

**CHANNAHON PLANNING AND ZONING COMMISSION
MEETING**

February 11, 2013

Chairperson Karen Ciarlette called the meeting to order at 6:00 pm.

Chairperson Ciarlette led the Pledge of Allegiance.

Chairperson Ciarlette asked for a Roll Call.

Commissioners present: Karen Ciarlette, James Proffitt, Chantal Host, Casey McCollom, and Phil Loizon

Also present was Director of Community Development Mike McMahon.

A quorum was declared present.

Approval of the January 14, 2013 Minutes

James Proffitt made a motion to approve the November 13, 2012, meeting minutes. Seconded by Chantal Host.

VOTE: ALL AYES

MOTION CARRIED

Policy on Regulating Residential Lots

Mr. McMahon presented the Policy on Regulating Residential Lots.

In September 2012, the Village Board requested the Planning and Zoning Commission develop a policy regulating situations when two adjoining residential lots are under single ownership. The Village Board specifically wanted the PZC to address water service, accessory structures, and driveways.

At the October and November 2012 Planning and Zoning Commission meetings, the following items were discussed in developing such a policy:

1. What to do with the extra water service to one of the two the lots?
2. Should the lots be combined with a new subdivision or allowed to be consolidated through an ordinance amendment?
3. Requests to construct a second garage and shed?
4. Requests to add a second driveway?

The following are draft policy items for the PZC to consider:

1. Amend the R-1 Single Family Zoning District to restrict that only one shed or accessory storage building is allowed on either lot not to exceed 180 square feet in size and no more than fifteen feet in height. No driveway shall be allowed connecting the shed or accessory building to the Village right-of-way.
2. Amend the R-1 Single Family Zoning District allowing only attached garages.

3. Amend the Village Code to specifically state that only one water and one sewer service be allowed per residential lot and only principal buildings or primary structures receive such service. In the instance where two or more services are provided to lots that have had their Property Index Numbers be consolidated through the respective county or township, the additional services must be abandoned per Public Works Department approved method and inspected by a representative of the Public Works Department.
4. Amend the Accessory Building section of the Zoning Code granting an exception allowing accessory structure(s) on empty lots if the lot's Property Index Number has been consolidated with an adjoining lot that contains a principal building or primary structure. Both lots must remain in single continuous ownership and neither lot may be divided or conveyed in parts as long as the accessory structure(s) remain intact.

Commissioner Ciarlette commented that this would only be if they combine the property pins. If you buy the lot next to you and don't combine the PIN you would not be allowed to put an accessory structure on it.

Mr. McMahon explained that they would have to get a new PIN from the county; we would flag it in the building department and make sure the lot isn't sold. If they try to sell the lot, we will visually inspect it. Again, both lots must remain in single continuous ownership and neither lot may be divided or conveyed in parts as long as the accessory structures remain intact. Those are the four items talked about, and I've listed them here and if there is any discussion on it we will take that to the Village Board at the next meeting. Over the next several meetings we will adopt some of the ordinances to officially make adopt the policy changes.

Commissioner McCollom commented that in general he doesn't necessarily agree with if two brand new lots in an undeveloped subdivision to have to go back to a main sewer trunk line to cap, they exist underground uncapped and unused. If it's a redevelopment and someone buys a neighbor's dilapidated house then I would agree to taking it back and capping it accordingly. I feel it's an undue burden for a brand new home.

Commissioner McCollom suggested revise the wording, if it's a redevelopment or an existing lot than it's capped, or leave both services in place for another development situation, or redeveloped.

Mr. McMahon commented that when making the motion we make the motion to edit number 3.

Chairperson Ciarlette called for a motion to approve The Policy Regulating Residential Lots based on the amendment that the water remains capped in undeveloped area. The utilities are to remain in place appropriately disconnected for future use.

Casey McCollom made a motion to recommend the Policy Regulating Residential Lots with the suggested amendment. Seconded by James Proffitt.

VOTE: ALL AYES

MOTION CARRIED

AT&T CELLULAR TOWER – CONCEPT PLAN

Mr. McMahon presented the AT&T Cellular Tower Concept Plan.

National Wireless Ventures, LLC representing AT&T is proposing to erect a cellular tower on the west side of Central Park near the Village of Channahon Municipal Center.

AT&T wishes to erect the cellular tower in this location due to the lack of coverage in the immediate area. To maximize coverage, AT&T wants to erect a tower within 1,250 feet from St. Ann's Church. This site was chosen because it is within that 1,250 foot range, cellular towers are an acceptable use in the Park District Zoning with a Special Use Permit, and there is electric power and a fiber optic communication line adjacent to the site.

