



AGENDA FOR REGULAR MEETING VILLAGE OF TINLEY PARK PLAN COMMISSION

**December 21, 2017 – 7:00 P.M.
Council Chambers
Village Hall – 16250 S. Oak Park Avenue**

Regular Meeting Called to Order

Pledge of Allegiance

Roll Call Taken

Communications

Approval of Minutes: Minutes of the November 2, 2017 Regular Meeting

Item #1

REGULATIONS FOR TELECOMMUNICATIONS SERVICE FACILITIES

WORKSHOP: TEXT AMENDMENT TO THE ZONING ORDINANCE

Consider recommending that the Village Board approve Text Amendments to Section II (Definitions) and Section III.V. (Regulations for Personal Wireless Service Facilities) of the Zoning Ordinance related to regulations for telecommunications service facilities, including but not limited to: regulations for new freestanding cell towers, co-locations, small cell, and distributed antenna systems.

Item #2

REGULATIONS FOR TELECOMMUNICATIONS SERVICE FACILITIES

PUBLIC HEARING: TEXT AMENDMENT TO THE ZONING ORDINANCE

Consider recommending that the Village Board approve Text Amendments to Section II (Definitions) and Section III.V. (Regulations for Personal Wireless Service Facilities) of the Zoning Ordinance related to regulations for telecommunications service facilities, including but not limited to: regulations for new freestanding cell towers, co-locations, small cell, and distributed antenna systems.

Item #3

REGULATIONS FOR FENCES

WORKSHOP: TEXT AMENDMENT TO THE ZONING ORDINANCE

Consider recommending that the Village Board approve Text Amendments to Section II (Definitions) and Section III.H. (Permitted Encroachments in Required Yards) of the Zoning Ordinance related to regulations for fences.

Item #4

REGULATIONS FOR FENCES

PUBLIC HEARING: TEXT AMENDMENT TO THE ZONING ORDINANCE

Consider recommending that the Village Board approve Text Amendments to Section II (Definitions) and Section III.H. (Permitted Encroachments in Required Yards) of the Zoning Ordinance related to regulations for fences.

Good of the Order

Receive Comments from the Public

Adjourn Meeting

ORDER OF PUBLIC HEARING

- A. Opening of Public Hearing (voice vote)
- B. Swearing in Petitioner, Objectors, and Interested Persons
- C. Confirmation of notices being published and mailed in accordance with State law and Village policy
- D. Village Staff Presentation
- E. Petitioner Presentation
 - i. Cross Examination
 - ii. Questions by Public Body
- F. Objectors Presentation(s)
 - i. Cross Examination
 - ii. Questions by Public Body
- G. Petitioner Rebuttal (if any)
- H. Final questions by Public Body
- I. Closing remarks by Petitioner, Objectors, Interested Persons, and Village Staff
- J. Close or continuation of Public Hearing
- K. Staff presents Findings of Fact
- L. Vote by Roll Call

PUBLIC HEARING REMINDERS

- All public hearings of a Public Body are meetings as defined by the Illinois Open Meetings Act (5 ILCS 120/1 et seq.).
- Prior to the commencement of the public hearing, the Chair will determine whether there are any Objectors or other Interested Persons and if an attorney represents any Objector, group of Objectors or Interested Persons.
- All individuals desiring to participate in the public hearing process must participate in a swearing of an oath.
- The Chair may impose reasonable limitations on evidence or testimony presented by persons and parties, such as barring repetitious, irrelevant or immaterial testimony.
- The Chair may take such actions as are required to maintain an orderly and civil hearing.



**MINUTES OF THE REGULAR MEETING OF THE
PLAN COMMISSION, VILLAGE OF TINLEY PARK,
COOK AND WILL COUNTIES, ILLINOIS**

NOVEMBER 2, 2017

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on November 2, 2017 at 7:00p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Plan Commissioners: Ken Shaw, Chairman
Lucas Engel
Eduardo Mani
Angela Gatto
Peter Kroner (Arrived at 7:20p.m.)
John Curran
Chuck Augustyniak

Absent Plan Commissioner(s): Garrett Gray
Tim Stanton

Village Officials and Staff: Paula Wallrich, Interim Community Development Director
Stephanie Malmberg, Planner I
Patrick Connelly, Village Attorney
Barbara Bennett, Commission Secretary

CALL TO ORDER

PLAN COMMISSION CHAIRMAN SHAW called to order the Regular Meeting of the Plan Commission for November 2, 2017 at 7:00 p.m.

COMMUNICATIONS

No communications at this time.

APPROVAL OF MINUTES

Minutes of the October 19, 2017 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER CURRAN, seconded by COMMISSIONER ENGEL, to approve the Minutes with corrections noted by COMMISSIONER KRONER in writing (below in italic).

Corrections: On page 17 top paragraph in the second to last sentence of the paragraph should read: "They would commit to coloring the foundation stone similar to the photo that was submitted in the Staff Report (page 15 of 33). His initial question was to 'consider' changing the color of the foundation stone; Petitioner responded that they would 'consider' but did not commit to changing. He then asked them to change the color of the foundation stone to a color scheme

similar to the photo submitted in the Staff Report (page 15 of 33). The Petitioner then agreed to change the foundation stone color as requested.”

The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved.

DRAFT

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE NOVEMBER 2, 2017 REGULAR MEETING

ITEM #1: STUDIO Q – 17708 OAK PARK AVENUE

PUBLIC HEARING: SPECIAL USE PERMIT

CONSIDERATION FOR RECOMMENDATION: SPECIAL USE PERMIT

Consider recommending that the Village Board grant the Petitioner, Qiana Grant of Studio Q, a Special Use Permit to allow a recreational business use (including group fitness classes) at 17708 Oak Park Avenue in the NG (Neighborhood General) Zoning District.

Present were the following:

Plan Commissioners:	Ken Shaw, Chairman Lucas Engel Eduardo Mani Angela Gatto Peter Kroner (Arrived at 7:20p.m.) John Curran Chuck Augustyniak
Absent Plan Commissioner(s):	Garrett Gray Tim Stanton
Village Officials and Staff:	Paula Wallrich, Interim Community Development Director Stephanie Malmborg, Planner I Patrick Connelly, Village Attorney Barbara Bennett, Commission Secretary
Guests:	Qiana Grant, Petitioner, Studio Q

A Motion was made by COMMISSIONER MANI, seconded by COMMISSIONER AUGUSTYNIK, to open the Public Hearing for a Special Use Permit request for Studio Q. The Motion was approved unanimously by voice call. CHAIRMAN SHAW declared the Motion approved.

CHAIRMAN SHAW noted that Village Staff provided confirmation that appropriate notice regarding the Public Hearing was published in the local newspaper in accordance with State law and Village requirements.

CHAIRMAN SHAW requested anyone present in the audience, who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

STEPHANIE MALMBORG, Planner I, presented a slide explaining the Order of Public Hearing, which is also noted on the reverse side of the Agenda.

MS. MALMBORG noted the Petitioner is requesting a Special Use Permit to allow a recreational business use (including group fitness classes) at 17708 Oak Park Avenue in the Neighborhood General Zoning District within the Legacy District.

MS. MALMBORG noted the Summary of Open Items.

1. Consider conditions related to sound. The Petitioner spoke to the Gateway Learning Center next door and was advised the hours of operation are opposite that of Studio Q's proposed hours. Sound should not be an issue while children are being tutored. Cuzin's Bar and restaurant to the east has live entertainment and should not present an issue.
2. The Petitioner is required to install a bike rack to provide parking for at least two bikes. The Legacy Code requires this. The Petitioner has agreed to work with the property owner to install a bike rack. Staff encouraged the use of a larger bike parking area that all tenants could share to meet the Village's bike parking requirement.

MS. MALMBORG also noted there is no issue with parking because there is a large parking lot just south of the tenant space.

CHAIRMAN SHAW asked for comments from the Petitioner. QIANA GRANT of Studio Q explained she has a long history of experience in dance. She has been teaching dance since 2005. This will give an opportunity to people to come in and learn dance and be involved in fitness classes. MS. GRANT stated the property manager is aware of the need for bike racks.

CHAIRMAN SHAW asked the Petitioner if there have been any comments from Gateway Learning Center or Cuzin's Bar. MS. GRANT replied there have been none.

Motion was made by COMMISSIONER AUGUSTYNIAK, seconded by COMMISSIONER CURRAN, to close the Public Hearing. Vote by voice. CHAIRMAN SHAW declared the Motion carried.

Motion was made by COMMISSIONER GATTO, seconded by COMMISSIONER ENGEL, to recommend that the Village Board grant the Petitioner, Qiana Grant of Studio Q, a Special Use Permit to allow a recreational business use (including group fitness classes) at 17708 Oak Park Avenue in the NG (Neighborhood General) Zoning District with the following conditions:

1. That sound shall not exceed 50 dB when measured from outside the tenant space (exterior of the building or within the adjacent tenant space). Sound shall not cause a nuisance to other tenant spaces or surrounding properties. The Petitioner will be required to do soundproofing if there are valid complaints regarding noise.
2. That bike parking for at least two (2) bikes be provided at the site.

AYES: PLAN COMMISSIONERS CURRAN, ENGEL, MANI, GATTO, AUGUSTYNIAK,
and CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion approved.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE NOVEMBER 2, 2017 REGULAR MEETING

ITEM #2: THE RESIDENCE OF BROOKSIDE GLEN – SOUTHWEST CORNER OF 191ST STREET AND MAGNUSON LANE

PUBLIC HEARING: SPECIAL USE PERMIT

CONSIDERATION FOR APPROVAL: SITE PLAN

CONSIDERATION FOR RECOMMENDATION: SPECIAL USE PERMIT

Consider granting Site Plan Approval and consider recommending that the Village Board grant the Petitioner, Andrea Crowley of Griffin & Gallagher, LLC on behalf of Karli Mayher and KJM-Vandenberg Brookside Joint Venture, a Special Use Permit for a Substantial Deviation from the Brookside Glen Planned Unit Development and any related Exceptions to develop a one hundred forty-four (144) unit multi-family residential project (a.k.a. The Residence of Brookside Glen) at the properties generally located west of Magnuson Lane and John Michael Drive in the southwest corner of 191st Street and Magnuson Lane.

Present were the following:

Plan Commissioners: Ken Shaw, Chairman
Lucas Engel
Eduardo Mani
Angela Gatto
Peter Kroner (Arrived at 7:20p.m.)
John Curran
Chuck Augustyniak

Absent Plan Commissioner(s): Garrett Gray
Tim Stanton

Village Officials and Staff: Paula Wallrich, Interim Community Development Director
Stephanie Malmberg, Planner I
Patrick Connelly, Village Attorney
Barbara Bennett, Commission Secretary

Guests: Karli Mayher, Developer
Scott Shalvis, Architect
Andrea Crowley, Attorney
Steve Gregory, Eriksson Engineering Assoc.

A Motion was made by COMMISSIONER AUGUSTYNIK, seconded by COMMISSIONER GATTO, to open the Public Hearing a Special Use Permit for a Substantial Deviation from the Brookside Glen Planned Unit Development and any related Exceptions to develop a one hundred forty-four (144) unit multi-family residential project. The Motion was approved unanimously by voice call. CHAIRMAN SHAW declared the Motion approved.

CHAIRMAN SHAW noted that Village Staff provided confirmation that appropriate notice regarding the Public Hearing was published in the local newspaper in accordance with State law and Village requirements.

CHAIRMAN SHAW requested anyone present in the audience, who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

STEPHANIE MALMBORG, Planner I, presented the Staff Report. She displayed a PowerPoint explaining the Site Plan and the request for a Special Use Permit for a Substantial Deviation from the Brookside Glen Planned Unit Development along with three Exceptions from the Zoning Ordinance for front yard setback, building height, and floor area ratio (FAR).

MS. MALMBORG explained the zoning and nearby land uses. She noted the Summary of Open Items:

1. Consider an Exception for the front yard setback to allow the structures to be set back about 18' to 27' from the east property line.
2. Consider an Exception for the building height to allow the structures at a maximum building height of 65'.
3. Consider an Exception for floor area ratio to allow a FAR of .0656.
4. Minor revisions are required on the Landscape Plan.
5. Information is needed about the plans for security and management of the property.
6. Lighting is required near all entrances/exits to the structures. The Petitioner must submit plans showing adequate lighting provided by fixtures complimentary to the architectural style of the structures.
7. Revise elevations to include reddish brown brick accents on the club house.
8. Provide material sample for the foundation of the building.

MS. MALMBORG explained the history of the project as noted in the Staff Report. Currently, the Petitioner is requesting a site plan with four (4) multi-family apartment buildings and a club house. There is surface parking and semi-underground parking garage that runs under the whole length of the buildings. The buildings are connected by terraces that are above the semi-underground parking garage that include landscaping and recreational areas. The subject property is zoned R-6.

