

DRAFT MINUTES
Glen Ellyn Plan Commission
Thursday, May 25, 2023 at 7:00 p.m.
Glen Ellyn Civic Center
Galligan Board Room
535 Duane Street

A. Call to Order and Roll Call

In the absence of Chairperson Loftus, Martin Scott, Community Development Director for the Village of Glen Ellyn, called the meeting to order at 7:04 PM.

Commissioner Wyant made a motion for Commissioner Dawson to serve as Acting Chairperson for the meeting. Commissioner Arango seconded the motion. The motion passed by voice vote.

Commissioner Dawson made introductions and explained the Plan Commission's function and operating procedure as an advisory body. He described the protocol for public comment and announced that comments would be recorded.

Roll was called.

PRESENT: Commissioners Arango, Dawson, Kreuzer, Saeed, Thakkar, and Wyant; Student Commissioner Smith.

ABSENT: Chairperson Loftus, Commissioner Brown, Commissioner Cooper.

B. Public Comment (non-agenda items)

There were no public comments for non-agenda items.

C. Approval of Minutes

Commissioner Dawson presented the following corrections and amendments to the draft minutes for May 4, 2023:

- Replace the draft text "Mr. Wilson said he'd like to see the new Johnson Center and noted that he went to pre-K in the area" as follows: "Zak Wilson stated he would like to see the existing building remain and that he went to pre-K in the building."
- Replace the draft text "Commissioner Dawson said that a final stormwater plan would be required" as follows: "Commissioner Dawson stated that the motion prepared by the Village contains a condition that if approved requires review and approval by the Village Stormwater Engineer."

- Following the draft text “Mr. Saeed also questioned whether there were asbestos and mold issues,” add the following: “Commissioner Dawson added that he on review of Park District meetings would note that the Park District recognizes there is some asbestos present and that it will be abated in the correct manner.”

Commissioner Dawson presented the following corrections and amendments to the draft minutes for April 27, 2023:

- Replace the draft text “He supports both towers, saying that United Kingdom, Canada, and others support the FCC rules” as follows: “He supports both towers, saying that the United Kingdom, Canada, Sweden, and others support the FCC rules.”
- Following the draft text “He added that he would not want to live in a town without 5G,” add the following: “Commissioner Dawson opined that in a view contrary to the implied negative property value discussed that he could see that 5G infrastructure could have a positive effect on property values.”

Commissioner Kreuzer made a motion to approve the May 4, 2023 and the April 27, 2023 minutes, as amended. Commissioner Wyant seconded the motion. The motion passed by voice vote.

D. New Business

1.) 1102 Hill Avenue and 415 Taft Avenue; Combined review of special use permits to allow new 5G antennas

Acting Chairperson Dawson invited the staff to make a presentation.

Staff Introduction

Martin Scott, Community Development Director for the Village of Glen Ellyn, reminded the Commission that the public hearings for 1102 Hill Avenue and 415 Taft Avenue were closed at the prior meeting on April 27, 2023, and that the Commission’s discussion was continued to this meeting. Mr. Scott said that it would be at the Commission’s discretion whether to allow additional public comment following his presentation.

Mr. Scott described the location, history, and project summary for each of the subject sites, as detailed in the Staff Reports dated May 19, 2023 and included in the agenda packet. He reviewed prior public meetings dating back to December 2022, and noted the extensive public comment received, as well as informal and formal legal opinions. Mr. Scott said that the Village attorney and the Petitioners were in attendance.

Commissioner Questions

There were no questions for Mr. Scott.

Petitioner Presentation

Karl Camillucci, Attorney at Taft Stettinius & Hollister LLP, was invited to speak. He said that it was the third time the subject property had appeared before the Commission and he did not wish to re-present the entire matter. Mr. Camillucci said the requests were eligible facilities requests under federal law, the Spectrum Act, which specifically allows existing towers to have new transmission equipment installed in the proposed manner. He said that following the April 27, 2023 Plan Commission meeting, the Petitioners provided additional information to respond to Commissioner questions about the Village's legal authority, and that he would be happy to address any questions. Mr. Camillucci asked that the presentation and testimony provided during the prior public hearing be incorporated into this record as well.

