

VILLAGE OF ORLAND PARK

*14700 Ravinia Avenue
Orland Park, IL 60462
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Meeting Minutes

Tuesday, January 22, 2013

7:00 PM

Village Hall

Plan Commission

Louis Stephens, Chairman

*Commissioners: Judith Jacobs, Paul Aubin, Steve Dzierwa,
Nick Parisi, John J. Paul and Laura Murphy*

CALLED TO ORDER/ROLL CALL

The meeting was called to order by the Acting Plan Commission Chairman, Mr. Paul Aubin, at 7:00 p.m.

Present: 4 - Member Aubin; Member Dzierwa; Member Parisi, Member Paul

Absent: 3 - Chairman Stephens; Member Jacobs, Member Murphy

APPROVAL OF MINUTES**2013-0017 Minutes of the November 13, 2012 Plan Commission Meeting**

A motion was made by Commissioner Parisi, seconded by Commissioner Paul to continue the minutes of the November 13, 2012 Plan Commission minutes to the February 12, 2013 meeting.

CONTINUED

Aye: 4 - Member Aubin, Member Dzierwa, Member Parisi and Member Paul

Nay: 0

Absent: 3 - Chairman Stephens, Member Jacobs and Member Murphy

2013-0050 Minutes of the January 8, 2013 Plan Commission Meeting

A motion was made by Commissioner Paul, seconded by Commissioner Dzierwa to approve the minutes of the January 8, 2013 Plan Commission minutes with the following change.

PAGE 3 Add the word 'in' after 'you' and before 'because' during Commissioner Dzierwa's testimony.

APPROVED

Aye: 4 - Member Aubin, Member Dzierwa, Member Parisi and Member Paul

Nay: 0

Absent: 3 - Chairman Stephens, Member Jacobs and Member Murphy

PUBLIC HEARINGS**2012-0452 APPS Communication Tower**

TURLEY: Staff presentation made in accordance with the written staff report dated January 22, 2013.

AUBIN: Mrs. Turley, thank you for a great report as usual. This is a public hearing and I am going to ask if the petitioner has anything that he wishes to address with staff or anything he would like to go over? If indeed you do, I will have to swear you in. I will also ask one additional question to the Commissioners, do any of the

Commissioners have questions for our petitioner, tonight? Yes, ok we are going to swear you in.

DZIERWA: Swore in David Apps 14655 82nd Avenue, Orland Park, Illinois.

AUBIN: Thank you Mr. Apps, any comments?

APPS: No. I agree with everything Jane had said as far as the landscaping. I have no problem putting that in or changing the fence. We do need the tower in order to grow. Our business has gone through a lot of changes over the last ten years. We used to be primarily T1 connections to businesses but with the increase of bandwidth and the call for more bandwidth in businesses, T1's just don't do it anymore. So we need a way to provide higher speed access to our clients. We have slowly but surely migrating over to wireless but we have kind of hit a stumbling block where we can't really reach out any farther. We are on some other towers. We backhaul from our location to Chicago, Chicago Ridge, as well as Tinley Park on a tower that is over there. But we need that home base because all of our fiber from when we were a T1 Company is all pulled into that facility. We paid to have that all tunneled underground and brought in. We do need that type of tower in order to reach out and expand in the future.

AUBIN: Thank you very much. It is a public hearing. Is there anyone from the public that would like to address this petition? Come forward and be sworn in.

DZIERWA: Swore in Jay Panozzo, owner of Mid America Towers, P.O. Box 6556, Gainesville, Georgia.

PANOZZO: I am partnering with Dave and designing the tower. I wanted to add that we are not a cellular company. Basically my business is radio tower development and management. I don't work for cell companies and the difference between us and the cell companies is that cell companies will come in and they are in the middle of a 1500 site deployment in the U.S. They are trying to save money at every site, so they will come in and say they are going to build a co-location site but the problem is the sites that they build are not going to be strong enough to handle the equipment that is going to be due in the future. I expect that you are going to see a lot in the future because just as of the first of the year, almost every carrier has allocated money for LTE equipment, which is the fastest and widest bandwidth. It will make the phones work faster and better. What is going to happen is a lot of the structures that are up and existing are not going to be capable of being upgraded. The upgrade costs will exceed three times the cost of building a new tower. The reason is when they originally come in, they do not design the site properly due to cost. The site that we are proposing is designed for multiple carriers and it's also overdesigned. The list of antennae you see there is a theoretical list. In reality, I am actually designing a tower as if it had much more antennae on it and much greater in height. But what that does is give me a design that will have a bigger foundation which will supersede the industry

standards for design criteria both today and in the future to come. I just wanted to add that and if there are any questions about the tower structure or the technology of the tower, I would be happy to answer them.

AUBIN: Thank you. We appreciate your time. I am going to ask the Commissioners if they have any comments or questions. Gentlemen, if you'd be so kind as to respond. Commissioner Paul?

