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**MEMORANDUM**

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A-9  
updates

**DATE:** December 12, 2011

**TO:** Village President and Village Board and Finance Commission Members

**FROM:** Mark Franz, Village Manager 7

**RE:** The Glen Ellyn Market-Updated

**CC:** Staci Hulseberg, Planning and Development Director  
Kevin Wachtel, Finance Director

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**Background**

Over the last few years, Village Management and the Economic Development Corporation have been pursuing a development project at 285 Roosevelt Rd. between Lambert Road and the Wheaton border. The property was formerly used as a Packey Webb Dodge dealership which has been closed since May 2008 and has been used by Nicor on a temporary basis while their Finley Road facility is being reconstructed. Ryan Murphy, Vice President of SRS and Principle in Vequity LLC, has been interested in this property for some time and currently has a contract on the property. SRS Real Estate Partners is a 25-year old real estate company, well known in the industry. Vequity LLC was founded in 2008 and is the developer on the project. A detailed proposal from Vequity LLC has been provided which consists of the request for assistance, demographic information, site renderings and site plan, and a tax analysis. In addition, an updated *10 Year Totals, Glen Ellyn Market* summary is included. Lastly, attached is a letter from Chairman of the Finance Commission, recommending approving the business terms of this agreement with a condensed version of the Revenue Analysis. In summary, the following information was provided to the Board this week:

Provided on Wednesday:

- Vequity Proposal
- SRS Real Estate Partners-Capabilities Overview
- Revenue Analysis

Attached:

- *10 Year Totals, Glen Ellyn Market* summary
- Memo from Finance Commission Chair Randy Parker-12/9/11 with updated Revenue Analysis

The Village is interested in aggressively pursuing and attracting new businesses and has approached this project from the perspective of the new economy. Development opportunities have decreased significantly over the last few years as the money supply has tightened and investors have become more risk averse. The Finance Committee through its Five-Year Forecast has highlighted the importance of increasing sales tax revenues as a way of stabilizing the overall financial position of the Village. Grocery stores are among the best sources of sales tax generators as evidence by the

success of Glen Ellyn's grocery stores. Given the framework above, the fact that this site has been an eyesore for some time, and that former auto dealers present unique challenges to redevelop, Village Management believes that working in partnership with a developer is the only way to achieve the goal of redeveloping this site.

The Developer has designed a project that would potentially beautify Roosevelt Road, restore Taft Avenue and could serve as both an anchor and stimulus for additional redevelopment along the Roosevelt Road corridor. The Glen Ellyn Market Project will be a retail center consisting of 32,000 square feet with a 22,000 foot grocery store anchor and an additional 10,000 square feet of commercial/retail space for two or more additional tenants. The project will also include a quarter-acre of adjacent land located in the City of Wheaton (to be used for parking) bringing the total site to approximately 3.2 acres. The anchor of the center would be The Fresh Market (TFM), a high-end European-style market that is expanding in the Chicagoland area over the last few years as many specialty groceries continue to grow and thrive. The total cost of the Glen Ellyn Market project is estimated to be \$12,340,000 including extraordinary costs and TFM buildout. The Developer has indicated that Village assistance is required in order to make the project viable.

The Village Board has supported the concept of improving Taft Avenue and maintaining this roadway in the future. The Taft Avenue portion of this project could be incorporated into the Capital Improvement Plan and funded through a reimbursement to the developer from the CIP Fund; funds are available. The remaining upfront costs could be funded through the Corporate Reserve Fund and reimbursed by the project in future years. Furthermore, the Village Board has expressed willingness to financially support a new opportunity for a grocery store and has asked the Finance Commission to assist in evaluating the viability of such assistance.

The Fresh Market and the Developer are interested in an accelerated planning and construction schedule to meet "First Mover Advantage" goals, therefore, this project has been on the fast track over the last six weeks. Village Management has been working with the Finance Commission to review and evaluate the economics of this proposal over the last few weeks. The Finance Commission is recommending approval of the basic business terms of the agreement - see attached letter from Chairman Randy Parker. Village Management is asking for direction from the Village Board on conceptually agreeing to basic business terms of a possible redevelopment agreement.

## **Business Terms**

### *The Market*

For background purposes, the Village has financially supported two other developments in the Village, Baker Hill (\$1 million incentive) and Pickwick Place (\$900,000 incentive), both in the late 90's. Village Management has researched other TFM stores in the Chicagoland area and has learned that those particular deals did not involve any incentives. (Crystal Lake did agree to cut 50% of TFM permit fees.) These projects were located in existing space or part of an existing shopping district, rather than an anchor tenant of a challenging redevelopment site. As you can see from their proposal, the projections are conservative as compared to other TFM

stores in Geneva and Kildeer which have generated \$30 million in annual sales. The proposal states that Glen Ellyn has better demographics than both stores in terms of population and better demographics than Geneva in income.

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#### *Incentive Request*

As early as last spring, the Developer stated that the project is not possible without Village assistance, particularly with respect to improvements on Taft Avenue and other extraordinary costs attributable to this site. They are requesting \$793,000 up front to defray the cost of certain improvements and requesting that the Village enter into a sales tax sharing on a 60%/40% (Village/Developer) arrangement for 10 years or \$1 million, whichever occurs first. The upfront costs would be reimbursement upon completion of the improvement on Taft Avenue and the other upfront costs would be provided at the time the store opens, as specified in the future redevelopment agreement.

Over the course of the last six weeks, Village Management has met with the Developer to discuss various aspects of this project, primarily sales tax projections, Taft Avenue construction costs, and extraordinary costs. The goal continues to be to minimize risk for the Village, but work in partnership to support the overall project. First, the Developer has had some difficulty in gathering information from TFM on projected annual sales. TFM closely guards this information as proprietary. Therefore, these numbers have fluctuated as more information became available, but Management feels that with the help of the Finance Commission, we have analyzed various likely outcomes and have a good range of what to expect.

Secondly, the Village has been communicating with the City of Wheaton to ensure inter-governmental cooperation with a project that extends across community boundaries. We have discussed the benefits of improvements to Taft Avenue and to the area in general, and Wheaton has been very receptive to communication. However, they are not willing to pay for any improvements to their portion of Taft Ave. at this time. Regardless of their decision, Village management made it clear to the Developer that we do not intend to pay for improvements to Taft Avenue in Wheaton.

Lastly, Village Management has worked with the Developer to clarify what costs are extraordinary and what are typically development costs. We were able to negotiate a reduced extraordinary cost list and believe these costs are reasonable to reimburse, given the Taft Avenue part of the project and unique challenges with this site. We have stressed to the Developer that some of these costs should be paid out through the sales tax reimbursement, but the Developer insists that these funds are needed upfront. Additionally, Management did have some concerns about paying for acquisition costs for Taft Avenue, but given that the Developer has reduced the overall upfront request and is willing to pledge that any and all cost overruns are his responsibility, we believe it is reasonable. Therefore, the extraordinary costs included in the proposal are:

| <b><u>On-Site Improvements</u></b>                     |                     |
|--|---------------------|
| Remove Existing Retaining Wall                         | \$12,000.00         |
| Site Excavation and Embankment                         | \$23,600.00         |
| Import/Export Material                                 | \$45,000.00         |
| Demolition (50%)                                       | \$93,000.00         |
| Detention  | \$37,500.00         |
| <b><u>Control'd Improvements</u></b>                   |                     |
| Site Improvements                                      | \$59,149.00         |
| <b><u>Taft Avenue Improvements</u></b>                 |                     |
| Glen Ellyn Improvements<br>(Includes Land Acquisition) | \$523,528.00        |
| <b>Total</b>   | <b>\$793,777.00</b> |

To summarize the business terms of this agreement, we compared the initial proposal with the current proposal. As you can see below, the Developer has reduced his upfront cost request from \$1.56 million to \$793,000; eliminated the Wheaton costs; and agreed to a 60/40 split in terms of sales tax reimbursement, but did increase the sales tax reimbursement total from \$880,000 to \$1 million over ten years.

*Initial Proposal*

- Total project size=30,800 (20,300 TFM and 10,500 two or more tenants proposed) and includes a 10 year lease with TFM at \$18/sq ft
- Anticipating \$11-\$15 million in annual sales
- \$1.56 Million for On Site and Off Site improvements – Upfront
  - Includes Taft Avenue improvements and acquisition costs
  - Includes Wheaton portion of Taft Avenue improvements
  - Other Extraordinary Costs for the project
- \$880,000 in sales tax reimbursements over a 10-year period at a 50/50 split

*Current Proposal*

- Total project size=30,800 (20,300 TFM and 10,500 two or more tenants proposed) and includes a 10 year lease with TFM at \$18/sq ft
- Anticipating \$15million in annual sales with spikes in first three years; 4% thereafter
- \$793,000 for on site improvements – Upfront
  - Includes Taft Avenue improvements and acquisition costs
  - **Excludes** Wheaton portion of Taft Avenue improvements
  - Other Extraordinary Costs for the project were reduced
- \$1 million in sales tax reimbursements over a 10-year period at a 60/40 Village/Developer split

The Developer stressed the following: *If it was a clean site with necessary roads already built as well as the necessary infrastructure, the total private investment of the Project would be \$10,780,000. But because of the extraordinary costs, the total cost of the Project is currently projected to be \$12,239,000. The Developer is requesting that the Village defray the extraordinary costs of \$793,000 and to further assist the Project with \$666,000 of sales tax which is the net present value of 40% of the sales tax revenue for 10 years with a cap of \$1,000,000.* In summary, the Developer is asking the Village to reimburse all extraordinary costs, some up front and some over 10 years and at the same time improve the economics of the investment. The Developer has a straight lease with TFM, so they receive no benefits if TFM outperforms the projections. In other words, 1 million is a hard cap.

### **Revenue Analysis**

Attached is the latest proforma for this project, subject to modifications by the Finance Commission at their meeting on Friday. The following is a summary of the worksheets:

- Five economic scenarios are presented (with annual sales projections): best (20M), likely (15M), worst(10M), Developer(15M), and Developer proposal with a 6% discount rate(15M). The likely scenario and Developer scenarios are similar. The Developer has indicated that numbers are conservative.
- The discount rate used for calculations is 4.2%, which is the average long term borrowing cost for the Village over the past 10 years. Short term borrowing rates have been as low as 2%, but the longer duration bonds are more appropriate.
- Detailed assumptions for each scenario are noted on the spreadsheet. Major differences are sales tax starting point and growth rates, portion of sales subject to home rule sales tax, EAV growth rate, and utility tax revenue.
- The Developer has requested \$793,000 in up-front costs and 40% of sales tax revenue. We have calculated the 40% split on the total regular sales tax, home rule sales tax, less displacement.
- A summary sheet identifies key 10 year totals, including revenues, costs, present value of the overall project, present value of Village revenue less revenue share to the Developer, and the present value of the cost of the revenue share.
- From an economic perspective, the \$793,000 is evaluated differently than the ongoing revenue share. The analysis assumes the \$793,000 is paid fully in year one, with revenue also occurring in year one. The Finance Commission identified a measure to use as 50% of the public improvement cost (for this case, ½ of \$793,000 discounted) to be received in Village revenue within 5 to 7 years. Also, for this presentation, I have assumed that the entire \$793,000 is appropriate for up front reimbursement.
- Each economic scenario spreadsheet includes a line graph, which compares four cumulative revenue scenarios:
  - 100% of the upfront costs applied to this project, but no revenue share
  - 100% of the upfront costs applied to this project, but including the revenue share
  - 50% of the upfront costs applied to this project, but no revenue share
  - 50% of the upfront costs applied to this project, including revenue share.

These scenarios are intended to illustrate the maximum cumulative NPV revenue as well as the NPV costs of providing the incentive. The 50% of upfront costs illustration is applying the measure previously discussed by the Finance Commission to the current model.

- A detailed analysis was provided by Commissioner Faber, which is the basis for much of the NPV calculations. When I updated the data for the current sales tax assumptions and made other modifications, I was not able to make all the functions work properly, such as investment rate of return and years to break even. I fundamentally changed some presentation, including factoring in the upfront costs into the main spreadsheets, so this has altered the base data. Thanks to Commissioner Faber for this great work.
- Utility tax revenue is based on estimates of typical electricity usage by grocery and convenience stores by square footage. These estimates were found on the federal government's Energystar program. We used 20,000 square feet as a conservative estimate and minimal telecommunications and natural gas usage.

### *Sales Tax Reimbursement*

In order to appropriately evaluate the request, one should evaluate the two different incentive requests separately. The upfront costs of the project represent the Village's risk and the attached worksheets analyze this risk. However, the sales tax incentives are funds we would not get, but for the project moving forward. This part of the agreement is a performance-based agreement where if, and only if, the Developer performs, they would be eligible for reimbursement. The risk is solely on the Developer once the Village's initial investment is reimbursed. Furthermore, Taft Avenue becomes an asset, albeit one that we have to maintain, but this public improvement will enhance future economic development opportunities in this area.

### *NPV*

Net present value is used as a key evaluation tool to estimate and normalize the long terms costs and present and compare them in today's dollars. For purposes of this presentation, we looked at long term borrowing costs over the past 10 years (4.2%). The Developer has used 6%. In these analyses where the nominal dollars remain the same, the discount rate used to calculate the NPV does not change the overall comparison of NPV costs and benefits. However, adjusting the NPV will impact the magnitude of dollars included in the presentation.

### *Displacement*

The issue of displacement or cannibalization, while a worthwhile concept to consider in this type of analysis, is difficult to compute. Displacement is a market driven issue. While it is possible to hire a consultant to prepare a gravity model to estimate a fairly accurate percentage of possible displacement, that type of analysis is more time consuming and costly than the benefit of the analysis would yield. A gravity model would analyze where the various stores draw from, what their sales volumes are, and drive times to the various stores, among other things.

While it makes conceptual sense to factor in some percentage of loss to the Village's sales tax revenue from sales that will be drawn away from similar stores in the community, it may not be wise to focus too closely on a specific percentage, since we are wholly unsure of what that number would

be. We should consider that if we do not move forward with this development, the Village of Glen Ellyn will still likely experience diversion, without the benefit of any revenue from a new grocer. For example, the proposed grocer could locate in another nearby community and continue to draw sales from our stores, or the proposed Mariano's in Wheaton could draw from our stores.

### ***Results***

As depicted in the revenue analysis, the Village stands to realize 100% of its upfront investment returned within 5-14 years with the most likely scenario being 6 or 7 years. In addition, this analysis projects that the Village will realize 50% of its upfront investment returned within 3-7 years with the most likely scenario being 4 years. Using the most likely model, the Village's 10 year net is estimated at nearly \$678,746 and the Village and other tax agencies 10 year net is estimated at almost \$1.6 million. Remember, these are conservative projections as explained in the incentive request section above and once the Village pays off this initial investment, all revenue is new revenue. The upside on this project is significant, given the actual sales generated in other locations.

### **Economic Development Incentive Guidelines**

The Village has recently approved in concept Economic Development guidelines in which to apply requests for financial assistance from developers and businesses. This project is eligible since it meets the following objectives:

- Attracting businesses/developers to high priority redevelopment sites
- Attracting high priority and unique businesses to the Village that improve the overall mix of uses
- Improving properties which are considered unattractive or have been vacant for a long period of time
- Introducing uses which further the Village's reputation as a destination for shopping, dining, cultural events and entertainment

In addition, the following review criteria have been considered and analyzed to determine the appropriate threshold of assistance given to the developer to allow for a reasonable rate of return on the project:

- Enhancement and diversification of Village revenue base-*positive*
- Conformance with Comprehensive Plan goals and objectives-*positive*
- Improvement of economic base through attraction, retention or expansion of businesses-*positive*
- Attraction of high priority business that would enhance diversity of businesses and vitality in the Village's business districts-*positive*
- Fulfillment of an underserved business segment-*moderate*
- Presence of extraordinary costs above and beyond typical development improvement costs, such as prohibitively expensive:
  - Environmental remediation-*unknown*
  - Capital purchases-*Yes*
  - Facility expansion-*Yes*

- Public infrastructure-*Yes*
- Governmental impositions (impact fees, storm water retention, public infrastructure improvements, shared parking etc.)-*Yes*
- Significant increase in employment-*positive, 90 new jobs include 54 full-time jobs*
- Enhancement of streetscape and pedestrian experiences-*Yes*
- Improvement of public infrastructure-*Yes*
- Provision of a variety of quality housing choices-*No*
- Quality of development and aesthetics above and beyond code requirements and design standards-*Yes, has pledged to invest in a higher end façade and exceed design requirements, see site renderings in proposal*
- Demonstrated ability to construct, operate and maintain the proposed project based upon past experience, reputation and credit history-*Yes, see SRS Capabilities Overview*
- Demonstrated probability of economic success—*See “Revenue Analysis”*

### **Economic Development Analysis**

#### *Positives*

- Meets the economic development incentive guidelines objectives and meets many of the criteria.
- Development could be a catalyst for long term improvements on the Roosevelt Road corridor which benefits both Glen Ellyn and Wheaton and the community as a whole.
- Developer will add to the real estate tax base (EAV) in Glen Ellyn – benefitting the Village and other taxing bodies.
- Neighboring businesses (to the east) may remodel/rebuild to become higher sales tax generators given traffic generated by anchor tenant and new access via Taft Avenue.
- Neighboring properties that are upgraded may add to real estate tax base (EAV) and sales tax base in Glen Ellyn.
- Anchor tenant’s operation overlaps with existing businesses in GE but brings new product offerings as well.
- Anchor tenant will likely attract shoppers to GE that haven’t shopped here frequently in the past.
- Anchor tenant will likely attract additional shopper traffic that will benefit other stores/businesses.
- Capture dollars that may be leaving Glen Ellyn already.
- TFM alone is anticipated to generate 90 new jobs within the Village, with 60% (54) being full-time and 40% (36) part-time; these employees eat and shop in Glen Ellyn which has a spillover effect.
- In this difficult economic climate, this project would be beneficial from marketing standpoint.
- If the project does not happen, the property would remain vacant and the Village would have to start over in a search for another opportunity.
- If project does not happen, Glen Ellyn could see more shopper displacement to other specialty stores outside of Glen Ellyn, decreasing sales tax revenue

### *Negatives*

- Glen Ellyn has historically taken a conservative approach with respect to economic incentives in general.
- This project could set a precedent that could lead to more incentive agreements and the belief that the Village is negotiating against themselves.
- Significant upfront costs
- 10 year term is a long agreement
- The sales tax reimbursement minimizes the positive effect this could have on overall sales tax generation from this project.
- Other TFM projects in the area did not receive incentives (However, most, if not all TFM projects were not re-development sites).
- We have been unable to definitively determine the minimum amount of incentive necessary to make the development work.

### **Recommendation**

Village Management is looking forward to getting feedback from the Finance Commission and ultimately the Village Board. The Glen Ellyn Market is a unique development opportunity that requires a public investment upfront to facility the project. The total upfront investment is likely to be paid off in 6 or 7 years. The positives outweigh the negatives and with conservative sales tax projections, there is an opportunity for a significant upside to this project. The project will add to the tax base, workforce population, meets the economic incentive guideline requirements, and improves an area in need of investment in the critical Roosevelt Road corridor. Most importantly, utilizing the base (most likely) model, the Village's 10 year net is estimated at nearly \$678,746 and the Village and other tax agencies 10 year net is estimated at almost \$1.6 million. Remember, these are conservative projections as explained in the incentive request section above, and once the Village pays off this initial investment, all revenue is new revenue. The upside to this project is significant and the potential spillover makes this project even more attractive.

For these reasons, staff is recommending approval of the business terms, subject to Village Board direction, as follows: \$793,000 to be reimbursed upon completion and opening of TFM and \$1million in performance-based sales tax reimbursements on 60/40 split between Village/Developer and direction to prepare a redevelopment agreement between the Developer and Village.

If you have any questions, please let me know.

**10 year totals, Glen Ellyn Market**

|  | <u>Best</u>         | <u>Likely</u>       | <u>Worst</u>        | <u>Developer</u>    | <u>Developer, 6% NPV</u> |
|--|---------------------|---------------------|---------------------|---------------------|--------------------------|
| <b>Total Sales</b>   | \$ 309,067,071      | \$ 231,800,303      | \$ 121,918,475      | \$ 231,800,303      | \$ 231,800,303           |
| <b>Ongoing Revenues</b>  |                     |                     |                     |                     |                          |
| Local Sales Tax  | \$ 3,090,671        | \$ 2,318,003        | \$ 1,219,185        | \$ 2,318,003        | \$ 2,318,003             |
| Estimated Home Rule Sales Tax  | \$ 695,401          | \$ 463,601          | \$ 182,878          | \$ 463,601          | \$ 463,601               |
| Utility Taxes  | \$ 50,000           | \$ 40,000           | \$ 30,000           | \$ 30,000           | \$ 30,000                |
| Total new property tax generated   | \$ 73,077           | \$ 68,776           | \$ 64,671           | \$ 64,671           | \$ 64,671                |
| <b>Total ongoing revenues</b>  | <b>\$ 3,909,149</b> | <b>\$ 2,890,380</b> | <b>\$ 1,496,734</b> | <b>\$ 2,876,275</b> | <b>\$ 2,876,275</b>      |
| <b>One Time Revenues</b>   |                     |                     |                     |                     |                          |
| Building Permit Fees   | \$ 27,800           | \$ 27,800           | \$ 27,800           | \$ 27,800           | \$ 27,800                |
| <b>Total one time revenue</b>  | <b>\$ 27,800</b>         |
| <b>Total 10 year revenues</b>  | <b>\$ 3,936,949</b> | <b>\$ 2,918,180</b> | <b>\$ 1,524,534</b> | <b>\$ 2,904,075</b> | <b>\$ 2,904,075</b>      |
| <b>Costs</b>   |                     |                     |                     |                     |                          |
| Up front capital contribution  | \$ 793,000          | \$ 793,000          | \$ 793,000          | \$ 793,000          | \$ 793,000               |
| Developer Share of Sales Tax   | \$ 1,000,000        | \$ 890,113          | \$ 392,577          | \$ 1,000,000        | \$ 1,000,000             |
| Displacement   | \$ 378,607          | \$ 556,321          | \$ 420,619          | \$ 278,160          | \$ 278,160               |
| <b>Total costs</b>   | <b>\$ 2,171,607</b> | <b>\$ 2,239,434</b> | <b>\$ 1,606,196</b> | <b>\$ 2,071,160</b> | <b>\$ 2,071,160</b>      |
| <b>Village 10 year net</b>   | <b>\$ 1,765,342</b> | <b>\$ 678,746</b>   | <b>\$ (81,663)</b>  | <b>\$ 832,915</b>   | <b>\$ 832,915</b>        |
| <i>10 year net present value of total revenue before incentives</i>                                      | \$ 2,777,725        | \$ 1,836,471        | \$ 856,254          | \$ 2,044,287        | \$ 1,857,349             |
| <i>10 year net present value of total revenue after incentives</i>                                       | \$ 1,191,309        | \$ 375,134          | \$ (217,408)        | \$ 496,325          | \$ 394,231               |
| <i>10 year net present value of incentives</i>   | \$ 1,586,417        | \$ 1,461,338        | \$ 1,073,662        | \$ 1,547,963        | \$ 1,463,117             |
| <b>Year in which revenue totals 100% of up front costs</b>   | 5                   | 7                   | 14                  | 6                   | 6                        |
| <b>Year in which revenue totals 50% of up front costs</b>  | 3                   | 4                   | 7                   | 4                   | 4                        |
| <i>Total incentive request (up front and sales tax share) / total sales tax (including displacement)</i> | 43%                 | 50%                 | 65%                 | 59%                 | 59%                      |
| <b>New Revenues to other agencies</b>  |                     |                     |                     |                     |                          |
| New SSA Revenue  | \$ 21,478           | \$ 20,214           | \$ 19,008           | \$ 19,008           | \$ 19,008                |
| New property tax revenue   | \$ 1,017,625        | \$ 957,738          | \$ 900,571          | \$ 900,571          | \$ 900,571               |
| <b>Total new revenue (10 years) to Village and other taxing agencies</b>                                 | <b>\$ 2,804,445</b> | <b>\$ 1,656,698</b> | <b>\$ 837,916</b>   | <b>\$ 1,752,493</b> | <b>\$ 1,752,493</b>      |

Detailed notes and assumptions are located on the following pages.

December 9, 2011

Board of Trustees  
Village of Glen Ellyn  
535 Duane Street  
Glen Ellyn, IL 60137

Attn: Mr. Mark Pfefferman  
Village President

Dear Mr. President and Village Board Members:

The Finance Commission and the village management team recently reviewed a proposed economic incentive arrangement with the contract purchaser (the "Developer") of the former Webb Dodge property on Roosevelt Road.

At today's meeting, by unanimous vote of those present, the Finance Commission approved the following recommendation to the Village Board:

- 1) The Village will reimburse a maximum of \$793,000 of demolition/construction costs for certain roadway and site improvements. The majority of these costs relate to the extension of Taft Avenue from its present point of termination continuing west to the Wheaton border. Such costs are identified on page 3 of the memo from Mark Franz dated December 7, 2011. The amount of reimbursement is a not-to-exceed amount and may be less depending on actual costs incurred by the Developer as verified by village management.
- 2) The Village will rebate sales taxes generated from retail activity on the Developer's property based on the following terms:
  - a. Total amount of rebates shall not exceed \$1,000,000.
  - b. The total time period for rebates shall not exceed 10 years.
  - c. Sales taxes shall be shared as follows:
    - i. Total sales taxes received by the village (including regular sales taxes and Glen Ellyn's home rule sales taxes) will be reduced by 20% to reflect the expectation that some of the retail activity on the property will be sales that are displaced from existing retailers in Glen Ellyn. We refer to total sales taxes less the 20% displacement factor as the "Shared Sales Taxes."\*
    - ii. The Village shall rebate 40% of the Shared Sales Taxes to the Developer subject to the limits mentioned above.

\* The model we have been using reflects sales and sales taxes from the anchor tenant only. When the final agreement is negotiated, the Board and management may want to consider a slightly lower displacement factor on total sales taxes generated by the subject property assuming that other tenants may not be displacing sales from elsewhere in Glen Ellyn.

Management will provide you with the complete package of information that we have reviewed. I have attached several selected pages and call your attention to the following key points:

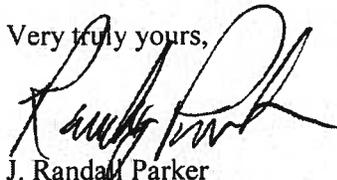
- We have analyzed three different scenarios in our review – Likely Case, Worst Case and Best Case. We placed significant emphasis on the Likely Case in our review. This case is presented in Attachment A.
- In the Likely Case, the Village will realize (net of the rebate to the Developer) incremental sales taxes beginning in Year 1 of \$86,400, reaching \$164,510 in Year 10.
- In the Likely Case, the Village will realize increased real estate taxes on the subject property (estimated at \$6,750 in Year 2, reaching \$8,575 in Year 10) and additional utility taxes (estimated at a constant \$4,000 per year).
- For purposes of analyzing the amount of time required to “pay back” the initial cost reimbursement of \$793,000, all cash flows have been discounted back to constant dollars.
- Under the Likely Case, the Village is able to recoup 100% of the \$793,000 cost reimbursement during Year 7.
- Because a meaningful portion of the up-front cost reimbursement covers investment in what will become public improvements (road and parkway), the Finance Commission did not feel it was fair to burden the Developer’s project with 100% of these costs. The Finance Commission determined that 50% of the cost reimbursement should be subject to a payback period not to exceed seven years. Under the Likely Case, the Village is able to recoup 50% of the \$793,000 cost reimbursement during Year 4. See the purple line on Attachment B.
- Finally, the Finance Commission determined that it is important that the project has an internal rate of return that is greater than the Village’s long term cost of borrowing. Attachment C sets forth the IRR for each case. The IRR for the Likely Case is 11.4% - significantly greater than the Village’s 4.2% average cost of long-term borrowing over the past ten years.

While we did not include these numbers in our analysis, please note that in the Likely Case the project should result in approximately \$100,000 in increased annual real estate taxes from the subject property – the result of which is to lessen the tax burden (village taxes, school taxes, park district taxes, etc.) on other taxpayers in the community.

A year ago as part of our analysis of management’s five year forecast, the Finance Commission identified the need to address a mismatch in growth rates of revenues and expenses which were projected to result in a \$6 million cumulative deficit over five years. One of our proposed solutions was a robust focus by the Village Board and management on economic development initiatives that would result in significant increases in sales tax revenues. This project is a good first step in addressing the projected deficit.

If you have questions or require clarification, please contact me.

