

Oakwood, Ohio

April 13, 2016

The Planning Commission of the city of Oakwood, state of Ohio, met this date in the council chambers of the city of Oakwood, city building, 30 Park Ave., Oakwood, Ohio, 45419, at 4:30 p.m.

The Chair, Mr. Jeffrey Shulman, presided and the Clerk, Lori Stacel, recorded.

Upon call of the roll, the following members responded to their names:

- MR. JEFFREY B. SHULMAN .....PRESENT
- MR. ANDREW AIDT .....PRESENT
- MRS. HARRISON GOWDY .....PRESENT
- MRS. E. HEALY JACKSON.....PRESENT
- MR. STEVE BYINGTON.....PRESENT

Officers of the city present were the following:

- Mr. Robert F. Jacques, City Attorney
- Mr. Jay A. Weiskircher, Assistant City Manager
- Mr. Ethan M. Kroger, Code Enforcement Officer
- Ms. Lori Stacel, Clerk of Council

The following visitors were present:

- Robert Grant, Verizon Wireless
- Ron Hertlein, Verizon Wireless
- Doug Bartlett, Verizon Wireless
- Robert Schroeder, Verizon Wireless
- Aaron Keyton, 53 Shafor Circle
- Greg Turner, 40 Shafor Circle
- Darren Kall, 30 Grandon Road
- Kathryn Mullen Upton, 15 Shafor Circle
- Vioel Paslaru, 26 Shafor Circle
- Mike Munch, 23 Shafor Circle
- Anne Hilton, 900 Harman Avenue

It was moved by Mr. Aidt and seconded by Mrs. Gowdy that the minutes of the planning commission meeting held March 2, 2016, be approved as submitted and the reading thereof be dispensed with at this session. Upon a viva voce vote on the question of the motion, the same passed unanimously and it was so ordered.

Mr. Shulman reviewed the meeting procedure with all in attendance.

Mr. Jacques explained to the members of the Planning Commission that the Telecommunications Act of 1996 prohibits state and local governments from denying permit applications for cellular towers based upon the health or environmental effects of RF emissions. He said that if these issues are brought up, they should not be considered as a factor in the decision of this application.

Application #16-4, Mr. Weiskircher referenced a PowerPoint and explained that this application involves a request by Verizon Wireless to construct a 150' monopole and telecommunications building at the city's Public Works Center. Under Oakwood Zoning Code requirements, Wireless Telecommunications facilities and towers shall be permitted only on publicly owned real property, or on private property in business districts when no acceptable location is available on publicly owned real property.

As with other recent applications in which the special use standards do not apply, the Planning Commission will be making a recommendation to City Council for final action. Within the Telecommunications Act of 1996, the local zoning authority still has authority over decisions regarding the placement, construction and modification of personal wireless service facilities. However, localities shall not prohibit or have the effect of prohibiting the provision of personal wireless services. Any decision to deny a request must be made in writing and be supported by substantiated evidence contained in a written record.

Verizon Wireless consultants approached Oakwood officials in 2013 regarding network coverage gaps in northeast Oakwood and adjacent areas within the city of Dayton. The preferred choice by Verizon and the city of Oakwood was the city-owned property at Irving Avenue Field. The issues with the property at Irving Avenue Field was that it was located in Dayton, Dayton Zoning Code limits towers and telecommunications devices to industrial areas. Dayton Board of Zoning Appeals denied the use variance last September and Verizon is appealing that decision. The Public Works Center is an acceptable alternative to address network coverage gaps. Photo simulations were displayed of the proposed tower from surrounding locations.

Mr. Weiskircher explained that this is not a special use, rezoning or variance request and the zoning code has separate standards for evaluating wireless telecommunication facilities. He briefly reviewed these standards.

Mr. Byington asked for the status of the Dayton appeal.

Mr. Weiskircher said that Verizon appealed the decision and he would let Verizon Wireless provide more details as part of their presentation.