Commissioner Questions

Commissioners thanked the Petitioner for the additional materials. Commissioner Wyant asked for Gregory Mathews, Village Attorney, to clarify whether the Plan Commission had any basis for objection, given the Spectrum Act.

Attorney Mathews described the Village's legal authority to regulate, noting that Village doesn't have authority to regulate particularly in relation to the existence of a 5G frequency, as that is the purview of the federal government. Attorney Mathews said that the question asked at last hearing was to render opinion on whether Commission could consider implications on property values. He said he provided this information directly to the Commission in a confidential memorandum.

Commissioner Wyant discussed the Commission's limitations with regard to the Spectrum Act and objections to the request based on the theory that radio frequency transmissions were harmful. A discussion ensued regarding Commission the impacts of the Spectrum Act.

Public Comment

Acting Chairperson Dawson reminded attendees that this was a continuation meeting, and that the public's opportunity for speaking had passed. He said he would exercise leniency and allow additional public comments, limited to three minutes, with the expectation that comments would provide new information.

Public Comment:

Mr. Scott was invited to read public comments submitted in advance of the meeting. He read aloud three written submissions, all expressing opposition to the Petitioners requests.

Acting Chairperson Dawson invited public comment. Three individuals — Nancy Perlman, Ellen Snelling, and Angel Oakley — presented testimony in opposition to the Petitioners requests. They submitted written copies of their remarks.

Commissioner Discussion

Acting Chairperson Dawson invited Commissioners to deliberate.

Commissioner Wyant referred to the public comment from Ms. Oakley regarding FCC active litigation concerning 5G safety. He asked Attorney Mathews whether the litigation was a reason for the Commission to delay a decision, or whether the litigation was outside the purview of the Commission. Attorney Mathews responded that consideration of pending litigation is outside the purview of the Village and the Plan Commission.

Commissioner Saeed remarked that there were so many objections from the people, and questioned how to address objections, including those related to property values and children's health.

Acting Chair Dawson said the Commission's role is to deliberate and decide upon the matter. He reminded attendees that the Commission is advisory in nature only, and that the Commission's recommendation would go to the Village Board, and the Village Board would make the final determination.

Commissioner Thakkar said he appreciated all the public comments at both meetings, and he discussed the purview of the Plan Commission, including boundaries with respect to the Spectrum Act. He discussed public opposition to 5G and that it cannot be the basis for denying the petition; he discussed opposition based on property values, noting that there has been no determination that property values are a reasonable stance for denying the request; and he discussed pending FCC litigation, noting that it isn't something the Commission can take into account. He concluded that there wasn't much of an option for the Commission other than recommending approval of the petition.

Commissioner Kreuzer added that the Commissioners are not the ones that ultimately make the decision about whether there should or shouldn't be 5G on cell towers. He discussed the Commission's process for advising the Village Board and the Village Board's process, including consent agenda items. Commissioner Kreuzer suggested making a decision based on what the Commissioners perceive to be right, and allowing the Village Board to make the final decision on what should be done pursuant to law. He said the Village Board should have the opportunity to hear the public comment, noting that he was not suggesting he agreed with the comments, but that the Board should have the opportunity to hear from the Village and from the Village Attorney.

Acting Chairperson Dawson added that the Village Board will certainly extend the opportunity for public comment and that any Trustee may request an item be taken off of the consent agenda.

He provided additional high-level comments including the differentiation between large, or tall, cell and small cell, noting that this application is not about small cell, nor would it necessarily lead to a proliferation of small cells. He said that Glen Ellyn is already surrounded by 5G. He referred to merger activity and actions to prevent monopolistic events, noting that the market has opened up and the petitioner is a new player in the arena. He said he is supportive of this request.

Acting Chairperson Dawson noted that there were no further Commissioner deliberations. He said that while the requests were combined for the meeting, there were two separate motions to consider. He invited a motion for 1102 Hill Avenue.

