

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