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**Village of Gurnee  
Planning and Zoning Board Minutes  
March 16, 2016**

**1. Call to Order and Roll Call**

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

Planning and Zoning Board Members present: Chairman James Sula, Brian Baugh, Richard McFarlane, Dave Nordentoft, and Edwin Paff

Planning and Zoning Members Absent: Karyn Crawford and Josh Pejsach

Other Officials present: David Ziegler, Community Development Director; Tracy Velkover, Planning Manager; Bryan Winter, Village Attorney

**2. Pledge of Allegiance**

**3. Public Comment**

Mr. Sula asked if anyone from the public had any questions or comments regarding anything not on the evening's agenda. As there were no responses, Mr. Sula closed the floor to the public.

**4. Approval of the February 17, 2016 PZB Meeting Minutes**

Mr. Sula asked if there were any questions or comments regarding the minutes; as there were no responses, he stated that a motion would be in order.

Ms. Velkover noted that each of the four business items has a 6-0-0 vote, but is reflected as "motion not carried". In each of these instances, that should be changed to "motion carried".

Mr. McFarlane motioned, seconded by Mr. Baugh, to approve the Planning and Zoning Board's February 17, 2016 meeting minutes as amended by Ms. Velkover.

Voice Vote:

All "Ayes," no "Nays," none abstaining

Motion Carried: 5-0-0

**5. Public Hearing: Public Hearing: LaDue Curran & Kuehn, LLC, representing T-Mobile, for the property located at 542 N. Rt. 21**

*LaDue Curran & Kuehn, LLC, representing T-Mobile, is seeking the following:*

- a) Special Use Permit to allow the installation and operation of a new 150-foot tall monopole with antennas;*
- b) Variance to allow an encroachment into the 150-foot setback from the west property line (Tollway); and*
- c) Any other such relief as may be necessary to accommodate the applicant's plan.*

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*The subject property is zoned C-5, Regional Recreation District, and is located at 542 N Route 21*

Ms. Velkover stated that the applicant, Daniel J. VeNard with Ladue, Curran, Kuehn Attorneys & Counselors at Law on behalf of Horvath Towers, has submitted a special use permit petition for Wireless Telecommunications consisting of a new 150-foot tall monopole with antennas and ground level mechanical equipment. The monopole is proposed to be constructed by Horvath Communications on an existing 71-acre lot owned by Great America, LLC that is part of a larger overall 300+ acre site that is owned and operated by Great America, LLC as a Six Flags theme park. The monopole will be located toward the northwest corner of the customer parking lot and will accommodate colocation for a total of 4 carriers, as is required by the Zoning Ordinance. The subject property is zoned C-5, Regional Recreational District. The Zoning Ordinance requires new wireless telecommunications towers to secure a special use, unless such tower and antennas meet the standards for stealth design. As this tower is not a stealth design, a special use permit is required.

The applicant has also submitted a variance petition to allow a 50-foot encroachment into the required 150-foot Tollway setback requirement. The C-5 district, which applies only to Great America at this point, requires a 150-foot setback to the Tollway. The center of the proposed tower is 125 feet from the Tollway property line, while the west edge of the fenced equipment area is setback approximately 100 feet.

As this is a Public Hearing, Mr. Sula asked that all those wishing to speak on the matter be sworn in; Mr. Winter then conducted the swearing-in.

Mr. Sula then turned the floor over to the Petitioner.

Mr. Daniel VeNard, with Ladue, Curran, Kuehn, representing Horvath Communications' petition for both a special use permit and variation for construction of a monopole tower located at 542 N. Rt. 21. He noted that this is on Six Flags owned property. He stated that they feel that the plans submitted meet the standards for issuance of a Special Use Permit and Variance. As background, Horvath Communications has been through this process before in Gurnee, specifically July/August of 2015. Approval of a tower located north and east of the current site was requested and this petition received a 2-2 vote from the PZB and then was denied by the Village Board. Horvath was contacted by T-Mobile because they noticed a significant gap for in-building cellular service in that area. He stated that "in-building service" is defined as cellular coverage and data downloading services inside buildings. He noted that the propagation maps provided in the Board's packets show the gaps that exist in the Six Flags Park, Six Flags parking lot, and residential areas north of the park and south of Grand Avenue. T-Mobile generates propagation maps by taking data from T-Mobile customers, other surrounding towers, look at an effect known as shadowing and cluster, the height and location of other towers in the area, as well as other physical impediments to the signal strength and then generate the propagation map. The propagation map shows where deficits in service exist (i.e., areas where service is lacking). In order to support the network specifically at this site, T-Mobile has asked Horvath to construct a 150-foot tall tower on the Six Flags site to infill the existing gap in services. He noted that they have authorization from Six Flags for this tower, which includes the transfer of two parking spaces immediately east of the tower to ensure that Horvath has 24/7 access to the tower and equipment. He noted that the proposed benefits of the tower include rectifying a gap in services for T-Mobile, greater cellular strength in the area, allow for greater downloading and data speeds, greater bandwidth when streaming audio and video on cellular devices, tablets and computers, and greater E911 service. He stated that E911 allows for

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greater geolocation during times of emergencies and will assist in reducing dropped calls during the time of an emergency. That area, when the park is in operation, is susceptible to dropped calls and the proposed tower would assist in remedying this situation.