Very truly yours,



J. Randall Parker  
Chairman  
Finance Commission  
Village of Glen Ellyn

Attachment A

# The Glen Eilyn Market-Cost Benefit Analysis-LIKELY

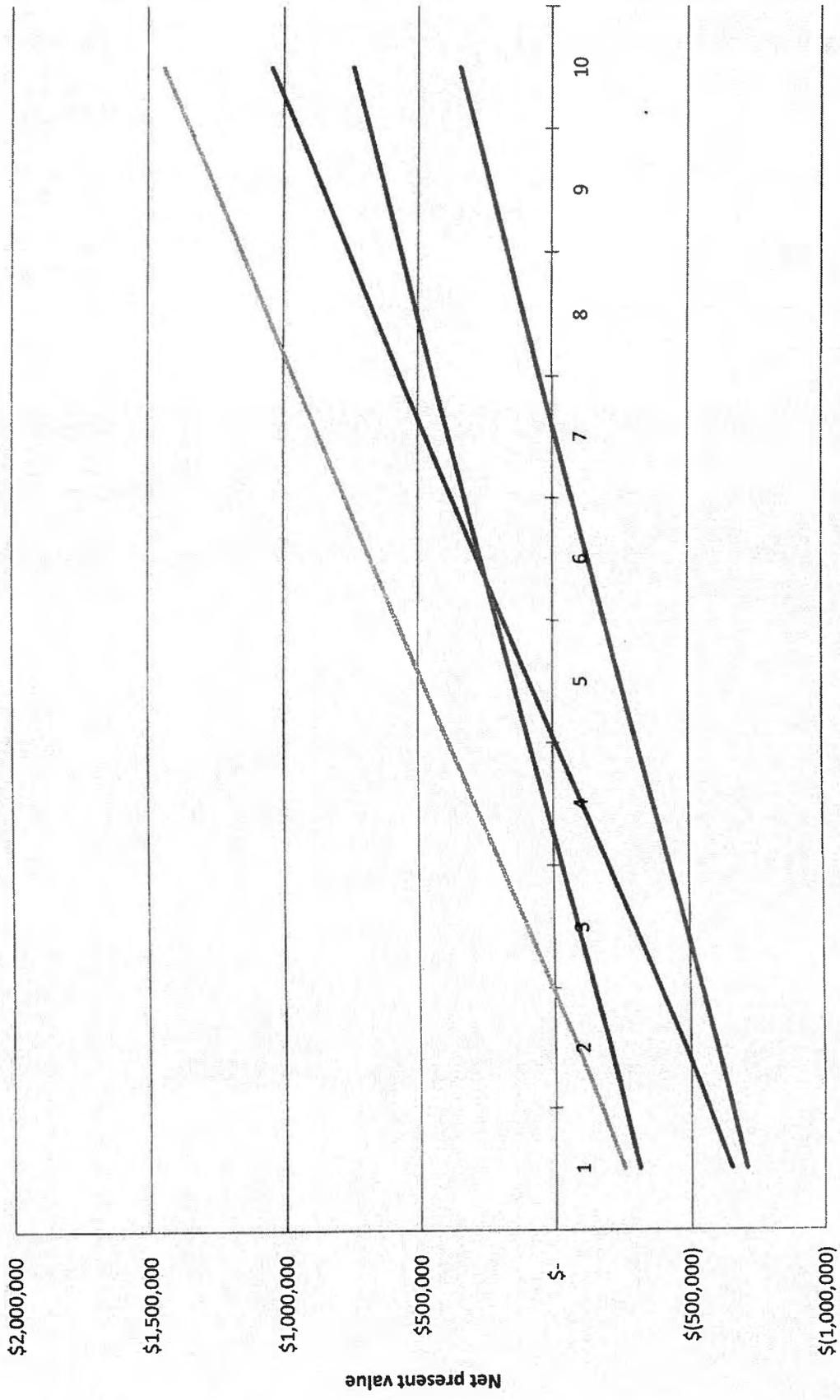
The Glen Eilyn Market (2.2 acres)  
 (Total Project Cost = \$12,340,000)

| Year         | Sales Tax             |                     |                   | Property Tax        |                     |                     | Utility Tax       |            |           |                  |                     | Summary and analytics |                     |                     |                     |                   | Revenue to others |                   |      |
|--------------|-----------------------|---------------------|-------------------|---------------------|---------------------|---------------------|-------------------|------------|-----------|------------------|---------------------|-----------------------|---------------------|---------------------|---------------------|-------------------|-------------------|-------------------|------|
|              | A                     | B                   | C                 | D                   | E                   | F                   | G                 | H          | I         | J                | K                   | L                     | M                   | N                   | O                   | P                 | Q                 | R                 | S    |
| 1            | \$ 15,000,000         | \$ 150,000          | \$ 30,000         | \$ (38,000)         | \$ 144,000          | \$ 88,400           | \$ 57,600         | \$ 912,810 | \$ -      | \$ -             | \$ 4,000            | \$ 148,000            | 4.20%               | \$ 142,035          | \$ 90,400           | \$ 88,756         | \$ 55,278         | \$ -              | \$ - |
| 2            | 18,000,000            | 180,000             | 36,000            | (43,200)            | 172,800             | 103,680             | 69,120            | 2,500,000  | 1,587,190 | 6,750            | 183,550             | 8.58%                 | 169,052             | 114,430             | 105,392             | 63,660            | 1,984             | 94,001            |      |
| 3            | 20,520,000            | 205,200             | 41,040            | (49,248)            | 196,992             | 118,195             | 78,797            | 2,550,000  | 1,637,190 | 6,963            | 207,955             | 13.14%                | 183,809             | 129,158             | 114,161             | 69,647            | 2,046             | 96,962            |      |
| 4            | 22,572,000            | 225,720             | 45,144            | (54,173)            | 216,691             | 130,015             | 86,676            | 2,601,000  | 1,688,190 | 7,180            | 227,871             | 17.89%                | 193,294             | 141,195             | 119,770             | 73,524            | 2,110             | 99,982            |      |
| 5            | 23,474,880            | 234,748             | 46,950            | (56,340)            | 225,359             | 135,215             | 90,144            | 2,653,020  | 1,740,210 | 7,401            | 238,760             | 22.84%                | 192,739             | 146,816             | 119,356             | 73,383            | 2,175             | 103,063           |      |
| 6            | 24,413,875            | 244,139             | 48,828            | (58,593)            | 234,373             | 140,624             | 93,749            | 2,705,080  | 1,793,270 | 7,627            | 246,000             | 28.00%                | 192,189             | 152,251             | 118,947             | 73,242            | 2,242             | 106,206           |      |
| 7            | 25,390,430            | 253,904             | 50,781            | (60,937)            | 243,748             | 146,248             | 97,496            | 2,760,202  | 1,847,392 | 7,857            | 255,605             | 33.37%                | 191,844             | 158,108             | 118,542             | 73,102            | 2,309             | 109,411           |      |
| 8            | 26,406,047            | 264,060             | 52,812            | (63,375)            | 253,498             | 152,098             | 101,398           | 2,815,406  | 1,902,596 | 8,092            | 265,590             | 38.98%                | 191,104             | 164,191             | 118,143             | 72,961            | 2,378             | 112,681           |      |
| 9            | 27,462,289            | 274,623             | 54,925            | (65,908)            | 263,638             | 158,183             | 105,455           | 2,871,714  | 1,958,904 | 8,331            | 275,969             | 44.81%                | 190,569             | 170,514             | 117,747             | 72,821            | 2,449             | 119,015           |      |
| 10           | 28,560,781            | 285,608             | 57,122            | (68,546)            | 274,183             | 164,510             | 109,573           | 2,929,148  | 2,016,338 | 8,575            | 286,759             | 50.90%                | 190,038             | 177,086             | 117,356             | 72,682            | 2,520             | 119,417           |      |
| <b>Total</b> | <b>\$ 231,800,303</b> | <b>\$ 2,318,003</b> | <b>\$ 463,601</b> | <b>\$ (556,321)</b> | <b>\$ 2,225,253</b> | <b>\$ 1,335,170</b> | <b>\$ 890,113</b> |            |           | <b>\$ 68,776</b> | <b>\$ 2,339,059</b> |                       | <b>\$ 1,836,471</b> | <b>\$ 1,443,946</b> | <b>\$ 1,136,170</b> | <b>\$ 700,391</b> | <b>\$ 20,214</b>  | <b>\$ 957,738</b> |      |

Requesting 793,000 up front to pay for acquisition and reconstruction of Taft, plus extraordinary costs associated with the project

- A: Assumes \$15 million annually sales, assumes 20%, 14%, 10%, 4% increases every year thereafter
- B: Assumes 1% of total sales
- C: Assumes 20% of sales would be HRST eligible
- D: Assume 20% of sales are taken from existing Glen Eilyn grocery stores
- E: Total net sales (B+C-D) available for revenue share
- F & G: Village/Developer share 60%/40% for 10 years or 1 million, whichever first occurs
- H: Current EAV; Projected EAV of between \$2.5 and \$2.8 million, growth at 2%
- I: Difference in projected EAV and Current EAV to estimated new revenue
- J: Estimated increase in Property Tax (Village Share Only) at current tax rate of .4253%
- K: \$4,000 annual utility taxes, no growth expected
- L: Total of sales tax, home rule sales tax, property tax, and utility tax revenue, less displacement
- M: Discount factor applied for each year, based on average long term interest rate paid by Village, secured over the last 10 years
- N: Discounted present value of total annual Village Revenue (L), excluding any payouts
- O: Village Revenue (L), less sales tax cost sharing requested by developer
- P: Discounted present value for Village revenue less developer sales tax share (O)
- Q: Difference of the Discounted present value of Village revenue before (N) and after (P) payment of developer request
- R: New SSA revenue at 0.00125 rate on new EAV/increment
- S: New property tax revenue for other taxing districts

### Comparison of cumulative Village cash flows with Likely Case economic assumptions



— 100% up front costs, no revenue share — 100% up front costs and revenue share  
— 50% up front costs, no revenue share — 50% up front costs and revenue share

Attachment C

### Internal Rate of Return, Glen Eilyn Market

| Investment of \$793,000      |    | Best         | Likely       | Worst        | Developer    |
|------------------------------|----|--------------|--------------|--------------|--------------|
| Year                         |    |              |              |              |              |
| 1                            | \$ | 137,300      | \$ 90,400    | \$ 51,300    | \$ 100,200   |
| 2                            | \$ | 170,510      | \$ 114,430   | \$ 62,880    | \$ 126,390   |
| 3                            | \$ | 193,056      | \$ 129,158   | \$ 66,706    | \$ 142,826   |
| 4                            | \$ | 211,483      | \$ 141,195   | \$ 69,656    | \$ 156,231   |
| 5                            | \$ | 219,785      | \$ 146,616   | \$ 70,361    | \$ 162,190   |
| 6                            | \$ | 228,415      | \$ 152,251   | \$ 71,073    | \$ 168,384   |
| 7                            | \$ | 237,387      | \$ 158,106   | \$ 71,793    | \$ 174,823   |
| 8                            | \$ | 280,285      | \$ 164,191   | \$ 72,520    | \$ 181,516   |
| 9                            | \$ | 417,890      | \$ 170,514   | \$ 73,254    | \$ 188,473   |
| 10                           | \$ | 434,430      | \$ 177,086   | \$ 73,995    | \$ 197,082   |
| <b>10 year Internal Rate</b> |    | <b>23.0%</b> | <b>11.4%</b> | <b>-2.5%</b> | <b>13.6%</b> |

**Notes:**

Nominal value of the Village revenue after incentive  
 Long term cost of capital: 4.2%

A-10

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MEMORANDUM

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TO: Mark Franz, Village Manager

FROM: Staci Hulseberg, Planning and Development Director  
Michele Stegall, Village Planner *MFS*

DATE: December 6, 2011

FOR: December 12, 2011 Village Board Meeting

SUBJECT: Cottage Avenue Water Tower – DuComm Antennae  
Special Use Permit

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**Background.** The Village has submitted an application for approval of a Special Use Permit to allow two existing DuPage Public Safety Communications (DuComm) antennae located on top of the Cottage Avenue water tower to remain. The antennae are located at a height of just under 150 feet as measured from the base of the water tower. The subject property is located on the south side of Cottage Avenue between Western Avenue and Pleasant Avenue in the R2 Residential zoning district and is commonly known as 439-447 Cottage Avenue.

In 2008, a new T-Mobile tripod was installed on top of the water tower and the two subject DuComm antennae were relocated on top of the tripod thereby increasing their height from 140 feet to just under 150 feet. This was done to avoid any degradation of DuComm's radio signals after the T-Mobile equipment was installed.

The DuComm antennae are used to support emergency police and fire services throughout Glen Ellyn and surrounding communities. One of the antennae supports emergency police communications in Glen Ellyn and Wheaton and the other supports fire communications in Glen Ellyn, Glenside, Wheaton, Winfield, Carol Stream and West Chicago.

The police antenna is 19 feet tall and the fire antenna is 20 feet tall. A survey conducted by Steinbrecher Land Surveyors in 2008 found that the antennae are located at heights of 149.08 and 149.78 feet measured from the base of the water tower to the top of the antennae. This is one of a number of height surveys conducted by various parties over the last few years. All of these surveys show the height of the DuComm antennae between 146+ and 149+ feet tall and the height of the water tower between 123+ and 125+ feet tall.

The Zoning Code does not require a Special Use Permit for the installation of antennae, but only for the installation of antenna support structures. However, there is a condition in Ordinance 5606 which approved the installation of the T-Mobile tripod on the water tower which states that "The petitioner will relocate the DuComm antennae as directed by DuComm at T-Mobile expense, including if necessary, mounting the DuComm antennae on top of the T-Mobile tripod to ensure DuComm maintains an unobstructed signal from all directions. In the event that the DuComm antennas exceed their current height of 140 feet, such relocation will require approval of a Special Use Permit for such purpose". We believe this condition was written in error since staff did not recognize at the time that approval was not required for an antenna. This has been a point of

contention in the ongoing lawsuit regarding the installation of the T-Mobile tripod on the tower. In light of this condition, a Special Use Permit application has been voluntarily applied for even though it is not believed to be required.

**Recommendation.** The Plan Commission reviewed the request at a public hearing on October 13, 2011. A total of three people spoke at the hearing in opposition to the request. By a vote of 9-0, the Plan Commission recommended approval of the application.

The Commission debated whether or not to recommend placing a restriction on the height of the DuComm antennae. Such a condition was not ultimately included in the Plan Commission's motion. However, the Commission asked staff to communicate that they would not be opposed to such a condition if the Village Board believes it is appropriate. If the Village Board wishes to impose such a restriction, DuComm Executive Director Brian Tegtmeier has expressed a concern about such a height restriction potentially being set at 150 feet which is just above the height of the existing antennae. This is partly due to past difficulties in obtaining consistent height surveys for the antennae and a concern that any slight increase in height resulting from future work or maintenance such as switching out an antenna could result in noncompliance. For this reason, if the Board is in favor of adopting a height restriction, staff would recommend that the minimum restriction be set at 155 feet.

**Action Requested.** The Village Board may approve, approve with conditions or deny the request. A draft Ordinance approving the request has been prepared for consideration at the December 12, 2011 Village Board meeting.

**Attachments.**

- Location Map for Public Hearing Notice
- Public Hearing Notice
- Mailing Labels for Public Hearing Notice
- Minutes from October 13, 2011 Plan Commission Meeting
- Ordinance 5606
- Draft Ordinance
- Application Packet

Cc: Stewart Diamond, Village Attorney  
Ellen Emery, Village Attorney  
Staci Hulseberg, Planning and Development Director  
Phil Norton, Police Chief  
Jeff Perrigo, Interim Public Works Director  
Bob Greenberg, Public Works Project Coordinator  
Gary Bach, Public Works Senior Plant Operator  
Brian Tegtmeier, DuComm Executive Director  
Jerry Chapman, DuComm

# 439-447 Cottage Avenue



Prepared By: Planning and Development  
Date: September 26, 2011



## NOTICE OF PUBLIC HEARING

The Village of Glen Ellyn is requesting approval of a Special Use Permit for two (2) existing DuPage Public Safety Communications (DuComm) antennae, which have already been placed on a tripod constructed by T-Mobile at the top of the Cottage Avenue water tower located at 439-447 Cottage Avenue. The two (2) DuComm antennae are located at a height of approximately 150 feet above the base of the water tower. The antennae are used to send and receive electronic signals regulating police and fire services. The Village believes that its ordinances require special uses for antenna structures, but not antennae themselves. In addition, the Village believes that these antennae will be in substantial conformity with Village ordinances without the granting of a Special Use Permit. Although the Village does not believe that a Special Use Permit is required, it has chosen to voluntarily apply for such a Special Use.

Before the Glen Ellyn Village Board can consider the request, the Plan Commission must conduct a public hearing. The Plan Commission will conduct a public hearing to consider the requested Special Use Permit on **Thursday, October 13, 2011 at 7:30 p.m.** in a meeting room on the third floor of the Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois.

The subject property is located on the south side of Cottage Avenue between Pleasant Avenue and Western Avenue in the R2 Residential zoning district and is legally described as follows:

LOTS 1 THROUGH 5 IN MCANDREWS AND JAMES SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 05-11-304-009 AND 05-11-304-035

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. Plans related to the request are available for public review in the Planning and Development Department of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the request should be directed to Michele Stegall, Village Planner, 630-547-5249.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village 24 hours in advance of the meeting.

X:\Plandev\PLANNING\DEVELOPMENT PROJECTS\Cottage\Cottage 439-447, DuComm\Public Hearing Notice.doc

NOTTER, COLLEEN & PETER  
OR CURRENT OWNER  
574 PLEASANT AVE  
GLEN ELLYN IL 60137

POMNITZ, MARK & BARBARA  
OR CURRENT OWNER  
459 COTTAGE AVE  
GLEN ELLYN IL 60137

DELUNA, DAVID & JENNIFER  
OR CURRENT OWNER  
416 ANTHONY ST  
GLEN ELLYN IL 60137

ZYBKO, JEROME  
OR CURRENT OWNER  
432 ANTHONY ST  
GLEN ELLYN IL 60137

CLEMENTS, DENNIS J  
OR CURRENT OWNER  
566 PRAIRIE AVE  
GLEN ELLYN IL 60137

DILLARD, WILLIAM & J  
OR CURRENT OWNER  
452 COTTAGE AVE  
GLEN ELLYN IL 60137

ZEMENAK, JOHN R & CARA E  
OR CURRENT OWNER  
453 ANTHONY ST  
GLEN ELLYN IL 60137

SCHLESSER, MICHELE C  
OR CURRENT OWNER  
566 PLEASANT AVE  
GLEN ELLYN IL 60137

CORNELL, JEFFREY W & KELLY  
OR CURRENT OWNER  
570 PLEASANT AVE  
GLEN ELLYN IL 60137

AGRO, CARL & ROXANA  
OR CURRENT OWNER  
444 COTTAGE AVE  
GLEN ELLYN IL 60137

RISNER, JAMES  
OR CURRENT OWNER  
424 ANTHONY ST  
GLEN ELLYN IL 60137

KERN, GARRETT  
OR CURRENT OWNER  
428 ANTHONY  
GLEN ELLYN IL 60137

NORTON, PETER B & HEATHER  
OR CURRENT OWNER  
474 COTTAGE AVE  
GLEN ELLYN IL 60137

THOMAS, SUSAN ELLEN  
OR CURRENT OWNER  
465 COTTAGE AVE  
GLEN ELLYN IL 60137

LITTLEHALE, D & G FROMAN  
OR CURRENT OWNER  
454 ANTHONY ST  
GLEN ELLYN IL 60137

WALCH, DAMIAN  
OR CURRENT OWNER  
456 COTTAGE AVE  
GLEN ELLYN IL 60137

SNYDER, JOHN & JEAN O  
OR CURRENT OWNER  
569 PRAIRIE AVE  
GLEN ELLYN IL 60137

DAWE, WILLIAM C & CAROL J  
OR CURRENT OWNER  
413 COTTAGE AVE  
GLEN ELLYN IL 60137

MORTON JR, ROBT J & JOAN  
OR CURRENT OWNER  
420 ANTHONY ST  
GLEN ELLYN IL 60137

SCHOENING, DAVID & ROSE  
OR CURRENT OWNER  
470 COTTAGE AVE  
GLEN ELLYN IL 60137

LUCAS, NATHAN A & LAURIE  
OR CURRENT OWNER  
419 COTTAGE AVE  
GLEN ELLYN IL 60137

FITZGERALD, JAMES & JUDITH  
OR CURRENT OWNER  
570 PRAIRIE AVE  
GLEN ELLYN IL 60137

DEAN, FORREST A & KAREN L  
OR CURRENT OWNER  
448 COTTAGE AVE  
GLEN ELLYN IL 60137

HOWARD, JUDITH K TR  
OR CURRENT OWNER  
464 ANTHONY ST  
GLEN ELLYN IL 60137

ALLSOPP, MARY F  
OR CURRENT OWNER  
575 PLEASANT AVE  
GLEN ELLYN IL 60137

ECCLESTON, ARTHUR G  
OR CURRENT OWNER  
562 PRAIRIE AVE  
GLEN ELLYN IL 60137

VILLAGE OF GLEN ELLYN  
OR CURRENT OWNER  
535 DUANE ST  
GLEN ELLYN IL 60137

AMBLER, CHRISTIAN D  
OR CURRENT OWNER  
464 COTTAGE AVE  
GLEN ELLYN IL 60137

NAFZIGER, JAMES R  
OR CURRENT OWNER  
412 ANTHONY  
GLEN ELLYN IL 60137

KIKER, C KEITH & SUSAN B  
OR CURRENT OWNER  
460 ANTHONY ST  
GLEN ELLYN IL 60137

SITLEY, STEPHAN  
OR CURRENT OWNER  
436 ANTHONY ST  
GLEN ELLYN IL 60137

CHEJFEC, CHARLES & SHANNON  
OR CURRENT OWNER  
427 COTTAGE AVE  
GLEN ELLYN IL 60137

EDWARDS, CHARLES D  
OR CURRENT OWNER  
461 ANTHONY  
GLEN ELLYN IL 60137

MILLER, TIMOTHY & PAULA  
OR CURRENT OWNER  
581 PRAIRIE AVE  
GLEN ELLYN IL 60137

BRYANT, URSULA H TRUST  
OR CURRENT OWNER  
431 ANTHONY ST  
GLEN ELLYN IL 60137

CLEWLOW, ROBERT & DEBBIE  
OR CURRENT OWNER  
465 ANTHONY ST  
GLEN ELLYN IL 60137

PITTS, LAURA A  
OR CURRENT OWNER  
628 EUCLID AVE  
GLEN ELLYN IL 60137

WAGNER, AMY & S HINDSLEY  
OR CURRENT OWNER  
580 PRAIRIE AVE  
GLEN ELLYN IL 60137

RICHARDSON, DEBBY  
OR CURRENT OWNER  
438 ANTHONY ST  
GLEN ELLYN IL 60137

DU MERER, JOHN & REBECCA  
OR CURRENT OWNER  
453 COTTAGE AVE  
GLEN ELLYN IL 60137

CRONAN, PATRICK  
OR CURRENT OWNER  
437 ANTHONY ST  
GLEN ELLYN IL 60137

FREDERICK, LANCE  
OR CURRENT OWNER  
442 ANTHONY ST  
GLEN ELLYN IL 60137

CORONELLI, THOMAS & E  
OR CURRENT OWNER  
457 COTTAGE AVE  
GLEN ELLYN IL 60137

GINGER, ANDREW & JOANN  
OR CURRENT OWNER  
419 ANTHONY ST  
GLEN ELLYN IL 60137

DUPAGE MEDICAL GROUP  
OR CURRENT OWNER  
1100 W 31ST ST  
DOWNERS GROVE IL 60515

RUISARD, DOROTHY BOEVE  
OR CURRENT OWNER  
433 COTTAGE AVE  
GLEN ELLYN IL 60137

NAPOLI, GREGORY D & DENA  
OR CURRENT OWNER  
574 PRAIRIE AVE  
GLEN ELLYN IL 60137

LAVERY, THOMAS & CATHERINE  
OR CURRENT OWNER  
449 ANTHONY ST  
GLEN ELLYN IL 60137

IOVINELLI JR, ANTHONY & J  
OR CURRENT OWNER  
441 ANTHONY ST  
GLEN ELLYN IL 60137

JOHNSON, LARRY K  
OR CURRENT OWNER  
579 PLEASANT AVE  
GLEN ELLYN IL 60137

VOCCIA, JOSEPH H & CAROL  
OR CURRENT OWNER  
448 ANTHONY ST  
GLEN ELLYN IL 60137

RIDINGER, TIMOTHY & PAMELA  
OR CURRENT OWNER  
577 PRAIRIE AVE  
GLEN ELLYN IL 60137

GLEN ELLYN, VILLAGE OF  
OR CURRENT OWNER  
535 DUANE ST  
GLEN ELLYN IL 60137

FELD, CHRISTINE & TRA OM  
OR CURRENT OWNER  
412 COTTAGE AVE  
GLEN ELLYN IL 60137

THOMPSON, KENNETH & GLENN  
OR CURRENT OWNER  
425 ANTHONY ST  
GLEN ELLYN IL 60137

RIDINGER, TIMOTHY & PAMELA  
OR CURRENT OWNER  
577 PRAIRIE AVE  
GLEN ELLYN IL 60137

BANK OF ILL DU PAGE  
OR CURRENT OWNER  
305 W ST CHARLES RD  
VILLA PARK IL 60181

PLAN COMMISSION  
MINUTES  
OCTOBER 13, 2011

The meeting was called to order by Chairman Julie Fullerton at 7:37 p.m. Plan Commissioners Craig Bromann, Todd Buckton, Linda Dykstra, Erik Ford, Jeff Girling, Julie McCormick, Ray Whalen and Lyn Whiston were present. Plan Commissioners Heidi Lannen and Jay Strayer were excused. Also present were Planning and Development Director Staci Hulseberg, Village Police Chief Phil Norton, Village Planner Michele Stegall, Village Attorney Julie Tappendorf, and Recording Secretary Barbara Utterback.

Chairman Fullerton described the Plan Commission procedure. On the agenda were two public hearings regarding DuComm and SCADA antennae at 439-447 Cottage Avenue.

PUBLIC HEARING – 439-447 COTTAGE AVENUE - DUCOMM

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT TO ALLOW TWO (2) EXISTING DUCOMM ANTENNAE LOCATED ON TOP OF THE COTTAGE AVENUE WATER TOWER TO REMAIN AT A HEIGHT OF APPROXIMATELY 150 FEET. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF COTTAGE AVENUE BETWEEN PLEASANT AVENUE AND WESTERN AVENUE IN THE R2 RESIDENTIAL ZONING DISTRICT.

*(Village of Glen Ellyn, Owner)*

Commissioner Buckton moved, seconded by Commissioner Whiston, to open the public hearing. The motion carried unanimously by voice vote.

Staff Introduction/Petitioner's Presentation

Village Planner Michele Stegall stated that the subject request is to allow two (2) existing DuPage public safety communication, or DuComm, antennae to remain on the Cottage Avenue water tower at a height of slightly under 150 feet. Ms. Stegall explained that the measurement of the height is from the base of the tower to the top of the antennae. Ms. Stegall described the location of the subject property which is on the south side of Cottage Avenue between Western Avenue and Pleasant Avenue. She displayed a map and stated that the property is in the R2 Residential zoning district surrounded by single-family homes. Ms. Stegall stated that in late 2007, T-Mobile was issued a building permit to put a tri-pod on top of the water tower. The DuComm antennae were subsequently relocated on top of that tri-pod which resulted in an increase of 10 feet in the height of the DuComm antennae. Ms. Stegall explained that the DuComm antennae are used to support emergency police and fire service in Glen Ellyn as well as other surrounding communities. Ms. Stegall displayed a photograph of the antennae and explained that the 19-foot tall antenna supports police communications and the 20-foot

tall antenna supports fire communications. She also explained that all of the equipment needed to support the antennae are located inside the base of the tower.

Ms. Stegall also introduced those present on behalf of the Village as follows: Staci Hulseberg, Planning and Development Director; Phil Norton, Police Chief; Jeff Perrigo, Village Interim Public Works Director, 30 S. Lambert Road, Glen Ellyn, Illinois; Bob Greenberg, Public Works Project Coordinator, 30 S. Lambert Road, Glen Ellyn, Illinois; Attorney Ellen Emery, Attorney for the Village of Glen Ellyn, Ancel Glink, 140 S. Dearborn Street, Chicago, Illinois; Brian Tegtmeyer, Executive Director of Communications for DuComm, 600 Wall Street, Glendale Heights, Illinois; and Jerry Chapman, Support Services Manager, DuComm, 600 Wall Street, Glendale Heights, Illinois.

Attorney Tappendorf explained for Commissioner Buckton that two attorneys on behalf of the Village were present as she was representing the Commission regarding procedural issues and Attorney Emery was present because she was involved in the litigation related to the installation of the T-Mobile tripod and has familiarity regarding the technical issues of the project.

Interim Public Works Director Perrigo displayed a power point presentation and provided information regarding two (2) antennae that have been set approximately ten (10) feet higher on the tower (from 140 feet to 150 feet) than they were before the T-Mobile tripod was installed. Mr. Perrigo explained that the reason for the installation being higher was to avoid radio signal interference with the T-Mobile antennae. Mr. Perrigo stated that the DuComm antennae on the tower support emergency services (police and fire) and are part of an area-wide system that encompasses six (6) communities. He elaborated that the DuComm antennae do not change the character of the area, do not damage the scenic features of the area, do not cause disturbance, hardship or hazard, do not increase flooding risk for adjacent properties or the production of environmentally harmful elements and do not increase the financial burden of the Village. Mr. Perrigo also stated that removing or lowering the antennae could have serious impacts on DuComm's ability to effectively operate.

Mr. Tegtmeyer provided a brief history of DuComm and stated that DuComm and the subject equipment have been in existence at this location since 1975. He also provided information regarding how DuComm operates and stated that the purpose of the antennae is to receive information from a police officer/fire fighter from a hand-held radio and that there is no transmission of power from the antennae. Mr. Tegtmeyer explained that two antennae at the subject site support three radio systems; therefore, the impact at this site has been minimized. He also explained that the subject location covers the Village appropriately and within their standards for public safety communication. Mr. Tegtmeyer further explained that the model and size of the antennae are needed to remain at this location to provide the maximum coverage for the best public safety.

Persons in Favor of or in Opposition to the Petition

Charles Chejfec, 427 Cottage Avenue, Glen Ellyn, Illinois spoke in opposition to the subject request. Mr. Chejfec is an attorney who represents residents in an ongoing lawsuit regarding the installation of T-Mobile equipment on the water tower. Mr. Chejfec provided personal background information regarding his history in the Village of Glen Ellyn.

Mr. Chejfec commented on Commissioner Buckton's question as to why two special use permits are required for DuComm and SCADA by stating that the permits were originally bundled but are not currently bundled because Village attorneys have separated the permits in order to make it easier to "get to the end". Mr. Chejfec stated that Village Ordinance 3810 states that antennae on the water tower are to be kept at a minimum, and that some residents opposed the T-Mobile application because the number of antennae was almost doubled on the water tower. Mr. Chejfec stated that the appellate court had no idea what "at a minimum" meant and that if the phrase "substantial conformance" is allowed to be used, it will be open-ended for the antennae to go up to 150 feet. Mr. Chejfec stated that the Village is currently violating Ordinance 5606 which approved a special use permit to allow the installation of the T-Mobile tripod on the water tower. Mr. Chejfec said that Mr. Perrigo stated the reason the DuComm antennae needed to go up higher than the original 140-foot limit is because of radio signal interference. Mr. Chejfec added that Ordinance 5606 also states that in the event the DuComm antennae exceeded their past height of 140 feet that such relocation would require approval of a special use permit, and he added that the antennae have been at more than 140 feet since they were relocated. Mr. Chejfec stated that the Village knew that the antennae violated Ordinance 5606 because the approved building permit dated December 13, 2007 show that the DuComm antennae are to be 143 feet which violates Ordinance 5606. Mr. Chejfec stated that antennae were installed seven months later at 148 and 149 feet. Mr. Chejfec stated that the Village's application for a special use permit states that the Village believes no special use permit is required for the antennae, however, he believes a special use permit is required.

Mr. Chejfec displayed an email from Director of Planning and Development Staci Hulseberg to Mike Howley, the representative from T-Mobile, dated November 11, 2008 that stated that the antennae currently exceed the maximum height permitted in Ordinance 5606 and are in violation of that ordinance. Mr. Chejfec stated that no one wants the DuComm antennae to come down or to have interference. He stated, however, that in the last eight (8) months, the antennae have blown over twice and that after the first time, the residents were assured that it would not happen again. (Chief Norton stated that Mr. Chejfec said Village Attorney Diamond made a false statement that the DuComm antennae would not fall over again as he had assured Attorney Diamond that it would not happen again.). Mr. Chejfec stated that the T-Mobile lawsuit asks that the T-Mobile pod is removed. Mr. Chejfec added that there will be no issues with getting a clear signal if the T-Mobile tri-pod is removed and the DuComm antennae are re-installed at their previous height. Mr. Chejfec also stated that the Village wants the T-Mobile tri-pod to stay at that location because T-Mobile pays the Village \$16,000-

\$17,000 per year to use the site. Mr. Chejfec asked that the record reflect that the Village Attorney made a sarcastic comment. Mr. Chejfec stated that an ordinance cannot be amended that has never become effective because the conditions have never been satisfied and that the current height of the DuComm antennae is illegal. Mr. Chejfec also pointed out that Section Six of Ordinance 5606 states that failure of the owners...to comply with the terms of this Ordinance...shall subject the owners or party in interest to the penalties set forth in Section 10-10-18(A) and (B) of the Village of Glen Ellyn Zoning Code. Mr. Chejfec added that the residents have the right to have Ordinance 5606 enforced as written and that the Village must follow its own laws.

