

PLANNING AND ZONING COMMISSION MINUTES
City of Geneva
109 James Street - City Council Chambers

June 10, 2021 – Meeting #26

Chairman Stocking called the meeting of the Geneva Planning and Zoning Commission to order at 7:00 p.m. He read a statement regarding the proceedings for the remote and in-person meeting and reviewed the parameters the Planning and Zoning Commission would follow during the public hearing.

Roll call followed:

Present: Chairman Stocking; Commissioners Evans*, Holomon, Mead, Slifka

Absent: Commissioner Matyskiel

Staff Present: Community Development Director David DeGroot and City Planner Chayton True; City Attorney Sandack

Also Present: Applicant Doug Dolan* with Dolan Realty, LLC; Mr. Ben Evans* from CityScape; Robert Wagner, Dale Rathunde, Jim Wilbur, Julie Landrum, Kevin McCafferty, Janice Mohan, Matt Zaskes*, Steve Verchet, Thomas Sharp*, Cheryl Reese, David Huen, Ken Wendt, Don Matakus*; Court Reporter Joanne Ely with Planet Depos and Recording Secretary Celeste Weilandt*

(* Remote)

Approval of the Agenda

Motion by Commissioner Slifka, second by Commissioner Mead to approve the agenda as presented. Motion carried by voice vote of 5-0.

Approval of May 27, 2021 Minutes

Commissioner Mead noted a change to the bottom of Page 3: include the city and state of Mr. Dolan's address, which was St. Louis, Missouri. **Motion by Commissioner Mead, second by Commissioner Slifka to approve the May 27, 2021 minutes, as corrected. Motion passed by voice vote of 5-0.**

Public Hearing

A. Verizon Wireless Tower (previously continued) – A Special use to allow a concealed personal service wireless communication tower in the B5 Business District. Location: 1749 S. Randall Road. Applicant: Dolan Realty Advisors, LLC.

City Planner Chayton True noted that additional public comments will be added to the contents of the Planning and Zoning file as well as some new documents provided by the applicant.

Applicant, Mr. Doug Dolan, 450 Summerset Avenue, St. Louis, Missouri, shared his response to some of the prior questions raised by the public as well as the commissioners, after seeking out Verizon Wireless and the radio frequency engineer in charge of the network performance for the area under discussion. He summarized that neighboring cell sites were reaching capacity and the network engineer was notified of this. The solution was to off-load those cell sites to the new site. If that did not occur, cell calls would be dropped, interruption in data speeds, and the network would have poor performance. Per Mr. Dolan, the site was an important site for the City and was identified by Verizon. Mr. Dolan read a letter from Jessie McKenna, the Verizon radio frequency engineer, summarizing that

small cell sites are not conducive to the area. Small cells are best used in high-rise, high density urban areas. As for not being able to co-locate on existing cell towers in the area, Mr. Dolan reiterated there were no existing sites he could co-locate on and so the subject commercial property was the ideal parcel. Mr. Dolan reviewed the sites that were considered: privately owned and owned by the school district.

Mr. Dolan explained the ordinance and third-party wireless consultant asked for a preferred concealment tower (listed as tree) but pointed out his initial submission was an 80 ft. mono-pole tower (permitted under the special use) but was later changed to a stealth tree, considering the public's comments. Mr. Dolan referenced a photo of city-owned parcels as well as the nearby school, explaining most parcels had nearby residential. When asked if other carriers could be added to the stealth tree, Mr. Dolan confirmed the pole could carry up to four tenants with those tenants having an equipment area at the base of the tower with screening by an 8-ft. masonry wall. A diagram of the current leased area followed. Per the applicant, the expansion area would comprise of two additional parking spaces adjacent to the pole. Another issue raised by staff was whether a future facilities plan existed, wherein Mr. Dolan explained that Verizon had no such plans within the next 3 to 5 years. Updated photos of the proposed mono-pole tower were then depicted and presented for the record. Per Mr. Dolan, Verizon indicated the proposed tower would serve the City of Geneva well with no plans for additional towers.

Commissioner Mead inquired why small cell towers would work in downtown Chicago but not on Bent Tree, wherein Mr. Dolan explained that if small cell sites can see other small cell sites, there is frequency interference. Urban areas with tall buildings helped by shielding small cells from other small cells. Due to the flat topography of Eagle Brook, Mr. Dolan indicated his engineer did not recommend small cell towers for the area. Regarding additional carriers and their base equipment at the monopole, Mr. Dolan explained that additional screening of the masonry wall would take place.

Referring to Page 2, item 6 of the applicant's submittal, Commissioner Mead confirmed with staff that a special use would still have to come before the commission and there was no "by right" to install a cell tower at any height. When viewing the photos of the monopole versus the pine tree pole, Commissioner Mead stated the tower seemed more noticeable as a large pine tree versus a monopole and asked what did the neighbors want to see.

