

**VILLAGE OF CHERRY VALLEY, ILLINOIS  
PLANNING AND ZONING COMMISSION MEETING  
WEDNESDAY JULY 20, 2016**

**Chairman John Totten called the meeting to order at 6:30 PM.** A Roll Call was taken by Deputy Village Clerk, Heather Church:

<b>MEMBERS:</b>	KEVIN COYNE	PRESENT	PAY STEGEMANN	ABSENT
	JOHN FALZONE	PRESENT	JIM SMETANA	ABSENT
	LARRY GRAY	PRESENT	GARY TIFFANY	PRESENT

Others Present: President Jim E. Claeysen, Attorney Jim Stevens, Attorney Darron Burke, Alexander Novak Novation Group LTD, and Mark Layne Insite Inc.

**ADOPT THE AGENDA:** John Falzone moved to adopt the agenda. Larry Gray seconded. Motion carried.

**APPROVE THE MINUTES:** May 18, 2016. John Falzone moved to amend and approve the amended minutes of the May 18, 2016 meeting. Remove “none opposed.” After all motions made. Gary Tiffany seconded. Motion carried.

**EX-OFFICIO’S REPORT: STEPHEN APPELL.** Village President Jim E. Claeysen reported that there will be two zoning map amendments on the agenda for the August Planning and Zoning Commission meeting.

**PUBLIC COMMENT:** None.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

1. A Text Amendment concerning various zoning, land use and development permit fees to the Code of Ordinances for the Village of Cherry Valley, Illinois, specifically as follows: Section 82-10(f); Section 82-112(b); Section 82-337(a). The current zoning fees do not cover the cost to process a zoning application, the text amendment with the fees increased will help cover some of the fees associated with the application process. Chairman Totten entertained a motion. Gary Tiffany moved to approve the text amendment concerning permit fees. Kevin Coyne seconded.

A Roll Call Vote was taken:

JOHN TOTTON	AYE	GARY TIFFANY	AYE
KEVIN COYNE	AYE	JIM SMETANA	ABSENT
JOHN FALZONE	AYE	PAT STEGEMANN	ABSENT
LARRY GRAY	AYE		

Motion passes by a vote of five “AYE”; two “ABSENT”.

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2. A request for a Special Use Permit and a variance for the property commonly known as 8707 East State Street, Rockford, Illinois, and legally described as follows: PIN- 12-24-401-002

Attorney Jim Stevens swore in Alex Novak the President of Novak Novation Group. Mr. Novak discussed that the cell tower is necessary to expand the coverage in that area, to eliminate calls being dropped as well as spotty service in the immediate area. Mr. Novak explained that the engineers were unable to find another option to accommodate Verizon's needs, leaving them with this variance being their only option. Mr. Novak is asking for a variance for 50' feet for the south property line and 50' feet from the east property line. Attorney Stevens read a written objection from AUXXI an adjacent property owner.

- a. A request for a Special Use Permit under Section 82-54 pursuant to Section 82-482(3)(g)(a) which requires a Special Use Permit to allow for the construction of a wireless tower facility.

Village Attorney, Jim Stevens, read the Findings of Facts A - F to the Committee as follows:

- a. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood;
- c. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district;
- d. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided;
- e. Adequate measures have been, or will be taken, to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and
- f. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

The committee reviewed each of the Findings and concluded that the application has met them all.

John Falzone moved to approve the request for a Special Use Permit under Section 82-54 pursuant to Section 82-482(3)(g)(a) which requires a Special Use Permit to allow for the construction of a wireless tower facility. Gary Tiffany seconded.

A Roll Call Vote was taken:

JOHN TOTTEN	AYE	GARY TIFFANY	AYE
KEVIN COYNE	AYE	JIM SMETANA	ABSENT
JOHN FALZONE	AYE	PAT STEGEMANN	ABSENT
LARRY GRAY	AYE		

Motion passes by a vote of five "AYE"; two "ABSENT".

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- b. A request for a variance under Section 82-55 to Section 82-482(3)(h)(a) which requires towers must be set back a distance equal so that if the tower and one-half (1/2) of the length of any portion of the tower that is horizontal or perpendicular to the tower base laid on the ground from the tower base in any direction that no part of the tower extends beyond the zoning lot boundaries. This variance would be for the easterly and southerly boundaries of the zoning lot.

Mr. Novak reiterated to the commissioners that the cell tower is designed, to, should it fail, do so within a radius of 50' feet of itself, thus staying on the property.

Village Attorney, Jim Stevens, read the Findings of Facts A - F to the Committee as follows:

- a. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the chapter regulations were to be carried out;
- b. The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property within the same zoning classification;
- c. The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property;
- d. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- e. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
- f. The proposed variance complies with the spirit and intent of restrictions imposed by this chapter.

The committee reviewed each of the Findings and concluded that the application has met them all.

