frequency coverage to parts of Glen Ellyn and Lombard by constructing its telecommunication facility. This installation will allow AT&T Mobility's customers to receive increased service in the Glen Ellyn and Lombard area.**

(d) The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property;

**The hardship motivating this request is due to the ordinance's prohibition on telecommunication facilities on CR Conservation/Recreation-zoned properties and has not been created by the Village of Glen Ellyn or Glenbard Wastewater Treatment Facility.**

(e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

**AT&T Mobility's construction of the proposed telecommunication facility on the CR Conservation/Recreation-zoned property would not be detrimental to the public**

**welfare or injurious to property or improvements in the neighborhood. The isolated location of the facility at the southeast corner of the Glenbard Wastewater Treatment Facility, screening of the compound with twenty-five (25) American Arborvitae trees, and adjacent elementary school to the south and water retention and power lines to the east would prevent any injurious effect to the neighborhood.**

(f) The granting of the variation will not alter the essential character of the neighborhood;

**No alteration in the neighborhood will occur as a result of the telecommunication facility in the CR Conservation/Recreation-zoned parcel due to its passive nature and minimal visual impact.**

(g) The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

**AT&T Mobility's operations are passive and do not produce any traffic congestion or air emissions pollution. In addition, AT&T Mobility is licensed and registered by the Federal Communications Commission (FCC), which imposes strict health and safety standards. These standards are set by independent safety and standard groups such as the American National Standards Institute (ANSI) and the Institute of Electrical Electronics (IEEE). AT&T Mobity complies with these standards and guidelines.**

**Section 155.103(C)(7) Standard for Variation from Section 155.206(B)(2)(b)(i) to allow for a personal wireless service facility in excess of forty-five (45) feet in height**

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

(a) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied;

**AT&T Mobility and the underlying landlord would experience a particular hardship if it was limited to a forty-five (45) foot height restriction on the tower construction. AT&T Mobility's radio frequency engineers determined that one-hundred (100) feet is the appropriate required height to provide service to the geographic area depicted in page seven (7) of the Propagation Plots analysis (attached). Limiting the tower height to forty-five (45) feet would not serve enough customers to warrant AT&T Mobility's substantial expense of constructing a tower.**

(b) The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification;

**Unlike other CR Conservation/Recreation-zoned parcels in the Village, Glenbard Wastewater Treatment Facility occupies this specific parcel and has ample space to accommodate and adequately screen the proposed telecommunications facility. This specific use of this parcel is unique when compared to other CR Conservation/Recreation-zoned parcels in the Village.**

(c) The purpose of the variation is not based primarily upon a desire to increase financial gain;

**AT&T Mobility's radio frequency engineers have selected the necessary height to provide coverage to a substantial amount of people. The variation to allow the construction of a one-hundred (100) foot tower rather than a forty-five (45) foot tower will not only allow AT&T Mobility to adequately provide service to customers in the vicinity, but will also facilitate the co-location of other telecommunication providers in the future. Granting the height variance will allow additional cellular carriers to co-locate on the tower in the future and will minimize the need for other new tower construction in the vicinity in the foreseeable future.**

(d) The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property;



**The hardship of the height restriction has not been created by the Village of Glen Ellyn (as landlord) or Glenbard Wastewater Management (as operator).**

(e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

**The additional fifty-five (55) feet added to the proposed monopole tower will not have a detriment to the public welfare or be injurious to other property or improvements in the neighborhood. AT&T Mobility has been sensitive in selecting and designing a site to minimize the visual impact on the surrounding properties. Alternatively, the additional fifty-five (55) foot height of the tower will allow AT&T Mobility to effectively provide service to its customers in the neighborhood.**

(f) The granting of the variation will not alter the essential character of the neighborhood;

**Allowing for construction of the monopole tower will not alter the essential character of the neighborhood. AT&T Mobility has been sensitive in selecting and designing a site to minimize potential visual impact on the surrounding property.**

(g) The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

**The additional fifty-five (55) foot height of the monopole will not impair light or air to adjacent property, increase street congestion, increase danger of fire, impair or create drainage problems on adjacent properties, endanger the public safety, or diminish property values in the neighborhood.**

**Section 155.103(C)(7) Standard for Section 155.206(B)(2)(d)(i) to allow for a one hundred (100) foot high personal wireless service facility to be less than one hundred five (105) feet from the nearest property line**

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

(a) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied;