The proposed tower would be 130' tall with 5' feet of equipment extending the total height to 135'. It is a free standing, monopole tower with no guy-wires. The tower would also be able to accommodate up to two additional cellular services providers. The equipment shelter will be located directly beneath the tower and will be constructed of a solid masonry material (no design details have been provided). The shelter will be enclosed with a wrought iron fence and ample landscaping.

In 2009, the Channahon Village Board of Trustees, upon a recommendation from the Planning and Zoning Commission, approved an ordinance amending Title XV Land Use to include Chapter 159: Telecommunication Facilities, Towers and Antennas (Telecommunication Ordinance). This ordinance authorizes the Village to regulate the location and placement of towers and personal wireless facilities within the Village.

The authority to pass such an ordinance and regulate the placement, construction and modification of wireless service facilities is authorized by 47 U.S.C. 332(c)(7) of the Telecommunications Act of 1996.

After a review of the information provided to include the project site plan, staff does not believe the project meets the requirements of Telecommunication Ordinance. Specifically, the Telecommunication Ordinance sets a maximum height of 80' in this district and requires a setback of 150% of its height from any residentially zoned lot or building set backline. The site is adjacent to the Town Center Zoning District.

For this project to move forward, it would require either a modification of the Telecommunication Ordinance or approval of a variance through the Special Use Permit process. The Village Attorney is currently reviewing the information to make a determination of the course of action.

Mr. McMahan then stated he did speak with the Village Attorney and it is his opinion that for this to go forward it would require the Telecommunication Ordinance to be amended.

Mr. McMahan introduced Bob Stapleton with National Wireless representing AT&T.

Mr. Stapleton explained that he has been representing AT&T since 1995. AT&T is currently undergoing an aggressive plan to rebuild the wireless infrastructure nationwide. More and more the cell phone is replacing the main home phone, offices phones, and is becoming the main business data center, even your personal computer per se that travels with you on a daily basis.

Federal law requires cellular service providers to find a 911 or emergency call within 150 feet of your location. There is a big gap in service in the area around St. Ann's Church. With that in mind AT&T need to expand service in this area.

We've been negotiating with the park district for some time concerning the location within the park. Initially when we started talks we were looking at a location by the baseball fields, but the school didn't like it there they and wanted us to put it by the auto salvage yard. From our stand

point that's not the appropriate place for us to construct on, we don't know what is there and what could be underground.

We now are talking with the Park District regarding an area behind Village Hall where there is a utility pole that carries in ComEd and conventional AT&T services.

Tonight is basically a fact finding mission. We have not filed a formal application as of yet. In your ordinance is a 150% height set back. The tower is designed to fall into itself versus collapsing to the ground; we would bring in engineering folks to explain why we don't feel the need for 150% height clearance.

We have done propagation maps which basically show the coverage that currently exists within the community and the coverage we are trying to reach. We will talk about the site itself and what our plan is, we realize that it is adjacent to the walking path that goes around the park. We won't have to tear up any of the facility in order to reach utilities. The plan is to surround the shelter with a black rod iron fence. We designed it so that the tower could hand multiple carriers, but we only designed the compound for one carrier.

We would enter into an agreement with the Park District for the space; the Park District will be receiving annual rent for the space. As I said initially we proposed space out by the baseball field, members of the district felt there would be concern with the school.

Commissioner Ciarlette pointed out that on the enlarged site plan it still indicates the existing tower, but on the elevation I'm not seeing it. Is the existing tower remaining and then allow access to the shelter area.

Mr. Stapleton explained that they will be granting access to the tower. Any additional ground space that specific carrier i.e. Verizon or Sprint will have to negotiate with the Park District for ground space, but at the same time their landscaping and fencing would have to model the same as we are putting in.

We probably have one of the largest shelters around, and the reason for that would be if you notice on the west side of the shelter are two doors, one for access into radio room the other is for general use. In the event of an outage we can operate for approximately 2-3 hours on the battery. If we have a catastrophic incident where we lose power here in Channahon beyond that, we will then transfer switch to the site the gas power generator to kick in to provide continual service as long as there is no interruption of the natural gas supply.

Commissioner Ciarlette questioned whether there was room for additional buildings this size on the property if say Sprint One wanted to come in.

Commissioner Host commented that the location is actually off to the side of where the soccer is usually played, so I don't think it will affect anything by the way it's drawn out.

Commissioner Loizon asked what the Park Districts in put on this.

Mr. McMahon explained that although they were suppose to have been present tonight, they are in negotiations to locate the tower in this location.

Commissioner Ciarlette questioned that since it appears the fall out area is so close to the village hall, do we need to look at the village's insurance liability possibly going up.

Mr. Stapleton pointed out that these towers are not tipping over, they are breaking at a certain point and falling straight down.

