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**SYCAMORE PLAN COMMISSION MEETING**  
**MINUTES OF SEPTEMBER 8, 2008**

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**CALL TO ORDER AND ROLL CALL**

Chairperson John Lewis called the meeting to order and City Clerk Candy Smith called the roll. Those Commissioners present were: Marvin Barnes, Ron Bemis, George Bridgewater, Lowell Evans, Ken George, Cindy Henderson, Steve Nelson, Michelle Schulz, and Chuck Stowe. Commissioners Bill Davey and Bill Lorence were absent. Other staff members present were City Manager Bill Nicklas, Municipal Engineering Corporation John Brady, and Commission Attorney Kevin Buick.

**APPROVAL OF MINUTES OF AUGUST 11, 2008.**

**Motion**

Commissioner Nelson moved to approve the Minutes of August 11, 2008 and Commissioner George seconded the motion.

**Voice Vote**

Chairperson Lewis called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 10 - 0.

**APPROVAL OF AGENDA**

**Motion**

Commissioner Bridgewater moved to approve the agenda and Commissioner Bemis seconded the motion.

**Voice Vote**

Chairperson Lewis called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 10 - 0.

**CONSIDERATIONS**

- A. Consideration of a Petition from BTS Tower Development, LLC for a Special Use Permit for a 190 Foot Monopole Wireless Communication Tower at the Southeast Corner of Page and N. California Streets in the City of Sycamore.**

Chairperson Lewis suggested that Plan Commission Attorney Buick review the rules because this was a hearing on a special use permit.

Attorney Buick said that a special use hearing is a little more formal than some considerations that are heard by Plan Commission. He said there have been recent court cases that clarified the procedural and substantive due process activities that are part of a special use permit public hearing. He said the purpose is to gather all facts, testimony, exhibits, and documents and to make sure that all interested parties are afforded an opportunity to be heard with regard to the special use application. He noted that anyone who speaks may be cross examined as part of the process.

City Manager Nicklas explained that this was a continuation of the hearing that was opened at the last Plan Commission meeting. He said the requirements for the recommendation for special use permit

must be met and according to the petitioner, zoning requirements have been met, co-location protocol of proof of attempts to locate on existing poles has been met, FAA review has been completed, and DeKalb County review has been satisfied with a verbal assurance from the lieutenant in charge of communications.

Commissioner Henderson asked if we were expecting a document from DeKalb County.

Mr. Nicklas said they tend to let the letter from their consultant, Jim Feyerherm, speak for their department. He said it is not their practice to give written notice.

Commissioner George asked if the tower sketch in the packet depicted the sheriff's tower.

Boris Timotijevic, BTS Tower Development, 1197 Naracanset Drive, Carol Stream, said the depiction is of the County tower and his company did the mapping of the tower at their cost because that data was not available. He noted that there are two microwave dishes on that tower and if that small beam from a dish is blocked the network goes down therefore eliminating all communications. He said his company performed a physical study comparing the location of the BTS tower and the County tower and received a verbal approval from Jim Feyerherm. He said he also received a verbal approval regarding transmission frequency separation.

Commissioner Barnes asked why they chose that location.

Mr. Timotijevic said it satisfied the zoning requirement and they contacted numerous landlords and this landlord was able to get back with them with data information.

Commissioner Barnes asked why they would locate in town.

Mr. Timotijevic said they first looked 1/2 to 3/8 mile east of this location, but that was zoned residential. He said their first objective was to co-locate on the County tower, but were denied. He said they then looked at the American tower on the west side of town and the height was not available.

Chairperson Lewis asked if there were locations outside the City limits that would meet their needs.

Mr. Timotijevic said at this point, no.

Chairperson Lewis said he did not say available, he meant locations period.

Mr. Timotijevic said they went outside town to the north to the south to the east and to the west and at this time this was the only viable location. He said they would have gladly gone onto the County tower six months ago. He said he worked with U.S. Cellular when they built that tower.

Commissioner Bemis asked about the need for the tower.

Mr. Timotijevic said a new phone company Cricket Communications is doing a Midwest buildout of just over 800 towers.

