

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, November 26, 1996

Mr. Stone called the meeting to order at 7:30 P.M.

Attendance: Mr. Scot Stone, Chairman; Mr. James Durham; Mr. Jack Kostak; Mr. Timothy Shroyer. Absent: Mr. Patrick Hansford; Mr. Arthur Foland; Mr. Peter McMahon. Also present: Mr. Steve Feverston, City Planner; Mr. Robert N. Farquhar, City Attorney.

MOTION: Mr. Kostak moved to excuse Mr. Foland, Mr. McMahon and Mr. Hansford from the meeting as each gave prior notice to the Planning Department. Mr. Durham seconded the motion. The motion was approved unanimously 4-0.

Approval of minutes:

MOTION: Mr. Durham moved to approve the Planning Commission minutes of November 12, 1996, Regular Meeting, as written. Mr. Kostak seconded the motion. The motion was approved 3-0-1 with Mr. Stone abstaining.

PUBLIC HEARINGS

AT&T Wireless Communication Services - Variance/Conditional Use

Mr. Feverston reviewed the Variance and Conditional Use applications submitted by AT&T Wireless Communication Services concerning a request to construct a three-tier monopole antenna tower and related equipment shelter on the Voss Chevrolet property located at 99 Loop Road. The zoning on the property is Business Planned Development, B-PD.

The Variance application requests three (3) variances which include tower height, tower setback and the use of barbed wire on the fence structure. The tower height proposed is 199 feet which exceeds the requirement of 110 feet. The proposed setback is 10 feet from the south property line and 34.5 feet from the east property line. The setback requirement is 110% of the proposed tower height and, in this case, would be 218.9 feet. The use of barbed wire is the final variance request which is a prohibited material under the standards in the Zoning Ordinance.

Mr. Feverston reviewed Section 704 of the Telecommunications Act of 1996 which pertains to facilities siting and radio frequency emission standards for personal wireless services. This Act sets the basic standards by which an application for siting antennas is permitted, but must meet the reasonable requirements of each individual community.

Mr. Feverston stated that there can be a potential of many providers for this area of various communication services which could generate a great number of tower structures. The height of the proposed tower could allow up to three (3) providers on one tower structure if agreements were reached with the applicant.

Mr. Feverston reviewed the following points of analysis concerning the application:

- * The location of this tower, within one-half mile of the intersection of State Route 48 and Interstate 675, is appropriate when considering the impact of this facility on the adjacent commercial uses.
- * Interstate 675, State Route 48 and the State Route 725 corridors will most likely be targeted as locations for PCS towers.
- * The minimum tower height necessary for a single user that provides a direct line of sight is approximately 150 feet. Each tier added to a tower increases its height by 20 feet.
- * The proposed tower height of 199 feet (to the tip of the antenna) is reasonable to accommodate a three-tier facility, provided this facility be used only by PCS service providers.
- * The property located at 99 Loop Road, Voss Used Cars, and subject of this application, has a depth of approximately 427.39 feet from Loop Road to I-675 where this proposed tower is to be situated. The required setback for this tower, 218.9 feet, would exceed the lot depth. The requested setback variances are unnecessarily close to the south and east property lines.
- * A setback equal to the overall height would not hinder the current use of this property, a automobile dealership, or impose unnecessary hardship on adjoining property owners.

Staff recommended approval of the applications subject to the following conditions:

1. It is the intention of the City to provide PCS service at this facility to a minimum of 3 PCS providers and that first priority be given to PCS providers to attach to this tower. In this regard, the height variance be granted subject to a minimum of three (3) users be attached to this tower as described in the application. The city shall be required to approve any new user to be attached to this facility.

2. The requested variance for setback for this monopole tower be denied. The City approve a variance to permit a setback of 200 feet (100% of the tower height) to the north, south and east property lines.
3. A lease area for this facility shall be of a size to accommodate all users attached to this tower, shall be shown on a revised site plan and shall be subject to approval by the City Planner.
4. If service provided by or the operation of this tower ceases for a continuous period of time outlined in Section 24, Non-conforming Uses section of the Zoning Ordinance, for whatever reason, the tower shall be considered abandoned and shall be required to be removed by the owner at the owners expense. AT&T Wireless Communications Services, Inc., shall enter into an agreement with the City that guarantees the demolition of this facility should it become abandoned. Such an agreement shall be subject to approval by the City Attorney.
5. Deny the request to install a barbed wire fence around this facility.

Mr. Stone opened the public hearing.

Ms. Kelly Mounts, representing AT&T Wireless, was present for the review of the request stating that the structure proposed would be part of the system for the Cincinnati-Dayton area. The towers are spaced 2-4 miles apart depending on the terrain in the area. The tower proposed would provide the capability of two (2) additional carriers coming to this area. She stated that the request for barbed wire could be deleted from the application. A chain-link fence would provide security for the site. Ms. Mounts, therefore, withdrew the request for the use of barbed wire as a fence material. She stated that the tower structure would not be detrimental to the surrounding business properties. Ms. Mounts stated that if the setback requirements were maintained as outlined in the Zoning Ordinance major trenching would have to occur on the site to the utility easement located on the east side of the site. She stated that Mr. Voss would not want his business disturbed during the construction process and the additional setback would create an interference with parking on the entire site.

