

**VILLAGE OF BANNOCKBURN
PLAN COMMISSION/ZONING BOARD OF APPEALS
SEPTEMBER 3, 2013
MEETING MINUTES**

1. 01-09/03: **Call To Order.** Chairman McShane called the meeting of the Plan Commission and Zoning Board of Appeals to order at 7:00 p.m.

Chairman: James McShane

Commissioners Present: Robert Borden, David Elston, William Montgomery, Richard Peters

Commissioners Absent: Louise Feeney, Susan Knaack

Also Present: Village Manager Maria Lasday, Assistant to Village Manager Ryan Mentkowski, and Village Attorney Betsy Gates

Visitors: Jim Leahy, AT&T Mobility

2. 02-09/03: **Pledge of Allegiance.** Chairman McShane led everyone in reciting the Pledge of Allegiance.

3. 03-09/03: **Approval of the July 16, 2013 Plan Commission & Zoning Board of Appeals Regular Meeting Minutes.**

Commissioner Borden moved, seconded by Commissioner Peters, to approve the July 16, 2013 minutes, conditioned on changing line 94 on page 3 from “a precedent” to “precedence”. Upon a roll call vote, the motion was approved. Ayes: Five (Borden, Elston, McShane, Montgomery, Peters); Nays: None; Absent: Two (Feeney, Knaack).

4. 04-09/03: **Public Hearing for the Consideration of Various Text Amendment(s) to the Bannockburn Zoning Code, including, without limitation, Amendments Pertaining to Definitions of Terms, Accessory Structures in Rights of Way, Exterior Lighting, and the Keeping of Chickens as an Accessory Use, Submitted by the Village of Bannockburn.**

Chairman McShane read the public hearing items into the record and asked the Village Manager for a report on the proposal.

DEFINITION OF TERMS

Village Manager Lasday noted that staff recently received an inquiry regarding the installation of a patio and whether it is considered a “structure” under the Village’s Zoning Code. She noted the definition and regulations are kind of confusing because they require you to jump around the Zoning Ordinance to find all the regulations. She noted that if a patio is considered a structure, the Village’s zoning regulations will require Architectural Review Commission (ARC) approval and the Village’s lighting and bufferyard regulations would also be applied. She noted that the Village Board of Trustees reviewed the proposed

Zoning Code definition of a “structure” and whether a “patio” should be clearly included in the definition of a “structure” at their August 12, 2013 Village Board meeting.

Village Manager Lasday noted that the attached plan review includes suggested changes for discussion purposes to Section 12-206, Section 3-111, and Section 9-109 of the Village of Bannockburn Zoning Code pertaining (i) to whether patios should be defined as structures (like porches and terraces) or non-structures (like paved driveways); (ii) which open-air structures should be included in floor area ratio calculations, and (iii) what limitations, if any, should be placed on the location of patios in required yards. She noted that the Village has considered a patio to be a structure and is looking to make the definition and requirements crystal clear in the Zoning Ordinance.

Commissioner Elston inquired as to the reasoning behind the proposed amendment and whether the change triggers a bufferyard and ARC approval.

Village Counsel Betsy Gates noted that there are a couple of options presented in the report to better clarify the definition of a patio. She noted that there is currently a definition for a patio but it is used differently throughout the Zoning Ordinance and the terms presented are the first proposal. She noted that a new definition for a patio was included and then clarified that a patio is also a terrace, but cannot be more than 6” in height off the adjacent ground.

Chairman McShane and the other Commissioners questioned the need for all of the different definitions and felt it should exclude the interior wall reference.

The Commissioners continued the discussion on the definition of patio and the proposed requirements, including the following topics:

- Whether the Patio, which is currently defined as a structure, should continue to be defined as a structure;
- If the Patio is considered a structure, it should not be included in the floor area ratio (FAR) calculations;
- Regarding decks, if you built any sized deck you would be required to go through ARC, however, a deck of any size does not trigger the bufferyard requirement whereas a patio does trigger the requirement. The Commission felt that a deck and a patio should be regulated similarly;
- It was clarified that a gazebo is a closed porch;
- It was clarified that a terrace is anything 6 inches above the ground and is also defined as a structure;
- That a driveway is just a paved structure on the ground; and
- Discussion as to what sized patio expansion triggers an ARC review; should it occur when any expansion of a patio (greater than 1 square feet) occurs or when an expansion of a defined size occurs (100 square feet as an initial example).