Gary Tiffany moved to variance under Section 82-55 to Section 82-482(3)(h)(a) which requires towers must be set back a distance equal so that if the tower and one-half (1/2) of the length of any portion of the tower that is horizontal or perpendicular to the tower base laid on the ground from the tower base in any direction that no part of the tower extends beyond the zoning lot boundaries. This variance would be for the easterly and southerly boundaries of the zoning lot. Kevin Coyne seconded.

A Roll Call Vote was taken:

JOHN TOTTEN	AYE	GARY TIFFANY	AYE
KEVIN COYNE	AYE	JIM SMETANA	ABSENT
JOHN FALZONE	AYE	PAT STEGEMANN	ABSENT
LARRY GRAY	AYE		

Motion passes by a vote of five "AYE"; two "ABSENT".

**VILLAGE OF CHERRY VALLEY, ILLINOIS  
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3. A request for a Special Use Permit and Three (3) variances for the property commonly known as 7511 Vandiver Road, Cherry Valley, Illinois, and legally described with said requests as follows: PIN- 16-02-201-002  
Attorney Stevens swore in Mark Layne with Insite Inc. Real Estate Consulting Services. Mr. Layne is requesting permission to develop a tower on the Cube Smart property at 7511 Vandiver Road. Mr. Layne stated that this tower would be to fill gaps in coverage. Mr. Layne stated that the Cube Smart property is irregularly shaped therefore leaving no space to meet the ordinance setbacks requirements. As a result the proposed tower would be constructed on the south side of the property. If the tower should fail, it would fall on the Cube Smart property and Cube Smart will be responsible for any damages to their storage units.
  - a. A request for a Special Use Permit under Section 82-54 pursuant to Section 82-482(3)(g)(a) which requires a Special Use Permit to allow for the construction of a wireless tower facility.

Village Attorney, Jim Stevens, read the Findings of Facts A - F to the Committee as follows:

- a. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood;
- c. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district;
- d. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided;
- e. Adequate measures have been, or will be taken, to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and
- f. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

The committee reviewed each of the Findings and concluded that the application has met them all.

Larry Gray moved to request for a Special Use Permit under Section 82-54 pursuant to Section 82-482(3)(g)(a) which requires a Special Use Permit to allow for the construction of a wireless tower facility. Gary Tiffany seconded.

A Roll Call Vote was taken:

JOHN TOTTEN	NAY	GARY TIFFANY	AYE
KEVIN COYNE	AYE	JIM SMETANA	ABSENT
JOHN FALZONE	NAY	PAT STEGEMANN	ABSENT
LARRY GRAY	NAY		

Motion fails by a vote of two "AYE"; three "NAY"; and two "ABSENT".

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- b. A request for a variance under Section 82-55 to Section 82-482(6) to allow for the construction of a 120' high single user communication tower.

Village Attorney, Jim Stevens, read the Findings of Facts A - F to the Committee as follows:

- a. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the chapter regulations were to be carried out;
- b. The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property within the same zoning classification;
- c. The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property;
- d. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- e. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
- f. The proposed variance complies with the spirit and intent of restrictions imposed by this chapter.

The committee reviewed each of the Findings and concluded that the application has met them all.

Gary Tiffany moved to request for a variance under Section 82-55 to Section 82-482(6) to allow for the construction of a 120' high single user communication tower. Kevin Coyne seconded.

A Roll Call Vote was taken:

JOHN TOTTEN	NAY	GARY TIFFANY	AYE
KEVIN COYNE	AYE	JIM SMETANA	ABSENT
JOHN FALZONE	NAY	PAT STEGEMANN	ABSENT
LARRY GRAY	NAY		

Motion fails by a vote of two "AYE"; three "NAY"; and two "ABSENT".

- c. A request for a variance under Section 82-55 to Section 82-482(3)(h)(a) which requires towers must be set back a distance equal so that if the tower and one-half (1/2) of the length of any portion of the tower that is horizontal or perpendicular to the tower base laid on the ground from the tower base in any direction that no part of the tower extends beyond the zoning lot boundaries. The variance would be for the easterly, southerly, and westerly boundaries of the zoning lot.

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Village Attorney, Jim Stevens, read the Findings of Facts A - F to the Committee as follows:

- a. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the chapter regulations were to be carried out;
- b. The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property within the same zoning classification;
- c. The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property;
- d. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- e. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
- f. The proposed variance complies with the spirit and intent of restrictions imposed by this chapter.

The committee reviewed each of the Findings and concluded that the application has met them all.

Gary Tiffany moved to request for a variance under Section 82-55 to Section 82-482(3)(h)(a) which requires towers must be set back a distance equal so that if the tower and one-half (1/2) of the length of any portion of the tower that is horizontal or perpendicular to the tower base laid on the ground from the tower base in any direction that no part of the tower extends beyond the zoning lot boundaries. The variance would be for the easterly, southerly, and westerly boundaries of the zoning lot. Larry Gray seconded.

