

STAFF REPORT

DATE: June 10, 2024
TO: Zoning Board of Appeals
FROM: Planning Staff
RE: Petition Number: 2024-30
Applicant: SBA Communications Corporation (Eric Greenfield)
Status of Applicant: Owner of communications tower
Owner: Joliet Park District
Location: 1300 N. Kelly Avenue
Request: An amendment to a Special Use Permit (Ordinance #16160) to allow an existing stealth communications tower to be converted to a monopole tower

Purpose

The applicant is requesting an amending to a Special Use Permit, approved as Ordinance #16160 in 2008, to allow an existing stealth communications tower to be converted into a monopole tower. Per the City of Joliet Zoning Ordinance, communications towers may be allowed as special uses in the R-2 (single-family residential) district by the Mayor and City Council, with the advice of the Zoning Board of Appeals in accordance with Section 47-5.2.

Site Specific Information

The 7.8-acre subject site contains the Joliet Park District's Garnsey Park, which consists of a playground, baseball diamonds, and tennis courts. The 118-foot-tall tower and related equipment shelter was approved by Special Use Permit in 2008. The existing tower is located on the north side of the larger baseball field, approximately 400 feet from the west property line along Raynor Avenue and 375 feet from the south property line adjacent to the northmost residence on Kelly Avenue. The tower is disguised as a light pole, with park lighting mounted near the middle and the antenna hidden in the topmost part of the "stealth" tower. The ground equipment structure is fenced and screened by evergreen shrubs.

The property is zoned R-2 (single-family residential). There is another communications tower on the site, located on the east side of the baseball field, that was approved by City Council in 2004.

Surrounding Zoning, Land Use and Character

The cell tower in question is located within Garnsey Park, north of Curtis Avenue at Kelly Avenue in the Cunningham neighborhood. The zoning and land use for the properties adjacent to the overall park property are as follows:

- North: R-2, cemetery
- South: R-2, residential
- East: R-3 (one- and two-family residential), cemetery
- West: R-2, R-3, and B-1 (neighborhood business), residential and commercial

Applicable Regulations

- Section 47-5.2(B)(10) Special Uses – R-1 District
- Section 47-5.2 (C) Criteria for issuance of a Special Use Permit (refer to attachment)

Discussion

The petitioner is requesting approval of an amendment to a Special Use Permit (Ordinance #16160) which allowed the installation of a 118-foot-tall “stealth” telecommunications tower and associated ground equipment at the subject site. The amendment would allow a change in design from a stealth tower, which conceals the antennas in the top of the pole, to a monopole tower, which will have visible antennas at the top (see attached Tower Elevation). The tower height and ground equipment shelter would remain the same. The proposed antenna modifications will increase wireless coverage for T-Mobile and potential future carriers, as the monopole style would allow multiple carriers to use the pole. The tower currently serves T-Mobile and is owned by SBA Monarch Towers. The Joliet Park District, which owns the park property, is not opposed to the change in design.

In 2008, the petitioner was required to post a \$35,000 bond in the event that the tower was abandoned and needed to be removed. According to the petitioner, this bond is still in effect.

Conditions

If the Zoning Board desires to approve the amendment to the Special Use Permit (Ordinance #16160) to allow an existing stealth communications tower to be converted to a monopole tower, located at 1300 N. Kelly Avenue, the following conditions would be included:

1. That the petitioner shall maintain the existing \$35,000 bond, which would be used for dismantling the tower and associated equipment in the event of future abandonment.