PAUL: Thank you, Mr. Chairman. Just a comment. This is the future. This is where its going. Fifty and sixty years ago they put up poles with wires hanging all over the place and we accepted that because we wanted to use the telephone to communicate. Well we're at a different age now and these kinds of things are becoming neccesity. I have no problem with this at all as long as you comply with the things that we are going to discuss. Thank you, Mr. Chairman.

AUBIN: Commissioner Dzierwa, please.

DZIERWA: Thank you, Mr. Chairman. Question for staff: Mrs. Turley, we were around for that tower that was put up on 167th Street by the School Bus Company. How tall was that one?

TURLEY: The one that is owned by the Catholic Bishop? That one is about 476' tall.

DZIERWA: I am just trying to compare the two. Just by standing there, would I be overwhelmed by this new tower that is 180' but I guess I wouldn't be. Thank you. I guess the difference between 150' and 180' is rather small and most people wouldn't notice it. If it is advantageous for these gentlemen to have it that high, I wouldn't have a problem with it. I do have a question about some of the acronyms. What is SHPO?

PANOZZO: There are federal regulations that I need to follow and get approval on. One of them is a NEPA (National Environmental Protection Agency) Study. The SHPO is where we hire a consulting firm that will send letters to the state historical groups, the Indian tribes that were native to the area. They will send letters to the National Wildlife Commission and the local wildlife commissions also. There will be a wetland study. It is a preliminary study that gets approval by these federal offices that will tell us if the project can proceed without them feeling that it would have an adverse impact on the environment.

DZIERWA: Ok, fair enough. My next question would be that staff is recommending that you do not activate the new tower until you take down the old tower. How do you deal with the down time?

APPS: Yes I did talk to Jane about that and that we would have to move the existing equipment on to it in the meantime but that the final approval, the

occupancy, on the tower would not happen until that point. But we would have active radios because we can't have downtime due to our customers.

DZIERWA: So your stuff will work but you just aren't going to add any others until you take the other one down. That is the way I would perceive it.

APPS: That is correct.

TURLEY: Of course, we will work with them to make that a smooth transition.

DZIERWA: Do you plan on having any cell towers at all on this tower?

APPS: Yes that is our goal.

DZIERWA: Yes I don't think too many people would object to that because who doesn't want their cell phone to work better? I think Mr. Chairman, that is all I have. I was going over my notes here and as long as the petitioner is going to meet the requirements that are stated in the staff report and what the staff wants us to approve, I think the big question is engineering but I do understand how the cost works on that. I do think it would be more advantageous that you get approval from us and the Village Board before you spend all of that money. I think this is going to work as long as you're taking one down and putting one up. It's not going to be too many in one spot. If we can live with a 400' (tower) over there, I don't think 180' (tower) will be too detrimental to the area. I think it is going to a plus. That is all I have, Mr. Chairman.

AUBIN: Thank you Commissioner. Commissioner Parisi?

PARISI: My question will indicate my ignorance on this particular subject. If there is another municipality, in between here and Chicago, that approves a tower that is 180', does that impede your tower? How does that work?

APPS: We register the radio frequency. There are open band frequencies but we are running backhauls and things on registered frequencies. So when we apply with the FCC for that frequency, we are the only person that can use that frequency in that given area. Another tower might go up but they would not be allowed to use that frequency.

PARISI: What is a given area? Can you describe that? Is it a broad geographic area?

APPS: Well it depends on the type of antenna you are using. If you are using a parabolic antenna, which is pretty much a straight line frequency at that point, you might be shooting it this way and somebody else could use it shooting the other way, in that case. Or you could have an omni antenna or a sector where you are broadcasting out and in those cases you are given a certain area where no one

else can broadcast that frequency in.

PARISI: Ok thanks. I don't have anything else.

AUBIN: Mr. Parisi, thank you very much. I had a bunch of comments because I was thinking we are setting a new precedent by putting a 180' tower in instead of 150' but if we have one sitting over there that 480' tall, I can put that in the shredder. With the comments that my fellow commissioners have made, I don't see a problem and the chair will entertain a motion.

(during motion)

DZIERWA: Question. I just have an issue for staff on that very last sentence: just to make sure that they can use the equipment that they currently have in use on the tower that they have in use and that no additional carriers or leasors are allowed to use the tower until the old one comes down. Is that what staff means?

TURLEY: Well we don't want both of the towers to remain up at the same time.

DZIERWA: Well I was assuming that they are just going to flip the switch here and flip the switch there and basically they are back in business the way they were.

PARISI: It doesn't work that way.

AUBIN: It can't go up until the other one is down.

PARISI: Can't they be given a requisite time period?

DZIERWA: We just talked about the down time, remember? I asked the gentleman if the downtime was going to hurt him and he said no, he is going to use his existing business on the new tower, then shut down the old tower but he would not put any new business on the new tower until the old tower was taken down. That is the way I understood it, is that correct Mr. Apps?

APPS: That is correct and I can give a guarantee that I will take the old tower down within 30 days.