Mr. Nicklas asked if Mr. Timotijevic was saying for the record that there were no other elevations in the Sycamore planning area which includes the corporate limits and a mile-and-a-half outside that would suit them on technical standpoint.

Mr. Timotijevic said there are existing towers around the City of Sycamore that they were not able to co-locate on and they had no choice but to build something.

Mr. Nicklas said he understands that, but asked if there was no other location.

Mr. Timotijevic said "no other location."

Commissioner Schulz asked if this did not work out for them what would happen.

Mr. Timotijevic said that would go to corporate and they would send a letter asking to meet with the City's attorney to find out why they were denied. He said his last thing was to build this tower because he preferred co-locating on the County tower.

Commissioner Schulz asked what the necessity of the tower was.

Mr. Timotijevic said it was service because Cricket is a new phone carrier and does not use anybody else's frequency. He said they are coming to Chicago and looking to launch 4<sup>th</sup> quarter service for the Chicago market.

Commissioner Schulz said as a business person sometimes you cannot find the store front you want so it does not work out. She asked if that did not work the same for cell phone towers.

Mr. Timotijevic said it did not.

Chairperson Lewis asked if for whatever reason they cannot build their tower at this location, would there be a gap in Cricket service.

Mr. Timotijevic said that was correct there would be a hole.

Commissioner Barnes asked if they would pursue legal action.

Mr. Timotijevic said that was part of the procedure because they met all the City requirements and they would want to know why they were denied. He said that is part of the procedure he never tries to get into.

Mr. Nicklas said he did not know if there was an implied threat there, but the key criteria before the Plan Commission tonight was public need and public purpose.

Mr. Timotijevic said he was not threatening and was not a legal attorney. He said coming out to this area is fun and he has more fun at these type of hearings than if he was sent to a big city.

Commissioner Henderson asked if there were time limits set on Special Use Permits.

Mr. Nicklas said zoning runs with the land and special use runs with the use.

Plan Commission Attorney Buick said they could impose specific conditions tied to timing.

Commissioner George said they would be removing 18 parking spaces from the building and asked if that building could still meet code.

Mr. Nicklas said he spoke to Building Commissioner Doty about that and he said it would be in compliance, but it would constrain any expansion of uses or any new uses of that building.

Commissioner Henderson asked if the County consultant Mr. Feyerherm's question regarding 5.8 g spread spectrum was answered.

Mr. Timotijevic said a letter was sent to Building Commissioner Doty and he said he had a copy if they would like to see it.

Jason Beinarauskas, 342 N. Sacramento St., said he lives within 400 feet of the proposed location and never received any notice. He said there is not a public need for this tower. He said the appeal of Sycamore is not to have big towers in the city. He said part of the special use permit requirement is that it is necessary or desirable to provide a service that is in the interest of the public and contributes to the general welfare of the community. He said there are so many cell providers out there and we have great coverage. He said this would be a huge monstrosity in his back yard and does not believe such a tower should be placed in a residential area.

Brian Corr, 309 N. California St., said he does not want the tower in his back yard. He asked if this was what we want the town to look like. He said the proposed tower site is three blocks from the courthouse and said that is not what we want in Sycamore. He said he has not seen another town with a tower in the center of town. He said the County tower is needed for 9-11 communications and it replaced an existing tower. He asked what the tower would look like and asked if there were other appropriately zoned areas to place the tower. He said he thought this would have an adverse affect on his property value.

Patrick O'Brien, 230 N. Sacramento St., said he lived a block and a half from the proposed location and he agreed with the previous speakers.

Joanne Spartz, 1371 Brickville Rd., said they have five acres ½ mile from the proposed site and they would welcome the tower on their property.

Debbie Brandt, 229 W. Sycamore St., said she does not like the aesthetics and said that the health repercussions of the microwave have not been addressed.

Mr. Timotijevic said the physical tower would look like the American tower that is on the west side of town and it would be about 55 feet shorter than the County tower.

Chairperson Lewis asked Mr. Nicklas to explain the question of zoning.

Mr. Nicklas explained that zoning is a piece of this and noted that proper zoning does not guarantee the request would be in order or granted for all the reasons they have discussed tonight.

Chairperson Lewis said another question raised was if there were similar towers within the city limits of other municipalities.