Barbara Reber, 433 Cottage Avenue, Glen Ellyn, Illinois stated that the electrical panel on the water tower is approximately 4-1/2 feet high and 8 feet wide and stairs at that location are inviting for children to climb. She added that children plug equipment into the electrical panel and play instruments. Ms. Reber believes the electrical panel is a hazard because it is not in the water tower nor is it attached. She responded to Commissioner Dykstra that the electrical panel was not at its current location prior to T-Mobile being at the site. Ms. Reber stated that prior to issues with the water tower, she had previously found Village staff to be helpful, cooperative and pleasant. She stated that the water tower's only current function is as an antennae pod and she expressed concern regarding radiation hazards. She stated that their property values have declined and that the Village should give support to the residents.

Bob Greenberg, Public Works Department, responded to some of Ms. Reber's comments by stating that the water tower functions and is his responsibility.

Christian Ambler, 464 Cottage Avenue, Glen Ellyn, Illinois was troubled by the judge advising the Village to get a special use permit for the subject site. He stated that he is asking that the Plan Commission recommend that the Village deny the subject request because the antennae height is in excess of 140 feet. He stated that if the support structure is what requires a special use permit, then the 143-foot height of the DuComm antennae as they were originally when attached to the top of the water tower would not require a special use permit.

#### Responses to Questions from the Plan Commission

Mr. Tegtmeyer responded to Commissioner Buckton that transmission occurs at a variety of locations in the area. Ms. Emery responded to Commissioner Buckton that the Village does not believe it needs a special use permit for the antennae but that the judge involved in the T-Mobile litigation suggested that the Village obtain a special use permit to end the question of whether or not a Special Use Permit is needed. Commissioner Buckton asked if a condition should be put on the height of the antennae, and Ms. Emery responded that the Village did not want to have to return to the Plan Commission if new technology requires higher antennae than that which is installed. Commissioner Buckton questioned Ms. Stegall's comments about the meaning of substantial conformance in relation to the height of the antennae, and Ms. Stegall replied that a condition limiting height could be included in an ordinance. Mr. Tegtmeyer responded to Commissioner Ford that the next

wave of technology for the subject type of communication is currently in existence, however, he anticipates no change in the height of the existing antennae at this time.

When Commissioner Buckton inquired as to why two types of special use permits for DuComm and SCADA are required, Ms. Tappendorf responded that the DuComm request is for existing facilities and that separate ordinances will be required for each request. Mr. Chejfec responded to Commissioner McCormick that the residents' initial concerns were the proliferation of antennae on the water tower, safety due to interference with the DuComm signals, health issues and equipment outside the water tower.

Mr. Tegtmeier responded to Commissioner Buckton regarding the antennae blowing over due to winds by stating that the antennae angled over but never left their mount. He stated that the antennae are also attached by a cable running to the base of the tower. Mr. Tegtmeier stated that DuComm regrets that the second antenna was not tightened when the first antenna was and, therefore, the second antenna blew over a few months later. Mr. Tegtmeier added that both incidents occurred during significant storm events. He also stated that none of their antennae have ever fallen off of a structure in the 30+ history of DuComm. He replied to Commissioner Buckton that the antennae are as tightened and secure to the mount as industry standards allow. Mr. Tegtmeier responded to Commissioner McCormick that their radio system is designed to have a temporary loss and not degrade the overall performance. Mr. Tegtmeier responded to Commissioner McCormick that they were notified by Village staff at that time that the antennae were not upright. Mr. Chejfec stated that the residents reported that the antennae were down in both instances, and he noted that potential liability could occur if emergency services were not provided through the system. Mr. Chejfec responded to Commissioner Whalen that residents of the Village who have T-Mobile phone service would not have diminished service if their antennae was not in its current location because there are several other available sites in the Village that T-Mobile could use per an expert who appeared at a Plan Commission public hearing.

Mr. Chejfec clarified for Commissioner Girling that he would like Ordinance 5606 to be complied with by requiring the T-Mobile equipment to be taken down which would bring the height of the DuComm antennae back down to 140 feet. Mr. Chejfec added he has asked a judge involved in the lawsuit to have T-Mobile take their equipment down and to restore the lot to its original condition because the maximum height of the DuComm antennae stated in the ordinance condition cannot be complied with if the T-Mobile equipment remains.

Commissioner Buckton asked if actual testing of the antennae to determine compatibility with the DuComm antennae was completed prior to commencement of the operation of the T-Mobile antennae. Ms. Hulseberg responded that the Village has copies of the test and results which indicates that there would be no interference. She added that a meeting was held with all of the representatives to be sure that all of the conditions in Ordinance 5606 had been met or were in substantial compliance. Ms. Hulseberg stated that staff disagrees with almost all of Mr. Chejfec's opinions. She added that the Village owns the subject property and has every right to apply for a special use permit, and she provided a background timeline of the subject project. Ms. Hulseberg stated that antennae do not

require a special use permit but antenna structures do. She added that the Village is requesting the subject special use permit at the request of a judge. Ms. Hulseberg responded to Commissioner Buckton that some amendments have been made to the Verizon antennae at the subject site that required Planning and Development Department approval only. Ms. Stegall responded to Commissioner Buckton that the equipment at the base of the tower is in conformance with Ordinance 5606. Mr. Greenberg clarified that the equipment at the base of the tower is electrical support for various components inside. Ms. Stegall displayed the plan approved by Ordinance 5606 of the base of the water tower, the equipment inside the tower and the electrical equipment outside the tower. Mr. Chejfec disagreed with Ms. Stegall's description of the current tower and he displayed a narrative that T-Mobile submitted in support of its special use application that stated that equipment will be contained in and on the existing water tank.

In response to Commissioner Buckton, Mr. Tegtmeyer stated that DuComm would be aware if a receive site were out of operation and no longer listening.

Ms. Hulseberg responded to Commissioner Ford that the subject DuComm antennae could not be installed at 140 feet so the permit was issued in substantial conformance with the plans, and she agreed with Commissioner Ford's comment that 143 feet and 140 feet were close enough. Ms. Hulseberg also responded the increase in the height to 149 feet was for onsite adjustment that occurred at the time of installation. She stated that height measurements were taken after installation and the T-Mobile lawsuit was filed and explained for Commissioner Ford that three height surveys were taken, all resulting in different measurements. Commissioner Ford stated that staff has used the most liberal measurements provided by professionals.

Mr. Chejfec stated that the T-Mobile antennae were originally to be installed at 135 feet, however, T-Mobile was in excess of that height. He stated that once a lawsuit was filed, T-Mobile lowered the antennae and are now in compliance with the height restrictions. Mr. Chejfec commented that Ms. Hulseberg's statement that the three height measurements taken after installation of the antennae were very different is not an accurate representation.

Commissioner Ford asked if the height of the additions at the top of the water tower differed from the original plan. Mr. Tegtmeyer clarified that if a 20-foot DuComm antenna was on a 123-foot water tower, the height will be over 140 feet. Ms. Hulseberg responded that a special use permit was not considered to be required because antennae do not require a special use permit. She added that some topics regarding this subject will be discussed in court and perhaps should not be discussed at the Plan Commission meeting.

Ms. Emery stated that the minimum DuComm antennae height needed for public safety will exceed 140 feet.

Commissioner Girling moved, seconded by Commissioner Ford, to close the public hearing. The motion carried unanimously by voice vote.

Comments from the Plan Commission

Commissioner Buckton stated that according to Ordinance 5606, the petitioner must appear before the Village to request a special use permit if the DuComm antennae exceed 140 feet which is currently being done. Mr. Chejfec responded that the Village is applying for the permit because the Village would be able to get an ordinance passed more easily than T-Mobile would because of the relationships that exist among the Commission members and the Village employees who are more sympathetic figures than large corporations. Attorney Emery stated that the subject special use permit was applied for by the Village because the Village is the owner of the water tower.

Commissioner Buckton stated that the Commission members look to staff for interpretation which includes substantial conformance. He felt that Ordinance 5606 had been written incorrectly, and he was in favor of the proposed special use. Commissioner Bromann had no issues or concerns and although he stated that the process was not done perfectly, he was in favor of the proposed special use. Commissioner Whalen concurred with Commissioner Buckton's comments. He added that the Village has a construction necessitated variation process which allows applicants to ask for relief when an error has been made. Commissioner Girling was in favor of the proposed special use permit because he felt the petitioner met the criteria. Commissioner Ford was in favor of the special use permit and commented that the subject permit was not an issue of compromising integrity. Commissioner Dykstra was in favor of the special use permit and believed that there were no ulterior motives involved. Commissioner McCormick was also in favor of the special use permit and commented that it meets the Zoning Code criteria. Commissioner Whiston was in favor of the special use permit but felt that there should be a maximum height limit to give the residents protection. Chairman Fullerton was also in favor of the special use permit. She stated that Section 10-10-14(E) of the Zoning Code, Sections 1-9, determine whether the subject special use can be granted, and Ordinance 5606, Section G, states that if the antennae go over 140 feet, a special use permit can be requested. Commissioner Girling was in favor of limiting the antennae height to 150 feet and Commissioner Whiston was in favor of limiting the antennae height to possibly 155 feet.

After discussion, the Plan Commissioners asked that staff advise the Village Board that the Plan Commission would not be opposed to a height limitation for the subject antennae if they chose to impose one.

Motion

Commissioner McCormick moved, seconded by Commissioner Girling, to recommend that a Special Use Permit is granted to allow two DuComm antennae to remain on the Cottage Avenue water tower in excess of 140 feet based on the following findings of fact: 1. Will be harmonious with and in accordance with the general objectives, or within a specific objective, of the Comprehensive Plan and/or this Zoning Code because it is the Village's belief that a Special Use Permit for the antennae is not required as the Zoning Code does not require a Special Use Permit for the installation of antennae but only for

the installation of antennae support structures. In addition, one of the stated objectives in the Comprehensive Plan is to "Maintain effective fire and police protection throughout the Village." (pg. 9) and the two DuComm antennae are necessary to achieve this objective. 2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area because the subject antennae are already existing and are located on top of a more than 123 foot tall water tower. Public safety antennae are believed to have been located on the site since the mid-1970's and the subject antennae were most recently relocated from a height of 140 feet to a height of just under 150 feet. Given the height, scale and location of the antennae, the additional 10 feet in height that resulted from mounting the antennae on top of the T-Mobile tripod has a negligible impact on the character of the area. 3. Will not be hazardous or disturbing to existing or future neighborhood uses because DuComm public safety antennae have been located on the property since the mid-1970's and the additional height from the relocation of the subject antennae has a negligible impact on the character of the area. In addition, the site is unmanned, all the associated equipment, with the exception of electrical service, is located inside the water tower and the antennae do not produce any noise, traffic, or other conditions that are hazardous or disturbing to the surrounding neighborhood. 4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers, and schools or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services because the antennae are needed to provide emergency police and fire service throughout Glen Ellyn and other surrounding communities and the antennae will have no negative impact on the provision of other public facilities and services in the Village. 5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village because the antennae already exist and public safety antennae have been located on the site since the mid-1970's. Removal of the antennae would impair the ability of the Village and other surrounding communities to provide emergency police and fire services thereby creating additional costs for public services and having a detrimental impact on the economic welfare of the Village and other surrounding communities that rely on the antennae. The same could likewise happen if the height of the antennae were lowered as the antennae were moved to their current height to avoid any potential degradation of DuComm's radio signal. 6. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors because the antennae are mounted on top of a more than 123-foot tall water tower and no improvements to the site are proposed. No traffic, noise, smoke, fumes, glare or odors are caused by the increased height of the antennae. 7. Will have vehicular approaches to the property, which shall be so designed as not to create any undue interference with traffic on surrounding public streets or roads because the antennae are mounted on top of a more than 123-foot tall water tower and no improvement so the site are proposed. Should service be required at this unmanned location, available street parking will be used as it has been in the past. 8. Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or

relief because the antennae are mounted on top of a more than 123-foot tall water tower and no improvements to the site are proposed. 9. Will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community because the antennae are mounted on top of a more than 123-foot tall water tower and no improvements to the site are proposed.

The motion carried unanimously with nine (9) "yes" votes and zero (0) "no" votes as follows: Commissioners McCormick, Girling, Bromann, Buckton, Dykstra, Ford, Whalen, Whiston and Chairman Fullerton voted yes.

Commissioner Girling moved, seconded by Commissioner Bromann, to continue the Scada public hearing to Wednesday, October 26, 2011. The motion carried unanimously by voice vote.

### ADJOURNMENT

There being no further business before the Plan Commission, the meeting was adjourned at 10:19 p.m.

Submitted by:  
Barbara Utterback  
Recording Secretary

Reviewed by:  
Michele Stegall  
Village Planner



**FRED BUCHOLZ**

DUPAGE COUNTY RECORDER

NOV.06,2007

1:38 PM

OTHER

05-11-304-009

023 PAGES

R2007-200028

**Village Of Glen Ellyn**

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Ordinance No. 5606

**An Ordinance Granting T-Mobile USA, Inc. approval of a  
Special Use Permit to allow the installation of a Cellular Antenna Structure  
On the Village of Glen Ellyn Water Tower  
Located at 439-447 Cottage Avenue**

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**Adopted by the  
President and the Board of Trustees  
of the Village of Glen Ellyn  
DuPage County, Illinois**  
This 27 Day Of August, 2007.

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Published in pamphlet form by the authority of the  
President and Board of Trustees of the Village of  
Glen Ellyn, DuPage County, Illinois, this 29  
day of Aug., 2007.

PREPARED BY AND MAIL TO:  
VILLAGE OF GLEN ELLYN  
ATTN: VILLAGE CLERK  
535 Duane Street  
Glen Ellyn, IL 60137

Ordinance No. 5606

**An Ordinance Granting T-Mobile USA, Inc. approval of a  
Special Use Permit to allow the installation of a Cellular Antenna Structure  
On the Village of Glen Ellyn Water Tower  
Located at 439-447 Cottage Avenue**

Whereas, T-Mobile, proposed lessee of property located at 439-447 Cottage Avenue, is requesting approval of a Special Use Permit in accordance with Section 10-4-5(B)13 of the Glen Ellyn Zoning Code to allow a 7-foot 5-inch cellular antenna structure to be placed on the top of the 125-foot Cottage Avenue Water Tower for a total height of 132 feet 5 inches which exceeds the maximum height permitted in the R2 Residential District; and

Whereas, the property is legally described as follows:

Lots 1 through 5 in McAndrews and James Subdivision, being a Subdivision in the southwest quarter of Section 11, Township 39 North, Range 10 east of the third principal meridian, in DuPage County, Illinois.

P.I.N.S 05-11-304-009, 05-11-304-035; and

Whereas, following due and proper publication of notice in The Glen Ellyn News not less than fifteen (15) nor more than thirty (30) days prior thereto, and following written notice to all property owners within 250 feet of the subject property, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Plan Commission of the Village of Glen Ellyn conducted public hearings on March 22, 2007 and June 28, 2007, at which hearings the petitioner presented evidence and testimony in support of the request and seven (7) residents spoke in opposition to the request and six (6) residents submitted letters or email in opposition to the request; and

Whereas, after having considered the evidence presented, including the exhibits and materials submitted, the Plan Commission made its findings of fact and recommendations as set

forth in the attached Minutes of the Glen Ellyn Plan Commission dated March 22, 2007 and June 28, 2007, which are appended hereto as Exhibit "A" and, by a vote of four (4) "yes" and two (2) "no," recommended approval of the requested Special Use Permit; and

**Whereas**, the Village President and Board of Trustees have reviewed the evidence, exhibits, and materials presented at the March 22, 2007 and June 28, 2007 public hearings of the Plan Commission and have considered the findings of fact and recommendations of the Plan Commission; and

**Whereas**, the President and Board of Trustees have determined that granting the requested Special Use Permit is consistent with the goals of the Glen Ellyn Zoning Code;

**Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:**

**Section One:** The Minutes of the Glen Ellyn Plan Commission, Exhibit "A" attached hereto, and the findings of fact set forth therein and in the preambles above are hereby adopted as the findings of fact of the Village President and Board of Trustees based upon their review of the evidence, exhibits, and materials presented at the March 22, 2007 and June 28, 2007 public hearings before the Plan Commission. The Village President and Board of Trustees further find that: 1.) the cellular telephone reception of a substantial number of Glen Ellyn residents and visitors to the community will be greatly improved by the addition of an antenna at this location which will enhance the public health and safety; 2.) technological changes have allowed the size of the cellular telephone antenna to be reduced in size; 3.) the location of a total of only three cellular telephone companies on the water tower along with some essential public uses has kept such placement of antennae on the water tower at a minimum and; 4.) the presence of federal law which limits the

discretion of the Village Board regarding alternate placement of antennae on private property could result in a less desirable placement if the Village-owned site was not, in this case, available.

**Section Two:** Based upon the findings of fact and recommendations of the Plan Commission, as adopted herein, and the findings of fact and conclusions set forth in the preambles and in Section One above, the Village President and Board of Trustees hereby grant approval of a Special Use Permit in accordance with Sections 10-4-5(B)13 of the Glen Ellyn Zoning Code to allow a 7-foot 5-inch cellular antenna structure to be placed on the top of the 125-foot municipal water tower located at 439-447 Cottage Avenue for a total height of 132 feet 5 inches.

**Section Three:** This grant of approval of a Special Use Permit is subject to the following conditions:

A. The antenna shall be installed and maintained in substantial conformance with the plans submitted and the testimony presented at the March 22, 2007 and June 28, 2007 public hearings before the Plan Commission and with the petitioner's application packet stamped received June 22, 2007, including the following plans and documents referenced below, as though they were attached to this Ordinance:

- Narrative Statement
- Application for a Special Use Permit dated November 22, 2006
- Affidavit of Authorization
- Draft License Agreement
- Letter from Allen Taflove, Village Consultant, to Michele Stegall dated April 24, 2004
- Letter from Staci Pruitt, Chicago Bridge & Iron Company, dated December 2, 2007
- Opinion of Radio Frequency Engineer
- Existing and Proposed Coverage Maps
- RF Emissions Compliance Report dated May 24, 2007
- Market Study from David A. Kunkel & Associates dated November 9, 2006
- Plat of Survey (Sheet LS-1) dated March 1, 2007
- Overall Site Plan revised June 1, 2007

- Interior Plan dated June 1, 2007
- Elevations & Details (Sheet C-4) dated June 1, 2007
- Nortel Equipment Cabinet Details (Sheet C-6) dated June 1, 2007
- Geometric Site Plan revised March 1, 2007
- Elevations & Section Plan-Inside Tank Coax Cable Routing (Sheet WTPD-1)
- Antenna Pod Details Plan (Sheet WTPD-2)

and these plans and documents shall be filed with and made part of the permanent records of the Glen Ellyn Planning and Development Department.

- B. The petitioners shall at their cost enter into an agreement with a consultant of the Village of Glen Ellyn's choice to provide construction inspection/oversight of the installation of the cellular antenna and related equipment.
- C. The petitioners shall at their cost enter into an agreement with a consultant of the Village of Glen Ellyn's choice to perform a follow-up inspection of the interior and exterior of the tank after installation of the tower is completed. This inspection shall include the costs of draining, cleaning and disinfecting the tower, as required.
- D. The petitioner shall be responsible for the remediation of any defects found in or on the tank resulting from the installation of the tower/pod, including but not limited to, corrective structural repairs and recoating/repainting of the affected area of the tank.
- E. The antenna, support structure and mounting equipment and wiring shall be painted to match the exterior of the water tower.
- F. The petitioner shall provide and maintain a \$20,000 cash deposit or Letter of Credit to ensure all equipment on the site belonging to T-Mobile shall be removed and the tower and site restored to the preexisting condition within 180

days either after expiration or termination of the lease or abandonment of the antenna. The Village may use the \$20,000 to pay for any and all costs associated with the removal of any and all of T-Mobile's antenna, equipment, and related materials and repair and restoration of the tower and/or site. The License Agreement that the Village Board negotiates with the petitioner will contain a provision that the lease will automatically expire and the equipment will be removed from the tower if the equipment is not in use for a reasonable period of time.

- G. The petitioner will relocate the DuComm antennae as directed by DuComm at T-Mobile expense, including, if necessary, mounting the DuComm antennae on top of the T-Mobile tripod to ensure DuComm maintains an unobstructed signal from all directions. In the event that the DuComm antennas exceed their current height of 140 feet, such relocation will require approval of a Special Use Permit for such purpose.
- H. The Petitioner will be required to notify DuComm prior to installation to ensure that a DuComm technician is present during installation and the technician will complete a post-installation final inspection and certification.
- I. If the DuComm antennae are damaged during relocation due to age or deterioration of the antennae itself, T-Mobile must replace the antennae and coax at their expense to DuComm specifications.
- J. That the Special Use shall not be in force and effect until a lease between T-Mobile and the Village of Glen Ellyn for the use of the subject property and for any other applicable terms is duly signed and executed.

- K. T-Mobile may replace the antenna in the future without having to seek a new Special Use Permit provided, however, that the plans and RF emissions are substantially consistent with plans and reports approved herewith and that prior to installation of a replacement antenna, plans for such replacement shall be subject to review and approval by the Director of the Planning & Development Department who may, at his/her discretion, require T-Mobile to seek an amendment to the Special Use Permit should the antenna be determined to have a greater potential impact on surrounding properties.
- L. Actual testing of a temporary antenna to determine compatibility with the DuComm antennae shall be completed prior to commencement of operation of the T-Mobile antenna.
- M. When the T-Mobile antennas are installed on the water tower, the antennas shall be installed at the lowest possible height.
- N. If it is necessary to relocate existing DuComm antennae on top of the T-Mobile tripod, construction shall not commence until the final design is reviewed by the Planning & Development Department and found to be in accordance with this ordinance.
- O. A written opinion of an attorney or attorneys with a legal practice which concentrates on Federal Communications Commission and Federal Aviation Commission practice shall be submitted to the Village which states that the final design submitted complies with all statutes and FCC and FAA regulations along with a listing of the specific provisions which impact the design and operation, which support the opinion(s).

**Section Four:** The Building and Zoning Official is hereby authorized to issue all necessary building and occupancy permits pursuant to the Special Use Permit approved herein, provided that all the conditions set forth hereinabove have been met and that the applicant complies with all other applicable laws and ordinances of the Village of Glen Ellyn. This grant of approval of a Special Use Permit shall expire and become null and void within 18 months of the date of this Ordinance unless an occupancy permit is applied for within said time period, provided, however, that the Village Board, by motion, may extend the period during which an occupancy permit must be applied for.

**Section Five:** This Ordinance shall be in full force and effect from and after the passage, approval, and publication in pamphlet form.

**Section Six:** Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 10-10-18 (A) and (B) of the Village of Glen Ellyn Zoning Code.

**Passed** by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this

27 day of August, 2007.

**Ayes:** Armstrong, Comerford, Lee, President Hase

**Nays:** Lodesic, Tharsell

**Absent:** Recuse: Norton

**Approved** by the Village President of the Village of Glen Ellyn, Illinois, this 27 day

of August, 2007.

Wesley Hase  
Village President of the  
Village of Glen Ellyn, Illinois

Attest:

Andrea Altrata

Village Clerk of the  
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the 29 day of August 2007.)

X:\PlanDev\PLANNING\SPECUSE\ANTENNAE\Cottage Ave H2O Tower\Ordinance (08.21.07) edited.doc

proposed and there will be clear traffic directional signage visible along the adjacent public streets and within the site. 8. The proposed project will not cause a significant increase in the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief because the amount of impervious surface on the property will not be increasing. 9. The proposed project will not result in the destruction, loss or damage of natural, scenic or historic features of major importance to the community because no such features exist on the site.

The recommendation for approval was based on the following conditions: 1. The project use shall be operated in accordance with the testimony presented at this public hearing. 2. The drive aisle behind parking spaces 21 through 30 shall be narrowed in order to allow the length of parking spaces 14 through 30 to be extended to 19 feet. 3. Parking space 30 shall be eliminated and the landscape island located north of parking space 30 be moved further south and reconfigured so as to meet the requirement for a 25-foot drive aisle behind parking spaces 31 through 34. 4. The petitioner is encouraged to amend the plans to bring the parking lot dimensions into conformance with the Zoning Code prior to appearing before the ARC and the Village Board.

The motion carried unanimously with six (6) "yes" votes as follows: Commissioners Dykstra, Swanson, Fullerton, Lemme, Whalen and Chairman Mansfield voted "yes."

PUBLIC HEARING – T-MOBILE—COTTAGE AVENUE WATER TOWER  
A REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT TO ALLOW T-MOBILE TO INSTALL CELLULAR ANTENNAS ON THE COTTAGE AVENUE WATER TOWER. THE SUBJECT PROPERTY IS LOCATED ON COTTAGE AVENUE BETWEEN MAIN STREET AND WESTERN AVENUE IN THE R2 RESIDENTIAL DISTRICT.

*(Mike Howley representing T-Mobile)*

#### Staff Introduction

Village Planner Tonja Stapleton stated that T-Mobile is requesting a Special Use Permit to co-locate wireless equipment on the Cottage Avenue water tower and that a Special Use Permit is necessary because the tower exceeds the maximum height allowed per code. Ms. Stapleton indicated the subject site on a location map and described the surrounding uses. She reviewed T-Mobile's history regarding site location in Glen Ellyn and described the existing water tower, including antennas currently located on the tower.

Ms. Stapleton stated that the proposed antennae will be attached to a triangular pod which will extend to an overall height of 132 feet 5 inches. The proposed equipment will be located inside the tank. Ms. Stapleton reviewed staff's initial concerns and suggested conditions of approval to address those concerns.

In order to clarify the review process, Ms. Stapleton summarized the Telecommunications Act passed in 1996. One relevant point indicates that local government cannot consider environmental effects of radio frequency emissions as part of the zoning review

process as this issue is regulated by the FCC. Ms. Stapleton added that an RF emissions compliance report dated February 14, 2006 indicates that the proposed installation complies with Federal standards, and a statement dated March 21, 2007 prepared by Village Attorney Adam Simon was distributed prior to the meeting.

Ms. Stapleton stated that staff recommends approval of the proposed Special Use request because the proposed site was recommended by a third-party consultant as the best location to serve the central business district, locating an antenna at the proposed height would eliminate the need for two antenna structures for T-Mobile in the future, co-location on existing buildings in the downtown has the potential to affect the architectural integrity of the historic downtown, staff is opposed to free-standing cellular towers, and the proposed site has already been determined to meet the standards of approval as evidenced by the existing Verizon wireless antenna onsite.

#### Petitioners' Presentation

Mike Howley, representing T-Mobile Wireless, 9100 West Forest Drive, Hickory Hills, Illinois, Greg Lapin, consultant, 1206 Somerset Avenue, Deerfield, Illinois, and Sanjay Jaisingani, radio frequency technician, 850 West Bryn Mawr, Chicago, Illinois, were present to speak on behalf of T-Mobile.

Mr. Howley summarized the history of wireless technology, citing convenience and safety as the two main factors for the purchase of cell phones. He explained that height is an important factor in the placement of antenna structures for adequate coverage, especially if an area has topographical changes. The proposed antenna would be at approximately 50-55 feet. Mr. Howley distributed four (4) propagation exhibits to the Plan Commissioners and described areas of coverage. Mr. Howley quoted Village Cellular Consultant Allen Taflove's statement that T-Mobile's current service to its customers in the downtown area of Glen Ellyn is inadequate which can cause safety issues and that the water tower is a superior site to other locations in the area. Mr. Howley stated that the equipment proposed for the water tower will be contained inside the tank for aesthetic purposes and described the antennas that will be located on top of the tank. A technician will service the interior equipment approximately once per month. Engineers have determined that there will be no interference by T-Mobile with DuComm antennas, and Mr. Howley distributed a Collocation Study for T-Mobile dated March 20, 2007. Mr. Howley referred to correspondence from Dave Kunkel, a real estate appraiser, who determined that the proposed equipment on the tower will not have a negative impact on the value of the surrounding properties.

Although radio frequency emissions are not the purview of the Plan Commission, T-Mobile conducted an independent third-party study that analyzed proposed T-Mobile as compared to maximum permissible level as defined by the FCC. Mr. Howley distributed and reviewed the resume of Gregory D. Lapin, Ph.D., P.E., a radio frequency emissions consultant. Dr. Lapin reviewed the history of cell phone standards and stated that he has seen no evidence of danger regarding RFE's in any of the studies with which he is familiar.

Responses to Questions from the Plan Commission

Ms. Stapleton responded to Commissioner Lemme that T-Mobile approached the Village regarding utilizing the water tower for an antenna structure and if the antenna is approved, T-Mobile will pay rent to the Village. Mr. Howley responded to Commissioner Swanson that T-Mobile would remove their antenna structures if interference problems occurred with existing antennas. Mr. Howley stated that he is not aware of any interference issues regarding T-Mobile and co-existing antenna structures in other locations.

Persons in Favor of or in Opposition to the Petition

Chairman Mansfield summarized the review criteria of the Plan Commission for the proposed project.

Charles and Shannon Chejfec of 427 Cottage Avenue, Tom Coronelli of 457 Cottage Avenue, Bill Dillard of 452 Cottage Avenue and Jerry Zybko of 432 Anthony Street appeared in opposition to the proposed Special Use. Speaking as a representative of the group, Mr. Chejfec asked for a continuance of the public hearing to give them an opportunity to review materials distributed to the Plan Commission that they had not seen and to review existing Village records. Concerns included precedent-setting regarding allowing another antenna on the tower, the location of the antenna on the tower, alternative locations for the antenna, aesthetics, the reduced value of the residential homes in the area and the total number of radio frequency emissions generated by all antennas on the site, including the proposed T-Mobile structure. Ms. Stapleton stated that the statute requires that a local government body act on a request for authorization to construct a cellular tower within a reasonable period of time after a request is duly filed. Ms. Stapleton responded to Mr. Zybko that Verizon may be renegotiating their lease but she was unaware of details regarding the situation. Mr. Howley responded to the group that the underlying lease makes specific reference to future carriers that the combined radio frequency energies must be below a certain percentage. He also responded that design considerations would not allow another carrier in the Civic Center building.

Motion

Commissioner Swanson moved, seconded by Commissioner Fullerton, to continue the public hearing to May 24, 2007 to give residents in the vicinity of the water tower time to review materials distributed to the Plan Commission that they had not seen and to review existing Village records. The motion carried unanimously by voice vote.

Trustee Report

Trustee Chapman reviewed some aspects of the budget review process currently underway.

There being no further business before the Plan Commission, the meeting was adjourned at 9:51 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara Utterback". The signature is written in a cursive style with a large initial "B".

Barbara Utterback  
Recording Secretary

Exhibit "A"

PLAN COMMISSION  
MINUTES  
JUNE 28, 2007

The meeting was called to order by Chairman Jeffrey Mansfield at 7:34 p.m. Commissioners Todd Buckton, Linda Dykstra, Ronald Lemme, Jay Strayer, Lenard Swanson and Ray Whalen were present. Commissioners Julie Fullerton, Stephen Garwood, Ryan Potts and Phyllis Scanlan were excused. Also present were Trustee Liaison Sara Lee (substituting for Trustee Tim Armstrong), Planning and Development Director Staci Hulseberg, Village Attorney Adam Simon, Village Planner Michele Stegall, Village Planner Tonja Stapleton, Village Cellular Consultant Allen Taflove, Village, Village Public Works Project Coordinator Bob Greenberg and Village Facilities Manager Daniel Sullivan.