Mrs. Gowdy asked if it was accurate that Verizon Wireless asked to place a tower on the UD campus.

Mr. Weiskircher answered yes.

The matter was then opened for public hearing.

Mr. Robert Grant, legal counsel representing Verizon Wireless, introduced the other members of Verizon Wireless team. He referenced a PowerPoint and explained that the goal with this application is to close coverage gaps in the city of Oakwood. He thanked Jay Weiskircher for his hard work and assistance with this application. He shared that they are pleased to partner with the city of Oakwood in this development project. The proposed facility will bring state of the art communication services to the Oakwood community. Residential areas have a high demand for service and while this is not a popular land use, it is a necessary one. Verizon Wireless must be in the area to serve the Oakwood area. Mr. Grant continued that all exhibits required by the Oakwood Zoning Ordinance have been submitted and all procedural guidelines of the Oakwood Zoning Ordinance have been followed. There is currently a service gap in the northeast corner of Oakwood that can only be corrected with a new tower. A report prepared by Nick Stevens, a Verizon Wireless Radio Frequency Engineer, was filed as a part of the application for this site. He concluded that significant coverage and capacity gaps caused by insufficient infrastructure can only be corrected by locating a tower within the prescribed search area with the specified elevation.

Mr. Grant noted that a survey conducted by federal agencies regarding wireless substitution for landline services, found that nearly one half of American homes (47.4% as of June 2015) have

only a wireless phone. As of June 2015, 46.7% of all adults live in households with only wireless phones and 55.3% of all children live in households with only wireless phones. The Federal Communications Commission Report details the increasing use of wireless communications. Approximately 70% of 911 calls are placed from wireless phones and the percentage is continuing to grow. A gap in coverage is a critical public safety issue that Verizon Wireless takes very seriously.

The existing land use for the site being proposed is owned by the city of Oakwood and is used for public purposes. Verizon Wireless feels that this is the best available site that will serve the citizens of Oakwood with communications services.

Verizon Wireless has worked hard to evaluate all possible co-location alternatives. There are not any suitable tall structures in this area to meet the engineering needs of this project. Verizon Wireless has also been unsuccessful in locating a raw land site that closes the gap in coverage and satisfies all local zoning regulations.

A site plan showing all details of the proposed construction was signed and stamped by an Ohio licensed engineer. The plan was engineered as a three carrier tower. It reduces tower proliferation in the area. The lease between Verizon Wireless and the city of Oakwood includes a provision for the installation of the city-owned emergency equipment on the tower. The monopole has been sited in compliance with applicable setback requirements. In compliance with local ordinance, this site is located on public property.

Following his presentation, Mr. Grant addressed questions previously asked by members of the Planning Commission. Mr. Grant explained that the Dayton appeal is currently pending the outcome of this application. He went on to further state that the problem with litigation and appeals is that it can drag on for years. Verizon Wireless wants to ensure that the city of Oakwood has the best possible coverage now and years from now, which is why they went back to the city to discuss other options. Mr. Grant said that Verizon Wireless did look at placing a tower at the UD campus, but there were historical and other issues involved that wouldn't allow the tower to be placed there.

Mr. Robert Schroeder, Engineer with Verizon Wireless, shared that he was going to focus on the height of the tower and why 150 feet is needed. He explained that customers of Verizon Wireless currently have coverage, but not capacity. The topography of the land requires a 150 foot tower monopole to reach out about 6/10 (six tenths) of a mile to the areas with poor performance and to still be able to get over the terrain.

Mr. Shulman asked if the tower could be lowered at all.

Mr. Schroeder said that if it were lower than 150 feet, the tower would not be as effective and Verizon Wireless may not consider placing a tower for just acceptable coverage. Verizon is responsible for providing quality phone coverage.

Mr. Aidt explained that in 1996 he wrote the telecommunication requirements for the city of Kettering and presented these at the Planning and Zoning Workshops. The solutions always seem to be a big tower. He asked if there have been any thoughts of placing multiple smaller sites throughout the city to close the coverage gap.

