

**Village of Gurnee  
Joint Plan Commission & Zoning Board of Appeals Minutes  
August 4, 2010**

*Approved  
PC & ZBA*

The meeting was called to order at 7:30 P.M.

Plan Commission Members Present: Stephen Park, David Nordentoft, Richard McFarlane, Gwen Broughton

Plan Commission Members Absent: Chairman James Sula, Sharon Salmons, Patrick Drennan

Zoning Board of Appeals Members Present: Chairman Tom Hood, Edwin Paff, John Spadaro, Jerry Kolar, Robert Monahan, Richard Twitchell

Zoning Board of Appeals Members Absent: Don Wilson

Other Officials Present: Doug Stiles, Village Attorney; Dave Ziegler, Director of Community Development; Tracy Velkover, Planning Manager; Molly Bacon, Associate Planner; Ryan Mentkowski, Associate Planner

**1. a. Approval of Joint Plan Commission & Zoning Board of Appeals Meeting Minutes for June 2, 2010.  
(PC Only)**

Mr. McFarlane made a motion, seconded by Mr. Nordentoft, to approve the Joint Plan Commission & Zoning Board of Appeals Meeting Minutes for June 2, 2010.

Roll Call

Ayes: Park, Nordentoft, McFarlane, Broughton

Nays: None

Abstain:

Motion Carried: 4-0-0

**1. b. Approval of Joint Plan Commission & Zoning Board of Appeals Meeting Minutes for June 2, 2010.  
(ZBA Only)**

Mr. Spadaro made a motion, seconded by Mr. Paffl, to approve the Joint Plan Commission & Zoning Board of Appeals Meeting Minutes for June 2, 2010. (ZBA Only)

Roll Call

Ayes: Hood, Paff, Spadaro, Kolar, Monahan, Twitchell

Nays: None

Abstain:

Motion Carried: 6-0-0

Mr. Mentkowski asked the Commission to designate a Pro-tem Chairman for tonight's meeting.

Mr. McFarlane made a motion, seconded by Ms. Broughton, to designate Mr. Park as Pro-tem Chairman for tonight's meeting.

**2. Public Hearing: Wind Energy Systems (Zoning Ordinance Text Amendment)**

Pro-tem Chairman Park stated tonight's Public Hearing is on Wind Energy Systems, a Zoning Text Amendment which is being proposed and is being generated internally by the Village.

Pro-tem Chairman Park asked for anyone from the audience that would like to make a statement, or ask questions to please stand and be sworn in by the Village Attorney.

Mr. Mentkowski provided a slide presentation, presented as follows.

**What are we examining?**

- “Small Wind Energy Systems” -- Classified into two sub-categories:
  - Building Mounted Wind Energy System and
  - Tower Mounted Wind Energy System

Mr. Mentkowski noted both are for accessory use and intended to primarily reduce on-site consumption of utility power. He stated the reason this is being examined is because currently there are no restrictions in the Zoning Ordinance for Small Wind Energy.

- Current Draft Ordinance does not allow “Large Wind” or Utility Scale Wind Turbines in the Village of Gurnee.
  - i.e. Turbines you see as you travel I-39, I-80 or I-55.

**How did we get here?**

- Wind Energy Task Force participation which was approximately a 9-month process with officials and managers.

Mr. Mentkowski stated a Small Wind Energy Model Ordinance was developed as well as a Wind Energy Resource Guide with the intent of promoting responsible Wind Energy Policies to be utilized by communities or any other interested parties.

He stated the Village has had the opportunity to examine the regulations at:

- Informal Village Workshop meetings:
  - 1-20-2010 (PC)
  - 1-27-2010 (ZBA)
  - 3-17-2010 (PC & ZBA)
  - 6-2-2010 (PC & ZBA)

Mr. Mentkowski stated following the June 2, 2010 Joint Plan Commission & Zoning Board of Appeals workshop meeting, the Commissions directed Staff to have a Public Hearing and have some revised restrictions. He stated tonight’s Public Hearing is a chance for Staff to obtain additional insight from the Joint Commissions as well as the Village’s residents. He stated to his knowledge Staff has only received one phone call regarding the tonight’s Wind Energy Public Hearing which was from a resident of Zion who had concerns about the efficiency of wind turbines.

