



Minutes
Village of Glen Ellyn
Plan Commission Meeting
Thursday, April 27, 2023
7:00 PM
Glen Ellyn Civic Center, Galligan Board Room

Call to Order – 7:05p.m.

Chairperson Tim Loftus called the meeting to order at 7:05 p.m. and explained the Plan Commission’s function and operating procedure as an advisory body. He described the public hearing protocol including for public comment and announced that comments would be recorded. Mr. Loftus introduced Trustee Liaison Anne Gould, Community Development Director Marty Scott, Attorney Greg Mathews, and new student liaison Emma Smith. Roll was called by Chairperson Loftus. Plan Commissioners Arango, Brown, Cooper, Dawson, Thakkar, and Wyant. Plan Commissioners Kreuzer and Saeed were absent.

Approval of Draft Minutes

Commissioner Brown requested that the March 9, 2023 minutes be modified to clarify her statement on the hens ordinance to read, “that she does not feel well enough informed to make a determination about hens in the Village based on the information provided and the language within the proposed text amendment.” Commissioner Thakkar moved to approve the draft minutes with amendment requested by Plan Commissioner Brown of the March 9, 2023, Plan Commission Meeting; seconded by Commissioner Brown, the motion passed by voice vote.

Public Hearing – 525 S. Park Boulevard:

Commissioner Cooper motioned to open the Public Hearing to consider approval of a Special Use Permit, Zoning Variations, and Exterior Appearance to accommodate Phases B-D of the improvements to the Willowbrook Wildlife Center. Seconded by Commissioner Dawson, the motion passed by voice vote.

Sworn in, Community Development Director Marty Scott gave an overview of the project in terms of the AAC review and advised that the Plan Commission would be given a presentation by the petitioner for their consideration of granting the variance.

Chairperson Loftus asked if there were any changes made by the AAC. Community Development Director Marty Scott replied that no changes had been made.

Sworn in, Kevin Horsfall, with the DuPage County Forest Preserve, gave an overview of the project and how it will benefit the community. In the presentation, he stated there are

unique applications for this type of project, and as it meets most of the existing codes, there are some that need to be approved to create the environment needed for the proposed facility.

Sworn in, Scott Steffes, with Wight & Company, introduced himself and then gave an overview of the existing site.

Mr. Steffes then presented the proposed improvements to Willowbrook, speaking about the rehabilitation areas, Visitor's Center/Clinic, animal enclosures, as well as the "back forty." He emphasized that the site design is an effort to bring all elements into harmony to work best for the mission of Willowbrook.

Mr. Steffes took the Commission through the phases of the project. He pointed out the variations in the existing code that the petitioner is requesting approval on.

Mr. Steffes confirmed that the parking is in line with the existing code.

Mr. Steffes reviewed the types of fencing that will be used throughout the project and why they were chosen based on their location and function. He also reviewed the extensive landscaping in the proposal, noting that there is a variance required for the landscaping, specifically the trees.

Mr. Steffes went through the floor plan and elevation for the proposed Visitor's Center/Clinic, explaining the function of each area.

Mr. Steffes moved onto the issue of signage, for which the petitioner is asking for a variance to allow for two signs. He emphasized that this facility is a gem in the community and the only thing changing is the space that the staff and animals need to flourish.

Commissioner Cooper asked if variances were need for the PV (solar). Mr. Scott replied no. He then asked Mr. Steffes how far the fence is from the roadway. Mr. Steffes replied. Commissioner Cooper wondered how a PV array would be useful if there are trees in the proximity and expressed his discomfort with the fence not being dressed from view of the road. Mr. Steffes replied.

Chairperson Loftus added that there is nothing blocking the view from the road currently. He suggested planting some sort of tree that provides cover year-round all the way to the building to block the view of the array. Mr. Horsfall addressed the fence selection and height based on the animal rehab area, and that the plants and trees were selected with the Commission's concerns in mind and to blend in with the site. He added that more shrubs can be added at the fence line.

Chairperson Loft asked if there had been consideration of putting solar on the rooflines. Mr. Horsfall replied that all available roof space is currently being used by solar array, in

addition to the ground array.