Mr. Schroeder explained that if multiple smaller sites were used they would more than likely have to be placed in residential areas.

Mr. Aidt responded and said that while that may be true, they could be placed on public utility poles and on public land such as right-of-ways.

Mr. Schroeder said that it is a tool that is used, but multiple sites would be needed and a tower would perform much better.

Mrs. Gowdy asked if there are any future plans of towers going away since they are not a very popular option.

Mr. Grant explained that there is a combination of approaches. Verizon Wireless had an opportunity to take over some needed towers from Cincinnati Bell. Rooftops are used if they are available. He shared that he is not aware of any other technology currently available which would make towers obsolete.

Mrs. Gowdy asked if there was a magic equation where cell towers are being forced through.

Mr. Schroeder said that there is not an equation that is used. The users dictate the need for a tower. If customers do not use the services, then Verizon Wireless would not need to build the cell towers. There is no formula other than what the demand is.

Mr. Aidt stated that there have been Verizon Wireless coverage issues for what seems like the last 10 years or more. He asked if the issue now is more of a capacity problem that is driving the need for a tower.

Mr. Schroeder explained that there could have always been coverage gaps, but the capacity issues have continued to grow because of the increase in cell services and users. Verizon Wireless has been trying to get the tower installed for quite a few years now.

Mrs. Gowdy asked if the process is to go to other cell carriers like AT&T and ask them to use their towers first before looking into installing a new tower.

Mr. Schroeder said that Verizon Wireless looks for 3<sup>rd</sup> party structures.

Mrs. Gowdy responded by stating and then private property owners.

Mr. Schroeder said no, then cities.

Mrs. Gowdy said that if she understood correctly, the Oakwood Zoning Code is written in a way that we cannot say no to being a co-applicant.

Mr. Weiskircher responded that the city of Oakwood has to abide by the zoning code so if the applicant is requesting to place a tower on public property, then the city is a co-applicant.

Mr. Schroeder explained that when Congress passed the Telecommunications Act of 1996, it was a fearful response because Americans were behind the rest of the world. The law was passed to ensure local government dealt appropriately with new technology.

Mrs. Gowdy asked if AT&T has to share their towers.

Mr. Grant said that all communication carrier companies have an agreement and welcome each other to their towers. If AT&T had a tower to close this gap, Verizon would use it, but they do not have one.

Mr. Byington shared that he did not get a clear understanding of what a coverage gap is.

Mr. Grant said that a coverage gap is when there are no bars and a call cannot go out, or when there is spotty coverage.

Mr. Byington asked if there is a time when someone does not have bars and calls will not go through.

Mr. Grant said that they may have a call and it drops, or the call may not go through at all.

Mr. Schroeder said that it varies on what everyone else in the service area is doing, the weather, foliage on the trees, etc.

Mr. Byington asked what degree of use is required to create a coverage gap.

Mr. Schroeder said that he cannot give a specific number. It is not that easy to determine because it is based on too many different factors.

Mr. Byington said that Irving Avenue has been looked into as well as the Public Works Center. He asked what location is next on the list.

Mr. Grant said that they do not have an alternative location next on the list.

Mrs. Gowdy asked if Verizon Wireless has approached private property owners.

Mr. Hertlein, consultant with Verizon Wireless, explained that he is very familiar with the city of Oakwood. He explained that sites were found in 2002 at UD and NCR, but they would not lease. A tower was placed north of Patterson and then a few years ago south of Wyoming Street. Unfortunately, the areas for towers are getting smaller as the capacity needs continue to go up. Verizon Wireless looked at placing a tower at Irving Field, at a roofing facility, Woodland Cemetery, and several open parcels.

Mr. Byington asked if the additional information requested by CMS, a telecommunications consulting firm, was received.

Mr. Weiskircher said that Verizon Wireless is still in the process of gathering the information requested by CMS.