MS. MALMBORG explained the Brookside Glen Planned Unit Development. In 1990, the 828-acre subdivision was annexed into Tinley Park. The master plan called for condo/apartments on the subject property per the annexation documents. She noted that it is important to understand that the PUD inherently provides flexibility in its planning and zoning.

MS. MALMBORG discussed the Petitioner's request in more detail including the request for Site Plan Approval and a Special Use Permit for Substantial Deviation from Brookside Glen Planned Unit Development to allow four (4) multi-family apartment structures with thirty-six (36) dwelling units per building for a total of 144 units where nine (9) condo buildings with a total of 144 units was previously approved in 2000 per Ordinance 2000-O-006. The Petitioner is also requesting an Exception of the Village requirement for front yard setback to allow the structures to be set back about 18' to 27' from the east property line and a request for a nine-foot (9') Exception for the building height to allow the structures at a maximum building height of 65' where 56' is the maximum per Ordinance 2000-O-006. The Petitioner is also requesting an Exception of the Village requirement for Floor Area Ratio to allow an FAR of 0.656 where 0.6 is the maximum.

MS. MALMBORG presented images of the Site Plan with four (4) residential buildings and a fifth building for a club house wrapping around the curvature of Magnuson Lane. She noted there is a considerable amount of green space on the property and the Petitioner is providing many amenities. She noted that the Petitioner is providing the same luxury amenities that were incorporated into the

Petitioner's previous plans for two (2) residential structures earlier this year. MS. MALMBORG also displayed renderings of the buildings and provided the parking breakdown as noted in the Staff Report. The Petitioner included 64 land-banked parking spaces on the site, which will be constructed if additional parking is needed. The direction to complete the land-banked parking spaces will come from Staff if there are shortages of parking on-site.

MS. MALMBORG noted the Village Engineer has reviewed the plans and provided a memo in the last meeting packet that estimates the trips generated by the proposed development. This area was master planned for this amount of density at this site. There will be a connection on 191st Street when Magnuson Lane is completed, which must be done before the proposed project can open. There are intersection improvements planned for the intersection of 191st Street and 80th Avenue. Will County plans to design the improvements in 2019 and construct the improvements in 2020. There are also plans to widen the bridge on 80th Avenue that extends over Interstate 80.

MS. MALMBORG noted the location of the trash enclosures. She also stated the distance between the adjacent townhomes and the southernmost residential building was about two hundred feet (200'). She added that the Petitioner is providing the following amenities:

1. Semi-underground garage parking
2. A 5,320± square foot club house
 - a. Fitness center
 - b. Locker rooms
 - c. Billiard room
 - d. Lounge
 - e. Office
 - f. Party room
 - g. Free Wi-Fi
3. Outdoor pool
 - a. Cabanas
 - b. Fire pit
 - c. Seating areas
4. Outdoor terraces
 - a. Grilling stations with sink
 - b. Seating areas
 - c. Fireplace/fire pits
 - d. Pergola
 - e. Green roofs (the first 20 feet of the terraces will have a green buffer)
5. Outdoor gaming areas
6. Bike storage
7. Electric car charging stations
8. Disk golf baskets
9. Outdoor exercise circuits
10. Fireplace/fire pits with pergolas
11. Open space
12. Dog park

MS. MALMBORG said the Petitioner has moved the dog park from the south side of the buildings to the north side of the buildings as a result of previous concerns from the nearby residents.

MS. MALMBORG presented the elevations of the residential buildings. The buildings are four (4) stories in the center and three (3) stories at end of the buildings with tall windows and ceiling heights on the top floor and end units on the third floor. The ground around the foundation will be bermed and heavily

landscaped. The Petitioner provided samples of the proposed building materials, which were placed on the table in front of the Plan Commission. The proposed freestanding signage meets all applicable codes within the Zoning Ordinance.

MS. MALMBORG discussed the current status of the Open Items as follows:

1. Consider an Exception for the front yard setback to allow the structures to be set back about 18' to 27' from the east property line. The R-6 requires a 25' minimum and the UD-1 requires a 20' maximum. The proposed setbacks meet the intent of both of these codes.
2. Consider an Exception for the building height to allow the structures at a maximum building height of 65'. Compared to the Brookside Place complex it will be within inches of the same height from afar because the proposed property is 10' lower in elevation. They are requesting the mean roof height of 65'. The ceilings are taller in the proposed building which would be considered an amenity.
3. An exception of 0.056 to the Village requirement for floor area ratio to allow a FAR of 0.656 where 0.6 is the maximum FAR allowed. This proposed building plan is closer to meeting the requirements than any of the other existing buildings in the area.
4. Minor revisions are required on the Landscape Plan. Will be resolved prior to the building permit release.
5. Information is needed about the plans for security and management of the property. On Site property management. Resolved.
6. Lighting is required near all entrances/exits to the structures. The Petitioner must submit plans showing adequate lighting provided by fixtures complimentary to the architectural style of the structures. Resolved.
7. Revise elevations to include reddish brown brick accents on the club house. Resolved.
8. Provide material sample for the foundation of the building. The Petitioner has supplied samples. Resolved.

MS. MALMBORG discussed the questions from both the Commissioners and the residents from the 10/19/2017 Workshop as noted in the Staff Report.

CHAIRMAN SHAW asked for feedback from the COMMISSIONERS.

CHAIRMAN SHAW asked if the landscaping, drainage, carbon monoxide detectors, ground sampling, and other items would be part of the permitting or engineering review process. MS. MALMBORG indicated that it would be reviewed during the building permit process. CHAIRMAN SHAW also asked about Magnuson Lane being completed to 191st Street and if construction traffic would go that way. He would like to require that. PAULA WALLRICH, Interim Community Development Director, replied that was correct and that 191st Street is a County road and permission from the County would be required. CHAIRMAN SHAW stated, assuming the County would give permission; he would like to require that construction traffic utilize the Magnuson Lane/191st Street access point rather than Greenway Boulevard/80th Avenue.

CHAIRMAN SHAW asked if the Petitioner had comments.

KARLI MAYHER, Developer, presented a video clip of a news item on ABC regarding suburban apartment rentals. The video stated that there is 95% occupancy in the suburban apartment rentals.

STEVE GREGORY, Eriksson Engineering Assoc., thanked MS. MALMBORG for her thorough presentation and introduced his team and explained that the Petitioner is prepared to meet all the landscape requirements. He noted the height of the buildings would be within one foot (1') of the

existing buildings due to the fact that there is a ten-foot (10') difference in the grade at this site compared to the existing Brookside Place development across 80th Avenue. He noted that working with Staff and the residents they tried to meet the requirements for the setbacks. Regarding the floor area ratio (FAR), this is the less than what it would have been with the previously-approved nine (9) residential building plan. He stated they originally came in with a conceptual eight (8) residential building plan, then the two (2) residential building plan, and now the new four (4) residential building plan which will allow them to continue to provide the luxury amenities. The goals are the same as the Village's – a positive economic impact. MR. GREGORY discussed the club house and details of the amenities. There will be a minimum one (1) year lease and they will follow all the Village's requirements regarding noise. He went over answers to the questions from Commissioners and residents noted in the Staff Report.

COMMISSIONER KRONER noted he had viewed some of the examples of the developer's previous construction. He referenced the Petitioner's slide that displayed other residential projects and asked whether the stonework around the front door of one of the single-family residential images is actual stonework. MS. MAYHER replied that it was. COMMISSIONER KRONER stated he felt this looked closer to what was originally presented on the color elevations. He stated the material sample for the foundation looks like cinder block and the foundation shown in the rendering looks more upscale than the sample. MS. MAYHER replied that a lot of the foundation will be covered with berming and landscaping. COMMISSIONER KRONER stated the foundation will still be showing until the landscaping matures. MS. WALLRICH noted that Staff actually directed the developer toward a solid color due to the fact that the brick is multi-color and it would look too busy with a colored pattern on the foundation stonework as well. From an aesthetic perspective, the solid buff color is more attractive than a multi-colored stone and is consistent with the mortar color. COMMISSIONER KRONER asked why they would submit this material sample when they showed something different on their plans. He noted that in the past the Petitioner did not follow through with what was committed. He said when you make a commitment in a public forum, you should stand by it. MS. MAYHER replied they could paint the foundation material, but the company did not have time to get those samples for the meeting tonight. MS. WALLRICH stated the monotone stone was what was recommended by Staff and in her experience painted stamped masonry does not hold up as well. She noted this stone is not a CMU and is not constructed in rows like a CMU, instead it is designed in a random pattern and is more upscale. She reiterated that it does not look like cinder block. CHAIRMAN SHAW noted the sample is different than the rendering due to more variation and deeper mortar joints on the rendering. He said when the Commissioners are looking at the sample and the rendering there is a disconnect. MS. WALLRICH pointed out that the rendering is illustrative and the brick on the rendering is not the sample chosen by the Commission at the last meeting. The chosen brick is multi-colored and that is why it looks appropriate in the rendering with multi-colored foundation. She stated that with multi-color brick it would be too busy to have the foundation multi-colored as well. Samples of that actual brick and the foundation color recommended by Staff was on display for the Commission. CHAIRMAN SHAW asked if either product conformed to Village codes. MS. WALLRICH replied yes they do meet Village codes.

CHAIRMAN SHAW asked the COMMISSIONERS for additional comments and questions for the Petitioner.

COMMISSIONER AUGUSTYNIAK noted he liked the dog park being moved to the north side of the site.

COMMISSIONER KRONER complimented the Petitioner, Village Staff, and Village Attorney, regarding the considerable amount of time spent to get questions answered. In past meetings residents felt shut out and didn't get answers to questions. He stated he hopes we have met the needs to get questions answered from the last workshop. He thanked the residents for coming to the meeting.

COMMISSIONER MANI said he echoes the comments of COMMISSIONER KRONER regarding the foundation.

COMMISSIONER CURRAN noted they have done a fine job of answering all these questions.

CHAIRMAN SHAW asked what commitment there is to continue to provide the amenities over time to support it is a high end development. MS. WALLRICH replied this is a Special Use and the approvals are made with conditions and in accordance with plans. The project must meet those conditions and plans. She also stated Staff's job is to maximize the rents by creating value through the architecture and building materials. She noted that by increasing the cost of the project there is some inherent assurances to maintain those amenities that are necessary to command the rents the owner needs to maintain his profit margin. She noted that the owner will do whatever is necessary to make the development capable of commanding those rents. If the building falls into disrepair they will not be able keep the rents up and the bottom profit line will suffer. She said in a project like this you will build in value by providing quality amenities for the residents.

CHAIRMAN SHAW noted the video they presented was good and very timely. He asked if the size and the capacity of the elevators is covered under staff review. MS. WALLRICH noted the elevators will be within fire standards and will be able to accommodate a stretcher. They will also serve as freight elevators. CHAIRMAN SHAW asked about single phase development and asked approximately what the build out time would be. MS. MAYHER replied about eighteen (18) months from start to finish. CHAIRMAN SHAW asked about the height comparison. He said the comparison between the proposed development and the existing Brookside Place development was made in the Staff Report. He noted that this is based on a distant vantage point. He said a more proper comparison would be a closer building. MR. GREGORY noted the ends of the buildings are three (3) stories and only the middle of the buildings are four (4) stories and the ends of the buildings are lower, which is what you will see first.

CHAIRMAN SHAW asked for any final points from the Commissioners. He then invited members of the public to speak.

MICHAEL STOCKLOSE thanked the Commissioners. He then questioned the building heights. He asked if they could get away with shorter ceilings, in order to meet the building height. He was glad you did a traffic study, but that was based on today's traffic and it does not apply to future traffic. There was nothing talked about AC louvers which was brought up on the previous submittal. The construction traffic entering on 191st and he doesn't want to see construction traffic. There should be traffic control, stop signs, if people can bypass the light on 191st and 80th avenue, it will become a thru street. He stated he wanted improved transparency and better documentation as to why this was approved. He stated he wanted this review to be done with more transparency.

PLAN COMMISSIONER KRONER stated he visited a complex on 355 & Butterfield Road and the louvres don't look bad on those buildings. He stated he was comfortable with the louvres. He also stated that nothing gets done just because it was done a certain way 20 years ago. He affirmed that the Commission is as transparent as they can be and he will try and get the answers to their questions.

JEAN MADDEN questioned the traffic pattern. About 3 weeks ago a school bus broke down and there was a great movement of traffic through the subdivision to avoid the traffic. Her biggest concern is the infrastructure and the absence of sidewalks. The 80th Avenue Bridge has not been fixed. There are a lot of accidents because people have nowhere to walk. My concern is traffic.

MS. MALMBORG explained the proposed schedule for the completion of improvements on 80th Avenue Bridge. She noted it is being studied and is moving forward. She also noted that sidewalks will be installed with the project.

PLAN COMMISSIONER KRONER noted the developer will be putting sidewalks in from the beginning to the end of the property.