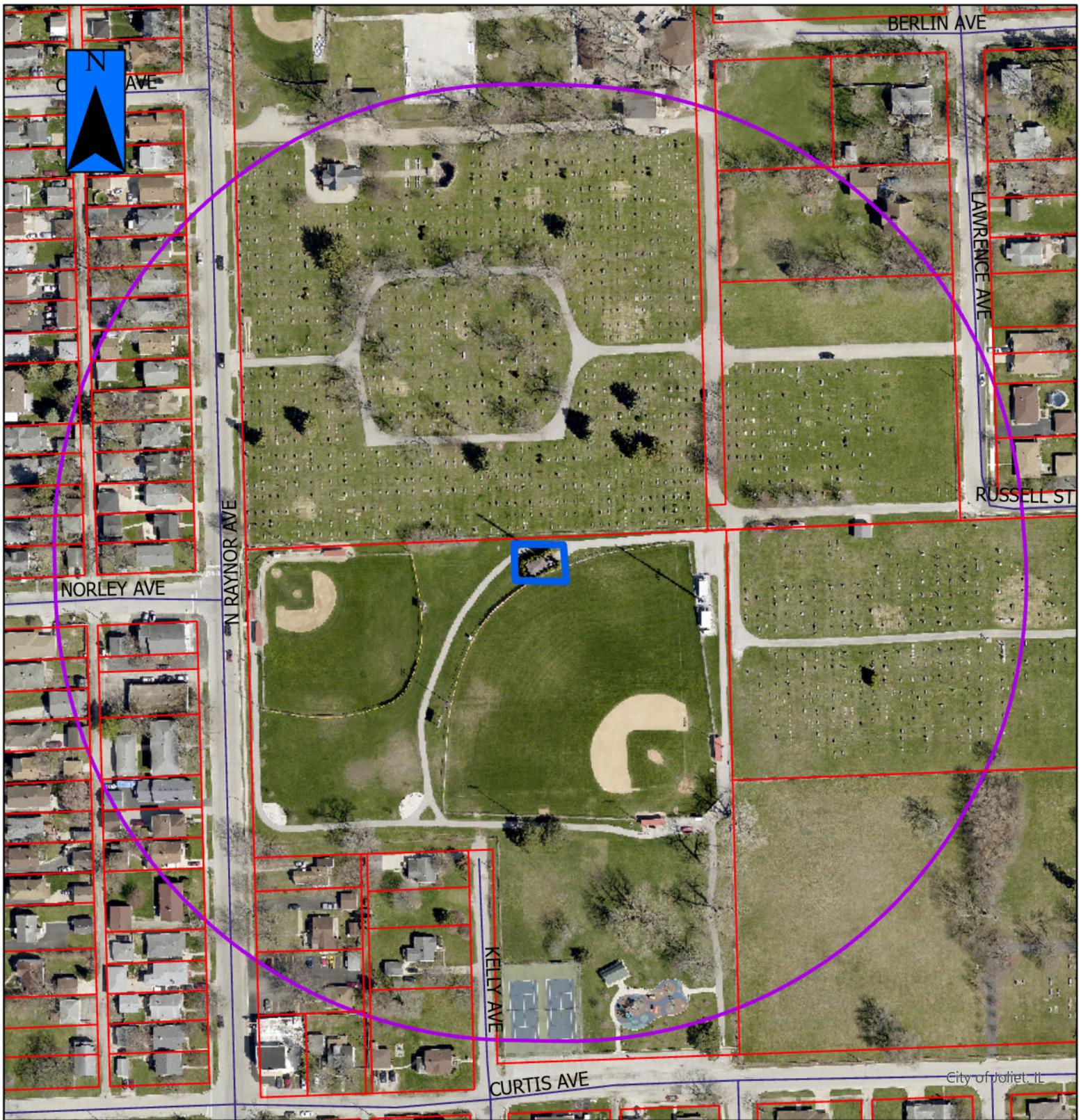


2024-30



 = Property in Question
 = 600' Public Notification Boundary

Legend			
	B-1		R-2
	B-2		I-TA
	B-3		I-TB
	I-1		I-TC
	I-2		R-1
	I-T		R-1A
			R-1B
			R-2A
			R-3
			R-4
			R-5
			R-B



2024-30a



-  = Property in Question / Propiedad en cuestión
-  = 600' Public Notification Boundary / Límite de notificación pública de 600 ft (180 m)

Figure 1: Existing tower on north side of the baseball field, view northwest from path along east property line (June 2024)



Figure 2: Existing tower, view west from path along north side of baseball field (June 2024)



Figure 3: View of tower from Raynor Avenue, facing east (June 2024)



Figure 4: View of tower from north end of Kelly Avenue, facing north (June 2024)

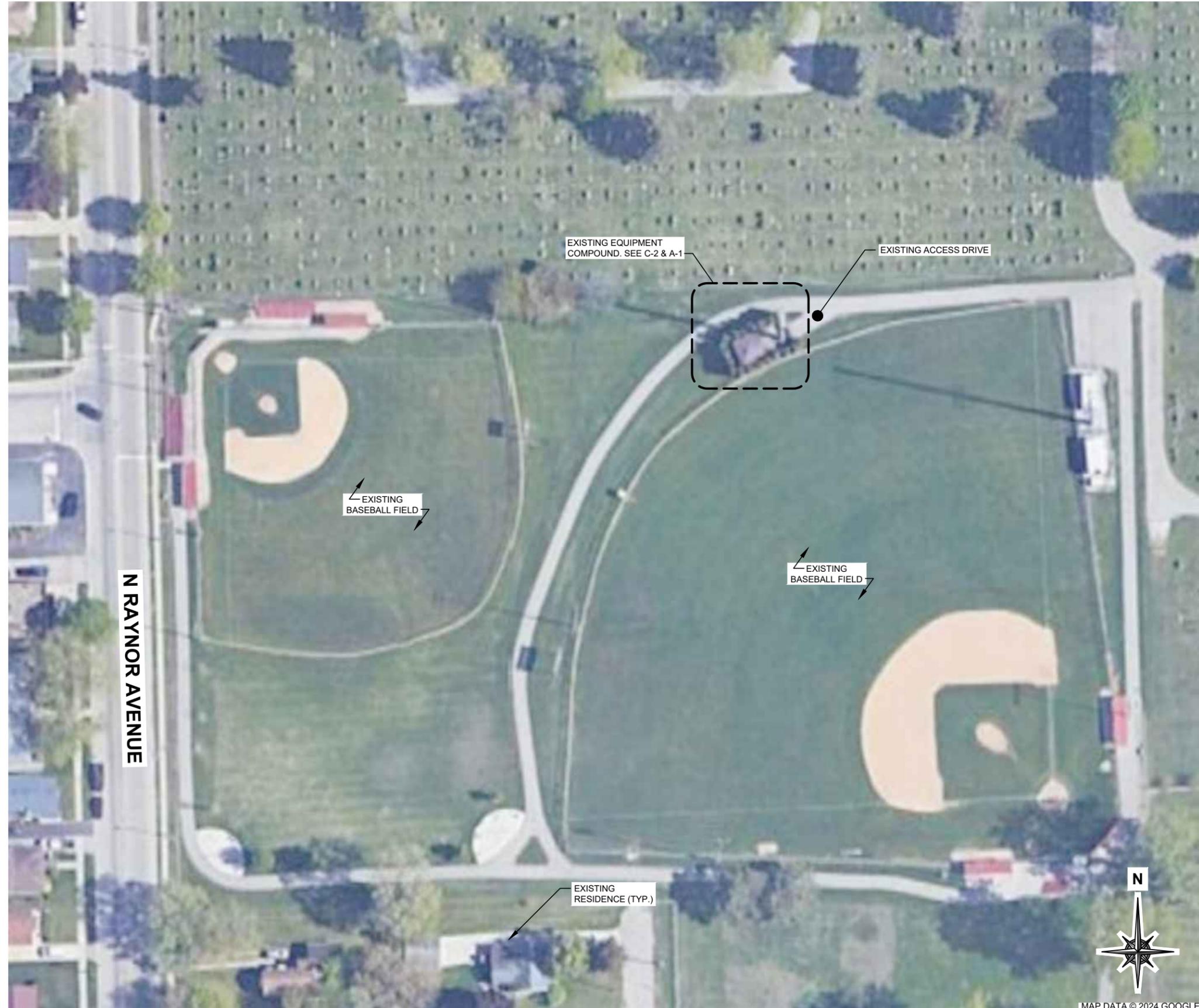


Figure 5: View of tower from parking area along Curtis Avenue, facing north (June 2024)



GENERAL SITE NOTES:

1. CONTRACTOR WILL NOT START CONSTRUCTION UNTIL AFTER THEY HAVE RECEIVED THE PRE-CON PACKAGE AND HAVE A PRE-CON WALK WITH THE PROJECT MANAGER.
2. CONTRACTOR TO HIRE PUBLIC (811) AND PRIVATE LOCATING SERVICE IN ORDER TO LOCATE AND PROTECT ALL SURFACE UTILITIES. DO NOT SCALE OFF THESE PLANS FOR ANY BELOW GRADE UTILITIES
3. CONTRACTOR SHALL VERIFY ALL EXISTING BURIED AND OVERHEAD UTILITIES PRIOR TO EXCAVATION. CONTRACTOR SHALL REPAIR ALL DAMAGED UTILITIES AT HIS OWN COST AND COORDINATE ANY REPAIRS WITH RESPECTIVE UTILITY COMPANY.
4. CONTRACTOR TO VERIFY ALL HEIGHTS AND AZIMUTHS IN FIELD PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY T-MOBILE AND ENGINEERING FIRM OF ANY DISCREPANCIES BEFORE PROCEEDING.
5. CONTRACTOR SHALL RESTORE AND REPAIR ANY DAMAGED AREAS CAUSED BY CONSTRUCTION.