Mr. Mentkowski noted for the record that there have been no formal protest petitions filed with the Village of Gurnee.

**Research & Information**

- Both Commissions previously received WETF Guide which primarily discusses Small Wind Energy.
- Spreadsheet with summary of a majority of the draft restrictions.
- Draft Wind ordinance.
- Exhibits to help illustrate proposed restrictions.
- Maps of parcel sizes as well as a case study of three subdivisions to illustrate max height that is allowed based on lot width.
- Use this information & public comment tonight to determine next step(s).

Mr. Mentkowski stated the idea is to use all the meetings as well as gather information from the materials provided, and to gather comments from both Commissions and from the public to determine what the next step will be.

**Wind Energy Systems**

Defined as Small Wind Energy and Large Wind Energy.

Mr. Mentkowski stated within the Small Wind Energy there are restrictions for Tower Mounted and Building Mounted. He stated Tower Mounted used to be referred to as Small Wind and the name change was done to make it easier to understand.

### ***Building Mounted***

#### ***Wind Energy Systems (BWES)***

- Wind Energy Systems that are structurally attached onto the roof or to the side of a building.
- Supplement to energy production.

### ***Tower Mounted Wind***

#### ***Energy System (TWES)***

- A freestanding Wind Energy System up to 175 feet in height.
- Primarily produces power onsite for a single-user.
- Ideally suited for individual homes, small businesses, farms, and similar small-scale establishments.  
10 kW turbine ~ 1 average home

### ***Mounting type: Vertical Axis***

- More ideally suited for urban and suburban settings.
- Rotor shaft is arranged vertically and can take advantage of any wind direction.
- Tower Mounted
- Types of towers, location & setbacks, height, total # permitted, sound
  
- Residentially zoned or used property = single family & multi- family (which is also broken down individually for SF & MF for certain sections)
- Non residentially zoned or used property = commercial, industrial, public districts generally

### ***Discussion of Regulations***

- Refer to spreadsheet and/or ordinance for Small Wind Energy Systems

#### ■ ***Building Mounted***

- Location, total # permitted, height, sound  
Mr. Mentkowski stated the building mounted system can be attached to the principal structure.

#### ■ ***Tower Mounted***

- Types of towers, location & setbacks, height, total # permitted, sound
- Residentially zoned or used property = single family & multifamily (which is also broken down individually for SF & MF for certain sections)
- Non residentially zoned or used property = commercial, industrial, public districts generally

#### ***Building Mounted (BWES) Reg's***

#### ■ ***On Principal vs. Accessory structures***

Mr. Mentkowski stated the building mounted system can still be attached to the principal structure.

Mr. Mentkowski noted one change when attached to the accessory structure. He stated there was discussion of whether to allow it on residential and non-residential and to allow building mounted to be attached to accessory structures on residential and non-residential. He stated at this point, Staff made non-residential accessory structures a permitted installation but felt as a starting point for this ordinance that residential would still not be permitted.

#### ■ ***Vertical & Horizontal Axis***

Both permitted in residential and non-residential.

#### ■ ***Total # permitted for Single-family, Multi-family & Non-residential***

The total number of building mounted systems by right has been proposed by Staff as follows:

- Single-family detached are allowed (1) one building mounted by right and greater than (1) one only allowed by Special Use Permit.

- Multi-family (anything other than single family) detached are allowed (1) one per unit in the building and greater than (1) one only allowed by Special Use Permit.

Mr. Mentkowski noted Staff did attempt to word that each unit is only allowed (1) one turbine. He stated one condo owner could not propose (2) two turbines on top of a building. He noted again it would be (1) one per occupied unit.

