Long Grove Plan Commission & Zoning Board of Appeals (PCZBA)
Regular Meeting Minutes ---March 4, 2014

Present: Commissioners Jeff Kazmer, Charles Cohn, Shelly Rubin and Michael Dvorak.

Absent: Fred Phillips, Chairman, and Commissioners Bill Peltin and Wendy Parr.

Also Present: Village Planner James Hogue, Victor Filippini, Village Attorney, Jodi Smith, PCZBA Secretary, and members of the public, including Shane Hennessy-York of Crown-Castle Communications and Rachel Perkal representing the LGBCP.

1. Appointment of Chairman *pro tem*. Commissioner Kazmer nominates Commissioner Rubin as Chairman *pro tem* for purposes of this PCZBA meeting. Seconded by Commissioner Cohn. On a voice vote, all ayes: no nays.

2. Call to Order: Chairman *pro tem* Rubin called the meeting to order at 7:07 p.m.

3. New Business:
Public Hearing: Consideration of a request to allow the continued operation and maintenance of a wireless communications antenna and related facilities and any other relief necessary to allow co-location of additional antennas on the existing monopole telecommunications tower at 4210 Illinois Route 22 and within the R-1 Zoning District, submitted by Crown-Castle Communications.

Chairman *pro tem* Rubin read the public hearing item into the record and swore in witnesses present to give testimony.

Mr. Shane Hennessy-York, of Crown Castle Communications, stated that the proposal is made by Sprint and Crown-Castle Communications to add three new wireless antennas on the existing monopole telecommunications tower. The antennas would extend 5 feet and be within the existing compound. The three new antennas would increase capacity, and provide better service to, and intensify, Sprint's existing coverage. The tower would increase capacity up to 58%. There are no issues with the structural integrity of the tower.

Planner Hogue gave an overview of the existing tower. The overview is outlined in the Staff Report dated 2/20/14, which was distributed to all board members prior to this meeting. The staff report includes photographs and specifications related to the tower and the proposed additional antennas. Planner Hogue clarified that this request would be an amendment to an existing ordinance and special use permit. It is not changing anything other than what already exists. He indicated that adding antennas to the current location is preferable to building a new tower. All requirements are being met and there is no impact on surrounding wetlands.

Chairman *pro tem* Rubin questioned whether there were any village board or resident objections that Planner Hogue was made aware of. Planner Hogue responded that two neighbors did question the petition and, after being given information on the request, they had no objections.

In response to questions by the board, Mr. Hennessy-York indicated that there are currently three operational antennas on the tower and that this proposal adds three more which are all for Sprint. Typically each level of the tower has antennas for a different carrier. Sprint currently has one antenna on its level and is requesting to add three more. Chairman *pro tem* Rubin opened up comments from the commissioners and asked about the location of other towers in the area. A discussion ensued among the board members regarding towers existing along Old McHenry Road, by the golf course, and possibly others.

Commissioner Dvorak stated that this matter was considered three years ago and he has no additional issues or concerns. Commissioners Kazmer and Cohn agree that co-location is the best alternative and they have no objections to adding antennas to the existing tower as long as the structural integrity holds. Chairman *pro tem* Rubin questioned Mr. Hennessy -York about the safety of a 58% capacity. Mr. Hennessy-York replied that as long as capacity stays at or below 100% it is safe. The engineers determine maximum tower capacity. The tower is required to sustain 89 mph wind gusts for 3 seconds and it has been deemed safe. Chairman *pro tem* Rubin questioned whether there are any health issues with the antennas. Attorney Filippini stated that congress has deemed these towers to be safe and Mr. Hennessy-York added that the FCC determines these issues and there are no conclusive studies showing a health detriment.

No further questions were asked from the board or the public. Commissioner Kazmer made a motion to recommend approval of the request for a special use permit and/or additional relief necessary and/or appropriate under the zoning code to allow the continued operation and maintenance of an existing wireless communication antenna and related facilities and the co-location of three additional antennas on the existing monopole telecommunications tower at 4210 Illinois Route 22 and within the R-1 Zoning District submitted by Crown-Castle Communications. Commissioner Cohn seconded the motion. On a voice vote, all aye, no nays. Motion passes.