OVERALL SITE PLAN

SCALE: 1" = 70'-0"

1

T-Mobile



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GARNSEY PARK RL
CH75294D
1300 N. KELLY AVENUE
JOLIET, IL 60435

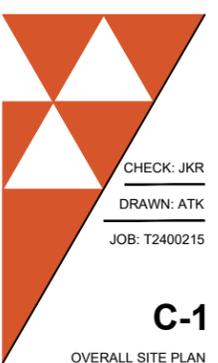


Jeffrey S. Autonsky
EXPIRES: 11/30/25 SIGNED: 04/29/24

REVISIONS

REV.	ISSUED FOR	DATE	BY
A	FOR CLIENT REVIEW	04/23/24	ATK
0	FINAL	04/29/24	TRK

AQUATIC \ DESIGN & PROGRAM MANAGEMENT
CIVIL \ TELECOMMUNICATION \ MECHANICAL
PLUMBING \ ELECTRICAL \ LAND SURVEYING
ACCESSIBILITY CONSULTING \ STRUCTURAL



CHECK: JKR
DRAWN: ATK
JOB: T2400215

C-1

OVERALL SITE PLAN

LEGEND

- EXISTING EQUIPMENT
- NEW EQUIPMENT
- REMOVED EQUIPMENT
- RELOCATED EQUIPMENT

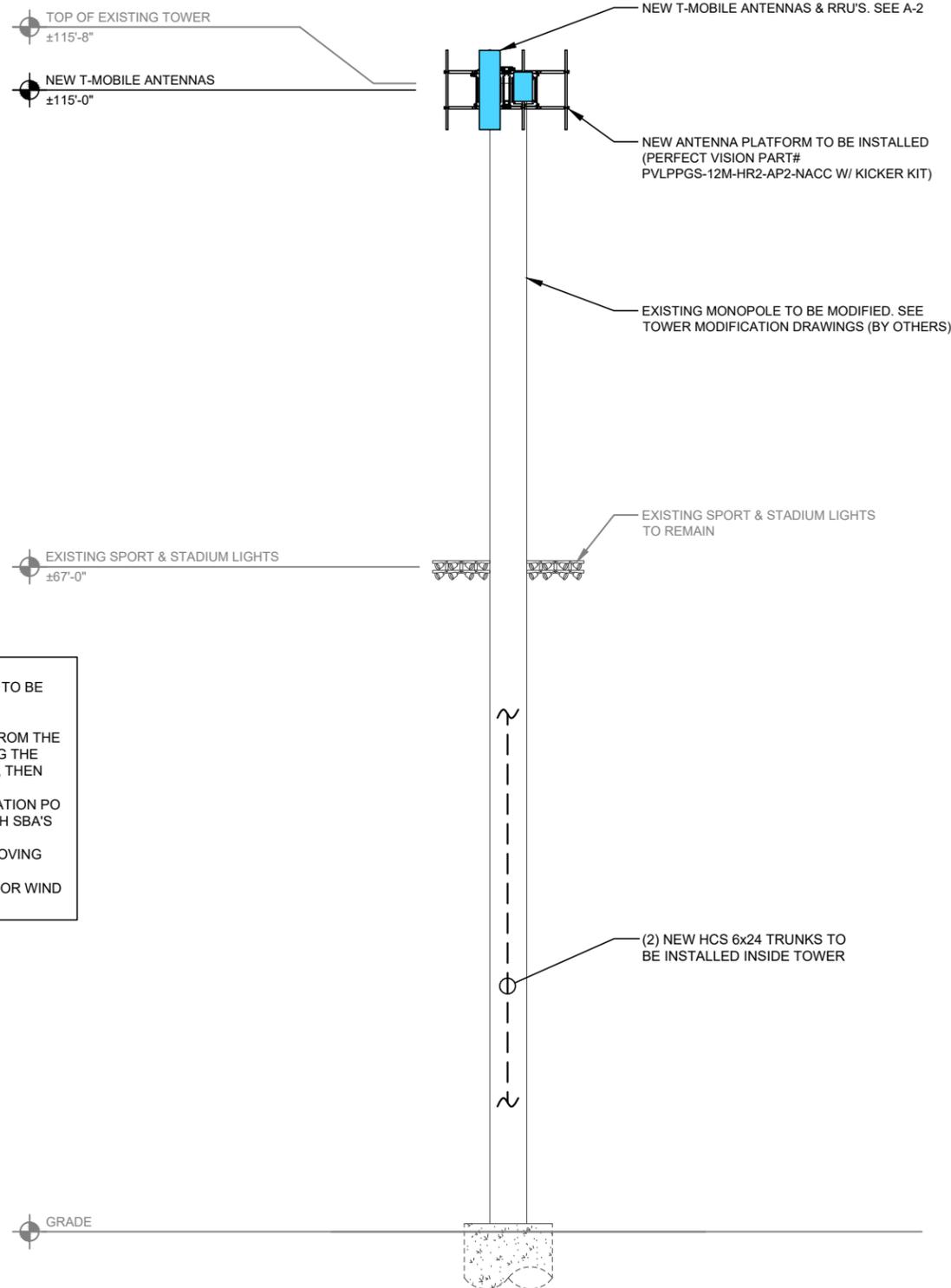
IMPORTANT SITE NOTES:

1. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING FINAL RF CONFIGURATION AND NOTIFY T-MOBILE AND ENGINEERING FIRM WITH ANY DISCREPANCIES.
2. CONTRACTOR SHALL VERIFY ALL FINAL CONNECTION LOCATIONS WITH T-MOBILE ENGINEER, RF ENGINEER, AND NET-OPS PRIOR TO INSTALLATION.
3. CONTRACTOR TO USE PROPER TORQUE WRENCH WHEN INSTALLING AND TIGHTENING CONNECTORS TO INSURE PROPER FIT.
4. CONTRACTOR TO ARRANGE NEW MODULES/EQUIPMENT TO AVOID INTERFERING WITH SAFETY CLIMB.