- Non-residential would be a potential ratio of each building allowed (1) one Building Mounted Wind Energy System per 5,000 square feet of Gross Floor Area with any building over 5,000 square feet allowed (1) one Building Mounted Wind Energy system for each additional 5,000 square feet.

■ **Maximum height (exhibit 1)**

No changes. The height is 15 feet above the highest point of the building structure for residential and non-residential.

Mr. Mentkowski noted height does not include a chimney or any other architectural features and is the highest peak.

■ **Setbacks/plane defined (exhibit 2)**

Residential - attached to a principal structure will be no encroachment into the required principal building setback and no closer to the street than the plane of the house that is nearest the street.

Non-residential – no encroachment is allowed into the required principal setbacks.

Accessory Structures – no encroachments allowed into the required accessory structure setbacks.

■ **Sound maximums (day & night)**

If the adjacent property is residential, during daytime hours (7AM – 10PM) 55 decibels are allowed at the property line for both residential and non residential.

For evening hours (10PM – 7AM) 45 decibels are allowed at the property line for both residential and non-residential.

If the adjacent property is non-residential or the property itself is non-residential, a limit of 65 decibels are allowed at any time of the day.

**Tower Mounted (TWES) Reg's**

Vertical Access is permitted on both residential and non-residential.

- Type of towers permitted & type of axis permitted
- Monopole & Lattice locations

Monopole is permitted on residential & non-residential.

Lattice tower is permitted on residential but not permitted on non-residential property.

Guyed wired towers are not permitted.

Tilt-up towers are included in the definition for monopole towers.

- Permitted yard locations (see slides below)
- Residential vs. Non-residential

Not allowed in front or corner side yards.

Allowed in the interior side and interior rear yard providing the setback requirements are met for the Tower Mounted Wind Energy System.

Mr. Mentkowski stated each property will have a certain front and corner side yard setback.

Pro-tem Chairman Park asked for clarification using an example of Gurnee Mills with frontage on Grand, Hunt Club & Stearns School roads. He asked which would be the front, corner side, and rear.

Ms. Velkover responded the answer would be within the zoning definition of what a front, side and corner yard is. She stated it is the frontage with the least amount of street frontage and the others would be the two corner side yards. She stated in that scenario Hunt Club would be considered the front with the toll-way as the rear yard.

■ **Height**

The height is the sum of the tower height.

In this particular case it would be from the top of the monopole plus the blade height.

Maximum Height

Staff added maximum heights to properties that are less than or equal to 5 acres for both residential and non-residential property.

For a residential property less than 2 acres and by right, a 45 foot tall or less tower is permitted and for non-residential property less than 2 acres and by right, a 75 foot height tower or less is permitted.

For residential property which is 2 to 5 acres, and by right a 75 foot tall tower is permitted and for non-residential property which is 2 to 5 acres and by right up to a 100 foot tall tower is permitted.

Mr. Menktowski stated Staff added the maximum height section which incorporates properties between 0 – 5 acres and restricts the maximum height to 100 feet on residential and 125 feet on non-residential.

For residential property greater than 5 acres a tower is permitted by right up to 100 feet and for non-residential a tower is permitted up to 125 feet.

The maximum height on any property greater than 5 acres is 175 feet.

■ **Number of Tower Mounted Wind Energy Systems**

Staff is proposing for residential property less than 5 acres be limited to (1) one tower and for non-residential be limited to (1) tower. For any greater than (1) one tower it would be granted by the Special Use process.

Mr. Mentkowski noted that an Ordinance is drafted stating a tower would not be allowed on a vacant lot.

For property greater than 5 acres and zoned residential it is limited to (1) one tower and for non-residential it is permitted up to (2) two towers. For any greater than (2) two towers it would be allowed by the Special Use process.

Mr. Mentkowski stated Staff felt this would be a good starting point and if a lot of requests for multiple Tower Mounted Wind Energy Systems are received this could be readdressed in the future.