Commissioner Buckton moved, seconded by Commissioner Dykstra, to approve the minutes of the May 10, 2007 Plan Commission meeting. The motion carried unanimously by voice vote.

A continued public hearing regarding the installation of cellular antennae on the Cottage Avenue water tower was on the agenda.

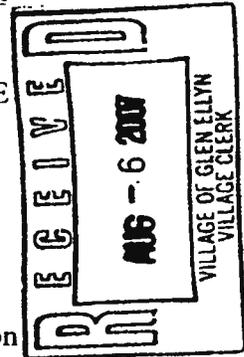
CONTINUED PUBLIC HEARING - T-MOBILE - COTTAGE AVENUE WATER TOWER

A REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT TO ALLOW T-MOBILE TO INSTALL CELLULAR ANTENNAE ON THE COTTAGE AVENUE WATER TOWER. THE SUBJECT PROPERTY IS LOCATED ON COTTAGE AVENUE BETWEEN MAIN STREET AND WESTERN AVENUE IN THE R2 RESIDENTIAL DISTRICT.

Staff Introduction

Village Planner Tonja Stapleton stated that the subject public hearing is a continuation from March 22, 2007 of the proposed installation of cellular antennae at the Cottage Avenue water tower. This use requires a Special Use Permit because it exceeds the maximum height permitted in an R2 District.

Ms. Stapleton displayed a location map of the existing water tower and the proposed antennae installation. She also indicated the locations of existing antennae on the tower owned by other carriers, some of which are not operating currently. Ms. Stapleton referred the Plan Commissioners to a slightly revised site plan showing the Verizon carrier that was distributed just prior to the meeting. Ms. Stapleton also stated that language referring to frequency interference as related to DuComm was also removed from the plan and new language that DuComm antennae are to be relocated as minimal as possible for the new installation was added to the plan and approved by DuComm. Ms. Stapleton further explained that DuComm has requested that T-Mobile relocate or replace DuComm's antennae, if necessary. Ms. Stapleton responded to Chairman Mansfield that



if the DuComm antennae is relocated on top of T-Mobile's antennae, one ordinance could be drafted that would include any additional height of the DuComm antennae. Mr. Howley verified that replacement DuComm antennae could possibly be shorter than the existing antennae.

Ms. Stapleton stated that a letter submitted via the Village website from a resident at 432 Anthony Street was distributed just prior to this meeting, and a letter co-signed by two residents of 428 Anthony and 428 Cottage was forwarded to the Plan Commission yesterday.

Ms. Stapleton reviewed some of the issues raised at the March 22, 2007 public hearing, including the number of antennae and the concern of proliferation, preparation of a revised RFE compliance report from the petitioner to capture the worse case scenario for emissions as well as an inter-modulation study to document non-interference with emergency service, alternative locations, aesthetics and reduced values of homes in the area of the water tower.

Ms. Stapleton stated that residents recalled that carriers had in the past promised to install \$18,000 in landscaping, however, staff was unable to find a reference to proposed landscaping. Ms. Stapleton stated that a conference call regarding radio frequency was held on June 26, 2007 between the Village engineering consultant and neighborhood residents.

Allen Taflove, Village consultant regarding radio frequency emissions, gave a brief history of his involvement with the subject proposal. Dr. Taflove described compatibility issues that can occur with multiple antennae at a site and stated that he recommended that Village staff contact Site Safe to research any potential problems regarding electromagnetic compatibility between T-Mobile's antenna equipment and DuComm's existing antennae on the water tank. Dr. Taflove stated that Site Safe conducted a theoretical evaluation of the DuComm system which indicated that no interference would occur with the DuComm system from T-Mobile's equipment. In addition, Dr. Taflove further stated that during a recent conversation with Klaus Bender, principal of Site Safe, he was assured that there is very little chance of jamming occurring to the public safety equipment. Dr. Taflove also strongly recommended that a site specific test situation be set up that closely or exactly mimics what is proposed for the water tower. Dr. Taflove added that this type of co-siting occurs all the time. Dr. Taflove responded to Chairman Mansfield that any interference generated subsequently would be noticed immediately. Dr. Taflove responded to Commissioner Strayer that, in his professional experience, he is not aware of any recent jamming problems and that jamming is very rare. Dr. Taflove responded to Commissioner Buckton that there has been no evidence of interference to the public system in the current configuration of antennae on the water tower. Ms. Stapleton added that John Lozar of DuComm has recommended a condition of approval if the T-Mobile antennae are recommended for approval that the petitioner will be required to notify DuComm prior to installation to ensure that a DuComm technician is present during installation and that if interference were to occur as a result of T-Mobile's operations, T-Mobile would be expected to

correct the interference promptly. Ms. Stapleton also stated that an actual reading at the site is not possible as AT & T is currently not operating and DuComm, only, is receiving.

#### Petitioner's Presentation

Mike Howley, representing T-Mobile Wireless, addressed issues raised at this public hearing. Mr. Howley stated that DuComm is very supportive of working with T-Mobile regarding any necessary replacement of DuComm antennae on the water tower and that DuComm would prefer to be placed on T-Mobile's pod if replacement occurs. Mr. Howley stated that T-Mobile approached AT & T regarding open space in the base of AT & T's tank at the water tower for T-Mobile's use, however, AT & T refused to relinquish their rights to the space and tank. Mr. Howley stated that T-Mobile determined a few years ago that an antenna site would not fit in the Civic Center cupola without extensive remodeling, which the Village would not consider, and that the Civic Center roof was not capable of accommodating T-Mobile's equipment cabinets. Mr. Howley added that, from an RF perspective, the water tank is a far superior site than the Civic Center rooftop. Mr. Howley reiterated that T-Mobile is operating 1,000 times below the Federal level and described a change to the location of the electric meter.

#### Responses to Questions from the Plan Commission

Ms. Stapleton responded to Commissioner Swanson that staff does not know what AT & T's future intentions are regarding their removal of an equipment cabinet from the base of the water tower. When Ms. Stapleton added that AT & T has a current lease for space on the water tower, Commissioner Swanson suggested substituting T-Mobile antennae for the AT & T non-transmitting antennae to avoid using the top of the globe. Commissioner Swanson also asked for confirmation regarding the availability of space in the cupola of the Civic Center building for T-Mobile antennae. Ms. Stapleton read Professor Allen Taflove's analysis of alternative sites report dated April 24, 2004 which stated that the cupola site in the Civic Center would provide somewhat less in building and residential coverage in the downtown area than T-Mobile's proposed site. Ms. Hulseberg added that the situation regarding antennae in the cupola has changed since 2004 in that one carrier has expanded their equipment. Daniel Sullivan, Facility Manager for the Village of Glen Ellyn, displayed plans that showed the location of existing antennae in the Civic Center cupola. Mr. Sullivan also responded to Chairman Mansfield that the weight of additional equipment in the attic is not an issue, however, it was Mr. Sullivan's opinion that there is no physical space available for additional antenna equipment in the cupola. Mr. Sullivan added that other carriers have researched installing antennae in other areas of the Civic Center building, however, the carriers did not feel other areas were usable. Ms. Stapleton responded to Commissioner Lemme that the Village is under no obligation to provide space on Village property to any cellular provider. Ms. Hulseberg responded to Commissioner Lemme that the dollar amount provided to the Village for leasing carrier space is determined by the Village Manager's office. Ms. Stapleton confirmed for Commissioner Strayer that a cellular carrier could build a free-standing tower on private property if the tower could comply with zoning regulations. Ms. Stapleton also responded to Commissioner Strayer that Glen Ellyn has three free-standing cell towers

and she described their locations. Mr. Howley of T-Mobile responded to Commissioner Buckton that Verizon's equipment is perhaps smaller and less obtrusive than the proposed T-Mobile equipment because the Verizon equipment may not be a full wireless antenna facility site. RF Technician Sanjay Jaisingani with T-Mobile added that Verizon's equipment is smaller than T-Mobile's due to Verizon's use of different technology that operates under a different frequency and the placement of other Verizon antennae in the area. Mr. Jaisingani responded to Commissioner Buckton that T-Mobile could not place antennae under AT & T's equipment on the stem of the tower because that location is too low. Mr. Jaisingani also responded to Commissioner Buckton that RF emissions-friendly shrouding for aesthetic purposes could cover the equipment but would result in a very large shield or balloon around the equipment.

Commissioner Strayer asked Dr. Allen Taflove if the proposed T-Mobile antennae, when operating, will meet all the requirements of the FCC with respect to RF emissions compliance, and Dr. Taflove responded in the affirmative.

#### Persons in Favor of or in Opposition to the Petition

Charles Chejfec and Amy Watroba Kern were present to speak on behalf of the residents of the Cottage Avenue water tower area in opposition to T-Mobile's request for antennae on the Cottage Avenue water tower. Mr. Chejfec stated that the residents' main concerns regarding the placement of antennae on the water tower are safety and health issues and the potential diminution in value of the homeowners' properties. Mr. Chejfec apologized for submitting a memorandum to staff just yesterday for distribution to the Plan Commission, and Amy Watroba Kern summarized the contents of the memorandum dated June 27, 2007 which listed reasons to deny T-Mobile's request to install antennae on the Cottage Avenue water tower.

Commissioner Swanson asked for an explanation of the difference between health concerns and safety concerns, and Mr. Chejfec replied that health concerns means the level of radio frequency emissions levels from the towers and safety concerns means potential interference that could occur with existing DuComm antennae on the tower. Mr. Chejfec added that Allen Taflove recommended T-Mobile should be required to get actual measurements to ensure that no interference with the safety equipment will occur.

At Commissioner Buckton's request, Mr. Chejfec responded to the issue regarding reduced real estate values in the neighborhood of the water tower due to the antennae by referring to two letters from realtors and one letter from a builder in the petitioners' packet. Mr. Chejfec added that the perception of a health issue is sufficient to deter potential buyers or lower the value of homes in the neighborhood. Mr. Chejfec agreed with Commissioner Buckton's statement that if the proposed antenna installation was minimal in size and out of sight, the residents would not have a problem with it. Commissioner Whalen stated that he constructed some homes on Cottage Avenue and that, in particular, the sale price of 427 Cottage increased 44 percent from the original construction sale price four years earlier and that antennae had been added to the water tower during that time period. Mr. Chejfec stated that 427 Cottage is his home and he

was unaware at that time that T-Mobile would be adding more antennae to the water tower

Ms. Kern stated that the Civic Center chimney and private locations within the Village are viable alternatives and should be taken into consideration by the Plan Commission.

Jeff Reber, 433 Cottage Avenue, Glen Ellyn (the property immediately west adjacent to the water tower), has lived in his home since 1997. Mr. Reber commented that since AT & T continues to provide adequate coverage to the downtown area after removing their equipment from the water tower, perhaps T-Mobile can provide adequate coverage to the downtown without using antenna equipment structures designed to provide superior coverage.

#### Petitioner's Responses to Comments/Questions

Mr. Howley stated that T-Mobile would be willing to perform a site specific test and that T-Mobile and other carriers have co-location equipment with public safety communication antenna equipment on tens of thousands of water tanks throughout the country. Mr. Howley also stated that T-Mobile antenna equipment is on hundreds of municipal water tanks in the Chicago metropolitan area, many of which have public safety antennae, and there has never been any interference to date with any of that equipment. Mr. Howley commented that DuComm felt that the T-Mobile facility would improve safety due to additional height and possible new co-ax cable and antennae. Mr. Howley stated that a serious safety problem currently exists for the 1,400 T-Mobile users in downtown Glen Ellyn due to inadequate coverage concerns.

Mr. Howley addressed the memo from Amy Watroba Kern and Charles Chejfec dated June 27, 2007, clarifying that 7-1/2 feet will be added to a 125-foot structure (the existing water tower) and that the T-Mobile antennas will not be the highest point on the tower. Mr. Howley repeated Dr. Taflove's statement that the proposed site will be 1,000 times below the Federal level. Mr. Howley stated that the Civic Center cupola is not a viable site for T-Mobile's antennae and also stated that the remonstrators' believe that the location of the antennae on the water tower will impact the nearby historic district, however, they would like the antennae located on a building in the heart of the downtown historic district.

David Kunkel, a professional real estate appraiser, 1440 Maple Avenue, Lisle, Illinois, gave a brief summary of his credentials. Mr. Kunkel stated that he was retained by T-Mobile to provide an opinion based on his professional experience. Mr. Kunkel described his experience studying the impact of wireless facilities on property values and development and stated that he has repeatedly not found any problems or differences in the transaction data of homes near properties with wireless facilities. Mr. Kunkel responded to Commissioner Buckton that he has never been asked to specifically look at market time and pricing for homes near water tower situations. Mr. Kunkel also stated that, in his professional opinion, the addition of the proposed T-Mobile equipment will have no impact on property values in the area, will not result in the loss or damage of

natural, scenic or historic features and the proposed facility will be harmonious and appropriate in appearance with the character of the general vicinity.

#### Comments from the Plan Commission

Five of the seven Plan Commissioners present were in favor of the proposed request for antennae on the Cottage Avenue water tower. Most of the Plan Commissioners felt that T-Mobile had satisfied the special use criteria and that issues regarding health, safety and property values had been addressed by the petitioner. Regarding aesthetics, one Plan Commissioner felt that visual damage had been done to the neighborhood by the construction of the water tower and that antennae on the top do not have any effect on the surrounding area as far as changing the characteristics of the neighborhood. Commissioner Strayer felt that language from Ordinance 3810 in 1991 stating that antennae on the water tower are to be kept to a minimum would not apply today as technology has changed substantially since that time. Most Plan Commissioners felt that any slight chance of interference with DuComm equipment by T-Mobile can be handled by adding a condition of approval that testing will occur before final approval of installation. Some Plan Commissioners also were in favor of adding a condition that would limit the automatic renewal of T-Mobile's lease or adding an expiration date of the special use. The Commissioners felt that AT & T should remove equipment currently on the water tower that is not in use.

Two Commissioners were not in favor of the proposed request for antennae on the Cottage Avenue water tower. Regarding aesthetics, one concern expressed was that adding more and more structures on the water tower could cause potential loss in the value of residents' homes in the area. The Commissioners felt that other alternative locations are available. Another comment was made that although the Comprehensive Plan states that Glen Ellyn should be in the forefront of providing high speed internet services and broadband communications companies to businesses and residents, Ordinance 3810 states that the number of antennae should be limited and the Village should honor that commitment.

Village Attorney Adam Simon commented that special uses can have durational limits subject to review and identity-specific limitations.

Chairman Mansfield complimented the residents of the subject neighborhood on their preparation and presentation of material to the Plan Commission.

#### Motion

Commissioner Strayer moved, seconded by Commissioner Buckton, that the Plan Commission recommend that the Village Board approve a Special Use Permit in accordance with Section 10-4-5(B) of the Glen Ellyn Zoning Code to allow a wireless antennae structure to be located at a height of 132.5 feet on the Glen Ellyn water tower located at 439-447 Cottage Avenue in an R2 Residential District based on the following findings of fact: 1. The proposed use will be harmonious and in accordance with the

general objectives of the Village Zoning Code because the petitioner is proposing to co-locate on an existing structure, thereby eliminating the need to construct an additional antennae tower to serve the residents of Glen Ellyn. 2. The proposed project is designed and shall be constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area because the water tower is an existing structure that currently contains antennae structures and the proposed antennae do not exceed the height of the existing antennae and, furthermore, the applicant is proposing to place all support equipment inside the tower structure out of public view. 3. The proposed use will not be hazardous or disturbing to existing or future neighborhood uses of the property because the petitioner has documented that the proposed antennae will not interfere with the existing public safety communications and a structural engineer has stated that the proposed installation will not negatively impact the tower structure or affect its intended public purpose and the RF report indicates RF emissions are approximately 1,000 times less than the threshold established by the FCC. 4. The proposed use will be served adequately by the existing public facilities and services or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services because the use only requires electricity and telephone access, both of which are available on site. 5. The proposed use will not create excessive additional requirements at public cost for public facilities and will not be detrimental to the economic welfare of the Village because the Village will enter into a license agreement that protects the Village from any existing or future public costs or liabilities associated with this installation. 6. The use will not involve activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare and odors because this will be an unmanned wireless facility, generating no traffic, noise, smoke, fumes, glare or odors. 7. The project will have vehicular approaches to the property which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads because the site will not be staffed. 8. The project will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief because the antennae installation will be installed on an existing structure and, therefore, will not increase the impervious surface area. 9. The project will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community because the landscape of the property will not change and the proposed use is completely contained within or on the existing municipal water tank.

The recommendation for approval was subject to the following conditions: A. The project shall be constructed in substantial conformance with the plans as submitted and the testimony as presented at tonight's meeting. B. The petitioners shall, at their cost, enter into an agreement with a consultant of the Village of Glen Ellyn's choice to provide construction inspection/oversight of the installation of the cellular antennae and related equipment. C. The petitioners shall, at their cost, enter into an agreement with a consultant of the Village of Glen Ellyn's choice perform a follow-up inspection of the interior and exterior of the tank after installation of the tower is completed. This inspection shall include the costs of draining, cleaning and disinfecting the tower, as

required. D. The petitioner shall be responsible for the remediation of any defects found in or on the tank resulting from the installation of the tower pod, including but not limited to, corrective structural repairs and recoating/repainting of the affected area of the tank. E. The antennae, support structure and mounting equipment and wiring shall be painted to match the exterior of the water tower. F. The petitioner shall provide and maintain a \$20,000 cash deposit or Letter of Credit to ensure all equipment on the site belonging to T-Mobile shall be removed and the tower and site restore to the pre-existing condition within 180 days either after expiration or termination of the lease or abandonment of the antennae. The Village may use the \$20,000 to pay for any and all costs associates with the removal of any and all of T-Mobile's antennae, equipment and related materials and repair and restoration of the tower and/or site. The License Agreement that the Village Board negotiates with the petitioner will contain a provision that the Special Use Permit will automatically expire and the equipment will be removed from the tower if the equipment is not in use for a reasonable period of time. G. The petitioner will relocate the DuComm antennae as directed by DuComm at T-Mobile's expense, including, if necessary, mounting the DuComm antennae on top of the T-Mobile tripod to ensure DuComm maintains an unobstructed signal from all directions. In the event that the DuComm antennae exceeds 140 feet in height, such relocation will require approval of a Special Use Permit for such purpose. H. The petitioner will be required to notify DuComm prior to installation to ensure that a DuComm technician is present during installation and the technician will complete a post-installation final inspection and certification. If the DuComm antennae are damaged during relocation due to age or deterioration of the antennae, itself, T-Mobile must replace the antennae and coax at their expense to DuComm specifications. J. That the Special Use will not be in force and effect until a lease between T-Mobile and the Village of Glen Ellyn for the use of the subject property and for any other applicable terms is duly signed and executed. K. T-Mobile may replace the antennae in the future without having to seek a new Special Use Permit provided, however, that the plans and RF emissions are substantially consistent with plans and reports approved herewith and that prior to installation of a replacement antennae, plans for such shall be subject to review and approval by the Director of the Planning and Development Department who may, in his or her discretion, require T-Mobile to seek a new Special Use Permit should the antennae be determined to have a greater potential impact on surrounding properties. L. Actual testing of a temporary antennae to determine compatibility with the DuComm antennae shall be completed prior to commencement of operation of the T-Mobile antennae.

The motion carried with five (5) "yes" votes and two (2) "no" votes as follows:  
Commissioners Strayer, Buckton, Dykstra, Swanson and Whalen voted yes;  
Commissioner Lemme and Chairman Mansfield voted no.

#### Chairman's Report

Chairman Mansfield wished everyone a happy 4<sup>th</sup> of July.

Trustee's Report

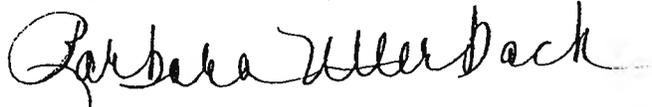
Trustee Lee, who was substituting for Trustee Armstrong, stated that the new Trustees were seated mid-May and Curt Barrett is now Acting Village Manager after the resignation of Village Manager Robin Weaver. She also gave updates on miscellaneous Village projects and the budget. Trustee Lee wished everyone a happy 4<sup>th</sup> of July.

Staff Report

Village Planner Michele Stegall introduced Aaron Cosentino, a summer employee in the Planning and Development Department, who attended the Plan Commission meeting. Ms. Stegall stated that the Central DuPage Hospital building project will be on the next Plan Commission agenda.

There being no further business before the Plan Commission, the meeting was adjourned at 11:12 p. m.

Respectfully submitted,



Barbara Utterback  
Recording Secretary



CERTIFICATION

I, Andrea Draths, duly elected Village Clerk of the Village of Glen Ellyn, Illinois, do hereby certify that the attached is the true original copy of Ordinance No. 5606, passed by the Board of Trustees of the Village of Glen Ellyn, Illinois, at the Regular Meeting of said Board held on the 27 day of August 2007, and that the same was signed and approved by the President of said Village on the 27 day of August 2007.

I do further certify that the original is entrusted to me as Village Clerk of said Village for safekeeping and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Glen Ellyn, Illinois, this 17 day of October 2007.

Andrea Draths  
Village Clerk

CORPORATE SEAL

**Village Of Glen Ellyn**

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

**An Ordinance Approving a Special Use Permit  
to Allow Two Existing DuPage Public Safety Communications (DuComm) Antennae to  
Remain on the Cottage Avenue Water Tower Located at 439-447 Cottage Avenue**

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**Adopted by the  
President and the Board of Trustees  
of the Village of Glen Ellyn  
DuPage County, Illinois  
This \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_.**

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Published in pamphlet form by the authority of the  
President and Board of Trustees of the Village of  
Glen Ellyn, DuPage County, Illinois, this \_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

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

**An Ordinance Approving a Special Use Permit  
to Allow Two Existing DuPage Public Safety Communications (DuComm) Antennae to  
Remain on the Cottage Avenue Water Tower Located at 439-447 Cottage Avenue**

**Whereas**, the Village has submitted an application for approval of a Special Use Permit to allow two (2) existing DuPage Public Safety Communication (“DuComm”) antennae to remain on top of the Cottage Avenue water tower at 439-447 Cottage Avenue; and

**Whereas**, the subject antennae are currently located at a height of just under 150 feet as measured from the base of the water tower; and

**Whereas**, the Village does not believe that a Special Use Permit is required because the Zoning Code only requires a Special Use Permit for antenna support structures, not for antennae. However, given a condition in Ordinance 5606 which approved the installation of an antenna support structure for T-Mobile on top of the water tower and which states that, *“The petitioner will relocate the DuComm antennae as directed by DuComm at T-Mobile expense, including if necessary, mounting the DuComm antennae on top of the T-Mobile tripod to ensure DuComm maintains an unobstructed signal from all directions. In the event that the DuComm antennas exceed their current height of 140 feet, such relocation will require approval of a Special Use Permit for such purpose”*, the Village has chosen to voluntarily apply for a Special Use Permit even though it is not believed to be required; and

**Whereas**, the subject property is located on the south side of Cottage Avenue between Western Avenue and Pleasant Avenue in the R2 Residential zoning district at 439-447 Cottage Avenue, and is legally described as follows:

LOTS 1 THROUGH 5 IN MCANDREWS AND JAMES SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

P.I.N.s: 05-11-304-009 AND 05-11-304-035; and

**Whereas**, following due and proper publication of notice in the Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and following written notice to all property owners within 250 feet, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Plan Commission of the Village of Glen Ellyn conducted a public hearing on October 13, 2011, at which hearing the Plan Commission considered the requested Special Use Permit and three (3) people spoke in opposition to the request; and

**Whereas**, after having considered the evidence presented, including the exhibits and materials submitted, the Plan Commission made its findings of fact and recommendations as set forth in the minutes of the Glen Ellyn Plan Commission dated October 13, 2011, a copy of which is attached hereto as Exhibit "A", and by a vote of nine (9) "yes" and zero (0) "no," recommended approval of the requested Special Use Permit pursuant to Section 10-10-14 of the Glen Ellyn Zoning Code; and

**Whereas**, the Village President and Board of Trustees have reviewed the evidence, exhibits and materials presented at the October 13, 2011 public hearing before the Plan Commission and have considered the findings of fact and recommendations of the Plan Commission; and

**Whereas**, the President and Board of Trustees have determined that granting the requested Special Use Permit is consistent with the goals of the Glen Ellyn Zoning Code.

**Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois**, in the exercise of its home rule powers, as follows:

**Section One:** The October 13, 2011 minutes of the Glen Ellyn Plan Commission, Exhibit "A" attached hereto, and the findings of fact set forth therein and in the preambles above are hereby adopted as the findings of fact of the Village President and Board of Trustees based upon their review of the evidence, exhibits, and materials presented at the October 13, 2011 public hearing before the Plan Commission. Based upon its review of the hearing before the Plan Commission, the Corporate Authorities find that the objection of Attorney Chejfec appears to principally relate to the fact that the DuComm antennae would not need to be increased in height if the Village Board had not granted approval to antennae requested by T-Mobile. Mr. Chejfec represented objectors in a lawsuit filed by the objectors to the T-Mobile antennae, and both the Circuit Court of DuPage County and the Illinois Appellate Court denied the contention that the Village's decision to allow the T-Mobile antennae were in violation of any municipal ordinance or State law.

It was contemplated at the time that the T-Mobile antennae were authorized that a relocation of the DuComm antennae might be required and that turned out to be the case. The Corporate Authorities find that the relocation for reasons of ensuring a clear radio signal for the DuComm antennae is in the public interest and, if thought to require a Special Use, although there has been no change in the antennae structures, but only the antennae, the Corporate Authorities are prepared to grant that Special Use. The Corporate Authorities find that the addition of approximately ten (10) feet to the height of these thin antennae, located some distance from the ground, are consistent with the public needs of the Village to support fire and police services, and are fully within the standards under which the Village Board may grant Special Uses. DuComm has had antennae at this location since about 1975, and the Corporate Authorities find that the objectors have not presented any credible evidence that the small addition in the height of these antennae violates any concept of zoning, and constitutes an

attempt to re-litigate matters previously resolved. The Corporate Authorities find that, at the time of the request, that the two (2) existing DuComm antennae, which are located at a height of just under 150 feet and have a diameter of 2.75 inches, were in full compliance with the general intent of the Village in its passage of Ordinance No. 5606, and that, absent a request that a Special Use be granted, the Village would have concluded that, under general zoning principles and under a municipality's discretion, it would not have felt the need for a public hearing or an appropriate consideration of the granting of a Special Use. Such a request having been made, the Village has engaged in a full and appropriate public hearing allowing all evidence in opposition to the granting of the Special Use to be presented, along with arguments in support of the granting of the Special Use. The Corporate Authorities believe that the granting of a Special Use to the Village in this instance, supported by a unanimous recommendation of its Plan Commission is, even based upon the fact that the Village is the applicant, fully supported by procedural and substantive zoning law considerations.

**Section Two:** Based upon the findings of fact and recommendations of the Plan Commission as adopted herein and the findings of fact and conclusions set forth in the preambles above, and the additional findings of the Village Board contained in Section One, the Village President and Board of Trustees hereby grant approval of the requested Special Use Permit to allow two (2) existing DuComm antennae to remain on the Cottage Avenue water tower.

**Section Three:** This grant of approval of a Special Use Permit is subject to the condition that the antennae are maintained in substantial conformance with the plans submitted and the testimony presented at the October 13, 2011 Plan Commission public hearing and with the following plans and documents included in the application packet as though they were attached to this Ordinance:

- A. Application for Special Use Permit revised September 29, 2011
- B. Narrative Statement (no date)
- C. Letter from Jerry Chapman dated September 27, 2011
- D. Plat of Survey revised March 1, 2007
- E. Picture of Existing DuComm Antennae (no date)
- F. Panel Layout Plan (no date)
- G. Survey Conducted by Steinbrecher Land Surveyors, Inc. dated August 27, 2008
- H. Tower Elevation (no date)

and these plans and documents shall be filed with and made part of the permanent records of the Glen Ellyn Planning and Development Department.

**Section Four:** The Building and Zoning Official is hereby authorized to issue any necessary building permits pursuant to the Special Use Permit approved herein, provided that all the conditions set forth hereinabove have been met and that the applicant complies with all other applicable laws and ordinances of the Village of Glen Ellyn. The Village Board may, for good cause shown, waive or modify any conditions set forth in this Ordinance without requiring that the matter return for a public hearing.

**Section Five:** This Ordinance shall be in full force and effect from and after the passage, approval, and publication in pamphlet form.

**Section Six:** The Village Clerk is hereby authorized to record this Ordinance with the DuPage County Recorder of Deeds.

**Passed** by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Ayes:**

**Nays:**

**Absent:**

**Approved** by the Village President of the Village of Glen Ellyn, Illinois, this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Village President of the  
Village of Glen Ellyn, Illinois

**Attest:**

\_\_\_\_\_  
Village Clerk of the  
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the \_\_\_ day of \_\_\_\_\_.)

X:\Plandev\PLANNING\DEVELOPMENT PROJECTS\Cottage\Cottage 439-447, DuComm\Ordinance Rev. 120611 Redline.docx

## APPLICATION FOR SPECIAL USE PERMIT

The undersigned petitions the President and Village Board of Trustees of the Village of Glen Ellyn, Illinois, to consider the Special Use described in this application.

**Date Filed:** 09/14/2011; revised 9/29/2011

**Application No:** NA

**Name of Applicant:** Village of Glen Ellyn

**Contact Information of Applicant:** Mark Franz, Village Manager

**Address of Applicant:** Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, IL 60137

**Business Phone:** 630-547-5200

**Fax:** 630-469-8849

**Cell/Home Phone:** NA

**Email:** mfranz@glenellyn.org

**Property Interest of Applicant:** Owner

**Contact Information for Owner:** Same as Above

**Name of Owner:** Same as Above

**Address of Owner:** Same as Above

**Business Phone:** Same as Above

**Fax:** Same as Above

**Cell/Home Phone:** Same as Above

**Email:** Same as Above

**Address and Legal Description of Property:** LOTS 1 THROUGH 5 IN MCANDREWS AND JAMES SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

**Permanent Index No. (PIN):** 05-11-304-009 and 05-11-304-035 **Zoning:** R2 Residential

**Lot Dimensions:** 136.26' x 143.80'

**Lot Area:** 19,597 square feet

**Present Use:** Water Tower

**Requested Use/Construction:** To allow two existing DuComm antennae to remain at a height of just under 150 feet.

**Estimated Date to Begin New Use/Construction:** NA

**Name(s), Address(es) and Phone No(s). of Experts (architects, engineers, etc.):**

Bob Greenberg, Public Works Project Coordinator

Jerry Chapman, DuComm Support Services Manager

**Narrative Statement evaluating the economic effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property, a discussion of the general compatibility with the adjacent and other properties in the district, the effect of traffic, and the relationship of the proposed use to the Comprehensive Plan, and how it fulfills the requirements of paragraph (E) of Section 10-10-14 of the Zoning Code:**

See Attached

**Describe How the Special Use:**

1. **Will be harmonious with and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan and/or this Zoning Code** because it is the Village's belief that a Special Use Permit for the antennae is not required as the Zoning Code does not require a Special Use Permit for the installation of antennae, but only for the installation of antenna support structures. In addition, one of the stated objectives in the Comprehensive Plan is to "*Maintain effective fire and police protection throughout the Village.*" (pg: 9) and the two DuComm antennae are necessary to achieve this objective.
2. **Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area** because the subject antennae are already existing and are located on top of a more than 123 foot tall water tower. Public safety antennae are believed to have been located on the site since the mid 1970's and the subject antennae were most recently relocated from a height of 140 feet to a height of just under 150 feet. Given the height, scale and location of the antennae, the additional 10 feet in height that resulted from mounting the antennae on top of the T-Mobile tripod has a negligible impact on the character of the area.
3. **Will not be hazardous or disturbing to existing or future neighborhood uses** because DuComm public safety antennae have been located on the property since the mid 1970's and the additional height from the relocation of the subject antennae has a negligible impact on the character of the area. In addition, the site is unmanned, all the associated equipment, with the exception of the electric service, is located inside the water tower and the antennae do not produce any noise, traffic or other conditions that are hazardous or disturbing to the surrounding neighborhood.
4. **Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services** because the antennae are needed to provide emergency police and fire service throughout Glen Ellyn and other surrounding communities and the antennae will have no negative impact on the provision of other public facilities and services in the Village.
5. **Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village** because the antennae already exist and public safety antennae have been located on the

site since the mid 1970's. Removal of the antennae would impair the ability of the Village and other surrounding communities to provide emergency police and fire services thereby creating additional costs for public services and having a detrimental impact on the economic welfare of the Village and other surrounding communities that rely on the antennae. The same could likewise happen if the height of the antennae were lowered as the antennae were moved to their current height to avoid any potential degradation of DuComm's radio signal.