CHAIRMAN SHAW noted the Village does have a track record of having plans that do not come to fruition. My understanding is such things as sidewalks, if we can find a reasonable way to put in sidewalks beyond their property. MS. WALLRICH replied sidewalks are a requirement of the PUD and the whole development.

RESIDENT – Traffic patterns make it very difficult to turn at certain times of the day. The rents are up now but what happens when that changes. What happens if this development goes into disrepair and they have trouble renting at the high prices? The Resident also questioned the statement that the property taxes would be \$350,000. MS. MAYHER noted this is an estimate. CHAIRMAN SHAW stated there are no incentives being given to this developer in the manner of a tax break. The resident then questioned why these are apartments rather than condos? PATRICK CONNELLY, Village Attorney replied that legal ownership is not proper for a Zoning hearing. The developer has probably crunched numbers and feels that apartments will be profitable. CHAIRMAN SHAW noted this is a business decision. If it makes sense economically this is their decision.

BRIAN GODLEWSKI expressed concerns regarding the improvement of the pond in the area. He also had concerns about the condos being called multi-family, condo/townhomes vs. apartments, FAR not being brought up originally, the comparison of this development to the existing buildings across the street and the Market Study. He stated that townhome and condo market is much better than apartments and feels that the Village needs more condo/townhomes. In some cases the market value decreased around apartments. He also stated that he felt the Petitioner should have requested the FAR as an exception in the application.

MS. WALLRICH replied this developer is not the owner of the pond. The owner of that property will be responsible for maintaining the pond. MS. WALLRICH explained the difference between a Deviation vs. Exception and noted that the Petitioner is requesting a deviation from what was previously approved—the 4 building proposal versus 9 building proposal and for apartments instead of condos. She explained these are deviations not exceptions because the code doesn't regulate the number of buildings or ownership. Conversely the Petitioner is requesting some exceptions to the code such as height, setback and FAR because these issues are regulated by the code and therefore they need to be noted as part of the PUD deviation. She complimented Brian on his research of the code and explained the complexities and interrelationships between FAR and bulk regulations. She noted the inherent flexibility of a PUD and that the intent of a PUD is to suspend code and design a project more creatively.

CHAIRMAN SHAW noted the Plan Commission has not tracked the housing mix as we should. We have no basis to say what is needed and suggested we consider this in the future.

RESIDENT - In order to have Variances approved, it should not affect the property value. He questioned whose responsibility is it to determine the affect? The viability of the buildings is in question. He noted the lack of information seems to favor the developer not the community and questioned the developer's experience?

CHAIRMAN SHAW noted the Special Use with Exceptions to the Code.

ATTORNEY CONNELLY stated it is the Petitioner's job to meet the standards required for approval.

CHAIRMAN SHAW asked the resident about the setback requirement he had mentioned. The resident replied back in 2000 going over 3 stories was not in the best interest of the community. The setback was to be 250'.

MS. WALLRICH noted that setback was one of the exceptions the Petitioner is requesting and that the setback proposed was between the setback required by code and what the overlay district required. CHAIRMAN SHAW noted in response to Mr. Godlewski's question about including the FAR in the application that often the requests made by the Petitioner change as we go through the process; what they are requesting is not necessarily what gets recommended.

CHAIRMAN SHAW asked for an opinion from the Village Attorney as to whether there should be further discussion before hearing a motion is made to close the Public Hearing to ensure there is a consensus of the Commissioners or whether there may still be some additional questions. He questioned whether the Commissioners had all the information they needed to make a decision. He asked the Village Attorney if he should close the Public Hearing if more information is needed that should be on the public record and if the public hearing were continued would it require additional notice or should it be continued to a date certain? CHAIRMAN SHAW noted that the hearing could be continued to a future date in order to answer further questions.

ATTORNEY CONNELLY replied it depended on what the information is. If there is something that could be done at the next meeting, you can continue it at the next hearing. He stated he preferred not to go beyond the next meeting, but if there is something that needs a month, close the hearing and re-notice it for a month.

CHAIRMAN SHAW asked each of the Commissioners if there was more information needed to be able to make a decision this evening before he closed the Public Hearing.

COMMISSIONER KRONER asked about traffic control and whether the Commission can condition approval on traffic controls at the intersections. ATTORNEY CONNELLY replied that is not possible. A separate recommendation could be made to the Village Board. MS. WALLRICH replied that you can direct Staff to look at this and it could be brought to the Public Safety Committee for consideration.

COMMISSIONER SHAW advised we should make that recommendation. He then asked again if the Commissioners needed additional information. All Commissioners replied they did not need more information. COMMISSIONER SHAW asked for a motion to close the Public Hearing.

Motion was made by PLAN COMMISSIONER CURRAN, seconded by PLAN COMMISSIONER AUGUSTYNIAK, to close the Public Hearing. Vote by voice. CHAIRMAN SHAW declared the Motion carried.

CHAIRMAN SHAW noted within the Staff Report there are the Standards for Special Use. There are 5 points to consider. They are Site Plan Approval, Special Use for a Substantial Deviation and the three exceptions: Setback, Height and FAR. He stated that he felt these could be considered at one time and did not need separate consideration as has been with previous recommendations. He asked before making a motion, are there any further discussions or deliberation from the Commissioners?

CHAIRMAN SHAW then noted the Standards for Special Use and the Finding of Facts in the Staff Report. Are there any additions or questions on those from the Commission? MS. WALLRICH noted there are Standards for PUD, Standards for Residential PUD's, Standards for Site Plan and Standards for

Special Uses. Some are redundant, the Standards for PUD's are often reflected in creating new PUD's, but just to be thorough, we want you to look at those and most are not applicable to the Deviation. The most critical ones are the Special Use Standards and Site Plan Standards. CHAIRMAN SHAW stated regarding the setback, obviously we have overlapping, conflicting setback requirements and to that end, outside of this, I think it would be important for us to consider, especially with the undeveloped commercial space in the middle, that any undeveloped space that falls within this with conflicting setbacks, that we clarify this point. If there is some change we need to make it before the next development comes up. MS. WALLRICH replied the commercial would not be an issue since the Overlay District applies to commercial. CHAIRMAN SHAW asked if any of the Commissioners had any concerns regarding setback, height or FAR of this? All Commissioners replied no. CHAIRMAN SHAW noted if there are no further comments from the Commissioners he would entertain a Motion on this matter.

Motion was made by PLAN COMMISSIONER ENGEL, seconded by PLAN COMMISSIONER CURRAN, to recommend that the Village Board grant the Petitioner, Andrea Crowley of Griffin & Gallagher, LLC on behalf of Karli Mayher and KJM-Vandenberg Brookside Joint Venture, Site Plan Approval, in accordance with plans as noted in the List of Submitted Plans within the Staff Report and attached to the Plan Commission Meeting Packet, to develop a one hundred forty-four (144) unit multi-family residential project within four (4) residential structures connected by semi-underground parking. The proposed plans include various private residential amenities such as a 5,320± square foot club house, outdoor terraces, outdoor pool and cabanas, electric car charging stations, a dog park, fitness center, fire pits, and landscaping.

The Plan Commission also moves to recommend that the Village Board grant the Petitioner, Andrea Crowley of Griffin & Gallagher, LLC on behalf of Karli Mayher and KJM-Vandenberg Brookside Joint Venture, a Special Use Permit for a Substantial Deviation from the Brookside Glen Planned Unit Development (within Ordinance 2000-O-006) to develop a one hundred forty-four (144) unit multi-family residential project within four (4) residential structures connected by semi-underground parking.

Ordinance 2000-O-006 allows one hundred forty-four (144) dwelling units within nine (9) buildings. The proposed Substantial Deviation will reduce the number of residential structures from nine (9) to four (4). The club house will be located between the residential structures above the semi-underground parking garage. The subject property is generally located west of Magnuson Lane and John Michael Drive in the southwest corner of 191st Street and Magnuson Lane. The parcel identification numbers of the lots are 19-09-11-200-015-0000 and 19-09-11-200-013-0000. The Plan Commission also adopts the Standards for a Planned Unit Development, Standards for Site Plan Approval, and Findings of Fact for a Special Use Permit drafted in the Staff Report and discussed at this meeting."

...The project includes the following exceptions:

1. An exception to the Village requirement for the front yard setback to allow the residential structures to be set back about 18' to 27';
2. A nine foot (9') exception to the maximum building height requirement within Ordinance 2000-O-006 to allow the structures at a building height of 65' where 56' is the maximum height allowed; and
3. An exception of 0.056 to the Village requirement for floor area ratio (FAR) to allow a FAR of 0.656 where 0.6 is the maximum FAR allowed.

...The Plan Commission recommends the following conditions:

3. That the Final Landscape Plan must be approved by the Village's Landscape Architect and Village Staff prior to release of the building permit;
4. That the Petitioner provides amenities in accordance with the plans;
5. All proposed residential amenities must be completed prior to issuance of final Certificate of Occupancy;
6. The public improvements (sidewalk, lighting, street trees, and intersection improvements) along Magnuson Lane toward 191st Street must be completed prior to issuance of the final Certificate of Occupancy

AYES: PLAN COMMISSIONERS CURRAN, ENGEL, GATTO, and CHAIRMAN SHAW

NAYS: PLAN COMMISSIONERS AUGUSTYNIAK, KRONER, and MANI

CHAIRMAN SHAW declared the Motion approved.

GOOD OF THE ORDER

COMMISSIONER KRONER asked to put forth a Motion to recommend to the Board that Staff looks at the stop signs at the intersections for the project. He wanted to see this happen before the development starts. CHAIRMAN SHAW stated we can make a recommendation to the Board. We should make a Motion that this goes before the next Public Safety Committee meeting to install stop signs at the intersection.

Motion was made by PLAN COMMISSIONER KRONER, seconded by PLAN COMMISSIONER MANI to recommend to the Village Board at the next Public Safety Meeting that 4-way stop signs are installed at the intersections of that area. Vote by voice. CHAIRMAN SHAW declared the Motion approved.

MS. WALLRICH gave a list of the future projects.

1. South Street Boulevard
2. Lakota survey on the Plaza amenities and locations on web site.
3. Waiting for Woodman plans
4. McDonalds Proposal – similar to other McDonalds on Harlem.
5. CD Committee Meeting on November 14
6. Mayor initiative – economic development on downtown area. Patrick Hoban working on it. Permanent improvements to bring older buildings up to date.
7. Design Guidelines
8. Working on a new software update to our department.
9. Aldi sign size recommended (medium size) – framed and ready for install
10. Portillo's work started – working at night.

CHAIRMAN SHAW discussed how Oak Lawn has a mechanism for minority votes to explain their votes. He noted that given the split vote tonight he felt it would be helpful to the Village Board understand the dissenting votes. ATTORNEY CONNELLY replied there can be a mechanism as to why Commissioners voted no. This could be an important context to bring to the Village Board.

PLAN COMMISSIONER KRONER noted the residents and staff did a fine job of getting everything together. He had concerns about home value and **that the** developer did not provide what they promised with respect to the foundation material. He noted that the Tracy Cross study on the last proposal was flawed **and felt that these flaws were not addressed. He stated that many residents have concerns about the impact of the project on home values and this issue was not addressed.** MS. WALLRICH stated there was no resistance on the developer's part to give the Commission what they wanted, that it was staff's recommendation for the **color of the** foundation material.

PUBLIC COMMENT

Resident #1 – The Plan Commission did not consider or negotiate the height.

Resident #2 – There could have been a great compromise on height. The FAR is 50% greater than the allowable.

ADJOURNMENT

There being no further business, a Motion was made by PLAN COMISSIONER AUGUSTYNIAK, seconded by PLAN COMMISSIONER ENGEL, to adjourn the Regular Meeting of the Plan Commission of November 2, 2017 at 10:16 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN SHAW declared the meeting adjourned.

DRAFT



PLAN COMMISSION STAFF REPORT

December 21, 2017

Location

Village-wide

Approval Sought

Text Amendments to Section II and Section III.V. of the Zoning Ordinance

Workshop & Public Hearing

Text Amendments: Regulations for Telecommunication Service Facilities

EXECUTIVE SUMMARY

Consider recommending that the Village Board approve Text Amendments to Section II (Definitions) and Section III.V. (Regulations for Personal Wireless Service Facilities) of the Zoning Ordinance related to regulations for telecommunications service facilities, including but not limited to: regulations for new freestanding cell towers, co-locations, small cell, and distributed antenna systems.

Staff received inquiries about small cell antennas and began researching how to regulate such technology. Additionally, the current regulations for cell towers and co-locations have room for improvement.

Staff drafted a new Section III.V. that encompasses regulations for all telecommunication service facilities (TCSF), including cell towers, antenna co-locations, small cell antennas, and distributed antenna systems. Planning Staff continues to refine the draft with input from the Village Attorney and the Public Works Department.

Staff encourages the Plan Commission to review the attachments and provide feedback at the workshop and Public Hearing on December 21, 2017.

