



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

April 4, 2019

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on April 4, 2019 at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Plan Commissioners: Ken Shaw, Chairman
Tim Stanton
Lucas Engel
Garrett Gray
Eduardo Mani
MaryAnn Aitchison
Stephen Vick
Chuck Augustyniak

Absent Plan Commissioner(s): Angela Gatto

Village Officials and Staff: Paula Wallrich, Community Development Director
Kimberly Clarke, Planning Manager
Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

CALL TO ORDER

PLAN COMMISSION CHAIRMAN SHAW called to order the Regular Meeting of the Plan Commission for April 4, 2019 at 7:03 p.m.

COMMUNICATIONS

CHAIRMAN SHAW gave notice of his resignation. He advised that this will be his last meeting. He noted he has enjoyed serving on the Plan Commission for the last three years. He also noted he has enjoyed working with the Commissioners and the Staff. Community Development Director, Paula Wallrich noted on behalf of staff she wanted to thank him for his service and dedication to the Village. She stated that she knows how much Chairman Shaw cares and is passionate about Tinley Park and he will be missed.

APPROVAL OF MINUTES

Minutes of the March 21, 2019 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER AITCHISON, to approve the minutes as presented. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved as presented.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE APRIL 4, 2019 REGULAR MEETING

Item #1 WORKSHOP: TELECOMMUNICATION SERVICE AND SMALL CELL WIRELESS FACILITIES – TEXT AMENDMENT

Consider a proposed Text Amendments to consider recommending that the Village Board approve Text Amendments to amend Section III.W. (Regulations for Personal Wireless Service Facilities) of the Zoning Ordinance related to regulations for Telecommunication Service and Small Cell Wireless Facilities.

Present were the following:

Plan Commissioners: Ken Shaw, Chairman
Tim Stanton
Lucas Engel
Garrett Gray
Eduardo Mani
MaryAnn Aitchison
Stephen Vick
Chuck Augustyniak

Absent Plan Commissioner(s): Angela Gatto

Village Officials and Staff: Paula Wallrich, Community Development Director
Kimberly Clarke, Planning Manager
Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

Guests: None

Dan Ritter, Senior Planner gave a presentation as noted in the Staff Report. The current regulations for cell towers and co-locations were originally drafted in 2017. The regulations were ready for adoption in January 2018 but were placed on hold at the direction of legal counsel due to concerns about proposed state and federal bills and rules that would preempt many local regulations.

The proposed text amendments will further regulate small cell antennas on private property and will establish design standards required for all small cell facilities, including those covered by the state law. Staff drafted a new Section III.W. that encompasses regulations for all telecommunication service facilities, including cell towers, antenna co-locations, small cell antennas, and Distributed Antenna Systems

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.” This act prevents local authorities from outright banning telecommunications facilities from certain areas, which makes it difficult to regulate telecommunication facilities based upon traditional zoning district classifications that may cover large areas and constitute a prohibition. It should also be noted that the Act states that a municipality cannot regulate wireless services based on environmental or health effects of radio frequency emissions.

Illinois S.B. 1451, known as Small Wireless Facilities Deployment Act was approved by the Illinois General Assembly and signed into law in April 2018. The law establishes state-wide regulations for collocation of small cell antennas located within the public right-of-way and on private commercial and industrial properties. The goal of this Act was to streamline the approval process for wireless providers who provide cellular access to the public. The Act pre-empted the local authority to regulate the siting of small cell antennas and requires that any small cell antenna co-located in accordance with the Act shall be considered a permitted use within a public right-of-way or on certain commercial or industrial properties. The FCC has set stricter rules that municipalities must follow including time limits for when applications must be acted on. The “shot clock” requires telecommunication facilities to be treated similarly to other public utilities that serve the public. There is a certain amount of time to respond for approval or denial. This review process cannot be dragged out.

Staff proposed changes in late 2017 and received a unanimous recommendation of approval from the Plan Commission following a number of public meetings on the subject. Staff has made a few additional changes to those regulations that include:

1. Exemption of small cell wireless facilities in the public right-of-way that comply with the Small Cell Wireless Facilities Deployment Act.
2. Introduction of design standards for all small cell wireless facilities, including those permitted within the public right-of-ways.
3. Require disguising new TCSF locations when requested (via Special Use Permit) within 1,000 feet of a Residential Zoning District.
4. Consistency in terms and increased strength in wording of regulations.
5. Reorganization to clearly indicate a hierarchy of permitted locations for cellular facilities. The hierarchy must be followed by requiring clear due diligence efforts showing the least obtrusive location in the hierarchy is being utilized. A Special Use is required for all new tower installations.
6. The proposed hierarchy from most preferred to least is as follows:
 - a. Co-location of antennas on existing cellular tower or non-residential structure (including municipal water towers).
 - b. New cellular facility on Village-owned property.
 - c. New cellular facility on public/taxing body property.
 - d. New cellular facility on M-1 zone property, not within 1,000 feet of a Residential Zoning District.
 - e. New cellular facility on ORI, not within 1,000 feet of a Residential Zoning District.
 - f. New cellular facility on Business (B-1 through B-5) and Residential (R-1 through R-7) Districts.
 - g. New cellular facility within the Legacy Districts.
7. Site Plan approval is required for any co-location with new ground equipment screening and any new TCSF location.

Mr. Ritter displayed examples of freestanding Cell Towers, Co-locations, Small Cell Antennas, Small Cell Deployments, and Distributed Antenna Systems.