Mr. Horsfall addressed the grants that have been obtained or being sought for the proposed renovations, adding that everything that has been applied for has been won, and that private donations are also a factor in the non-taxpayer sources. He said that funding will come from non-referendum bond funds.

Commissioner Cooper motioned to close the Public Hearing. Seconded by Commissioner Dawson, the motion passed by voice vote.

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COMMISSIONER QUESTIONS

Chairperson Loftus asked if the hours of operation would change. Mr. Horsfall replied that the hours may be extended, with special events that might require different hours.

Chairperson Loftus asked if the plan included any changes to the Safari trail. Mr. Horsfall replied that viewing areas would be created but the trails would not be changed. Loftus suggested looking at this trail to eliminate the tripping hazards. Mr. Horsfall replied that this is in the plan for the trails.

Chairperson Loftus asked about the phasing, and if the Plan Commission was approving Phases B-D in this meeting. Mr. Scott confirmed that this was correct.

Commissioner Arango asked about the fencing issue and its exposure combined with the vegetation being proposed. Mr. Horsfall replied that they will be planted as a hedge with many woody stems. He confirmed that the expected height would be more than the 8' fence height.

Commissioner Cooper brought up that a fence parallel to Park is unfair to the community and hiding it throughout the year is important, emphasizing the winter months. Mr. Horsfall replied that they could add additional planting to thicken the proposed amount of screening.

Commissioner Arango was concerned about the traffic with this project and thanked the Forest Preserve for preparing to control it.

Commissioner Dawson asked about the Traffic Report and its projections. Mr. Horsfall replied with further detail. Commissioner Dawson followed up that he appreciates the prepared package, and he applauds the net-zero efforts but was concerned about the solar arrays being visible.

Commissioner Brown went through the variances being asked for, specifically the tree survey. Community Development Director Scott replied that it is not unusual but does happen, and that this is a unique project with a significant amount of mature trees throughout the site. She also asked if there is a risk for future precedent. Community Development Director Scott replied that there was not concern given the unique aspect of the project. She asked for more information on the tree survey logistics. Mr. Horsfall replied with details of why a tree survey would be detrimental. Mr. Horsfall answered Commissioner Brown's follow-up question regarding the landscaping and management of the site.

Commissioner Brown asked if they expected the visitor count to stay the same, and if the type of visitor will change. Mr. Horsfall replied that the goal is to re-engage people with seeing the animal and exhibits/habitats being presented differently than the current facilities is designed. He emphasized that it would take more of a rehabilitation facility with exhibits to reflect this, as well as educational opportunities in relation to the net-zero goal of the proposed renovations.

Commissioner Wyant asked how success will be measured for Willowbrook. Mr. Horsfall replied that there is a metric in place, as well as visitor numbers when quantifying the facility's success.

Commissioner Wyant asked how net-zero goals will be measured. Mr. Steffes replied that everything will be electronically monitored and testing per grants' requirements to track metrics and goals to ensure criteria is being met. Goals will be met through process efficacies in energy use, building systems, geothermal applications, and lastly the PV panels. Mr. Horsfall spoke to the age and energy inefficiencies of the existing facility.

Commissioner Thakkar had no major concerns. Commissioner Brown wanted to know when more information was being sent – before or after tonight's vote. Chairperson Loftus replied that info was for the Village Board.

Chairperson Loftus talked about the uniqueness of the facility and that he is in support with minor changes on the landscaping on the West side.

Commissioner Dawson voiced his support as well and that the special use is needed.

Student Liaison Emma Smith added her positive comments and that the learning opportunities will be a benefit to the academic community.

Commissioner Cooper motioned to approve the Special Use Permit, Zoning Variations, and Exterior Appearance to accommodate Phases B-D of the improvements to the Willowbrook Wildlife Center. Seconded by Commissioner Brown, the motion passed by roll call vote with Commission members Cooper, Brown, Arango, Dawson, Thakkar,

Wyant, and Loftus voting “yes.”

Public Hearing (Continued from March 9, 2023) – 1102 Hill Avenue:

Commissioner Dawson motioned to open the Public Hearing to consider approval of a Special Use Permit to allow the addition of DISH Wireless 5G capable antennas and support equipment to an existing cellular tower (1102 Hill Avenue). Seconded by Commissioner Brown, the motion passed by voice vote. Chairperson Loftus suggested that the public hearing apply to both locations.