Mr. Nicklas said the proximity of a tower such as this to certain types of historic architecture is up for public debate.

Mr. Timotijevic said they would not put a microwave dish on that tower.

Chairperson Lewis asked if he would like to address the issue about cellular towers being within other municipalities throughout the region.

Mr. Timotijevic said the communication industry falls both under local, county, state ordinances and federal so they have to be careful where they go. He said that is why they spend time sitting with zoners and planners and attorneys finding out areas that are permitted use, or permitted use with a public hearing, or a special addendum use, or whatever is required.

Chairperson Lewis asked for clarification to the answer that Mr. Timotijevic does not know of any municipalities in the Northern Illinois area that have a tower like this within their city limits.

Mr. Timotijevic said there are numerous towers or monopoles throughout the areas. He said the monopoles are used where a 40 x 40 space is used in a shorter tower.

Brian Corr asked for a description of the American tower.

Mr. Timotijevic said the American tower is similar to what they will be building; he said it is either 180 or 190 feet tall with 3 providers.

Patrick O'Brien asked if this tower was only for Cricket Communications.

Mr. Timotijevic said Cricket is a carrier that is coming here and tried to co-locate on other towers, but were denied so will have to build a tower.

Commissioner Barnes said he was confused that they exhausted all the options in Sycamore and found that this was the only location and it is right in the middle of Sycamore.

Mr. Timotijevic said when the design first originated they worked from outside the City of Chicago west. He said they also came down from Rockford and from I-88 north into DeKalb and now they are pushing north to Sycamore.

Commissioner Barnes asked if they could locate on commercially zoned property such as the vacant antique shop at Old State Road and Route 64 on the east end of town.

Mr. Timotijevic said they actually approached that landlord and they got no feedback so they had to move on. He said they talked with numerous landlords.

Commissioner George said that basically there were other sites besides this site, but this is the only site under contract. He said that is not what Mr. Timotijevic said earlier when he said there were no other sites. He asked Mr. Timotijevic if there was another physical site that would work and they just haven't negotiated a contract.

Mr. Timotijevic said when Cricket started this buildout the engineer asked for about 5 locations around Main and State Street. He said they mapped where they had favorable lease, permitted use for zoning, met construction standards, and met criteria. He said it took numerous things.

Commissioner George asked for a yes or no answer to the question if it was possible that there was another location that would meet their needs.

Mr. Timotijevic said not at this moment.

Leif Allmendinger, 229 W. Sycamore St., asked if Mr. Timotijevic had any evidence of how the tower would affect the surrounding property values.

#### **Motion**

Commissioner Stowe moved to forward with a favorable recommendation to Council and Commissioner Schulz seconded the motion.

Commissioner Stowe said he has only heard negative comments from his neighbors. He also noted that the industry in that area has become more gentrified and it is basically a residential neighborhood.

Commissioner Bridgewater left the meeting at 7:45 pm.

#### **Roll Call Vote**

Chairperson Lewis called for a roll call vote to approve the motion. Commissioners Marvin Barnes, Ron Bemis, Lowell Evans, Ken George, Cindy Henderson, Steve Nelson, Michelle Schulz, Chuck Stowe, and Chairperson Lewis voted nay. Motion failed 0 - 9.

Mr. Nicklas said this would go before City Council September 15 for action.

#### **WORKSHOP ITEMS - NONE**

#### **REPORTS**

#### **PERSONS TO BE HEARD FROM THE FLOOR ON OTHER THAN AGENDA ITEMS**

#### **ADJOURNMENT**

#### **Motion**

Commissioner George moved to adjourn the meeting at 7:50 p.m. and Commissioner Henderson seconded the motion.

Mr. Timotijevic asked why it was denied because he met the objectives form zoning and the objective from the FAA.

Chairperson Lewis paraphrased what he heard which was that the proposed structure is not necessary or desirable and does not necessarily contribute to the general welfare of the neighborhood or the community. He because said that is one of the criteria for the special use permit, the decision was to deny.

**Voice Vote**

Chairperson Lewis called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 9 - 0.

Approve:

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Chairperson – John Lewis

Attest:

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Candy Smith, City Clerk