Mr. Grant said that Verizon Wireless' engineer is still working on this information as it was only asked of them a few days ago. He said that the information goes above and beyond what the Oakwood Zoning Ordinance states, but Verizon Wireless will provide the requested information. The city and Verizon Wireless wanted to still proceed with the hearing.

Mr. Byington added that to him, it sounds like Section 405 has not been met because the height of the tower is still being questioned.

Mr. Grant stated that all of the information has been submitted based on what the Oakwood Zoning Ordinance requires. However, Verizon Wireless will provide the additional information as requested by CMS.

Mr. Byington asked how this should be explained. CMS is very familiar with the Oakwood Zoning Code and just because nothing specific is stated in the code does not mean it isn't important.

Mr. Grant said that Verizon Wireless is a co-applicant with the city and he is not trying to be adversarial. He is objecting to the requests by CMS on the record because they are not in the Oakwood Zoning Ordinance. Verizon Wireless supplied all of the materials that have been asked for and they fully intend to provide the extra information as well.

Mr. Shulman asked if Mr. Grant didn't feel the information was relevant to place the tower.

Mr. Grant stated that under Ohio and Federal law, the applicant only has to provide what the zoning code states. The consultant hired by the city of Oakwood states that it will be helpful to have this additional information, which is his opinion.

Mr. Shulman asked if there is a difference of opinion.

Mr. Grant explained that he does this across five different states and reads many different zoning ordinances. Many ordinances list what is required and what is expected in advance of the hearing. The applicant has a right to view this ordinance to know what is expected of them.

Mr. Weiskircher explained that he had expressed concern on the height of the tower with Mr. Grant and CMS. Within the past few days, the consultant asked Verizon Wireless for additional information and Mr. Grant has not had much time to put that information together.

Mr. Byington asked where other carriers would place their antennas if they want to use the tower.

Mr. Grant stated that they would place their antennas at the height they need them. It is very rare that they would request to place it higher than the tower height and if this is the case, they would have to get city approval.

Mr. Hertlein explained that the city is the landlord in this land lease. Typically a land lease is 100 x 100 and this is only 20 x 40. There is not any more space for leasing.

Mr. Byington asked for the cost of the project.

Mr. Schroeder said that the total cost would be \$250,000 which includes the monopole and the support building.

Mr. Shulman asked if there are financial incentives for letting other companies share the tower.

Mr. Schroeder said that Verizon Wireless and the city of Oakwood would get rent.

Mr. Byington asked if the intent is to use stainless steel on the tower.

Mr. Schroeder said that it will actually be galvanized steel, which will not have a reflection.

Mr. Aidt asked if a 100 foot tower would satisfy the coverage gaps.

Mr. Schroeder said that at 100 feet, 56% of the coverage area would be lost.

Mr. Jackson asked if it is possible to increase other existing towers.

Mr. Schroeder said that they don't extend existing towers too often because it turns into a structural nightmare. The foundations are made for the increase in height. They would look into multiple sites before increasing towers.

Mr. Byington asked with the way technology is constantly changing, if there will be a need to have a tower every few blocks in about five years.

Mr. Schroeder said that it is very hard to say.

Mr. Aaron Keyton, 53 Shafor Circle, shared that he has Verizon Wireless and he doesn't have any service problem. He inquired about the impacts of camouflaging the tower and surrounding buildings as it relates to Section 405 of the Oakwood Zoning Code.

Mr. Jacques explained that Section 405.4(G)(1) is broken down into two sections. The first section states that the tower needs to be gray. The second section states that all appurtenances must be aesthetically appealing and compatible with surrounding structures.

Mr. Aaron Keyton quoted Section 4051.3 relating to impacts of the tower.

Mr. Jacques clarified that this section discusses the purpose of minimizing adverse visual impacts of towers and wireless telecommunication facilities through design, landscaping and other techniques. The compatibility speaks to the entire project.

Mrs. Gowdy asked if there is anything available to disguise cell towers.

