

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
March 21, 2012**

PRESENT: Beverly Meyer – Chairperson, Don Hickok, Ron Kiefer, Ray Mielkus, Ken Ritzert, Michael Griffith – Senior Planner, Elizabeth Lahey-Secretary

ABSENT: John Lind, Pauline Oberland, Louis Mallers, Susan Vonder Heide

Chairperson Meyer called the meeting to order at 7:22 p.m. at the City Hall – City Council Chambers, Darien, Illinois and declared a quorum present and swore in the audience members wishing to present public testimony.

A. PZC 2012-03: 8245 Lemont Road, Chicago Tower Leasing: Petitioner seeks a special use in order to expand an existing private utility facility within the OR&I zoning district, and a variation in order to construct a 200 ft. tower where 60 ft. is the maximum permitted.

Mr. Michael Griffith, Senior Planner presented the staff report. He reported that the petitioner is seeking a special use in order to expand an existing private utility facility. He stated that the variation is the height of the tower. Mr. Griffith reported that the property currently has a tower and this will be a second tower south of the existing tower. He reported that the petitioner has submitted letters of support for the tower as well as a letter describing the need for the tower.

Mr. Griffith reported that staff questioned the petitioner if there is a demand for the tower equipment and if it could be placed on the existing towers and structures such as the City's Water Tower.

Mr. Griffith reported that there are federal laws and requirements that take some things out of the City's jurisdiction. He noted a memorandum from the City Attorney regarding Federal Government Regulations related to wireless telecommunications towers.

The petitioner, Mr. Stanley Stann, Chicago Tower Leasing Corporation, stated that he owns the land and would own the proposed tower. He stated that he has been in business for 35 years and built approximately 4,000 towers. Mr. Stann reported that the tower will be equipped with microwave dishes 6-8 feet in size. He stated that with technological improvements, that fiber optics are past practice and that microwave dishes are now being used as the main system again with fiber optics as back up.

Chairperson Meyer questioned if the proposed tower would interfere with the TV antennas.

Mr. Stann reported that the FCC regulates frequencies and the FCC will not allow equipment on the tower to generate a frequency that would cause interference.

Chairperson Meyer questioned if the tower would benefit Brookeridge Airport.

Mr. Stann stated that some of the proposed equipment to be placed on the tower will help with local air traffic safety. He stated that the FAA regulates the tower height. Mr. Stann stated that they are requesting a 200-foot tall tower but the FAA may only permit 180 or 190-foot tower.

Commissioner Hickok questioned the height of the existing tower.

Mr. Stann reported that the existing tower is 180 feet tall He stated that the proposed tower will be used in part to relay off an existing tower in Chicago Ridge to a tower in Aurora.

Chairperson Meyer questioned how the area will be protected so that children will not climb the tower.

Mr. Stann stated that there is a fence around the site and a wood fence which separates the site for the houses to the north. He stated that climbing the fence is a federal offense and that there have been no issues.

Commissioner Kiefer stated that the area is a mess and that a better job needs to be done to keep the area more maintained.

Mr. Stann reported that he has a site watcher and that he tries to keep the area neat.

Commissioner Hickok questioned if additional electric power will be needed.

Mr. Stann stated that there is sufficient power. He stated that everything now needs less power.

Commissioner Hickok questioned how many users are on one tower.

Mr. Stann reported that he is not aware of the users unless it is volunteered.

Commissioner Ritzert questioned the distance of the microwaves.

Mr. Stann stated that it depends on the height of the land, the height of the tower and the tower location.

Commissioner Mielkus questioned the importance of the tower orientation.

Mr. Stann stated that the towers have different orientations.

Chairperson Meyer opened the meeting to anyone wishing to present public comment.

Ms. Jill Petranek, 2700 Woodmere Drive, President of the Condo Association stated that proper notice was not provided. She stated that she knocked on doors and only two people received notices. Ms. Petranek stated that there are health ramifications and would request a meeting with the petitioner to go over such concerns. She asked if a permit had been issued and what benefit the City receives from the tower. Ms. Petranek asked how the existing tower height was allowed to be raised recently.

Chairperson Meyer stated that she confirmed with staff that public notice was provided according to City Code.

Mr. Griffith reported that there is a list of property owners who were notified and a map showing the notification area. He stated that he was not aware of the existing height being raised.

Mr. John Gorak, 2691 Woodmere Drive stated that he lives near the existing tower. He stated that there is a precedent across the country of such towers being denied. He stated that that the current tower was built in 2001 and it is a huge structure that is not appropriate. He further questioned if the tower will interfere with air traffic.

