

TO: The Sycamore Plan Commission

FROM: Bill Nicklas
City Manager

DATE: September 3, 2008

RE: September 8, 2008 Plan Commission Meeting

The Plan Commission agenda has one action item.

I Action Items

A. Consideration of a Petition from BTS Tower Development, LLC for a Special Use Permit for a 190 Foot Monopole Wireless Communication Tower at the Southeast Corner of Page and N. California Streets in the City of Sycamore.

This consideration was initially reviewed by the Plan Commission at its last regular meeting on August 11. As the Commission will recall, BTS Tower Development proposes to erect a 190-foot monopole wireless communication tower at the southeast corner of Page Street and N. California Street. The exact location is the parking area at the northwest corner of the property that is presently owned by Dick Anderson, and was formerly one of several Duplex facilities. A public notice was published for the hearing opened by the Plan Commission on August 11 and letters were sent to adjacent property owners, advising them of the petition.

Special Use Permit Requirements:

In the City's Unified Development Ordinance ("UDO"), a commercial communication tower is permitted in the Agricultural (AG); Central Business (C-2); Highway Business (C-3); Light Manufacturing (M-1); Heavy Manufacturing (M-2); and Office, Research, Light Industrial (ORI) zoning districts by special use only. According to Article 4.3.3 of the City's Unified Development Ordinance ("UDO"), special uses may be granted only if the following evidence is established:

- a. The proposed structure or use at the requested location is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community;
- b. The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility

facilities and other matters affecting the public health, safety, and general welfare;
and

- c. The proposed structure or use will be designed, arranged, and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

The Commission will be ruling on how these special use criteria may apply to the petitioner's request.

Zoning Requirements:

In terms of zoning criteria, some relevant provisions are found in the UDO and some are found in the City Code. According to the UDO's Table of Permitted Uses (Article 5.3.1), communication towers of the type proposed here may be installed in several zoning districts, including "M-1" Light Manufacturing District. The parcel in question is zoned "M-1." Article 6.2.1 of the UDO references two other two other relevant sets of standards which apply in this case: the federal Telecommunications Act of 1996 and the Sycamore City Code, Title 3, Chapter 15. The City Code provisions are attached.

According to the City Code, the local zoning requirements for communication towers also include the following:

- Towers shall be located in the side or rear yard. In the case of a corner lot, the tower shall not be closer to the adjoining side street than the principal building. The proposed location is a corner side yard. If the tower was permitted, it would be approximately 60 feet from California Street and 40 feet from Page Street, in conformance with the setback requirements (25 feet and 15 feet, respectively).
- Towers shall not be visible between the ground level and ten feet (10) above ground from any adjoining street. The UDO allows fences up to 10 feet in height in M-1 zoning districts if installed in the rear and side yards (Article 6.2.1, D,2).

In the opinion of Building Commissioner and Zoning Officer Lyle Doty, the proposed tower meets the City's zoning requirements.

Co-Location Protocol:

The City Code also prescribes co-location protocols to assure that efforts are made by a communication tower builder to minimize the diffusion of antennas throughout the community. When the petitioner was heard on August 11, the required letters to communication companies operating locally had yet been mailed. Since the August meeting, certified letters have been sent to T Mobile, US Cellular, Media Flow, Verizon Wireless, AT&T, and Sprint Nextel to notify them of the opportunity to locate antenna on the proposed tower. These mailings (see attached copies) satisfy the City's co-location requirement.

FAA Review:

For its part, the DeKalb Taylor Municipal Airport collaborates with the FAA through an established review process tied to the specific location of the tower in relation to flight paths served by the airport. According to the petitioner, the FAA has completed its

review of the proposed tower's location and design. A very spare but apparently official notice accepting the proposed project is appended.

DeKalb County Review:

Any potential conflict between the proposed tower and communications controlled by the DeKalb County Sheriff's Department through its tower on Locust Street is also of vital concern. Lyle Doty has been in contact with Lt Newby of the department. Lt. Newby has verbally communicated his satisfaction that the proposed tower would not interfere with transmissions from the County tower, within certain defined frequencies, but is unwilling to provide this assurance in writing.

Plan Commission direction is requested.