

**JOINT MEETING OF THE
PLAN COMMISSION AND
ZONING BOARD OF APPEALS
September 13, 2000**

Zoning Board of Appeals Members Present: Barbara Thoma, Stephen Park, David Kauffman, Ed Clark & Chairman Tom Hood

Zoning Board of Appeals Members Absent: David Nordentoft

Plan Commission Members Present: William Finn, James Sula, Kathryn McDermott, Cheryl Ross* & Bryan Winter**

Plan Commission Members Absent: Frank Papp & Chairman Lyle Foster

Other Officials Present: Jon Wildenberg, Director of Building and Zoning; Tracy Velkover, Village Planner; Barbara Swanson, Village Attorney; Butch Maiden, Planning Consultant; and Kirk Skoog, Associate Planner

*arrived at 8:00 p.m.

**departed at 9:00 p.m.

1. The meeting was called to order at 7:30 p.m.

Mr. Winter moved, seconded by Ms. McDermott to appoint Mr. Sula Chairman Pro-Tem of the Plan Commission due to the absence of Mr. Foster.

Voice Vote: All Ayes

Motion Carried

2. a. Mr. Finn moved, seconded by Ms. McDermott to approve the minutes of the Joint Plan Commission & Zoning Board of Appeals (PC/ZBA) public hearing of August 23, 2000.

Roll Call Vote:

Ayes: Finn, Sula, McDermott & Winter

Nays: None

Motion Carried: 4-0

2. b. Ms. Thoma moved, seconded by Mr. Kauffman to approve the minutes of the Joint PC/ZBA public hearing of August 23, 2000.

Roll Call Vote:

Ayes: Thoma, Park, Kauffman, Clark & Hood

Nays: None

Motion Carried: 5-0

3. Public Hearing: Ambulance Service Garages

Superior Ambulance is a tenant in a building located at 3844 Swanson Court. The property is zoned I-2, General Industrial District. This company, along with the property owner's representative, Darwin Asset Management, have requested that the Village consider changing the zoning ordinance so that "Ambulance Service Garages" may become a permitted use in I-2.

This district does not address "Ambulance Service Garages" as a use; however, the less intense I-1, Restricted Industrial District, does consider it as a permitted use by right. The intensity of use is consistent and compatible with other permitted uses in the I-2 district. Additionally, this action would resolve a non-conforming situation. If approved, "Ambulance Service Garages" could be added to Section 6.2.2.3, Permitted - Service Uses, in the I-2 district.

Present representing Superior Ambulance was Michael Hartman, Regional Manager. Mr. Sula asked how long the business has been at this location. Mr. Hartman stated that it has been 18 months. When they moved in they had thought they were in compliance with Village regulations. He did not know that they needed a business license until about 3 months ago, when the new owner of the building asked to see their business license.

Mr. Park stated that when he looked at the uses that are allowed in the I-1 and I-2 districts, he found that they are inconsistent; this should not be the only use that is changed. Mr. Wildenberg stated that those issues will be addressed when the entire ordinance is updated.

Ms. Thoma asked if the neighbors have any problems with this business. Mr. Hartman stated that the neighbors are also industrial uses and they get along fine.

Mr. Park moved, seconded by Mr. Clark to forward a favorable recommendation to the Village Board to amend the zoning ordinance to allow "Ambulance Service Garages" as a permitted use in the I-2 district.

Roll Call Vote:

Ayes: Thoma, Park, Kauffman, Clark & Hood

Nays: None

Motion Carried: 5-0

Mr. Finn moved, seconded by Mr. Winter to forward a favorable recommendation to the Village Board to amend the zoning ordinance to allow "Ambulance Service Garages" as a permitted use in the I-2 district.

Roll Call Vote:

Ayes: Finn, Sula, McDermott & Winter

Nays: None

Motion Carried: 4-0

Mr. Sula moved, seconded by Mr. Finn to direct staff to initiate the process of reviewing the use lists in all zoning districts.

Roll Call Vote:

Ayes: Finn, Sula, McDermott & Winter

Nays: None

Motion Carried: 4-0

4. Continued Public Hearing: Personal Wireless Service Facilities

The PC/ZBA reviewed the revised draft of the Personal Wireless Service Facilities (PWSF) ordinance, dated September 6, 2000 (attached) and considered amendments to the Gurnee Zoning Ordinance No. 80-29.

Mr. Wildenberg and Mr. Maiden explained the changes to the proposed ordinance since the last PC/ZBA meeting.

Patti Bernhard of Richard Connor Riley & Associates, located in Burr Ridge, Illinois, requested that a definition be established for "non-residential building" and that the language of the ordinance should encourage locating Personal Wireless Service Facilities (PWSF) in the industrial districts. On this issue, ordinances act as a "road map", that is, they lead providers to certain locations through regulations. As the ordinance currently is proposed, she would look for an existing structure first in the Village to locate an antenna. If a suitable structure could not be found, there is no incentive to locate in another place because a public hearing would be required no matter which site is selected. Mr. Winter stated that there is an incentive to locate in an industrial area because the company would be more likely to receive a special use permit to locate in this district. It is not likely that the Village will allow this type of use to be permitted by right in very many districts because the Village needs some measures of control.

Ms. Bernhard stated that it is often difficult to comply with the section of the ordinance that requires providers to document that they have attempted to secure the ability to locate on an existing building or structure because it is rare that they are able to obtain a letter from a property owner that states that they could not locate on the owner's property. Sometimes property owners do not respond because they are concerned that they may have to testify at a public hearing.