Mr. Ritter distributed Current Regulations and Definitions for Personal Wireless Service Facilities and the Proposed 2019 Regulations and Definitions. He went through the Design Guidelines within the Proposed Regulations. The draft text may be tweaked prior to the Public Hearing due to Attorney review and feedback from this meeting.

Some topics for further discussion:

- Historically all new towers required a Special Use. This allowed for public input. Understanding that the Telecommunication Act does not allow a municipality from regulating wireless services based on environmental or health effects of radio frequency emissions, does the Commission wish to allow certain locations by right as a permitted use? This would then not allow for public input in these instances where they prove there is no other options and they comply with all other design and location requirements.
- Is the Commission comfortable with the location hierarchy that has been imposed with Village owned property as the first choice for location of a new tower and the Legacy Districts as the least favored choice? The hierarchy would require due diligence to prove they cannot meet a more desired location on the hierarchy.
- The proposed ordinance requires a masonry enclosure for equipment. Does the Commission wish to require this of all installations and require the applicant to request a variance if they want something else; or does the Commission feel comfortable allowing PVC vinyl fencing in all or some locations (i.e. Com Ed Easement, or sites not visible from public ROW)
- Does the Commission agree with staff's recommendation to require antenna attached to a structure to be permitted only on the rear (opposite of main entrance/façade) and sides of a building?
- Small Cell locations on decorative light poles as least desirable? This would allow location on private property or construction of a new small cell pole before this is permitted.

CHAIRMAN SHAW asked for comments from the Commissioners.

CHAIRMAN SHAW noted there were only two Special Uses that came before the Commission in his experience. He inquired as to whether staff anticipates more in the future. Mr. Ritter replied that staff is not anticipating more for the new antennas but the regulations still need to be in place. The majority will likely be for Small Cell.

COMMISSIONER STANTON inquired about the existing length of the current location approvals and if they will have to be renegotiated. Mr. Ritter replied they will have to renegotiate with the private property owner. However, if they were approved with a special use or variation, those can remain without meeting the current code. It can't be required to take them down or make changes unless there is damage to them or are inactive for a certain amount of time.

COMMISSIONER AUGUSTYNIAK noted he is good with the hierarchy noted. The lowest hierarchy is the Legacy District, but what about Village owned property in the Legacy District. Would that change the hierarchy? Mr. Ritter replied all Village owned property has first choice. The Village would have control to say no except for small cells in the right-of-way. If the Village did not want a pole on their property, then they could go to the next step in the hierarchy.

COMMISSIONER AITCHISON noted she is in agreement with the hierarchy noted and would prefer to see the small cell on private property rather than decorative poles or in the legacy district.

COMMISSIONER GRAY noted the hierarchy is reasonable. He also noted they should be coordinated on the decorative poles with the Village decorations in the Legacy District.

COMMISSIONER VICK noted the hierarchy is good. It is necessary to have rules as to how they look on top of buildings in the Legacy District. We cannot say we don't want it in the Legacy District, but we need to be strong as to how it looks. Mr. Ritter replied that the code reads the antennas have to be on the back or sides of the buildings. In some cases, it is difficult to determine the back of buildings. The requirement is also for them to stop at the parapet height and they must be painted to match the building.

COMMISSIONER MANI agrees with the hierarchy as noted.

COMMISSIONER ENGEL noted if they are to be put in the downtown right-of-way decorative poles they should prove they have tried everything else.

COMMISSIONER SHAW noted masonry is nice and more attractive – less of a nuisance. As long as it is not overly burdensome.

COMMISSIONER GRAY would like to see it be open to the public input for those who live close to the location as they would know the aesthetics around their home and how it would impact them. They should have the opportunity to speak.

COMMISSIONER ENGEL noted regarding the existing locations, in order to streamline the process no Special Use would be required unless it is new on Village property.

CHAIRMAN SHAW inquired about the “shot clock” and if there is any other area where this applies and when does the clock start? Mr. Ritter replied as far as he knows there is no other area where it applies. The process starts with any formal application and a confirmation is necessary in writing that the application has been started. CHAIRMAN SHAW inquired if there is a specific plan regarding plans for burying the poles in the downtown area. Mr. Ritter noted it is very expensive. As the roads are reconstructed or sites redeveloped, it is a good time to bury the poles but there is no long-term plan for this Village-wide.

COMMISSIONER GRAY inquired as to how it is determined that a structure is safe as noted in the General Regulations and if more clarification is necessary. Mr. Ritter replied this is a catch-all for other issues with the design that are hazardous but not structurally related. There is a separate structural integrity section that must be complied with.

CHAIRMAN SHAW noted that the consensus seems to be to keep a Special Use for all new antennas, including those on Village-Owned properties. Even if it cannot be designed, this would allow for notification to surrounding property owners. No Special Use requirement is fine with co-locations but Site Plan approval should still be done when expanding ground equipment.

GOOD OF THE ORDER:

Kimberly Clarke, Planning Manager echoes Ms. Wallrich’s previous comment regarding Chairman Shaw’s resignations. She wishes him all the best and thanked him for his service.

COMMENTS FROM THE COMMISSION

None at this time.

PUBLIC COMMENT:

None at this time.

ADJOURNMENT:

There being no further business, a Motion was made by PLAN COMMISSIONER VICK, seconded by PLAN COMMISSIONER GRAY to adjourn the Regular Meeting of the Plan Commission of April 4, 2019 at 8:22 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN SHAW declared the meeting adjourned.