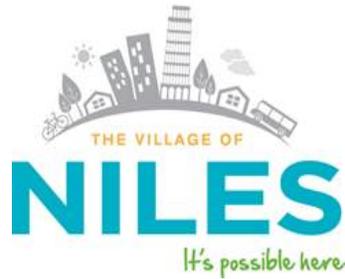


# VILLAGE OF NILES

1000 Civic Center Drive  
www.vniles.com



## Final Approved Meeting Minutes

Monday, March 7, 2022

7:00 PM

Village Hall

## Planning and Zoning Board

### Chairman

Thomas Kanelos

### Members

Susan DeBartolo

Morgan Dubiel, Vice Chairman

Ted Karabatsos

Janet Lee

Terrence McConville

Robert Schulter, Secretary

Charles Ostman, Community Development Director

CALL TO ORDER

The Niles Planning and Zoning Board was called to order at 7:04 P.M.

**PLEDGE OF ALLEGIANCE/ROLL CALL**

All rose for the Pledge of Allegiance.

PRESENT: 6 Chairman Thomas Kanelos, Commissioners  
Ted Karabatsos, Robert Schuler, Terrence  
McConville, Janet Lee, Morgan Dubiel

Also, present were Director of Community Development Charles Ostman, Planner I Nathan Bruemmer and Village Attorney Danielle Grcic. Commissioner Susan DeBartolo was absent.

**APPROVAL OF MINUTES**

Chairman Kanelos asked if there were any additions, clarifications, or corrections to the minutes of February 7, 2022. There were none.

Commissioner Dubiel moved to **approve** the minutes of February 7, 2022.

Seconded by Commissioner McConville, on roll call the vote was:

AYES: 6 Dubiel, Karabatsos, Schuler, McConville,  
Lee, Kanelos

NAYS: 0

ABSENT: 1 DeBartolo

There being six (6) affirmative votes the motion carried.

**PUBLIC COMMENT**

The public can ask questions or comment after the Board has heard the petitioners' testimony following each case. However, if the public has any general comments or questions, they can speak at the end of tonight's meeting.

**OLD BUSINESS**

None

**NEW BUSINESS**

1. 22-ZP-03, 6935 Touhy Ave

**A request for approval of a Special Use Permit per Niles Zoning Ordinance Section 8.2(A) for an Educational Facility - Vocational at 6935 W Touhy Ave, Niles, IL 60714**

Kathleen Duncan, Attorney, Akerman LLP, 71 S. Wacker Dr., Chicago, IL 60606 came to the podium. Being an attorney, she did not need to be sworn in. She is here on behalf of Maryville Academy to request a Special Use Permit for the property located at 6935 W. Touhy Ave. The subject property is owned by the Niles School District. This property was formerly the Niles South Elementary School. Maryville is under contract to purchase the property and is seeking relocate the Jen School, an existing school at Maryville, in that building. Present with her tonight is: Sister Catherine Ryan from Maryville, Ann Craig, principal of Jen School, Rich Merryfield, architect and Anita Alvarez, General Counsel for Maryville. The property is zoned C-3. An educational facility in the C-3 district requires a Special Use Permit. The proposed school will have up to 100 students with a maximum of 41 faculty and staff. Maryville is proposing to reuse the existing building adding a new elevator and entry addition along with interior renovations including installation of a sprinkler system. [She is now showing the site on the overhead screen]. After the renovations, there will be 54 total parking spaces onsite, which the applicant is confident will meet the needs for the school each day. Students are not permitted to drive to the school. Maryville has also agreed to the traffic patterns both coming and going to the school to ensure safe flow of traffic in the area. For example, the entrance will be on Franks Avenue so all traffic will have to come in off of Franks Avenue. No entrance to the school will be allowed from Touhy Avenue. There will be right turns only onto Touhy Avenue when exiting the site. At this time, she introduced Sister Catherine Ryan.

Sister Catherine Ryan, Executive Director, Maryville, Academy, 1150 N. River Rd., Des Plaines, IL 60016 is also an attorney and did not need to be sworn in. Though they are in Des Plaines they have been a neighbor of Niles since 1883. Their mission is to protect children and help them develop and prepare for a healthy and successful life as adults as well as to help them address the immediate trauma they have been through. They do this through several types of programs. They have shelters, group homes, family support programs, health care programs and education programs. This evening they are asking for a Special Use for the property at 6935 W. Touhy for their education program, Jen School. They would like to move the currently existing Jen School which shares space with other programs, including residential programs, at the Des Plaines campus. They would like to move Jen School to the larger location on Touhy and have a dedicated campus. They envision a career and technical education center that will prepare their students to succeed in today's labor market. They hope and expect the Village of Niles will find them to be a good neighbor if granted this Special Use and they would also look forward to sharing this facility with the community when students are not there. She is pleased to introduce school principal, Ann Craig.

