



Legislation Details (With Text)

**File #:** 20-1070B      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 9/17/2020      **In control:** City Council

**On agenda:** 10/6/2020      **Final action:** 10/6/2020

**Title:** Pass the ordinance granting approval of variances to Section 6-13-10:3.3 (Design) and Section 6-13-10:5.2 (Setbacks) to allow for roof mounted antennas on the building located at 35 S. Washington (PZC 20-1-076)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Standards, 4. Exhibit C - Plan Set, 5. Variance Application, 6. Photosim Presentation, 7. SHPO Adverse Effect Letter, 1st, 08-14-19, 8. SHPO No Adverse Effect Letter, 6.10.20, 9. Structural Analysis, 10. Location Map

Date	Ver.	Action By	Action	Result
10/6/2020	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance granting approval of variances to Section 6-13-10:3.3 (Design) and Section 6-13-10:5.2 (Setbacks) to allow for roof mounted antennas on the building located at 35 S. Washington (PZC 20-1-076)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly, Community Planner

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) considered PZC 20-1-076 at their September 16, 2020 meeting and recommended approval (approved 9,0).

**BACKGROUND:**

The subject property is located at the northwest corner of Van Buren Avenue and Washington Street with a common address of 35 S. Washington Street. The lot is currently improved with a three-story commercial building and is zoned B4 (Downtown Core District).

The petitioner, T-Mobile, is requesting approval of variances to the setback requirements and design requirements for new communication facilities. Per Section 6-13-7:1 (Variances), communication facilities which do not meet Section 6-13-10 (General Requirements) may be permitted upon granting of a variance.

**DISCUSSION:**

The petitioner, has requested variances to allow for three sectors of up to three panel antennas per

sector (nine antennas total) to be installed on the roof of the building located at 35 S. Washington. The proposed antennas will be approximately 10' 6" at the highest point above the roof of the building. The southern sectors will be concealed by screen walls and the northern sector will be neutral in color. The proposal requires approval of two variances: one to Section 6-13-10:3.3 (General Requirements: Design) to install an antenna facing a public right-of-way, and one to Section 6-13-10:5.2 (General Requirements: Setbacks) in order to install antennas within 100' of a residential use.

***Variance to Section 6-13-10:3.3 (General Requirements: Design)***

Section 6-13-10:3.3 of the Telecommunications Code states that if an antenna is installed on an existing building, it should be mounted on that portion of a roof which faces a rear yard (not facing a public right-of-way) or behind major rooftop elements such as stair and elevator penthouses, parapets or architectural projections. A variance to this code section is required given the location of the two southern sectors as depicted on the site plan.

The petitioner has indicated the proposed antennas were reviewed by the State Historic Preservation Office (SHPO). Wireless carriers are required to obtain approvals from SHPO and the National Environmental Policy Act (NEPA) on every wireless facility since the licensure is issued by the Federal Communications Commission (FCC). The SHPO conducted a review of the proposal and required stealth panels to be installed. The petitioner, as noted in the submitted cover letter and standards, revised the proposal and added the stealth panels. However, when the stealth panels were included, the loadings increased significantly. Therefore, the site plan was altered and the antennas were placed closer to the public right-of-way creating more visibility from the street. The revised plan was sent to the SHPO and approved.

Staff is in support of this variance request finding the roof of the building to provide limited opportunities for location of antennas given its size and other existing structures. Additionally, the current proposal was approved by SPHO and allows for the petitioner to collocate on the roof of an existing structure while complying with SHPO's requirements.

***Variance to Section 6-13-10:5.2 (General Requirements: Setbacks)***

Per Section 6-13-10:5.2 (General Requirements: Setbacks), an antenna must be located 100' from any property line that is adjacent to a residential zoning district or a residential use. The subject property is located approximately 95' from 110 S. Washington Street (Central Park Place). Central Park Place is currently under development as a mixed-use building with retail on the first floor and condominiums on the second through fourth floors. Thus, a variance is triggered in order to locate the antennas within 100' of a residential use.

Per the petitioner, the goal of the proposal is to improve wireless coverage in the downtown. While the subject property is located within 100' of a residential use, the antennas are more than 100' away from the subject property. Additionally, staff finds the proposed roof-mounted antennas help provide seamless wireless coverage and have minimal impact on the overall pedestrian experience as they are out of direct public view from nearby streets, sidewalks, and customer parking areas. For these reasons, staff is in support of the variance request.

***Findings of Fact***

The petitioner's responses to the standards are attached. Upon review, staff and the PZC agree with the petitioner's findings and recommends their adoption by the City Council.

### ***Planning and Zoning Commission***

The public hearing before the PZC was opened on September 16, 2020. No members of the public spoke on the request. The PZC discussed other locations of T-Mobile antennas and whether any antennas currently exist on the building. The petitioner clarified no other antennas currently exist on the building and that the closest T-Mobile antenna is on the Carillon. The Planning and Zoning Commission closed the public hearing after limited discussion and voted 9-0 to recommend approval of the variance. Staff concurs with the recommendation.

### ***Key Takeaways***

- The petitioner is requesting variances to Section 6-13-10:3.3 (Design) and Section 6-13-10:5.2 (Setbacks) to the Municipal Code to allow for roof mounted antennas to be installed on the building at 35 S. Washington Street.
- Staff supports the request and finds the proposed antennas will be well concealed and will enhance the ability to provide effective communication services which is in line with the purpose of the Telecommunications section of the Municipal Code.

### **FISCAL IMPACT:**

N/A