DZIERWA: I don't have a problem with you staying in business doing what you are doing now. I don't see how anybody could survive taking down the old tower before you turn on the new one because that has to take some time, too.

PARISI: I think we're all in agreement with you.

DZIERWA: Yes, I just want to make sure that staff knows that and it is worded properly to make sure that he doesn't have to shut down for 3, 5 or 7 days. So basically no new carriers on the tower until occupancy has been approved after

the old tower has been taken down. Is that the way you perceive it?

TURLEY: I'm just not sure if that would address the concern. We just don't want both of the towers to be up at the same time. The existing one needs to come down. How about if its something like "staff will work with the petitioner to avoid any service interruption" ?

DZIERWA: Mr. Apps, does that work?

APPS: That is fine. I wont need much time to make the transition.

DZIERWA: Well leave it as written then or if the motioner and seconder agree that existing rooftop tower must be removed prior to new tower occupancy approval or however you want to word it.

AUBIN: I would leave it.

DZIERWA: I just hate to see us make the petitioner stick to the letter of what's here and then see him suffer downtime.

TURLEY: My concern is that, though this isn't their plan, but say that their existing equipment is put on the new tower and then the old tower remained there and that is how it stayed. That would not work.

DZIERWA: How tall is the old tower, actually?

TURLEY: I'm not sure.

APPS: 100' tall.

PARISI: But I think the wording supposes that there is a point where there is going to be two towers up. The other one will be ready to go and he will not be able to be improved for usage until the other one is removed. Even there it seems like he might need a little bit of time between. I would say have it removed in 'x' amount of days after approval. Similar to my fellow Commissioners, you don't want to tie him into the letter of the law and something that is impossible.

TURLEY: Yes. Maybe that will work then to establish a reasonable amount of time for the tower to be removed.

PARISI: The petitioner will work with staff to assure the existing roof top tower will be removed within a reasonable period of time after the new tower occupancy has been removed. Do you agree with that?

APPS: Yes.

(return to motion)

PAUL:

I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated January 22, 2013

And

I move to recommend to the Village Board approval of the preliminary site plan titled 'Overall Site Plan' by Mid America Towers, project # 2012-0452, pages Z-1, Z-2, Z-3, and Z-4, dated 12/10/12, subject to the following conditions.

The first four conditions must be met prior to the Board of Trustee's meeting:

1. Submit a Final Landscape Plan, that meets and exceeds village Code requirements, for separate review and approval that includes the following changes:
 - a. Redistribute and enhance required plant buffer materials in this way:
 - i. Install heavy shrubbery screening around the visible south and west edges of the front parking lot as well as along the west side of the building. Select shrubs varieties that will maximize screening of outdoor storage from 164th Place.
 - ii. Distribute shade trees around the periphery of the site
 - b. Seed any exposed dirt on the site.
2. Pave the access drive to the cell tower, and label on the Site Plan.
3. Add a paved turn-out before the cell tower enclosure gate to allow service vehicles to turn around , and label on the Site Plan.
4. Repair or replace the existing fence in front of the existing outdoor storage area, and label on the Site Plan..

Additional general conditions:

5. Approval is subject to final engineering approval including structural review.
6. Approval is subject to building code related requirements.
7. No additional increases in tower or equipment height, beyond the petitioned 180', will be approved in the future.
8. All new mechanical equipment, including co-locater equipment, must be contained in the fenced cell tower enclosure.
9. All future lease areas on the monopoles will require additional Village approvals.
10. No additional outdoor storage of any type, anywhere on the site, may be added without additional Village approvals.
11. Any additional lighting, beyond government safety requirements, must be submitted for approval.
12. The following deadlines must be met:
 - Complete and stamped structural engineering plans must be submitted within 90 days of Board approvals.
 - Structural engineering plans must be approved within six months; otherwise the

existing non-conforming tower must be removed.

- The new tower must be constructed and approved for occupancy within one year of structural engineering approval.
- The petitioner will work with staff to assure the existing roof top tower will be removed within a reasonable period of time after the new tower occupancy has been removed.

and

I move to recommend to the Village Board conceptual approval of the monopole tower Elevation titled 'Sabre Tower and Poles' dated 11.6.12.

and

I move to recommend to the Village Board approval of a Special Use Permit for a monopole cell tower subject to the same conditions as outlined in the preliminary Site Plan motion. Modifications to the Special Use Permit include:

1. The height of the cell tower will be 180' with co-location opportunities, 30' higher than the Code limit of 150' with co-locations.
2. Engineering approval is postponed until after the Special Use Permit approval.

PARISI: Second

RECOMMENDED FOR APPROVAL

Aye: 4 - Member Aubin, Member Dzierwa, Member Parisi and Member Paul

Nay: 0

Absent: 3 - Chairman Stephens, Member Jacobs and Member Murphy

NON-PUBLIC HEARINGS

None.

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business before the Plan Commission, the Acting Chairman adjourned the meeting.

AUBIN: This meeting is adjourned at 7:40 p.m.

Respectfully submitted,

Heather Rosignolo

Recording Secretary