



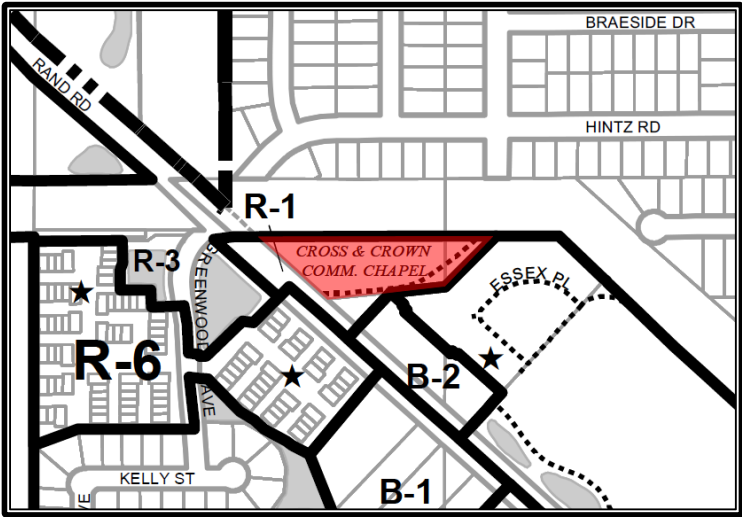
VILLAGE OF ARLINGTON HEIGHTS
STAFF DEVELOPMENT
COMMITTEE REPORT

File Number: PC 18-024
Project Title: Verizon Wireless Cell Tower
Address: 1122 W. Rand Rd.
PIN: 03-18-102-007

To: Plan Commission
Prepared By: Sam Hubbard, Development Planner
Meeting Date: February 27, 2019
Date Prepared: February 22, 2019

Petitioner: DRA Properties, LLC
 Douglas K. Dolan
Address: Dolan Realty Advisors, LLC.
 144 W. Lockwood Ave. – Suite 200
 Webster Groves, MO 63119

Existing Zoning: R-1: One Family Dwelling District
Comprehensive Plan: Institutional



SURROUNDING LAND USES

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	R-3, One-Family Dwelling District	ComEd Transmission Lines	Parks
South	B-2, General Business District, R-6, Multi-Family Dwelling District	Huntington Square Multi-tenant Commercial Building, Huntington Square Townhomes	Moderate Density Multi-Family, Commercial
East	R-6, Multi-Family Dwelling District	Townhomes	Moderate Density Multi-Family
West	R-3, One-Family Dwelling District, R-6, Multi-Family Dwelling District	Detention Pond/Greenwood Place Townhomes	Moderate Density Multi-Family

Requested Action:
 1. Land Use Variation to allow a Commercial Antenna within the R-1, One-Family Dwelling District.

Variations Required:
 1. Variation to Chapter 28, Sections 6.14-2.1(a) and 6.6-5.1, to allow a commercial antenna structure and associated equipment (including a generator) to be setback a minimum of 4' from the side yard lot line where code requires a 30' setback.
 2. Variation to Chapter 28, Section 6.13-3(b), to allow a 8' tall fence where the maximum fence height is restricted to 6'.

Project Background:

The subject property is located on the northwest side of the Village and is home to the Cross & Crown Lutheran Church. The site is zoned R-1 and is approximately 2.4 acres in size. Kennicott Avenue extends through the property on the southern side of the site (which is considered a private road on the subject property) and connects Rand Road to the segment of Kennicott Avenue north of the subject property. The site is bounded by Rand Road to the west and southwest, and ComEd overhead transmission lines to the north. A small neighborhood shopping center (Huntington Shopping Center) is located south of the subject property, which includes a standalone daycare and a multi-tenant commercial building. To the east and southeast are the Huntington Square townhomes. Access to the site comes from a non-signalized full access intersection along Rand Road, and the site can also be accessed from the private drive connection to Kennicott Avenue to the north.

The Cross & Crown Church has entered into a lease with the petitioner to allow construction of a new cell tower on the church property for Verizon Wireless antenna. The tower would be located on the north side of the site directly behind the church and adjacent to the ComEd transmission lines, which are approximately 140 feet tall. The proposed tower would be 75 feet tall and would be designed to allow future co-locations for up to two additional antenna/carriers. The tower will be designed as a “stealth” tower, which would conceal all antenna and supporting wires/cables within the tower structure (i.e. there would be no triangular platform at the top of the tower). The base of the tower would include a small equipment compound that will be screened by a brick enclosure. The petitioner has stated that Verizon Wireless needs the proposed cell tower due to dropped calls and slow data speeds in the vicinity of the subject property.