■ **Setbacks**

Are regulated by the State to 1.1 times the total height of the tower.

Mr. Mentkowski stated the current Ordinance does not have a setback from the tower to other structures on the same property or other 3rd party transmission lines or communication towers. He stated a 15 foot minimum from blade tip at its lowest point to the ground.

■ **Sound Regulations**

Exactly the same as building mounted Wind Energy Systems.

■ **Large Wind Energy System**

Not currently proposed to be allowed in Village

Statutes allow regulation of WES on unincorporated property within 1.5 miles of Gurnee Village boundary per State statutes.

Mr. Mentkowski asked to open up the meeting for discussion.

Mr. Twitchell asked if there are any additional photographs taken from the parking lot of the Wind Energy System with the multiple towers.

Mr. Mentkowski responded that he had no other photographs. He stated he received a video from Green Bay of a similar installation at a Green Bay shopping mall.

Mr. Twitchell stated perception wise, looking at the photographs supplied and from where the towers are mounted on the roof is a different perception than from the ground. He also noted the tower in the photograph of the residence in Highland Park is mounted on a stand-alone garage. He stated it is safe to assume that a vast majority of homes in Gurnee have attached garages and mentioned that something may be missed by not allowing installations in those particular areas.

Mr. Paff asked if there could be a Special Permit process for an accessory structure.

Ms. Velkover responded the Commission can draft this Ordinance how they choose, and stated detached accessory structures have minimal setbacks. She stated a detached garage can be as close as (4) four feet from a side property line whereas a principal structure where the garage is actually attached to the house would have to meet the principal structure setbacks. She stated this is one of the reasons Staff kept mountings away from the detached structures at this point. She noted this is a starting point and it is easier to start somewhat more restrictive and then perhaps open things up if things are working well, rather than shut the doors, after they have already been opened.

Mr. McFarlane stated his question is referring to the height of 175 feet and asked if this is an effort to mesh with a broader ordinance that is already written for a community or if this ordinance is in fact being written from scratch.

Mr. Mentkowski responded the 175 feet was a recommendation from the Wind Energy Task Force which was based on the research compiled at the time.

Mr. McFarlane stated in thinking of his neighborhood he feels 175 feet is high and would like to reinforce as Ms. Velkover stated, that the Commission is better off setting this Ordinance as more restrictive to start.

Pro-tem Chairman Park stated it is his understanding that the proposal for residential is if it less than (2) two acres the maximum height is 45 feet; up to (5) five acres it is 75 feet; and over (5) five acres it is 100 feet which is only by Special Approval, not by Right as well as approval by the Commission and the Board.

Mr. Mentkowski responded that is correct. He stated this is why it was drafted this way as well as due to the similar discussion at the last Commission meeting. He stated the height is limited to 100 feet on properties less than (5) five acres.

Mr. Nordentoft stated in reference to the multi-family by allowing (1) one wind turbine per unit in a building and asked if the Commission is comfortable with this. He provided the example of a condo building with 20 condo units in the building and questioned if they would be allowed to have 20 wind turbines on the building, which is (1) per unit.

Mr. Mentkowski asked the Commission if they were okay with this.

Mr. Nordentoft and Mr. Park responded they are not okay with this.

Ms. Velkover stated the Commission asked Staff to come up with a way to allow more than (1) one wind turbine on commercial as well as large multi-family condos and apartment buildings. She stated this was Staff's attempt to allow what was requested by the Commissions.

Mr. McFarlane suggested to perhaps consider the square footage (footprint) of the building.

Ms. Velkover responded the reason the square footage was not considered is because it is limited based upon first person in, second person in; in essence one, two, three or four units not able to obtain wind turbines which potentially

would not provide for all persons in the building or in every unit within the building to have the ability to have a wind turbine.

