

MINUTES OF A REGULAR MEETING OF THE
PLANNING & ZONING COMMISSION OF THE
VILLAGE OF SPRING GROVE
AUGUST 18, 2010

Council Chambers, Spring Grove, Illinois, August 18, 2010; a Regular Meeting of the Planning and Zoning Commission was held this date at 6:03 p.m., at the Municipal Centre, 7401 Meyer Road.

Roll Call. Roll call vote showed the following commissioners to be present at the meeting: Chairperson Mike Gajewski and Commissioners Joe Broz Sr., Mike Bukolt, Ed Glavin, Bill Greenhill, Carla MacKey, and Lloyd Simonson - 7. Absent: None. Also present for the Village were Sandi Rusher, Village Clerk; Scott Puma, Village Attorney and Trent Turner, Building and Zoning Officer.

Approval of the August 4, 2010 Regular Minutes. Commissioner MacKey moved, seconded by Commissioner Broz to approve the minutes from the August 4, 2010 meeting. All ayes, motion carried.

Public Hearing – Repealing and replacing the entire text of the current Zoning Ordinance of the Village with a comprehensive new Zoning Ordinance.

Presentation by village regarding the recommended changes. Clerk Rusher and Attorney Puma provided a brief highlight of the proposed changes to the new Zoning Ordinance. The Ordinance has been rewritten after reviewing Zoning Ordinances from other communities and discussions with the Village Board. The review resulted in changes to towers and antennas, industrial uses segregated into light and heavy uses, with heavy uses prohibited, Table of Permitted Uses, and off-street parking and loading standards. Sections that were expanded on included enforcement and general review procedures, lapse of approvals and prohibited uses. New criteria/standards for variances was added, special use permits are non transferrable, accessory buildings and uses were spelled out, prohibited accessory uses added, definitions added, uses added and deleted and additional standards for special, temporary and accessory uses were also added. Appendices have been created to spell out the additional standards for special, temporary and accessory uses. The ordinance also addresses personal wireless telecommunication facilities, cell towers and antennas, in Appendix J. The proposed changes simplify the ordinance and provide more guidance to petitioners.

Public Comment. *Chairperson Gajewski then opened the hearing up for comments by the public who had interest in specific topics. The following audience members spoke of their concerns regarding the proposed "Towers and Antenna" section in Appendix L, Standards for Specific Accessory Uses.*

Alan Kogerup, resident of 8806 St. Moritz Drive, is an active ham radio operator. He felt the proposed setback language will deter the installation of an antenna, as the setback must be a minimum distance equal to 110% of the height of the tower at its highest point when fully extended. He also foresees problems for the village with respect to the Decommission and Restoration Plan as it would affect people with disabilities, those who travel for an extensive amount of time, and those who have secondary homes. Mr. Kogerup suggested language be added requiring applicants to submit a valid amateur ham radio license upon application for an antenna.



Bruce Osterberg, resident of 10310 Fox Bluff Lane, has been a ham radio operator for 46 years. In 2002, he obtained a permit to install a ham radio antenna and at that time, the Zoning Ordinance was unclear so the Building Inspector referred to the McHenry County Ordinance. In times of disasters, the Department of Defense and other agencies rely on ham radio operators. The setback requirements, 110% of the height, limit the height of an antenna or tower. For instance, a 60 ft. wide lot could only accommodate an antenna 28 ft. in height and that is not an effective height for a radio antenna. He also expressed concern with limiting the height of towers to under 70 ft. Mr. Osterberg suggested engineering standards for the tower and bases be included in the ordinance. He asked the commission to review the City of Batavia's ordinance that was adopted in May 2010.

Erik Pedersen, resident of 9810 Hunters Lane, stated there are 25 registered ham radio operators in Spring Grove with some at the same address. He knows of 3 active operators in Spring Grove. He asked the commission to include reasonable safety and engineer standards and to consider PRB-1.

PRB-1 states a municipality must "reasonably accommodate" amateur communications. Attorney Puma stated the proposed ordinance sets standards for antennas and towers for the entire village and protects an antenna or tower from falling onto an adjacent property. PRB-1 exempts a subdivision's covenants, conditions and restrictions (ccr's) if the ccr's prohibit antennas and towers.