Public Hearing – 415 Taft Avenue:

Commissioner Dawson motioned to open the Public Hearing to consider approval of a Special Use Permit to allow the addition of DISH Wireless 5G capable antennas and support equipment to an existing cellular tower (415 Taft Avenue). Seconded by Commissioner Thakkar, the motion passed by voice vote.

PRESENTATION

Community Development Director Scott provided an overview of the request and the history of the review process to date including the initial review and recommendation for approval of the 1102 Hill Ave. request.

Commissioner Cooper asked for clarification on the special uses being asked for by the petitioner. Community Development Director Scott provided project details, specifically the fact that the proposed antenna height of approximately 67 ft. exceeds the 45 ft. maximum height in I1 zoning. He also noted that the Zoning Code also requires a special use permit for any modifications to antenna or support structure which exist as legal non-conforming use.

Commissioner Cooper asked about the Spectrum act and placing antennas on existing structures. He requested that Village Attorney Mathews advise. Attorney Mathews stated that the Village has no authority to regulate 5G requests.

Commissioner Brown asked if the Village has worked with anyone concerning the perception of 5G and its effect on property value within a certain radius of the tower. Attorney Mathews stated that there was not a specific study conducted regarding property values.

Village Attorney Mathews pointed out that the staff and Crown Castle presentations for both of the above addresses relate to the same issues but that the Special Uses are different, thus the combined open public hearing.

Community Development Director Scott gave a history of 415 Taft, as well as an overview

and Special Use being requested. It is a very similar Special Use being asked for the location at the Hill Avenue location.

Sworn in, Karl Camillucci, Attorney for the petitioner, introduced himself and went over how the special use standards would be applied. He began with a broad overview of the proposal for the existing towers that will be modified. Crown Castle owns the towers and Dish Wireless would be leasing the space on the towers.

Mr. Camillucci emphasized that the existing character will not change and there will be no change to the existing height. He added that they will not add hazardous or disturbing elements and do not impose a burden on existing facilities.

Mr. Camillucci stated that there would be no public cost or economic issues associated with the sites. He added that the towers already exist so property values would not be affected. Mr. Camillucci then reviewed the surrounding areas of each site and suggested that there would be minimal impact to these areas since the towers already exist.

Mr. Camillucci stated that the Village's consultant recommends approval of both facilities. He then went into FCC rules applicable to the facilities.

COMMISSIONER QUESTIONS

Chairperson Loftus asked if this information is submitted to the FCC or is it self-review by the petitioner. Mr. Camillucci replied it is used by carriers and local government as a checklist that the FCC criteria has been met.

Commissioner Cooper asked about the restrictions on local regulation of 5G. Mr. Camillucci referred to the Telecommunications Act of 1966 and 6409(a) of the Spectrum Act. He added that both locations satisfy the Spectrum Act. He reiterated that both Crown and Dish endeavor to choose sites that are industrial or commercial to limit the affect.

Commissioner Wyant asked for elaboration on the antennas and the surrounding facilities. Mr. Camillucci replied. Commissioner Wyant followed up by asking if there was a ratio of antenna to equipment cabinets. Mr. Camillucci replied, added that there are a maximum of 4 cabinets per site.

Mr. Camillucci touched on compliance with FCC regulations by Crown and Dish and that the petitioner has submitted proof of compliance for both locations.

Commissioner Brown asked why there was the addition of Taft at this time and not at the first review, and if there are plans for any further towers in the Village. Mr. Camillucci replied that Dish is in start-up mode and in the process of identifying locations, and the Hill Avenue site was ready before the Taft site and because of the return of the request to the Commission, they are both on the agenda together for this meeting. He did not know if

there were plans for additional towers in the area.

Commissioner Brown asked the purpose of the 5G towers was just for Dish. Mr. Camillucci referred this to his colleague Michelle Resch.

Sworn in, Ms. Resch replied that this is specifically for Dish Network, and that other networks are already at 5G.

Chairperson Loftus asked if any of the other frequencies on the towers are 5G.

Sworn in, Mark Philipp, with Dish Network, answered that they are not privy to that information but that the expectation is that all will upgrade.