Commissioner Kreuzer made a motion to consider:

MOTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO ALLOW AN ADDITION OF DISH WIRELESS ANTENNAS 5G CAPABLE AND SUPPORT EQUIPMENT TO THE EXISTING CELLULAR TOWER AT 1102 HILL AVE.

After conducting a public hearing and deliberating on the request of the petitioner, Tony Phillips of Fullerton Engineers Consultants LLC, on behalf of Crown Castle USA Inc. and DISH Wireless LLC, for approval of a Special Use Permit to allow an addition of DISH Wireless antennas 5G capable and support equipment to the existing cellular tower at 1102 Hill Avenue in the I1 Light Industrial District, the Plan Commission hereby recommends approval based on the findings of fact, as discussed or amended at the Plan Commission meeting held on May 25, 2023, which are hereby incorporated into the Motion by reference as though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village. The Plan Commission makes this recommendation of approval with the following conditions:

- 1. That the new DISH Wireless antenna with 5G technology added to the existing cellular tower be operated in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees.**

Commissioner Thakkar seconded the motion. Acting Chairperson Dawson asked for a roll call vote. Roll call vote: Two Commissioners present voting “Yes”: Acting Chairperson Dawson and Commissioner Thakkar; Four Commissioners present voting “No”: Commissioners Arango, Kreuzer, Saeed, Wyant. The motion failed.

When voting, Commissioner Kreuzer said that his vote to deny the petition was made without any suggestion about what is right or wrong, and any suggestion about any of the comments heard today or any of the comments made in any of the written submissions.

When voting, Commissioner Arango said that based on the information provided and in light of the Spectrum Act and everything else that was presented she felt this was a task that the Commission wasn't necessarily qualified for, nor should have been asked to do.

Acting Chairperson Dawson invited a motion for 415 Taft Avenue.

Commissioner Kreuzer made a motion to consider:

MOTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO ALLOW AN ADDITION OF DISH WIRELESS ANTENNAS 5G CAPABLE AND SUPPORT EQUIPMENT TO THE EXISTING CELLULAR TOWER AT 415 TAFT AVE.

After conducting a public hearing and deliberating on the request of the petitioner, Tony Phillips of Fullerton Engineers Consultants LLC, on behalf of Crown Castle USA Inc. and DISH Wireless LLC, for approval of a Special Use Permit to allow an addition of DISH Wireless antennas 5G capable and support equipment to the existing cellular tower at 415 Taft Avenue in the C4 Office District, the Plan Commission hereby recommends approval based on the findings of fact, as discussed or amended at the Plan Commission meeting held on May 25, 2023, which are hereby incorporated into the Motion by reference as though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village. The Plan Commission makes this recommendation of approval with the following conditions:

- 1. That the new DISH Wireless antenna with 5G technology added to the existing cellular tower be operated in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees.**

Commissioner Arango seconded the motion. Acting Chairperson Dawson asked for a roll call vote. Roll call vote: Two Commissioners present voting “Yes”: Acting Chairperson Dawson and Commissioner Thakkar; Four Commissioners present voting “No”: Commissioners Arango, Kreuzer, Saeed, and Wyant. The motion failed.

3.) Discussion & Recommendation — Proposed Zoning Text Amendment

Acting Chairperson Dawson introduced the next item on the agenda, proposed text amendments to the Glen Ellyn Zoning Code with regard to the keeping of hens. He invited Mr. Scott to present.

Staff Introduction

Martin Scott, Community Development Director for the Village of Glen Ellyn, provided a brief summary of the history of the proposed text amendment, as detailed in the Staff Report dated May 19, 2023 and included in the agenda packet. He said the Plan Commission initially reviewed draft regulations on March 9, 2023 and posed a series of questions. He said staff provided answers and a revised draft of the text amendment for consideration. He said that representatives of the group Hen Ellyn were in attendance and requested to speak.

Commissioner Questions

Commissioner Wyant said he had a number of comments and questions, including: If we were to approve the keeping of hens, what other farm animals should we be prepared to allow? Mr. Scott replied that the only thing the staff would anticipate possibly coming forward would be requests for beekeeping. Commissioner Wyant described other types of farm animals evolving to domesticated animals, including proponents of ducks, goats, potbelly pigs, and pigeons. He and Mr. Scott discussed whether the proposed text amendment might open the door for further requests.