6. **Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors** because the antennae are mounted on top of a more than 123 foot tall water tower and no improvements to the site are proposed. No traffic, noise, smoke, fumes, glare or odors are caused by the increased height of the antennae.
7. **Will have vehicular approaches to the property, which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads** because the antennae are mounted on top of a more than 123 foot tall water tower and no improvements to the site are proposed. Should service be required at this unmanned location, available street parking will be used as it has been in the past.
8. **Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief** because the antennae are mounted on top of a more than 123 foot tall water tower and no improvements to the site are proposed.
9. **Will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community** because the antennae are mounted on top of a more than 123 foot tall water tower and no improvements to the site are proposed.

I (We) certify that all of the statements and documents submitted as part of this application are true to the best of my (our) knowledge and belief.

I (We) consent to the entry in or upon the premises described in this application by any authorized official of the Village of Glen Ellyn for the purpose of inspection.

I (We) consent to pay the Village of Glen Ellyn all costs incurred for transcribing the public hearing on this application.

I (We) understand that no final action shall be taken by the Village Board subsequent to the public hearing until and upon payment of transcribing fees.

9/30/11  
Date

  
Signature of Applicant

**THE BEST INTERESTS OF THE APPLICANT WILL BE SERVED  
BY COMPLETING THIS APPLICATION IN DETAIL**

## Narrative Statement

The Village of Glen Ellyn is seeking approval to allow two existing DuPage Public Safety Communications (DuComm) antennae located on top of the Cottage Avenue water tower to remain at a height of just under 150 feet as measured from the base of the tower. The antennae are used to support emergency police and fire services throughout Glen Ellyn and other surrounding communities and are a vital part of the 911 system. These antennae are part of a larger interdependent communications system. One of the antennae supports emergency police communications in Glen Ellyn and Wheaton and the other supports emergency fire communications in Glen Ellyn, Glenside, Wheaton, Winfield, Carol Stream and West Chicago. Without these antennae, the ability to provide emergency public safety services to Glen Ellyn and other surrounding communities would be impaired.

DuComm equipment was located on the original water tower located on the property and has been located on the site since the mid 1970's. In late 2007 or early 2008, the two antennae in question were relocated on top of the new T-Mobile tripod thereby increasing their height from 140 feet to just under 150 feet. It is the Village's position that a Special Use Permit for the antennae is not required as the Zoning Code does not require a Special Use Permit for the installation of antennae, but only for the installation of antenna support structures. In addition, the Village believes that the antennae are in substantial conformance with Village ordinances without the granting of a Special Use Permit. Nonetheless, given a condition in Ordinance 5606 which approved the installation of the T-Mobile tripod on the water tower and which states that *"The petitioner will relocate the DuComm antennae as directed by DuComm at T-Mobile expense, including if necessary, mounting the DuComm antennae on top of the T-Mobile tripod to ensure DuComm maintains an unobstructed signal from all directions. In the event that the DuComm antennas exceed their current height of 140 feet, such relocation will require approval of a Special Use Permit for such purpose."* the Village has chosen to voluntarily apply for a Special Use Permit.

The antennae are located on top of a more than 123 foot tall water tower and were previously located at a height of 140 feet. The antennae were relocated on top of the T-Mobile tripod at a height of just under 150 feet in order to avoid any degradation of DuComm's radio signal. Given the location and scale of the antennae, the increased height of 10 feet should have a negligible impact on the character of the surrounding area. In addition, no noise, glare, odor, fumes or vibration will be created by allowing the existing antennae to remain at their current height. The Comprehensive Plan states that the Village should *"Maintain effective fire and police protection throughout the Village"* (pg: 9) and the antennae are a vital part of the public safety communication system for Glen Ellyn and other surrounding communities. Removing the antenna or lowering the height of the antenna, which could potentially degrade DuComm's radio signal, would have detrimental effect on the ability to provide essential public safety services in Glen Ellyn and other surrounding communities, could increase the cost of public services and could have a detrimental effect on the economic welfare of the Village.



# DU-COMM

## DuPage Public Safety Communications

Brian Tegtmeyer, ENP  
Executive Director

600 Wall Street  
Glendale Heights, IL 60139  
(630) 260-7500 Main  
(630) 924-9280 Fax  
www.ducomm.org

September 27, 2011

Michele Stegall, AICP  
Village Planner  
Village of Glen Ellyn  
535 Duane Street  
Glen Ellyn, IL 60137

Dear Ms. Stegall,

DuPage Public Safety Communications (DU-COMM) is a consolidated 9-1-1 Public Safety Communications Center serving thirty four (34) police and fire agencies. Dedicated to public safety, DU-COMM began operations in 1975 and Glen Ellyn was a founding member. There are no agreements that DU-COMM has or is aware of for the use of the Cottage Ave. water tower. The current Cottage Ave. water tower occupies the site of the original five legged water tower, and DU-COMM equipment was on that original water tower. DU-COMM believes this was an original receive site for its equipment circa 1975.

At the Cottage Ave. water tower we have three (3) radio receivers. Two (2) UHF receivers share one antenna for the local police channel - (3West) and for DU-COMM - (Channel 5). The third is a VHF receiver for the local fire channel - Fire North. The police channel covers Glen Ellyn and Wheaton, and the fire channel covers Glen Ellyn, Glenside, Wheaton, Winfield, Carol Stream, and West Chicago. This site serves multiple communities as well as Glen Ellyn.

After years of trying different options, the antennas DU-COMM is currently using at the Cottage Ave. water tower work the best for our needs. The police UHF antenna is 19 feet in height and the fire VHF antenna is 20 feet in height. These antennas provide good omni directional coverage and will last for multiple years.

DU-COMM uses water towers in many communities for receiver sites because they are usually the property of member agencies. The height of water towers may vary, but they are all higher than tree level, which provides good, unobstructed signals, and the higher the water tower, the better for receive signals. As with other water towers, where cell company pods were mounted to the top of the tank, DU-COMM antennas were placed on the railing and not left on the bowl of the tower, similar to the antennas at Cottage Ave. If the DU-COMM antennas were on the bowl of the tower, the cell company equipment would shadow the antennas and cause degradation to the radio signal.

Police officers and firefighters carry and use portable radios for most of their communications. The portable radio typically send out only 3 to 5 watts of signal, which is very low compared to a mobile radio. Therefore, DU-COMM builds out the receiver sites so that officers/firefighters will be heard whether on the street or inside a building. By using multiple receiver sites, one site failure will be covered by another site until the failed site is repaired.

If I can be of any further assistance in this matter please feel free to contact me.

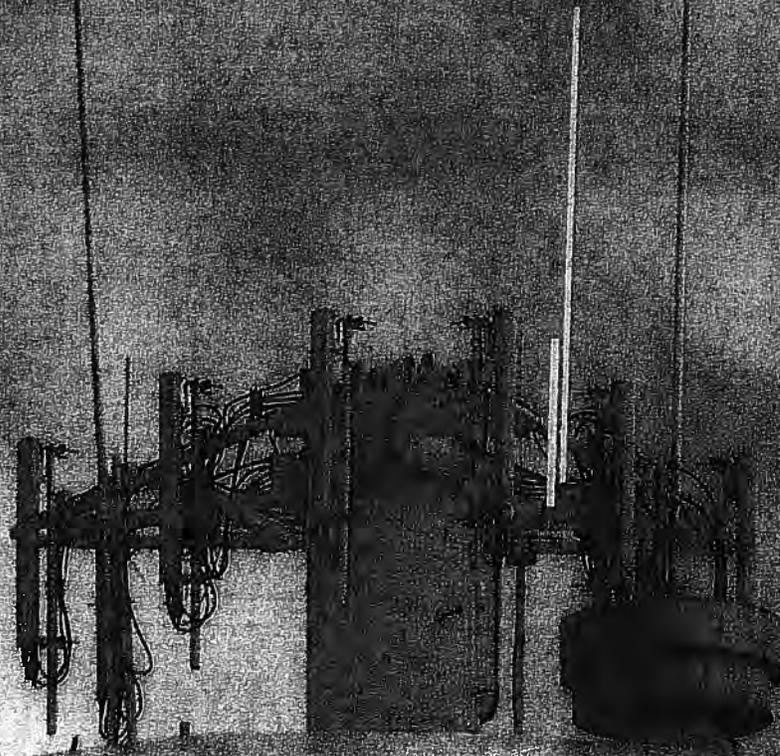
Sincerely,

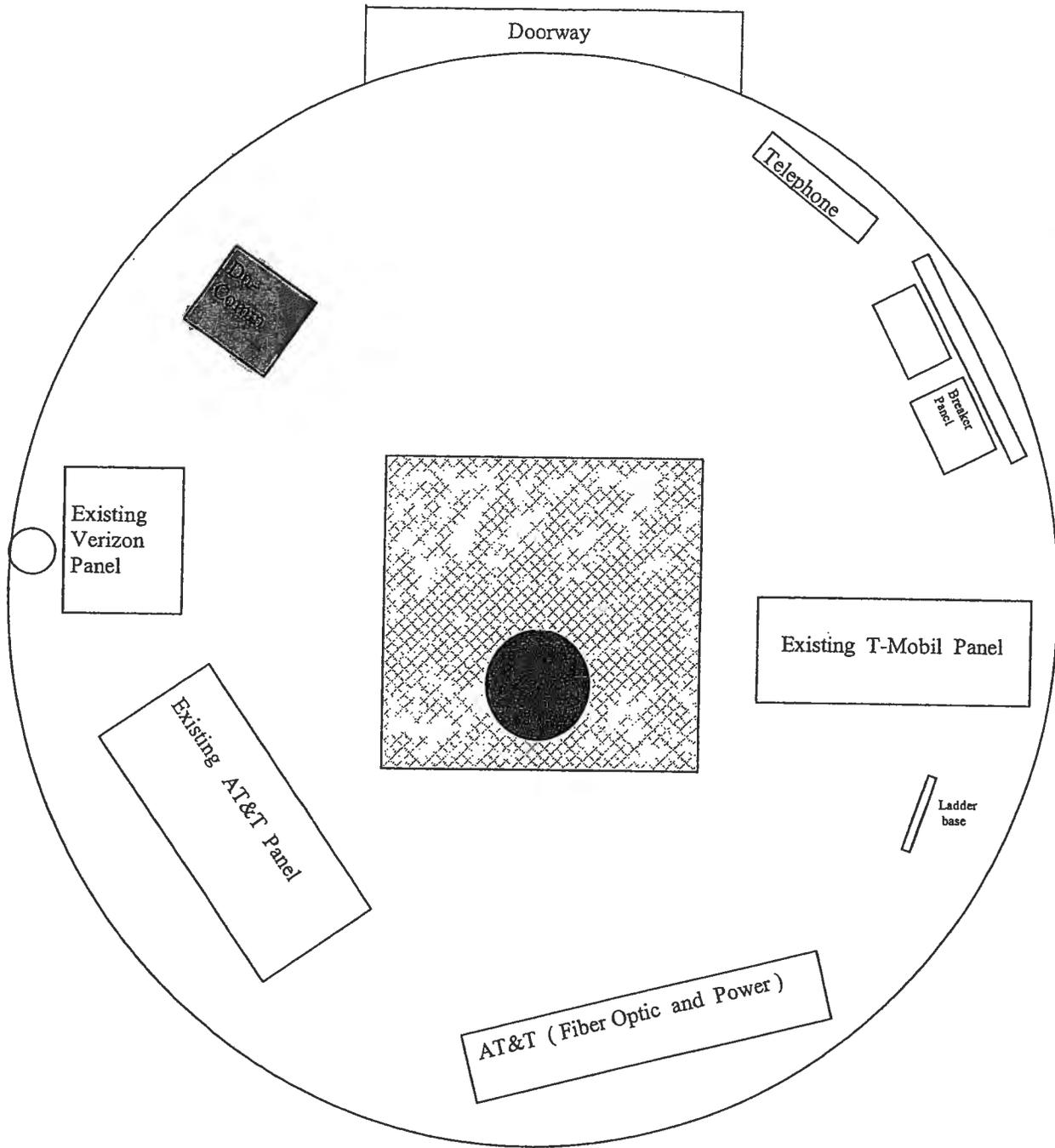
Jerry L. Chapman  
Support Services Manager

cc: Director Tegtmeyer  
Deputy Director Ferraro



# DuComm Antennae





# PANEL LAYOUT

COTTAGE BASE

Tel. (630) 293-8900

Fax (630) 293-8902

# Steinbrecher Land Surveyors, Inc.,

Professional Land Surveying and Civil Engineering

141 S. Neltnor Blvd., West Chicago, IL 60185-2844

Rich@slandsurveyors.com

August 27, 2008

Village of Glen Ellyn  
535 Duane Street  
Glen Ellyn, IL 60137

RECEIVED

AUG 29 2008

PLANNING DEPARTMENT  
VILLAGE OF GLEN ELLYN

Re: Antennae Heights on  
Cottage Ave. water tower

To Whom It May Concern:

This is to certify that we, Steinbrecher Land Surveyors, Inc., have determined the heights of six different antennas on top of the Village of Glen Ellyn water tower located on the south side of Cottage Ave., between Pleasant and Prairie Avenues. The heights from the base of the water tower to the top of the water tower and to the tip of the antennas are as follows:

- Top of Water Tower: 123.60'
- Antennae 1: 149.08' - (Du Comm)
- Antennae 2: 133.68' - (T-Mobile)
- Antennae 3: 137.18' - (Verizon)
- Antennae 4: 133.68' - (T-Mobile)
- Antennae 5: 149.78' - (Du Comm)
- Antennae 6: 136.84' - (Verizon)

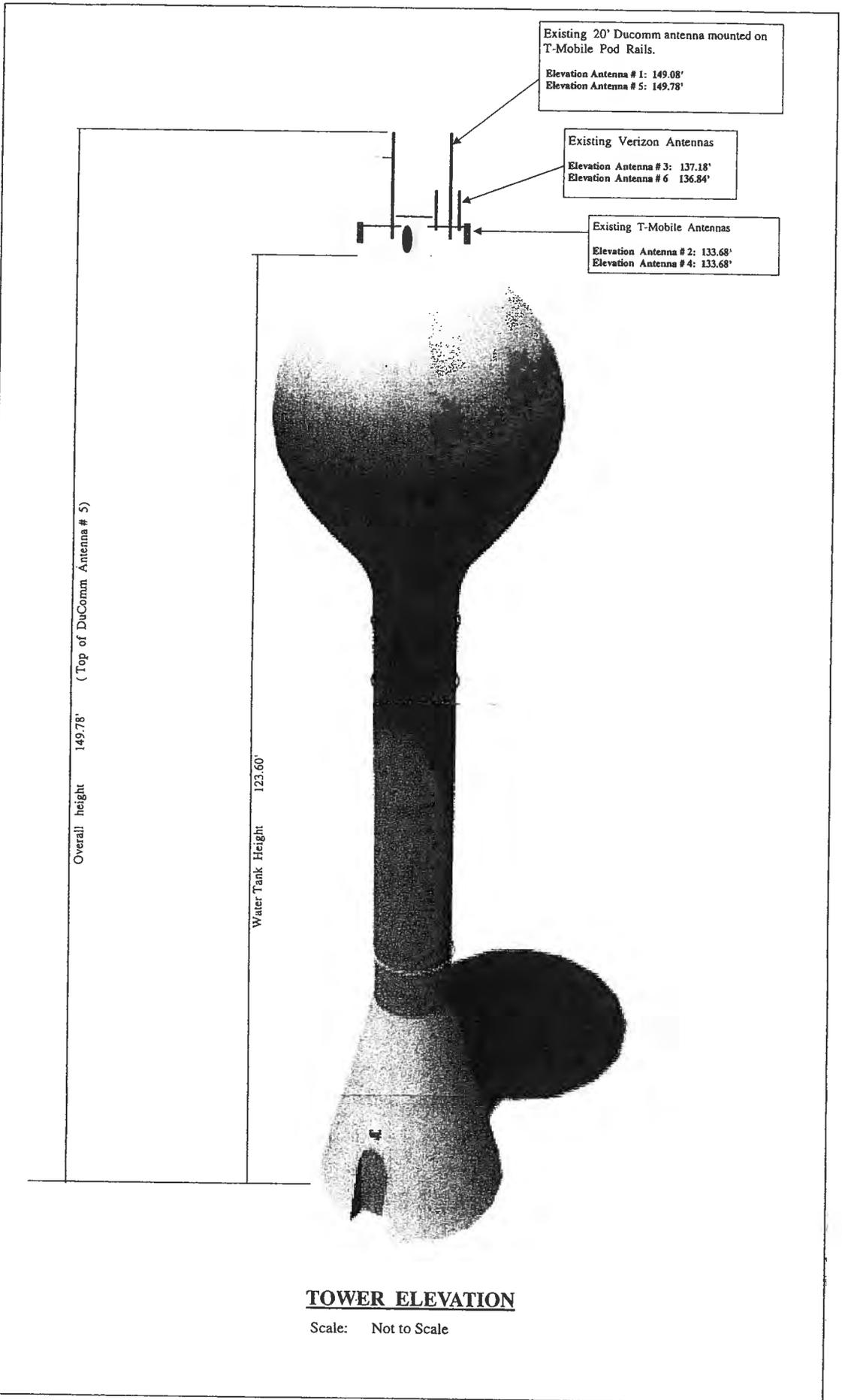
Note: The Antennas were identified based on information provided by the Village of Glen Ellyn.

If there are any questions regarding this information please feel free to call me.

Sincerely,



Richard J. Steinbrecher  
Illinois Professional Land Surveyor  
License # 3583



**TOWER ELEVATION**

Scale: Not to Scale

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MEMORANDUM

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A-11

**TO:** Mark Franz, Village Manager *MF*

**FROM:** Staci Hulseberg, Planning and Development Director *SH*  
Michele Stegall, Village Planner *MS*

**DATE:** December 9, 2011

**FOR:** December 12, 2011 Village Board Meeting

**SUBJECT:** Cottage Avenue Water Tower – SCADA Antenna  
Special Use Permit

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**Background.** The Village has submitted an application for approval of a Special Use Permit to allow a Supervisory Control and Data Acquisition (SCADA) antenna to be installed on the Cottage Avenue water tower. The subject property is located on the south side of Cottage Avenue between Western Avenue and Pleasant Avenue in the R2 Residential zoning district and is commonly known as 439-447 Cottage Avenue.

The antenna is 8.75 feet tall and would be mounted on the east rail of the existing T-Mobile tripod at a height of approximately 141 feet. An elevation of the water tower showing the proposed antenna is included in the application packet. The antenna would be used to send radio control and communication signals to potable water production facilities and sanitary sewer lift stations in the Village. It is a vital part of the planned upgrade of the SCADA system.

**Issues.** Attached is a memorandum from Public Works Civil Engineer Jeff Perrigo. The memorandum provides information about the benefits of the SCADA system and the condition of the current system. As indicated in the attached memorandum, the current system is degrading at a rapid rate and staff believes that a decision on the request is paramount.

The Zoning Code does not require a Special Use Permit for the installation of antennae, but only for the installation of antenna support structures. Therefore, a Special Use Permit is not believed to be required for the antenna. However, given past interest in the location of antennae on the water tower, it was decided that the Village would voluntarily apply for a Special Use Permit.

At the public hearing on the request, opposing neighbors have referenced a condition in Ordinance 3810 that approved the construction of the water tower and which states that "*Antennas on the new tower are to be kept to a minimum*". This condition was a point of contention in the ongoing lawsuit related to the installation of the T-Mobile tripod on the water tower. The Judge in this case ruled that it is up to the Village to interpret its own Ordinances and determine what "at a minimum" means. During their deliberations, the Plan Commission did discuss this condition. A copy of the minutes from their December 8 meeting where this issue was discussed will be forwarded to the Board on Monday.

**Recommendation.** The Plan Commission reviewed the request at public hearings on October 26, 2011 and December 8, 2011. A total of three (3) people spoke at the hearing in opposition to the request. By a vote of 8-0, the Plan Commission recommended approval of the application.

**Action Requested.** The Village Board may approve, approve with conditions or deny the request. A draft Ordinance approving the request has been prepared for consideration at the December 12, 2011 Village Board meeting.

**Attachments.**

- Memorandum from Jeff Perrigo updated December 7, 2011
- Location Map for Public Hearing Notice
- Public Hearing Notice
- Mailing Labels for Public Hearing Notice
- Minutes from October 26, 2011 Plan Commission Meeting
- Ordinance 3810
- Draft Ordinance
- Application Packet

Cc: Stewart Diamond, Village Attorney  
Ellen Emery, Village Attorney  
Julie Tappendorf, Village Attorney  
Staci Hulseberg, Planning and Development Director  
Julius Hansen, Public Works Director  
Jeff Perrigo, Public Works Civil Engineer  
Bob Greenberg, Public Works Project Coordinator  
Gary Bach, Public Works Senior Plant Operator

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## MEMORANDUM

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**TO:** Julius Hansen, Public Works Director  
**FROM:** Jeffrey D. Perrigo, Civil Engineer  
**DATE:** December 02, 2011 (Updated 12.07.11)  
**RE:** SCADA – Benefits for Antenna Upgrade

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### Background

SCADA is an acronym for Supervisory Control and Data Acquisition. Essentially, it is a software program and hardware system that monitors, controls and records information about our major water and sanitary sewer infrastructure including tank levels, flow rates, pump usage and operating status. SCADA provides for remote communication between water and sanitary facilities and personnel to ensure safe operation of each.

A study was conducted by Siemens Water Technologies that determined that the most beneficial location for the required antenna for radio transmissions is the Cottage Avenue water tower. The water tower is the highest point in the Village and permits the use of radio signals to be used for the current on-line facilities as well as those sanitary facilities anticipated in the future. Public Works received Board approval for, and purchased, new SCADA equipment in the spring of 2010 in the amount of approximately \$125,000.

### Issues

Since 2010, much discussion and litigation has surrounded the installation of antennas for DU-COMM and T-Mobile at the Cottage Avenue site. We were advised to delay the installation of the SCADA antenna until resolution could be reached through the courts, or otherwise. The Village has put on hold the software implementation and installation of the SCADA antenna for nearly 2 years and the current status of the controlling software are tenuous at best. Substantial capital expenses have already been put forth to purchase the system. It is paramount that the system be implemented without further delay. Our current system has been running for 12 years and is failing nearly every day. Every evening, the software needs to print the daily records. However, when it attempts to write the report, the software crashes and shuts down. The shutdown occurs at midnight and requires manual intervention to restart the system. During the time that the system is shut down, there is no data being collected by the system. More importantly than the data that SCADA is not collecting is the concern that during the down time, SCADA does not have the capability to alert staff to any problems with the water system, and there is no possibility of remote communications with the SCADA system.

Part of the implementation of the new SCADA system relates to the benefits to be realized by upgrading our current SCADA system from a phone line based system to radio cannot be overstated. The main reasons for the upgrade are as follows:

Reliability (Radio v. Phone): We are currently running dedicated phone lines that feed the data from the facilities to the main control unit. The integrity of the phone lines, over the last several years has been suspect to the point of resulting in having to run new service lines at both the Cottage water tower and at the West Pressure Adjusting Station (Reno Center). Continued concern regarding phone line disruptions is possible due to adverse weather conditions, contractor activity, and possible security breaches.

Radio transmission's reliability and security is considered by staff to be far superior to that of phone lines. But for the most severe natural events, the radio transmissions will continue to function with virtually no concern for security breaches or impedance.

The effective and efficient control of the water system is paramount for the citizens of Glen Ellyn. No municipality can afford to have a water system that malfunctions for any length of time. It is imperative that any disruptions to the water system be detected and addressed by personnel immediately. The use of SCADA with radio transmission will afford the Village the ability to monitor the water system with great certainty.

Cost (Radio v. Phone): With the use of dedicated phones lines, we are currently realizing an annual maintenance cost of \$4,000 to \$5,000 for the lines. Once fully implemented to include all of the sanitary facilities, we are expecting that the costs will be approximately \$10,000 given the current rates. The new SCADA software and antenna configuration will obviate the need for the phone lines and the associated phone line charges will be eliminated. In essence, the savings realized by changing to radio transmission will pay for the new SCADA system over the next 10 to 15 years.

As stated above, there is constant manual intervention required with the frequent shut downs. The progressive worsening of the software may, at some point, result in a complete and permanent shut down of the system. At that point, a much more aggressive and costly manual schedule will need to be implemented to oversee the attributes normally maintained by the software.

We are currently operating software that is unsupported and is degrading at a predictable rate. When the software finally crashes, an inordinate amount of time will be required to maintain and oversee the water and sanitary facilities. The new SCADA system could run using phone lines; however, we will be reliant on dated technology that is costly and historically unreliable. The importance of having a predictable, reliable and cost effective source of oversight of our water system and sanitary facilities is paramount to the community. To investigate alternative sites will involve further delay, likely another 4 to 6 months at a minimum; additional capital costs of \$15,000 to \$25,000 to accommodate further studies, software reconfigurations, and the like. As the City of Chicago has implemented an aggressive 4-year program to raise the Village's water rates, the Village is attempting to improve our level of service and take advantage of new technologies to reduce the effect of our internal rate increases for the future.

**Recommendation**

For information only

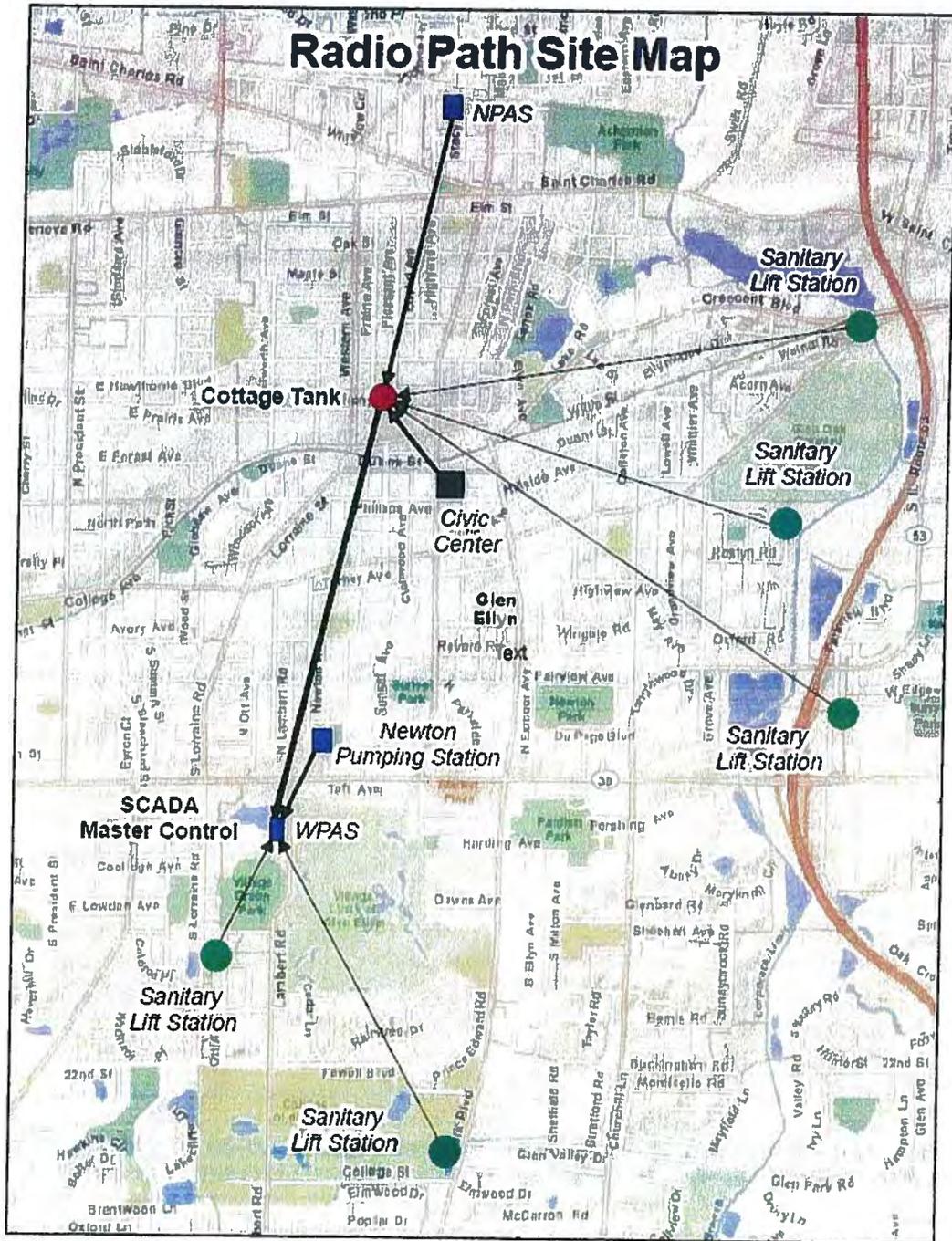
**Action Requested**

For information only

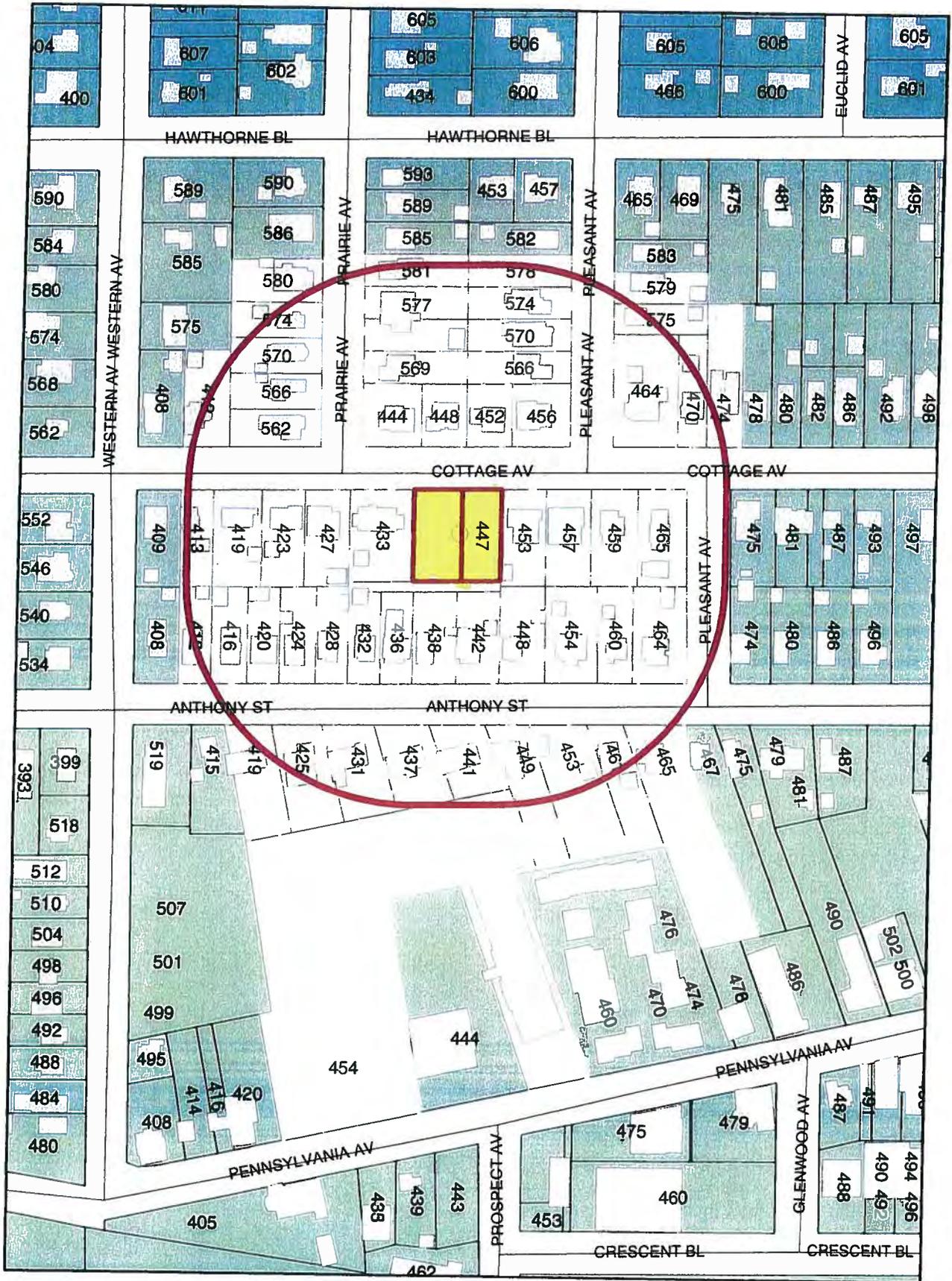
**Attachments**

Radio Path Site Map – map that indicates which facilities are anticipated to be included in the scope of the new SCADA system and the directional characteristics of the signals.

cc: Mark Franz, Village Manager  
Bob Minix, Professional Engineer  
Bob Greenberg, Project Coordinator  
Gary Bach, Senior Plant Operator



# 439-447 Cottage Avenue



Prepared By: Planning and Development  
 Date: September 26, 2011



## NOTICE OF PUBLIC HEARING

The Village of Glen Ellyn is requesting approval of a Special Use Permit for placement of a Supervisory Control and Data Acquisition System (SCADA) antenna to be attached to the existing T-Mobile antenna structure currently at the top of the Cottage Avenue water tower located at 439-447 Cottage Avenue. The SCADA antenna sends and receives electronic signals regarding the Village's sewer and water systems. The SCADA antenna is approximately 11 feet in height and will be attached to the existing T-Mobile structure so that its highest point will be 143 feet from the base of the water tower. The Village believes that its ordinances require special uses for antenna structures, but not antennae themselves. In addition, the Village believes that the antenna will be in substantial conformity with Village ordinances without the granting of a Special Use Permit. Although the Village does not believe that a Special Use Permit is required, it has chosen to voluntarily apply for such a Special Use.