Ann Craig, Principal, Jen School, 1150 N. River Rd., Des Plaines, IL 60016 came forward and was sworn in. She thanked everyone for allowing them to be here tonight to share the vision of Jen School for the future. It is also the future of the students. Students come from 18 different school districts. They serve over 23 high schools currently. The students come to them because they have special needs that this school meets with specially designed classrooms in a unique setting. They have a long-standing relationship with District 219. The school is much like the former school that was in the building. It closed in 2019 but was a special education school. They want to bring the current Jen School and its curriculum to this new location. They have a unique social and emotional learning program and career technical learning program going on right now. They want to bring these programs to Niles, enhance it to have the career technology by adding industrial arts programs to the level that any school in a high school program would be exposed to. Their students do not have that opportunity right now. They would like to work with apprenticeship programs among different unions to prepare the students for those trades. If you look at any trade program right now, there is a shortage of trade workers, carpenters, welders in union programs. These students can fill those jobs. We need to be able to prepare them for those jobs. With their integrated emotional learning programs they have, they are not only preparing them for the technical skills of work, they are preparing them for soft skills, like how to be at work on time, how to handle problems on the job. That is their big vision: a comprehensive high school that will prepare students for the future.

Ms. Duncan stated the applicant has responded to the Special Use request demonstrating how they have met all the requirements in the Village Code, including that the Special Use is consistent with the spirit and intent of the zoning ordinance. Since the property was used as a school, Jen School will be consistent with that use. It goes along with the Comprehensive Plan that this property will remain a school. The Special Use will not endanger public health, safety or welfare. The Jen School is licensed by the Illinois State Board of Education. It is a leader in providing education to students requiring special education needs. The proposed use will in no way impact the surrounding area. The proposed Special Use is compatible with the general land use of adjacent properties in the surrounding area. Finally, the proposed use is necessary for the public convenience. The Jen School is an alternative special ed school in Illinois. It serves students from multiple school districts including local school districts in the surrounding area. It offers an important resource for students who need these services. This location will service those children who come to the Jen School. With that, they are here to answer any questions. They request a favorable recognition of a Special Use.

Chairman Kanelos had a couple of questions. The only people driving to and from the school would be faculty. Then there would be vans, cabs, buses or parents dropping of children. Is it safe to say the traffic patterns would be in the

morning and afternoon? For the bulk of the day there would not be traffic in and out of there.

Ms. Craig said they do not allow the students to drive to school. The hours of operation: staff are there from 7:30 a.m. until 3 p.m. The academic day runs from 8:30 a.m. until 2:15 p.m. The vocational day goes until 4:00 p.m. The latest anyone would be in the building would be 4:30ish.

Chairman Kanelos would like to reiterate this school will be serving the community and high schools in the area.

Ms. Craig said when searching for a new location they were looking for an area where they could keep serving the school districts they currently serve. Niles is centrally located to school districts they serve as well as the possibility to expand and allow more school districts.

Chairman Kanelos said when he was young most schools had wood shops and electronics, etc. But he does not think that happens anymore. This is really a need going unfilled at the general public schools.

Ms. Crain said career technologies and career pathways are now the buzz words in education. It is taking that shift and becoming more popular in education. Jen School is set to be the only alternative school in the state of Illinois according to their research. They hired a research firm before taking this step. They are poised to be the only alternative school to set up wood shops, mechanical shops to teach students at their level, at their pace to get them ready to go on.

Commissioner Lee asked about the ages of the students. In the brochure it says 6<sup>th</sup> through 8<sup>th</sup> grade [middle school] then high school and beyond. What is beyond?

Ms. Craig said the brochure needs to be updated. Right now, they are 8<sup>th</sup> grade and up through high school or age 18. Beyond is the transition age. When you are in special ed you are allowed to be in school until age 22. So, from 18 to 22, students who are not ready to transition continue to learn life skills and get additional training skills until that age. It will be a closed campus. They provide breakfast in the morning and lunch. If the students leave, it will be with staff to go to job sites.

Commissioner McConville asked what districts are currently served.

Ms. Craig answered Districts 219, 211, 214, 209. They include Waukegan, North Chicago, Palatine, Proviso, Oak Park-River Forest, Arlington Heights. It is a coed school as of 2016. Prior to that it was all boys.

Chairman Kanelos asked if there were any more questions from the Commissioners. There were none. There were no questions for Staff. There were no questions from the public. He entertained a motion.

Commissioner Dubiel moved to **approve** case 22-ZP-03, a request for approval of a Special Use Permit per Niles Zoning Ordinance Section 8.2(A) for an Educational Facility - Vocational at 6935 W Touhy Ave, Niles, IL 60714.