**Due to the unique characteristics of the property use and the immediate neighbors, the proposed lease area was selected after site walk determined that the southeastern most twenty (20) by forty-five (45) feet space would have the least obtrusive impact. This is due the tree line, the Glenbard Wastewater Treatment Facility ponds, and the power lines immediately east of the site. The Westfield Elementary School is immediately to the south. The Facility occupies the north and west.**

(b) The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification;

**As stated above, the use and the property uses of the immediate neighbors differentiate the subject property from other CR Conservation/Recreation-zoned parcels.**

(c) The purpose of the variation is not based primarily upon a desire to increase financial gain;

**As stated above, the primary reason for selection of the specific proposed location of the telecommunications facility was for its minimal impact on surrounding properties, not for a desire to increase financial gain.**

(d) The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property;

**The alleged hardship regarding compliance with setback requirements is caused by the Village's Zoning Ordinance and has not been created by an person presently having an interest in the property.**

(e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

**The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. Alternatively, granting the variation to the setback requirements will result in reducing the visual impact of the telecommunications facility to other properties in the neighborhood.**

(f) The granting of the variation will not alter the essential character of the neighborhood;

**Allowing a variation to the one hundred five (105) foot setback requirement will not alter the essential character of the neighborhood. The variation will help minimize the visual impact and maintain the character of the neighborhood.**

(g) The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

**The proposed variation will not impair the supply of light and air, increase congestion, danger of fire, impair natural drainage on adjacent properties, endanger the public safety, or substantially diminish or impair property values in the neighborhood. Granting this variation would allow the telecommunications installation to be installed in the least visually obtrusive manner possible.**

**Section 155.103(C)(7) Standard 155.206(B)(2)(d)(ii) to allow for the angle from grade at the nearest residentially zoned property to the top of a personal wireless service facility to be greater than fifty-six (56) degrees**

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

(a) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied;

**Due to the unique location of the telecommunications facility in the subject parcel and the one hundred (100) foot height of the proposed monopole tower, AT&T Mobility is seeking a variation from this requirement. The unique nature of the parcel would make it infeasible for the proposed monopole tower to be located in a portion of the Glenbard Wastewater Treatment Facility that met this requirement.**

(b) The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification;

**AT&T Mobility is seeking a variation to this requirement as the subject property has substantial amounts of existing improvements that prevent easily meeting this requirement. The only portion of the subject parcel that is conducive to installation of a telecommunications facility is at the southeastern-most section. A request for a variation is necessary due to the unique amount of dense construction at the subject parcel as compared to other CR Conservation/Recreation-zoned properties.**

(c) The purpose of the variation is not based primarily upon a desire to increase financial gain;

**As stated above, the purpose of the variation request is due to the unique nature of the property as a water treatment facility. Current structures make development on any part of the parcel other than the southeast section (indicated in the construction drawings dated 11/29/2011) infeasible. In addition, the current proposed lease area represents the most minimally obtrusive location for the telecommunications facility.**

(d) The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property;

**The hardship is caused by this ordinance. AT&T Mobility and the Village of Glen Ellyn have not created any difficulty or hardship as it relates to this variation request.**

(e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

**Granting of the variation will allow AT&T Mobility to install the proposed telecommunications facility in the least visually obtrusive section of parcel. The present location indicated on the construction drawings will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.**

(f) The granting of the variation will not alter the essential character of the neighborhood;

**Granting the variation will allow AT&T Mobility to install its telecommunications facility in the least obtrusive part of the proposed parcel. The essential character of the neighborhood will not be altered by installation in the proper location.**

(g) The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

**No impairment of adequate light or air, street congestion, increased fire danger, natural drainage impairment, endangered public safety, or diminished property values will occur in the neighborhood. Alternatively, the installation of the proposed telecommunications facility will allow AT&T Mobility to better provide its customers with service in the immediate vicinity of the tower.**

## Henaghan, Jennifer

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**From:** Chris Barton <chris.barton@ntpwireless.com>  
**Sent:** Tuesday, January 24, 2012 11:00 AM  
**To:** Henaghan, Jennifer  
**Subject:** RE: PC 12-02, 21W555 Bemis Rd (Glenbard Wastewater) Request for Waiver of First Reading

Jennifer,

I am writing to request waiver of the first reading before the Village of Lombard Board. Granting of the waiver would allow the second and final hearing to occur on February 2, 2012.