Pro-tem Chairman Park stated he believes there is an issue which is to distinguish between a single family detached home which has been very well covered in his mind and the two different types of multi-family such as a townhouse project with several units in a row and then a multi-family condo or apartment building. He stated he doesn't see any practical way for a townhome to have a tower because of the setback requirements because the lots by definition are very narrow. He stated it is really a question if in a townhouse project that everyone would be able to put a tower on their roof and then the issue of the true apartment or condo where there could be 20, 30, or 40 towers, or however many units are in the building. He stated his recollection was how can this be allowed or perhaps it be done on a building basis versus for every unit. He also noted it may not be the owner of the condo as it would be controlled by a condo association. He stated the focus should be on how many is enough to address the concern of should everyone who owns a residence be allowed to have a wind turbine. He stated he is not convinced that everyone would need to have a wind turbine.

Mr. McFarlane stated he is completely against this and thus his reasoning for going back to the footprint of the building. He provided the example of a one-story building with (7) seven units stating there would be quite a bit of roof space for towers to be put on. He noted if it was a four-story building with (5) five units per floor it would be a forest of 20 towers on the roof. He stated if going by the footprint of 2,000 square feet for a four-story building it would be (2) two turbines on the roof versus (20) twenty turbines on the roof. He stated it would have to be a building controlled issue as well as a building permitted issue versus an individual condo owner issue as well as the rights flowing with the building rather than with the condo.

Pro-tem Chairman Park referenced the subject of the number of Wind Systems per unit and asked the Commissions if there were any other comments or questions.

Mr. Twitchell asked if (1) one unit in a multi-family building was allowed to have a roof top unit and someone else is denied due to whatever reason, then is the Village or homeowners association opened up for a lawsuit.

Mr. Stiles responded the only time there is a real problem is if there is definite discrimination of one over the other. He stated if there is a set limit to how many wind turbines are allowed perhaps it should be granted to the homeowners association rather than to the individual home owner. He stated this would let the homeowners association deal with the multiple use of the individual units. He stated he didn't think there would be a real problem if it's stated that it is limited to a certain number and believes the answer would be to go with the homeowners association itself in a condo association setting. He stated with an apartment type building it is usually one owner, thus dealing with one individual owner because they are renting to people. He stated in dealing with a condo association he believes it can be limited to the condo association letting them deal with the individual condo owners.

Ms. Broughton asked if multiple units could use the same wind tower.

Mr. Park responded no. He stated if it were an association tower or wind system that went to the association, individuals would not be using it but all would gain some benefit for all, i.e., building lighting or parking lot lighting.

Mr. McFarlane stated an association could sell the power gained through a wind system and credit unit owners back proportionately.

Pro-tem Chairman Park stated whether a bill is reduced or power is sold back it is the same issue.

Mr. Stiles stated if discrimination is a definite concern then he suggests dealing with the association and limiting it to that degree.

Pro-tem Chairman Park asked the Commissions what their thoughts were on this approach.

Mr. Nordentoft stated he thinks the Village is still exposed with this approach. He stated if it is deferred to the association and to basically leave it to the association, they could turn around in the case of a (20) twenty year-old building and say they would take (20) twenty wind turbines.

Pro-tem Chairman Park stated Mr. Stiles suggested limiting the number of turbines to (1) one.

Mr. Stiles responded use the footprint and limit the number of turbines to (4) four, all belonging to the association. He stated how the association divides the four turbines would be up to them.

Mr. McFarlane stated if Mr. Stiles is using his example of a 20,000 square foot building with 10 towers for every 2,000 square feet and all towers belonging to the association with the association deciding who realizes the benefit from the towers, is the association's issue.

Ms. Velkover stated this is similar to how the sign ordinance was previously written. She stated there used to be a certain amount of signage that a site could have. She stated when there are multiple tenants within a building the first tenant would take all or most of the signage and the remaining tenants were left with what was left over. She stated what would happen is the landlord or owner of the property would just sign to get the tenant and make the tenant happy. She stated she is concerned about leaving the wind turbine issue up to the homeowners association as they probably will not look at this issue in a big picture kind of way. She stated they will most likely "react" to the first, and second, etc. She noted this is her caution regarding the issue.