Conceptual Plan Review Committee

On March 22, 2018, the petitioner met with the Conceptual Plan Review Committee. The committee discussed two different options for the cell tower, a “mono-pine” option (designed to look like a pine tree) and the stealth pole option as presently proposed. Some committee members did not express a strong opinion on the design, while one commissioner said their preference was for the stealth option. Both the church and the petitioner preferred the stealth option. The committee encouraged the petitioner to explore an alternative tower option with ComEd where the petitioner would construct a new monopole tower with space for both the ComEd transmission lines and the proposed antenna, which tower would replace the existing ComEd lattice tower north of the subject property.

Zoning and Comprehensive Plan

The subject property is located within the R-1, One Family Dwelling District. Commercial antenna are not allowed within the R-1 District and therefore a land use variation is required. The petitioner has provided written justification outlining how the proposed land use variation conforms to the hardship criteria necessary for variation approval, which criteria is summarized below:

- **The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.**
- **The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned.**
- **The proposed variation is in harmony with the spirit and intent of this Chapter.**
- **The variance requested is the minimum variance necessary to allow reasonable use of the property.**

The petitioner’s response to this criteria has been included within the material provided to the Plan Commission. Staff believes that the hardship criteria has been met for the following reasons:

1. The proposed cell tower will not alter the essential character of the locality in that there is an existing approximately 140-foot tall ComEd transmission tower located 160' to the northwest of the proposed tower, as well as two approximately 40-foot tall utility poles within 40 feet of the proposed tower
2. The subject property is unique in that it is located along Rand Road where there is a high demand for cellular service, and there are no structures (other than the ComEd transmission tower) above 50 feet in height that provide a viable option for collocation.
3. One of the intents of the Zoning Ordinance is to protect the public health, safety, comfort, and general welfare of the Village. The proposed cell tower will provide better cellular capability for emergency calls, which will enhance the safety and welfare of the Village.
4. The petitioner has reduced the height of the cell tower to 75', which according the petitioner is the minimum necessary height to provide enhanced cellular service. In this regard the variance is the minimum necessary to allow reasonable use of the property.

The subject property is designated as "Institutional" on the Comprehensive Plan, which correlates to the primary use of the site as a church.

Section 6.14-2.2(a) of the Zoning Code requires the petitioner to demonstrate that there is not technically suitable space available on an existing tower or structure within the geographic area to be served. The petitioner has analyzed the vicinity and stated that there are no structures of a suitable height to mount antenna that would provide the coverage needed by Verizon Wireless. Staff has also analyzed the area and concurs that there are no structures above 50 feet in the vicinity of the subject property. In addition, the petitioner has submitted propagation maps that show an existing gap in coverage within the Verizon Wireless network in the vicinity, as well as the coverage that would be provided should the 75-foot tall antenna structure be built. It should be noted that the cell tower was originally proposed at 100 feet in height, however, the petitioner has agreed to lower the height of the tower to 75 feet in order to reduce impact on adjacent residential areas.

Staff had initially requested the petitioner to examine three alternatives for the proposed cell tower; 1) to collocate the antenna on the existing ComEd lattice transmission tower to the north of the subject property, 2) to construct a new tower within the ComEd property to the north, where the tower would be clustered within the existing ComEd infrastructure and be less visible, and 3) to propose a replacement ComEd transmission tower if ComEd would not allow collocation on the existing lattice tower in the vicinity. The petitioner examined these three options with ComEd, and staff has verified that ComEd is not interested in pursuing either option since the potential for power outages was too great should there be an accident with the proposed antenna equipment.

Neighborhood Meeting

On June 20, 2018, the petitioner held a neighborhood meeting to introduce the plan to neighboring property owners and to understand what concerns they had. According to the petitioner, approximately 20 people attended the meeting and the main concerns expressed related to a reduction in property values and visibility of the tower. In an effort to respond to these concerns, the petitioner has shifted the tower slightly to the west to place the enclosure along the side of the building, so that the tower is equidistant from the townhomes to the southeast and the single-family homes to the north. Additionally, as previously mentioned, the petitioner has reduced the height of the tower from 100 feet to 75 feet.

Building, Site, and Landscaping

Per Zoning Code requirements, commercial antenna must be located outside of any required setback. The proposed antenna would be located approximately four feet from the northern side yard property line, where code requires a 30-foot side yard setback. Therefore, the following variation is required:

- Variation to Chapter 28 of the Municipal Code, Section 6.14-2.1, Location, to allow a commercial antenna structure and associated equipment (including a generator) to be setback a minimum of 4' from the side yard lot line where code requires a 30' setback.

