

Village of Bensenville
Board Room
12 South Center Street
DuPage and Cook Counties
Bensenville, IL, 60106

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

December 1, 2014

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 6:34p.m.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Caira, Janowiak, Pisano, Rowe, Rodriguez Weldon
Absent: None
A quorum was present.

STAFF PRESENT: V. Benham, M. Rysavy, S. Viger, C. Williamsen

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission Meeting of October 20, 2014 were presented.

Motion: Commissioner Rowe made a motion to approve the minutes as presented. Commissioner Weldon seconded the motion.

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2014-29
Petitioner: SBA Communication, LLC on Behalf of Verizon Wireless
Location: 500 South York Road
Request: Conditional Use Permit to Allow a Telecommunications Tower up to 143 Feet in height with Nine Antennas

Chairman Moruzzi stated he was a Trustee on the Fire District and he was informed from Village Council there were no conflict of interest to allow him to take part in the Public Hearing. There were no objections from the Commissioners.

Motion: Commissioner Weldon made a motion to open CDC Case No. 2014-29. Commissioner Rowe seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Caira, Janowiak, Pisano, Rowe, Rodriguez, Weldon
Absent: None
A quorum was present.

Chairman Moruzzi opened the Public Hearing at 6:36 p.m.

Chairman Moruzzi held a mass swearing in for those who planned to speak during the Public Hearing.

Village Planner, Victoria Benham, stated a legal notice was published in the Bensenville Independent on November 13, 2014 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mrs. Benham also stated that Village Staff posted a notice of the Public Hearing sign on the property on November 14, 2014. Mrs. Benham stated on November 14, 2014 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question. Mrs. Benham stated the property in question is zoned RS-1 Low Density Single Family is located on the southwestern corner of Jefferson Street and York Road. Mrs. Benham stated the approximately 1.2 acre property is improved with the existing Bensenville Fire Protection District #2 Fire Station. Mrs. Benham stated the request set forth is to propose an approximately 143 foot monopole telecommunications tower with nine antennas at 90 feet in height. Mrs. Benham stated the additional height request is due to potential lessees to be established in the future.

Mr. Mike Douchant of Dolan Realty Advisors, LLC representing SBA Communications Corporation on behalf of Verizon Wireless was present and precisely sworn in by Chairman Moruzzi. Mr. Douchant stated the proposed tower will provide an additional nine antennas for Verizon Wireless to boost signal to Bensenville and the surrounding area. Mr. Douchant stated Verizon Wireless will be the first customer of SBA Communications. Mr. Douchant stated Verizon Wireless has requested to place their antennas ninety feet in the air. Mr. Douchant read the finding of fact into the record. Mr. Douchant stated part of the lease agreement would allow the Bensenville Fire District to move their equipment to the antenna at their convenience.

Commissioner Rodriguez asked for clarification of the request. Mr. Douchant stated the FAA evaluated that the max height of the tower on site would be allowed at 143 feet. Mr. Douchant stated even though Verizon Wireless is asking for their antennas to be placed at ninety feet, he is seeking approval of 143 (max height) for additional antennas in the future.

Commissioner Rodriguez asked if SBA Communications knew of any future clients. Mr. Douchant stated he does not have anything lined up but expects to maximize the use of the tower.

Commissioner Rodriguez asked how many antennas could be placed on the tower. Mr. Douchant stated there would be enough room for three sets of antennas and the Fire District's equipment.

Commissioner Weldon asked if it was a common practice to place a 14 story tower in a Residential District. Mr. Douchant stated that every Municipality is different.

Fire Chief, Mike Spain, was present and previously sworn in by Chairman Moruzzi. Chief Spain stated he was the one whom contacted SBA Communications to inquire about the tower. Chief Spain stated the 143 maximum height will allow for Public Safety to reach its maximum communications potential. Chief Spain stated 83% of 911 calls come from cellphones. Chief Spain stated he plans to use the top of the tower for the Fire District's equipment to reach maximum capacity. Chief Spain stated this will help the Fire District communicate with surrounding Communities during emergencies.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2014-29. There were none.

Mrs. Benham reviewed staff's report and indicated staff recommends approval of the requested conditional use permit with the following conditions:

1. The Conditional Use Permit be granted solely to SBA Communications Corporation in Cooperation with Dolan Realty Advisors on behalf of Verizon Wireless and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit.
2. The antennas be erected in substantial compliance with the plans submitted with the application prepared by Terra Consulting Group, Ltd. dated 11.20.14.
3. Stormwater Management Certification shall be completed.
4. The existing tower at the southeastern corner of the property be removed and antennas relocated to the proposed tower.

There were no questions from the Commission.

Mr. Douchant asked if the Commission was willing to place a time frame in condition number 4. Chief Spain stated the Fire District was ready to install their equipment on the tower once the plans were approved. Mr. Douchant withdrew his request and stated he was in fine with the conditions as presented.

Motion: Commissioner Caira made a motion to close CDC Case No. 2014-29. Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 7:20 p.m.