Seconded by Commissioner Karabatsos.

Commissioner Dubiel said they have a complete packet. The requirements for a Special Use Permit were met and read by Attorney Duncan. It is in keeping with the Comprehensive Plan. It is compatible with the general land use. And it is necessary for the public convenience.

Commissioner Schulter said he went to that school as a young child. This will be a great addition for the community.

On roll call the vote was:

AYES: 6 Dubiel, Karabatsos, Schulter, McConville,  
Lee, Kanelos

NAYS: 0

ABSENT: 1 DeBartolo

There being six (6) affirmative votes the motion carried.

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either affirm or deny this recommendation. It will be necessary for the petitioner to contact Mr. Ostman and ask to be placed on the Board of Trustees agenda. The petitioner will then be notified of the date and anyone in the audience who would like to be informed of the Board of Trustees date should leave their name and address with the recording secretary.

**2. 22-ZP-06, 7655 W Dempster St**

**A request for approval of a Special Use Permit per Niles Zoning Ordinance Section 8.3(Y) to allow additional wireless telecommunications equipment to be installed on an existing monopole tower at 7655 W Dempster St, Niles, IL 60714.**

Owen Nason, Concordia Wireless, 706 Bluff St., Apt. 302, Carol Stream, IL 60188 came forward and was sworn in. It is an existing vertical field light telecommunications facility. They are proposing a Dish wireless co-location at Notre Dame College Preparatory School. He is with Concordia Wireless, an agent for DISH Wireless. The original existing field light telecommunications tower was approved by the Planning and Zoning Board in May, 2017. It was approved 6-0 by the Board of Trustees under the Ordinance 20-17.34. The field

light tower was established to accommodate multiple wireless communications carriers. This is a co-location to that facility. The Village of Niles Zoning Ordinance does encourage the use of existing cellular towers for co-location for multiple telecommunication providers. Vertical Bridge is the tower owner and compound owner. The ground owner is Notre Dame College Preparatory School. There is a carrier with equipment just above the field lights. DIISH would be co-locating right above that. This is considered a non-substantial change to the facility per the FCC guidelines and statutes. They have submitted this request with both a Building Permit and Special Use Permit. He went on to describe the equipment that would be installed on this existing 106 ft. tower. There would also be a new 5' x 7' platform installed underneath the existing bleachers within the existing vertical bridge at the site. They will not be changing the height of the existing tower structure and there would be no site expansion area. The purpose of this co-location is to support 5G connectivity to meet the needs of the residents, first responders, etc. in the Village of Niles. They look forward to serving the Village. He pointed out on the overhead pictures how this structure will look with their addition. Everything will be painted to match what is currently there. He went into more description using all the pictures on the overhead. At this time, he showed different views.

Commissioner Schulter asked what kind of distance [radius] this tower will encompass. Are they going to be requesting more towers in the Village?

Mr. Nason said he is not able to answer that question. Mr. Dituri from DISH Wireless can speak to that as well as GM Sadat, an engineer from Concordia Wireless.

GM Sadat, Professional Engineer, Concordia Wireless, 361 Randy Rd., Carol Stream, IL 60188 and Bene Dituri, Zoning Manager, DISH Wireless, 220 N. Green St., Chicago, IL 60607 came forward and were sworn in.

Mr. Dituri said DISH Wireless has pivoted into the wireless arena subject to the recent merger of Sprint and T Mobile during 2019/2020. At that time the DOJ and FCC blessed that agreement. It really created a pathway for the next carrier. DISH has been acquiring Spectrum over the course of the last 10 years. They are now deploying this agreement under the FCC mandate to create coverage across the United States to reach 20% of the US population. In doing so, this site serves as a site that will create that coverage objectively in the Village of Niles. What happens in the future is something none of us can see right now. As with any radio frequency technology, there is always interference that comes from foliage or other environmental elements. They do see that at some point the network would have to fill in some gaps. They cannot see or project that right now until they see how it actually operates. Based on the coverage this site will project, it will reach the majority; not just Village stakeholders on the personal side but also from businesses.

Commissioner Schulter asked if this is the first tower in the area.

Mr. Dituri answered yes. Regarding the aforementioned FCC benchmark, they are attempting to meet by June 2022 [which is 20% of US population] [inaudible] The easiest manner to accomplish that is to co-locate onto an existing structure or base station in which the use already exists. Most localities have adopted ordinances that will promote that. In this instance, what they can see today for this site is fine. Beyond that is something he does not think they will be able to see until they see how this works out.

Commissioner Schulter asked what type of service are they going to be providing. Is it mobile or video? What is it for?

