



Michael P. Collins  
VILLAGE PRESIDENT

Michelle Gibas  
VILLAGE CLERK

VILLAGE OF PLAINFIELD  
ZONING BOARD OF APPEALS MEETING  
RECORD OF MINUTES

**TRUSTEES**

Margie Bonuchi  
Paul Fay  
Larry Kachel  
Bill Lamb  
Garrett M. Peck  
James Racich

DATE: July 6, 2010

Chairman Sobkoviak called the meeting of the Zoning Board of Appeals to order at 7:05 p.m.

**ROLL CALL:**

Present: Commissioners O'Rourke, Sanders, Kiefer, Heinen Chairman Sobkoviak;

Absent: Commissioner Renzi, and Fire, School, Park and Library Districts

Also Present: Michael S. Garrigan AICP CNU-A, Village Planner, Merrilee Trotz, Secretary

**Approval of Minutes:**

Commissioner O'Rourke amended the minutes regarding his statement in the fifth paragraph from the bottom of page 3 to add the word not making the sentence read as follows: "His concern was the variance was not going to help out the petitioner." The minutes from January 5, 2010 were approved as amended.

Commissioner Renzi arrived at 7:09 p.m.

**DEVELOPMENT REPORT:**

Planner Garrigan stated the Village Board approved the special use for the Church at their last meeting.

**OLD BUSINESS:** None

**NEW BUSINESS:**

CASE NO: 1514-061410.V WESCOM Plainfield Tower

Planner Garrigan stated this was a public hearing and the public notices have been posted and published in accordance with state statute and local ordinance. Planner Garrigan stated the Plainfield Police are working with Wescom to replace the existing cell tower with a new cell tower to be located on the property just south of 143rd Street and west of Route 59. The proposed cell tower will be approximately 190 feet in height. Any tower over 60 feet in height requires a variance in accordance with the Village's Zoning Ordinance. Planner Garrigan indicated the adjacent properties are zoned light industrial district with the property to the east as having an industrial building on it while the properties to the west and north are vacant and the property to the south as having a single office building existing while it has been approved for a second office building. There are no residential properties adjacent or within a half mile of this parcel.

Planner Garrigan summarized the findings based on the evidence as follows:

- a) *The variance is in harmony with the general purpose and intent of this Zoning Ordinance;*

Staff believes that the proposed construction of a new emergency tower for WESCOM is in harmony with the existing use of the subject site and does not anticipate any impact on the surrounding uses.

- b) The plight of the owner is due to unique circumstances and thus strict enforcement of the Zoning Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unusual conditions that are not generally found on other properties in the same zoning district; and*

Staff finds that without this variance the property owner would not be able construct a tower which would provide the needs for emergency communication that WESCOM requires for the area.

- c) The property cannot yield a reasonable use if permitted only under the conditions allowed by the Zoning Ordinance; and*

Staff finds the property could yield a reasonable use as currently permitted even if no communication tower was approved.

- d) The variance, if granted, will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.*

Staff finds that granting the variance will have no impact on the character of the area as they are replacing an existing tower and the character of the area is light industrial and the vacant floodplain to the west of the site will mitigate any impact that might be posed by the additional height of this proposed tower.

Planner Garrigan stated that Staff would recommend the motion included in the staff report.

The Commissioners expressed concern with the height of the proposed tower as it is 3 times the height currently allowed under the ordinance and compared this proposed tower to that of water towers. A commissioner asked if we knew the height of the cell tower located on 135<sup>th</sup> Street east of Van Dyke Road; the height of the existing towers located at this proposed site; if this tower would replace the two existing towers currently located at this site. A suggestion was made as to possibly updating the ordinance with regard to cell towers. The Commissioners asked if we knew the current height of the existing towers; if this proposed tower would fit on the same footprint of the existing towers.

Chairman Sobkoviak explained that this ordinance was created prior to the advent of cell towers; further stating it was created back in the days of CB antennas and two way radios. Chairman Sobkoviak indicated this tower uses the same technology as that for cell phones.