Motion: Commissioner Rowe made a motion to approve the findings of facts for the variance request for building height consisting of:

1. **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized. After construction, traffic to the facility will be infrequent and the closest residential owners probably will never even notice when operations personnel arrive to periodically check equipment (akin to a meter reader).
2. **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district. The proposed compound is virtually maintenance-free. As a matter of settled law, the federal Telecommunication Act prohibits a board from using emissions/adverse health effects as a reason for board denial of a cell site. Verizon, placing the safety of its customers first, builds and maintains all cell phone towers and antennas in accordance with FCC guidelines for human exposure to radiofrequency (RF) fields. Thus the energy from the antennas on cell phone towers decreases with distance. At a typical cell site, ground-level power densities are well below the FCC's exposure limits.
3. **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized. Exhaustive property-value studies supplied electronically by Verizon indicate there will be "no impact" on property values in the immediate vicinity. This proposal will not be detrimental to the use and enjoyment of properties in the immediate vicinity because the proposed compound location is situated more than the height of the monopole distance away from closest residential property owners and will enhance 21st Century communications in the Village of Bensenville.

4. **Use Of Public Services And Facilities:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area. The landlord (fire district) will have the right to move its current essential services antennae to the new state-of-the-art tower at its convenience. All site development and construction costs will be absorbed by SBA and Verizon Wireless.
5. **Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community. This proposal is compatible with surrounding properties insofar as more individuals across the country utilize wireless than land-line telephones. Any municipality requires quality wireless coverage in order to thrive, including security reasons (E911 considerations).
6. **Other Factors:** The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location. This proposal will not impede the normal improvement of adjacent properties. For more information on radio frequency safety, visit <http://www.fcc.gov/cgb/consumerfacts/rfexposure.html> or contact the FCC's RF Safety Program at rfsafety@fcc.gov or 1-888-225-5322. In addition, CTIA, the Wireless Association, also has helpful information available at <http://www.cellphonehealthfacts.com/>.

Commissioner Weldon seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

- Motion: Commissioner Weldon made a motion to approve the conditional use permit with Staff's recommendations consisting of:
1. The Conditional Use Permit be granted solely to SBA Communications Corporation in Cooperation with Dolan Realty Advisors on behalf of Verizon Wireless and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit.
 2. The antennas be erected in substantial compliance with the plans submitted with the application prepared by Terra Consulting Group, Ltd. dated 11.20.14.
 3. Stormwater Management Certification shall be completed.
 4. The existing tower at the southeastern corner of the property be removed and antennas relocated to the proposed tower.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2014-34
Request: Consider the Adoption of a New Comprehensive Plan.

Motion: Commissioner Rowe made a motion to continue CDC Case Number 2014-34 until December 15, 2014. Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Pisano, Rowe, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Report from Community Development

Grant Koster – 1501 Fielding Drive, Glenview

Mr. Koster addressed the Commission regarding CDC Case No. 2014-31. Mr. Koster stated the document was submitted on August 8, 2014 for a conditional use permit for 600 North York Road for a medical cannabis cultivation center. Mr. Koster stated the Community Development Commissioner heard testimony for the case and the motion to approve was granted to Greenfield Technologies. Mr. Koster stated after the conditional use permit was approved to Greenfield Technologies and prior to their application to the State of Illinois, Greenfield Technologies has merged with Custom Strains. Mr. Koster stated Custom Strains was the name put forth on their application to the State of Illinois. Mr. Koster stated all personnel who testified as Greenfield Technologies to the Village of Bensenville is the same personnel whom operate as Custom Strains. Mr. Koster stated the conditional use permit approved by the Village of Bensenville is for Greenfield Technologies and the application for the State of Illinois is filed under Custom Strains. Mr. Koster is asking for a continuation from the Village of Bensenville of their conditional use permit to have a name change from Greenfield Technologies to Custom Strains to match the application submitted to the State of Illinois. Mr. Koster stated Custom Strains had submitted a Host Community Agreement to the Village of Bensenville that would provide the Village with an annual payment of \$10,000 along with an annual donation of \$15,000 to local Village Charities. Mr. Koster stated the plan, location, and team all remain the same. Mr. Koster stated in order for the State of Illinois to approve their application, the name needs to match on their application to the conditional permit approved by the Village of Bensenville.

Brendan Shiller – 8028 South Exchange Avenue, Chicago

Mr. Shiller stated the State application was due on September 22, 2014. Mr. Shiller stated on September 19, 2014 Greenfield Technologies contacted Custom Strains and stated they did not have the funding to move forth with their application. Mr. Shiller stated Custom Strains took Greenfield Technologies' application wholesale and put their money behind it. Mr. Shiller stated there is no written documentation between Greenfield Technologies and Custom Strains. Mr. Shiller there is a handshake between the two companies without any specifics because a written agreement would violate State Law.

Mrs. Benham reviewed both recent CDC cases along with upcoming cases.

Motion: Commissioner Weldon made a motion to approve the 2015 meeting schedule as presented. Commissioner Rowe seconded the motion.

All were in favor. Motion carried.

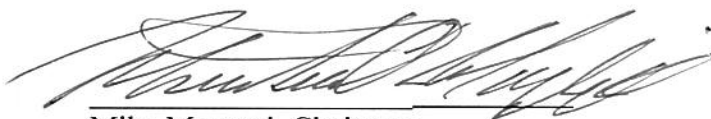
ADJOURNMENT:

There being no further business before the Community Development Commission, Commissioner Rowe made a motion to adjourn the meeting. Commissioner Janowiak seconded the motion.

All were in favor

Motion carried.

The meeting was adjourned at 7:40 p.m.



Mike Moruzzi, Chairman
Community Development Commission