Attachments:

1. Draft Section III.V.
2. Current Section III.V.
3. Draft Related Definitions
4. Current Related Definitions

Project Planner

Stephanie Malmborg, AICP
Planner I

BACKGROUND

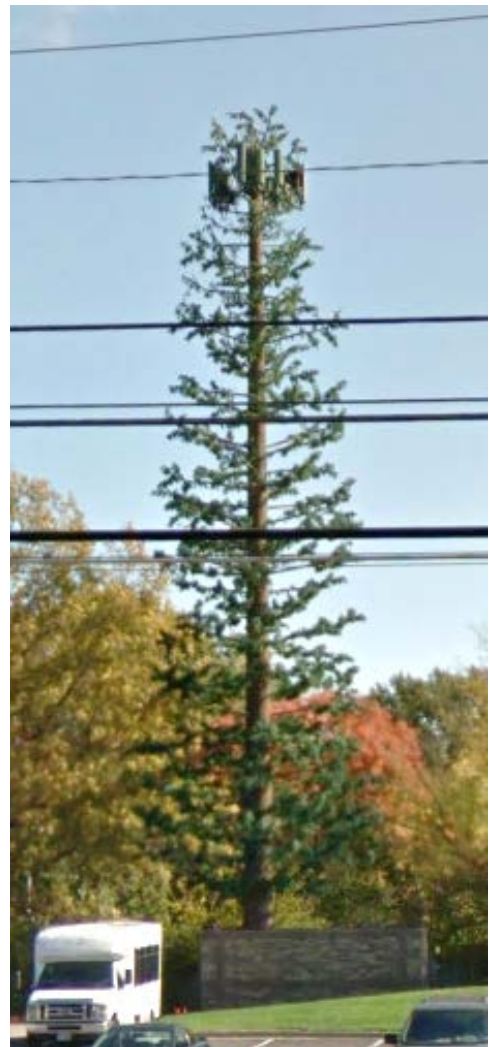
Regulations for telecommunication service facilities (TCSF) are a necessary component of a community's codes/ordinances. Cellular technology is constantly changing and the Village's regulations must be updated from time to time in order to minimize the visual, aesthetic, and public safety impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity, and compatibility with existing telecommunication services.

The Telecommunications Act of 1996 states that local governments cannot "prohibit or have the effect of prohibiting wireless facilities," but also preserves local zoning authority over the "placement, construction, and modification of wireless facilities." It should also be noted that the Act states that a municipality cannot regulate wireless services based on environmental effects of radio frequency emissions.

Many municipalities have converted their "cell tower ordinance" into a comprehensive "wireless facilities ordinance" to address new technologies and incorporate the most recent regulatory changes.

TYPES OF TCSF

Freestanding Cell Towers



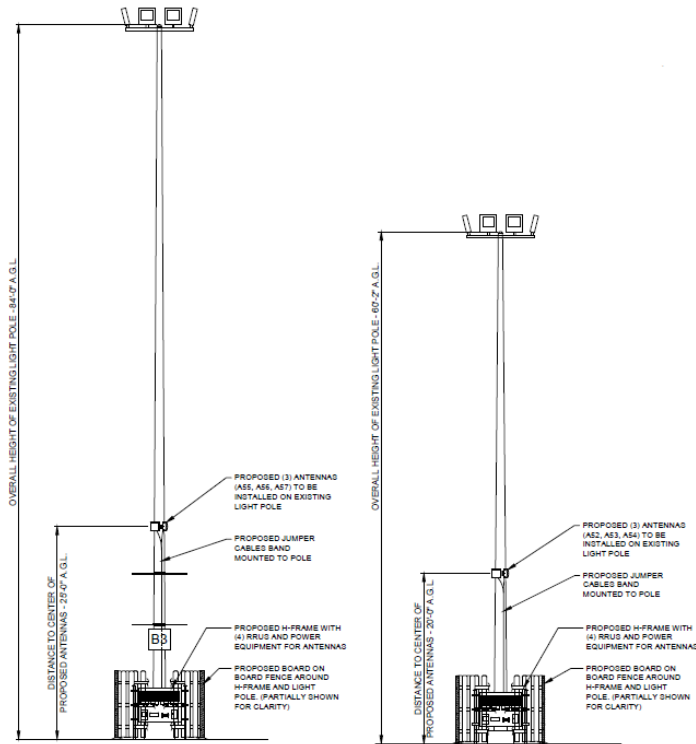
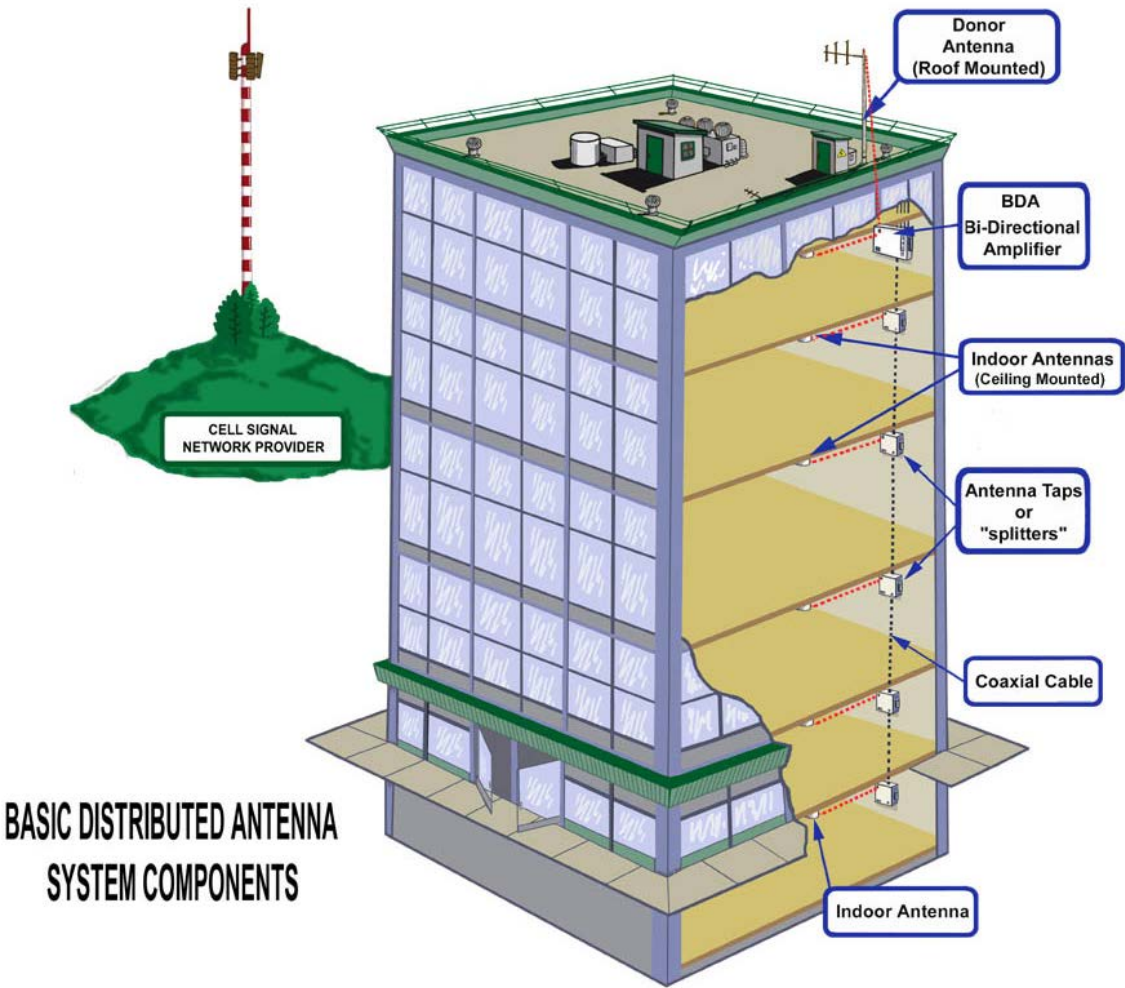
Co-Locations



Small Cell Antennas



Distributed Antenna Systems



CONSIDERATIONS

Some topics for discussion at the Plan Commission workshop may include:

- Where should TCSF be located?
 - Should cell towers be allowed on all non-residential zoning districts, or only M-1 and ORI?
 - Should small cell antennas and distributed antenna systems be allowed within the public right-of-way and on private property?
- What is an appropriate size for TCSF?
 - Should cell towers be allowed to be more than 100' tall?
 - How does a height restriction impact room for co-locations?
 - Could there be fewer cell towers if taller cell towers were allowed?
 - Should there be size limitations on antennas?
- How should TCSF be approved?
 - Should all cell towers require a Special Use Permit?
 - When is Site Plan Approval required?
- How will the TCSF look?
 - Should the Village regulate colors?
 - Should the Village regulate screening?
 - What about disguised cell towers/antennas?
 - Should the ground equipment have a masonry enclosure or use another material?
- What other conditions should be considered?

COMMUNITY DEVELOPMENT COMMITTEE

The Community Development Committee met on December 12, 2017 and discussed the draft Text Amendments. The Committee directed Staff to proceed with the Text Amendments for fence regulations.

MOTION TO CONSIDER

If the Plan Commission wishes to take action, the following motion is in the appropriate form:

"...make a motion to recommend that the Village Board approve Text Amendments to Section II (Definitions) and Section III.V. (Regulations for Personal Wireless Service Facilities) of the Zoning Ordinance related to regulations for telecommunications service facilities, including but not limited to: regulations for new freestanding cell towers, co-locations, small cell, and distributed antenna systems as indicated in Staff's draft Text Amendments dated 12/15/2017."

...with the following changes:

1. *[any changes that the Plan Commission wishes to make to the draft Text Amendments]*

Consider the Following Amendments to Section III of the Zoning Ordinance:

V. REGULATIONS FOR TELECOMMUNICATION SERVICE FACILITIES (TCSF)

1. Purpose and Intent

- a. Promote the health, safety, and general welfare of the public by regulating the siting of wireless communications facilities and antennae;
- b. Minimize the visual, aesthetic, and public safety impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity, and compatibility with existing telecommunication services;
- c. Encourage the location and collocation of wireless communications equipment on existing structures, thereby minimizing visual, aesthetic, and public safety impacts and effects and reducing the need for additional antenna supporting structures;
- d. Accommodate the growing need and demand for wireless communications services;
- e. Encourage coordination between providers of wireless communications services in the Village;
- f. Protect the character, scale, stability, and aesthetic quality of the residential districts of the Village by imposing certain reasonable restrictions on the placement of residential communication facilities;
- g. Establish predictable and balanced regulations governing the construction and location of wireless communications facilities;
- h. Provide for the removal of discontinued antenna supporting structures.

2. Exemptions

- a. The Village is exempt from the regulations herein when there is a demonstrated need for telecommunication services provided by the Village. Such needs shall be accommodated on freestanding cell towers provided by the Village on Village-owned property.

3. General Regulations:

- a. All privately-owned towers, antennas, and related components shall not interfere with public safety communications infrastructure.

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- b. The Petitioner shall demonstrate that the proposed antenna(s) and support structure(s) are safe and that surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris.
- c. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturer;
- d. All towers and antennas shall comply with the current standards and regulations of the Federal Communications Commission, the Federal Aviation Administration, and any other agency of the federal government with the authority to regulate owners and antennas;
- e. A TCSF may not have signage other than signage required by federal law or regulations;
- f. No new monopole, utility pole, or tower having the primary purpose of supporting small cell wireless facilities or other personal wireless telecommunications facilities shall be installed on rights-of-way within the corporate limits of the Village.
- g. Co-Location and Location on Existing Structures Preferred: In order to minimize adverse visual impacts associated with the proliferation of towers, co-location of antennas by more than one provider on existing or new towers and location of antennas on existing buildings or structures shall take precedence over the construction of new freestanding towers. If a new, freestanding cell tower is proposed, Special Use Approval shall not be granted unless the Petitioner demonstrates compliance with the following:
 - 1) A diligent effort has been made to locate the antenna on an existing freestanding cell tower and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available;
 - 2) Covenants shall be recorded which require that the Petitioner allow, on a commercially reasonable basis, other providers of personal wireless service facilities and other antennas to co-locate on the proposed freestanding tower, where such co-location is technologically feasible; and
 - 3) The Site Plan for the construction of a new, freestanding tower shall delineate an area, either on site or on adjacent property, near the base of the tower to be used for the placement of additional equipment and buildings for other users. To the extent that the site for the new freestanding tower is adequate to allow co-location on such site, the Petitioner must allow, on a commercially reasonable basis, other providers to locate on site.