NOTE:

PER SBA COMMUNICATIONS CORPORATION, THE FOLLOWING ARE ISSUES THAT NEED TO BE ADDRESSED REGARDING THE T-MOBILE EQUIPMENT BEING RELOCATED DURING THE REPLACEMENT OF THE TOP TOWER SECTION:

- T-MOBILE WILL BE RESPONSIBLE FOR REMOVING THEIR EXISTING EQUIPMENT FROM THE CONCEALMENT CANISTER AND MOVING IT BELOW THE FLANGE AT ±85'-0" DURING THE TOWER MODIFICATION. IF A LOWER ELEVATION DOES NOT WORK FOR T-MOBILE, THEN THEY WILL NEED TO PROCURE A COW.
- ONCE THE MODIFICATION DESIGNS ARE COMPLETED, BID'S RECEIVED, MODIFICATION PO RECEIVED, AND THE AMD EXECUTED; T-MOBILE WILL NEED TO COORDINATE WITH SBA'S GENERAL CONTRACTOR TO HAVE THE EXISTING EQUIPMENT REMOVED.
- ONCE THE NEW SECTION IS INSTALLED, T-MOBILE WILL BE RESPONSIBLE FOR MOVING THEIR EQUIPMENT TO THEIR NEW RAD CENTER.
- CARRIER IS RESPONSIBLE FOR EQUIPMENT FIT AND ANY DAMAGE TO SHROUDS OR WIND BANDS DURING CONSTRUCTION.



NOTE:
A FAILING STRUCTURAL ANALYSIS OF THE EXISTING TOWER HAS BEEN COMPLETED BY TOWER ENGINEERING SOLUTIONS ON MARCH 12, 2024. CONTRACTOR TO VERIFY EXISTING TOWER IS MODIFIED PRIOR TO CONSTRUCTION. PER THE STRUCTURAL ANALYSIS IT IS RECOMMENDED TO REPLACE EXISTING CANISTER WITH 16" X 0.375" X 19'-4" NEW POLE SECTION FROM 95'-8" TO 115'-0" AND REINFORCE THE FLANGE CONNECTION AT 35.25'. THE REINFORCED TOWER SHALL BE ANALYZED PRIOR TO THE INSTALLATION OF THIS DESIGN.

NOTE:
WT'S SCOPE OF WORK DOES NOT INCLUDE A STRUCTURAL ANALYSIS OF THIS ANTENNA MOUNT. NEW ANTENNAS AND EQUIPMENT SHOWN ON THIS PLAN HAVE NOT BEEN EVALUATED TO VERIFY THE MOUNT HAS THE CAPACITY TO ADEQUATELY SUPPORT THESE ANTENNAS. PRIOR TO ANY ANTENNA OR EQUIPMENT INSTALLATION, A STRUCTURAL EVALUATION OF THE MOUNT, INCLUDING ALL ANTENNA MOUNTING SYSTEMS & HARDWARE SHALL BE PERFORMED.

NOTE:
ANTENNA CENTERLINE'S VERTICAL OFFSET FROM PLATFORM DECK OR HORIZONTAL CENTER OF SECTOR FRAME SHALL NOT EXCEED 6".



GARNSEY PARK RL
CH75294D
1300 N. KELLY AVENUE
JOLIET, IL 60435



Jeffrey S. Autonsky
EXPIRES: 11/30/25 SIGNED: 04/29/24

REVISIONS			
REV.	ISSUED FOR	DATE	BY
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0	FINAL	04/29/24	TRK

TOWER ELEVATION	1
SCALE: 1/16" = 1'-0"	

AQUATIC \ DESIGN & PROGRAM MANAGEMENT
 CIVIL \ TELECOMMUNICATION \ MECHANICAL
 PLUMBING \ ELECTRICAL \ LAND SURVEYING
 ACCESSIBILITY CONSULTING \ STRUCTURAL

CHECK: JKR
DRAWN: ATK
JOB: T2400215

A-1
TOWER ELEVATION

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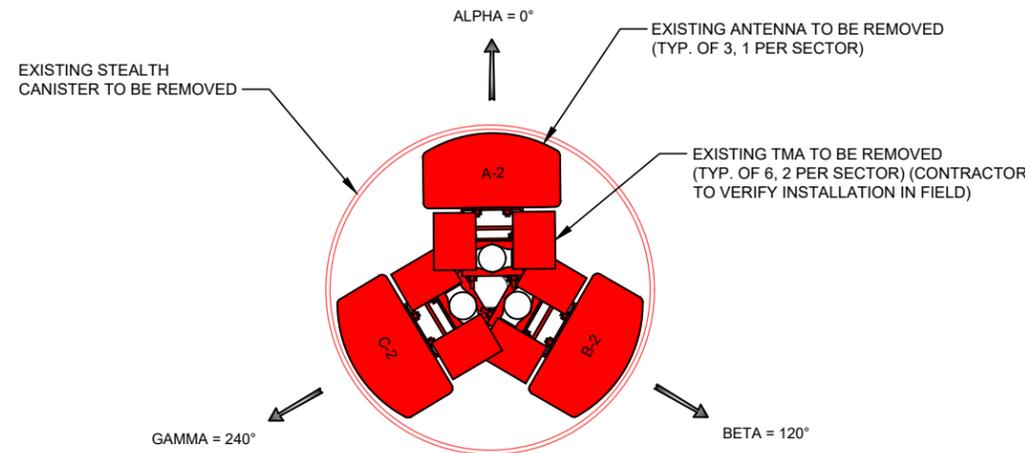
LEGEND