Planner Hogue advised Mr. Hennessy-York that the recommendation would go to the village board to be considered at its meeting next Tuesday and if approved, it would be referred back to the PCZBA for final approval.

4. Old Business:
Public Hearing-Continuation: Consideration of Amendments to the Zoning Code of the Village of Long Grove regarding Permitted and Special Uses in the B-1 Historic District.

Planner Hogue summarized the previous presentation given by Bridget Lane of BDI Consultants and noted that she recommended the "unique combination approach" to downtown Long Grove. She provided a suggested list of uses for the village. It was suggested to modify Long Grove's exiting code to reflect the NAICS code instead of the SIC code. In discussing the various uses, Rachel Perkal was asked to provide insight and comments made by the LGBCP.

The following discussion follows the Permitted Uses Comparison Matrix provided by Bridget Lane and distributed to the board prior to the meeting. A highlighted version of the Matrix was also made available by the LGBCP. Ms. Perkal referred first to number 54, "services to building services". The development committee recommends that this should be a permitted use above street level. They want to reserve as much street level storefronts as possible for retail. Another item with significant discussion by the development committee was number 17, "coin, stamp, precious metal or similar shop". They are concerned about a "we buy gold" store opening n the historic district. The zoning board members were in agreement that they would like to exclude businesses which purchase gold bullion or gold jewelry and want to somehow limit this use for hobbyist trading. Planner Hogue stated that in the past there was an inquiry about this use and that it does fall under "recycling" under NAICS. Nothing in our code allows it. It is suggested to make this a special use so that it can be considered on a request-by-request basis.

Ms. Perkal next mentioned item number 63, which is "used merchandise store" and wanted to know whether this includes the gold purchasing stores or consignment stores. They do not want it to be a permitted use, but they do want antique stores. Is there a way to distinguish antique store from flea market? How is it determined? Planner Hogue stated that NAICS code may have made this distinction between antiques and used merchandise. He will refer to this in reviewing our code. Commissioner Cohn stated that it is very subjective and as long as the business holds itself out to be an antiques store, we should let it operate as such. Attorney Filippini stated that once we decide which uses we want, we will look at the NAICS code and see how it fits our concerns and whether we can have exclusions or special use requirements. He suggested we go through the matrix and note all comments and concerns and use the comments to redefine our code.
Attorney Filippini also noted that any use not permitted could be asked for as a special use. Also, there is a cap on the non-retail uses that can be in the downtown area. There is a 15% limitation on the first floor non-retail stores. Residential and non -retail uses upstairs are okay. The 15% is a cap and we may want to reconsider this if we want to create more balance and more service uses on the first floor. It doesn't matter how many vacancies we have because once we meet that 15% any non-retail requests are denied. The board then went on to discuss the matrix items line by line. Comments or discussions on each line item are provided as an Addendum to these minutes.

Following the line item discussion, Chairman *pro tem* Rubin made a motion to continue the public hearing regarding additional uses in the B-1 District until the

April 1, 2014 meeting, and to direct staff to further refine the list of uses as discussed at this meeting. The motion is seconded by Commissioner Kazmer. On a voice vote, all aye. Motion passes.

5. Approval of Minutes: February 4, 2014 meeting.
A motion was made by Commissioner Kazmer, seconded by Commissioner Dvorak, to accept the February 4, 2013 minutes with any grammatical corrections. On a voice vote; all aye. Motion passes.

6. Other Business:
Executive Session: a motion was made by Commissioner Cohn to move into executive session. On a roll call vote: Commissioner Kazmer yes, Commissioner Cohn, yes, Commissioner Dvorak, yes, Chairman *pro tem* Rubin yes. At 8:24 the board moved to executive session. At 8:56 the board reopened the open session of the meeting.

6. Adjournment
Commissioner Kazmer made a motion to adjourn, seconded by Chairman Cohn. On a voice vote; all ayes. Meeting was adjourned at 9:00 pm.