Mr. Grant said that they have disguised smaller towers as pine trees, but there is nothing available for 150 foot towers.

Mr. Aaron Keyton asked for the measurements around the tower. He also mentioned that the Dayton Board staff believes that nearby buildings have not been exhausted.

Mr. Weiskircher shared that it is 290 feet and 320 feet from the tower to the two houses on the corner of Shafor Circle and 160 feet to the apartment building on Irving Avenue.

Ms. Kathryn Mullen Upton, 15 Shafor Circle, asked how many residents currently have this level of need.

Mr. Grant said that he does not have the details on who the Verizon Wireless customers are, but it is a matter of public safety. Even if there is only one customer that is unable to call 9-1-1, that is a problem.

Mr. Greg Turner, 40 Shafor Circle, asked why Verizon Wireless could not share with other carrier towers. He asked if other companies are having coverage problems. He asked why Verizon Wireless does not amp up the power of surrounding antennas. He asked that the Planning Commission not confuse signal strength with capacity. The SEC has standards for everyone to use 9-1-1. People should be able to turn on their phone and use 9-1-1 even without service. He shared that he will be looking at the tower right outside of his window and this tower would decrease his property value. He asked if Verizon Wireless has an energy generator when the power goes out.

Mr. Grant said that Verizon Wireless has a power generator. Verizon Wireless has already amped up the surrounding antennas and they are currently maxed out. There are no other cell towers around to fill this coverage gap. He shared that he isn't sure if other carriers are having issues because all carriers are designed differently.

Mr. Viorel Paslaru, 26 Shafor Circle, shared that a tower would be built to service a small number of people. Oakwood residents have to hear independent grounds to offer that permission. A tower does not promote a high quality of living. He shared that he will stare at the tower and it will decrease the value of Oakwood homes.

Mr. Darren Kall, 30 Grandon Road, shared that he is a cognitive and perceptual experimental psychologist. He shared that he previously designed cell phones and he understands that the Telecommunications Act prevents the Planning Commission from denying an application because of health reasons, but it does not mean that they cannot be considered. There is a difference between the low level RF fields when talking on your cell phone and the exposure to the people that are located near a cell tower. He urged members of the Planning Commission to get informed about the health risks. There is a tradeoff between convenience and the health of the Oakwood citizens.

Mr. Greg Turner, 40 Shafor Circle, suggested that antennas be placed on the roof of the public works building instead of building a tower.

Mr. Weiskircher reviewed the standards for evaluating wireless telecommunication facilities in more detail. He explained that if the application is recommended for approval, city staff recommends the following special conditions: 1.) The maximum height of the tower shall be the lesser of 150', or the maximum height that can be justified by the applicant and confirmed by the city upon consultation with its RF Consultant; 2.) The tower shall be built and fully operational within 18 months of City Council approval; 3.) The development, use and maintenance of the tower and telecommunications facilities shall comply with all Oakwood ordinances and state and federal codes; 4.) The building materials and the screening of the support building shall be subject to final approval by the city of Oakwood; and, 5.) The tower and/or operation thereof shall not cause or contribute to unreasonable interference with the city's Public Safety and Public Works radio systems.

In closing, Mr. Weiskircher explained that the Planning Commission will need to provide a recommendation to City Council to approve, approve with conditions or deny the Verizon Wireless request.

There being no further public testimony offered, the public hearing was closed and the Planning Commission began its deliberations.

Mr. Byington asked what Section 405.3(D) in the Oakwood Zoning Code states.

Mr. Jacques stated that the evidence submitted by the applicant must be reviewed by a radio frequency engineer chosen by the city.

Mr. Shulman asked if information has been submitted to CMS as requested.

Mr. Grant said that he submitted all of the information as requested in the Oakwood Zoning Ordinance. CMS asked for additional information a few days ago, but Verizon Wireless has not submitted this information, but will.

Mrs. Jackson asked why there should be a special condition that the tower should be built within 18 months.