Planner Garrigan indicated typically cell towers are between 100 to 200 feet now. He did not know the height of the current existing towers. He indicated this cell tower is a dedicated tower for the regional Wescom.

A commissioner suggested this tower was a private switched network not a public network

Commissioners felt more details such as specifications for the tower and a site plan should have been presented as well as comparisons to the height of surrounding properties; also that an easement be in place for access.

Planner Garrigan indicated that the towers are designed not to fall over but to collapse straight down.

Discussion was held regarding the construction of the tower; who would oversee the construction; how the cable tethers would fit in this area.

A commissioner asked if there were plans to lease this tower to other cell users. Planner Garrigan did not think so.

Planner Garrigan indicated our engineer would not review the construction of this tower and it was not our intent to hire another structural engineer. He further stated this is a standard tower this company constructs.

Commissioner was concerned with the height of the tower, location and also that this is an entry way to the downtown.

Commissioner Heinen indicated there would be a structural engineer who designs these types of towers. He stated when he looked at this site the electrical towers to the north appear to be about 1-1/2 times taller thereby making this a compatible use. He and other commissioners were concerned that this area is kind of a front door or entry way into Plainfield. He stated if we accept this use we will be accepting this use for a long time to come.

Chairman Sobkoviak also indicated a majority of this site is in the floodplain and unbuildable and it is not likely to be redeveloped for any purposeful development other than maybe parking lots and it is unlikely we will see industrial buildings built in this area as long as the floodplain maps stay the same.

Planner Garrigan indicated Wescom has not offered any alternative sites. Wescom decided to work with the Plainfield Police based on the fact that they have an existing tower located here that replacing this tower was an opportunity.

Commissioner O'Rourke stated he understands that this is needed for safety and we need to put it somewhere and this is probably a good location. He would just like more data such as specifications for the tower and the site plan. He was also concerned that they have an easement for access to the property.

Commissioner Heinen indicated heights of the adjacent uses would have been helpful as well.

Commissioner Sanders stated these towers are installed all the time and if Wescom is paying for this they must know what they are getting and it will be a third party maintaining the tower.

Planner Garrigan indicated in the contract with the church – there is an exception that they can maintain the tower and he would check to see there is an easement.

Commissioner Renzi stated that if Wescom owns the tower and need a higher tower to perform their services and they have the location then 3 of the 4 findings of fact are met.

Commissioner O'Rourke suggested two additional stipulations – one being Staff review the details of specifications and the contractor to do the installation; and second confirmation that WESCOM have legal access.

Chairman Sobkoviak reiterated the stipulations to be added as Staff review the details of engineering construction and confirm that Wescom have legal access to the property. Also he asked Staff to and clarify if that is a dedicated roadway.

**Commissioner O'Rourke made a motion that the Zoning Board of Appeals recommends approval of the proposed height variance subject to the four stipulations, the two in the staff report and the two added as follows:**

- 1. Compliance with the requirements of the Village Engineer.**
- 2. Compliance with the requirements of the Plainfield Fire Protection District.**
3. Staff review the details of engineering construction
4. Staff confirm that Wescom have legal access to the property.

**Commissioner Sanders seconded the amended motion.**

**Vote by Roll Call:**

**Ayes: Renzi, Kiefer, Heinen, Sanders, O'Rourke, and Chairman Sobkoviak.**

**Nay: none**

**Motion carried 6– 0.**

## **DISCUSSION**

Commissioner Kiefer asked the status of Van Dyke Place. Planner Garrigan indicated there is a building permit that has not been picked up for Southern Bell. The first building is occupied but no activity on the Southern Bell building. Commissioner O'Rourke asked about the incentives. Planner Garrigan stated there were two – they have an obligation to be constructed with CO. The first building is completed and occupied and the second building has not been completed and the second installment payment will not be paid out until the building is occupied.

Commissioner Sanders asked about the Polo Club. Planner Garrigan indicated this project is still under contract.

Adjourned 7:45 p.m.

Respectfully submitted by

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Merrilee Trotz, Recording Secretary