

MINUTES OF THE PLAN COMMISSION
November 23, 2009

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:05 p.m. at the Village Hall.

Members present: Chairman Mark Moore, Robert Guarnaccio, Walter Oakley, and Terry Howard.

Members absent: Scott Adams, William Cotey, and Andy Robinson.

A quorum was established.

Village Staff present: David Smith, Senior Planner; and Pat Sheeran, Project Engineer.

Commissioner Howard moved, seconded by Commissioner Guarnaccio, to approve the October 12, 2009, Plan Commission meeting minutes.

Motion carried 4 - 0.

Commissioner Howard moved, seconded by Commissioner Guarnaccio, to approve the October 26, 2009, Plan Commission meeting minutes.

Motion carried 4 - 0.

OLD BUSINESS:

PC 09-16 Richard W. Burke and Allen L. Kracower, Applicants
Approximately 97 acres generally located west of Butterfield Road, north of Park Avenue and the Conventional Franciscan Friars of Marytown, and east of Pine Meadow Golf Course and Saint Mary of the Lake Seminary

Request is for an Amendment to the Comprehensive Plan in order to change the land use designation from Public/Institutional to Residential for approximately 97 acres currently in an IB, Institutional Buildings District located west of Butterfield Road and north of West Park Avenue.

This item has been continued to the January 25, 2010, Plan Commission meeting.

NEW BUSINESS:

PC 09-17 SAC Wireless, LLC for Clearwire, Applicant
481 Peterson Road

Request is for a Special Use Permit for Personal Wireless Services Antennas with antenna support structures and related electronic equipment in order to modify an

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existing cell tower site by adding additional antennas and equipment cabinets for property located in a C-3, General Commercial District.

PC 09-18 SAC Wireless, LLC for Clearwire, Applicant
481 Peterson Road

Request is for a Site Plan Permit for Personal Wireless Services Antennas with antenna support structures and related electronic equipment in order to modify an existing cell tower site by adding additional antennas and equipment cabinets for property located in a C-3, General Commercial District.

Mr. David Smith, Senior Planner, stated that the petitioner, Clearwire, a division of Sprint, seeks approval for a Special Use Permit and Site Plan Permit for Personal Wireless Services Antennas with antenna support structures and related electronic equipment in order to modify an existing cell tower site by adding additional antennas and equipment cabinets for property located in a C-3, General Commercial District at 481 Peterson Road.

Mr. Smith stated that the subject parcel was annexed into the Village of Libertyville in 2001 and zoned C-3, General Commercial District. Mr. Smith stated that at the time of annexation, there existed the Austin's restaurant and monopole cell tower. He stated that the Annexation Agreement states that the cell tower may remain during the term of the agreement. He stated that it further states that no changes or modifications shall be made to the Cellular Tower, other than routine maintenance and repairs, unless the owner first obtains a Special Use Permit from the Village.

Mr. Smith stated that Clearwire proposes to locate its dish antennas on the existing 180 foot tall monopole tower at approximately the 133 foot height level. He stated that the necessary ground equipment will be housed in cabinets on a steel platform within the existing fenced area.

Mr. Smith stated that Sprint/Nextel applied for very similar requests for the same location and was scheduled for the December 2008 Plan Commission meeting. However, after a series of continuances, the petitioner, under a different agent, was never heard and eventually withdrew their petition. Mr. Smith stated that at that time, Sprint proposed to install stacked cabinets within an existing fence enclosure. He stated that although Sprint/Nextel withdrew its petition for the Special Use Permit and Site Plan Permit in 2008, some work to install new antennas commenced without a permit. He stated that a Stop Work Order was issued. Mr. Smith stated that the current petitioner before the Plan Commission tonight is a new authorized agent seeking to complete the work with the approval of the Special Use Permit and Site Plan Permit.

Mr. Tony Phillips, Clearwire and agent for petitioner, introduced the proposed project. He stated that the proposed work will update Sprint's ability to bring both data and voice to the facility's switch mechanism.

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Mr. Jerry Gosen, 17930 Green Acre Drive, asked if there will be an increase in the microwaves from the proposed equipment. Mr. Phillips stated that the line of sight of the equipment to be installed is elevated high enough that there should be no safety concerns.

Mr. Gosen stated that he is concerned about any impact on safety.

Mr. Pat Sheeran, Village Project Engineer, stated the line of site of the antenna equipment is substantially over head.

Commissioner Guarnaccio asked where the nearest tower to this facility is located. Mr. Phillips stated that there are Personal Wireless Service Antennas located in several locations within the Village of Libertyville. He stated that they have made a concerted effort to add equipment to existing structures.

Commissioner Guarnaccio asked if the other facilities are located at different heights. Mr. Phillips stated that effort has been made to install Personal Wireless Service Antennas to be at a minimum above the tree canopies, but are often much higher. He stated that most antennas are at different heights from each other, but a certain amount of angling is permissible provided that the line of sight from antenna to antenna is not interfered with.

Commissioner Howard asked what equipment has been installed already. Mr. Smith stated that it has not been specifically determined which equipment has been installed at the subject site, but that a Stop Work Order was issued at the time it became known to Village Staff that work was being done without the proper permits.

Commissioner Howard stated that he is concerned about the proliferation of antenna equipment and that they are eyesores and that they are becoming less and less attractive. He asked what Sprint is doing to lessen the visual impact. Mr. Phillips stated that efforts are being made to co-locate as much as possible in order to reduce the need to construct new cell towers.

Commissioner Howard requested clarification of the color promulgation maps.

