

STAFF DEVELOPMENT COMMITTEE REPORT

To: Plan Commission
 Prepared By: Latika Bhide, Development Planner
 Meeting Date: July 22, 2015
 Date Prepared: July 16, 2015
 Project Title: T-Mobile
 Address: 1000 S. Arlington Heights Road

BACKGROUND INFORMATION

Petitioner: Peter Aimaro, National Wireless Ventures, LLC. (Agent for T-Mobile)
 Address: 828 Grand Boulevard
 Joliet, IL 60436

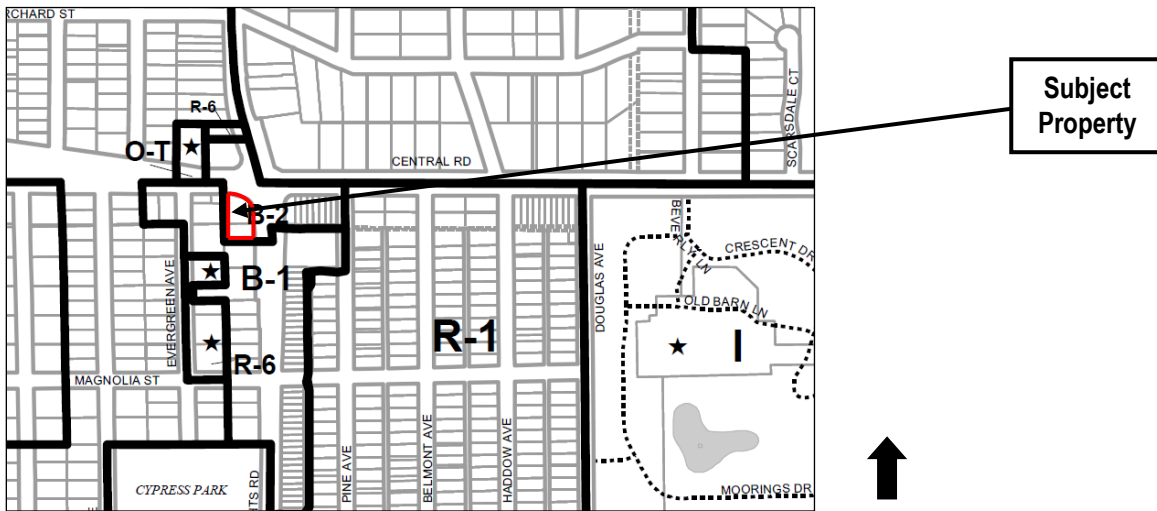
Existing Zoning: B-2, General Business District

Requested Action:

- A Special Use Permit for a Wireless Antenna Tower

Variations Identified:

- Chapter 23, Section 203, Restrictions, from the requirement that ground base antenna cannot exceed 75 feet above the grade level to allow 100 feet tall monopole.



Surrounding Properties

Direction	Zoning	Existing Land-Use	Comprehensive Plan
North	B-2	Shell	Commercial
South	B-1	Armand's Beauty Salon	Offices Only
East	B-2	Goodyear Tires, KinderCare	Commercial
West	B-1	Central Podiatry	Offices Only

Background

The subject property at 1000 S. Arlington Heights Road is approximately 0.52 acres in area. Autotech Auto Repair is located on the subject property. The applicant, T-Mobile is interested in leasing a 30' x 30' area at the southwest corner of the property and locating a wireless antenna. The antenna is proposed as a monopole design, 100 feet to the top of the tower. The antenna will be located approximately 113 feet from Arlington Heights Road and 168 feet from Central Road. The closest residential property is located approximately 200 feet from the property in question and the closest residential structure is located

approximately 249 feet from the antenna on the west side of Evergreen Avenue. The lease area will occupy and thus eliminate 4 existing parking spaces in the southwest corner of the site. Originally, the petitioner had proposed a 12-foot wide access easement to provide access to the lease area, resulting in an additional loss of 4 parking spaces. This has been revised and a 12-foot wide temporary construction easement is now proposed that does not encroach onto the parking spaces.

Radio and Telephone Antenna are required to obtain a Special Use Permit in the B-2, General Business District.