- EXISTING EQUIPMENT
- NEW EQUIPMENT
- REMOVED EQUIPMENT
- RELOCATED EQUIPMENT

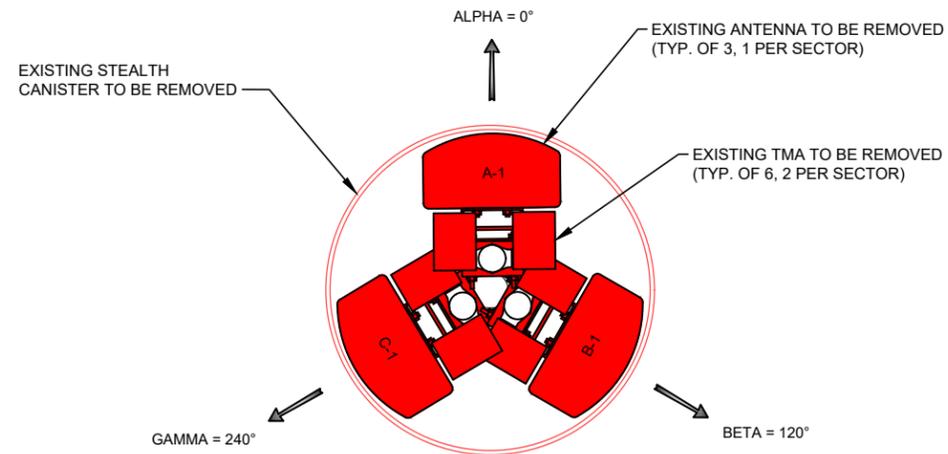
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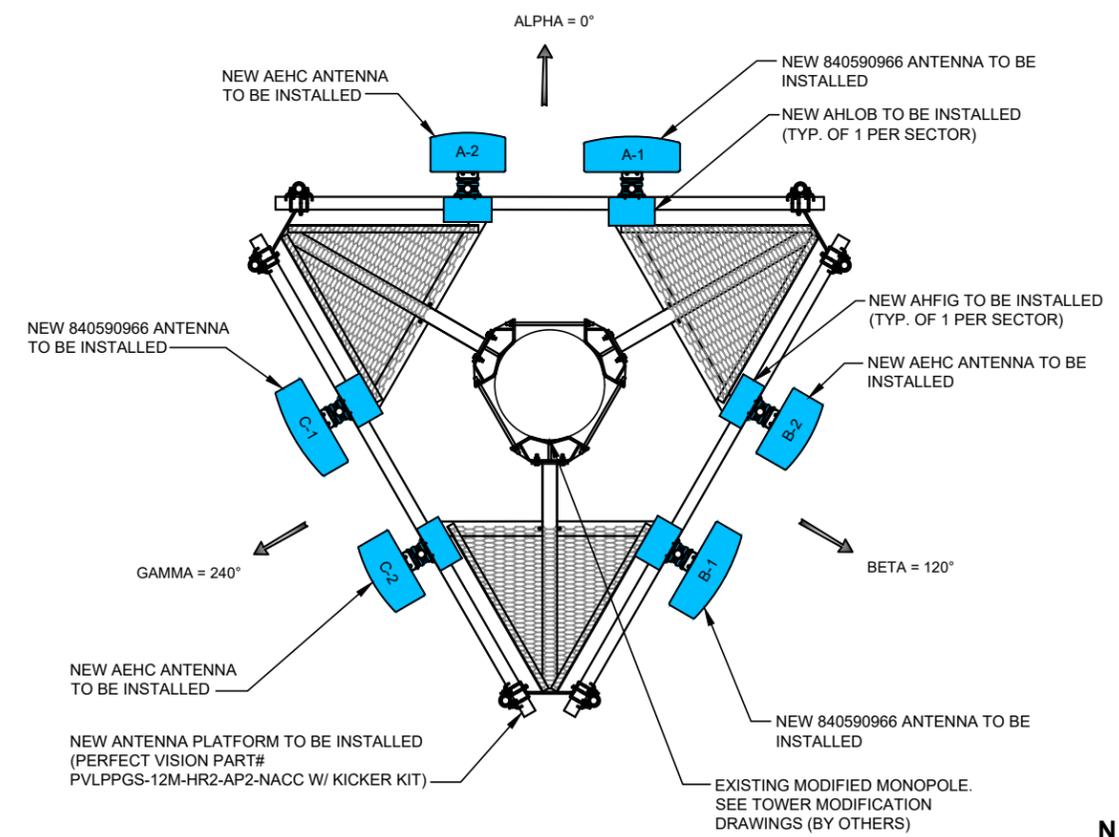
NOTE:
ANTENNA INFORMATION OBTAINED FROM T-MOBILE RF DATA CONFIGURATION SHEET DATED 02/06/24.



111'-6" ELEVATION



104'-0" ELEVATION



EXISTING ANTENNA PLANS
SCALE: NONE

1

NEW ANTENNA PLAN
SCALE: NONE

2



T-Mobile

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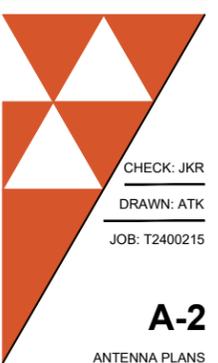


Gregory S. Autonsky

EXPIRES: 11/30/25 SIGNED: 04/29/24

REV.	ISSUED FOR	DATE	BY
A	FOR CLIENT REVIEW	04/23/24	ATK
0	FINAL	04/29/24	TRK

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PLUMBING \ ELECTRICAL \ LAND SURVEYING
ACCESSIBILITY CONSULTING \ STRUCTURAL



CHECK: JKR
DRAWN: ATK
JOB: T2400215

A-2

ANTENNA PLANS

FOR OFFICE USE ONLY

Verified by Planner (please initial): _____

Payment received from:

Petition #: _____

Common Address: _____

Date filed: _____

Meeting date requested: _____

ZONING BOARD OF APPEALS

JOLIET, ILLINOIS

PETITION FOR SPECIAL USE PERMIT

City of Joliet Planning Division, 150 W. Jefferson St., First Floor, South Wing, Joliet, IL 60432
Phone (815)724-4050 Fax (815)724-4056

ADDRESS FOR WHICH SPECIAL USE IS REQUESTED: 1300 N Kelly Avenue

PETITIONER'S NAME: Eric Greenfield

HOME ADDRESS: _____ ZIP CODE: _____

BUSINESS ADDRESS: 24317 W 143rd St Suite 111 Plainfield, IL ZIP CODE: 60544

PHONE: (Primary) 616-260-6247 (Secondary) _____

EMAIL ADDRESS: egreenfield@sbsite.com FAX: _____

PROPERTY INTEREST OF PETITIONER: Tower Owner

OWNER OF PROPERTY: Joliet Park District

HOME ADDRESS: 3000 W Jefferson St. Joliet, IL ZIP CODE: 60435

BUSINESS ADDRESS: " " ZIP CODE: _____

EMAIL ADDRESS: _____ FAX: _____

Any use requiring a business license shall concurrently apply for a business license and submit a copy with this petition. Additionally, if this request is for operation of a business, please provide the following information:

BUSINESS REFERENCES (*name, address, phone*):

OTHER PROJECTS AND/OR DEVELOPMENTS:

PERMANENT INDEX NUMBER (TAX NO. OR P. I. N.): 30-07-04-113-001 ;
_____ ; _____ ; _____ .