Commissioner Wyant asked how many antennas were on the towers. Sworn in, Ariel Stouder, with Crown Castle, replied that they do not know the answer to that. Since Dish is a new carrier, they need a Special Use Permit and other existing carriers do not need to do this process because they are existing. Chairperson Loftus asked Community Development Director Scott for clarification of the change of ownership in relationship to Special Use. Community Development Director Scott replied that change of ownership would not likely require any special use or approval as long as the equipment height did not change.

Ms. Stouder believed that the Hill Avenue site was unincorporated in the past, then annexed by Glen Ellyn, and then abandoned. That is why the Special Use is needed, not the 5G aspect, as explained by Ms. Resch.

Commissioner Cooper asked how the Spectrum Act treats towers that are not in use at this time. Mr. Camillucci replied that the Act refers to the tower itself, not the antennas being leased on it, no matter what that number. He added that there is a provision that deals with structural soundness and regulation, so if there was a “rickety” tower it would not meet criteria, and the two towers in questions do meet the criteria.

Commissioner Brown asked Community Development Director Scott how many active towers exist in the Village. He replied that there are approximately 7 privately owned and 4 publicly owner.

Chairperson Loftus asked if the three criteria on the questionnaire are a self-review. Mr. Philipp replied that the verification is part of the packet because it is visually presented. Mr. Philipp confirmed there is not FCC approval. Ms. Resch added insight to this question as well. Bottom line – there is no official oversight, but it can be easily verified by looking at the plan.

Commissioner Arango asked who verifies the structural integrity of the tower. Mr. Camillucci replied that Crown Castle hired an independent engineering firm that confirmed the towers can bear the weight of the additional antenna.

Commissioner Cooper asked what the Commission could do in terms of granting the Special Use Permit and is the Village actually preempted to not approving. Mr. Camillucci replied “yes.”

Commissioner Brown suggested that the property value question might be the only way to deny the Special Use from being granted. Mr. Camillucci replied that both locations have been in place for a long time and the proposed Special Use does not change the landscape.

Commissioner Brown explained that the pushback from other communities has been about the effects of radio transmissions. Mr. Camillucci replied that 5G is not actually a land use issue that a Special Use Permit would be approved for. He reiterated that the existence of the towers and the antennas have done anything to impair property development and enjoyment. He also cited the Telecom Act and its statements about frequencies.

Sworn in, Stuart Chapmen, consultant from MSA, addressed the issue of the criteria to determine if a cell site is exempted from FCC regulation. He reviewed the stats of each tower. He stated that 2000 watts is permitted for this type of antenna and that the proposed antennas are 1500 watts, so the criteria is met. He also stated that the towers meet the Spectrum Act criteria as well. He added that this does not result in a substantial change and thus cannot be denied. On the question of could the Special Use be denied on life-safety issues, the independent engineering studies done confirm that they are structurally sound base on capacity ratings, with these towers having ratings way below the maximum capacity rating. In Mr. Chapman’s professional opinion, justification for denial is minimal if at all, and the Federal government is clear that the frequency is not a reason for denial.

Commissioner Thakkar asked, “why Glen Ellyn?” Mr. Camillucci replied that there is no singling out of Glen Ellyn and DISH is just looking at sites to build their new network.

Chairperson Loftus asked if the major transportation routes have anything to do with the locations that the network chooses. Mr. Camillucci replied that sometimes these are a factor to cover gaps in service but there are many other considerations.

Public Comment in opposition to the requests was read into the record from Lawrence Wadler, Kat Kenny-Smith, Lorna Van Tiem, Olive Kaiser, and Dena Wiesner.

In-person comments were given by Nancy Perlman, James McDonnell, Laurie Cooley, Kelly North, Monika Moro, Angel Oakley, and Susie Warden. For myriad reasons, most of which were concern about the adverse health issues of 5G, all of the above residents spoke in opposition to approving the Special Use Permits.

Commissioner Arango motioned to close the Public Hearing to consider approval of both Special Use Permits to allow the addition of DISH Wireless 5G capable antennas and support equipment to an existing cellular tower. Seconded by Commissioner Wyant,

the motion passed by voice vote.