Before the Glen Ellyn Village Board can consider the request, the Plan Commission must conduct a public hearing. The Plan Commission will conduct a public hearing to consider the requested Special Use Permit on **Thursday, October 13, 2011 at 7:30 p.m.** in a meeting room on the third floor of the Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois.

The subject property is located on the south side of Cottage Avenue between Pleasant Avenue and Western Avenue in the R2 Residential zoning district and is legally described as follows:

LOTS 1 THROUGH 5 IN MCANDREWS AND JAMES SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 05-11-304-009 AND 05-11-304-035

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. Plans related to the request are available for public review in the Planning and Development Department of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the request should be directed to Michele Stegall, Village Planner, 630-547-5249.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village 24 hours in advance of the meeting.

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DRAFT  
PLAN COMMISSION  
MINUTES  
OCTOBER 26, 2011

The meeting was called to order by Chairman Julie Fullerton at 7:41 p.m. Plan Commissioners Todd Buckton, Linda Dykstra, Jeff Girling (arrived at 8:14 p.m.), Heidi Lannen, Ray Whalen and Lynn Whiston were present. Plan Commissioners Craig Bromann, Erik Ford, Julie McCormick and Jay Strayer were excused. Also present were Village Planning and Development Director Staci Hulseberg, Village Planner Michele Stegall (arrived at 8:46 p.m.), Village Attorney Ellen Emery, Public Works Project Coordinator Bob Greenberg, Village Interim Public Works Director Jeff Perrigo and Recording Secretary Barbara Utterback.

Plan Commissioner Buckton moved, seconded by Plan Commissioner Whiston, to approve the minutes of the October 13, 2011 Plan Commission meeting.

Chairman Fullerton explained the procedures of the Plan Commission. On the agenda were a pre-application meeting for Prairie Green Subdivision and a public hearing for SCADA at 439-447 Cottage Avenue.

Village Planning and Development Director Staci Hulseberg stated that Village Planner Michele Stegall will join the Plan Commission in progress when she finishes with another meeting in the building.

PRAIRIE GREEN SUBDIVISION – PRE-APPLICATION MEETING.

PRE-APPLICATION MEETING REGARDING THE PROPOSED SUBDIVISION OF PROPERTY IN UNINCORPORATED DUPAGE COUNTY TO ACCOMMODATE A NEW 12-UNIT TOWNHOUSE DEVELOPMENT BY HABITAT FOR HUMANITY. THE SUBJECT PROPERTY IS LOCATED GENERALLY NORTHWEST OF BUTTERFIELD ROAD AND ROUTE 53 ON PROPERTY COMMONLY KNOWN AS 2S674 ROUTE 53.

*(DuPage Habitat for Humanity, petitioner)*

Staff Introduction

Planning and Development Director Staci Hulseberg stated that Habitat for Humanity, the petitioner, is requesting a pre-application meeting regarding their proposed subdivision for a 12-unit townhouse development on 1.76 acres in unincorporated DuPage County. Ms. Hulseberg displayed and described a location map of the subject property and stated that the Village is not contiguous to the property and, therefore, cannot annex the property at this time. She added that the petitioner must go through the Village's review process as an extra-territorial subdivision as authorized by State statute. Ms. Hulseberg stated that the Plan Commission will review the petitioner's subdivision plat only and how that plat complies with the Village's subdivision regulations. Ms. Hulseberg stated that the property is currently zoned DuPage County R5 Residence District and is shown

in the Village Comprehensive Plan to be reflected for low density single-family residential development. She described recommendations per the Comprehensive Plan for surrounding land near the subject site. Ms. Hulseberg added that although the Comprehensive Plan considers the subject property to be considered for single-family use, multi-family developments are generally considered a good transitional use between residential and commercial uses. She added that staff feels that because the attached multi-family residential development is compatible with the existing use to the west, it is appropriate for the subject location. Ms. Hulseberg stated that DuPage County will handle all of the reviews for the subject site. She added that although the Village has approached the petitioner regarding a pre-annexation agreement with the Village, the petitioner is currently not interested. She added that the petitioner has requested approval of a combined one-step review for the preliminary and final plats of subdivision rather than going through a two-step process.

Ms. Hulseberg stated that this property was the subject of a pre-application meeting in July, 2007, at which time the Community Housing Association of DuPage (CHAD) had proposed a 16-unit townhome development on the property. The Plan Commission expressed support for three subdivision variations and a one-step review process that were requested at that meeting. Ms. Hulseberg displayed and described a site plan of the development which is a 12-unit townhouse development with each building on a separate lot. Two outlots are proposed for stormwater detention and a single cul-de-sac that meets Village requirements is planned to be dedicated as a public street. A single access point off of Route 53 that requires IDOT approval is proposed. Ms. Hulseberg stated that sidewalks are proposed in the Route 53 right-of-way and throughout the development around the cul-de-sac. Illinois American will provide utilities at the site. The petitioner has requested two variations. One variation is to allow parkway trees in the cul-de-sac to remain outside of the right-of-way and no trees proposed along Route 53. The second variation is to allow existing overhead utilities along the north property line to remain above ground.

#### Petitioners' Presentation

Sara Brachle, Executive Director for Habitat for Humanity, stated that the subject project has been reviewed through the DuPage County zoning process and approval has been received by the DuPage County Board. Ms. Brachle also provided new information that IDOT will be widening Route 53 and has agreed to install sidewalks when the widening process is complete. She added that CHAD prefers not to install temporary sidewalks currently as IDOT will remove them in the future.

#### Responses to Questions from the Plan Commission

Ms. Hulseberg responded to Commissioner Buckton that a previous request by the petitioner to allow a nonconforming sidewalk in the cul-de-sac bulb has been revised and no variation is currently requested for the sidewalk. Regarding the variation to not plant a parkway tree every 40 feet, Ms. Hulseberg responded to Chairman Fullerton that the petitioner intends to space the trees as closely as possible to the Village requirement. She

added that she believes the State does not want trees along Route 53 and that a future dedication will require trees to be removed at that location when Route 53 is widened. Ms. Brachle responded to Chairman Fullerton that she has no information as to when Route 53 will be widened. Ms. Brachle responded to Commissioner Whiston that she is unaware if there are sidewalks in the immediate vicinity along Route 53. Eric Granrud of H R Green stated that the sidewalks as shown on the submitted plan are the sidewalk locations from IDOT. Ms. Hulseberg responded to Commissioner Buckton that some wires were allowed to remain above ground at a previous CHAD property because of the cost involved. Mr. Grandrud also explained that challenges exist with respect to burying certain lines on the property that include preserving existing vegetative trees that nearby property owners would like to see retained. Ms. Brachle responded to Commissioner Buckton that they are in favor of having a landscape island in the middle of the cul-de-sac, however, Milton Township has not accepted that request due to snowplows that would be in that area.

#### Comments from the Plan Commission

All of the Plan Commissioners were in favor of the subject project, the requested variations and a one-step process. Commissioner Lannen felt that the project is in line with Village plans and is an opportunity to add lower cost housing to the area. Chairman Fullerton and Commissioners Lannen and Whiston were in favor of retaining as many of the existing trees as possible, and Chairman Fullerton was in favor of planting trees as well. Commissioner Lannen recommended keeping the subject area secluded from the neighbors to the west and south. Commissioner Buckton expressed concern regarding undergrounding utilities because the Village is in favor of undergrounding, however, Chairman Fullerton and Commissioner Dykstra felt that undergrounding the utilities is not necessary for the subject not-for-profit corporation. Chairman Fullerton had no problem with eliminating sidewalks, and Commissioner Buckton stated that it would be difficult to put in a sidewalk and then take it down, however, the alternative would be not having a sidewalk for several years.

#### Comments from the Public

Charles Chejfec asked why Commissioner Ray Whalen was sitting at the dais but not commenting, and Commissioner Whalen responded that he is recusing himself because he is a Board Member of CHAD who is the current owner of the subject property.

(SHORT BREAK)

#### PUBLIC HEARING – 439-437 COTTAGE AVENUE - SCADA

A REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT FOR THE PLACEMENT OF A SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM (SCADA) ANTENNA TO BE INSTALLED ON THE COTTAGE AVENUE WATER TOWER TO SUPPORT THE VILLAGE'S WATER AND SANITARY SEWER SYSTEMS. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH

SIDE OF COTTAGE AVENUE BETWEEN PLEASANT AVENUE AND WESTERN AVENUE IN THE R2 RESIDENTIAL DISTRICT.

*(The Village of Glen Ellyn)*

Staff Introduction/Presentation

Village Planning and Development Director Staci Hulseberg stated that the Village of Glen Ellyn is requesting a Special Use Permit to allow the installation of a new Supervisory Control Data Acquisition System (SCADA) antenna on the Cottage Avenue water tower, and she displayed a rendering of the antenna on an overhead screen. Ms. Hulseberg stated that this system supports the Village water and sanitary sewer systems. The subject property is zoned R2 Residential. Ms. Hulseberg stated that the Village of Glen Ellyn requires a Special Use Permit for the installation of antenna support structures only and, therefore a Special Use Permit is not required for the antenna. However, due to a lawsuit that the Village is currently involved in, Ms. Hulseberg stated that the Village has chosen to be conservative and is voluntarily applying for the subject Special Use Permit. Ms. Hulseberg displayed a photograph of the subject antenna which is 8-3/4 feet tall and to be attached to the east rail of the T-Mobile tripod on top of the water tower. The top of the antenna will be located at a height of approximately 141 feet and the overall water tower height is approximately 123 feet tall. Ms. Hulseberg displayed diagrams showing the inside of the base of the tower and antennae located on top of the tower.

Interim Public Works Director Jeff Perrigo stated that SCADA is software that monitors, controls, reports and tracks the Village's water and sewer infrastructure and allows Public Works personnel to remotely communicate with the water and sanitary facilities to ensure safe operation of the utilities. Mr. Perrigo stated that the subject software was purchased 1-1/2 years ago. He also stated that substantial issues are occurring with the current software that include the system crashing every night and needing to be re-booted every morning. He added that the current software is 12 years old and unsupported and that the yearly phone bill for the currently dedicated phone system is \$9,000. Mr. Perrigo displayed and described a radio path site map. He stated that a radio study had been performed and that the Cottage Avenue Water Tower is being sought for the SCADA tower because it is the highest available site for that software. Mr. Perrigo displayed drawings of the proposed SCADA antenna layout which he explained will be at a maximum of 141 feet in height. He also displayed a sample of a 9-foot antenna to the Plan Commission and audience. He also stated that the SCADA antenna is half the height of the DuComm antennae on the tower which would be approximately 10 feet shorter than those antennae. Mr. Perrigo added that the new SCADA antenna will assist in providing better service levels, does not change the character or damage the scenic features of the area and doesn't increase the flood risk to adjacent properties.

Persons in Favor of or in Opposition to the Petition

Charles Chejfec, 427 Cottage Avenue, Glen Ellyn, Illinois stated that, as an Attorney, he represents several residents in their lawsuit against the Village related to the T-Mobile antennae on the Cottage Avenue Water Tower.

Mr. Chejfec began his presentation by asking Commissioner Whalen to state why he does not believe he has a conflict regarding voting on matters before the Plan Commission as he is a contractor who owns and operates a residential construction business in Glen Ellyn. Commissioner Whalen responded that Plan Commissioners are selected on their merits and expertise and that he has been a Plan Commissioner for 11 years. He stated he takes a conservative approach to issues and has had no previous conflicts of interest with regard to Plan Commission matters. Mr. Whalen responded to Mr. Chejfec that he believes he does not have a conflict of interest with respect to the Cottage Avenue Water Tower. In response to Mr. Chejfec, Mr. Whalen responded that he is a Board Member of CHAD, a not-for-profit organization, and has no financial gain related to that organization. Mr. Chejfec requested that Mr. Whalen recuse himself from the subject matter as he regularly conducts business with the Village. Commissioner Whalen responded that the Village has an ethics officer and ethics policy and he believes he is within his rights regarding the subject topic. Commissioner Whalen added that he has not sought a legal opinion regarding this issue but offered to defer to Chairman Fullerton or a staff member regarding recusing himself from this matter. Commissioner Whalen responded to Mr. Chejfec that he intends to vote on this matter.

Mr. Chejfec reviewed Village Ordinance 3810 that he stated authorized the Village to construct a water tower on Cottage Avenue and he displayed a photograph of that water tower. He stated that two DuComm antennae that are smaller and lower than the existing DuComm antennae were originally on the tower as well as two small Verizon antennae. Mr. Chejfec stated that in response to residents opposed to antennae on the water tower, the Village passed Ordinance 3810 in 1991 which includes language that antennae on the tower are to be kept to a minimum. He added that DuComm antennae on the tower are not a problem because of the important service they provide. Mr. Chejfec stated that in 1994, two Verizon antennae were placed on the tower although some residents were concerned with the placement of additional antennae on the tower. He noted that Plan Commissioner Scanlan voted in opposition to the antennae at that time to keep the antennae to a minimum. Mr. Chejfec stated that additional antennae have since been added although some neighbors were opposed to them. Mr. Chejfec stated that special use permits were required for the other antennae on the tower and didn't understand why a special use permit did not appear to be needed for the subject antennae when Ordinance 3810 states that antennae must be kept to a minimum. Mr. Chejfec stated that Ordinances 4692 and 5606 contain statements that the subject antennae do not violate the requirements of Ordinance 3810.

Mr. Greenberg responded to Mr. Chejfec that no testing has been done to ensure that there will be no interference with any of the providers on the water tower and that the representations are based on theoretical testing. Mr. Chejfec stated that he believes

theoretical testing is not appropriate and is the reason why a special use permit was necessary to go higher with the DuComm antennae. Mr. Chejfec stated that T-Mobile owns the tri-pod and therefore has the right to sublease. He asked if T-Mobile is charging the Village a fee to locate its SCADA antenna on the water tower, and Attorney Emery stated that a FOIA request can be sought. Ms. Emery added that no documents exist that reduce the amount that T-Mobile is paying the Village to locate the SCADA antenna tri-pod. Mr. Chejfec asked how Ordinance 3810 is harmonious with the Village Code and the requirement to keep antennae at a minimum when it is not required, and Attorney Emery responded that his question was argumentative and referred him to the draft motion of staff's recommendation for an answer. Commissioner Whalen asked Mr. Chejfec to follow the typical procedure where all questions are answered after everyone has had an opportunity to ask their questions. Mr. Chejfec then asked questions regarding the nine (9) Special Use Permit findings of fact. His first question was how is it harmonious to put the SCADA antenna on the tower when a law states that antennae must be kept to a minimum. His second question was regarding whether or not the essential character of the area will change when antennae continue to be placed on top of the water tower. His third comment was regarding whether or not the use will be hazardous or disturbing to neighborhood uses. His fourth comment was regarding service of the antennae if there is a problem with rigidity. His fifth comment concerned procedures that the Village has in effect in the event of a lawsuit surrounding the antennae. His sixth comment was regarding whether or not neighbors will hear noises at night from the radio at the antenna site. His seventh comment was that there is traffic for the tower that causes concern, especially regarding children in the neighborhood. Mr. Chejfec commented that he agreed with standards regarding flood damage. His ninth comment was that the water tower has become an antenna tower and has damaged property values. He stated that he also read a sign on the water tower door regarding radio frequency exposure at the site and requested more information regarding that topic. Mr. Chejfec requested a copy of a narrative statement proposal regarding the funding of \$125,000 for the subject project. Mr. Chejfec also requested information regarding a ratio path study conducted by Siemens Water Technologies. Mr. Chejfec also wondered what the nature of the daily failures as reported by Bob Greenberg were. Mr. Chejfec also wanted to know to what degree other sites were considered for the antennae.

Commissioner Girling asked Mr. Chejfec if he had data regarding loss of property values, and Mr. Girling responded with information from various individuals that the sign on the water tower and health issues related to the antennae on the water tower will cause homes in the area to sell for less. Mr. Chejfec responded to Commissioner Girling that no one in the subject area has sold their home. Mr. Chejfec responded to Commissioner Whalen that the antennae—not the water tower, itself—are the problem with trying to sell a home in that area. Mr. Chejfec responded to Commissioner Lannen that the sign did not go on front of the water tower until until T-Mobile installed its nine antennae on the tower with the pod. Mr. Chejfec responded to Commissioner Lannen that he prefers no antennae on the tower but the DuComm antennae are acceptable at their original height. Mr. Chejfec responded to Commissioner Whalen that he occasionally hears noises from the electrical boxes on the tower. Commissioner Whalen asked Mr. Chejfec for a definition of “to a minimum” and Mr. Chejfec responded that his definition of “at a minimum” is if it's not

absolutely necessary and there are other ways to accomplish a goal. Mr. Chejfec then showed a photograph of T-Mobile equipment that was stored outside of the tower.

Jeff Reber, 433 Cottage Avenue, Glen Ellyn, Illinois stated he lives at the property immediately adjacent to the west of the water tower. Mr. Reber stated that he understands there are uneven elevations in other parts of town that are not ideal for the placement of the antennae, and he asked what options were considered to solve the problems at the sites, especially on the east side of town, to mitigate the deficiencies in comparison to the water tower. He added that there should be some solutions to enable those locations to suffice with regard to the antennae. Mr. Reber asked for clarification regarding the current \$9,000 figure for the phone at the water tower. He also inquired if systemic options would be available to avoid overloading of the phone line and asked if possibly purchasing new software to handle the processing is possible and would be a less costly option.

Barbara Reber, 433 Cottage Avenue, Glen Ellyn, Illinois stated that they can hear the whistling of the existing antennae from their house at night. Ms. Reber was unhappy that they have had issues with antennae on the water tower for 10 years and that there are currently 20 existing antennae. Ms. Reber requested that the Village conduct a total RF count. Ms. Reber was also unhappy that equipment was purchased for the water tower prior to approval of a variation. Attorney Emery replied that the Village did not believe that a special use permit was required for the subject antenna.

#### Responses to Questions from the Plan Commission

Mr. Greenberg displayed a photograph from the Plan Commission packet and explained for Commissioner Whalen how the antenna will be secured to the water tower. Commissioner Whalen also asked if a back-up system is available, and Mr. Greenberg responded that the primary design system of the subject antenna is the accepted design as recommended by Siemens who is probably the largest company of this type in the world. Mr. Greenberg also responded to Commissioner Whalen that the subject system will be inspected on a yearly basis by a provider of utility services. Mr. Greenberg also responded to Commissioner Whalen that Public Works employees will not be required to routinely inspect the water tower. Mr. Greenberg explained for Commissioner Buckton that the main hardware of the current system is excellent, however, the computer software is unsupported. Mr. Green also stated that the phone line system could be utilized, however, being tied to a traditional wire system is not preferred and, again, would cost \$9,000 per year. Mr. Greenberg responded to Commissioner Whiston that DuComm is supportive of the proposed SCADA plan. Mr. Greenberg also responded to Commissioner Dykstra that no other equipment will be installed outside of the tower. Mr. Greenberg responded to Commissioner Lannen that the proposed antenna as previously displayed by Mr. Perrigo is smaller in diameter and approximately half the length of the existing DuComm antennae. Mr. Greenberg responded to Commissioner Whalen that the antenna approved for Lambert Road is identical to the subject antenna and system and is part of the same system. Mr. Greenberg added that the main SCADA computer is at the Lambert Road location and that the Village Board had previously

approved that location and authorized that purchase. Commissioner Whalen confirmed that a special use permit was required for the Lambert Road location but was not considered to be necessary for the Cottage Avenue Water Tower location. Commissioner Buckton asked staff if the subject antenna can be located anywhere other than the Cottage Avenue Water Tower location. Mr. Greenberg stated it cannot because the water tower is part of the facilities that need to be regulated by the SCADA system. Mr. Greenberg added that the phone bill is so expensive because it talks continuously two ways. Mr. Greenberg responded to Commissioner Lannen that the phone system is current technology but is unreliable because some of the phone lines are in need of repair. He added that the proposed system is an economically viable system. Mr. Greenberg responded to Plan Commissioner Buckton that the software that has been purchased can be reused for telephone purposes. Mr. Greenberg responded to Chairman Fullerton that the \$9,000 figure is directly attributable to SCADA and that the antenna would be repaired if a problem occurred. Mr. Greenberg responded to Commissioner Girling that he is not aware of noises from the antennae as no issues have been reported. Mr. Greenberg responded to Commissioner Dykstra that RF testing was not done because Siemens did not recommend that testing. Attorney Emery responded to Commissioner Buckton that the antenna RF emissions are within the purview of the Federal Communications Commission and the antenna is within the limits. She added that warnings about emissions, hazards and dangers pertain to electrical equipment inside the electrical box which is why there is a sticker on the box. Mr. Greenberg responded to Commissioner Buckton that there has been more activity in the Cottage Avenue Water Tower area recently but that generally activity occurs approximately once per month. Commissioner Whiston commented that T-Mobile should put their intentions and financial rental agreement in writing. Ms. Emery responded that T-Mobile is aware that additional equipment for public use could be put on their tri-pod and that they are aware of the DuComm and SCADA antennae. Mr. Greenberg responded to Commissioner Buckton that no physical testing was done regarding the SCADA antennae and that Siemens does not feel testing is necessary. Ms. Emery responded to Commissioner Buckton that Ordinance 3810 was written 21 years ago and that judges have stated that it is up to a home rule Village to interpret their own ordinance and to decide what a minimum currently is. Attorney Emery confirmed for Commissioner Buckton that the FCC the Village is well within the standards of RF emissions with all of the antennae on the water tower in effect 24 hours a day, 7 days a week. Attorney Emery responded to Commissioner Buckton that she was unaware of the percentage of antennae on the Cottage Avenue water tower but felt that the amount is much lower than most other water towers.

### Motion

Commissioner Whiston moved, seconded by Commissioner Lannen, to continue the Plan Commission public hearing to November 17, 2011. The motion carried unanimously by voice vote.

Plan Commissioner Buckton moved, seconded by Plan Commissioner Girling, to adjourn.

There being no further business before the Plan Commission, the meeting was adjourned at 10:17 p.m.

Prepared by:  
Barbara Utterback, Recording Secretary

Reviewed by:  
Michele Stegall, Village Planner

ORDINANCE NO. 3810

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR  
THE CONSTRUCTION OF A WATER AND FIRE TOWER ON PROPERTY COMMONLY KNOWN AS  
439 AND 447 COTTAGE AVENUE, GLEN ELLYN, ILLINOIS

WHEREAS, the Village of Glen Ellyn, as owner, has petitioned the Village President and Board of Trustees of the Village of Glen Ellyn for a special use permit for a water and fire tower in accordance with Section 10-10-14 of the Glen Ellyn Zoning Code, Ordinance No. 3617-2, for property commonly known as 439 and 447 Cottage Avenue and legally described as follows:

Lots 1, 2, 3, 4 and 5 in Jas. McAndrew's Subdivision of the west half of the southwest quarter of Section 11, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded August 20, 1891 as Document 46328 in DuPage County, Illinois

P.I.N.: 05-11-304-009, 030, 031 and 032

WHEREAS, following due and proper publication of notice in The Glen Ellyn News not less than fifteen (15) days nor more than thirty (30) days prior and following written notification to all property owners within 250 feet of the subject property, the Glen Ellyn Plan Commission conducted a public hearing on January 24, 1991, at which hearing the petitioners presented evidence, testimony, and nine (9) exhibits in support of their request for a special use permit for a water and fire tower; and

WHEREAS, the Plan Commission has considered the evidence presented, including the exhibits, described in Exhibit "A" appended hereto, and has

made its findings of fact and recommendations, as set forth in the Report and Recommendation of the Glen Ellyn Plan Commission, dated January 24, 1991, a copy of which is appended hereto as Exhibit "A"; and

WHEREAS, the Village President and Board of Trustees of the Village of Glen Ellyn have reviewed the transcript and exhibits presented at the public hearing and have considered the findings of fact and recommendations of the Glen Ellyn Plan Commission and Architectural Review Commission; and

WHEREAS, the Village President and Board of Trustees of the Village of Glen Ellyn have determined that granting the special use permit approving the construction of a water and fire tower for the subject property is consistent with the requirements established by Section 10-10-14(E) of the Glen Ellyn Zoning Code, Ordinance No. 3617-Z;

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, as follows:

SECTION ONE: The findings of fact set forth above are accepted by the Village President and Board of Trustees of the Village of Glen Ellyn, based upon their review of the transcript, evidence, and exhibits presented at the public hearing. In addition to the findings of fact reached by the Plan Commission the corporate authorities find that the granting of the special use will 1) be harmonious with and in accordance with the objectives of the initial Comprehensive Plan in that obsolete utility facilities will be upgraded; 2) will be designed, constructed, operated and maintained so as to be harmonious and appropriate in accordance with the general vicinity since the height of the water tower will be similar to that of the existing water tower and the size chosen by the corporate authorities of 500,000 gallons will be substantially smaller than the 750,000 or one million gallon tank

3810

which were also suggested to the corporate authorities in that the use will not change the essential character of the same area which because of its high elevation was the site of one of the existing Village elevated storage towers; 3) will not be hazardous or disturbing to existing or future neighborhood uses since current neighborhood uses have grown up or existed with a water tower and the design of the tower, in accordance with modern engineering standards, will be substantially safer and more maintenance free than the existing tower; 4) will be adequately served by essential public facilities and services since the existing services will be adequate to serve the facility and any increased service requirements will be those necessary to maintain a higher level of maintenance of the landscaping which will benefit the area; 5) will not create excessive additional requirements of public cost for public facilities and services and rather than being detrimental to the economic welfare of the Village it will enhance the economic welfare by increasing fire flow capacity; 6) will not produce excessive traffic in the way of smoke, fumes, glare or odors and because of the extensive landscaping to be accomplished on the property, will shield nearby houses from existing environmental problems; 7) will have vehicular approaches to the property which will improve the traffic flow since one curb cut will be eliminated and the curb cut which will remain will be constructed utilizing cement blocks through which grass can grow; 8) will not increase and will decrease the potential for flood damage to adjacent property since the lot will be regraded and storm sewer facilities improved; 9) will not result in the destruction, loss or damage of natural scenic or historic features of major importance to the community and will create a wide landscaped lot which will improve the street scape view of the area.

In addition to the findings set forth above, the corporate authorities in granting this special use have considered the necessity for the public mandated use on the specific site in addition to the impact of the proposed public use upon neighboring lands. The corporate authorities have reviewed other available sites and other types of water storage facilities and have concluded that based upon considerations of cost, efficiency and available space, the site upon which this special use is requested is the site most within the public interest. The corporate authorities previously determined this through the passage of Resolution No. 90-4 on April 9, 1990 and the corporate authorities in the passage of this ordinance reaffirm the conclusion reached within the resolution and no new facts have come to the attention of the corporate authorities since the passage of that resolution.

The Report and Recommendation of the Glen Ellyn Plan Commission, Exhibit "A" appended hereto, be and the same is hereby accepted, and those findings of fact as well as the findings of fact set forth herein are hereby adopted as the findings of fact and conclusions of the Village President and Board of Trustees based upon their review of the testimony and exhibits presented at the public hearing.