After the first public hearing, the petitioner has made the following changes to their application:

- The petitioner has provided coverage plots that demonstrate that there is a coverage hole in their service. They have also provided coverage plots that illustrate the coverage with the addition of the new site.
- The 12-foot wide access easement to provide access to the lease area has been revised and a 12-foot wide temporary construction easement is now proposed that does not encroach onto the parking spaces. Therefore only 4 parking spaces on site would be eliminated.
- The petitioner is proposing 3-foot tall landscaping along Central Road and Arlington Heights Road.
- The petitioner is proposing to add three landscape islands on the site, with four inch caliper trees within the islands.

Summary

The Staff Development Committee originally recommended denial of this Special Use Request as they would prefer a less visible location of antenna or on a taller building. However, the SDC is recommending approval as outlined within the report, as the proposed wireless antenna tower is a utility, the petitioner has demonstrated a gap in service which can be covered with a 75 foot tall antenna, will be providing landscaping and site improvements agreed to and legal review of FCC regulations.

Zoning and Comprehensive Plan

The site is zoned B-2 General Business District. Because the use is permitted as a Special Use in the B-2 district, therefore the petitioner has submitted a response (see attached) to the following special use criteria:

- **That said special use is deemed necessary for the public convenience at this location.**
- **That such case will not, under any circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity.**
- **That the proposed use will comply with the regulations and conditions specified in this ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.**

Additionally, per Chapter 28, Section 6.14-2.2, the following standards are considered when determining whether approval of an application for a commercial antenna structure is in the public interest:

- **The petitioner must demonstrate that there is not technically suitable space available on an existing tower or structure within the geographic area to be serviced.**

The Plat and Subdivision Committee recommended that the petitioner consider a site further east, possibly within The Moorings, or west at the Northwest Community Hospital. The applicant has indicated that T-Mobile already has better coverage at that location and the inter-site distance with respect to the neighboring sites would be uneven and therefore requiring the site to have non-standard azimuths which might lead to interface between their own sectors. Also, by locating further east, the northwest of the search ring center would not be covered. At the Plan Commission hearing on May 13, 2015, the T-Mobile RF engineer stated that they could not locate on the hospital building due to it being well outside (approx. 0.60 miles from ring center) of the desired coverage area and they were only given a variance of 0.50 miles from the ring center. In addition, the RF engineer explained that the Hospital was only 0.37 miles from another T-Mobile location which would not achieve their desired coverage. Therefore, the petitioner prefers to locate a tower at 1000 S. Arlington Heights Rd.

The petitioner has provided coverage plots (see attachment: T-Mobile coverageplot.PDF on NOVUS) that demonstrate that there is a coverage hole in their service. They have also provided coverage plots that illustrate the proposed coverage with the addition of the new site. As listed above, the petitioner has stated that they cannot locate at the Northwest Community Hospital or the Moorings. There are no other tall buildings in this area where an antenna can be located.

- **A landscaping plan shall be submitted that demonstrates substantial screening of the antenna and related structures from adjacent land uses. Screening must consist of a well-maintained masonry wall of brickwork or stonework, solid wood fence, densely planted compact hedge or berm and hedge.**

The lease area will be enclosed by a 5 foot tall wooden fence. The petitioner has submitted a landscape plan that delineates five feet tall mission arborvitae on the outside of the fence area. The arborvitae are proposed to be 5-feet at planting.

The Village's Comprehensive Plan designates this property as 'Commercial'.

The Comprehensive Plan establishes the overall strategy to guide the growth and development of the community. Within the Village's Comprehensive Plan, the proposed antenna meets the following goals:

Service, Facilities and System Goals:

1. To provide adequate municipal services and facilities in developing areas and improve them where necessary in the existing Village area.

The coverage plots provided by the petitioner demonstrate that there is a coverage gap in T-Mobile's existing coverage which will be filled by locating a Wireless Antenna Tower at this location. Also, by changing the access easement to a temporary construction easement that does not encroach onto the parking spaces, only 4 parking spaces are lost.

Plat and Subdivision Committee

On January 14, 2015, the Plat and Sub Committee met to discuss the project. While the subcommittee understood the need for a cell tower, they felt that this was not the most appropriate location. The Committee directed the applicant to explore other sites in the area such as The Moorings and the Northwest Community Hospital.