A Roll Call Vote was taken:

JOHN TOTTEN	NAY	GARY TIFFANY	AYE
KEVIN COYNE	AYE	JIM SMETANA	ABSENT
JOHN FALZONE	NAY	PAT STEGEMANN	ABSENT
LARRY GRAY	NAY		

Motion fails by a vote of two "AYE"; three "NAY"; and two "ABSENT".

- d. A request for a variance under Section 82-55 of the Code of Ordinances to Table 2 to allow the location of the proposed single user communication tower within 1500' feet of an existing tower.

Village Attorney, Jim Stevens, read the Findings of Facts A - F to the Committee as follows:

- a. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the chapter regulations were to be carried out;

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- b. The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property within the same zoning classification;
- c. The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property;
- d. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- e. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
- f. The proposed variance complies with the spirit and intent of restrictions imposed by this chapter.

The committee reviewed each of the Findings and concluded that the application has met them all.

John Falzone moved to request for a variance under Section 82-55 of the Code of Ordinances to Table 2 to allow the location of the proposed single user communication tower within 1500' feet of an existing tower. Larry Gray seconded.

A Roll Call Vote was taken:

JOHN TOTTEN	NAY	GARY TIFFANY	NAY
KEVIN COYNE	NAY	JIM SMETANA	ABSENT
JOHN FALZONE	NAY	PAT STEGEMANN	ABSENT
LARRY GRAY	NAY		

Motion fails by a vote of five "NAY"; two "ABSENT".

**ADJOURNMENT:** Chairman Totten entertained a motion to adjourn. John Falzone moved to adjourn at 7:34 PM. Larry Gray seconded. Motion carried.

Minutes recorded by Deputy Village Clerk, Heather Church  
Minutes reviewed by Chairman Totten August 12, 2016.

**AGENDA  
VILLAGE OF CHERRY VALLEY, IL  
PLANNING AND ZONING COMMISSION MEETING  
WEDNESDAY JULY 20, 2016  
6:30PM**

**CHAIRMAN:** JOHN TOTTEN

**MEMBERS:** KEVIN COYNE                      PAT STEGEMANN  
                  JOHN FALZONE                    JIM SMETANA  
                  LARRY GRAY                              GARY TIFFANY

(Committee Members: Please sign ATTENDANCE SHEET)

**CALL MEETING TO ORDER:**

**ROLL CALL:**

**APPROVAL OF THE AGENDA:**

**APPROVE THE MINUTES:** May 18, 2016.

**EX-OFFICIO REPORT:** STEPHEN APPELL.

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

1. A Text Amendment concerning various zoning, land use and development permit fees to the Code of Ordinances for the Village of Cherry Valley, Illinois, specifically as follows: Section 82-10(f); Section 82-112(b); Section 82-337(a).

2. A request for a Special Use Permit and a variance for the **property commonly known as 8707 East State Street, Rockford, Illinois**, and legally described as follows:

**PIN- 12-24-401-002**

a. A request for a Special Use Permit under Section 82-54 pursuant to Section 82-482(3)(g)(a) which requires a Special Use Permit to allow for the construction of a wireless tower facility.

b. A request for a variance under Section 82-55 to Section 82-482(3)(h)(a) which requires towers must be set back a distance equal so that if the tower and one-half (1/2) of the length of any portion of the tower that is horizontal or perpendicular to the tower base laid on the ground from the tower base in any direction that no part of the tower extends beyond the zoning lot boundaries. This variance would be for the easterly and southerly boundaries of the zoning lot.

**AGENDA  
VILLAGE OF CHERRY VALLEY, IL  
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6:30PM**

3. A request for a Special Use Permit and three (3) variances for the property commonly known as 7511 Vandiver Road, Cherry Valley, Illinois, and legally described with said requests as follows:

**PIN -16-02-201-002**

- a. A request for a Special Use Permit under Section 82-54 pursuant to Section 82-482(3)(g)(a) which requires a Special Use Permit to allow for the construction of a wireless tower facility.
- b. A request for a variance under Section 82-55 to Section 82-482(6) to allow for the construction of a 120' high single user communication tower.
- c. A request for a variance under Section 82-55 to Section 82-482(3)(h)(a) which requires towers must be set back a distance equal so that if the tower and one-half (1/2) of the length of any portion of the tower that is horizontal or perpendicular to the tower base laid on the ground from the tower base in any direction that no part of the tower extends beyond the zoning lot boundaries. This variance would be for the easterly, southerly, and westerly boundaries of the zoning lot.
- d. A request for a variance under Section 82-55 of the Code of Ordinances to Table 2 to allow the location of the proposed single user communication tower within 1500' feet of an existing tower.

**ADJOURNMENT:**  
JT (07-12-16)