

April 15, 2004

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

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.

April 15, 2004

Re: PC 04-09

Page 2

T-Mobile began to build in this area and they currently have 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 these two sites they were beginning to have coverage breaks and the proposed monopole antenna at this site designed to solve this problem. Their engineering staff designs the systems and picks a certain location. The chosen site has to meet certain criteria - one of which is 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 to be used by the Park District. To the north of the access road is a detention pond. The monopole location is a 25x30 parcel of land immediately north of the last mulch bin on the site. They will provide the same type of fence to screen the mulch bins and would landscape the perimeter of the fenced area to enhance the site. 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 from the location of the site.

He then referenced the existing and proposed RF coverage maps. He indicated the green area depicted on the exhibits is 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. As time has gone by, the stated reason for wireless is convenience and the ability to communicate and expedite their family lives and business instead of safety where it was first. 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 they 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:

April 15, 2004

Re: PC 04-09

Page 3

Don Swanson, 1040 Shady Lane, raised concerns about the electro-magnetic field effect. Does it pose as a terrorist target? He noted that there is a day care center close by. The proposal is turning the property into commercial property and it should be used as a park. He referenced the industrial park across Route 53 and asked if it could be located there. He referenced 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 area 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 gets the feeling that this is Lombard's least favorite park. The building will not hide and the trees 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 to build the monopole 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.

April 15, 2004

Re: PC 04-09

Page 4

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. The monopoles will not include any guide wires.

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 and closer to each other. Their additional coverage also addresses upgraded systems like pictures and teleconferencing.

April 15, 2004

Re: PC 04-09

Page 5

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. The petitioner selected the subject property based upon their operational needs and in consideration of the existing built environment.

He then noted that there were no comments from the other IDRC members.

April 15, 2004

Re: PC 04-09

Page 6

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 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.

Section 155.206(A)(2) of the Zoning Ordinance states that personal wireless service facilities which 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 hole in their coverage for wireless services as shown on their submitted RF coverage plan. The petitioner sought 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.

Mr. Heniff noted that monopoles have differing setback requirements above that which is required by other provisions of the Zoning Ordinance. He noted the proposed monopole would be located 253 feet from the nearest property line. The closest residence is approximately 500 feet from the proposed monopole location.

East of the proposed monopole are several 65 foot high light poles for the fall fields. 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. 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. The petitioner is proposing to surround the leased area with evergreen plantings per code.

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.

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. In closing, staff recommends approval subject to the conditions noted in the staff report.

April 15, 2004

Re: PC 04-09

Page 7

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 cognicent 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 you have to state the reasons for denial such as safety, pedestrian, traffic issues that they do not believe that the petitioner made a case for it there and was a better place for it.

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 04-08.

April 15, 2004
Re: PC 04-09
Page 8

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Chairperson
Lombard Plan Commission

WJH:

c Petitioner
 Lombard Plan Commission

h:\cdevapps\worduser\pccases\2004\04-09\reflet 04-09.doc