SECTION TWO: Based upon the findings of fact of the Plan Commission and the Village Board, as adopted herein, the water and fire tower, as depicted in the exhibits and plans presented at the public hearing, is hereby approved, and a special use permit is hereby granted to The Village of Glen Ellyn, as owner, for the subject property commonly described as 439 and 447 Cottage Avenue and legally described as follows:

Lots 1, 2, 3, 4 and 5 in Jas. McAndrew's Subdivision of part of the west half of the southwest part of Section 11, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded August 20, 1891 as Document 46328 in DuPage County, Illinois.

P.I.N.: 05-11-304-009, 030, 031 and 032

to permit the construction of a water and fire tower substantially in accordance with the plans prepared by Black and Veatch, as contained by Exhibits 1, 2, and 5, dated January 1991 which shall be filed with and made a permanent part of the records of the Glen Ellyn Plan Commission.

SECTION THREE: This special use permit is subject to the following conditions:

- A. In the construction and maintenance of the tank it must be considered by the Village staff in its planning decisions that the tank exists in proximity to residences.
- B. Provisions for additional fire protection are to be developed in advance of the authorization of the contract for construction.
- C. The Architectural Review Commission recommendations regarding landscaping, lettering and tower color must be followed.
- D. Antennas on the new tower are to be kept at a minimum.
- E. The height of the new tower shall not exceed 124 feet above ground level.
- F. The Village will consider the use of bonus and penalty clauses within the tower construction contract to expedite the project and protect the neighborhood.

SECTION FOUR: The Director of Planning and Development is hereby directed to record the approved plans with the Recorder of Deeds of DuPage County, together with a certified copy of this Ordinance.

SECTION FIVE: The Building and Zoning Official is hereby authorized to issue all necessary building and/or occupancy permits pursuant to the special use granted herein, provided that all conditions set forth hereinabove have been met and that the applicant complies with all other applicable laws and ordinances of the Village of Glen Ellyn. This grant of special use shall expire and become null and void eighteen (18) months from the date of passage of this Ordinance unless a building permit to begin construction in reliance on this special use is applied for within said eighteen (18) month time period and construction is continuously and vigorously pursued.

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

SECTION SEVEN: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 10-10-18 (A) and (B) of the Village of Glen Ellyn Zoning Ordinance.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 11<sup>th</sup> day of February, 1991, on first reading, second reading not being requested.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, on second

reading, with second reading having been requested on the 7<sup>th</sup> <sup>upl</sup> day of January, 1991 <sup>will</sup>

AYES: Ward, Bourke, Kulkarni, Demling, Scanlon

NAYES: —

ABSENT: Morgan

Wilma D Lunde  
Village Clerk of the Village of  
Glen Ellyn, Illinois

APPROVED by the Village President of the Village of Glen Ellyn,  
Illinois, this 11<sup>th</sup> day of February, 1991.

Arthur J. Anger  
Village President of the Village of  
Glen Ellyn, Illinois

ATTEST:

Wilma D Lunde  
Village Clerk of the Village of  
Glen Ellyn, Illinois

(Published in pamphlet form and posted on the 12<sup>th</sup> day of February, 1991.)

Wilma D Lunde  
Village Clerk of the Village of  
Glen Ellyn, Illinois

REPORT AND RECOMMENDATION  
OF THE GLEN ELLYN PLAN COMMISSION  
ON THE PETITION  
FOR A SPECIAL USE PERMIT FOR A WATER AND FIRE TOWER  
AT 439 AND 447 COTTAGE AVENUE

TO: THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES  
OF THE VILLAGE OF GLEN ELLYN, ILLINOIS

The Glen Ellyn Public Works Department representing the Village of Glen Ellyn, the owners of the property at 439 and 447 Cottage Avenue, have filed a special use petition. The subject property is legally described as follows:

Lots 1, 2, 3, 4 and 5 in Jas. McAndrew's Subdivision of part of the west half of the southwest quarter of Section 11, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 20, 1891 as Document 46328 in DuPage County, Illinois

The Special Use Petition was referred to the Plan Commission to conduct a Public Hearing thereon. The Plan Commission set the date for the Public Hearing to commence Thursday, Jan. 24, 1991 at 7:30 PM in Room 300 of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Notice was published in the Glen Ellyn News no less than 15 days nor more than 30 days prior to the hearing date. The Plan Commission commenced the Public Hearing as scheduled on January 24, 1991. Deliberation was also concluded on January 24, 1991.

The following request was presented to the Glen Ellyn Plan Commission:

A Special Use Permit is requested to construct a replacement water and fire tower at 439 and 447 Cottage Avenue. The site is zoned R-2 and is the site of an existing water and fire tower.

At the conclusion of the Public Hearing, the Plan Commission considered all of the testimony and evidence submitted on behalf of the petitioner and all other interested parties and adopted the following report and recommendation to the Village Board of Trustees.

I. Report

- A. Location - The site in question is located near the north center of the block formed by Cottage on the north, Anthony on the south, Western on the west and Pleasant on the east. The general area is the northwestern portion of the village. It is on the south side of Cottage, approximately midway between Western and Pleasant.
- B. Area Characteristics - The surrounding neighborhood is zoned R-2 Single Family Residential District. Portions of each block adjacent to the block identified above are zoned R-2. The predominant use throughout the area is Single Family Residential. One exception is the former school building - it now houses a Day Care Service and Administrative Offices - located on the north side of Cottage Avenue across the street from the existing water and fire tower. The neighborhood is characterized by a variety of housing types constructed at various times, on varying lot sizes, with mature trees scattered over a slightly rolling landscape.
- C. Site Characteristics - The site is zoned R-2 and is occupied by a water and fire tower and a single family home and detached garage. The existing water and fire tower holds 200,000 gallons and dates from the late 1920's. It is approximately 119 feet above ground level. The single family home is 1 1/2 stories high. The site for which the Special Use Permit is being requested is approximately 150 feet deep and has 136 feet of frontage on Cottage Avenue. The petitioner is seeking a special use permit to allow construction of a new water and fire tower. The new water and fire tower would have a capacity of 500,000 gallons of water and the height would not exceed 124 feet above ground level.
- D. Public Hearing
- 1) Testimony on behalf of the petition was presented by Stewart Diamond, Attorney for the petitioner, Dave Hunt and Norm Jagels, Engineers with Black & Veatch, consultants on this project, Lynn Neuhart, Director of

Public Works, Peggy Young, Sup't of Forestry with the Village, and Tim Damgaard, Village Planner.

- 2) Mr. Thomas Cloak, 950 Roslyn Road, Glen Ellyn, spoke in favor of the Special Use request.
- 3) The following exhibits were presented at the public hearing:

Exhibit 1. - Elevated storage tank showing existing elevated tank and proposed elevated tank by Black & Veatch dated 1/24/91, mounted.

Exhibit No. 2. - An elevated storage tank site plan by Black & Veatch dated 1/24/91, mounted.

Exhibit No. 3. - A three-dimensional model of the site and nearby area containing the existing elevated tower and the proposed elevated tower, undated.

Exhibit No. 4. - Six mounted aerial color photographs showing the site, area and shadows at different times and seasons by Black & Veatch dated 1/24/91.

Exhibit No. 5. - A landscaping plan by Black & Veatch dated 1/24/91, mounted.

Exhibit No. 6. - Selected pictures and notes describing Swamp White Oak, Eastern White Pine, Judd Viburnum and grass pavers dated 1/23/91, mounted.

Exhibit No. 7. - A series of pictures and notes describing plants and fencing by Black & Veatch dated 1/24/91, mounted.

Exhibit No. 8. - Four mounted profile views of existing and proposed trees by Black & Veatch dated 1/24/91.

Exhibit No. 9. - A color chart from Tnemec depicting various colors dated 1/24/91.

Exhibit No. 10. - Dave Hunt's letter to Glen Ellyn dated 3/19/90.

- 4) In general, the parties in favor of the petition for a Special Use Permit testified to the fact that there is an existing water and fire tower at this site and the new proposed water and fire tower at the same site would be a continuation of the use and an improvement to the Public Utility System. It was also noted that this site was the best site in northwestern Glen Ellyn for this development. Further testimony indicated that much study and research had gone into determining the capacity and design of the new water and fire tower, landscaping, and other site details. Public meetings had previously been held with citizens from the neighborhood regarding site landscaping. It was also noted that the petitioner had met with the Architectural Review Commission. The goals and objectives of the Special use Permit standards within the Zoning Ordinance were addressed.
- 5) Testimony and evidence of the following interested parties in opposition to the petitions was also considered; Mr. Robert Gildo, Attorney presented himself as representing Jim and Ardell Sukasse, 457 Cottage; Voe Vascio, Jessie Thomas, Mary Allsop, Susan Thomas, Colleen Busher, Nancy Diel, Tim Nordahl, Mike Nelson, Hugh Buscher, Mrs. Solsua. In general, the parties in opposition to this Special Use Permit expressed concern regarding the location and impact of the new water and fire tower on the adjoining neighborhood. They were concerned about the height and mass of the tower and several requested ground level or underground storage. They expressed a concern with the long construction period and the impact of the construction related activities on the neighborhood. Their concerns also included safety of the people, particularly children, in the neighborhood, construction noise and dust generated when the tower is painted, probable traffic congestion, particularly if road work on Western Avenue coincided with tower construction, the new tower's effect on property values and the ability for residents of northwestern Glen Ellyn to obtain water at normal pressure and expect adequate fire protection during the construction period. An additional item regarding the necessity of an airplane warning light on the top of the tower was discussed. Mr. Neuhart said such a light would not be placed there unless required by the FAA.

- 6) Testimony was also received from Mr. Dunn regarding the basis for the determination of the Plan Commission with regard to the Special Use Permit. Bill McGurr, the Village Consulting Engineer noted that he had previously produced a study which identified this site as the optimum location for the water and fire tower.
- 7) Commissioner Duda moved and Commissioner Murtaugh seconded that The Plan Commission recommends to the Village Board of Trustees that the Special Use Permit for a Water and Fire Tower be allowed at 439 and 447 Cottage Avenue. The Plan Commission as specified in Article No. 10-10-14E of the Zoning Ordinance has reviewed the evidence submitted and finds that:
  - A) The Special Use will be harmonious with and in accordance with the general objectives of the Comprehensive Plan and the Zoning Code, specifically, this development will increase the amount of water available to serve the general public in northern Glen Ellyn - the site is presently used as a water and fire tower and it will enhance the quality of the public utilities in this area.
  - B) The water and fire tower will be designed, constructed, operated and maintained so as to be harmonious and appropriate insofar as possible in appearance with the existing character of the vicinity in that it will be heavily landscaped and maintained to be attractive from the street. The structure will be similar in height to the current water and fire tower.
  - C) The proposal will not increase hazards nor disturb the neighborhood, in fact, the new tower will provide safeguards and designs not in the present tower.
  - D) It will be served adequately by essential public facilities and services such as streets, water lines and sewers and walkways. These public services are already in place and some of them will be improved by this development.

- E) It will not require or create excessive additional requirements at public cost or public facilities and services and will not be detrimental to the economic welfare of the Village since additional storage must be developed for additional water needs.
  - F) It will not involve uses, activities, processes, materials, or equipment that will be detrimental to any persons, property or general welfare by reasons of excessive production of traffic, noise, smoke and the like. The traffic to the site may only be increased with regard to the maintenance of the grounds.
  - G) The proposed development will have no new vehicular approaches and the approach will be designed so as to blend with the landscaping of the site. The demolition of the house will eliminate one access point.
  - H) The proposal will not increase the potential for flood damage to adjacent property or require additional public expenditure for flood protection. This water and fire tower is designed so that overflow remains within the tower until the overflow reaches the bottom where it is directed to the existing storm drainage system.
  - I) The proposal will not result in the destruction, loss, or damage of natural scenic or historic features of importance to the community.
- 8) The Plan Commission further recommends the following conditions:
1. The neighborhood is to be protected as far as disruption during the construction of this structure to preserve the health and safety of the neighbors.
  2. Provisions for additional fire protection are to be developed in advance of the authorization of the contract for construction.
  3. The Architectural Review Commission recommendations regarding landscaping, coloring and lettering are to be included.

4. Antennas on the new tower are to be kept to a minimum.
5. The height of the new tower shall not exceed 124 feet above ground level.
6. The water and fire tower construction contract should contain bonus and penalty clauses to expedite the project and to protect the neighborhood.

Upon roll call to recommend approval of the Special Use Permit with the above stated conditions to the Village Board of Trustees members Day, Eick, Heymann, Melady, Murtaugh, Sellers, Rio and Chairman Allison voted "Yes". Members Blog, Duda and Sellers oted "No". The motion carried 7 Yes, and 3 No.

Respectfully Submitted,

*Rinda Y. Allison*

Rinda Y. Allison, Chairman  
Plan Commission

Public Hearing Concluded January 24, 1991

**Village Of Glen Ellyn**

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

**An Ordinance Approving a Special Use Permit  
to Allow a Supervisory Control and Data Acquisition System (SCADA) Antenna  
to be Installed on the Cottage Avenue Water Tower  
Located at 439-447 Cottage Avenue  
Glen Ellyn, IL 60137**

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**Adopted by the  
President and the Board of Trustees  
of the Village of Glen Ellyn  
DuPage County, Illinois  
This \_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_.**

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Published in pamphlet form by the authority of the  
President and Board of Trustees of the Village of  
Glen Ellyn, DuPage County, Illinois, this \_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_.

---

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

**An Ordinance Approving a Special Use Permit  
to Allow a Supervisory Control and Data Acquisition System (SCADA) Antenna  
to be Installed on the Cottage Avenue Water Tower  
Located at 439-447 Cottage Avenue  
Glen Ellyn, IL 60137**

**Whereas**, the Village has submitted an application for approval of a Special Use Permit to allow a Supervisory Control and Data Acquisition System (“SCADA”) antenna to be installed on the Cottage Avenue water tower located at 439-447 Cottage Avenue; and

**Whereas**, the subject antenna is a vital part of the planned installation of a SCADA system which monitors, controls and records information about the Village’s major water and sanitary sewer infrastructure; and

**Whereas**, a study conducted by Siemens Water Technologies determined that the most beneficial location for the antenna is the Cottage Avenue water tower at 439-447 Cottage Avenue; and

**Whereas**, the Village does not believe that a Special Use Permit is required because the Zoning Code only requires a Special Use Permit for antenna support structures, not for antennae. However, given the past interest in the installation of antennae at this location, the Village has chosen to voluntarily apply for a Special Use Permit; and

**Whereas**, the Village’s existing software is failing and time is of the essence in moving forward with this application; and

**Whereas**, the subject property is located on the south side of Cottage Avenue between Western Avenue and Pleasant Avenue in the R2 Residential zoning district at 439-447 Cottage Avenue, and is legally described as follows:

LOTS 1 THROUGH 5 IN MCANDREWS AND JAMES SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

P.I.N.s: 05-11-304-009 AND 05-11-304-035; and

**Whereas**, following due and proper publication of notice in the Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and following written notice to all property owners within 250 feet, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Plan Commission of the Village of Glen Ellyn opened a public hearing on the request at their October 13, 2011 meeting and subsequently immediately passed a motion to continue to the request until the October 26, 2011 Plan Commission meeting at which meeting testimony in the matter was heard; and

**Whereas**, upon the proper passage of motions to further continue the hearing, the matter was scheduled for further consideration at the November 17, 2011 and December 8, 2011 Plan Commission meetings, however, the request was not considered at the November 17, 2011 but was considered at the December 8, 2011 meeting; and

**Whereas**, at the October 26, 2011 and December 8, 2011 public hearings on the request a total of three (3) people spoke in opposition to the request; and

**Whereas**, one of the objections to application related to a condition in Ordinance 3810, adopted on February 11, 1991, that approved the construction of the water tower and which states that "*Antennas on the new tower are to be kept to minimum*"; and

**Whereas**, the Plan Commission discussed the aforementioned condition in Ordinance 3810 and found it to be open to interpretation; and

**Whereas**, after having considered the evidence presented, including the exhibits and materials submitted, the Plan Commission made its findings of fact and recommendations as set

forth in the minutes of the Glen Ellyn Plan Commission dated December 8, 2011 and by a vote of eight (8) “yes” and zero (0) “no,” recommended approval of the requested Special Use Permit pursuant to Section 10-10-14 of the Glen Ellyn Zoning Code; and

**Whereas,** the Village President and Board of Trustees have reviewed the evidence, exhibits and materials presented at the October 26, 2011 and December 8, 2011 public hearings before the Plan Commission and have considered the findings of fact and recommendations of the Plan Commission; and

**Whereas,** a copy of the minutes from the October 26, 2011 Plan Commission meeting is attached hereto as Exhibit “A” and a copy of the draft minutes from the December 8, 2011 Plan Commission meeting is attached hereto as Exhibit “B”; and

**Whereas,** the President and Board of Trustees have determined that granting the requested Special Use Permit is consistent with the goals of the Glen Ellyn Zoning Code and that the location of a total of only three cellular telephone companies on the subject water tower along with some essential public uses has kept the placement of antennae on the water tower at a minimum.

**Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois,** in the exercise of its home rule powers, as follows:

**Section One:** The December 8, 2011 minutes of the Glen Ellyn Plan Commission and the findings of fact set forth therein and in the preambles above are hereby adopted as the findings of fact of the Village President and Board of Trustees based upon their review of the evidence, exhibits, and materials presented at the October 26, 2011 and December 8, 2011 public hearings before the Plan Commission.

**Section Two:** Even though the Village does not believe that a Special Use is required for

the antenna, such a request having been made, the Village has engaged in a full and appropriate public hearing allowing evidence in opposition to the granting of the Special Use to be presented, along with arguments in support of the granting of the Special Use. The Corporate Authorities believe that the granting of a Special Use to the Village in this instance, supported by a unanimous recommendation of its Plan Commission is, even based upon the fact that the Village is the applicant, fully supported by procedural and substantive zoning law considerations.

**Section Three:** Based upon the findings of fact and recommendations of the Plan Commission as adopted herein and the findings of fact and conclusions set forth in the preambles above, and the additional findings of the Village Board contained in Section One, the Village President and Board of Trustees hereby grant approval of the requested Special Use Permit to allow the installation of a SCADA antenna on the Cottage Avenue water tower.

**Section Four:** The tower elevation included in the application and reviewed by the Plan Commission and Village Board is attached hereto for reference as Exhibit "C"

**Section Five:** The Building and Zoning Official is hereby authorized to issue any necessary building permits pursuant to the Special Use Permit approved herein, provided that all the conditions set forth hereinabove have been met and that the applicant complies with all other applicable laws and ordinances of the Village of Glen Ellyn. The Village Board may, for good cause shown, waive or modify any conditions set forth in this Ordinance without requiring that the matter return for a public hearing.

**Section Six:** This Ordinance shall be in full force and effect from and after the passage, approval, and publication in pamphlet form.

**Section Seven:** The Village Clerk is hereby authorized to record this Ordinance with the DuPage County Recorder of Deeds.

**Passed** by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**Ayes:**

**Nays:**

**Absent:**

**Approved** by the Village President of the Village of Glen Ellyn, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Village President of the  
Village of Glen Ellyn, Illinois

**Attest:**

\_\_\_\_\_  
Village Clerk of the  
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the \_\_\_\_ day of \_\_\_\_\_.)

X:\Plandev\PLANNING\DEVELOPMENT PROJECTS\Cottage\Cottage 439-447, SCADA, SUP\Ordinance 120911.docx

# Proposed SCADA Repeater Antenna Installation at the Cottage Avenue Water Tower

Application for Special Use Permit

7/22/2010  
Village of Glen Ellyn  
Bob Greenberg

Revised 9/14/2011

Revised 9/17/2011

## **Narrative**

In April, 2009, the Village Board approved a proposal from Gasvoda & Associates (in conjunction with Sieman's Water Technologies) and authorized the funding in the amount of \$125,000 for an upgrade to the Glen Ellyn Supervisory Control and Data Acquisition System, commonly referred to as SCADA. The SCADA system is the "central nervous system" behind the automated functioning of the water pumping system. Software modifications were also made to incorporate the monitoring of the Village's five sanitary lift stations as each lift station is upgraded in the future.

As part of the approved upgrade, radio communications are to replace the leased phone lines currently in use to communicate with the Master Control Unit and the remote field sites. The existing phone lines cost the Village approximately \$9,000 annually, and are becoming increasingly undependable.

A radio path study was conducted by Sieman's Water Technologies. The results of this study indicate that a repeater antenna located atop the Cottage Avenue water tower would be needed to transmit and receive data, not only from the tower itself, but also from some of the current water pumpage facilities and the five sanitary lift stations in the future.

The apparatus selected for this job is a Laird FG1683 Omnidirectional antenna. There are currently two very similar antennas already in service on the tower, as well two larger DuComm omnidirectional antennas.

## APPLICATION FOR SPECIAL USE PERMIT

The undersigned petitions the President and Village Board of Trustees of the Village of Glen Ellyn, Illinois, to consider the Special Use described in this application.

Date Filed: \_\_\_\_\_ Application No: \_\_\_\_\_

Name of Applicant: Village of Glen Ellyn (Public Works Department)

Contact Information: \_\_\_\_\_

Address of Applicant: 30 S. Lambert Rd., Glen Ellyn, Ill 60137

Business Phone: (630) 469-6756 Fax: (630) 469-3128

Cell/Home Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Interest of Applicant: Bob Greenberg (Owner Representative)  
(Owner, Contract Purchaser, Owner Representative)

### Contact Information:

Name of Owner: Village of Glen Ellyn

Address of Owner: 30 S. Lambert RD., Glen Ellyn, Ill 60137

Business Phone: (630) 469-6756 Fax: (630) 469-3128

Cell/Home Phone: (630) 742-3260 Email: bobg@glenellyn.org

Address and Legal Description of Property: 439 - 447 Cottage Avenue

LOTS 1 THROUGH 5 IN MCANDREWS AND JAMES SUBDIVISION IN THE SOUTHWEST  
QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD  
Principle Meridian, IN DUPAGE COUNTY, ILLINOIS.

Permanent Index No. (PIN): 05-11-304-99  
& 05-11-304-035 Zoning: R-2

Lot Dimensions: 136.28' X 143.80' Lot Area: 19,597 SQ FT

Present Use: Elevated Water Storage, Wireless Communication Site

Requested Use/Construction: Installation of a 105" antenna on the existing pod  
to facilitate low-wattage control signal between the Water Department North Pressure Adjusting  
Station and the Master Controller located at 50 S. Lambert Rd.

Estimated Date to Begin New Use/Construction: November, 2011

### Name(s), Address(es) and Phone No(s). of Experts (architects, engineers, etc.):

Sieman's Water Technologies

1239 Willow Lake Blvd., Vaden Heights, Minn 55110

(651) 766-2700

Narrative Statement evaluating the economic effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property, a discussion of the general compatibility with the adjacent and other properties in the district, the effect of traffic, and the relationship of the proposed use to the Comprehensive Plan, and how it fulfills the

requirements of paragraph (E) of Section 10-10-14 of the Zoning Code: The proposed 105 inch OMNI antenna will be used to transmit and receive control data from the Cottage High Tank to the Master Control Unit located at 50 S. Lambert Rd. The proposed antenna will also act as a repeater for similar data from the North Pressure Adjusting Station and the Civic Center for now, as well as for several sanitary lift stations in the future.

**Describe How the Special Use:**

1. Will be harmonious with and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan and/or this Zoning Code: There will be little impact on the character of the locality, with no effect on future development in the area.
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area: The proposed SCADA antenna will be attached to the East side rail of the existing T-Mobile pod in a similar manner as the DuComm and Verizon antennas.
3. Will not be hazardous or disturbing to existing or future neighborhood uses: The proposed antenna will not be injurious or endanger the public health, safety, or welfare of the surrounding community.
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services: The proposed SCADA antenna requires only an electrical service, which is available on site. No additional village services will be needed for this unmanned location.
5. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village: No additional village services are required as a result of this project. Monies will be saved by eliminating the need for dedicated phone lines.
6. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors: The operation of the SCADA radio system will not produce noise, smoke, fumes, or glare. The control panel for the antenna is located inside the tank structure and will only require a minimum of maintenance.
7. Will have vehicular approaches to the property, which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads: There will be no undue impact to existing traffic patterns. Available street parking will be used should service be required.

8. Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief: The proposed antenna will have no effect on flooding to adjacent property or require any additional public flood protection expenditure.
9. Will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community: The proposed SCADA antenna will have no effect on the scenic, historic, or natural features of the community.

I (We) certify that all of the statements and documents submitted as part of this application are true to the best of my (our) knowledge and belief.

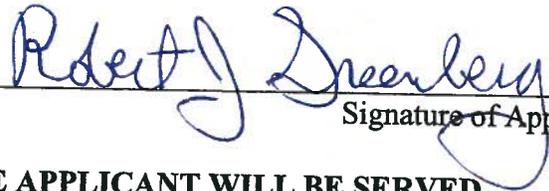
I (We) consent to the entry in or upon the premises described in this application by any authorized official of the Village of Glen Ellyn for the purpose of inspection.

I (We) consent to pay the Village of Glen Ellyn all costs incurred for transcribing the public hearing on this application.

I (We) understand that no final action shall be taken by the Village Board subsequent to the public hearing until and upon payment of transcribing fees.