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- h. Structural Integrity: A TCSF, including antenna(s), other component parts, and all related equipment anchorage, shall be designed to withstand the wind force referenced in the applicable building and/or electrical codes currently adopted by the Village including loading without the use of guy wires. As part of the permit application process, the Petitioner shall provide the Village with a structural evaluation of each specific location establishing that the proposed installation meets or exceeds the standards described herein. The evaluation shall be prepared by a structural engineer licensed in the State of Illinois.
- i. Abandonment:
 - 1) In the event the use of a tower or antenna is discontinued for a period of sixty (60) consecutive days, the tower or antenna shall be deemed to be abandoned. The Community Development Director shall determine the date of abandonment based on documentation required from the tower owner/operator or other appropriate sources. Upon abandonment, the tower owner/operator shall have an additional sixty (60) days within which to:
 - i. Reactivate the use of the tower either by said owner/operator or transfer of the tower to another owner/operator for such use within the aforesaid sixty (60) day period. Transfer of the tower to another owner/operator shall not require Special Use Approval provided use of the tower is re-activated within the sixty (60) day period, and that the use of the tower complies with all conditions of the original Special Use Approval and the terms of this Ordinance;
 - ii. Dismantle and remove the tower at which time any Special Use shall become null and void; and
 - iii. Request approval from the Village Board to allow the abandoned tower or antenna to remain for a specified period of time. If said approval is granted, the tower shall be reactivated or removed within the time period approved by the Village Board as per regulations herein.

4. Regulations for New Freestanding Cell Towers and Antenna Co-Locations on Existing Freestanding Cell Towers or Existing Structures

- a. In accordance with Section III.V.3.g., the Petitioner must perform their due diligence and demonstrate there are no suitable co-location opportunities available on existing freestanding cell towers. If no such locations exist, then new freestanding cell towers shall be sited in accordance with Section III.V.4.b.
- b. Location Requirements for New Freestanding Cell Towers
 - 1) Hierarchy of Locations for New Freestanding Cell Towers: New freestanding

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cell towers shall be sited in accordance with the hierarchy below.

- i. A new freestanding cell tower shall be located on Village-owned property. If there are no sites available on Village-owned property, then a new freestanding cell tower shall be located on property owned by a municipal body or district (e.g. library district, park district, school district, etc.). The Petitioner must perform their due diligence and demonstrate there are no suitable locations available on Village-owned property.
- ii. If there are no suitable sites available on Village-owned property or property owned by a municipal body or district, then a new freestanding cell tower shall be located on property within the M-1 (General Manufacturing) Zoning District, provided that the proposed freestanding cell tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on Village-owned property or property owned by a municipal body or district.
- iii. If there are no sites available on Village-owned property, property owned by a municipal body or district, or property within the M-1 (General Manufacturing) Zoning District, then a new freestanding cell tower shall be located on property within the ORI (Office and Restricted Industrial) Zoning District, provided that the proposed freestanding cell tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on Village-owned property, property owned by a municipal body or district, or property within the M-1 (General Manufacturing) Zoning District.

1) Yards and Setbacks:

- i. A freestanding cell tower and the associated ground equipment shall only be allowed in a rear yard and shall not be located within a front yard or side yard, unless:
 - a) It is shown that an alternate location results in more effective screening or blending of the tower into the surrounding landscape;
or
 - b) The location has the effect of interfering with the operations of the principal use on the subject property; provided, however, such personal wireless service facilities nevertheless may not be located between the principal building and the street or in the front yard of the lot in question.

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- ii. A freestanding cell tower and the associated ground equipment must be set back at least ten feet (10') from the principal structure and ten feet (10') from property lines.
- c. Location Requirements for Antenna Co-Locations on Existing Freestanding Cell Towers
 - 1) Antennas shall be attached to existing freestanding cell towers or on existing non-residential structures.
 - 2) Attachment to Existing Freestanding Cell Tower: Antennas shall not project above the top of the monopole and shall not interfere with other antennas on the monopole.
 - 3) Attachment to Existing Non-Residential Building:
 - i. Antennas shall not be attached to the front wall of a building unless the Petitioner can provide evidence that other locations are not feasible.
 - ii. Antennas shall be made to effectively blend into the architecture of the building.
 - iii. Antennas shall not be visible from the public right-of-way whenever possible.
- d. Conditions for New Freestanding Cell Towers and Antenna Co-Locations
 - 1) Maximum Height:
 - i. A freestanding cell tower's monopole may extend up to 100' from grade. A lightning rod may extend up to 5' above the top of the monopole.
 - ii. Antennas attached to an existing freestanding cell tower shall not project above the top of the monopole.
 - iii. Antennas attached to an existing building must not exceed ten feet (10') above the top of the building. Antennas may not project more than two feet (2') from the side of a building.
 - 2) Color:
 - i. A freestanding cell tower, antennas, and all related equipment and appurtenances, shall be a color that blends with the surroundings.
 - ii. The use of reflective materials is prohibited.

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- iii. Any wiring must be covered with an appropriate cover or cable shield.
- 3) Co-Location: All new freestanding cell towers must allow for a minimum of one (1) co-location by other potential users.
- 4) Disguised Towers: The Village encourages the use of disguised freestanding cell towers such as flag poles, monopines, or architectural elements.
- 5) Screening:
 - i. The freestanding cell tower shall be architecturally compatible with the surrounding buildings and land uses or shall be otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.
 - ii. All associated ground equipment shall be screened by a masonry enclosure at least six feet (6') in height but no taller than eight feet (8') in height. The enclosure shall have a security gate matching the structural integrity of the remainder of the enclosure.
 - iii. Landscaping is required around the ground equipment enclosure in accordance with the recommendation from the Village's Landscape Architect or as required by the Village's Landscape Ordinance, as amended from time to time.
- e. Approval for New Freestanding Cell Towers
 - 1) The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission.
 - 2) The Petitioner must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board.
 - 3) If located on Village property the Petitioner must complete a lease agreement with the Village prior to approval of the Special Use Permit.
 - 4) The Petitioner must obtain a Building Permit from the Community Development Department.
- f. Approval for Antenna Co-Location on Existing Freestanding Cell Tower or Existing Structure
 - 1) The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission if the co-location involves changes to ground equipment that would alter the existing footprint of the existing ground equipment

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enclosure.

- 2) The Petitioner must obtain a Special Use Permit for an antenna co-location on an existing structure with review by the Plan Commission and approval by the Village Board.
- 3) If located on Village property the Petitioner must complete a lease agreement with the Village. When a Special Use Permit is required, such agreement must be completed prior to approval of the Special Use Permit.
- 4) The Petitioner must obtain a Building Permit from the Community Development Department.

5. Regulations for Small Cell Wireless Facilities/Antennas

a. Location

- 1) All small cell wireless facilities must be installed on an existing utility pole within public rights-of-way that are at least 66.0 feet in width.
- 2) Hierarchy of Locations for Small Cell: New small cell wireless facilities shall be sited in accordance with the hierarchy below.
 - i. Small cell wireless facilities shall be located on Village rights-of-way.
 - ii. If there are no Village rights-of-way that meet the Petitioner's needs, then small cell wireless facilities shall be located on County rights-of-way. The Petitioner must perform their due diligence and demonstrate there are no locations available on Village rights-of-way.
 - iii. If there are no Village or County rights-of-way that meet the Petitioner's needs, then small cell wireless facilities shall be located on State rights-of-way. The Petitioner must perform their due diligence and demonstrate there are no locations available on Village or County rights-of-way.
 - iv. If there are no Village, County, or State rights-of-way that meet the Petitioner's needs, then small cell wireless facilities shall be located on Federal rights-of-way. The Petitioner must perform their due diligence and demonstrate there are no locations available on Village, County, or State rights-of-way.
- 3) Separation Requirement: Small cell wireless facilities may be attached to a utility pole located at least five hundred (500) feet from any other utility pole on which a small cell wireless facility is mounted. A lesser separation may be approved if the Petitioner proves that the lesser separation is necessary to

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close a significant gap in the Petitioner's services or to otherwise provide adequate services to customers, and the proposed small cell wireless facility location is the least intrusive means to do so.

b. Conditions

1) **Maximum Number of Antennas:** Not more than one (1) small cell wireless facility may be located on a single utility pole.

2) **Surface Area of Antenna:**

i. The small cell antenna, including antenna panels, whip antennas or dish-shaped antennas, shall not have a surface area of more than seven (7) square feet. Surface area shall be calculated by measuring all faces of the antenna visible from the public right-of-way.

ii. No single dimension shall exceed seven (7) feet.

iii. Omnidirectional or whip antennas may not extend more than seven feet (7').

3) **Height:**

i. The top of the highest point of the antenna may not extend more than seven feet (7') above the highest point of the utility pole.

ii. The operator of a small cell wireless facility shall, whenever possible, locate the base of the equipment or appurtenances at the highest height possible on the utility pole, but no lower than nine (9) feet above grade.

iii. Extensions to utility poles utilized for the purpose of connecting a small cell wireless facility shall be fabricated from non-metallic material of a neutral color approved by the Village, and shall have a degree of strength capable of supporting the entire small cell wireless facility and cabling and capable of withstanding wind forces and ice loads in accordance with the structural integrity standards set forth in subsection (l), below. An extension shall be securely bound to the utility pole perpendicular to the ground in accordance with applicable engineering standards for the design and attachment of such extensions. No extensions fabricated from wood shall be permitted.

4) **Color:**

i. A small cell wireless facility, including the antenna and all related equipment and appurtenances, shall be a color that blends with the surroundings of the utility pole on which it is mounted.

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- ii. The use of reflective materials is prohibited.
 - iii. Any wiring must be covered with an appropriate cover or cable shield.
 - 5) Antenna Panel Covering: A small cell antenna shall include a radome, cap, or other antenna panel covering or shield and shall be of a color that blends with the color of the utility pole on which it is mounted.
 - 6) Guy Wires: No guy or other support wires shall be used in connection with a small cell wireless facility unless the small cell wireless facility is proposed to be attached to an existing utility pole that incorporated guy wires prior to the date that a Petitioner has applied for a permit.
- c. Approval
- 1) The Petitioner must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board.
 - 2) If located within a Village right-of-way the Petitioner must complete a lease agreement with the Village prior to approval of the Special Use Permit.
 - 3) The Petitioner must obtain a Building Permit from the Community Development Department.

6. Regulations for Distributed Antenna Systems

- a. Location
- 1) All distributed antenna systems must be installed on private property.
 - 2) Exterior antennas shall be located upon existing poles or structures.
 - 3) Associated exterior equipment shall only be allowed in a rear yard or on the roof of a principal structure and shall not be located within a front yard or side yard.
- b. Conditions
- 1) Surface Area of Antennas: Each antenna within a distributed antenna system shall not have a surface area of more than seven (7) square feet. Surface area shall be calculated by measuring all faces of the antenna visible from the public right-of-way.
 - 2) Height:

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- i. The top of the highest point of the antenna may not extend beyond the height of the existing structure that the antenna is mounted upon.
- ii. Associated equipment located on the roof of a principal structure shall not exceed ten feet (10') in height.

3) Color:

- i. A distributed antenna system, including the antenna and all related equipment and appurtenances, shall be a color that blends with the surroundings of the structure on which it is mounted.
- ii. The use of reflective materials is prohibited.
- iii. Any wiring must be covered with an appropriate cover or cable shield.

4) Screening:

- i. The distributed antenna system shall be architecturally compatible with the surrounding buildings and land uses or shall be otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.
- ii. All associated ground equipment shall be screened by a masonry enclosure at least six feet (6') in height but no taller than eight feet (8') in height. The enclosure shall have a security gate matching the structural integrity of the remainder of the enclosure.
- iii. All associated equipment located on the roof of a principal structure shall be screened from view from the public right-of-way.
- iv. Landscaping is required around the ground equipment enclosure in accordance with the recommendation from the Village's Landscape Architect or as required by the Village's Landscape Ordinance, as amended from time to time.

c. Approval

- 1) The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission.
- 2) The Petitioner must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board.
- 3) The Petitioner must obtain a Building Permit from the Community Development Department.

V. REGULATIONS FOR PERSONAL WIRELESS SERVICE FACILITIES

1. Locations:

- a. Subject to Site Plan Approval, any such personal wireless service facilities shall be considered a Permitted Use if located on an existing freestanding tower, including co-locations, on Village-owned property. Provided no such Village-owned property meets the needs of the Petitioner, location on an existing freestanding tower, including co-locations, on non-Village owned property shall be considered a Permitted Use. Prior to construction of such facilities, the Petitioner must receive Site Plan Approval from the Plan Commission pursuant to the Site Plan review process set forth in Section III,T of this Ordinance;
- b. Except as provided in Subsection V.1.a above, a Special Use Permit is required and may be requested pursuant to the Special Use process set forth in Section X.J for any use that satisfies the definition of personal wireless service facility, as defined herein, provided that the proposed location satisfies any one of the criteria listed below:
 - (1) The proposed facility is a new structure on Village-owned property pursuant to an agreement with the Village and further provided that such facilities are so designed so as to allow and encourage co-location by other potential users;
 - (2) The proposed facility is a new structure and is on property owned by a municipal body or district (e.g. library district, park district, school district, etc.). The Petitioner must perform its due diligence and demonstrate there are no locations available that satisfy the criteria provided in V.1.a and V.1.b(1) above;
 - (3) The proposed facility is within the M-1 General Manufacturing District and (a) is not within one thousand (1,000) feet of a Residential Zoning District, or (b) is separated from Residential Zoning Districts by a freeway or principal arterial as defined by the Village of Tinley Park Comprehensive Plan. Further, the Petitioner must perform its due diligence and demonstrate there are no locations that satisfy the criteria provided in V.1.a, V.1.b(1) and V.1.b(2) above. If any such locations do exist, the Special Use Permit may be denied; and
 - (4) The proposed facility is attached to an existing structure within a non-residential or non-historic District. The Petitioner must perform its due diligence and demonstrate there are no locations that satisfy the criteria provided in V.1.a, V.1.b(1), V.1.b(2), and/or V.1.b(3) above. If any such locations do exist, the Special Use Permit may be denied.