Mr. VeNard stated that a requirement of Gurnee's Special Use Permit for wireless communications facilities is the examining of all other possible co-locations to determine if an existing structure could be utilized for the antennas. He stated that during the hearing last summer they looked at Com Ed towers to the south and east of the park. He noted that there is already a tower at the Gurnee Police Station and that this tower, along with a newly constructed tower in the Com Ed lines to the south, would cause clustering or shadowing. Clustering or shadowing is when RF waves are bounced back and forth between towers and therefore, it would not help to rectify the deficits. He also noted that they took a lot of the recommendations from the board in regards to looking inside the Six Flags Park. In July, the problem with that option was the need for 24/7 access to the tower and equipment. Phoning Six Flags to have someone let them into the park didn't meet their requirement for 24/7 access. He stated that T-Mobile, Horvath, and Six Flags met and discussed the matter in detail and T-Mobile has agreed that, for this location, phoning Six Flags to be granted access into the park will suffice for their 24/7 access requirement.

Mr. Sula asked if there were any questions or comments from Board members.

Mr. McFarlane clarified with Mr. VeNard that the tower would, in fact, be located within the perimeter of Six Flags' park.

Mr. VeNard confirmed that the tower and equipment area would be within fenced park site.

Mr. Paff expressed disappointment that the Petitioner selected a site located so close to homes. He asked why the tower couldn't be placed near Six Flags' sign, which is further south.

Mr. VeNard responded that the specific location was selected to cover a gap in service, and that Mr. Paff's suggested location would not sufficiently cover the gap north of Six Flags. He also responded that, according to the RF engineers, the majority of the service gap is toward the north end of the Six Flags site. A "clustering/shadow" effect was used in creating a propagation map (a process in which data is analyzed and applied to determine desirable locations) indicating a location north of center.

Mr. McFarlane asked if the berm located on the site would possibly block the view of the tower.

Mr. VeNard responded that a solid wood fence—as well as very substantial landscaping—would be added around the base of the tower and equipment area leaving only a view of the top of the tower.

Mr. Sula verified with Mr. VeNard that the requested variance in setback is only to the tollway and not to the residential to the north.

Mr. Sula then opened the floor to the public on this matter. He explained that each individual wishing to speak would be allowed to do so, then--after all have been given a chance to speak—all questions/comments would be addressed by the Board and/or staff.

Jeffrey Tylkowski, 1010 Branch Road, stated that over the years a number of large trees have been lost from the berm between the parking lot and the residential area and they have not

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been replaced. Per his discussions with someone from Six Flags, the soil in the berm is clay and nothing will grow there. He stated that the tower is located at the northwest corner of the Six Flags site because Six Flags doesn't want it closer to the park. He also noted that most of what he has is tied up in the value of his home and that the perception associated with towers will negatively affect his property value.

Pat Tennerman, 1020 Branch Road, stated that she is a retired realtor with 35 years of experience. She stated that many of the residents of this subdivision are original owners and she has never once seen anything positive come out of a cell tower adjacent to residential. She noted that nearly every cell tower in this area and Lake County is near a residential area. She stated that the applicant should look at a location further south in the park or across the Tollway, in the industrial park away from residential. She noted that she hopes the PZB does the right thing for the residents.

Mary Beck, 5069 Woodhill Drive, stated that she can't imagine a 150-foot tall tower constructed at the proposed location. She stated that a second and even third engineer should review the information provided by the applicant to ensure that a better location cannot be found.

Bill Becker, 1009 Branch Road, stated that he has Verizon and that he has no problems with reception. He noted that since the tower is practically on the residential property anyway, why not just put it in the subdivision and let the homeowners reap the royalties from the tower.

Robert Usborne, 2014 Limb Court, asked if anyone has looked at the tower height from the Waukegan Airport perspective. He noted that planes come in low all the time and he believes that another 150-foot tall structure would be a concern to the airport.

Kathy Bunk, 1057 Limb Court, submitted a petition signed by 50 people in opposition to the petitioner's proposal. Citing minutes from past PZB meetings, she brought up concerns that had been expressed opposing a prior site for this proposed tower. She noted that many people in the residential area to the north of the current proposed site are older. She expressed concern over the effect this tower may have on property values that these people are depending on as a source of income during their retirement. Acknowledging that she is not an engineer, she however "knows better" than to buy a house by a cell tower as she feels perception impacts all of their property values. Ms. Bunk also expressed opposition to the height of the tower as well as the proposed location. She cited German and Brazilian studies on the impacts of RF waves suggesting potential health risks associated with such radiation. She asserted that, as in the case of smoking, opinions within the field of medicine change as new revelations are made. What might currently be viewed as an acceptable level of RF might be determined to cause cancer in the future and that the applicant is opening themselves up to future medical and property value law suits. She also challenged the amount of weight that should be placed on advisement from consultants hired by Horvath and T-Mobile.

