



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

**May 2, 2019**

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on May 2, 2019 at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Plan Commissioners: Tim Stanton, Acting Chairman  
Lucas Engel  
Garrett Gray  
Angela Gatto

Absent Plan Commissioner(s): Eduardo Mani  
MaryAnn Aitchison  
Stephen Vick

Village Officials and Staff: Mike Mueller, Village Trustee  
Dan Ritter, Senior Planner  
Barbara Bennett, Commission Secretary

**CALL TO ORDER**

PLAN COMMISSION ACTING CHAIRMAN STANTON called to order the Regular Meeting of the Plan Commission for May 2, 2019 at 7:00 p.m.

**COMMUNICATIONS**

None

**APPROVAL OF MINUTES**

Minutes of the April 4, 2019 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER GRAY, seconded by COMMISSIONER ENGEL, to approve the minutes as presented. The Motion was approved by voice call. ACTING CHAIRMAN STANTON 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 MAY 2, 2019 REGULAR MEETING**

**Item #1 PUBLIC HEARING: 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: Tim Stanton, Acting Chairman  
Lucas Engel  
Garrett Gray  
Angela Gatto

Absent Plan Commissioner(s): Eduardo Mani  
MaryAnn Aitchison  
Stephen Vick

Village Officials and Staff: Dan Ritter, Senior Planner  
Barbara Bennett, Commission Secretary

Guests: None

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER GRAY, to open the Public Hearing for TELECOMMUNICATION SERVICE AND SMALL CELL WIRELESS FACILITIES – TEXT AMENDMENT. The Motion was approved by voice call. ACTING CHAIRMAN STANTON declared the Motion approved.

ACTING CHAIRMAN STANTON 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.

ACTING CHAIRMAN STANTON 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.

Dan Ritter, Senior Planner gave a presentation as noted in the Staff Report. Mr. Ritter went through the background noting adjustments that were made as a result of the workshop and attorney review. Regulations for telecommunication service facilities (TCSF) are a necessary component of a community's ability to regulate aesthetics. Cellular technology is continually changing and the Village's regulations must be updated from time to time 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.

Telecommunication Service Facilities (TCSF) is the catchall term for the wireless antennas, equipment and all else associated with them. These wireless regulations were originally adopted in 1998 with the last update in 2010. The Telecommunication Act of 1996 limited the role that municipalities can have to regulate them related to aesthetics and requiring that you cannot prohibit them or regulate their environmental effects. The FCC also set new stricter rules that

municipalities must follow including time limits for when applications must be acted on (shot clock) and requiring telecommunication facilities to be treated similarly to other public utilities that serve the public. Illinois S.B. 1451 (Small Wireless Facilities Deployment Act) was signed into law by Governor Rauner in April 2018. Tinley Park adopted regulations in line with the state law regulating small cell co-locations in public right-of-ways to the greatest extent possible and based upon the Illinois Municipal League's (IML) model ordinance.

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. However, due to the state small cell law, the adoption was placed on hold on the advice from legal counsel. Staff has made some changes to those original 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 in the Village, 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 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) zoned property, not within 1,000 feet of a Residential Zoning District.
  - g. New Cellular facility in Residential (R-1 through R-7) zoned property or other zoning districts within 1,000 feet of a residentially zoned property.
  - h. 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. :

- 1) 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.
  - Special Uses continue to be required for any new tower sites to allow for proper notice to surrounding property owners.

- 2) Is the Commission comfortable with the location hierarchy that has been imposed with Village-owned property as the first choice for the 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 location higher on the hierarchy.
  - Business and Residential districts were further separated. The Legacy District has remained the least preferred location for a new pole
- 3) 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 some locations (i.e. Com Ed Easement, or sites not visible from public ROW)
  - Masonry enclosures will remain a requirement. Variations are an option if it is not feasible or there is another design that meets or exceeds the brick design standard
- 4) 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?
  - Rear and sides will be permitted but the front façade of a building will not be permitted by-right.
- 5) 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.
  - Upon legal review, it was determined that the proposed language was too strong in prohibiting locations on a particular type of pole. The section's wording has been changed to be less restrictive but still indicate that it is not preferred and require that the character and aesthetic design of the pole remain.

Plan Commission discussed the changes at length in the workshop meeting. The Commission generally agreed with staff's recommended hierarchy for new towers, including that the Legacy District should be the last possible option, even if it can't be prohibited. The Commission did recommend breaking out commercial and residential districts into separate hierarchy categories which are presented in the new draft ordinance. There was also some discussion about not requiring a Special Use Permit in some instances where denial would be difficult or where the Village had control. However, the Commission recommended that all new pole locations require a Special Use Permit to ensure that all surrounding property owners are at least notified before a new pole is erected.

The Commission agreed with the small cell design standards for all small cell locations within the Village. They agreed these were least preferred on the decorative light poles in the Legacy District. Staff noted that the Village Attorney was reviewing the wording and requirements to prohibit small cell antennas on the decorative lantern light poles. Upon review, it was noted that the State law prevents the Village from specifically prohibiting any utility pole or requiring that a specific utility pole type be used for small cell antennas. The section's wording has been changed to be less restrictive but still indicate that it is not preferred and would require that the character and aesthetic design of the pole remain.

ACTING CHAIRMAN STANTON asked for comments or questions from the Commissioners.

There were none.

ACTING CHAIRMAN STANTON asked for comments or questions from the Public.

There were none.

A Motion was made by COMMISSIONER GRAY, seconded by COMMISSIONER GATTO, to close the Public Hearing for TELECOMMUNICATION SERVICE AND SMALL CELL WIRELESS FACILITIES – TEXT AMENDMENT. The Motion was approved by voice call. ACTING CHAIRMAN STANTON declared the Motion approved.

Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER GATTO to recommend that the Village Board approve Text Amendments to Section II (Definitions) and Section III.W. (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 4/11/2019.

AYES: GRAY, ENGEL, GATTO, ACTING CHAIRMAN STANTON

NAYS: NONE

ACTING CHAIRMAN STANTON declared the Motion unanimously approved.

**GOOD OF THE ORDER:**

Dan Ritter, Senior Planner noted:

1. North Street construction has started and paver type/pattern selected.
2. Streetscape plan getting reviewed and should bring a cohesive design with the new downtown developments.
3. Proactive Code Enforcement plan has passed to include a foreclosure program.
4. Welcome to new Trustee Mueller.

ACTING CHAIRMAN STANTON welcomed Trustee Mueller and noted looking forward to working with him.

**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 ENGLE, seconded by PLAN COMMISSIONER GATTO to adjourn the Regular Meeting of the Plan Commission of May 2, 2019 at 7:19 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION ACTING CHAIRMAN STANTON declared the meeting adjourned.