2. Maximum Height for Personal Wireless Service Facilities:

VOTP Zoning Ordinance – Current Regulations for Personal Wireless Service Facilities

An applicant for approval of a personal wireless facility shall demonstrate that the personal wireless facilities do not exceed the minimum height required to function satisfactorily. Under any circumstances, personal wireless facilities shall not exceed the following height restrictions unless otherwise specifically approved by grant of a Special Use Permit as per Section X.J hereof:

- a. The maximum height of a freestanding tower shall not exceed one hundred (100) feet provided; however, that an applicant requesting a freestanding tower shall demonstrate that the tower antenna is the minimum height required to function satisfactorily;
- b. If mounted on the roof of an existing building or structure, the height of an antenna shall not exceed ten (10) feet above the height of the existing structure provided; however, that the maximum height may be increased if: (1) the radio signal would be impaired or blocked off if the antenna was located near the middle of the roof; and (2) the Village Board determines that it is preferable to locate the antenna at a location other than near the edge of the roof; and
- c. An antenna attached to the side of a building, structure, or tower shall not extend above the roof of the building, structure, or tower; provided, however, if the radio signal is distorted or blocked by structures located on the roof of the building, the Village may allow the height to exceed the height of the building, structure or tower in its discretion.

3. Screening and Site Location for Personal Wireless Service Facilities Attached to Freestanding Towers:

- a. Support structures and antennas shall have a non-contrasting blue, gray, or similar color that minimizes their visibility and is compatible with the surrounding landscape;
- b. Personal wireless service facilities should be architecturally compatible with the surrounding buildings and land uses or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical; and
- c. Personal wireless service facilities attached to a freestanding tower shall not be located between a principal building and a street or in the front yard of the lot in question. Such freestanding tower shall be located adjacent to the rear wall of the principal building unless: (1) it is shown that an alternate location results in more effective screening or blending of the tower into the surrounding landscape; or (2) the location has the effect of interfering with the operations of the principal use on the subject property; provided, however, such personal wireless service facilities nevertheless may not be located between the principal building and the street or in the front yard of the lot in question.

VOTP Zoning Ordinance – Current Regulations for Personal Wireless Service Facilities

4. Screening and Site Location for Personal Wireless Service Facilities Attached to Existing Buildings or Structures:

- a. Personal wireless service facilities may be attached to the wall or roof of a building subject to height restrictions in this Subsection therein. Such facilities shall not be attached to the front wall of a building unless it can be shown that other locations are not feasible and that the facilities shall be made to effectively blend into the architecture of the building;
- b. Personal wireless service facilities and their support structures attached to an existing building or structure shall be of a color identical to the building or that maximizes the blending of the facilities and support structures into the architecture of the building or structure; and
- c. Personal wireless service facilities and their support structures attached to an existing building or structure shall not extend more than twenty-four (24) inches beyond the wall of such building or structure.

5. Screening and Site Location for Ground Level Equipment and Buildings:

- a. Personal wireless service facilities may be attached to the wall or roof of a building subject to the height restrictions set fourth in this Subsection V;
- b. Landscaping consisting of shrubs and similar materials shall be provided surrounding the foundation of ground level buildings, structures, and fences subject to the review and approval of the Community Development Director;
- c. Ground level buildings and structures shall be designed and located to blend with the existing architecture and landscaping of the subject property and the surrounding area. Masonry facades shall be required for such buildings or structures unless otherwise allowed as a condition of the Special Use Approval; and
- d. Fencing may be provided as a condition of the Special Use Approval for the purpose of enclosing and screening freestanding towers or antennas and their support facilities. Such fencing shall comply with the requirements for residential fences contained in this Ordinance, except as specifically authorized by conditions for approval of a Special Use.

6. Compliance with Governmental and other Safety Regulations:

- a. The applicant shall demonstrate that the proposed antennas and support structure are safe and that surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris. All support structures shall he fitted with anti-climbing devices, as approved by the manufacturer;

VOTP Zoning Ordinance – Current Regulations for Personal Wireless Service Facilities

- b. All towers and antennas shall comply with the current standards and regulations of the Federal Communications Commission, the Federal Aviation Administration, and any other agency of the federal government with the authority to regulate owners and antennas; and
- c. Upon application and approval, the Building Commissioner shall issue a Building Permit prior to construction of any tower or antenna. Said Building Permit shall verify that towers and antennas are constructed in compliance with applicable Village Building Codes and any requirements of the Electronic Industries Standards and the Federal Communications Commission, as well as the provisions herein.

7. Co-Location and Location on Existing Structures Preferred:

In order to minimize adverse visual impacts associated with the proliferation of towers, co-location of antennas by more than one provider on existing or new towers and location of antennas on existing buildings or structures shall take precedence over the construction of new freestanding towers. If a new, freestanding tower is proposed, Special Use Approval shall not be granted unless the applicant demonstrates compliance with the following:

- a. A diligent effort has been made to locate the antenna on an existing structure and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available;
- b. Covenants shall be recorded which require that the applicant allow, on a commercially reasonable basis, other providers of personal wireless service facilities and other antennas to co-locate on the proposed freestanding tower, where such co-location is technologically feasible; and
- c. The Site Plan for the construction of a new, freestanding tower shall delineate an area, either on site or on adjacent property, near the base of the tower to be used for the placement of additional equipment and buildings for other users. To the extent that the site for the new freestanding tower is adequate to allow co-location on such site, the applicant must allow, on a commercially reasonable basis, other providers to locate on site.

8. Abandonment of Towers or Antennas:

In the event the use of a tower or antenna is discontinued for a period of sixty (60) consecutive days, the tower or antenna shall be deemed to be abandoned. The Community Development Director shall determine the date of abandonment based on documentation required from the tower owner/operator or other appropriate sources. Upon abandonment, the tower owner/operator shall have an additional sixty (60) days within which to:

VOTP Zoning Ordinance – Current Regulations for Personal Wireless Service Facilities

- a. Reactivate the use of the tower either by said owner/operator or transfer of the tower to another owner/operator for such use within the aforesaid sixty (60) day period. Transfer of the tower to another owner/operator shall not require Special Use Approval provided use of the tower is re-activated within the sixty (60) day period, and that the use of the tower complies with all conditions of the original Special Use Approval and the terms of this Ordinance;
- b. Dismantle and remove the tower at which time any Special Use shall become null and void; and
- c. Request approval from the Board of Trustees to allow the abandoned tower or antenna to remain for a specified period of time. If said approval is granted, the tower shall be reactivated or removed within the time period approved by the Board of Trustees as per regulations herein.

VOTP Zoning Ordinance – Proposed Changes to Definitions Related to TCSF

Last Edited 12/15/2017 by SM

Consider the Following Definitions for Section II of the Zoning Ordinance:

ANTENNA: Any device or array that transmits and/or receives electromagnetic signals for voice, data or video communication purposes, including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications, but excluding satellite earth stations less than six feet in diameter, any receive-only home television antennas and any antenna supported by a structure not greater than 72 feet in height, which is owned and operated by an amateur radio operator licensed by the FCC.

ANTENNA SUPPORT STRUCTURE: Any structure designed and constructed for the support of antennas, including any tower or disguised support structure, but excluding support structures not greater than 72 feet in height, owned and operated by an amateur radio operator licensed by the FCC. Such term shall also include any related and necessary cabinet or shelter.

CABINET: Casing or console, not including a shelter, used for the protection and security of communications equipment associated with one or more antennas, where direct access to equipment is provided from the exterior and do not exceed height of seven feet.

CO-LOCATION: The location and use of two or more antennas on a single antenna support structure.

DISTRIBUTED ANTENNA SYSTEM: A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. Such systems can be either indoor or outdoor.

DISGUISED SUPPORT STRUCTURE: Any freestanding, manmade structure, designed for the support of one or more antenna, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include, but are not limited to, clock towers, campaniles, observation towers, artificial trees, light standards, or similar alternative design mounting structures that camouflage or conceal the presence of a wireless service facility.

FREESTANDING CELL TOWER: A cell tower designed and constructed to stand alone on its own foundation, free of architectural or other supporting frames, or attachments, including, but not limited to, self-supporting (lattice) towers and monopoles.

GUYED TOWER: A tower that has tensioned cables attached to the tower and anchored at a distance from the structure's base.

MONOPOLE: A structure composed of a single spire, pole or tower used to support antennas or related equipment.

PERSONAL WIRELESS TELECOMMUNICATION EQUIPMENT: Equipment, inclusive of an antenna, that is part of a personal wireless telecommunications facility.

PERSONAL WIRELESS TELECOMMUNICATIONS FACILITY: An antenna, equipment, all applicable hardware, and related improvements used, or designed to be used, to provide

VOTP Zoning Ordinance – Proposed Changes to Definitions Related to TCSF

Last Edited 12/15/2017 by SM

wireless transmission of voice, data, images or other information including, but not limited to, cellular phone service, personal communication service, paging, and Wi-Fi antenna service.

SHELTER: A structure for the protection and security of communications equipment associated with one or more antennas, where access to equipment is gained from the interior of the structure.

SMALL CELL WIRELESS FACILITY: A personal wireless telecommunications facility consisting of an antenna and related equipment either installed singly or as part of a network to provide coverage or enhance capacity in a limited defined area supported on structures not initially designed to support such equipment.

TCSF: Telecommunication service facilities, as well as the collective use of the terms "antenna," "antenna support structure," "cabinet," "disguised support structure," "freestanding tower," "shelter" and "tower" to describe telecommunication service facilities.

TOWER: A structure designed for the support of one or more antennas, including self-supporting (lattice) towers, monopoles, or other freestanding towers, but not disguised support structures, or buildings.

UTILITY POLE: An upright pole or structure supporting electric cables and may also support telephone cables, telecommunication cables and related facilities owned and maintained by Commonwealth Edison, AT&T, or the Village of Tinley Park.

**VOTP Zoning Ordinance – Current Definitions Related to
Personal Wireless Service Facilities**

ANTENNA: An Antenna is any exterior apparatuses at a fixed location designed for telephonic, radio, data, internet, or other communications through the sending and/or receiving of electromagnetic waves, including equipment attached to a tower or building for the purpose of providing personal wireless services as defined herein.

ANTENNA HEIGHT: Antenna Height is the vertical distance measured from the lowest grade level within five (5) feet of the base of an antenna support structure to the highest point of the structure even if said highest point is an antenna.

PERSONAL WIRELESS SERVICE/PERSONAL WIRELESS SERVICE FACILITIES:
As defined in Title 47, United States Code, Section 332(c)(7)(C), as amended now or in the future.

TOWER, FREESTANDING: A Freestanding Tower is a structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities, radio transmission towers, microwave towers, common carrier towers, cellular telephone towers, or personal communications services towers, alternative tower structures, and similar structures.

Location

Village-wide

Approval Sought

Text Amendments to
Section II and Section
III.H. of the Zoning
Ordinance

Workshop & Public Hearing

Text Amendments: Fence Regulations



EXECUTIVE SUMMARY

Consider recommending that the Village Board approve Text Amendments to Section II (Definitions) and Section III.H. (Permitted Encroachments in Required Yards) of the Zoning Ordinance related to regulations for fences.

Staff is working to complete the final draft of the Text Amendment to the Fence Regulations. Following multiple reviews by the Zoning Board of Appeals and the Plan Commission, Staff also presented the amendments to the Community Development Committee and received support for the proposal.

Staff seeks direction from the Plan Commission on a few remaining topics, including: allowing fences along a front property line when adjacent to a major thoroughfare, allowing chain link fences in the secondary front yard,, and where fences should be located on through lots. Staff encourages the Plan Commission to review the attached draft and provide feedback at the December 21, 2017 workshop and Public Hearing.

Project Planner

Stephanie Malmborg, AICP
Planner I

BACKGROUND

Staff has been working on draft Text Amendments to the Zoning Ordinance for fence regulations in order to reduce the number of variance requests for fences on residential properties. The main issue is often where fences are allowed on single-family residential corner lots. The second most common issue is where fences can be located on older lots that do not meet the current setback requirements.