Mr. McMahon explained that our ordinance doesn't make a distinction between monopole or supported guide wire tower. Again, for 130 ft. Village Attorney, Dave Silverman believes we need to amend the ordinance in some fashion; one of those ways would be to amend our variance code to allow cell tower height as a variance. Right now our variance code is very strict and limits specific uses of what can be varied. The general rule is you have to have a hardship, but there are also identifiable things that can be varied. So in this instance we could amend that section of the code to allow a variance through special use permit.

Commissioner Ciarlette asked where they plan to get their services such as the natural gas line, or ComEd, where will they come from.

Mr. Stapleton explained that underneath the path we will cross under the path and directly bore over to the utility pole where there are existing Comed and telephone lines and there is also fiber.

Commissioner Host questioned how long it would take to construct the site.

Mr. Stapleton stated normally if we started today, we are ready to integrate the site and turn up the radios in about 4-5 weeks. As far as construction traffic, once the heavy construction is done we will do the plantings and things like that.

Commissioner McCollom questioned whether there have been any studies where the pole has taken a direct hit, like a vehicle hitting the bottom base.

Mr. Stapleton commented that the base is pretty strong and a vehicle would have to go through a rod iron fence. Our cage is going into the foundation to support the pipe will go anywhere from 12-18 feet. We've designed the poles to withstand hurricane force winds. It's well engineered and again, hopefully when we come back we will bring appropriate engineering people to support why the tower falls into itself.

Mr. McMahon commented that the neighbors have not yet been notified and there will be public hearings for the special use.

There was discussion regarding the public hearing and the problems perceived with surrounding neighbors. Even though this isn't by someone's home, it is still a very visual spot.

Initially we proposed a pole replacement, the problem is we still would need the height; I still need to be 130 feet. The other problem is I can't put a second carrier on that pole, what happens is when I go into a flag pole situation I have to stack. My transmission is taking three levels as opposed to the initial one.

The likelihood of another carrier renting space is not necessarily to our profit, we are going to get rent on our tower, and the park district gets the additional rent for the additional carrier. We are making the major investment, by the time we are set and down, we are over the \$500,000 investment.

Mr. McMahon explained that there is much of a safety issue with the possibility of the tower falling. There are other towers within residential areas that have not been a safety issue.

Commissioner McCollom commented that he is in support of a different technology or a different method; I'm not against a cell tower.

Mr. Stapleton explained that we've talked about the study; the question is we have to have the 130 foot height situation.

Commissioner McCollom commented that he could support a taller stealth cell pole.

Mr. Stapleton stated we look at these things on a standalone basis. Our primary concern is to get our service up and running.

Commissioner McCollom expressed some concern with regard to environmental concerns noting that if this was IDOT this would be flagged as a hot site.

Mr. Stapleton stated we will have to get a permit from the Village for construction and a federal permit to operate. We have a regular license to operate just like a WGN or other stations; we have to file with the FCC and FAA. Part of filing with the FCC we have to follow the rules of the Natural Environmental Protection.

Commissioner McCollom questioned whether the shelters which are typically located at the base; could these be remote located.

Mr. Stapleton commented that today with running the fiber we could go between 175-200 feet max, after that it gets costly. I could move it if there was a real good space to do that. Initially we looked at the area by the baseball field, what we were looking was to replace the light pole (centerfield) and put the shelter there. The park district didn't like the idea.

Commissioner Ciarlette questioned if the PZC went this route then our recommendation would be they put it by the ball park rather than in the middle of the park district.

Mr. Stapleton expressed they could go 130 feet, the next carrier level would be somewhere between the 105-112 foot level.

The PZC commented they would be more in favor of a cell.

Mr. Stapleton explained that they have not yet gone to the school directly. The school contacted AT&T in Springfield. We haven't talked to the school about placing the equipment over there, based on what we are hearing here I don't feel it would be met favorably.

Commissioner Host commented that this seems to be the plan A the cell tower, but plan B will most likely receive a lot of resistance; perhaps a plan C looking into the cost factor with removal of the Auto Salvage.

Members felt that although the community would like to see the property gone, there are environmental issues as well that would have to be addressed.

Mr. McMahon concluded that the choice of plans are: Plan A would be a cell tower more in the center field of the ball field; Plan B locate to another spot closer to 6; Plan C the locate it here.

There was concern expressed that the Park District did not come tonight, and the PZC wants to know what their feeling was on this.

There was a discussion between the Park District Board; there was a vote 4 to 1 to come forward with this. There was discussion with the cell tower; they would like to have the cell tower.

Mr. McMahon mentioned that this concept plan will go before the Village Board next Monday.

Other Business

Mr. McMahon shared that Jed Barker has resigned, his job situation has changed and he can no longer make Monday night meetings.

Adjournment

Chairperson Ciarlette asked for a motion to adjourn.

Phil Loizon made a motion to adjourn. Seconded by Casey McCollom.

VOTE: ALL AYES

MOTION CARRIED