****Property Index Number/P.I.N. can be found on tax bill or Will County Supervisor of Assessments website****

LEGAL DESCRIPTION OF PROPERTY (attached copy preferred):

See attached

LOT SIZE: WIDTH: _____ DEPTH: _____ AREA : _____

PRESENT USE(S) OF PROPERTY: 118-foot-tall wireless communications stealth cell tower

PRESENT ZONING OF PROPERTY: _____

SPECIAL USE REQUESTED: Modify existing stealth cell tower to monopole

The Zoning Board of Appeals is authorized to grant a special use permit provided the applicant establishes by clear and convincing evidence:

- (1) That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare; and
- (2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; and
- (3) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district; and
- (4) That adequate utilities, access roads, drainage, and/or other necessary facilities have been or will be provided; and
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- (6) That the special use shall in all other respects conform to the applicable land use regulations of the district in which it is located and shall not be in violation of any other applicable law, ordinance or regulation; and
- (7) At least one (1) year has elapsed since any denial of any prior application for a special use permit that would have authorized substantially the same as all or part of the sites, unless conditions in the area have substantially changed.

Please describe how this request meets the criteria by responding to the following questions in your own words.

1. How will the establishment, maintenance, or operation of the special use affect the public health, safety, morals, comfort, or general welfare?

The modifications will allow T-Mobile and potential future carriers to provide faster and more reliable coverage to the surrounding area.

2. How will the special use impact properties in the immediate area? The modifications will not have any impact on properties in the immediate area, besides visual.

3. Will the use impede the normal/orderly development/improvement of surrounding property?

The modifications will not impede the normal/orderly development/improvement of surrounding property.

4. Are adequate utilities, access roads, drainage, and/or other necessary facilities provided?

Yes, the utilities, access roads, drainage, and/or other necessary facilities are already in place. There will be no change to the ground space surrounding the tower.

5. Have adequate measures been taken to provide ingress/egress design to minimize traffic congestion in public streets?

There will be no impact to traffic congestion.

6. Does the use conform to the applicable land use regulations of the district in which it is located and does it violate any other applicable law, ordinance or regulation?

Yes, the use conforms to the applicable land use regulations, and does not violate any other applicable law, ordinance, or regulation.

7. Has at least one (1) year elapsed since any denial of any prior application for a special use permit that would have authorized substantially the same as all or part of the sites (unless conditions in the area have changed substantially)?

Not applicable.

REQUIRED SUPPORTING ATTACHMENTS

- Site plan / concept plan / floor plan / building elevation plan
- Joliet Ownership Disclosure form
- Business license application (if applicable)

NOTARIZATION OF PETITION

STATE OF ILLINOIS) ss
COUNTY OF WILL)

I, Eric Greenfield, depose and say that the above statements are true and correct to the best of my knowledge and belief. I agree to be present in person or by representation when this petition is heard before the Zoning Board of Appeals.

Eric Greenfield

 Petitioner's Signature

Glenn Kelley

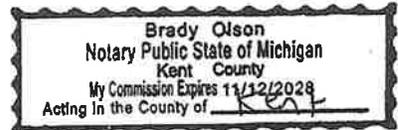
 Owner's Signature
 (If other than petitioner)

Subscribed and sworn to before me
 this 17 day of May, 2024

Brady Olson



Theresa L Talarico
 6/12/2024



CITY OF JOLIET OWNERSHIP DISCLOSURE FORM

The City of Joliet requires that applicants for zoning relief, subdivision approval, building permits and business licenses disclose the identity of all persons having an ownership interest in the business and the real property associated with the application. A copy of this form must be completed and submitted with other application materials. Failure to properly complete and submit this form may result in the denial of the application.

I. INFORMATION ABOUT THE APPLICATION

This form is submitted as part of an application for the following (check all that apply):

- Rezoning, Special Use Permit, Variation, or Other Zoning Relief (Complete Sections II and III)
- Preliminary Plat, Final Plat, or Record Plat of Subdivision (Complete Sections II and III)
- Building Permit (Complete Sections II and III)
- Business License (Complete All Sections)

II. INFORMATION ABOUT THE PROPERTY

The address and PIN(s) of the real property associated with this application are:

1300 N Kelly Avenue

PIN(s): 30-07-04-113-001

III. PROPERTY OWNERSHIP

Select the type of owner of the real property associated with this application and fill in the appropriate contact information below:

- Individual:** State the names, addresses, and phone #'s of the individual owner(s)
- Corporation:** State the names, addresses, and phone #'s of all persons holding 3% or more of the stock of the corporation and the percentage of shares held by such stockholders
- Limited Liability Company:** State the names, addresses, and phone #'s of all members of the company along with the percentage of ownership held by each member
- Land Trust:** State the names, addresses, and phone #'s of the trustee(s) and all beneficiaries
- Partnership:** State the names, addresses, and phone #'s of all partners
- Other type of organization:** State the names, addresses, and phone #'s of all persons having a legal or equitable ownership interest in the organization or the right to direct the affairs of the organization

Joliet Park District

3000 W. Jefferson St. Joliet, IL 60435

(P): (815) 741-7275

E-MAIL: gkelley@jolietpark.org

FAX: (815) 741-7280

IV. BUSINESS OWNERSHIP

If the owner of the business is different than the owner of the real property associated with the application, then the following information must be provided:

Select the type of business owner associated with this application and fill in the contact information below:

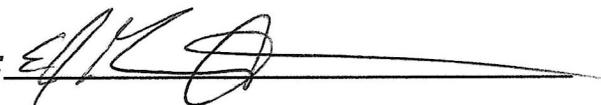
- Individual:** State the names, addresses, and phone #'s of the individual owner(s)
- Corporation:** State the names, addresses, and phone #'s of all persons holding 3% or more of the stock of the corporation and the percentage of shares held by such stockholders
- Limited Liability Company:** State the names, addresses, and phone #'s of all members of the company along with the percentage of ownership held by each member
- Partnership:** State the names, addresses, and phone #'s of all partners
- Other type of organization:** State the names, addresses, and phone #'s of all persons having a legal or equitable ownership interest in the organization

SBA Monarch Towers III, LLC

E-MAIL: _____ FAX: _____

NOTE:

If a stockholder, member, beneficiary or partner disclosed in Section III or Section IV is not an individual, then the individuals holding the legal or equitable title to the real property or business associated with the application must also be disclosed. For example, if the real property associated with an application is owned by a land trust, and the beneficiary of the land trust is a limited liability company, then the members of the limited liability company must be disclosed. If one of the members of the limited liability company is a partnership, then the identity of the partners must be disclosed. If one of the partners is a corporation, then all persons owning 3% or more of the issued stock must be disclosed.