Both the Zoning Board of Appeals and the Plan Commission have reviewed the previous version of the draft. The draft includes regulations for location, materials, and height. Additionally, Staff included administrative review for fences proposed within a secondary front yard on a corner lot (commonly referred to as the “corner side yard”). Such fences must meet certain requirements in order to be approved administratively; otherwise, the fences must be approved through a variance process. The draft also includes regulations for permit requirements, temporary fences, and nonconforming fences. New definitions for terms related to fences are also included in the draft. The draft fence regulations would apply to all properties outside the Legacy District (which utilizes fence regulations within the Legacy Code).

COMMUNITY DEVELOPMENT COMMITTEE

The Community Development Committee met on December 12, 2017 and discussed the draft Text Amendments. The Committee directed Staff to proceed with the Text Amendments for fence regulations.

MOTION TO CONSIDER

If the Plan Commission wishes to take action, the following motion is in the appropriate form:

“...make a motion to recommend that the Village Board approve Text Amendments to Section II (Definitions) and Section III.H. (Permitted Encroachments in Required Yards) of the Zoning Ordinance related to regulations for fences as indicated in Staff’s draft Text Amendments dated 12/15/2017.”

...with the following changes:

1. *[any changes that the Plan Commission wishes to make to the draft Text Amendments]*

VOTP Zoning Ordinance – Proposed Fence Regulations

Last Edited 12/15/2017 by SM

J. Fence Regulations (*this amendment involves re-alphabetizing subsequent sections*)

1. Permit Required

- a. A building permit is required for all work performed in association with the construction, alteration, or relocation of a fence except as outlined in Section III.J.1.b.
- b. Exemptions: The following circumstances do not require a building permit; however, they are subject to the regulations within Section III.J.2.:
 - (1) Repairs of not more than one (1) eight foot (8') section of fencing per year on a legally permitted fence; and
 - (2) Fences two feet (2') in height or less.

2. Regulations for All Zoning Districts

a. Location

(1) Permitted Fence Location

PERMITTED FENCE LOCATION BY LOT TYPE AND YARD TYPE				
LOT TYPE	YARD TYPE			
	Front/Primary Front	Secondary Front	Side	Rear
Interior Lot	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Interior Key Lot	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Corner Lot	Fence Permitted at or behind Required Setback Line	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Reversed Corner Lot	Fence Permitted at or behind Required Setback Line	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Through Lot	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Corner Through Lot	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line

VOTP Zoning Ordinance – Proposed Fence Regulations

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Flag Lot	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
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(2) Rights-of-Way, Drainage, and/or Utility Easements

- (i) No private fences shall be allowed or constructed within public street, highway, or alley right-of-ways.
- (ii) Fences may, by permit and written approval, be placed on drainage and/or public utility easements, so long as the fence does not interfere in any way with existing drainage patterns, underground, ground, or above-ground utilities.
- (iii) Fences shall not obstruct access to utilities. A gate or moveable section of fencing may be required.
- (iv) The Village or any utility company having authority to use such easements shall not be liable for repair or replacement of such fences in the event they are moved, damaged, or destroyed by virtue of the lawful use of said easement.

- (3) Clear Vision Triangle: Fences shall not obstruct sight lines and/or cause a negative impact to safety of pedestrians or vehicles. A clear vision triangle must be maintained.

b. Materials

- (1) Fences shall consist of materials that are found by the Zoning Administrator or their designee to be durable and weather resistant. Fencing shall be painted, rust-proofed or otherwise protected against damage and decay so as to present an orderly appearance.
- (2) All fences shall be maintained in good, structurally sound repair and in a neat, clean, presentable and attractive condition.

(3) Allowable Materials:

- (i) PVC/vinyl
- (ii) Wood
- (iii) Wrought iron
- (iv) Aluminum
- (v) Galvanized steel (open style fencing only)
- (vi) Masonry
- (vii) Chain-link without slats (can be coated or uncoated)

VOTP Zoning Ordinance – Proposed Fence Regulations

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- (viii) Perimeter fencing (stone or concrete)
- (ix) Similar materials, as approved by the Zoning Administrator or their designee

(4) Prohibited Materials:

- (i) Chain-link with slats
- (ii) Glass
- (iii) Barbed wire

(5) Orientation of Finished Side: When a fence has a finished or decorative side, it shall be oriented to face outward toward adjacent parcels or street rights-of-way (away from the interior of the lot upon which the fence is erected).

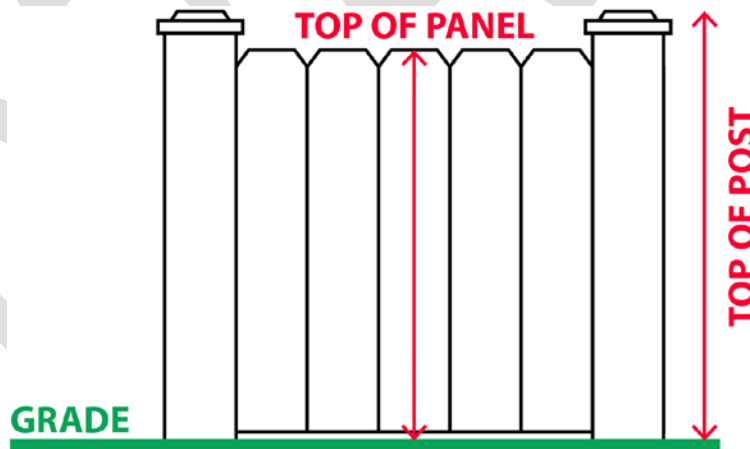
(6) Fencing shall not have sharp edges.

(7) Fencing shall be uniform in color.

c. Maximum Height

(1) Top of Posts: six feet, six inches (6'6") when measured from grade.

(2) Top of Panel: six feet (6') when measured from grade.



3. Administrative Approvals: The Zoning Administrator or their designee may grant administrative approval for a fence in the following circumstances:

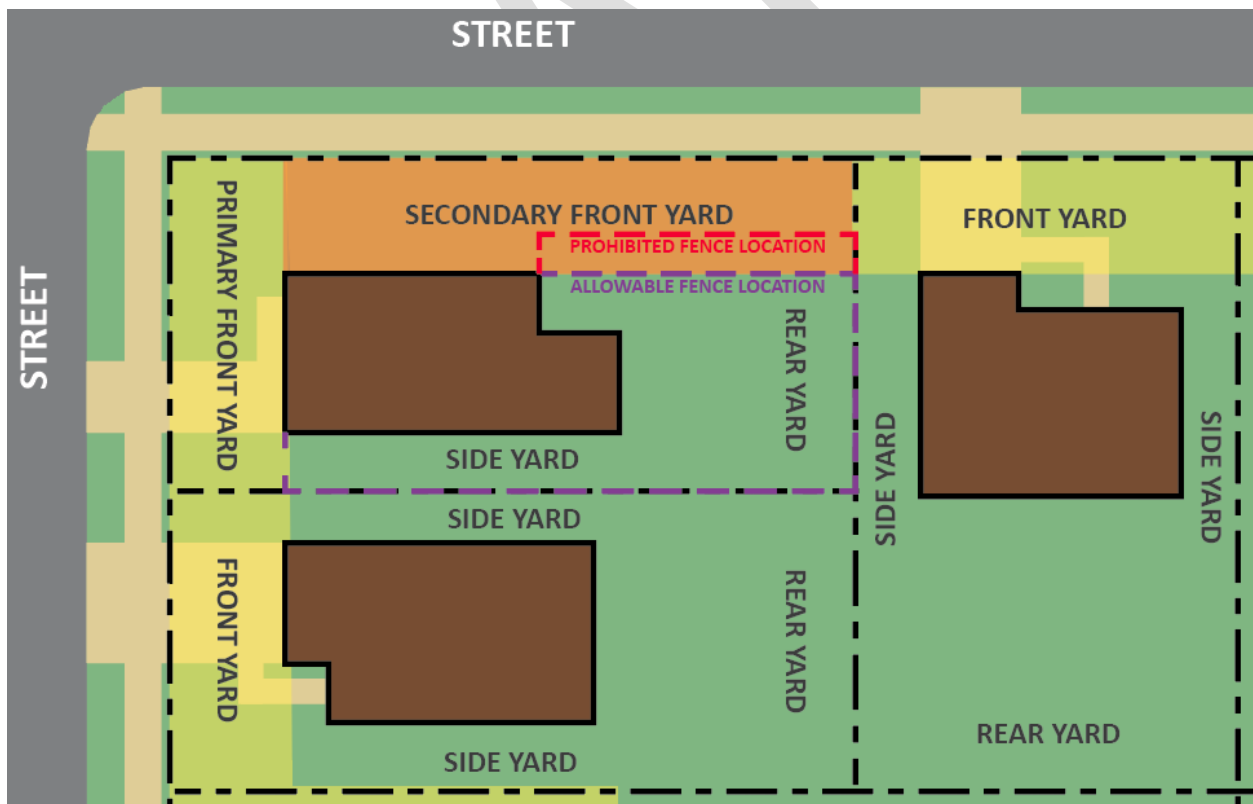
a. Secondary Front Yard

- (1) A fence within a secondary front yard may be permitted to encroach up to ten feet (10') into the required front yard setback, provided that:

VOTP Zoning Ordinance – Proposed Fence Regulations

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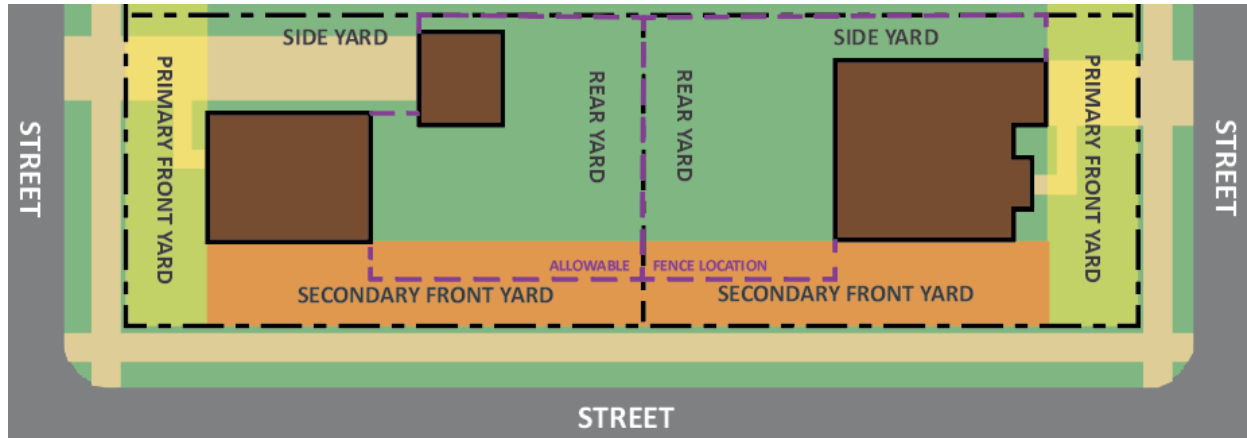
- (i) The property is within a residential zoning district (R-1, R-2, R-3, R-4, R-5, R-6, & R-7);
- (ii) The fence meets all material requirements within Section III.J.2.b.; however, the fence cannot be chain-link; and
- (iii) The fence must be a maximum height of four feet, six inches (4'6") at the top of the posts and four feet (4') at the top of the rails when measured from grade;
- (iv) The fence must be open or decorative in style and have a minimum of fifty percent (50%) open space between rails and posts;
- (v) The fence does not obstruct sight lines that may cause a negative impact to safety of pedestrians or vehicles; and
- (vi) The fence cannot abut a neighboring front/primary front yard. (See graphics).



Graphic: Prohibited Fence Location in Secondary Front Yard

VOTP Zoning Ordinance – Proposed Fence Regulations

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Graphic: Allowable Fence Location in Secondary Front Yard

(2) In the instance that a residential structure is nonconforming to the required front yard setback, a fence may be permitted to encroach into the required front yard setback to align with the established setback of the residential structure, provided that:

- (i) The fence meets all provisions within Section III.J.2.b. and III.J.2.c.; and
- (ii) The fence does not obstruct sight lines that may cause a negative impact to safety of pedestrians or vehicles.

b. Through Lot

(1) A fence may be permitted to be constructed along a property line that directly abuts a public right-of-way or private street if the Zoning Administrator or their designee determines that the lot line should be considered a side or rear lot line based on the adjacent established development pattern, provided that:

- (i) The fence meets all provisions within Section III.J.2.b. and III.J.2.c.; and
- (ii) The fence does not obstruct sight lines that may cause a negative impact to safety of pedestrians or vehicles.

4. Temporary Fences

- a. Temporary fences may be authorized by the Zoning Administrator or their designee for the purposes of securing or enclosing an area for a limited period of time (ex. construction sites, special events, and unsafe structures).