Mr. Dituri said it is voice, data - services that you typically receive on your phone from any one of the carriers operating today. The technology is a little bit different. Their architecture and approach are different than what the incumbents are doing. Why it is more advanced is because they are using a cloud [maiden?] network. They are not back hauling or front hauling with traditional structural equipment. They are taking it up to an AWS cloud and that allows the way the network gets sliced and how quickly it works when you are looking at text, voice, data, video and things of that nature.

GM Sadat said their target is always existing structures. Structures were originally designed for having one, two or three carriers.

Commissioner McConville asked if there would be any interference with the existing users.

Mr. Dituri said no. They included a letter in the application of non-interference. That is something every carrier must be sensitive to as well as when you are providing 911 services.

Commissioner McConville asked as an alum of Notre Dame College Prep, is there any remuneration going to the school?

Chairman Kanelos laughed and said it does not mean they will ask you for any less money as an alum.

Commissioner Schulter asked if they have an overlay of what DISH is adding so we can see what it will look like.

Mr. Dituri said yes. It is shown in the packet in the drawings. It is being shown on the overhead.

Mr. Sadat said they are putting on 3 antennas. Currently there are 6. So, DISH is adding half the number of existing antennas.

Commissioner Karabatsos said they stated this is very common. DISH does not build towers. They piggyback on other towers. What carriers are there now?

Mr. Sadat said it is public record that T Mobile is on this tower.

Commissioner Karabatsos asked if this is their first site. But when you go to other sites you will have 3 or 4 carriers on there.

Mr. Sadat said that is the reason the federal government came up with the Spectrum Act. When you drive down the highway you maybe see several towers clustered together. It is called a tower farm and very unsightly. Between the localities and the feds, they got together and said this is getting ridiculous. Use the existing assets first. When you deplete those, then go ask for a new tower.

Commissioner Karabatsos said with new technology you do not need those big towers.

Mr. Sadat said yes, they are getting smaller and smaller and faster and faster. He explained how more things are in the cloud now. The shelters for the equipment are now half the size as they were at one time.

Commissioner Schulter asked if DISH Wireless actually owns Spectrum.

Mr. Dituri said yes.

Commissioner Schulter said Mr. Sadat is with Concordia Wireless.

Mr. Sadat said yes. His firm was hired by DISH Wireless to design the site. They are in what is called wireless infrastructure development. Their job is to work with customers like DISH and other incumbents to design the most aesthetic possible structure.

Commissioner Schulter asked if this is specifically for DISH.

Mr. Sadat answered yes.

Chairman Kanelos said he had an injury today and his painkillers are wearing off so let us stick to everything that is germane to this case. It is fascinating stuff but not necessary for this Board to make a decision.

Mr. Sadat added Sprint and T Mobile merged a year and a half ago. He does not want to go into the details on how it got approved. But it was something that would have been extremely unlikely to happen under previous administrations. To make things work, the feds had to come up with a solution. Consumers needed to have a fourth choice. That is when DISH actually volunteered to step in.

Chairman Kanelos asked if there were any more questions from the Commissioners. There were none. Any questions or comments from the public? A woman from the audience called out that she did not think this should be allowed at Notre Dame. The Chairman asked her to come to the podium, be sworn in and then comment. She declined. He entertained a motion.

Commissioner Dubiel moved to **approve** case 22-ZP-06, a request for approval of a Special Use Permit per Niles Zoning Ordinance Section 8.3(Y) to allow additional wireless telecommunications equipment to be installed on an existing monopole tower at 7655 W Dempster St, Niles, IL 60714.

Seconded by Commissioner McConville.

Commissioner Dubiel said this Board has previously approved these co-location agreements that draws us to use a centralized area to minimize the eyesore here in the Village. Requirements for the Special Use Permit under Section 15.3(E) are: is it consistent with the spirit and intent of the zoning ordinance and Comprehensive Plan and yes, it is. It does not endanger the public health, safety and welfare. It is compatible with the general land use here. It is also deemed necessary to the public convenience at the proposed location per the information in the packet proposed today.

Commissioner Schulter said if this is going help with better services for their customers, then absolutely.

On roll call the vote was:

AYES: 6 Dubiel, Karabatsos, Schulter, McConville,  
Lee, Kanelos

NAYS: 0

ABSENT: 1 DeBartolo

There being six (6) affirmative votes the motion carried.

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either affirm or deny this recommendation. It will be necessary for the petitioner to contact Mr. Ostman and ask to be placed on the Board of Trustees agenda. The petitioner will then be notified of the date and anyone in the audience who would like to be informed of the Board of Trustees date should leave their name and address with the recording secretary.

## **DISCUSSIONS**

Chairman Kanelos said he should have mentioned this earlier in OLD BUSINESS. This Board asked Staff to look into a few different issues discussed at the February meeting. Mr. Ostman is putting together a list to take to the