Commissioner Holomon asked the applicant to explain a base station. Mr. Ben Evans with CityScape explained it was cell site equipment that is mounted on a different type of structure, such as a roof top. Director DeGroot noted there were base stations on the city's water towers but not in the proposed search area ring. Asked who determines the search area and who verifies it, Mr. Dolan explained it was determined by the Verizon network engineer. Mr. Ben Evans confirmed same and explained the search ring was reasonable for a wireless carrier.

Asked if the city could still use an 85-foot monopole versus a 100-ft. pole, Mr. Dolan clarified the option before the city was either the 85 ft. pine tree pole or a 100 ft. monopole. He further explained how the equipment at the tree top would be concealed within the foliage and screened. More foliage could also be added. Chairman Stocking inquired if the applicant had information on why the cell sites to the north could not be retrofitted to handle the additional coverage, wherein Mr. Dolan explained the Verizon cell tower to the north has been upgraded but has maxed out in capacity. However, Commissioner Mead questioned the applicant that if the existing cell tower was maxed out could another one be added next to it, wherein Consultant Ben Evans indicated it could not be done due to limited frequencies and that it would cause interference.

Hearing no further questions, Chairman Stocking invited the public to speak.

Mr. Robert Wagner, a Crystal Tree Court resident, came forward and presented a letter to Chairman Stocking. He presented photos of what the tower would look like, sharing concerns about its height and that it would be a defining structure for the area. He disagreed with staff's analysis that it would be a minor focal point. He stated the tower was adjacent to a residential neighborhood, it was not in character with the neighborhood, and it was inconveniencing Geneva and its residents. He shared a comment that the applicant stated he has been working with the staff to get the tower built, but said the citizens have also been working with City staff to not have it built.

Mr. Dale Rathunde, Crystal Tree Court, clarified some of the terms being used, i.e., base station, cell tower, small cell, etc. His concerns related to: 1) the E-911 (enhanced) service and the fact that it could not provide exact location, it relied upon current Verizon 4g network, and it was not dependent on a new cell tower; 2) the difference between coverage and capacity; 3) a statement by the applicant saying that Verizon had a budget for dead spots yet no dead spots were identified by him for the area and no public comments were received stating same; and 4) the applicant stated he did many roof top cell sites but yet he did not investigate the nearby hospital nor the Walmart site and produced no evidence of same to date. Further inconsistencies were pointed out by Mr. Rathunde of what the applicant said as compared to what existed. Three standards were not being met, as stated by Mr. Rathunde, and he asked the commission to not recommend this proposal.

Mr. Kevin McCafferty*, 2089 Eldorado Court, in reviewing the applicant's search ring, noted at the bottom left quadrant the Walmart parking lot existed. Because the special use cannot diminish property values, Mr. McCafferty pointed out the site was not in a residential area and would be a good site. He also pointed out the applicant provided no evidence that the proposed tower would not diminish property values. Mr. Dolan responded there was no credible, nationwide evidence that a cell site reduces property values. However, Mr. McCafferty had an affidavit from a realtor stating otherwise.

Mr. Matt Zaskes* explained that Verizon had other options to locate the tower and had \$18.0B Dollars to do so. He recalled the applicant was asked to provide information on what other sites were considered and no details came back today. He agreed the pole would be an eye sore, would not be attractive for the City and asked the commission to not support the proposal.

Mr. Jim Wilbur, 1916 Crystal Tree Court, recalled his comments from the last meeting regarding Special Use Standard Nos. 2 and 5 and stood by them. He voiced concern about property value and the fact that no evidence existed that showed cell towers are good for property values. Regarding Special Use No. 5, Mr. Wilbur pointed out Mr. Dolan's response to the character of the area included comments about curb cuts and parking spaces. Regarding the height revision to the fake tree design, Mr. Wilbur stated it will stand out versus blend in with the existing 30-foot tall trees. Standard No. 5 was not met and he asked the commission to include it in its findings of fact and not recommend it to City Council.

Mr. Steve Verchet, 2219 Kings Court, stated he is a Verizon customer and has not noticed any degradation of his service. He stated he had difficulty understanding the term "concealed tower" when the pole stands out from everything around it. Furthermore, he asked where was Verizon in this meeting. He explained that if the money is followed, it was not good for the city or its residents.

Mr. Thomas Sharp*, Long Beach Court, voiced concern about seeing the pine tree on the 16th green and asked commissioners to go online and view some bad mono-pine poles. He questioned who was really being served by the proposed cell tower and pointed out that if the residents were not experiencing poor service, then a small cell could be installed. He further asked what Verizon was getting out of the deal and asked the commission to not support the proposal.