Commissioner Elston asked what the consequences are for calling something a “structure”. The following consequences discussed by Commissioner Elston are illustrated below and includes supporting conversation points by other Commission members:

- Would generally be counted against the Floor Area Ratio (FAR) calculation, which it was also noted by Village Counsel that this is also a sub-question the Commission has to deal with;
- The expansion of a patio triggers the bufferyard requirement noted in section 9-107 of the Zoning Ordinance;
- Lighting requirements are reviewed because they would have to go before the ARC; and
- ARC review and approval requirements.

The Commissioners suggested having a threshold square footage for when the ARC review and approval would be required. The Commissioners suggested a threshold square footage of 200 square feet.

Commissioner Elston stated that it makes sense that the ARC reviews a patio but it appears that a patio may be treated differently than other accessory structures. He was curious why a deck was not included in the opacity requirements. He thought that a deck and patio should be included in the opacity requirements or at least treated the same for opacity purposes.

Chairman McShane felt that a patio and deck should be treated the same. He inquired what the average size of a deck that is submitted to the Village.

Commissioner Elston would like to see a simplified chart that has patio, deck, terrace, enclosed porch, unenclosed porch with the definition of each to easily identify the different types of structures. The chart would then define whether it goes to the ARC, requires FAR, and triggers lighting requirements, ISR, bufferyard, lot coverage and any other wild cards. He noted that the chart should simply illustrate a yes or no with the fewest words possible to make it clearer for the Commission to review.

Following the conversations of the night, the Commission's direction was to bring this proposed text amendment back to the next meeting with clarification and/or simplification on the definitions for patio and deck (including a simplified chart), a modification to the definition of *enclosed porch* to address the interior wall, as well as a modified ARC review trigger of 200 square feet for any new patio and deck to the property.

EXTERIOR LIGHTING

Village Manager Lasday noted that Section 9-101.D.10.b.iii of the Village's Zoning Code mandates that coach lights be mounted at a height that does not exceed 8 feet (measured from the top of the fixture to grade). She noted that an exception needs to be made for light fixtures required per the Village's Building Code regulations at second level balconies since the Village's current exterior lighting zoning regulations are in conflict with the Village's Building Code regulations. She noted that the Village Board of Trustees reviewed the issue pertaining to second level balcony lighting and the conflict with the Village's Zoning Code regulations and the Village's Building Code at the August 12, 2013 Village Board meeting. Staff recommends that the PCZBA recommend approval of changes to Section 9-101D.10.b.iii of the Village of Bannockburn Zoning Code to eliminate a conflict with the Village's Building Code and the Village's current exterior lighting zoning regulations to allow light fixtures to be mounted at second level balconies.

Chairman McShane noted that he had read through this provision and did not see anything wrong with this specific modification. Seeing no other discussion or concerns from the Commission members, the Commission moved on to the next issue.

THE KEEPING OF CHICKENS AS AN ACCESSORY USE

Village Manager Lasday noted that Stuart and Linda Atkinson purchased 3 Bradley's on August 14, 2013 and they inquired whether chickens are allowed on residential properties in the Village. Because they are not allowed per the Zoning Ordinance, the Village Board of Trustees reviewed their inquiry at the August 12, 2013 Village Board meeting. The Village Board is requesting that the PCZBA review this issue and consider the proposed text amendments prepared by Village Counsel Victor Filippini to Section 9-101 and Section 11-503 of the Village of Bannockburn Zoning Code to allow chickens on residential properties.

Commissioner Peters noted the following comments regarding the proposed keeping of chickens as an accessory use requirement:

- The most important requirement to include is that no roosters are permitted;
- For the enclosure, a required lockable coop should be changed to "secure latch";
- With respect to the coop location on the lot, the most typical enclosure is a movable structure and is 5 feet by 10 feet in size; however, they are not typically permanent because chickens will peck up the ground and need to be moved. Because of this, he felt the bufferyard coverage should be solidified to ensure people cannot see the chickens;
- Recommended increasing the number of chickens by 1 to 7 and 5 because in all reality one of the chickens becomes a non-egg layer due to a more dominant chicken.