Commissioner Arango asked about the issue of liability, including if someone is hurt or diseases are spread, and whether Village staff had discussed this. Mr. Scott said that the staff did not discuss liability specifically and that to his knowledge, this was not an issue in other communities.

Commissioner Wyant said made additional comments for his fellow Commissioners, saying that the Commissioners need to be very careful to not grant the wishes of the impassioned few, but to be carefully cognizant of the well-being of 28,000 residents. He discussed increasing density and vehicular traffic in the community, and the risk to quiet enjoyment. He discussed his personal experience with hens and their noise. He expressed disagreement with the materials provided by the hen advocates, specifically regarding their relation to predatory animals. He agreed that liability is an issue, including keeping small pets safe. He discussed the importance of the character and charm of Glen Ellyn in comparison to other communities.

Commissioner Kreuzer asked whether the Village received any public comment opposing the proposed amendment. Mr. Scott said there was none. Commissioner Kreuzer asked whether any attendees were present in opposition. There were none. Commissioner Kreuzer said he questioned whether the Village would have liability. He asked if there was still opportunity to make changes to the proposed text amendment. Mr. Scott said it was a draft and Commissioners could make suggested modifications as they saw fit.

Commissioner Wyant asked about feedback from local realtors regarding the proposal. Mr. Scott reported that the feedback was minimal and neutral. Commissioner Wyant described his personal discussion with a local realtor.

Commissioner Thakkar referenced agenda packet materials, including additional information regarding consent forms and the potential to cap the level of permits. He asked whether this was recommended. Mr. Scott shared that the majority of communities that have approved hens do not require consent.

Acting Chairperson Dawson invited public comment.

Public Comment

Mr. Scott was invited to read public comments submitted in advance of the meeting. He read aloud three written submissions, all expressing support for the proposed amendments to the Zoning Code.

Acting Chairperson Dawson invited public comment. Six individuals presented testimony in support of amendments to the Zoning Code to allow hen keeping, including Billy Joe Mills, Mary Eileen Gaudette, Emily Henkels, William Weicher, Grace Chan, and Heidi Anderson.

Billy Joe Mills' public comments included opposition to neighbor consent requirement for hen keeping; information about public support received through social media; the lack of public opposition informally and at public hearings; compromises and modifications made to the original proposed text.

Commissioner Wyant remarked that it seemed arrogant to introduce farm animals to the backyard, to change the ecosystem of the backyard without giving adjoining neighbors a say.

Mary Eileen Gaudette's public comments included details about her personal experience owning flocks of chickens in her former community; the minimal impact of hen keeping to the area; the and the lack of public opposition.

Commissioner Wyant questioned what recourse neighbors would have and whether the Village would need to monitor and police hen keeping activity.

Commissioner Kreuzer asked several detailed questions about hen keeping, including the appropriate number of hens, their presence in homes or garages, their enclosures, their level of activity during the day and at night, their noise levels, the coop structure, and waste.

Commissioner Kreuzer also asked about the potential for a sunset period, after which hen keeping could be re-evaluated. Ms. Gaudette responded in detail based on her personal experiences.

Emily Henkel's public comments included information about the level of community support Hen Ellyn has received; acknowledgement for the work of the Village staff regarding research and best practices from neighboring communities; and the desire to live in a community that allows for hen keeping.

William Weicher's public comments included addressing the distinction between chickens and other farm animals; the reasonable revisions to the initial draft amendment; opposition to neighbor consent; the comparison of hens and dogs; and the issue of predators.

Grace Chan's public comments included her surprise that hens weren't allowed in Glen Ellyn, given the Village's support for nature; the educational benefits of hen keeping for children; and the serene and calming effects of neighbors who keep hens in other communities.

Heidi Anderson's public comments included personal experience living near farm animals and predatory wildlife; the desire to live in a community that allows for hen keeping; the practice of growing and exchanging food with neighbors; and the positive community aspects to hen keeping.