Mr. Weiskircher stated that given that Verizon Wireless has been trying to build the tower for many years and there is a gap in coverage, this insures that it is built in a timely manner.

Mr. Shulman shared that Verizon Wireless did a good job submitting the information that was asked for, but he has concerns that the information that CMS requested is still unavailable. In his opinion, he feels that this application should be tabled.

Mr. Aidt shared that he disagrees. He feels that the Planning Commission should move forward and make a recommendation to City Council where they will have all of the facts.

Mr. Jackson asked why CMS was not at the meeting this evening.

Mr. Weiskircher shared that it was an expense and timing issue. The consultant would be coming from upstate New York.

Mr. Byington shared that he agrees with Mr. Shulman. He doesn't feel comfortable making a recommendation without all of the facts. At this time, the Planning Commission does not have what the ordinance specifies.

For purposes of the minutes, the preliminary staff findings as stated in the Staff Report were as follows:

A. Construction Standards

The wireless telecommunication facilities and support structures shall be certified by an engineer licensed in the state of Ohio to be structurally sound and in conformance with the Ohio Building Code.

**STAFF FINDINGS: A letter has been submitted by an Ohio licensed engineer confirming the structural soundness of the proposed monopole. The engineer states that the designed monopole has never experienced a structural failure due to weather or seismic induced loads.**

B. Fire Protection

All wireless telecommunication buildings must be designed and operated in such a manner as to minimize the risk of igniting a fire or intensifying one that otherwise occurs.

**STAFF FINDINGS: The facility has been designed and will be operated in such a manner as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. A 9 foot high lightning arrester will be attached to the top of the monopole.**

C. Height Determination

The height of a tower shall be measured from the ground surface below the base to the top of the tower itself or, if higher, to the top of the highest antennae or piece of equipment thereto.

**STAFF FINDINGS: The monopole is 150 feet tall with a 9 foot lightning arrester on top for a total height of 159 feet.**

D. Telecommunication Support Facilities

No telecommunication support facilities shall be more than one story in height and must be constructed to look like a building or facility typically found in the area.

**STAFF FINDINGS: The support building is 9 feet tall with a flat roof and will be constructed of faceted block to match the Public Works building as closely as possible.**

E. Natural Resource Protection

The location of the wireless telecommunication facilities must comply with all natural resource protection standards.

**STAFF FINDINGS: The facilities are not located in a flood plain or wetlands. The majority of vegetation to be removed within the 20 x 40 security zone surrounding the monopole is honeysuckle. No other vegetation outside the security area will be removed.**

F. Historical or Architectural Standards Compliance

An application to locate a wireless telecommunication facility on a building or structure shall be reviewed to ensure that architectural and design standards are maintained.

**STAFF FINDINGS: Since this application does not involve attaching a wireless telecommunication facility or pole to a historical or architecturally significant building, this standard does not apply.**

G. Color and Appearance Standards

All wireless non-building mounted telecommunication facilities must be painted a non-contrasting gray or similar color minimizing its visibility. All appurtenances must be aesthetically and architecturally compatible with the surrounding environment.

**STAFF FINDINGS: Verizon Wireless is proposing a stainless steel tower which they believe is less visible than gray, blue or any other painted color. Moreover, if the pole is painted, it will require a much higher level of future maintenance.**

**Items 2-6 apply to building or roof mounted structures and therefore do not apply to this application.**

H. Adverting Prohibited

No advertising is permitted anywhere upon or attached to the wireless telecommunication facility.

**STAFF FINDINGS: Verizon has stated in writing that no advertising will be attached to the support facility or tower.**

I. Artificial Lighting Restricted

No wireless telecommunication facility shall be artificially lit except as required by the FAA.

**STAFF FINDINGS: Given the proposed height of the tower the FAA does not require that the tower be lit and Verizon has no plans to light the tower.**

J. Abandonment

All wireless telecommunication facilities must be subject to a 180 day abandonment requirement.