Mr. Gary Rich, AT&T Wireless, submitted a sketch to Planning Commission depicting the coverage the signal would provide from the proposed location.

There being no other speakers, Mr. Stone closed the public hearing.

Mr. Durham stated that he did not feel the height variance was justified as the purpose of the tower height was to provide space for additional carriers.

Mr. Rich stated that the proposed tower height was not based on providing additional space for their competitors, but to provide a antenna that would give maximum coverage to the area. He stated that should a shorter tower be constructed, additional tower sites would be necessary to provide the same coverage. The 199 ft. tower will allow spacing of approximately three (3) miles.

Mr. Feverston stated that staff's concern is that a proliferation of towers along I-675 will occur if the possibility of more than one carrier on a tower is not provided. He stated that the area in question is popular as there is fiber optic cabling system that runs along Far Hills Avenue (SR 48) which is necessary for this communication system to operate.

Mr. Stone asked how the City could require other carriers to use this tower and not request one of their own.

Mr. Feverston stated that Section 704 of the Telecommunication Act of 1996 states that the owner of the tower structure has to, in good faith, permit other carriers the opportunity to lease space on the tower.

Ms. Mounts stated that AT&T has sites in the Cincinnati area where they lease space to their competition and their roles do reverse since all carriers have the same coverage needs.

The members of Planning Commission were concerned with the setback area based on the failure aspect of the tower structure.

Mr. Rich stated that design of the tower is constructed in sections with the strongest section being at the base. He stated that the design of the tower would simply not allow it to fall like a tree.

Mr. Feverston stated that the setback in the Zoning Ordinance does not distinguish between the types of construction of antenna towers.

The members of Planning Commission felt that the proposed setbacks were too close to the properties surrounding the site and requested more information on tower failure. They instructed the applicant to provide an independent engineer to give the City unbiased information concerning tower failure at the expense of AT&T Wireless.

Mr. Stone stated that this information should be submitted to the City in order to take final action on the setback variance issue at the next meeting.

MOTION: Mr. Durham moved to approve the Height Variance as requested by AT&T Wireless Communication Systems, to allow a tower height of 199 feet to be located at 99 Loop Road subject to the following condition:

1. It is the intention of the City to provide PCS service at this facility to a minimum of 3 PCS providers and that first priority be given to PCS providers to attach to this tower. In this regard, the height variance be granted subject to a minimum of three (3) users be attached to this tower as described in the application. The City shall be required to approve any new user to be attached to this facility.

Mr. Kostak seconded the motion. The motion was approved unanimously 4-0.

MOTION: Mr. Durham moved to recommend approval of the Conditional Use application submitted by AT&T Wireless Communication Systems to Council, to allow the use of a monopole antenna tower and related equipment shelter to be located at 99 Loop Road subject to the following conditions:

1. A lease area for this facility shall be of a size to accommodate all users attached to this tower, shall be shown on a revised site plan and shall be subject to approval by the City Planner.
2. If service provided by or the operation of this tower ceases for a continuous period of time as outlined in Section 24, Non-conforming Uses section of the Zoning Ordinance, for whatever reason, the tower shall be considered abandoned and shall be required to be removed by the owner at the owner's expense. AT&T Wireless Communication Services, Inc., shall enter into an agreement with the City that guarantees the demolition of this facility should it become abandoned. Such an agreement shall be subject to approval by the City Attorney.

Mr. Shroyer seconded the motion. The motion was approved unanimously 4-0.

MOTION: Mr. Durham moved to table the application for Setback Variance until December 10, 1996, provided the additional information requested by Planning Commission is submitted. Mr. Kostak seconded the motion. The motion was approved unanimously 4-0.

The request for the use of barbed wire on the fence structure was withdrawn by the applicant so no action was necessary.

UNFINISHED BUSINESS

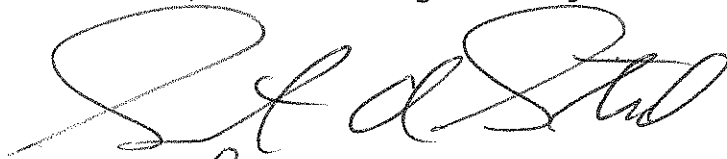
Tom Harrigan Development - Major Use Special Approval

Mr. Feverston stated that the City had received correspondence from the applicant requesting that the time period be waived.

MOTION: Mr. Durham moved to withdraw the Tom Harrigan Development application from the table. Mr. Kostak seconded the motion. The motion was approved unanimously 4-0.

MOTION: Mr. Kostak moved to table the Tom Harrigan Development application indefinitely. Mr. Shroyer seconded the motion. The motion was approved unanimously 4-0.

There being no further business, the meeting was adjourned.


Sted 12/10/96
Harrigan