Building Code Review Board

Chapter 23, Section 203 of the Municipal Code establishes a maximum height of 75 feet for antenna towers. The Building Code Review Board (BCRB) makes recommendation to the Village Board on matters relating to waivers and amendments to Chapter 23 of the Municipal Code. Along with a Special Use for the wireless antenna tower, the petitioner is also requesting the following variation:

- Chapter 23, Section 203, Restrictions, from the requirement that ground base antenna cannot exceed 75 feet above the grade level to allow 100 feet tall monopole.

On April 30, 2015, The Building Code Review Board (BCRB) met to discuss the variation. The Board asked various questions involving possible locations, variables of antenna/towers; signal strength and etc. The Board determined that the petitioner did not prove a hardship that needed relief to allow a 100 foot monopole. The additional height up to 100-feet would allow the applicant to lease space on the tower to other carriers. The BCRB unanimously recommended denial of the variation.

At the meeting, the petitioner indicated that the antennas could be flush mounted, but they do not prefer to do it as it reduces the number of antennas that can be mounted on a tower and the cost is higher. The petitioner stated at the BCRB meeting that tower would most likely, at its fullest, have three antennas (three platforms for three carriers). A stealth application with flush mounted antenna rather than the proposal presented, with antennas mounted on a platform on the outside of the tower would be less intrusive at this location. If a stealth application is proposed for this site, prior to Village Board consideration, the petitioner will provide the required drawings.

Since then, the petitioner had indicated that a stealth design was not provided as an option for this location, as that would require the tower height to be raised to at least 125 feet in order to adequately accommodate for co-locators.

It should be noted that the issue as to the height of the pole has already been addressed by the Building Code Review Board. Therefore, since the BCRB has recommended denial, then any recommendation by the Plan Commission to approve the Special Use would be for a 75-foot tower. The only item within the purview of the Plan Commission is the request for a special use and the Commission should not address the height of the tower at all.

Plan Commission hearing

The Plan Commission held a public hearing for this project on May 13, 2015. At the hearing, the Commission expressed the several concerns with the proposal including setting a precedent by approving this antenna without designating the appropriate locations for antennas within the Village. The Commission also asked regarding the restriction in the Village Code regarding the 75-foot height for the tower. The Commission expressed concerns with the number of vehicles on the site and the lack of an overall landscape plan for the site. The Plan Commission continued the hearing for this project.

The Zoning Ordinance spells out the permissible locations for cell towers in the Village. Wireless Antenna Towers are permitted as a Special Use in the B-1 through B-5, O-R, P-L, M-1, M-2, I, and O-T districts. Per the Zoning Ordinance, "special uses" require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community. Special uses are evaluated on a case by case basis, so the Village cannot designate which parcels, among many, would be suitable without all issues being analyzed and discussed.

Chapter 23, Section 203 of the Municipal Code establishes a maximum height of 75 feet for antenna towers. The restriction on the height is a local amendment to the International Building Code and is not within the unamended IBC. This Village requirement has been in place for several years, but the reason why cell towers are limited to 75 foot is not known.

Following the Plan Commission hearing, the petitioner indicated that they are working with the property owner to remove excess vehicles from the property. The petitioner has stated that per the parking count they completed at the property on July 14, 2015, there were a total of 21 vehicles on the property, including employee vehicles.

Lastly, the petitioner has provided an overall landscape plan for the property, which is discussed below and has provided information regarding other T-Mobile antennas in the area and the height at which the antennas are located, which is attached.

Legal Department Review of Federal Communications Commission (FCC) Regulations

The FCC has a shot clock that applies to both new antennas and collocations. For new antennas, which this one is, the Village has 150 days from the date a complete application was filed to issue its final written decision. The application was submitted on March 24, 2015, so the Village must issue its final written decision no later than August 22, 2015.

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

1. The regulation does not unreasonably discriminate among providers of functionally equivalent services;
2. The regulation does not prohibit or have the effect of prohibiting the provision of personal wireless services;
3. 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
4. A municipality cannot deny a zoning application solely on the basis that one or more existing carriers serve a given geographic market.

Additionally, the decision of the Village to deny this request must be in writing and supported by substantial evidence which is contained in a written record. This means the Plan Commission, if they decide to deny this request, must explain that decision in detail.