**STAFF FINDINGS: Verizon Wireless has stated in writing that the tower will be removed within 180 days after its use is discontinued.**

K. Setback From Edge of Roof

**STAFF FINDINGS: This standard is associated with telecommunication facilities and appurtenances located on a roof and therefore do not apply to this application.**

L. Security Enclosure Required

All towers and equipment shelters must be enclosed either monopole completely or individually as determined by the City.

**STAFF FINDINGS: The support structure and base of the monopole are fully enclosed by a 6 foot high wood privacy fence.**

M. Existing Vegetation and Buffer Planting

Existing Vegetation must be preserved to the maximum extent possible. Buffer plantings must to located around the security enclosure as deemed appropriate by the City.

**STAFF FINDINGS: Existing vegetation will be preserved to the maximum extent possible. No vegetation will be removed except that which is necessary to accommodate the equipment pad and security perimeter.**

N. Access Control Emergency Contact

No trespassing signs must be posted around the wireless telecommunication facility along with the phone number of whom to contact in the case of an emergency.

**STAFF FINDINGS: No trespassing signs will be posted and emergency contact information will be provided as required by law.**

O. Co-Location Design Required

No new tower shall be constructed in the City unless such a tower is capable of accommodating at least one additional wireless telecommunication facility owned by another person.

**STAFF FINDINGS: The proposed monopole is capable of accommodating up to two (2) additional carriers.**

P. Co-Location Requirements

All telecommunication facilities must be designed to promote facility and site sharing.

**STAFF FINDINGS: Verizon Wireless has stated in writing that they will make space available on the monopole for up to two (2) future co-location tenants and will not engage in any anti-competitive leasing practices nor anti-competitive price discrimination.**

Q. Jurisdictional Study of Potential Sites

The City shall identify potential telecommunication facility sites on publicly owned property.

**STAFF FINDINGS: In addition to the Public Works Center at 210 Shafor Boulevard, the only other publicly owned properties that would possibly be suitable for telecommunication facilities are Irving Avenue Field, Old River, the City Building on Park Avenue and atop the water tank at Fairridge Park. This location was chosen because of its close proximity to coverage gaps in Verizon's existing grid.**

R. Technically Suitable Space

Authorization for a tower must be issued only if there is not technically suitable space reasonably available on an existing tower or structure within the geographic area to be served.

**STAFF FINDINGS: Verizon was unable to locate any suitable tall structures and there are no existing towers within the identified service gap area.**

S. Location of Wireless Telecommunication Facilities

1. Wireless telecommunication facilities shall be permitted and preferred to be located on publicly owned land.

**STAFF FINDINGS: The proposed location is publicly owned land with buildings and facilities for water treatment, road salt storage, equipment maintenance and storage, temporary leaf and brush storage, Public Works Department offices and a dog park.**

Items 2-3 deal with facilities attached to buildings.

4. Tower

- i. Minimum setbacks from property lines for the zoning district shall apply.

**STAFF FINDINGS: The proposed site meets all setback requirements.**

- ii. No tower shall be located a distance less than its height from a structure used from its residence.

**STAFF FINDINGS: The tower is 160 feet from the corner of an apartment building located in Dayton along Irving Avenue. The closest Oakwood residential structures are 290 feet and 320 feet respectively from the base of the tower.**

- iii. The minimum setbacks for the zoning district shall apply to equipment shelters.

**STAFF FINDINGS: The equipment building also meets the setback requirements for the district.**

Mr. Shulman stated that he is impressed with Verizon Wireless' application and the applicants. Since Verizon Wireless has agreed to cooperate and provide the additional facts that CMS has asked for, it was moved by Mr. Shulman and seconded by Mr. Byington that application #16-4, to construct a 150' monopole and telecommunications building at the city's Public Works Center, be tabled. The motion was unanimously approved.

There being no further business, the Planning Commission adjourned. The public meeting concluded at 7:30 p.m.



CHAIR

ATTEST:



CLERK