SIGNED: 

DATE: 05/14/2024

Name, Title, and Telephone Numbers of Person Completing and Submitting This Form:

Eric Greenfield, Senior Manager, Site Development Services (616) 260-6247

egreenfield@sbsite.com

PRINT

ORDINANCE NO. 16160

AN ORDINANCE GRANTING A SPECIAL USE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS, AS FOLLOWS:

SECTION 1: A Special Use permit is hereby granted pursuant to Section 47-5.2(a) of the Zoning Ordinance of the City of Joliet, Ordinance No. 5285, as amended and ratified, to allow the specific use identified in Exhibit A on the real property described in Exhibit A and subject to the conditions set forth in Exhibit A. The Special Use permit is granted subject to the terms and conditions of all applicable federal, state, and local laws, ordinances, and regulations. The zoning classification of the subject property for which this Special Use Permit is granted remains the same and is not changed in any way by the passage of this Ordinance. This Ordinance shall be strictly construed to prohibit any use not specifically granted herein or otherwise allowed by the Zoning Ordinance of the City of Joliet. Noncompliance with the mandatory conditions set forth in this Ordinance shall subject the Special Use to repeal.

SECTION 2: The findings of fact and recommendation of the Zoning Board of Appeals on the granting of this Special Use are hereby adopted and made a part of this Ordinance (unless the Zoning Board of Appeals has recommended against the approval of the Special Use, in which case this Ordinance has been passed by a favorable vote of at least two-thirds of the members of the City Council then holding Office).

SECTION 3: This Ordinance shall be considered severable, and the invalidity of any section, clause, paragraph, sentence, or provision of the Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 4: This Ordinance shall be in effect upon its passage.

PASSED this 1st day of July, 2008.



MAYOR



CITY CLERK

VOTING YES: MAYOR SCHULTZ and COUNCILWOMAN BARBER, COUNCILMEN BROPHY, DORRIS, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA and TURK.

VOTING NO: NONE.

NOT VOTING: COUNCILMAN UREMOVIC (absent).

PIN: 30-07-04-113-001
ADDRESS: 1300 N. Kelly Avenue
ZBA APPROVED: Yes

EXHIBIT A

SPECIAL USE FOR: 1300 N. Kelly Avenue

1. LEGAL DESCRIPTION OF SUBJECT PROPERTY:

THE NORTHWEST QUARTER OF LOT FIVE AND THE WEST HALF OF THE SOUTH TWO ACRES OF LOT FOUR OF ASSESSOR'S SUBDIVISION IN SECTION FOUR IN TOWNSHIP THIRTY FIVE NORTH AND RANGE TEN EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE COUNTY OF WILL AND STATE OF ILLINOIS, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE EAST LINE OF RAYNOR AVENUE ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF LOT FIVE OF ASSESSOR'S SUBDIVISION IN SECTION FOUR TOWNSHIP THIRTY FIVE NORTH AND OF RANGE TEN EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE COUNTY OF WILL AND STATE OF ILLINOIS, RUN THENCE NORTH ALONG THE EAST LINE OF SAID RAYNOR AVENUE 313.4 FEET, THENCE EAST ALONG A LINE PARALLEL TO AND 313.4 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID LOT FIVE 278 FEET, THENCE SOUTH ON A LINE PARALLEL TO AND 275 FEET EAST OF THE WEST LINE OF SAID RAYNOR AVENUE 313.4 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID LOT FIVE, THENCE WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID LOT FIVE 278 FEET ON THE PLACE OF BEGINNING, CONTAINING TWO ACRES, MORE OR LESS.

AND BEING THE SAME PROPOERTY CONVEYED TO JOLIET PARK DISTRICT, A MUNICIPAL CORPORATION, OF THE CITY OF JOLIET, COUNTY OF WILL AND STATE OF ILLINOIS FROM ESTHER STORCH ANDERSON, AS TRUSTEES FOR FLORENCE ROETHLISBERGER, FRED LEISER, LOUISE TEZAK, WILLIAM LEISER, ROSE HENTSCHEL AND GEORGE LEISER, UNDER THE FIFTH CLUASE OF THE LAST WILL AND TESTAMENT OF GEIRGE LEISER, SENIOR DECEASED, AND ALBION WALTER ANDERSON, HER HUSBAND BY TRUSTEE'S DEED DATAED APRIL 15, 1931 AND RECORDED APRIL 20, 1931 IN INSTRUMENT NO. 449711 (PIN # 30-07-04-113-001)

2. SPECIFIC USE TO BE ALLOWED ON SUBJECT PROPERTY:

Installation of a 118-foot-tall wireless communications cell tower and associated equipment cabinets.

3. MANDATORY CONDITIONS IMPOSED UPON USE OF SUBJECT PROPERTY:

- That the petitioner shall post a bond in the amount of \$35,000 prior to the issuance of the building permit for the proposed installation. The bond will be utilized for dismantling the tower and associated equipment in the event of future abandonment.

PERFORMANCE BOND

Bond Number: 070007118

Site Number: CH75294D

KNOW ALL BY THESE PRESENTS, That

we T-MOBILE CENTRAL LLC, as Principal, hereinafter called Principal, and Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, MA 02116, a Massachusetts corporation, as Surety, hereinafter called Surety, are held and firmly bound unto CITY OF JOLIET, as Obligee, hereinafter called Obligee, in the amount of Thirty Five Thousand and 00/100 Dollars (\$ 35,000.00 **) for the payment of which sum, well and truly to be made, the said Principal and Surety bind themselves, and their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has entered into a Zoning Ordinance 47-14.2A Special Uses - Paragraph (B) dated 7/1/08 for the telecommunication facility located at: 1414 N. Raynor Ave., Joliet, IL 60431, which Zoning Ordinance 47-14.2A Special Uses - Paragraph (B) is by reference made a part hereof, and

(1300 N Kell)

WHEREAS, as a condition of said Zoning Ordinance 47-14.2A Special Uses - Paragraph (B) requires Principal to provide a Bond guaranteeing the

removal of the telecommunications tower at said location.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if Principal shall guarantee the

removal of the telecommunications tower in accordance with said Zoning Ordinance 47-14.2A Special Uses - Paragraph (B), then this obligation is void, otherwise to remain in full force and effect.

PROVIDED, HOWEVER, That:

- 1. It shall be a condition precedent to any right of recovery hereunder, that in event of any default on the part of the Principal, a written statement of the particular facts of such default shall be forwarded to the Surety, within sixty (60) days of the occurrence of such default, delivered by registered mail to Surety at its Home Office in Plymouth Meeting, PA.
2. That no action, lawsuit or proceeding shall be had or maintained against the Surety on this Bond unless the same be filed and properly served upon the Surety within one year from the effective date of the cancellation of the Bond.
3. That no right of action shall accrue under this Bond to or for the use of a person or entity other than the Obligee, and its successors and assigns.
4. This Bond shall become effective 7/15/2008.