Mr. Sula confirmed with Mr. Winter that Federal law prohibits municipalities from considering environmental effects of RF emissions when making decisions regarding cell towers, so long as they are in compliance with FCC regulations (as FCC regulation pre-empts local authority to regulate environmental impact of this kind).

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Mr. Sula asked if a suitable location for the proposed tower could be found in the industrial park to the west of the Tollway.

Mr. VeNard responded that such a location—while easier because it is away from residential properties--would not be desirable. Ultimately, it would not provide sufficient coverage to customers most in need, per the data analyzed by the RF engineers.

Mr. Sula asked if there were better graphics that could be provided citing the location of current towers and other information used when selecting the proposed site, as what is currently being provided does not include the search ring.

Mr. VeNard explained that the “search ring” (a tool used in determining desirable locations) is the same that had been used when selecting the site that had been previously submitted for (and subsequently denied) approval of the proposed tower. Mr. VeNard also noted the site now being submitted is, actually, outside of the search ring.

Ms. Velkover explained that the Waukegan Airport Authority does not get involved in the review of the tower location unless the tower is over 200 feet in height. Mr. Sula elaborated that the tower would also not require lighting that would, in fact, be required for such taller towers.

Mr. VeNard added that the Petitioner has been determined to be “no hazard” from the FAA.

Making an exception to usual procedure, Mr. Sula then re-opened the floor to the public.

Mary Beck asked if there were other parameters in which the service upgrades could be provided—such as greater height added to existing towers, etc.

Pat Tennerman suggested that this tower was being proposed primarily to accommodate Six Flags’ ability to provide for its customers and as such, it should be placed closer to the park and further from homes.

Jeffrey Tylkowski claimed the tower would serve customers better in the park if it were placed deeper within the park. He also complained about the potential harm to the aesthetics of the neighborhood, as the proposed tower is to be a monopole.

Mr. Sula then closed the floor to the public once again.

Mr. Ziegler reminded the PBZ that any proposed tower is required, per the Zoning Ordinance, to provide accommodation for other carriers (co-location) in the future, so as to make the best use of as few towers as possible.

Addressing questions about the financial arrangements between Horvath and Six Flags regarding this proposed tower, Mr. Ziegler stated that such matters are not the purview of the Board.

Mr. Nordentoft asked what the maximum height a tower could be, and—if an existing tower could be made higher to accommodate and provide more coverage.

Mr. VeNard stressed that he is not concerned with “unicorn” sites, sites that may or may not be suitable for the tower location. He stated that he has presented a petition for a site and that the

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petitioner is prepared to take whatever means necessary to make this site work. He added that potential co-locators are already lined up for future co-location on the proposed tower.

Mr. Sula stated that the Board is just questioning how exhaustive the search was in exploring other possible sites for the proposed tower.

Mr. Winter explained that while any potential opportunity to co-locate should be addressed, the petitioner is not required to undertake such exhaustive search in exploring alternative sites.

In response, Mr. VeNard acknowledged that co-location would, in fact, be in the best interest of T-Mobile had that been a viable option.

Mr. Paff asked if it was Six Flags that had chosen the specific location within the park for this tower.

Mr. VeNard responded that, as he was not a part of the decision-making process, he could only offer that decisions would have been made based on information supported by the propagation map (another tool used in selection).

Mr. Sula added that a structure such as this, within a development such as Six Flags, would likely be placed in an area least likely to interfere with future expansion of the park

Mr. Sula then suggested that a motion would be in order.

Mr. Baugh motioned, seconded by Mr. McFarlane, to forward a favorable recommendation the Village Board on the petition of LaDue Curran & Kuehn, LLC, representing T-Mobile, for a Special Use Permit to allow the installation and operation of a new 150-foot tall monopole with antennas and associated equipment and a Variance to allow an encroachment into the 150-foot setback from the west property line (Tollway), in substantial conformance with the plans dated February 22, 2016.

Mr. Sula asked if there were any questions regarding the motion.

Roll Call Vote:

Ayes: Baugh, McFarlane, Nordentoft, and Sula

Nays: Paff

Abstain: none

Motion carried 4-1-0

Mr. Sula confirmed with Ms. Velkover that there will be a meeting on April 6<sup>th</sup>, as there is a public hearing scheduled to that evening.

## **7. Adjournment**

Mr. Nordentoft motioned, seconded by Mr. Baugh, to adjourn the meeting.

Voice vote:

All "Ayes", no "Nays", none abstaining

Motion carried: 5-0-0

The meeting was adjourned at 9:20 p.m.

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Respectfully Submitted,

Joann Metzger  
Recording Secretary, Planning and Zoning Board