7. Next Regular Meeting: April 1, 2014

Respectfully Submitted,

Jodi Smith, PCZBA Secretary

See Attached Addendum

Addendum to march 4, 2014 regular meeting minutes of the PCZBA

The board along with comments from Ms. Perkal discussed the permitted uses listed in the comparison matrix with yellow highlights. The highlighted items are not currently permitted uses but the LGBCP recommends that they be added as a permitted use.

1. Advertising services. Add as a permitted use, however, Commissioners Cohn and Kazmer recommend that this should be a second floor use only.

2-5. Uses already permitted.

6. Auto and home supply stores without service bays. A discussion ensued regarding the interpretation of this use. What is a home supply store? Could it be an Ace hardware? There is some disagreement as to whether this would be a good thing or bad thing for downtown. It is agreed that Long Grove needs to attract residents to the downtown and this might have that effect.

Attorney Filippini stated that we could put caps on the size of the store, which would limit the type of business that would come in. All are in general agreement that the village would want to encourage restoration hardware stores and we can use the special use tool if we do not want it to be a permitted use.

7-14. Uses already permitted

15-17. These uses should be allowed with added restrictions of precious metal dealings as previously discussed.

18. Computer and data processing services. This should be a second floor use.

19-20. Use already permitted.

21. Banks. The village does not want any banks with drive through windows and therefore, we may want to exclude this use as generally permitted.

22. Drugstores. No objection to mom and pop type drug stores. Might want to permit with special uses.

23. Use already permitted

24. First, second, third floor residential uses. It is agreed to keep second and third floor residential uses and eliminate first floor residences.

25. Florists. Add as a use.

26-27. Uses already permitted.

28. Cleaners. No

29. General offices. Allow on second floors only.

30-31. Uses already permitted.
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32-36. Add as permitted uses with the exception that the lighting stores be limited in square footage.

37. Mailing, reproduction, stenographic services. This had much discussion. The village would not want a large mailing business, but a substation or a gas station mini store or even a small UPS type store would be acceptable. Need to clarify this as a use.

38. Massage therapy. Needs to be clarified. The village could permit a small licensed business subject to permitting and licensing. Attorney Filippini noted that this could be a special use permit, which would be a good additional backstop.

Attorney Filippini interjected at this point that there will be a list of special uses available in addition to our permitted uses, so that anyone looking at our lists will see that certain uses are allowed with a special use permit. Right now our special use list is very limited but we can expand it.

39-42. Uses already permitted, however, number 41, nail salon, which is already permitted, should be specifically added as a permitted use.

43. Offices of health practitioners. Already a permitted use, but there was a discussion as to how to include such services such as electrolysis while excluding less desirable uses such as tattoo parlors.

44. Use already permitted.

45. Optical goods store. Would like to add this use.

46. Paint glass and wallpaper stores. Would like to add this use with limited square footage.

47-49. Add as permitted uses.

50. Use already permitted.

51. Retail nurseries and garden stores. No yards. Add as permitted use.

52. Use already permitted.

53-54. These uses could be possible second floor uses.

55-58. These uses should be added as permitted uses with the clarification that number 58 does not include the sale of live animals.

59. Use already permitted.

60. Stationary store. Add as a permitted use.

61. Use already permitted.

62. Add as a permitted use as we already have a successful cigar shop.

63. Used merchandise store. Antiques yes, resale no.

64. Videotape rental. Remove as a permitted use.

65. Add as a permitted use.

66. Use already permitted.

Other uses listed in the NAICS retail codes and attached to the matrix were discussed. Regarding grocery stores and convenience stores, a reference was made to the service station with the mini market. A convenience store is not already a permitted use but the mart within the gas station is allowed as a special use and an accessory to the gas station. A mini mart is okay but not a 7-11 type store.

Regarding specialty food stores and markets, we already have/had markets such as the Farmstand and Olive Tap, which are successful. Planner Hogue said we do allow markets and delis, etc. but we should spell them out in our list of uses.
Regarding liquor stores, Commissioner Cohn takes expectation to these with respect to hard liquors and packaged goods like six packs. The village wants to keep the wine stores. Commissioner Kazmer suggested that we make it a special use so that it can be controlled, and all agreed.

Finally it was agreed to add cosmetics, beauty supplies and perfume stores as permitted uses.