Chairman Elston noted that on page 16 of the document is where the screening requirements can be found. He stated he read the restrictions that as long as you had exterior landscaping/screening on your property, the screening requirement would be met. He felt that, obstructing the view should be clarified to determine if 100% screening of the yard should be required (or whatever the requirement is determined to be). He felt that the language regarding obstructing the view should be defined more quantitatively.

Chairman McShane commented that the Commission should not water down the bufferyard screening because there are some people within the Village that are having issues with chickens. He noted that the language should be modified to reflect that it requires sufficient screening that eliminates the visibility / fully obstructs the view for the adjacent neighbors.

Chairman Elston asked if swans are included in the "fouls" definition under keeping of animals. He noted that if the proposal means that you cannot have swans in Bannockburn, then the proposed language as written would be a mistake.

Village Counsel Gates noted that currently swans are not allowed under this provision and the Commission is only proposing to add chickens to the definition.

Village Manager Lasday suggested that swans and ducks be added to be allowable animals that can be kept in Bannockburn as part of the proposed text amendment.

The Commissioners agreed that the language should be modified to reflect the conversation tonight and be brought back to the next meeting. Seeing no other discussion, the Commission addressed the next issue.

ACCESSORY STRUCTURES IN RIGHTS OF WAY

Village Manager Lasday noted that the Village was recently approached by AT&T to install one cell antenna installation in the Village on an existing ComEd utility pole near Route 22 and Waukegan Road. However, she noted that it is possible that more antenna installations in a public right of way will be sought in the near future. The Village Board of Trustees reviewed the issue pertaining to the proposed AT&T deployment in the Village at their August 12, 2013 Village Board meeting and requested the PCZBA to review the proposed text amendment. The Village Board of Trustees seeks a recommendation on the text amendments to Section 3-106, Section 9-110, and Section 12-206 of the Village of Bannockburn Zoning Code.

Chairman McShane opened the floor to the public and swore in Jim Leahy who was representing AT&T Mobility.

Mr. Jim Leahy introduced himself and noted the following regarding AT&T's plans as it relates to the proposed text amendment:

- That the increase in data usage is 2000% over the previous years and now 37% of people only have cell phones as the primary phone as they are removing the land lines.
- That AT&T is rolling out their Metra rail program which is utilizing microsites/DBMB to help lessen the impact to the cellular system because when a train comes into the station it causes many dropped calls and data loss for existing users.
- That AT&T has a proposal at the Southeast corner of Half Day Road and Waukegan Road, which would be attached to the ComEd utility power poles and is a critical site for this program.
- That the other future projects are likely to occur on the south end of the Village and they may have something more concrete coming out sometime in the future.
- That if the ComEd power lines were ever to go underground then the cell site agreement has a right to kill the agreement.

Chairman McShane noted that he is concerned about other companies coming in and cluttering up all the utility lines. He also noted that he was not adverse to the corner location mentioned by Mr. Leahy. He noted that the Commission had looked at Glencoe's ordinance and inquired whether something similar would work for Bannockburn.

Village Counsel Gates noted that the proposal before the Commission was within the boundaries of the Federal Telecommunications Act and our zoning authority.

Chairman McShane noted that he didn't like the separation requirements proposed at 100 feet from the residential structures and 500 feet for other Personal Wireless Service Facilities.

Mr. Leahy inquired whether the proposed project on Half Day Road can start immediately.

Village Manager Lasday noted that it cannot start immediately because the Zoning Ordinance does not allow for it and the proposed text amendment has to first be approved by the Village Board.

Commissioner Elston noted that he does not understand what the 500 foot separation distance does for the Village because he felt that the carriers should be co-located as much as possible.

Mr. Leahy noted that in Hinsdale they had worked with the community to put the provisions to allow the proposed facilities in their Right-of-way ordinance. He inquired as to whether this was something the Village had considered.

Village Counsel Gates recommended leaving these regulations in the Zoning Ordinance as currently proposed versus putting it in the Right-of-way ordinance.