Building, Site and Landscape Related Issues

The proposed monopole will be located at the southwest corner of the property, visible from both Arlington Heights Road and Central Avenue. The petitioner is proposing a wood fence enclosing the area where the base station and the monopole will be located, resulting in a loss of 4 parking spaces. The petitioner had originally proposed a 6 foot high fence; however that is not permitted by the Zoning Code and would require a variation. The petitioner has altered their plans and will provide a 5 foot tall fence.

Per Chapter 28, Section 6.14-2.2, a landscaping plan is required to be submitted that demonstrates substantial screening of the antenna and related structures from adjacent land uses. Screening must consist of a well-maintained masonry wall of

brickwork or stonework, solid wood fence, densely planted compact hedge or berm and hedge. The petitioner is proposing to install arborvitae along the outside of the fence area. The arborvitae are proposed to be 5 feet at planting.

Per Chapter 28, Section 6.15-1.2, a 3 foot high drought/salt tolerant screen is required along Central Avenue and Arlington Heights Road in order to buffer the parking lot along the street frontage. The petitioner is proposing 3-foot tall landscaping along Central Road and Arlington Heights Road. As proposed, since some landscaping is located in the IDOT right-of-way, approval by IDOT will be required. The landscaping can be installed completely on private property and would eliminate the need to seek IDOT approval; however, it would result in the loss of parking spaces on site. The petitioner has stated that they would like to maintain as many parking spaces on the site as possible and will continue the permitting process through IDOT.

Attached is a staff concept illustrating how landscaping can be accommodated on-site.

Also, Per Chapter 28, Section 6.16-1.2, the ends of all parking rows must include a landscape island, which contains a 4" caliper shade tree. There are currently no parking islands on the site and it is considered non-conforming. The petitioner has provided an overall landscape plan for the site. According to the landscape plan provided, the petitioner is proposing to add three landscape islands on the site, with four inch caliper trees within the islands. The plan is deficient two landscaping islands, one at the southern end of the west-most parking row and the other at the eastern end of the southern-most parking row. However, it should be noted that the addition of the landscape islands will add green space to the site and help to delineate parking areas and the drive aisles.

Traffic & Parking Related Issues

According to the parking plan originally provided, there are 29 spaces on site. Automobile Service Stations are required to provide one space for each employee plus three spaces for each service bay. Autotech Auto Repair has four service bays, requiring twelve parking spaces and four employees, thereby requiring a total of sixteen parking spaces.

Per Chapter 28, Section 6.12-1, any special use less than 5,000 square feet in floor area and located along a major or secondary arterial street (Arlington Heights Road and Central Road) as defined by the Village's Thoroughfare Plan, does not need to provide a traffic study, but shall be required to provide a detailed parking analysis. The applicant was required to provide parking counts for this site. According to the information provided by the petitioner, parking counts conducted on Thursday, Friday and Saturday indicated that there were 35, 40 and 41 vehicles on the site, more than the available parking on site. When staff visited the site on April 8, 2015, there were 42 cars, 1 trailer and 2 truck cabs in the parking lot. Several vehicles were tandem parked – 2 cars in depth.

Four parking spaces will be removed to locate the antenna and the base station, reducing the total parking spaces on-site to 25, which is more than the Code required parking spaces. However, as indicated by the parking counts and observed by staff, the number of vehicles on site exceeds the Code parking requirement. Originally, the petitioner had proposed a 12-foot wide access easement to provide access to the lease area, resulting in an additional loss of 4 parking spaces. This has been revised and a 12-foot wide temporary construction easement is now proposed that does not encroach onto the parking spaces. The petitioner has indicated that they are working with the property owner to remove excess vehicles from the property and per the parking count they completed at the property on July 14, 2015, there were a total of 21 vehicles on the property, including employee vehicles.

Per the revised plans provided by the applicant, 25 parking spaces are proposed on site, which exceeds the Code required parking.

Recommendation

The Staff Development Committee recommends approval of a Special Use for a 75 foot tall monopole antenna. This approval shall be subject to the following conditions:

1. The landscaping screening shall be installed completely on private property, subject to Village approval.
2. The number of platforms/carries allowed on the antenna will be limited to two. The installation of additional platforms will require a Special Use Permit amendment.