Mr. Phillips explained the purpose of the color promulgation maps that were submitted as part of the petition. He stated that certain colors or lack of colors indicate the coverage or lack of coverage of the personal wireless service equipment for data and voice. He stated that they are attempting to fill gaps where there is not adequate coverage. He stated that the red color indicates reception obtained when in buildings, white means no coverage and green indicates reception obtained when in a vehicle.

Commissioner Howard stated that he is not concerned about the ability to make a phone call. He feels cell phone service is very good in the area and questions the public benefit of the requested improvement versus the compromise of the visual impact to the community.

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Mr. Phillips stated that the proposed equipment is intended to help Sprint provide better coverage for data and voice transmissions at a greater speed and capacity.

Chairman Moore asked if there is any obsolete equipment at the subject site. Mr. Phillips stated that if there is any obsolete equipment, it will be removed.

Chairman Moore stated that it is his preference that the Staff requested safety fencing be constructed of wood material.

Commissioner Howard stated that he is concerned about the legal language found in the last paragraph of the petitioner's narrative.

Mr. David Pardys, Village Attorney, stated that the process of a denial needs compelling reason per the Municipality's standards.

In the matter of PC 09-17, Commissioner Oakley moved, seconded by Commissioner Guarnaccio, to recommend the Village Board of Trustees approve a Special Use Permit for Personal Wireless Services Antennas with antenna support structures and related electronic equipment in order to modify an existing cell tower site by adding additional antennas and equipment cabinets for property located in a C-3, General Commercial District.

Motion carried 3 - 1.

Ayes: Moore, Guarnaccio, Oakley

Nays: Howard

Absent: Adams, Cotey, Robinson

In the matter of PC 09-18, Commissioner Howard moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve a Site Plan Permit for Personal Wireless Services Antennas with antenna support structures and related electronic equipment in order to modify an existing cell tower site by adding additional antennas and equipment cabinets for property located in a C-3, General Commercial District subject to the petitioner completely enclosing the ground equipment compound with wood safety fencing.

Motion carried 3 - 1.

Ayes: Moore, Guarnaccio, Oakley

Nays: Howard

Absent: Adams, Cotey, Robinson

PC 09-19 Midway III Development, LLC, Applicant
1900 Enterprise Court

Request is for a Special Use Permit for an Amusement Establishment in order to permit the occupancy for an Indoor Party and Play Center for Children, a sub-category of the Amusement & Recreation Industry, a Special Permitted Use in an I-1, Limited Industrial District.

Mr. David Smith, Senior Planner, stated that the petitioner, Terry Germany, is requesting approval for a Special Use Permit and sign variation for Jump Zone, an Indoor Party and Play Center for Children, being a sub-category of the Amusement & Recreation Industry, a Special Permitted Use in an I-1, Limited Industrial District. Mr. Smith stated that the petitioner is seeking to occupy an existing tenant space located at 1900 Enterprise Court.

Mr. Terry Germany, agent for petitioner, stated that in addition to the Special Use Permit, they are seeking a sign variation for a second wall sign, not a sign variation to exceed the maximum permitted gross sign area. He stated that the proposed sign is a shaped metal non-illuminated sign, not the boxed sign previously proposed. He stated that according to his calculations, the site has ample parking, but is willing to work with Staff to determine the precise requirement.

Mr. Tom Dahlen, representing Fabrication Technologies, 1925 Enterprise Court, stated that he is concerned about the proposed location for the Jump Zone play center for children in a busy industrial park. He stated that another industrial neighbor on Enterprise Court receives between 5 to 10 trucks per day. He stated that trucks routinely use the cul de sac to maneuver. He stated that the subject property is only separated by a 4 foot wide grass median from the right of way. He stated that children could very easily run out into the street. He stated that it is not his intention to harm the petitioner's right to develop their business, but is concerned about the safety factors. He stated that Fabrication Technologies employs about 250 people with their larger shift taking place between 7:30 a.m. to 2:30 p.m. He stated that if the Libertyville Sports Complex would be a better location for Jump Zone.

Commissioner Howard stated that he is concerned that there is not enough parking for future tenants who may want to occupy the vacant tenant spaces. He stated that he supports the sign variation. He stated that the petitioner should address the safety concerns expressed in public testimony.

Mr. Germany stated that parents typically come and drop off their kids and leave. He stated that there will be times for parties comprising of one or two families at a time.

Commissioner Howard stated that he wants to hear from the landlord of the building that they have reconciled how the parking shortage will be addressed.

Commissioner Guarnaccio asked if the entire 76,000 square foot building currently complies with the parking requirement. He stated that the landlord should be present at the meeting. He stated that accidents happen everywhere and are impossible to completely control.

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Commissioner Oakley asked how long would the lease be for. Mr. Germany stated that they are seeking a 5 year lease.

Chairman Moore stated that other buildings have two wall signs. He stated that a more precise determination of the building's square foot area should be obtained in order to address the parking requirement. He stated that the landlord should be spoken to regarding the parking requirement for the building as a whole. He stated that the petitioner should address the safety concerns for the site.

Commissioner Guarnaccio stated that the Village should use caution regarding the request of any petitioner to provide a safety plan for any facility.

Chairman Moore stated that he concurs with the DRC Staff Report to continue the petitioner's requests to the December Plan Commission meeting.

In the matter of PC 09-19, Commissioner Howard moved, seconded by Commissioner Guarnaccio, to continue this item to the December 21, 2009, Plan Commission meeting.

Motion carried 4 - 0.

COMMUNICATIONS AND DISCUSSION:

Chairman Moore stated that he would like to wait until the next meeting before taking action on approving the 2010 calendar meeting dates in order to give tonight's absent members an opportunity to review them.

Commissioner Oakley moved and Commissioner Guarnaccio seconded a motion to adjourn.

Motion carried 4 - 0.

Meeting adjourned at 8:30 p.m.