Ms. Cheryl Reese, 1849 Eldorado Drive, explained why she and her husband chose to live in this particular part of Geneva. Regarding the zoning code, she asked staff to explain why cell towers

cannot be placed in a residential area. Ms. Reese stated the proposal may be in a parking lot and 40 feet from the park, but it was basically in a residential area and would affect the residents. Regarding the applicant's comment that no studies existed which showed cell towers reduced property values, she pointed out the prior marketing of cigarettes years ago, recalling that cigarette companies called smoking "healthy" and there was no evidence that it could cause heart/lung disease, etc. Ms. Reese pointed out that if she was a young family looking for a home, she would be speaking to a realtor and would not be purchasing a home near a cell tower. She agreed it would affect property values and asked the commission to not support the proposal.

Mr. David Huen, Crystal Tree Court, reminded the commissioners that many of the residents who spoke were 25+ year residents who did their research. The neighborhood was tight. He asked the commissioners to consider the residents' comments and not support this proposal.

Ms. Julie Landrum, Crystal Tree Court, shared a picture of a sunset seen from her home and stated there was no way a pole was going to disturb that view. She explained why she moved to such a unique, small town community, and thanked the commission for listening to the residents.

Mr. Ken Wendt, 1860 Eldorado Drive, explained why he moved to Geneva, and stated the tower did not meet the standards. He appreciated the residents' research but not much research was provided by Verizon. He stated that if the tower does not get built, other options do exist. He asked the commissioners to not support it.

Mr. Don Matakus*, 2051 Eldorado Drive, a longtime resident, appreciated the residents' research, and, as a real estate attorney for 30 years, stated that cell towers do affect property value, speaking with realtors. Other options existed for the area and while it was the best and cheapest option for Verizon it was not the best for the City of Geneva or the homeowners. He has been on the Geneva Park District Foundation Board for many years and shared that the foundation has always done its best to beautify the city's parks. He asked the commission to not support the proposal because the requirements were not satisfied.

Mr. Bob Wagner, Crystal Tree Court, returned and entered evidence (study) into the record. He raised the point of who will profit: Geneva will receive some permit fees, the applicant will receive funds for constructing the tower, but ultimately Verizon will benefit.

In response, Mr. Dolan explained that while a tower is new, it is new for the residents and initially there are negative concerns; however, he believed the benefits of having the cell tower were demonstrated and capacity was the concern with coverage eventually needed. If other carriers come, they will also have concealed antennas within the pole. He reiterated the benefits of having the tower. Per the chairman's question, he had no additional/new information to be added to his application at this time.

Mr. Brian Wagner, from Crystal Tree Ct, stated in response to the applicant's statement during the prior meeting about the need for a cell tower and no in-house data was collected, and that it was basically models and projections, Mr. Wagner relayed a quote that commonly comes from statistics: that all models are wrong; some are useful.

Mr. Dolan responded by stating the two existing cell sites were breaking – the sectors were breaking and at capacity, as confirmed by Verizon. It was the reason he was presenting.

Motion by Commissioner Mead to close the public hearing and enter into commission deliberation and discussion, second by Commissioner Slifka. Roll call:

Aye: Evans, Holomon, Mead, Slifka, Stocking
Nay: None

MOTION PASSED. VOTE: 5-0

Commissioner Mead voiced that five hours was spent on this matter as well as staff time, and the application still fell short of the amount of data and compelling information to bring forward a recommendation/approval. He agreed with the public that the 9 special use standards, as addressed by the applicant, fell short, while some were met. He felt that Standard No 5 was not met in that the current coverage issues had not been demonstrated nor was there data provided to support the need for capacity. Neither the pine tree nor the monopole fit the character of the area. With regard to Special Use Standard No. 8, the applicant's efforts to come up with a solution was yet to be desired. Mead believed more effort needed to be done to identify alternatives and other locations. Commissioner Slifka concurred and agreed the applicant should have explored other sites and should have provided data. Commissioner Evans voiced concern that multiple shortcomings existed with the application and meeting the 9 Special Use Standards. Commissioner Holomon voiced that no alternative was provided and unless the applicant was forced to, then there would be no alternative.

Given the lengthy record, late testimony and receiving later material, Chairman Stocking recommended that staff formulate a recommendation. Dialog followed from some commissioners that they were ready to vote. Further conversation followed on how to address the standards. The Chairman pointed out the applicant did not even provide information to meet Special Use Standard No. 8. City Attorney Sandack noted that each standard could be discussed, the findings addressed, and then be brought back to the commission. Dialog also followed regarding the new material that was submitted, which had to be reviewed by staff. Discussion of future meeting dates followed.

Motion by Commissioner Mead that deliberation on the Verizon Wireless matter be deferred to July 8, 2021. Second by Commissioner Slifka. Roll call:

Aye: Evans, Holomon, Mead, Slifka, Stocking
Nay: None

MOTION PASSED. VOTE: 5-0

Public Comment – None

Other Business - None

Adjournment

Motion by Commissioner Evans to adjourn the meeting at 9:13 p.m. Motion carried unanimously by voice vote of 5-0.