Mr. Leahy noted that the proposed unit at the southeast corner of Half Day Road and Waukegan road would have a junction box that was about 24" x 6" x 12" installed on the existing pole with four RRU's (Remote Read Units) and one 8-9 foot tall antenna on top of the ComEd pole. He noted that this proposal covers a macro area and does not see this as being a couple hundred of these in the future as it is filling in coverage gaps. He apologized for his contractors putting up the junction box at this location because they were not supposed to install it yet.

Chairman McShane asked Mr. Leahy if he would like additional time to review the Ordinance provisions presented tonight due to the fact that he was not able to review them prior to the meeting. He noted that they have other items that they could review in the meantime while he was reviewing the ordinance proposal.

Mr. Leahy requested time to review the ordinance provisions and was provided a copy of the documents to review for later comment.

Chairman McShane noted that the Public Hearing for the proposed text amendment would be continued at the same meeting following their review of the next item on the Commission's agenda. At 8:25 PM the Commission proceeded to the next agenda item, Work Session on the Comp Plan Update.

At 8:51 PM the Committee re-opened the public hearing and returned to agenda item #4.

Chairman McShane asked Mr. Leahy for any comments that he had on the proposed ordinance.

Mr. Leahy from AT&T Mobility noted the following regarding the Village's proposed changes:

- That on page 7 of the document, he asked for clarification that the existing utility pole provisions are proposed as a Special Use. [This was confirmed to be a Special Use].
- That on page 11, section 13a regarding unavailability of locations, he asked for clarification as to whether this applied to Village owned property.
- That he was okay with the limitations on the number of antennas.
- That he was concerned about the size limitation of 4 square feet due to extra boxes needed with this technology. He noted they currently need four boxes to accommodate the technology and are about 6-7 square feet in size (total). He asked about the wording of the sizing and whether the total is cumulative.
- That the proposal is the minimal equipment required for this project.
- That he has been with AT&T for 20 years. That none of the 60 other communities who he had approached in the past about this project made them (AT&T) go through this type of process.
- That he was okay with the color restriction.
- That for separation requirements, there should not be separation required from other carriers. He thought that the Village could strike the 500 foot distance separation requirement for all other carriers but keep the 100 foot residential separation requirement.
- That the restrictions, as written in the proposed ordinance, would require screening in the right-of-way.

Village Counsel Gates noted where the proposed changes were made to address the existing utility poles based on the district in which it is located. She also noted that in regards to the sizing of the antennas that the Village can clarify and/or modify the four square foot requirement for antenna and extra equipment appurtenances to better fit with the technology proposal to something like 10 square feet (*the 10 square feet was noted as an example and not a formal recommendation*).

Village Manager Lasday noted that she was very concerned with the proposal, especially the use of this technology in the residential area in the future. She was concerned that the equipment would be too obtrusive and wanted to see some other options from AT&T going forward to address this concern.

Commissioner Elston moved, seconded by Commissioner Borden, to recommend approval to the Village Board for the text amendment regarding accessory structures in the right-of-way, contingent on removing the 500 foot separation distance requirement, adding the PWSF pole/use as a special use in the College District, increasing the maximum size for the antennas and related equipment to 7 square feet, and add the requirement to provide reasonable screening not to exceed 9 feet for the utility poles as currently illustrated in subsection G on page 13 of the proposal. On a roll call vote, the motion was unanimously approved. Ayes: Five (Borden, Elston, McShane, Montgomery, Peters); Nays: None; Absent: Two (Feeney, Knaack).

Commissioner Elston moved, seconded by Commissioner Peters, to continue the public hearing to the next regularly scheduled PCZBA meeting on October 7, 2013 for Consideration of Various Text Amendment(s) to the Bannockburn Zoning Code, including, without limitation, Amendments Pertaining to Definitions of Terms, Exterior Lighting, and the Keeping of Chickens as an Accessory Use, Submitted by the Village of Bannockburn. Ayes: Five (Borden, Elston, McShane, Montgomery, Peters); Nays: None; Absent: Two (Feeney, Knaack).

5. 05-09/03: Work Session on the Comprehensive Plan Update.