VOTP Zoning Ordinance – Proposed Fence Regulations

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5. Nonconforming Fences: Fences existing at the time of the enactment of this Section III.J., or any amendment thereto, or at the time of annexation to the Village of the property on which they are located and not conforming to the provisions of this Section III.J., shall be regarded as nonconforming fences – either a legal nonconforming fence or an illegal nonconforming fence.
 - a. Legal Nonconforming Fences: Fences constructed with a permit on file with the Village. Minor ordinary repairs and maintenance (not exceeding repair on one (1) eight foot (8') wide section of fencing per year) may be completed on such fence. Nonconforming fences shall not be changed or altered in any manner that would increase the degree of its nonconformity or structurally altered to prolong its useful life.
 - b. Illegal Nonconforming Fences: Fences constructed without a permit. Such fences shall be immediately removed by the property owner or a variation (in accordance with Section X.G. of the Zoning Ordinance) must be obtained.
6. Appeals and Variations: If the Zoning Administrator or their designee denies a fence as proposed, the Petitioner may appeal the denial before the Zoning Board of Appeals as outlined within Section X.F. of the Zoning Ordinance. A Petitioner may also submit a request for a variation as outlined within Section X.G. of the Zoning Ordinance.

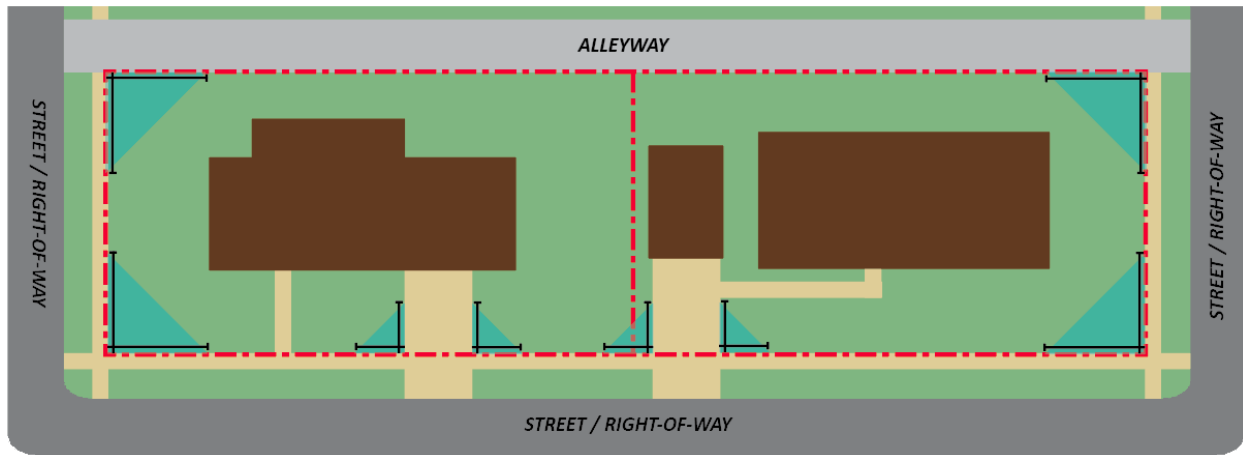
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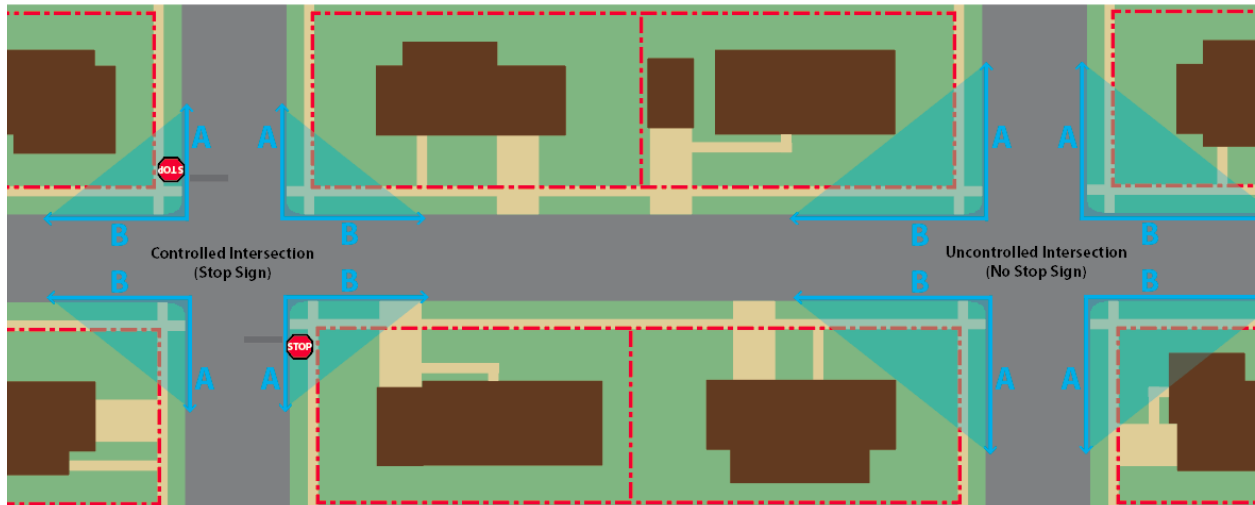
Consider the Following Definitions for Section II of the Zoning Ordinance:

CLEAR VISION TRIANGLE: A Clear Vision Triangle is a triangular area on private property that must be free of visible obstructions in a vertical zone measured two (2) feet to eight (8) feet above grade. The purpose of a Clear Vision Triangle is to ensure pedestrian, bicycle, and vehicular safety.

Clear Vision Triangles on Private Property



Clear Vision Triangles in Intersections



FENCE: A Fence is a linear structure or partition of definite height and location intended to serve as: a physical barrier to property ingress and egress; a screen from objectionable views or noise; a marker; or for decorative use. Hedges, ornamental shrubs, trees and bushes shall not be considered fences.

FENCE HEIGHT: Fence Height is the vertical distance measured from the adjacent grade to the top of the fence posts or rails.

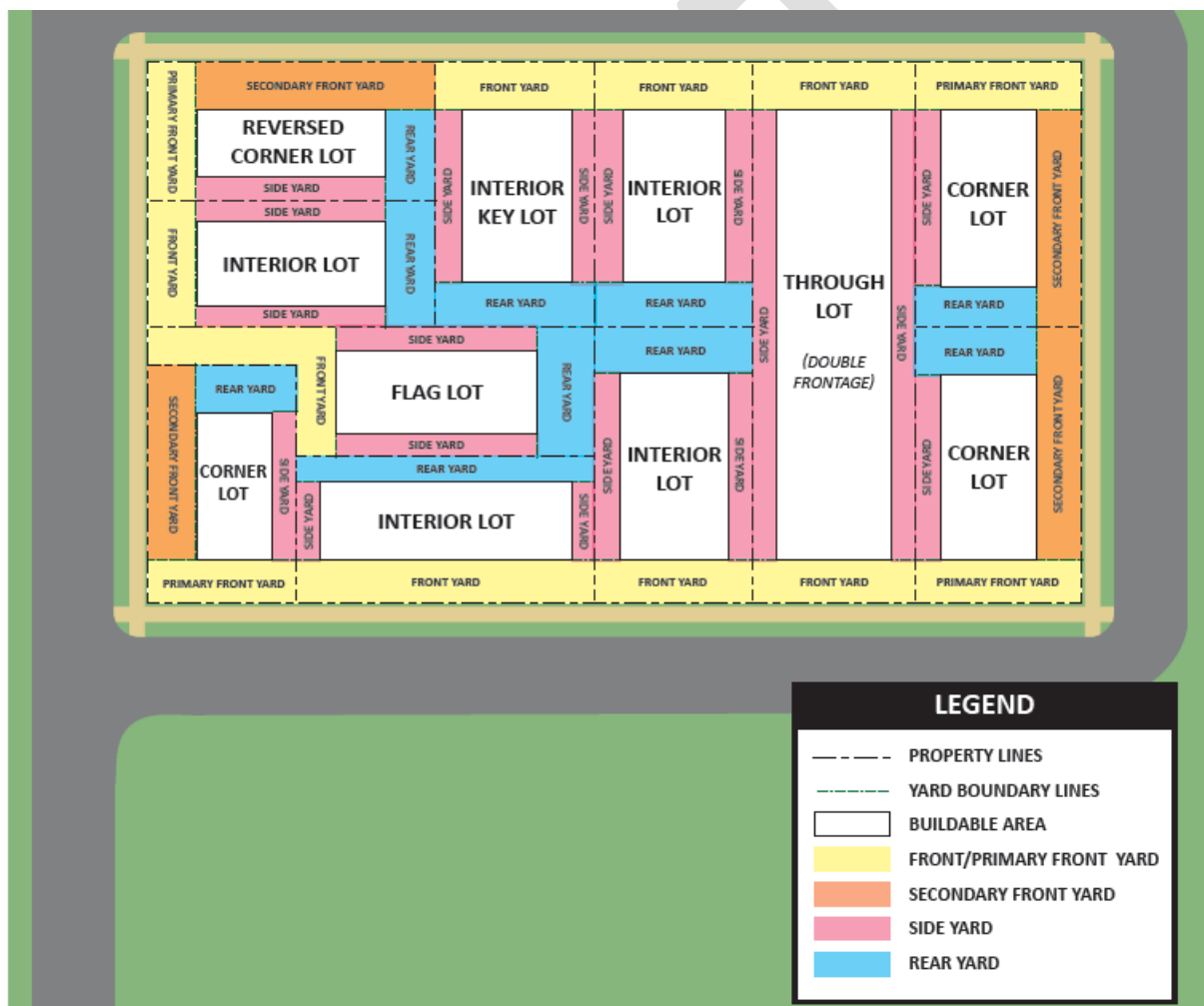
VOTP Zoning Ordinance – Proposed Fence Regulations

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FENCE, SOLID/PRIVACY: A Solid/Privacy Fence is a fence, including gates, designed and constructed so that the surface area of any segment of such fence is more than fifty percent (50%) opaque.

FENCE, OPEN/DECORATIVE: An Open/Decorative Fence is a fence, including gates, designed and constructed so that the surface area of any segment of such fence contains at least fifty percent (50%) open spaces, as compared to solid materials.

LOT: A Lot is a parcel of land occupied or intended for occupancy by a use, building, or structure together with its accessory uses, open spaces, and areas required by this Ordinance, and having its principal frontage upon a public street or upon an officially-approved private way utilized for street purposes. A Lot need not be a Lot of Record.



LOT, CORNER: A Corner Lot is a lot having at least two (2) adjacent sides that abut a public right-of-way or private street. Both such lot lines shall be considered front lot lines.

LOT, CORNER THROUGH (TRIPLE FRONTAGE): A Corner Through Lot is a lot having at least three (3) adjacent sides that abut for their full length upon public right-of-way or private

VOTP Zoning Ordinance – Proposed Fence Regulations

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street. All such lot lines along the frontages shall be considered front lot lines unless the Zoning Administrator or their designee determines that one or more lot lines should be considered side or rear lot lines based on the adjacent established development pattern.

LOT, FLAG: A Flag Lot is a lot having only a narrow access strip fronting on a public right-of-way or private street.

LOT, INTERIOR: An Interior Lot is a lot with a single frontage on a public right-of-way or private street.

LOT, INTERIOR KEY: An Interior Key Lot is a lot with a side lot line that abuts the rear lot line of one or more adjoining lots.

LOT, REVERSED CORNER: A Reversed Corner Lot is a corner lot with a rear lot line abutting a side lot line of another lot (typically, an interior key lot).

LOT, THROUGH (DOUBLE FRONTAGE): A Through Lot is a lot having frontage on two (2) nonintersecting streets. Both lot lines along the frontage shall be considered front lot lines unless the Zoning Administrator or their designee determines that one of the lot lines should be considered a side or rear lot line based on the adjacent established development pattern.

YARD, FRONT/PRIMARY FRONT: A Primary Front Yard is a street-side yard that measures the smallest dimension on a corner lot. Lots will only have one primary front yard. In situations where the dimensions are similar or unclear, the Zoning Administrator or their designee will determine the primary front yard.

YARD, REAR: A Rear Yard is a yard extending across the rear of a lot measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies, or unenclosed porches. On corner lots, the Rear Yard shall be at the opposite end from the primary front yard. On interior lots the Rear Yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SECONDARY FRONT: A Secondary Front Yard is a street-side yard that measures the larger dimension on a corner lot. Through lots that are also corner lots may have more than one secondary front yard. In situations where the dimensions are similar or unclear, the Zoning Administrator or their designee will determine the secondary front yard(s).

YARD, SIDE: A Side Yard is a yard extending between the front yard and rear yard and situated between the side lot line and the principal building.