3. Prior to Village Board consideration, provide a letter from the Northwest Central Dispatch indicating that the proposed frequencies are compatible with Village and other public and private telecommunication frequencies.
4. Prior to receiving a permit, submit any required State or Federal approvals.
5. The Petitioner shall comply with all Federal, State, and Village codes, regulations, and policies.

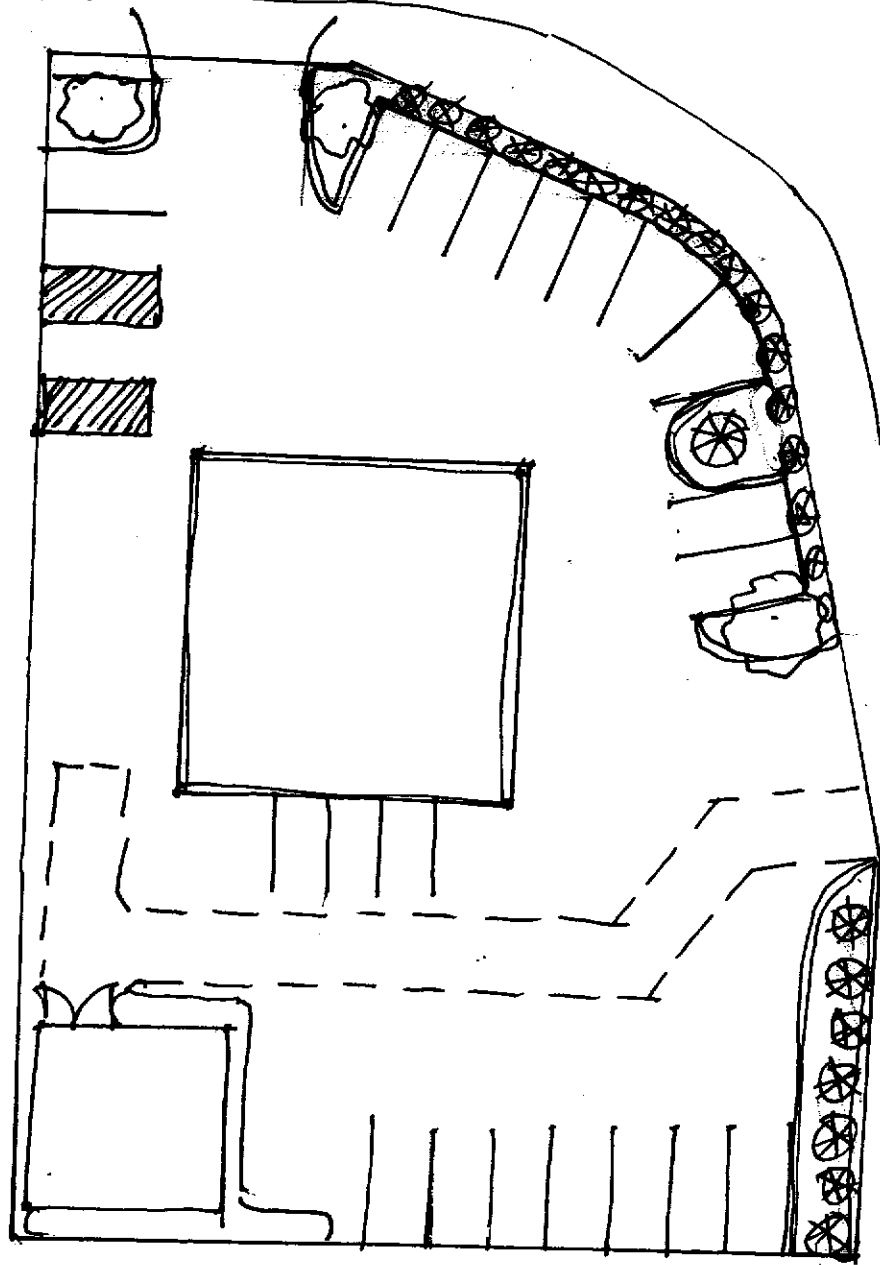
_____, July 16, 2015

Bill Enright, Deputy Director of Planning and Community Development

C: Randy Recklaus, Village Manager
All Department Heads

CONCEPT LANDSCAPING PLAN

CENTRAL ROAD



APLINGTON HEIGHTS RD.