Village Manager Lasday noted that Staff continued to revise the Comprehensive Plan and make changes to Chapters 1-4, as requested by the PCZBA. In addition, Staff reviewed Chapters 5-8 and made some initial suggested changes. The revisions include updated maps within the Comprehensive Plan that were recently updated by Village Engineer David Gewalt. Staff has attached a revised redlined draft of Chapters 1-8 of the Comprehensive Plan which includes Building Commissioner Dan Orth's suggested changes to Chapters 1-4. She also noted that a clearer picture of the revisions is included in a clean copy in color of the draft Comprehensive Plan for comment. She requested that the Commission provide comments, additions and deletions on all 8 chapters.

Chairman McShane asked about the status of Del Mar Woods. It was noted that the Village simply provides water to the subdivision. He also asked about the Beeson property. It was noted that it was indicated as Commercial on the proposed Comprehensive Master Plan.

Commissioner Peters noted that he would send smaller grammatical errors to the Village Manager Lasday and not waste the Commission's time with the small items.

Commissioner Borden noted that he had a couple of issues. In chapter 1 where it discusses the financial stability of the Village, the AAA rating information should be added to the front of the financial stability section. He then asked if on the second chapter on page 23 (*community character categories*), it is possible to define what is the community character of Bannockburn in one paragraph. After the community character has been described, then define what those different characters which Bannockburn encompasses are in more detail.

Chairman McShane asked about the onslaught of the ash borer which he felt needs to be addressed by the Village of Bannockburn in some way, whether by the Comprehensive Master Plan or by some other Village mechanism because in the last month a ton of trees have come down with this disease. He asked if the Village could take bids from contractors to have them available as an option for property owners to contract for removal of trees on private property at a reduced cost to the residents. He noted that he did something similar to this system at his other home in Colorado due to the Ash Borer.

Village Manager Lasday did not know if the Village could pursue the contractor proposal proposed by the Chairman and that she would have to research it some more to see if it was a possibility to even attempt this for EAB trees. She noted that EAB trees are different from the Dutch Elm trees in the fact that there is state legislation allowing municipalities more latitude to address the DED disease on private property.

Commissioner Elston noted that he would go over the smaller points and grammatical issues with Village Manager Lasday at a later time but hoped to discuss some broader issues with the Commission. He noted that the new financial stability point could be clarified more to address the cost control that the Village has utilized with their outside contractors. He then noted that in regards to the roads chapter on page 68 of the document that it still was not right. He felt that it did not make sense and bounced back and forth too often. He noted that in chapters 5-8 that the landscaping section utilizes older language which doesn't address the Villages current requirements for bufferyard and opacity and it should be amended to address what is currently in place. He then felt that under the Floodplain section that discusses the basement flooding issues, that while he agreed that it applied to Bannockburn he suggested that the language be written to clarify that this is a countywide issue and not just a Bannockburn specific issue. He also felt that it could be noted that Bannockburn was better off than most communities in Lake County due to previous improvements to address these issues. He suggested stepping out of our Bannockburn shoes and try to look at this from the perspective of someone who does not live here. He noted that on page 73 that the section which talks about the library is out of place in the section and he wondered whether or not the library proposal should be included. He then noted that on page 88 regarding the path on Wilmot Road that we should work hard to get the path along the roadway. He noted that the lighting language on page 88 should be amended to include a phrase like "back in 2004 we passed the ordinance" regarding our dark at night policy.

Village Manager Lasday requested that the Commissioners look through the colored pictures and the maps provided at the meeting again to make sure this is what we want the final product to look like. She noted that the final product will be printed in color and available in hard copy at the Village Hall office and will also available in PDF format on the website.

No formal motion was made but the matter will continue to be discussed at the next Commission meeting following Staff making the necessary changes.

6. 06-09/03: **Adjournment.**

Commissioner Borden moved, seconded by Commissioner Peters, to adjourn the meeting. On a voice vote, the motion was unanimously approved. Ayes: Five (Borden, Elston, McShane, Montgomery, Peters); Nays: None; Absent: Two (Feeney, Knaack).

The meeting was adjourned at 9:43 p.m.