Mr. Mentkowski stated after the Wind Energy Task Force completed the Model Ordinance other communities started to utilize the Ordinance with other research that they completed. He stated as seen in his notes there are fairly new Ordinances from (4) four communities and he can see that they had trouble with this same concept. He stated either the concept is not addressed or that the concept is just not allowed.

Mr. Hood stated with condo associations there will not be the problem with them handing out benefits to individual condo owners because they cannot do that. He stated what will be seen is the generation of power for general or common areas or the generation of power for the benefit for the entire association reducing individual's bills. He stated since the wind power would be most likely located in a common area is not an area by declaration that allows an individual condo owner to benefit from something located in a common area. He stated basically it would be giving the association the ability to use it for the benefit of everybody with no one individual being able to apply for a wind turbine gaining a direct benefit for their own power.

Ms. Broughton asked if the Village is covered when there is no association and multi-units are owned by a landlord.

Pro-tem Chairman Park responded for an apartment complex the landlord controls as opposed to the association when it is privately owned.

Ms. Broughton stated as long as the footprint is done.

Pro-tem Chairman Park responded correct. He stated there are a couple of different ways of dealing with this. He noted one that he heard was let the condo association weed out who gets the benefit with the other way being let the condo association or apartment building owner receive the benefit, whereas the benefit would not be going to an individual unit owner or individual tenant. He stated the association would own the wind turbine system and it would be a question of how many wind turbines would be adequate to meet the demand or the potential need. He stated the number of wind turbines could be determined by documentation of the potential demand and need or be determined by the size of the building with the example of 1 turbine per building.

Pro-tem Chairman Park asked the Commissions for their thoughts on this approach.

Mr. Twitchell asked if the idea is for the individual resident unit owners to not have the right to have wind power and is it for the association to have the right for wind power.

Pro-tem Chairman Park responded yes, as he just described it.

Mr. Twitchell responded he agrees with this.

Ms. Broughton stated it would be just the ownership of it.

Pro-tem Chairman Park responded yes.



Mr. Stiles stated he agrees with these being mounted on the roof which is a common area and almost always controlled by an association.

Pro-tem Chairman Park stated if it were a tower it would also be a common area.

Mr. Stiles stated he believes this would resolve the issue.

Mr. Mentkowski stated in all honesty this should be written as a minimum standard, stating (1) one turbine per building or lot, or (1) one turbine per 2,000 square feet.

Pro-tem Chairman Park stated the premise that was just discussed is that an individual owner in a multi-family project does not have the right and it is only the association that has the right. He stated the discussion started with each building and it could also be defined as the master lot in the PUD which created this. He stated there is terminology for individual condo lots for each little slice of townhouse or for example 30 acres with 100 townhomes.

Mr. McFarlane stated to use "(1) one per building" is easy to write while allowing the Commission's room to be less restrictive as well as being easy to enforce. He stated if it is found that this is working to back off and come up with a formula. He stated without this, he would be inclined to write this as a tight ordinance. He stated with writing this as (1) one per building Staff will not get into arguments about what the footprint is or what the square footage is.

Pro-tem Chairman Park stated it could be written to say the association or for an apartment building the ownership, could petition for a Special Use and everything would be a Special Use in a multi-family building but a person would have the right to petition.

Mr. Mentkowski stated these are both options and if (1) one were allowed by right Staff could do this as (1) one per building by right and anything greater than (1) one per building would be allowed by a Special Use.

Mr. McFarlane stated this would give the chance to the Commission to review any proposals that may come forward.

Pro-tem Chairman Park stated he believes the key that was discussed is that the individual is aced out as this will not work on an individual basis as it belongs to is an association's or apartments' ownership.