Staff is supportive of the requested variation since it places the proposed antenna further away from the townhomes to the southeast of the site. Although the antenna tower is located only four feet from the northern property line, the northern property is occupied by the ComEd transmission lines. The ComEd property does not contain any occupiable structures, and the property is approximately 180 feet deep, which places the tower over 250 feet away from the nearest single-family home to the north.

At the request of staff, the petitioner has upgraded the enclosure material to a decorative brick wall (the enclosure was originally proposed as a chain-link fence with slats). Staff has requested that the wall screen the generator proposed on the interior, which will be approximately 7.75 feet tall. Therefore, the petitioner must increase the height of the wall to 8' in height, which requires the following variation:

- Variation to Chapter 28, Section 6.13-3(b), to allow a 8' tall fence where the maximum fence height is restricted to 6'.

Staff supports this variation since it will allow complete screening of the generator and the wall would not directly abut any residential land use.

In order to create space for the proposed antenna and compound, the petitioner has proposed the relocation of an existing shed on the subject property. Staff notes that the relocated shed must be shown on any building permit plans submitted for this antenna and the relocated shed must comply with all applicable codes relative to setbacks and rear yard placement.

Relative to landscaping, the petitioner has proposed a row arborvitae evergreens on the east side of the enclosure to provide enhanced screening for the equipment compound. Staff believes that there is space on the western side of the enclosure to provide additional landscaping, which would help provide a buffer for the enclosure as viewed from Rand Road and Hintz Road. A condition of approval has been recommended to require the petitioner to add additional arborvitae along the western side of the enclosure (for review and approval by staff). There is no space to provide landscaping on the north side of the enclosure. Staff had originally asked the petitioner to push the enclosure to the south in order to provide landscaping to the north, but the petitioner has explained that this would require the relocation of the existing church AC units. In lieu of this, the petitioner has opted for the decorative brick enclosure.

Traffic & Parking

Traffic and parking is not a concern as personnel accessing the site will primarily be for maintenance of the antenna and related ground equipment. However, one parking space has been removed to accommodate for the proposed compound area. To mitigate this loss, the petitioner shall be required to stripe one additional code-compliant parking space elsewhere on the site. The proposed cell tower will not interfere

with the existing operations of the church. Bicycle parking spaces are not required for cellular towers and antenna.

FCC Considerations

There are limitations to the authority the Village has to regulate new antennas as well as collocations. These include:

- The regulation does not unreasonably discriminate among providers of functionally equivalent services;
- The regulation does not prohibit or have the effect of prohibiting the provision of personal wireless services;
- The municipality cannot regulate placement, construction and modification of personal wireless facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulation concerning such emissions; and
- A municipality cannot deny a zoning application solely on the basis that one or more existing carriers serve a given geographic market.

Additionally, any decision of the Village to deny this request must be in writing and supported by substantial evidence, which is contained in a written record. Therefore, should the Plan Commission wish to recommend denial of this petition, they must explain that decision in detail.

Finally, it should be noted that under the FCC's Report and Order on implementation of Section 6409 of the Spectrum Act, adopted in October 2014, the Village can approve the height of the proposed tower at 75 feet, in accordance with Village Code. However, if and when a request is made to collocate another user on the tower, under the FCC order, the height of the tower can be increased up to 20 feet as a matter of right.

RECOMMENDATION

The Staff Development Committee has reviewed the proposed Land Use Variation to allow a Commercial Antenna within the R-1, One-Family Dwelling District, and the following variations:

- Variation to Chapter 28, Sections 6.14-2.1(a) and 6.6-5.1, to allow a commercial antenna structure and associated equipment (including a generator) to be setback a minimum of 4' from the side yard lot line where code requires a 30' setback.
- Variation to Chapter 28, Section 6.13-3(b), to allow a 8' tall fence where the maximum fence height is restricted to 6'.

The Staff Development Committee recommends approval of the request, subject to the following conditions:

1. All antenna and cables to be mounted on the proposed tower shall be concealed within the tower structure.
2. The petitioner shall add additional landscape screening along the west side of the enclosure area, for review and approval by the Village.
3. The petitioner shall stripe an additional code-compliant parking space within the paved parking area on the subject property to mitigate for the loss of the parking space that was necessary to accommodate the compound area.
4. The petitioner shall comply with all Federal, State, and Village Codes, Regulations, and Policies.

February 22, 2019

Bill Enright, Deputy Director of Planning and Community Development

Cc: Randy Recklaus, Village Manager
All Department Heads