- 5. This Bond shall continue in full force and effect until canceled by the Surety by providing thirty (30) days written notice to the Obligee.
- 6. The liability of the Surety shall in no event exceed the aggregate penal sum of the Bond penalty.
- 7. If any conflict or inconsistency exists between the Surety's obligation or undertakings as described in the Bond and as described in the underlying document, then the terms of the Bond shall prevail.
- 8. **This Bond shall not bind the Surety unless the Bond is accepted by the Obligee. The acknowledgment and acceptance of such Bond is demonstrated by signing where indicated below. If this obligation is not accepted by way of signature of the obligee below, this Bond shall be deemed null and void.**

IN WITNESS WHEREOF, The said Principal and Surety have signed and sealed this instrument on this 15th day of July, 2008.

T-MOBILE CENTRAL LLC

By: Jeanne Thomas
 Name/Title
Jeanne Thomas
 Sr. Manager, Lease Compliance & Information Mgmt.
 Liberty Mutual Insurance Company

By: Ed C Spector
 Edward C. Spector Attorney-in-Fact

The above terms and conditions of this bond have been reviewed and accepted by the Town of CITY OF SOLICET.

Acknowledged and Accepted by: city of solicet, Obligee

By: [Signature]
city clerk
 (Title)

Dated: 7/22/08

Return to: Liberty Mutual Insurance Company
 One Front Street
 Suite 1925
 San Francisco, CA 94111

STAFF REPORT

DATE: June 11, 2008

PREPARED BY: Planning Staff

TO: Zoning Board of Appeals

DATE FILED: 5-20-08

PETITION NO.: 2008-37

GENERAL INFORMATION:

APPLICANT: T-Mobile

STATUS OF APPLICANT: Lessee

OWNER, if different: Joliet Park District

REQUESTED ACTION:

A Special Use Permit to allow the installation of a 118'-tall microwave telecommunication cell tower and related equipment shelter.

PURPOSE:

To allow the installation of a 118'-tall telecommunications tower.

EXISTING ZONING:

R-2 (single-family residential district)

LOCATION:

1414 N. Raynor

SIZE:

20' x 35' (ground lease area)

EXISTING LAND USE:

baseball fields

SURROUNDING LAND USE & ZONING:

NORTH: Cemetery, R-2

SOUTH: Recreational, R-2

EAST: Recreational, Cemetery, R-2 & R-3

WEST: Recreational, R-2

SITE HISTORY:

A special use permit to allow a 120'-tall "light pole" – telecommunications tower was approved in 2004 for Sprint-Nextel.

APPLICABLE REGULATIONS:

47-5.2b (10): Special Use: Other Public Service Buildings and Uses.

SPECIAL INFORMATION:

T-Mobile proposes to install a 118'-tall telecommunications tower at the north edge of the Garnsey Park baseball fields. The installation will include the 118'-tall telecommunications tower disguised as a "light pole", along with an equipment shelter at the ground level. The actual antennae will be hidden from view inside the upper most section of the tower. There is an existing light pole at the subject location that would be replaced by the telecommunications tower. The lights from the existing pole will be relocated onto the telecommunications tower.

Should the Zoning Board of Appeals recommend the approval of this request, the following conditions would be added:

- That the ground-level equipment area be screened by a six-foot tall board-on-board wood fence and landscaped around the perimeter; and,
- That the petitioner shall post a bond in the amount of \$5,000 prior to the issuance of the building permit for the proposed installation. The bond will be utilized for dismantling the antenna arrays and associated equipment in the event of future abandonment.

ANALYSIS:

Approval of this request should not adversely affect the surrounding area. The cell phone carrier states that in-building residential and in-vehicle phone coverage needs to be enhanced in the subject area. The existing "light pole" telecommunications tower lacks additional space to handle more antennae.

ADDENDUM

DATE: June 18, 2008

TO: Zoning Board of Appeals

SUBJECT: Bond Requirement

PETITION 2008-37: A **Special Use Permit** to allow installation of a 118 ft. tall microwave telecommunications cell tower and related equipment shelter, located at 1314 N. Raynor Ave.

The bond amount required for telecommunication cell towers is \$35,000.00, not \$5,000.00 as stated in the Staff Report.

Zoning Board of Appeals of the City of Joliet, Illinois/Thursday, June 19, 2008

PETITION 2008-37: A **Special Use Permit** to allow installation of a 118 ft. tall microwave telecommunications cell tower and related equipment shelter, located at 1300 N. Kelly Ave.

Mr. Haller read the staff report into the record.

Chairman Hennessey swore in Mr. Steve Hedges, Mr. Kevin Mize and Mr. Tim Mahalik, all employees of T-Mobile. Mr. Hedges said that wireless tower will benefit the community with improved wireless service for T-Mobile customers and for the emergency 911 communications in the area. He said that the tower will be disguised as a light pole and replace an existing light pole. The Joliet Park District will receive the rent money.

Chairman Hennessey asked if anyone wished to speak in favor of the petition and no one came forward.

Chairman Hennessey asked if anyone wished to speak in opposition to the petition. Chairman Hennessey swore in Mr. Thomas Longnecker, Joliet, Il., who said that he lives across the street from Garnsey Park. Mr. Longnecker stated that the area was a dead zone for wireless communication and that there was a need for it. Mr. Longnecker stated that the project will not be an eyesore and that many people feel it is needed. Mr. Longnecker asked what kind of technology will be used. Mr. Mize, radio frequency engineer, stated that the tower is designed to use a GSM system. He also stated that it was a co-locatable tower and could be used by other carriers.

Chairman Hennessey closed the petition and asked the board for a discussion and a vote.

Mr. Riggs moved to approve the petition and Ms. Powers seconded the motion, which passed with 5 aye votes. Voting aye were: Graham, Nevarez, Powers, Riggs and Hennessey.

Petition 2008-37 was approved with five aye votes.

ZONING BOARD OF APPEALS
CRITERIA FOR SPECIAL USES

Section 47-5.2 (C) of the Zoning Ordinance states:

A special use permit shall not be granted unless the applicant establishes by clear and convincing evidence:

	Does the evidence presented sustain this criteria?	Comments
(1) That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare; and		
(2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; and		
(3) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district; and		
(4) That adequate utilities, access roads, drainage, and/or other necessary facilities have been or will be provided; and		
(5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and		
(6) That the special use shall in all other respects conform to the applicable land use regulations of the district in which it is located and shall not be in violation of any other applicable law, ordinance or regulation; and		
(7) At least one (1) year has elapsed since any denial of any prior application for a special use permit that would have authorized substantially the same as all or part of the sites, unless conditions in the area have substantially changed.		