Mr. Mentkowski stated he would like to keep everything in Staff's hands keeping the "association" out of the Ordinance and state the restrictions that the Village requires to be followed. He noted whatever an association may allow may however be more restrictive.

Pro-tem Chairman Park stated it was noted that the individual could not apply for this and only can the association apply.

Mr. Mentkowski and Ms. Velkover asked how this should be written.

Mr. Stiles responded that for an association for condo or townhouse these are the entities that the association would be dealing with.

Mr. Mentkowski responded they are not the property owner.

Mr. Stiles responded that is correct but it is the association that controls and basically do own the roof and shell of the building. He stated individual units are just those spaces in the sky.

Mr. Paff asked if anyone has written an Ordinance like this.

Ms. Velkover responded as Mr. Mentkowski has stated most communities have either chosen to ignore the multi-family issue because it is too difficult to tackle or it has been prohibited completely because it is too difficult. She stated to allow this the Commission would be breaking ground as not a lot of communities have regulations for multi-family.

Mr. Hood suggested that Staff just do the requirement that the applicant must own the property and fee simple and where they would locate the tower. He stated this would knock out the condo or townhome association as they don't own and fee simple where it would be located.

Ms. Velkover stated Staff will figure out the language and that they do understand what the Commissions are saying.

Pro-tem Chairman Park stated he had a couple of questions he wanted the Commissions to think about. He stated the first is that there is a provision for monopole towers across the board, but lattice towers could go into residential. He asked if this was everyone's preference and if it is a good thing.

Mr. Paff stated he didn't really like this idea and thought it would be more preferable in a business than in a residential but it is looking at the cost as well.

Mr. Mentkowski stated yes, that was the reason.

Ms. Velkover responded that cost was one of the reasons, plus the height issue as the taller structures is allowed on commercial, you get a bigger lattice structure that is more imposing.

Pro-tem Chairman Park stated as drafted, non-residential is not allowed and it is question of whether you want to allow it on residential.

Ms. Velkover said she had that reversed with taller structures on residential.

Mr. Mentkowski stated the Village of Lincolnshire does not allow lattice towers, they only allow monopole.

Pro-tem Chairman Park stated he believes as stated at the workshop it was a decision to go forward and propose this because they are cheaper than a monopole, trying to give a break to a homeowner or residential property. He asked if this is enough of a reason to provide for this.

Mr. Paff responded personally he does not like the idea and thinks it looks bad.

Mr. Twitchell stated on a farm type property a lattice tower looks more appropriate therefore the lattice tower could be limited to only properties that are 5 acres and greater.

Mr. McFarlane stated he likes Mr. Twitchell's idea.

Mr. Mentkowski asked on both residential and non-residential.

Pro-tem Chairman Park stated residential only.

Pro-tem Chairman Park asked if a farm is residential or a non-residential.

Mr. Mentkowski responded Staff would look into the answer to that question as every residential zoning ordinance is different.

Pro-tem Chairman Park stated along with the lattice tower issue is the question about allowing tilt-up towers as opposed to the more traditional monopole.

Mr. Twitchell stated as he was the person who brought this up he would like to comment. He stated his point is that the hinged structure has one mechanical element that could fail and would then allow that type of tower to tip over as opposed to implode downward, which is what the typical monopole or lattice tower will do if the tower were to come down at all.

Pro-tem Chairman Park stated he happens to think this is a good safety issue and that this should be included.

Mr. Twitchell stated he cannot imagine that when building these they have to be built pretty tough. He asked if a tower has ever fallen.

Pro-tem Chairman Park responded not necessarily wind towers but communication towers which are basically the same tower structure and have had failures over time. He stated even the guyed wires which are probably the safest are not totally fool-proof.

Mr. Mentkowski stated he heard Mr. Twitchell say no.

Mr. Twitchell asked if they are very common and what percentage they are.

Mr. Mentkowski responded he didn't know the percentage and asked Mr. Ziegler if he had any idea.