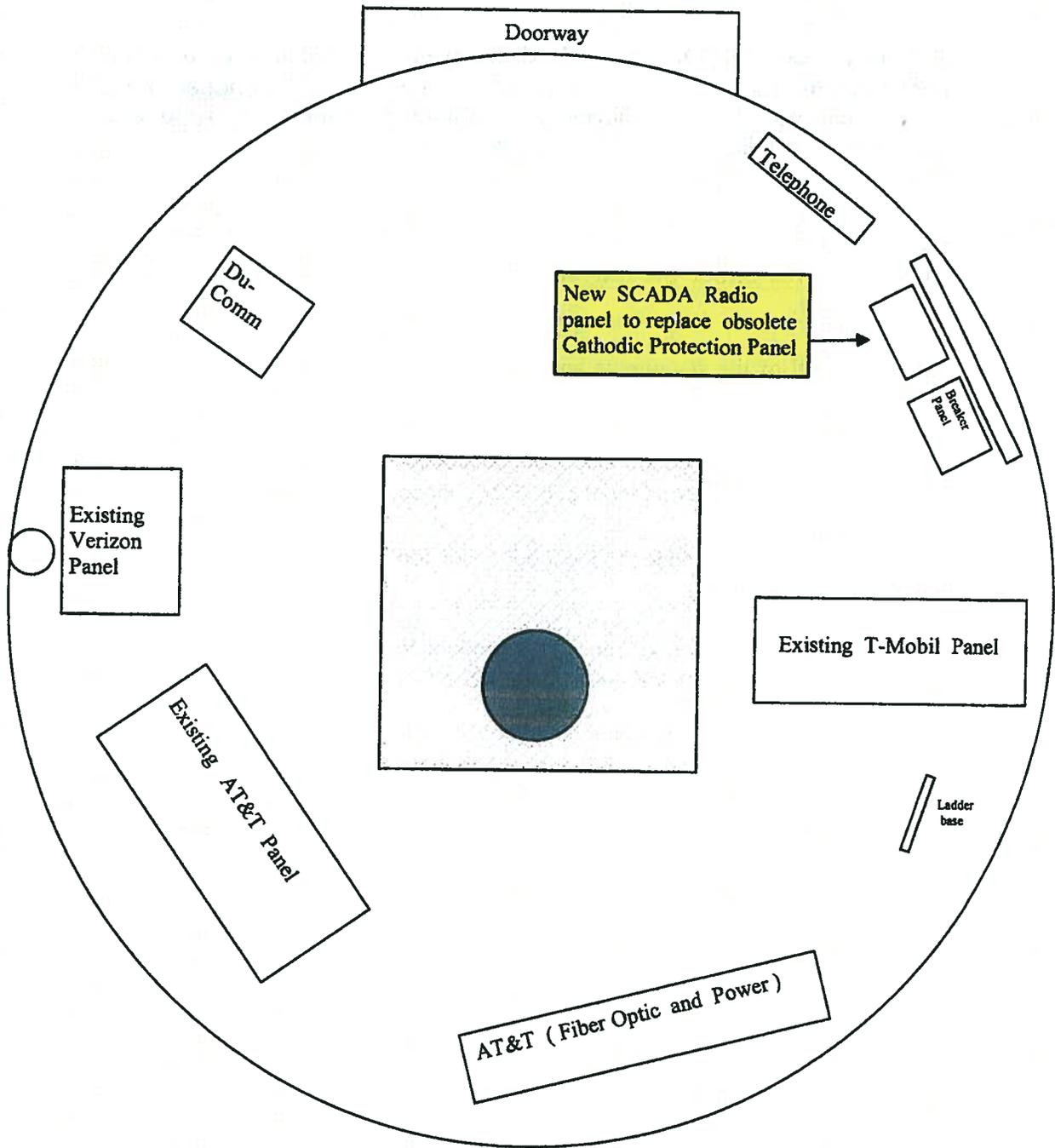
Date

9-14-11



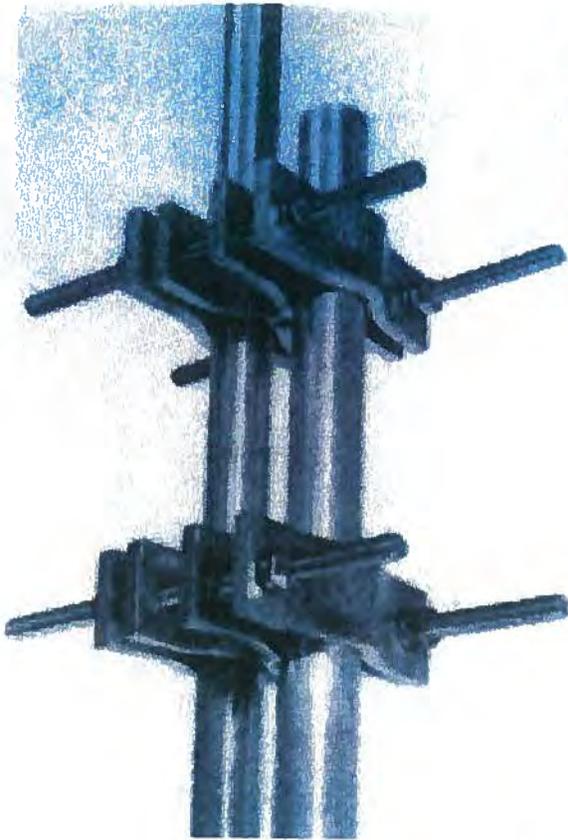
Signature of Applicant

**THE BEST INTERESTS OF THE APPLICANT WILL BE SERVED  
BY COMPLETING THIS APPLICATION IN DETAIL**

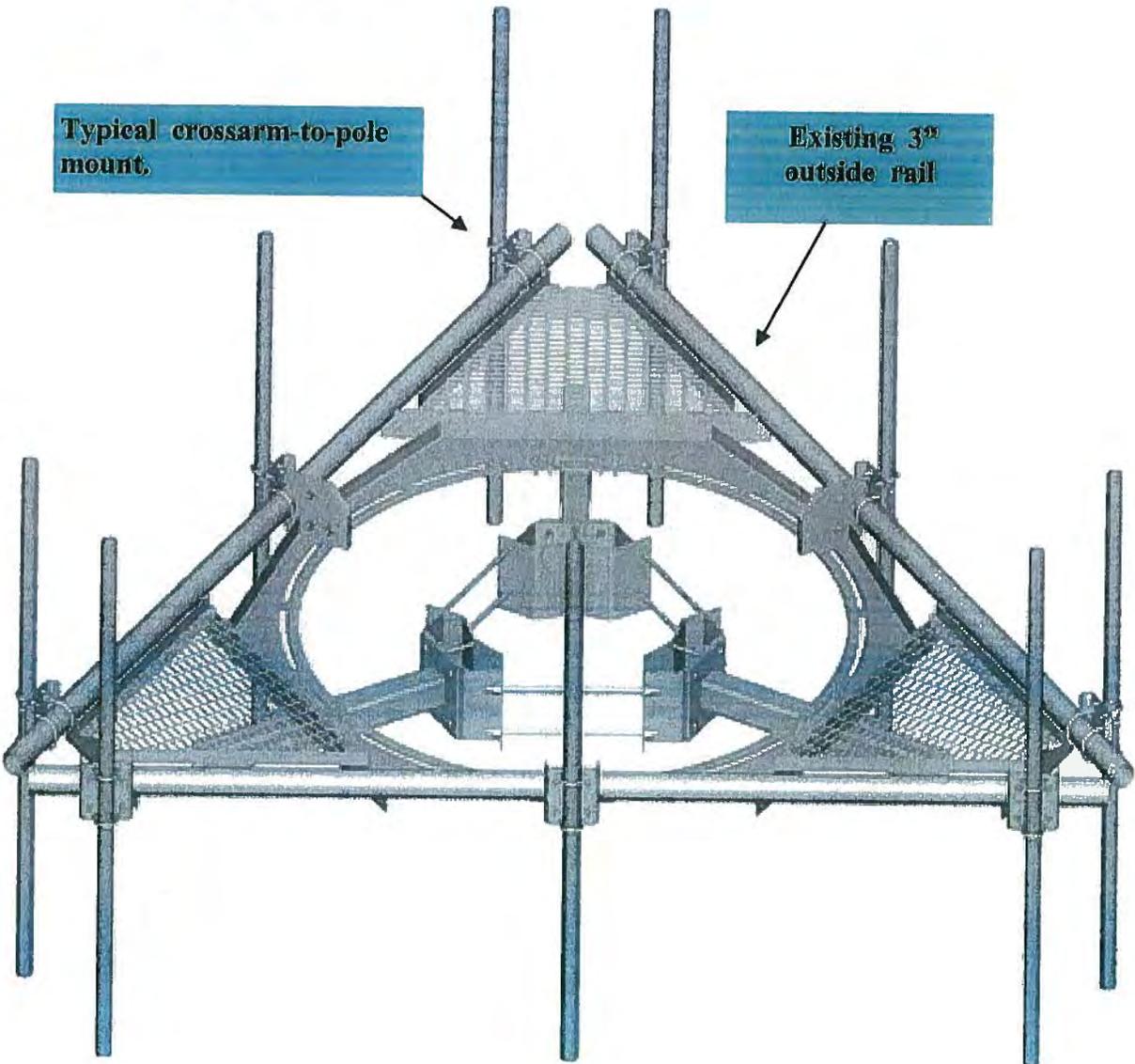


# PANEL LAYOUT

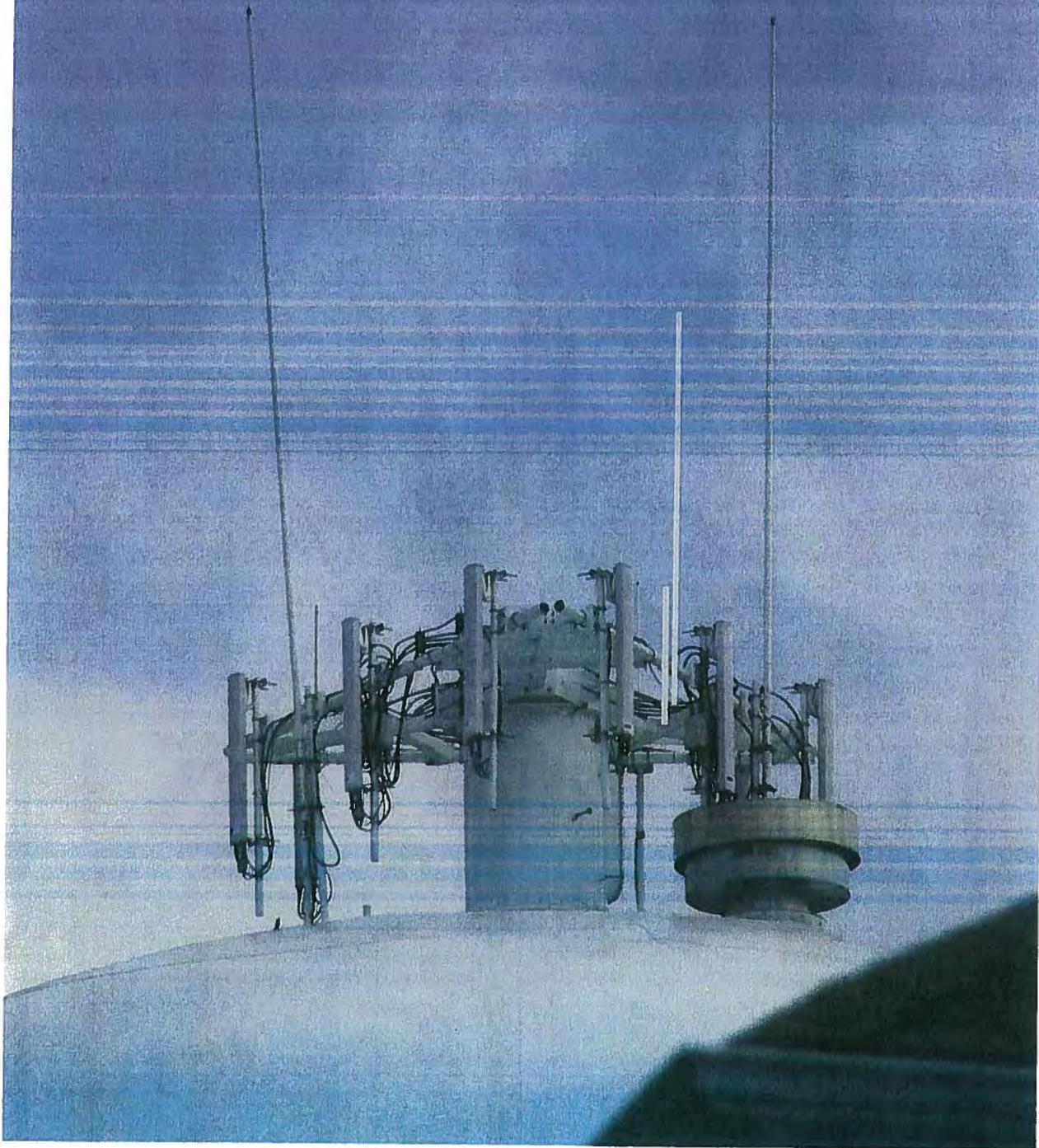
COTTAGE BASE



Following the installation of a 1 1/4" stainless steel pole vertical on the existing 3" horizontal rail of the T-Mobile pod using a typical crossarm-to-pole mount, the new SCADA antenna will be mounted to the new pole with brackets pictured to the left.

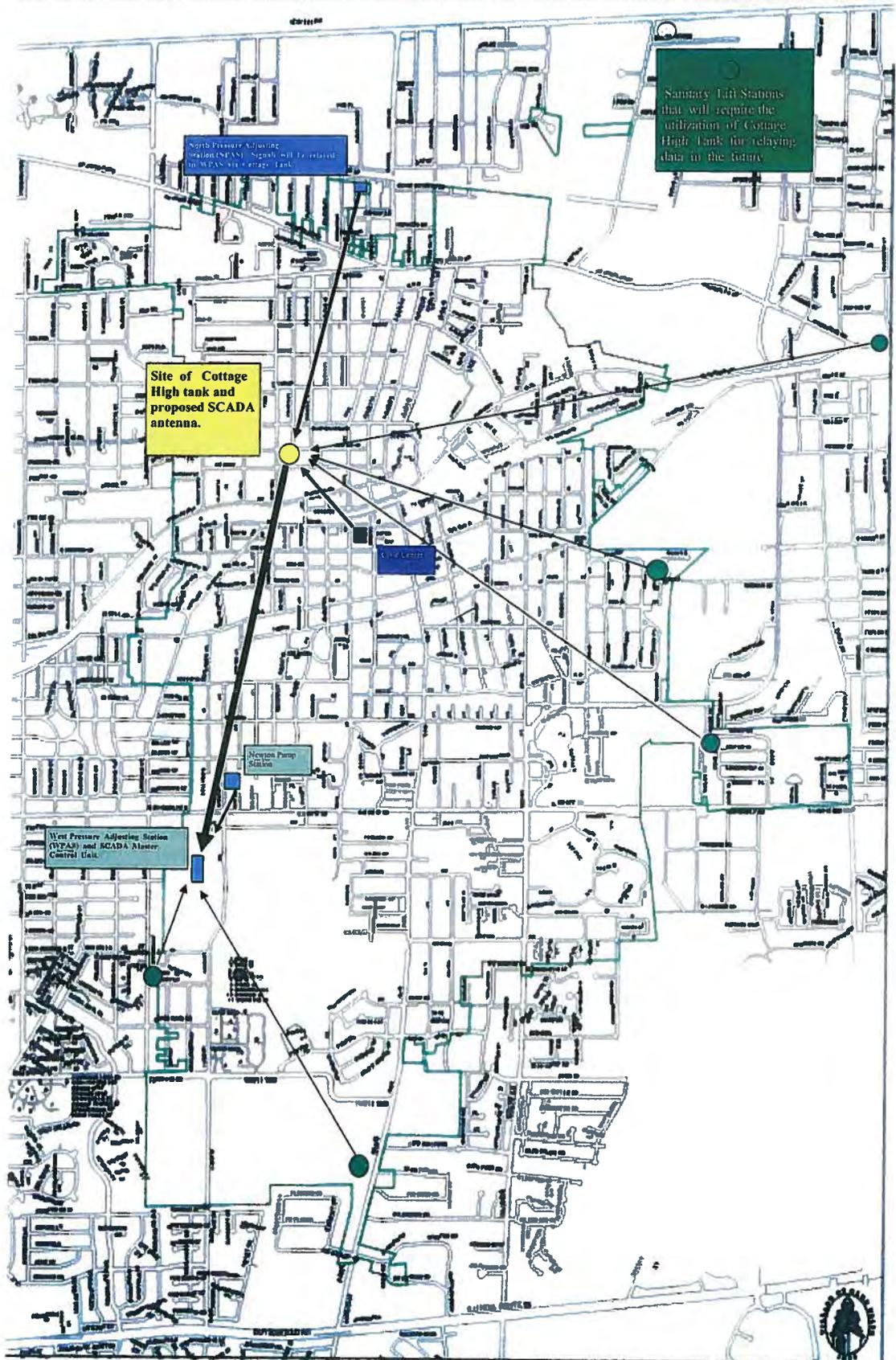


New SCACA Antenna Mounted on East  
Railing of existing T-Mobile Pod  
(Elevation not to exceed 141' from base of tower)





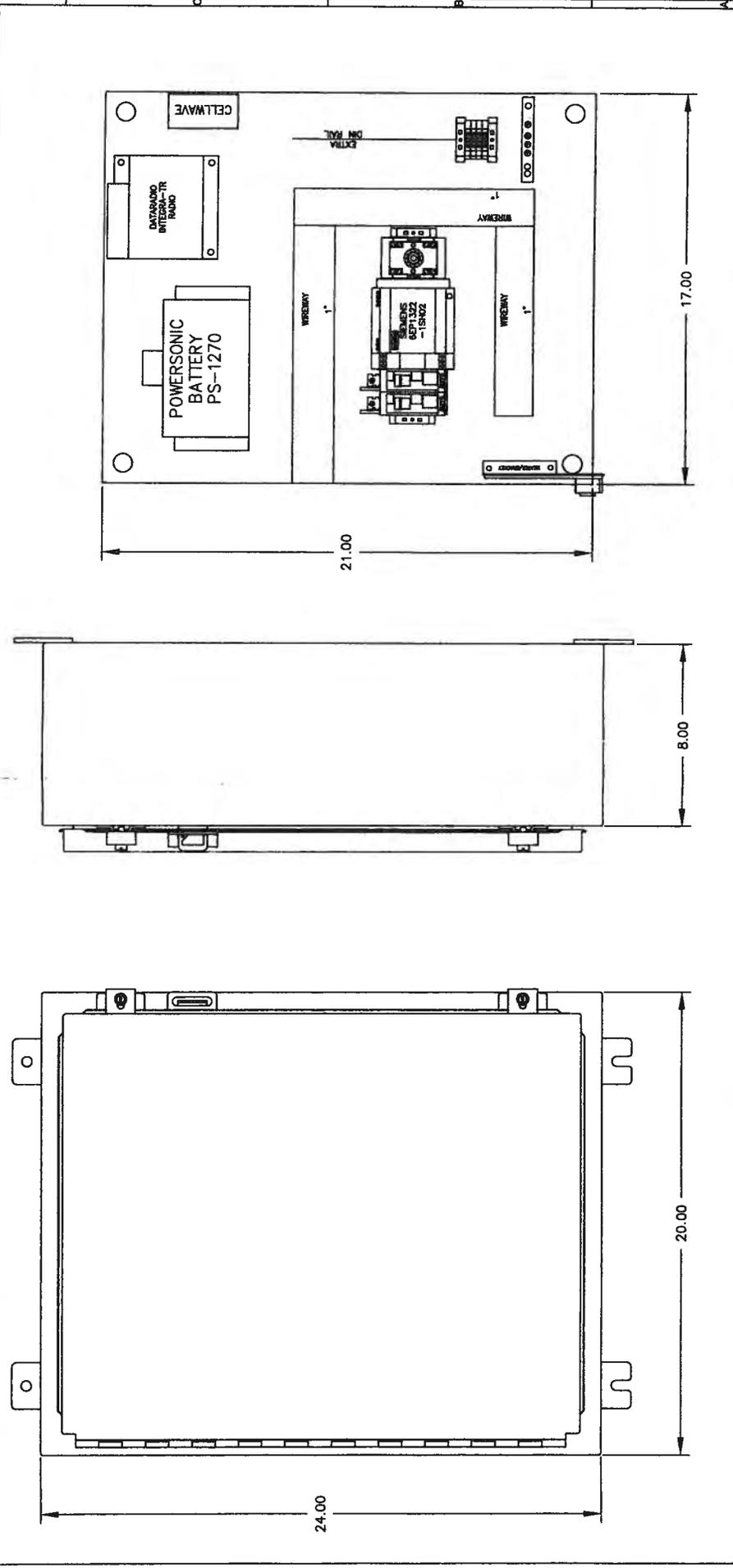
# Radio Path Site Map



| BACK PANEL SPECIFICATIONS |               | ENCLOSURE SPECIFICATIONS |                      |
|---------------------------|---------------|--------------------------|----------------------|
| MANUFACTURER              | HOFFMAN       | MANUFACTURER             | HOFFMAN              |
| PART NUMBER               | A-24P20       | PART NUMBER              | A-240008LP           |
| SIZE                      | 21.00 X 17.00 | SIZE                     | 24.00 X 20.00 X 8.00 |
| FINISH                    | WHITE         | CONSTRUCTION             | 1/4" GAUGE STEEL     |
|                           |               | TYPE                     | MEMA 12              |
|                           |               | HINGED                   | LEFT                 |
|                           |               | FINISH                   | ANSI 61 GRAY         |

COTTAGE HIGH TANK RADIO ENCLOSURE (70L-3)  
 SERIAL NO. 10785849 PROD. CODE RAD0  
 JOB NAME: GLEN ELLYN, IL  
 VOLTS: 120 HERTZ: 60 PHASE: 1 WIRE: 2  
 MAX. F.L.C.: 15 LARG. INTL.: 14 I.P.: 14 F.L.C.  
 DRAWING NO. 500132-002 PANEL TYPE 1  
 SHORT CIRCUIT CURRENT:  
 120V MAXIMUM

- GENERAL PANEL ASSEMBLY INFORMATION**
- TYPICAL FOR PANEL QUANTITY: ONE
  - UL  YES  NO
  - PANEL INSULATION  1/2" FOAM  SEE NOTES  
 1/2" POLY BACK  SEE NOTES
  - NAMEPLATES  BLACK LETTERS ON BLACK BACKGROUND  SEE NOTES  
 BLACK LETTERS ON WHITE BACKGROUND  SEE NOTES  
 REVERSED ENGRAVED  SEE NOTES
  - DOOR PROP REQUIRED  YES  NO
  - NAMEPLATE MOUNTING  ADHESIVE  ENGRAVED  
 FASTENED WITH SCREWS  SEE NOTES
  - TERMINAL MARKERS FOR:  AB-SM 6410  SEE NOTES  
 UNKN  AB-SM 5812  SEE NOTES  
 UNKN  AB-SM 6410  SEE NOTES
  - FUSE LABELS  ENGRAVED  SEE NOTES  
 LABEL (PANEL TYPE-10)  ENGRAVED
  - DEVICE MARKERS  LABEL (PANEL TYPE-10)  ENGRAVED  
 SEE NOTES  ENGRAVED
  - WIRE MARKERS  WIRING  HOT SPARK  SEE NOTES  
 SEE NOTES
  - SPECIAL REQUIREMENTS  SEE NOTES
  - TERMINAL AND WIRING SYMBOLOGY:  SEE NOTES
  - REFER TO ELECTRICAL LEGEND SHEET
  - WIRE COLORS: REFER TO ELECTRICAL LEGEND SHEET

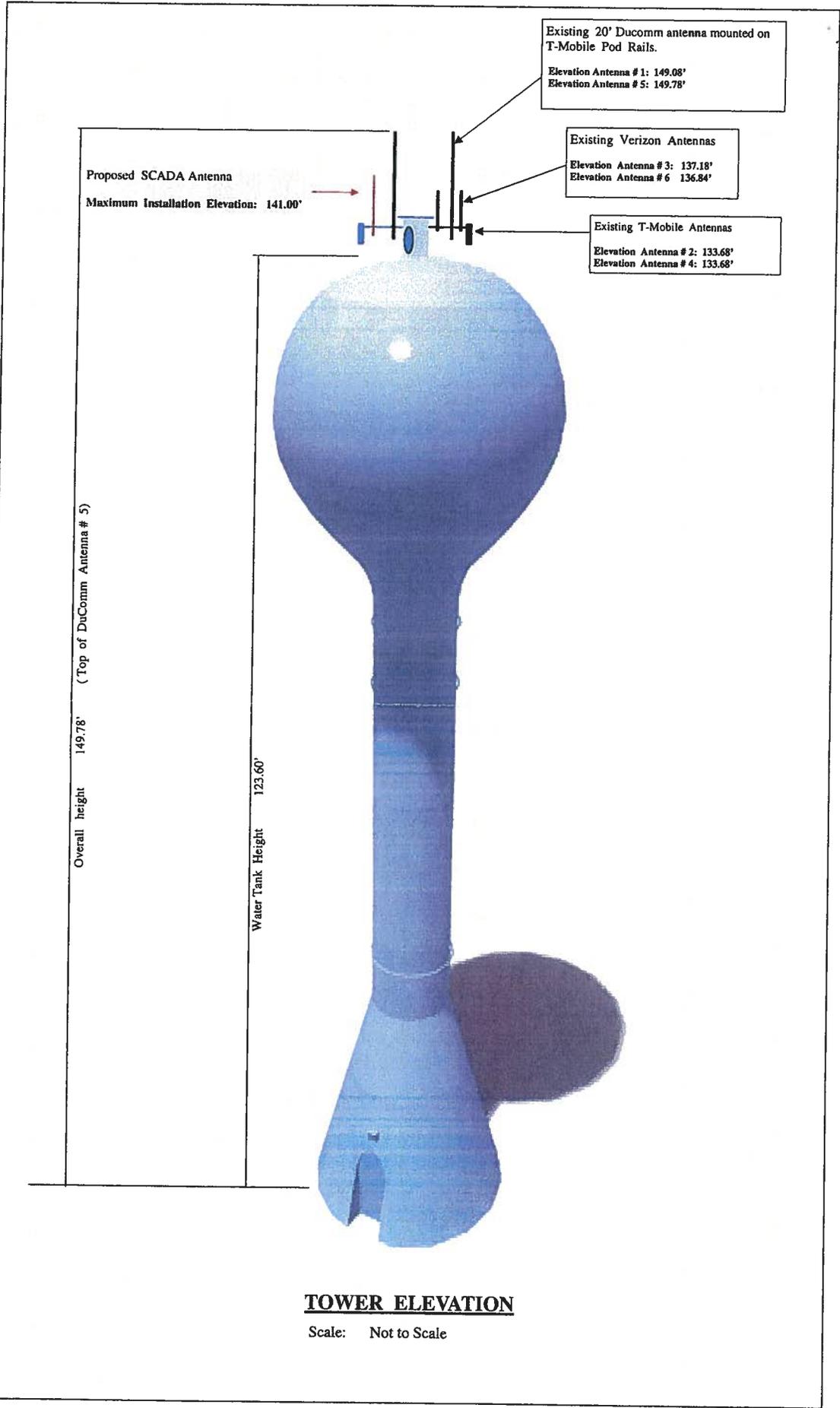


NOTE: NO NAMEPLATES REQUIRED.

| REV | DATE  | BY  | CHK | APP | DESCRIPTION             |
|-----|-------|-----|-----|-----|-------------------------|
| 1   | 02/76 | JAE | JAE | JAE | AS SHIPPED              |
| 2   | 04/76 | JAE | JAE | JAE | ISSUED FOR CONSTRUCTION |
| 3   | 07/76 | JAE | JAE | JAE | AS SHIPPED              |

ENCLOSURE LAYOUT  
 COTTAGE HIGH TANK RADIO ENCLOSURE  
 PANEL SIZE  
 GLEN ELLYN, IL  
**SIEMENS**  
 500132-002  
 9-06 2 1





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MEMORANDUM

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A-12

**TO:** Mark Franz, Village Manager <sup>MF</sup>  
**FROM:** Kevin Wachtel, Finance Director <sup>KW</sup>  
Larry Noller, Assistant Finance Director <sup>LN</sup>  
**DATE:** November 30, 2011  
**RE:** 2011 Library Build America Bonds Abatement

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**Background**

In December, 2009 the Village issued \$3 million in General Obligation bonds on behalf of the Glen Ellyn Public Library to assist with the completion of a number of building renovation projects.

These bonds are taxable Build America Bonds, one of the characteristics of which includes a rebate to the issuer (Village/Library) of 35% of all interest costs on the bonds. This rebate requires completion of a rebate form to the IRS for each semi-annual interest payment. Interest rebates may or may not be received prior to the required interest payment dates on the bonds. Because of this, the annual property tax levy includes the gross interest payment cost (before rebates) for the protection and security of bondholders.

As the receipt of these rebates was included in the net cost to Village taxpayers, we need to adopt an annual abatement ordinance to cancel or remove the anticipated rebates from the tax rolls. In order to abate the interest costs per the original bond ordinance, the Library must have sufficient funds on hand in their debt service fund in the amount of the taxes to be abated. Proposed abatements representing 35% of FY2012/13 interest costs total \$45,142. The Library currently has sufficient unencumbered cash reserves in their debt service fund to satisfy this requirement.

**Action Requested**

Adoption of the attached proposed abatement ordinance at the December 12, 2011 Village Board meeting.

**Attachments**

- 2011 Proposed Library Build America Bonds Abatement Ordinance

**ABATEMENT ORDINANCE**

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

**ORDINANCE partially abating the tax hereto levied for the year 2011 to pay the principal of and interest on the General Obligation Bonds, Taxable Series 2010 (Build America Bonds - Direct Payment), of the Village of Glen Ellyn, DuPage County, Illinois.**

WHEREAS the President and Board of Trustees (the "*Board*") of the Village of Glen Ellyn, DuPage County, Illinois (the "*Village*"), by Ordinance Number 5821, adopted on the 23rd day of November, 2009 (as supplemented by the Bond Order executed in connection therewith, the "*Ordinance*"), did provide for the issue of \$3,000,000 General Obligation Bonds, Taxable Series 2010 (Build America Bonds - Direct Payment) (the "*Bonds*"), and the levy of a direct annual tax sufficient to pay the principal of and interest on the Bonds; and

WHEREAS lawfully available funds of the Village in the amount of \$45,142 have been deposited to the Bond Fund (as defined in the Ordinance), to be used solely for the purpose of paying the debt service on the outstanding Bonds due and payable in the next succeeding bond year (July 1 of the current year and January 1 of the following calendar year); and

WHEREAS it is necessary and in the best interests of the Village that \$45,142 of the tax heretofore levied for the year 2011 to pay the principal of and interest on the Bonds be abated;

NOW THEREFORE Be It Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, as follows:

*Section 1. Abatement of Tax.* The tax heretofore levied for the year 2011 in the amount of \$128,977 is hereby abated by the amount of \$45,142, leaving a remaining tax to be levied for the year 2011 for the payment of the Bonds in the amount of \$83,835.

*Section 2. Filing of Ordinance.* Forthwith upon the adoption of this ordinance, the Village Clerk shall file a certified copy hereof with The County of DuPage, Illinois, and it shall

be the duty of said County Clerk to abate said tax levied for the year 2011 in accordance with the provisions hereof.

*Section 3. Effective Date.* This ordinance shall be in full force and effect forthwith upon its passage by the Board and signing and approval by the President.

Passed by the Board on \_\_\_\_\_, 2011.

Approved \_\_\_\_\_, 2011.

\_\_\_\_\_  
President

AYES: \_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Recorded in the Village Records on \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
Village Clerk

STATE OF ILLINOIS    )  
                                  ) SS  
COUNTY OF DUPAGE    )

**FILING CERTIFICATE**

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of DuPage, Illinois, and as such official I do further certify that on the \_\_\_\_ day of \_\_\_\_\_, 2011, there was filed in my office a duly certified copy of Ordinance No. \_\_\_\_\_ entitled:

ORDINANCE partially abating the tax hereto levied for the year 2011 to pay the principal of and interest on the General Obligation Bonds, Taxable Series 2010 (Build America Bonds - Direct Payment), of the Village of Glen Ellyn, DuPage County, Illinois.

(as supplemented by the Bond Order executed in connection therewith, the "*Ordinance*") duly adopted by the Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois (the "*Village*"), on the \_\_\_\_ day of \_\_\_\_\_, 2011, and that the same has been deposited in the official files and records of my office.

I do further certify that the taxes heretofore levied for the year 2011 for the payment of the Village's General Obligation Bonds, Taxable Series 2010 (Build America Bonds - Direct Payment), as described in the Ordinance, will be partially abated as provided for in the Ordinance.

IN WITNESS WHEREOF I hereunto affix my official signature and the seal of said County this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
County Clerk

[SEAL]

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MEMORANDUM

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A-13

**TO:** Mark Franz, Village Manager *MF*  
**FROM:** Kevin Wachtel, Finance Director *KW*  
Larry Noller, Assistant Finance Director *LN*  
**DATE:** November 30, 2011  
**RE:** 2011 Village Links Debt Service Abatement

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**Background**

The attached proposed abatement ordinance relates to the 2010 refunding bonds which were issued in November 2010. These bonds refinanced three previous issues, including the 2003 bonds issued for the Village Links' golf course renovation. The 2003 bonds for the Village Links, although secured by the Village's general taxing authority, were planned to be paid with revenues generated by the Village Links and not through the use of tax dollars. We are continuing this plan with the 2010 Series refunding bonds. Since the 2010 Series refunding bonds include two other issues (one for Village infrastructure and one for Library construction), the Village will only be abating the portion allocated to the 2003 Village Links bonds. The attached proposed abatement ordinance is the tenth such abatement to occur over the 20 year life of the Village Links bonds.

**Action Requested**

Adoption of the attached proposed abatement ordinance at the December 12, 2011 Village Board meeting.

**Attachments**

- 2011 Village Links Debt Service Abatement Ordinance

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

**An Ordinance Directing the Application of Funds  
From Specified Sources to the Payment of Principal  
and Interest Upon General Obligation Refunding Bonds,  
Series 2010, For the Fiscal Year 2011/12  
in the Amount of \$337,418**

**Whereas**, by Ordinance No. 5889, passed October 11, 2010, the Village of Glen Ellyn authorized the issuance of General Obligation Refunding Bonds, Series 2010 which refinanced General Obligation Refunding Bonds, Series 2002BQ (Village infrastructure improvements), General Obligation Refunding Bonds, 2002NBQ (Library Construction) and General Obligation Bonds, Series 2003 (renovation projects at the Village Links Golf Course); and

**Whereas**, it has been determined by the Village's Finance Director that funds are available from the Recreation Fund to pay that portion of the FY2012/13 debt service of the General Obligation Refunding Bonds, Series 2010 which is allocated to the refunding of the General Obligation Bonds, Series 2003; and

**Whereas**, the President and Board of Trustees deem it to be in the best interest of the Village of Glen Ellyn to apply the aforesaid revenue to the payment of debt service on the General Obligation Refunding Bonds, Series 2010 in that said excess revenue may be lawfully used for the payment of principal and interest on said Bonds;

**Now, Therefore, Be it Ordained** by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:

**Section One:** The findings of fact and conclusions set forth above are hereby adopted by the President and Board of Trustees as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

**Section Two:** Pursuant to the authority of Paragraph 5/8-3-4 of the Illinois Municipal Code (IL. compiled Statutes, Ch. 65, Par. 5/8-3-4), the President and Board of Trustees of the Village of Glen Ellyn hereby authorize and direct the application of three hundred thirty seven thousand, four hundred eighteen dollars (\$337,418) from the Recreation Fund for payment of the principal and interest accruing on Glen Ellyn General Obligation Refunding Bonds, Series 2010, for the Fiscal Year 2012/13.

**Section Three:** The Village Clerk is hereby authorized and requested to serve a certified copy of this Ordinance upon the DuPage County Clerk to certify that three hundred thirty seven thousand, four hundred eighteen dollars (\$337,418) is available from the Recreation Fund for payment of the principal and interest accruing on Glen Ellyn General Obligation Refunding Bonds, Series 2010, for the Fiscal Year 2012/13.

**Section Four:** The County Clerk is hereby authorized and requested to abate the ad valorem property tax for payment of the principal and interest upon Glen Ellyn General Obligation Refunding Bonds, Series 2010, in the amount of \$337,418.

**Section Five:** Pursuant to the provisions of Paragraph 5/8-3-4 of the Illinois Municipal Code (IL Compiled Statutes, Ch. 65, Par. 5/8-3-4), the Finance Director is hereby authorized and directed to set apart those funds designated herein for application to the payment of Glen Ellyn General Obligation Refunding Bonds, Series 2010, for payment of principal and interest for FY2012/13 and not disburse that amount for any other purpose until and unless the stated debt service has been paid and discharged.

**Section Six:** This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form as provided by law.

**Passed** by the President and Board of Trustees of the Village of Glen Ellyn,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**Ayes:**

**Nays:**

**Absent:**

**Approved** by the Village President of the Village of Glen Ellyn, Illinois,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**Attest:**

\_\_\_\_\_  
Village President of the  
Village of Glen Ellyn, Illinois

\_\_\_\_\_  
Village Clerk of the  
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2011).