



Legislation Details (With Text)

File #: 17-697B **Version:** 1

Type: Ordinance **Status:** Agenda Ready

File created: 10/30/2017 **In control:** City Council

On agenda: 11/7/2017 **Final action:**

Title: Pass the Ordinance approving a conditional use for a cell tower in excess of 60’ in height in accordance with Section 6-13-6 (Conditional Use Permits and Variances) of the Naperville Municipal Code for the property located at 2220 W. 83rd Street (Springbrook Golf Course Cell Tower) - PZC 17-1-070.

Sponsors:

Indexes:

Code sections:

Attachments: 1. IDNR Review.pdf, 2. Public Comment -11/7/17.pdf, 3. Ordinance.pdf, 4. Exhibit A -Legal Description.pdf, 5. Exhibit B -Subject Property.pdf, 6. Exhibit C -Standards.pdf, 7. Exhibit D -Site Plan.pdf, 8. Application.pdf, 9. Photosim.pdf, 10. Propagation Plots.pdf, 11. FAA Approval.pdf, 12. Natural Resource Review.pdf, 13. USFWS Review.pdf, 14. T-Mobile Collocation.pdf, 15. Public Comment -10/17/17, 16. Location Map.pdf, 17. PZC Minutes -9/6/17.pdf

Date	Ver.	Action By	Action	Result
11/7/2017	1	City Council	accept	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the Ordinance approving a conditional use for a cell tower in excess of 60’ in height in accordance with Section 6-13-6 (Conditional Use Permits and Variances) of the Naperville Municipal Code for the property located at 2220 W. 83rd Street (Springbrook Golf Course Cell Tower) - PZC 17-1-070.

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered this matter on September 6, 2017 and voted to recommend approval of the case (Approved, 4-3). Staff concurs.

BACKGROUND:

The petitioner, Central States Tower III, LLC has submitted a request for a conditional use to install a 130’ tall monopole on the property located at 2220 W. 83rd Street (west of Book Road and south of 83rd Street). The property is currently zoned R1 (low density single family residential), is approximately 160 acres, and is improved with the Springbrook Golf Course as owned and operated by the Naperville Park District. A lease agreement was established between the petitioner and the Naperville Park District in February 2017 in order to locate the proposed wireless facility on the property.

City Council Review

The City Council reviewed PZC 17-1-070 at their meeting on October 17, 2017. Due to the high volume of comments received regarding the potential impact of the tower on migratory birds and the adjacent Springbrook Prairie, the Council continued the case in order to allow time for review by the Illinois Department of Natural Resource (IDNR). IDNR conducted a review and provided feedback on October 30, 2017. It was found that the project is unlikely to adversely affect any of the protected resources. The IDNR consultation has been added as an attachment to this case.

DISCUSSION:

Section 6-13-3:2.3 (Permitted Uses: Towers) of the Naperville Municipal Code provides that cell towers up to 60' in height may be installed on residentially zoned properties as a matter of right. Section 6-13-6 (Conditional Use Permits and Variances) provides that the location, construction, or installation of any tower exceeding the height limitations permitted by this Chapter may be allowed as a conditional use. Accordingly, the proposed tower height of 130' is subject to approval of a conditional use. The proposed tower meets all other zoning code requirements pertaining to setbacks and screening.

Per the petitioner, the primary purpose of the proposed telecommunication tower is to fill a coverage gap in cellular communication for Verizon Wireless users in the area; the petitioner has indicated that the proposed 130' tower height is necessary to meet these coverage needs. The tower will also help provide better emergency communication service and will give an opportunity for other cellular service providers to co-locate onto the tower. This approach is consistent with the purpose and intent of Section (Regulations for Telecommunication Facilities, Radio, Satellite and Television Antenna Towers and Dishes) of the Naperville Municipal Code, which encourages co-location.

The Federal Telecommunications Act of 1996 provides that when cellular service providers have demonstrated a gap in cellular coverage they are entitled to fill the gap in service. Staff finds the proposed location is in keeping with the purpose and intent of the Municipal Code to minimize the number of towers, while providing for the required cellular service coverage. The proposed tower height complies with the Federal Aviation Administration (FAA) requirements and has been reviewed by the FAA to confirm that it will not negatively impact air traffic. While the property is residentially zoned, staff does not have concerns with the proposed location and height of the tower due to the current improvement of the property as a golf course.

Findings of Fact

The petitioner's responses to the Standards for Granting a Conditional Use and the Standards for Granting a Conditional Use for Antennas, Towers or Dishes are attached. Upon review, staff and the Planning and Zoning Commission are in agreement with the petitioner's findings and recommends their adoption by the City Council.

Planning and Zoning Commission Action

The Planning and Zoning Commission conducted the public hearing for PZC 17-1-070 at their meeting on September 6, 2017. 4 members of the public provided testimony with 2 speaking in opposition, 1 speaking in favor, and 1 impartial. Points raised in opposition to the project included concern for the location of the tower, the tower height and its effect on the prairie. The speaker in favor of the project noted that the proposal would benefit Verizon and Springbrook Golf Course customers. The speaker who gave an impartial position specified that no opposition is given due to the compliance with the FAA regulations, however the proposed location is not ideal.

The Planning and Zoning Commission discussed the possibility of proposing a shorter tower and moving it to a different location. The petitioner responded stating that a shorter tower would result in a smaller coverage range and the ability to co-locate would be lost. Staff stated that if the tower was proposed in a different location, review would be needed for compliance with all City Codes. The Planning and Zoning Commission then closed the public hearing and moved to adopt the findings of fact as presented by the petitioner and approve PZC 17-1-070 (Approved, 4-3). Commissioners Hastings, Margulies and Williams cast the dissenting votes voicing concern with the following: visual impact, the effect on migratory birds, and the potential safety hazards to pilots at Aero Estates. Staff concurs with the Planning and Zoning Commission's recommendation to approve.

Key Takeaways

- The petitioner is requesting a conditional use for a cell tower in excess of 60' in height in accordance with Section 6-13-6 (Conditional Use Permits and Variances) of the Naperville Municipal Code, in order to construct a 130' tall cell tower at 2220 W. 83rd Street.
- Staff supports the proposed conditional use because it will increase cellular coverage for residential properties while maintaining the intention of Code Section 6-13 (Regulations for Telecommunication Facilities, Radio, Satellite and Television Antenna Towers and Dishes) and meeting all other code requirements.
- The IDNR conducted a review of the proposed cell tower on October 30, 2017 and found that it is unlikely to adversely affect any of the nearby protected resources.

FISCAL IMPACT:

N/A