Mr. Ziegler stated the tilt-up towers are fairly common installations especially on the small residential sized sites. He stated they are much easier to maintain as they can be tilted down to be worked on which is the main benefit of these types of towers.

Mr. Twitchell stated he isn't speaking of a tilt-up tower that is 100 or 125 feet tall.

Mr. Ziegler stated typically when getting up to those types of heights a person would be looking at a rigid trellised tower or monopole. He stated the tilt-up towers are more suited for the person who wants to build and maintain the tower himself and is a much smaller installation in someone's back yard.

Mr. McFarlane stated from what he is hearing, from a safety standpoint, a person would be safer being given a tilt-down rather than climbing 40 feet in the air.

Mr. Ziegler stated to remember that all the minimum setbacks are 110% of the height, so if a tower did come down, it would come down on the person's property and not affect anyone off the property.

Pro-tem Chairman Park asked what the Commissions preference is on this subject. He gave the options to allow them; allow them up to a certain height; not allow them; have the market take care of it; put a limitation on it; or exclude them.

Mr. Nordentoft stated his vote is to let the market take care of it.

Pro-tem Chairman Park stated his only clarification would be when it is a situation that is less than 2 acres, in an area where normally a 45 foot tower is allowed, and asked why can't he put something be put on top of a building that would reach 45 feet which would be building mounted. He stated there are different requirements in the building mounted versus the tower mounted. He stated in the building mounted a person is allowed 15 feet above the highest gable and then right next to the home a 45 foot tall pole could be put in. He asked if this makes a difference.

Mr. Paff stated Mr. Park is asking why it couldn't it go 45 feet in height if it is building mounted.

Ms. Velkover responded she cannot speak for the reason behind this but stated in looking at the photos it is the traditional application for building mounted is not projecting that far above the roof structure. She stated she thinks it might be more prominent if more physically attached to the house structure at the height versus being in the yard somewhere at that height.

Mr. McFarlane stated his opinion is the reason that this is there is because the Commissions are trying to limit the overall esthetic of what they are doing.

Pro-tem Chairman Park stated Ms. Velkover provided the answer that it is a matter of esthetic and general shape and architecture of a house versus a monopole.

Mr. Ziegler stated it must be remembered that it is only being limited by the principal structure setback at that point. He stated the 45 foot tower would be 52.5 feet away from the property line. He stated if the same 45 foot tall structure on top of the house it could only be 10 feet away from the side yard lot line and this is why it was limited to 15 feet above the highest part of the roof.

Mr. Kolar stated trying to put a taller structure on top of house there is no way for a guyed wire to be put on it for support. He stated structurally, the higher it goes the weaker the base is as it won't withstand the wind. He suggested keeping it at a 15 foot maximum.

Pro-tem Chairman Park stated this would be for 15 feet on residential roof-top and 25 feet on commercial roof-top.

Pro-tem Chairman Park asked if it is the decision of the Commissions to pass this on with modifications or to see this again, after redrafting some of the provisions.

Mr. Paff stated Staff should have some time to work on the provisions of the multi-family units.

Pro-tem Chairman Park stated the Commissions can ask Staff to re-draft the ordinance and bring it back to both Commissions at a continued Public Hearing or to try and modify in general terms in a motion.

Pro-tem Chairman Park asked what does Staff feel is best.

Mr. Mentkowski responded they can bring it back for a continued Public Hearing to make sure we are all on the same page.

Mr. Paff made a motion, seconded by Mr. Spadaro, to continue tonight's Public Hearing to September 1, 2010.

Mr. Nordentoft made a motion, seconded by Mr. McFarlane, to continue tonight's Public Hearing to September 1, 2010.

Pro-tem Chairman Park asked for a motion to adjourn.

Mr. Nordentoft made a motion, seconded by Ms. Broughton, to adjourn.

The Meeting was adjourned at 8:47P.M.

Respectfully Submitted:

Joanne Havenhill  
Plan Commission Secretary