George Isely, 736 Fellows Street, St. Charles, is the Central Division Director of the American Radio Relay League that covers Illinois, Indiana and Wisconsin. Mr. Isely stated the proposed ordinance is in violation of PRB-1 because it does not provide "reasonable accommodations". He also asked the commission to consider the City of Batavia's ordinance. There are over 600,000 operators in the United States and 1 out of 100 erect an antenna as most use wires in trees. He suggested the village allow the use of guy wires as an option as there are times were they are beneficial to an operator. The height of an antenna depends on the radio frequency bands sought by an operator. The default height is 45-50 ft. with a 15-20 ft. mass above it. Mr. Isely stated one does not see abandoned antennas or towers because radio operators take them down when they move or dismantle them for an operator's family when the operator passes away.

Kermit Carlson, 1150 McKee Street, Batavia, is the Central Division Vice Director of the American Radio Relay League that covers Illinois, Indiana and Wisconsin and was a contributor in the Batavia amateur radio facilities ordinance. He suggested language be added to allow operators to seek a waiver from the height and location requirements if necessary from the Zoning Officer. The average height of an antenna is 65-70 ft., which is a good height to reach the majority of frequencies. Mr. Carlson has not seen an antenna or tower fall down or collapse because of how they are constructed.

It was brought to the village's attention that the proposed ordinance conflicts itself with respect the setbacks listed under "General Requirement" and "Standards for Roof Mounted Towers and Antennas".



In an unrelated matter to amateur radio antennas, Commissioner Broz voiced concern to audience member Robert Richardson, Richardson Farm, regarding the safety of the zip line attraction located on their property where the corn maze is. Mr. Richardson stated the 700 ft. zip line was installed by a professional company who has engineered many zip lines throughout the country. Commissioner Broz stated he will comment further on agritourism uses that should be allowed and prohibited.

Questions by Planning and Zoning Commission. Chairperson Gajewski then opened the hearing up for questions by the Planning and Zoning Commissioners.

In response to questions from the commission, Attorney Puma stated PRB-1 is a FFC regulation that has been litigated several times. Radio operators have won every case that has gone to court over “reasonable accommodations”. By allowing towers and antennas as a permitted accessory use as opposed to a special use, the village believes it is reasonably accommodating operators.

The maximum height allowed for a retractable antenna is 70 ft., which is above the average height stated by the operators, and 5 ft. less than the Batavia ordinance. Residents could still seek a variance if they can provide there is a need for the additional height. Standards for such a variance could be written into the ordinance if so desired. The commission did not feel it is unreasonable to limit the height of an antenna based on the width of the lot as it protects adjacent property owners from having an antenna fall onto their property.

As for the decommissioning and restoration plan, residents could provide notice to the village if they are not going to be operating the antenna for more than 6 months due to personal reasons. It is in the village’s best interest to have a decommissioning and restoration plan. Commissioner MacKey voiced support for increasing the time from 6 months to 8 months.

With regard to prohibiting the use of guy wires, staff took into account their aesthetics on neighboring properties.

In response to an inquiry from the commission asking if the village has had any complaints, Clerk Rusher stated in 2007, the village was approached by a resident in the North Ridge subdivision who voiced concern with his neighbor’s unsightly amateur ham radio antenna that was erected in his backyard. Mr. Osterberg added he has not heard any complaints from his neighbors.

It was the consensus of the commission that the grounding requirements for antennas and towers needs to be re-written as they are too detailed for the Zoning Ordinance. There are parts of the Batavia Zoning Ordinance, engineering and safety standards; they would like to review further for incorporation into the standards.

The commission thanked the operators for their input. The commission requested the radio operators to review the village’s proposed ordinance and submit their comments by August 30th so that they can be presented to the commission for their continued review of antennas and towers at the September 15, 2010 hearing.



Questions by Zoning Officer. Zoning Officer Turner stated the standards for towers and antennas were written not to limit or restrict them but to take into account and protect adjacent properties.

Motion of to Continue Hearing. Commissioner Bukolt moved, seconded by Commissioner Simonson to continue the public hearing until September 1, 2010 at 6:00 p.m. All ayes, motion carried. At the September 1st meeting, the commission will consider the recommended changes to the Zoning Ordinance starting with Article 1 – General Provisions and continuing through the appendices.

Other Business. None.

There being no further business before the commission, Commissioner Broz moved, seconded by Commissioner MacKey to adjourn the meeting. All ayes, motion carried. Meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Sandi Rusher, Village Clerk