

**Long Grove Plan Commission & Zoning Board of Appeals (PCZBA)
Regular Meeting Minutes ---May 5, 2015**

Present: Chairman Fred Phillips, Commissioners Jeff Kazmer, Shelly Rubin, Wendy Parr, Charles Cohn, and William Peltin.

Also Present: James Hogue, Village Planner, Betsy Gates, Village Attorney, Jodi Smith, PCZBA Secretary, and members of the public.

1. Call to Order: Chairman Phillips called the meeting to order at 7:05 p.m.

2. Visitor's Business: None

3. New Business:

a) PUBLIC HEARING: Consideration of a request for variation of the corner yard setback requirement for property located at 6714 Indian Lane and zoned under the R-2 zoning district classification from the required 75 feet down to 72 feet (Diamond Lake Road frontage) to allow for an addition to an existing single family residence and an existing encroachment (concrete staircase) to remain on property submitted by Mr. Amias Turman, Airoom Architects, on behalf of Mr. Bret Zacher, property owner.

Chairman Phillips read the request into the record and swore in witnesses who are present to speak on this matter. Chairman Phillips asked Planner Hogue to summarize the staff report prepared for this petition. Planner Hogue's staff report included special standards to be considered for the variation, as well as architectural plans submitted by Airoom, a review of the engineering site plan by the Assistant Village Engineer, and an email from Jane Wittig, neighbor of Bret Zacher.

The petitioner's property is essentially a single family dwelling with a concrete stairway leading into the dwelling at the location of the proposed addition. The petitioner is seeking a variation of setback requirements for an addition to the existing residential structure. The existing concrete stairway would be enclosed within the addition. The property is presently non-conforming with regard to the setback, and the property contains substantial wetlands, flood plain and floodway. A building permit was issued in 1997 for the stairway despite the setback violation and encroachment into the floodplain. The petitioner is requesting relief from the non-conformity. The board in considering this request should review the special standards for variation. The email from Ms. Wittig, citing no objection to petitioner's request, was noted for the record.

Amias Turman of Airoom Architects, 6825 Lincoln Avenue, Lincolnwood, Illinois, spoke on behalf of Mr. Zacher, property owner. Mr. Turman distributed photographs of the residence and stairwell at issue. Mr. Turman reiterated that the side yard variation to the corner of the house as well as the stairwell is non-conforming at present. In addition, the stairwell collects debris and it clogs causing flooding issues. The proposed addition will enclose the stairway and resolve this issue. There is no impact on lot coverage and no other alternatives are available which would be as practical and as minimally invasive. In response to questions from Commissioner Rubin, Mr. Turman stated that the 3-foot variance would not be exceeded. The addition will be built over the existing staircase. Commissioner Cohn inquired as to shrubbery and protected trees. Mr. Zacher responded that he has spoken at length with a representative of the park district regarding his

landscape and that he has actually had requests from the park district to remove some trees. Mr. Zacher is working with the park district on any removal issues. Commissioner Cohn noted that the engineer's report does not seem to relate to the addition itself. Planner Hogue concurred, stating that the petitioner merely needs to comply with storm water management regulations as per the engineer's report. Mr. Zacher stated that they have been working with storm water management for quite some time because of past flooding issues and they have worked to resolve their own flooding issues. He added that the existing stairwell walls are designed to take full load support for the addition. The board agrees that the engineering issues are separate and unrelated to the addition and should not impact the petitioner's request. Chairman Phillips opened the discussion to questions by the board. No questions were presented.

Commissioner Rubin made a motion to recommend approval of a variation from the 75-foot corner yard setback requirement to permit the maintenance of an existing concrete staircase and the construction and maintenance of an addition to the existing single-family residence at 6714 Indian Lane within 72 feet of the lot line. On a voice vote, all ayes. Motion passes.

b) PUBLIC HEARING: Consideration of a request for a special use permit and/or additional relief necessary and/or appropriate under the zoning code to allow construction of an additional monopole telecommunications tower on property located at 5105 Arlington Heights Road and zoned under the R-2 zoning district classification as submitted by Mr. Ray Shinkle as agent for T-Mobile Central L.L.C.

Chairman Phillips read the request into the record and swore in witnesses who are to give testimony on this matter. Chairman Phillips asked Planner Hogue to summarize the staff report prepared for this petition. In addition to the staff report, Planner Hogue distributed aerial views and coverage maps related to the tower, as well as standards for special use for a wireless antenna facility. In addition, Attorney Gates provided a draft ordinance amending the Long Grove Zoning Code regarding personal wireless services antennae and support structures, for informational purposes and review by the board.

Planner Hogue described the location of the proposed antenna and reviewed the numerous special use permits granted relating to the existing cell tower on the property over the years from 1999 to the present. After the 2009 modification, it was determined that the existing monopole structure was at its structural capacity and could not support additional weight. In 2010, due to the structural capacity issue on the Arlington Heights Road site, a separate cell tower was located in the cupola of the former Midwest Bank Building. Pursuant to the redevelopment proposal submitted by Harbor Chase for the former bank property, the cupola antenna and equipment must be relocated. A review of the issues related to the cupola antenna location is found in the November PCZBA Board Minutes. A '30'x30' lease site is under consideration. As shown on coverage maps, the new tower is necessary to maintain and even increase T-Mobile's existing coverage in the area. One issue related to the structure is that the existing code only allows one structure per zoning lot. A text amendment, proposed by Attorney Gates, would allow a second tower to be placed as a special use on this lot. In addition the setback requirements require a 500' buffer from the nearest residential property. However, a residential building on the church property is located at a distance of 490 feet. The special use standards identified in Planner Hogue's staff report need to be considered as well as conditions noted in the staff report.