The reason for the request is to minimize the costs to AT&T for this project. AT&T's proposed construction of the monopole tower is a costly endeavor and reduction of those costs is a priority to AT&T. An additional reading to the Village Board would require AT&T personnel and outside vendors/consultants to appear at two (2) hearings instead of one (1). In addition, the Village's granting of waiver of one (1) reading would allow AT&T to submit its building permit application and complete all Village entitlement procedures two (2) weeks earlier. This would allow AT&T to construct the tower and service its customers easier than otherwise possible. If the Village Board's inquiry and review can be achieved in one (1) reading, AT&T would like to submit its request to have its second/final reading on February 2, 2012.

Please let me know if the Village requires any additional information. Thank you for your assistance.

Best Regards,



**CHRIS BARTON**  
Solutions Specialist

773.275.5712 ext. 180  
4619 N. Ravenswood Ave, Ste. 301  
Chicago, IL 60640

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR NONCOMPLIANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE PERTAINING TO PERSONAL WIRELESS SERVICE FACILITIES (AS PER SECTION 155.206(A)(2) OF THE ZONING ORDINANCE) WITH COMPANION VARIATIONS, LOCATED IN THE CR CONSERVATION RECREATION ZONING DISTRICT**

(PC 12-02: 21W555 Bemis Road)

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 Code of Lombard, Illinois; and,

WHEREAS, the property legally described in Section 3 below is located at 21W555 Bemis Road is zoned CR Conservation Recreation District; and,

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for noncompliance with the requirements of the Zoning Ordinance pertaining to personal wireless service facilities (as per Section 155.206(A)(2) of the Zoning Ordinance); and

WHEREAS, said application includes requests for five variations; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on January 23, 2012 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees recommending approval of the petition, subject to conditions of approval; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

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

Ordinance No. \_\_\_\_\_

Re: PC 12-02

Page 2

SECTION 1: That the following relief is hereby granted for the Subject Property, as described in Section 2 below, subject to the conditions set forth in Section 3 below:

1. A conditional use for noncompliance with the requirements of the Zoning Ordinance pertaining to personal wireless service facilities (as per Section 155.206(A)(2) of the Zoning Ordinance);
2. A variation from Section 155.205(A)(4) to allow for the use of barbed wire as part of a seven-foot high chain link fence;
3. A variation from Section 155.206(A)(6) to allow for a personal wireless service facility without full landscape screening;
4. A variation from Section 155.206(B)(2)(a)(ii) to allow for a personal wireless service facility in the CR District;
5. A variation from Section 155.206(B)(2)(b)(i) to allow for a personal wireless service facility in excess of 45 feet in height;
6. A variation from Section 155.206(B)(2)(d)(i) to allow for a 100-foot high personal wireless service facility to be less than 105 feet from the nearest property line.

SECTION 2: This ordinance is limited and restricted to the property generally located at 21W555 Bemis Road, Lombard, Illinois and legally described as follows:

Lot 67 (except the North 62 feet of the West 133 feet thereof) and Lots 20, 21, and 22 in F. H. Bartlett's Sunnyside Farms, a subdivision of part of the West 2013 feet of the Northwest Quarter and the Southwest Quarter of Section 24, Township 39 North, Range 10, East of the Third Principal Meridian, in DuPage County, Illinois; and

That part of the Southwest Quarter of Section 24, Township 39 North, Range 10, East of the Third Principal Meridian, described by beginning at the Southwest corner of said Section 24; thence North, along the West line of said Section 24, 30.0 feet; thence South 89 degrees 50 minutes east, parallel with the South line of said section, 1983.0 feet; thence North 0 degrees 10 minutes East, at right angles to the South line of said Section 24, 570.0 feet; thence South 89 degrees 50 minutes East, parallel with the South line of said Section 24, to the East line of the Southwest Quarter of said section; thence South to the Southeast corner of said Southwest Quarter; thence North 89 degrees 50 minutes West to the place of beginning, all in DuPage County, Illinois.

PIN: 05-24-301-007, -008, and -009; 05-24-302-017, -019



Ordinance No. \_\_\_\_\_  
Re: PC 12-02  
Page 3

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in substantial conformance with the plans submitted as part of this petition.
2. All IDRC comments must be addressed prior to the issuance of a building permit.
3. The petitioner shall enter into all requisite agreements with the property owner and Glenbard Wastewater Authority.

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

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2012.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2012.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2012.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_, day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

Ordinance No. \_\_\_\_\_  
Re: PC 12-02  
Page 4

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2012

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Brigitte O'Brien, Village Clerk

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