COMMISSIONER DISCUSSION

Commissioner Cooper stated that the public has heard him say that the Commission is basically preempted from any action than approval, except for perhaps height of the antenna and not the use. He added that there has not been a follow-up on this, and that he has heard from numerous individuals that 5G is the same as infrastructure such as roads and residents are concerned about up-to-date infrastructure. He does not see a reason to deny but does not like the position the Commission has been put in in regard to receiving some of the meeting materials just prior to the meeting.

Chairperson Loftus suggested that in the past people thought early mobile phones would be harmful, yet this has not happened. He added that many public comments suggest to “follow the science,” and he doesn’t believe 5G is safe, or unsafe, because data can be manipulated to say whatever the desired outcome of the source. Counsel has advised there is no denying the petitioner based on 5G and he sees no reason to deny the request based on any other information that he has.

Commissioner Brown stated she is going to vote “no” based on property value concerns. She added that the Commission can hold off and wait to make a final decision.

Commissioner Thakkar stated that on a regulation perspective, the criteria has been met to approve. As far as health, he believes both sides are supported by the “fact.” He felt that property value may be the path to stop or at least reconsider the issue.

Commissioner Wyant didn’t think that property value was considered in the packet of information. He wondered if there was evidence that the adoption of 5G has an impact on property value and felt it would be easy to submit. He would like this information before deciding.

Commissioner Dawson gave a background of his telecommunications experience. His considerations are the height and the felt that the higher a tower is, the better. He supports both towers, saying that United Kingdom, Canada, and others support the FCC rules. He added that he would not want to live in a town without 5G.

Chairman Loftus read comments from Commissioner Kreuzer, who was not in attendance, stating his favorable view of the requests.

Commissioner Arango sympathized with the possible health issues and concerns stated by the residents. She felt the volume of information given to the Commission was hard to ingest but she trusts the scientific information and the progression of society will not be stopped by denying 5G to the petitioner.

Commissioner Cooper asked Commissioner Brown about the property value issue and if that was actually one of the things that they are able to consider. He sought the advice of Village Attorney Mathews on this matter.

Commissioner Cooper moved to table the vote to a meeting in the near future in order to attain further information on 5G and the effect on property values.

Village Attorney Mathews advised that if this is not approved within 60 days, then it may be considered automatically approved by default.

Chairperson Loftus was frustrated with the postponing of the vote. Village Attorney Mathews reiterated that in his opinion remains that the Plan Commission has no authority to deny the petition due to the 5G frequency. Commissioner Wyant thanked him for the clarification but wondered about getting more information about the effect on property values, whether based on fact or myth. The question to be answered: can they consider property value or is it limited. Attorney Mathews agreed that he would research the issues related to property value and the Commission's authority and provide a response to the Commission.

Mr. Camillucci stated there is no way to definitively say if property values will be affected because it is impossible to isolate all of the forces that influence property value, and he explained this line of thinking in a bit more depth. Mr. Camillucci added that the 60-day time limit is probably already expired on the Hill Avenue location. He added that under the Spectrum Act, the concern cannot be considered.

Village Attorney Mathews reiterated what he had already said about the property issue, and that he will write a formal legal response and the 60-day time constraint. He added that a violation on the timeframe needs to be addressed in court.

Commissioner Cooper motioned to table the approval of both Special Use Permits to allow the addition of DISH Wireless 5G capable antennas and support equipment to an existing cellular tower to the May 25, 2023, meeting. Seconded by Commissioner Wyant, the motion passed by roll call vote with Commission members Cooper, Wyant, Arango, Brown, and Thakkar voting "yes," and Commission members Loftus and Dawson voting "no."

Discussion and Recommendation

Proposed Zoning Text Amendments: Possible amendments to the Zoning Code relating the keeping of hens.

Comments from Billy Joe Mills, resident, in favor of allowing hens to be kept in the Village were read into the record.

Commissioner Cooper motioned to table the approval of possible amendments to the Zoning Code relating the keeping of hens to the May 25, 2023, meeting. Seconded by Commissioner Thakkar, the motion passed by voice vote.

Adjourn – 11:36pm

Chairperson Loftus adjourned the meeting at 11:36 p.m., following passage by voice vote of a motion by Commissioner Wyant and seconded by Commissioner Thakkar.

Respectfully submitted,
Caren Cosby
Village Clerk