Mr. Stan Widlacki, 8191 Lemont Road stated that he is an owner of the adjacent office condo and President of the Darien Corporate Center North Road Detention Pond. He stated that the petitioner is not part of their association and does not contribute to the maintenance of the private road he uses. Mr. Widlacki stated that the gravel on the site is a mess, the property is not fenced in and not properly maintained and there are contractors dumping on the property. He stated that the wall to the detention basin was damaged by the petitioner's contractors and although it has been worked on it is not in the condition it was before the damage. Mr. Widlacki questioned that a resident was concerned if the microwave will interfere with a heart pacemaker.

Ms. Ann Cattanee, 8171 Lemont Road, business owner at 8171 Lemont Road stated that there will be heavy equipment needed for the tower and that this will impact the private road. She questioned why the petitioner is allowed to use the road when he does not contribute to road maintenance.

Mr. Ryan Fuelling, 2655 Woodmere questioned if permits had already been issued and if the City received taxes from the tower. He asked if the homeowners will get insurance and why the City was considering a 200-foot tower when only 60 feet is allowed.

Mr. Griffith stated that the tower has not been approved and a permit has not been issued. He stated that he is not aware if the City receives any tax revenue from the tower. Mr. Griffith stated that the homeowners' would not receive additional insurance and that the petitioner is seeking a variation from the Zoning Ordinance for the height and the City is obligated to consider his request.

Chairperson Meyer stated that she was not in favor of the tower and that property values will be adversely impacted.

Commissioner Ritzert stated that he would like to see a health study on the impact of microwaves.

Commissioner Hickok stated that he agreed with the concerns but stated that the Federal Regulations did not allow the City to deny the tower based on the memorandum from the City Attorney. He stated that any approval should address property maintenance issues, provide a landscape plan and address the road.

Mr. Griffith referenced the memorandum from the City Attorney regarding the Federal Regulations when considering a request to construct a tower. He stated that there are certain areas that fall outside of the City's jurisdiction as mentioned in the meeting earlier.

There were several residents in the audience who were concerned that the existing tower had been raised within the last few years.

Mr. Stann stated that a dish from WBBM was removed from the tower but the tower height had not been increased. He stated that it was actually made smaller.

Mr. Griffith reported that he was under the impression that the tower height had not changed but that he would investigate. He stated that staff will look into the property maintenance concerns.

Commissioner Kiefer stated that he was not comfortable moving forward because he was unsure if the tower height was increased and if so, it would have required a variation.

Chairperson Meyer recommended that staff ask the City Attorney to be present at the next meeting.

There was no one else wishing to present public comment and Chairperson Meyer closed the public hearing.

Commissioner Hickok made a motion, and it was seconded by Commissioner Mielkus that based upon the submitted petition and the information presented, the request associated with PZC 2012-03 is in conformance with the standards of the Darien City Code and move that the Planning and Zoning Commission approve the petition subject to the following conditions:

- 1. Road surface to be upgraded to match the equipment used on tower.**
- 2. Fence to be installed around the property.**
- 3. Landscape plan submitted.**
- 4. Property maintenance issues corrected.**

Upon roll call vote, THE MOTION FAILED with a vote of 2-3.

AYES: Hickok, Mielkus
NAYS: Meyer, Kiefer, Ritzert

Mr. Griffith announced that the Zoning Ordinance requires there be a majority vote of the entire Commission for a motion to carry and recommended that the PZC either vote again or to continue the public hearing to the April 4, 2012 meeting.

Commissioner Hickok made a motion, and it was seconded by Commissioner Kiefer to table PZC 2012-03 to the April 4, 2012 meeting.

Upon voice vote, THE MOTION CARRIED unanimously 5-0.

CORRESPONDENCE:

None.

OLD BUSINESS/PLANNER'S REPORT:

None.

MINUTES

Commissioner Kiefer made a motion and it was seconded by Commissioner Hickok to waive the reading of the March 7, 2012 Meeting Minutes.

Upon voice vote, THE MOTION CARRIED unanimously 5-0.

Commissioner Ritzert made a motion and it was seconded by Commissioner Kiefer to approve the March 7, 2012 Meeting Minutes.

Upon voice vote, THE MOTION CARRIED unanimously 5-0.

NEXT MEETING:

Mr. Griffith announced that the next meeting is scheduled for Wednesday, April 4, 2012 at 7:00 p.m.

ADJOURNMENT:

With no further business before the Commission, Commissioner Hickok made a motion and it was seconded by Commissioner Ritzert to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:22 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

**Elizabeth Lahey
Secretary**

**Beverly Meyer
Chairman**