Commissioner Discussion:

Acting Chairperson Dawson invited Commissioners to deliberate.

Commissioner Wyant requested clarification on the specific vote before the Commission. Mr. Scott reviewed the options, including to recommend approval, recommend approval with revisions, or deny the proposed amendment.

Commissioner Thakkar described how his initial views on hen keeping have changed based on the hearings and research, specifically with regard to the sound pollution issue. He discussed his preference to proceed in a more restricted, permitted way. He mentioned limiting the number of permits and the height of the coop structure. He suggested that with potential restrictions he is more open to the amendment than initially.

Commissioner Kreuzer described his position, saying that he is not opposed. He shared his personal experience with hens and described some of his concerns, including sanitary conditions, setback requirements, lot size, the height of coops. He noted that he isn't concerned about noise. He voiced agreement with limiting the number of permits annually and suggested a two-year sunset. He said he'd like to see amendments to the proposed text and for the Village to have a two-year opportunity to pilot hen keeping.

Acting Chairperson Dawson discussed his position, saying that he said he is generally in favor. He referenced fellow Commissioner Brown's research regarding neighbor consent, and said that he concurs with many of the comments made by fellow Commissioners.

Commissioners and Mr. Scott discussed how the Commission should proceed with regard to amendments. Commissioner Wyant reminded Commissioners of their options to reject the proposed draft, approve the proposed draft as-is, or modify the draft. Acting Chairperson

Dawson noted that another option was to table the discussion, given that there would be multiple amendments. Mr. Scott suggested polling Commissioners to identify amendments for consensus.

Commissioner Wyant detailed 10 proposed amendments, which he said he would submit in writing, including amendments related to reporting on predatory animals, licensing, neighbor consent, revocation of licenses, liability, lot and structural restrictions, and veterinary requirements. He said there are unintended consequences and that the Commission has to do its best to protect taxpayers and neighbors.

Acting Chairperson Dawson conducted a straw poll to determine Commissioners' positions on the proposed amendment as currently presented, concluding that a vote on the proposed amendment as-is would fail. Commissioners and Mr. Scott discussed next steps, including opportunities for Village staff to resubmit proposed Zoning Code amendments with changes reflecting the Commissioners discussion. Commissioners discussed whether to formally vote on the proposed text amendment as-is, or to table the discussion for a future meeting. Commissioners and Mr. Scott discussed whether there was consensus on amendments and the role of the Village staff versus Commissioners in revising the proposed text. Mr. Scott requested that Commissioners table the discussion to a future meeting.

Commissioner Kreuzer remarked that he had not heard any public opposition to the proposal, and that attendees were interested in having the issue addressed completely. He suggested he was prepared to work toward consensus to advance something to the Village Board for the final decision.

Commissioner Wyant remarked that the Commission seemed inclined to find a path forward with some restrictions and that tabling the discussion made sense. Commissioner Dawson suggested tabling the item and requested a motion.

Commissioner Thakkar made a motion to table the discussion regarding the proposed Zoning Text amendments relating to the keeping of hens to the meeting scheduled for June 22, 2023. The motion was seconded by Commissioner Saeed and approved unanimously on a roll call vote, with: Six Commissioners present voting "Yes": Commissioners Arango, Dawson, Kreuzer, Saeed, Thakkar, and Wyant.

E. Trustee Liaison's Report

There was no Trustee Liaison report.

F. Chair Report

Acting Chairperson Dawson said he very much looked forward to Chairperson Loftus' return for the next meeting.

G. Staff Report

Mr. Scott said that the sole agenda item for the next meeting scheduled for June 8, 2023, would be a hearing for an updated application for the Frank Johnson Center request.

H. Adjournment

Acting Chairperson Dawson requested a motion to adjourn the meeting. Commissioner Wyant made a motion to adjourn the meeting at 9:25 PM. Commissioner Kreuzer seconded the motion, and the motion passed by voice vote.

Respectfully submitted,

Audrey Savikas
Recording Secretary