Attorney Gates referred to her draft text amendment, specifically page 3, number 3, noting that the existing ordinance would need to be amended to allow a second antenna support structure as a special use with certain boundaries. In addition, the ordinance would allow a separation distance to be reduced to not less than 450' as a special use. As a side note, Attorney Gates noted that this separation requirement could be reduced or waived when the antenna is entirely enclosed within a building.

Commissioners Peltin and Kazmer inquired as to the separation distance between the two antennas. Mr. Shinkle, speaking on behalf of the petitioner, referred to a handout showing the locations of the two antennas. Mr. Shinkle stated that without the antenna in the cupola of the bank building they must find another site that will provide adequate coverage to residents and motorists. T-Mobile's first and best option is to co-locate the tower where there is an existing antenna. There must be coverage overlap. T-Mobile has looked at other possible locations including the pumping station, park district, and undeveloped property, but did not receive a positive response to these inquiries. In addition, the current landlord is receptive to this lease arrangement. The towers would be identical and match existing fencing and landscape. The tower would also be structurally sound and able to handle two additional carriers should they be interested. A discussion ensued regarding separation of towers. The standard separation is 10 feet. In this instance T-Mobile is trying to make both towers fit the location and it does not appear that the second tower can be closer to the existing tower. Rather, it appears that the current lessee leases a certain portion of the land surrounding the existing compound in the event that additional equipment is needed at the base for expansion. T-Mobile cannot encroach on that area.

Commissioner Rubin inquired as to how many houses are within 1000' of the proposed structure. Planner Hogue replied that there are 3 homes in Long Grove on Arlington Heights Road that appear to be within that distance. Rhonda Perry, a resident of the Spoerlein Commons subdivision in Buffalo Grove, stated that she is uncomfortable with the location of the tower. She has been living there for five years but admits that the existing tower was present when she moved onto her property. Commissioner Parr questioned Attorney Gates regarding the text amendment and enclosure of the structure inside a building. Attorney Gates responded that the history of this issue goes back to the bank cupola and the justification for this is aesthetics and safety when the structure is enclosed. It addresses village policy concerns and the village has a desire to promote co-location. At the time the ordinance was passed allowing the structure in the cupola, no amending text was added. This proposed text would resolve that issue. Attorney Gates suggests two motions, the first being a text amendment authorizing the special use permit for the antenna, and a second motion addressing the setback requirement.

Commissioner Peltin asked if it is appropriate for the commission to consider the consequences of not allowing the antenna on this site. Attorney Gates noted that special use standards include considering community impacts as well as aesthetics, safety and the like. There is an issue that T-Mobile could have a coverage problem if this location is not allowed and the board should consider Harbor Chase's condition that the antenna be relocated. Commissioner Kazmer inquired as to whether federal law requires that Long Grove give electronic coverage where requested. Attorney Gates confirmed that we cannot prohibit the tower, but we can subject its placement to our special use standards. Commissioner Kazmer would like to see the setback requirement reduced to only 475' from the proposed 450'. Commissioner Cohn added that he would like the reduction to also be conditioned on no objection being made by the affected lot owner.

Planner Hogue noted that no objections to this petition have been made prior to this meeting. Ms. Perry added that based on the comments at this hearing and materials provided by Mr. Shinkle, she no longer has any objections to the co-location of the towers. Commissioner Parr made a motion to recommend approval of the proposed text amendments regarding personal wireless services antennas and facilities subject to revising the minimum residential separation from 450' to 475' pursuant to special use permit, and conditioning such relief on common ownership of the residence and the land on which the antenna is located. Commissioner Kazmer seconded the motion. On a voice vote all ayes. Motion passes.

Commissioner Parr made a motion to recommend approval of (i) a special use permit for 5105 Arlington Heights Road to permit construction and maintenance of a second antenna support structure and a personal wireless services antenna located not less than 490 feet from a pre-existing residence; and (ii) a variation from the side yard setback requirements to permit the construction of the antenna and support structure not less than 16' from the northern lot line of the property subject to the conditions identified in Planner Hogue's staff report. Commissioner Kazmer seconds the motion. On a voice vote all ayes. Motion passes.

4. Old Business: None

5. Approval of Minutes: November 4, 2014 meeting.

A motion was made by Commissioner Parr, seconded by Commissioner Kazmer, to accept the November 4, 2014 minutes as written. On a voice vote, all ayes. Motion passes.

6. Other Business:

The June meeting will include agenda items considering a text amendment regarding the maximum size for a residential structure on larger lots, and also a request for a special use permit by Broken Earth Winery for outdoor seating.

7. Adjournment

Commissioner Parr made a motion to adjourn, seconded by Commissioner Kazmer. On a voice vote, all ayes. Meeting was adjourned at 8:10 p.m.

8. Next Regular Meeting: June 2, 2015

Respectfully Submitted, Jodi Smith, PCZBA Secretary