Monica Sanguino of Crown Castle USA Inc., located in Bensenville, Illinois, stated that they would like to be involved in the process of establishing this ordinance.

Mr. Wildenberg summarized the zoning chart that lists the districts in which PWSF are allowed as permitted and special uses. He stated that the existing ordinance is vague in regard to if this use should be treated as a permitted or special use. The proposed ordinance would allow PWSF in the R-1 district as a special use. He is not comfortable allowing this use in a residential district. Mr. Maiden stated that this use would require a special use permit already in the R-1 district in most cases because the height limit for buildings is 35 feet and so allowing PWSF as a special use could be appropriate. Ms. Velkover stated that another option would be to allow the use in the R-1 district, but only on existing, non-residential structures.

Mr. Kauffman asked Ms. Bernhard to expand on the "road map" idea. Ms. Bernhard stated that in most ordinances that she has read, PWSF are either permitted uses or require only design review in industrial districts. Mr. Kauffman asked about the possibility of establishing a timeframe so that providers will know how long the approval process will be. Mr. Wildenberg stated that it would be difficult to establish a timeframe in the ordinance. The time it takes to get through the process depends on having plans in good shape to take to the Plan Commission and Village Board. The Village has no control over how long it takes petitioners to respond to plan comments and vice-versa.

Mr. Park stated that he has several concerns. First, rather than limiting a PWSF to extending 4 feet above a parapet wall, consideration should be given to lines of sight. Second, if an amount of time is established for sign amortization and during this time a sign owner decides to attach an antenna to the sign, would the

amount of time established for the continued existence of the sign remain or would the timeframe need to be re-established? Finally, PWSF should not be a permitted use in some areas of the village, i.e. the Village Center area has a unique character that is different from other commercially zoned areas.

Mr. Winter stated that PWSF in the R-1 district should either be allowed only as a special use or not permitted at all. Mr. Finn would like PWSF in this district to remain as a special use because it could lead providers to preferred locations such as church steeples. Mr. Winter stated that allowing a PWSF to extend 9 feet above a steeple would result in a very tall structure. Ms. McDermott stated that she agrees with Mr. Finn's comments.

Mr. Sula stated that co-located facilities should be a permitted use. He also stated that it is laughable that some would consider allowing PWSF as an unrestricted permitted use in the R-1 district. A special use permit would at least mean that owners of nearby property would be notified.

A question was asked regarding the height of the clock tower at the Greenleaf Office Center. Mr. Wildenberg stated that the height is 40 feet above Washington Street, or 48 to 50 feet above grade.

Mr. Sula stated that the "commercially reasonable" provision may be difficult for the Boards to determine. If a petitioner states that they offered \$9,000 a month for rent and a property owner required \$10,000 and a Board thought that the request was reasonable, what would the course of action be? Mr. Park stated that they should then turn down the application.

Mr. Sula stated that the line of sight should be an important consideration. A PWSF would be acceptable on a 5-story office building, but not on a 1-story office building. Mr. Maiden stated that not allowing PWSF on tall structures in the Village could encourage providers to build towers just outside the Village limits in unincorporated areas.

The PC/ZBA members continued discussion until they reached a point where there was a reasonable amount of agreement on the proposed ordinance.

Ms. Ross moved, seconded by Mr. Finn, to forward a favorable recommendation to the Village Board on the proposed Zoning Ordinance text amendments subject to the following modifications:

1. That PWSF on existing non-residential structures in the R-1 zoning district require a special use permit.
2. That free-standing PWSF be prohibited in the R-1, C/B-2, C/O-2, C/S-1 and C/S-2 districts.
3. That PWSF on existing structures under 45-feet in height in the C/B-2 and C/O-2 districts require a special use permit.
4. That a maximum of two PWSF can locate as a permitted use on a building or structure under 45-feet in height in the C/S-1 and C/S-2 districts. More than 2 require a special use permit.
5. That language be added to allow the future use of the existing antenna towers on the residentially zoned O'Connor Farm property and the Woodside Park Subdivision.
6. That the definition of non-residential building/structure be clarified.

Roll Call Vote:

Ayes: Finn, McDermott, Ross & Sula

Nays: None

Motion Carried 4-0

Mr. Kaufman moved, seconded by Ms. Thoma, to forward a favorable recommendation to the Village Board on the proposed Zoning Ordinance text amendments subject to the following modifications:

1. That PWSF on existing non-residential structures in the R-1 zoning district require a special use permit.
2. That free-standing PWSF in the R-1 district are prohibited.
3. That PWSF on existing structures under 45-feet in height in the C/B-2 and C/O-2 districts require a special use permit.
4. That a maximum of two PWSF can locate as a permitted use on a building or structure under 45-feet in height in the C/S-1 and C/S-2 districts. More than 2 require a special use permit.
5. That language be added to allow the future use of the existing antenna towers on the residentially zoned O'Connor Farm property and the Woodside Park Subdivision.
6. That the definition of non-residential building/structure be clarified.

Roll Call Vote:

Ayes: Thoma, Park, Kauffman, Clark & Hood

Nays: None

Motion Carried: 5-0

The meeting was adjourned at 9:50 p.m.

Submitted by,

Kirk Skoog
Associate Planner