



Petition Number: 1412-SIT-16
Subject Site Address: 747 W. 161st Street
Petitioner: Horvath Communications LLC by Clark, Quinn, Moses, Scott & Grahn, LLP
Request: Development Plan approval of a new wireless communication service facility.
Current Zoning: SF-2
Current Land Use: Institutional/Education (Shamrock Springs Elementary School)
Approximate Acreage: 23.65 acres+/-
Zoning History: 1408-VU-02 – Variance of Use, *Approved 08/12/14*
Exhibits:
1. Staff Report
2. Location Map
3. Site Plan
4. Elevations
5. Photo Simulations
6. Landscaping Plan
Staff Reviewer: Kevin M. Todd, AICP

PROCEDURAL

Approval of a Development Plan must be granted if the submitted plans demonstrate compliance with the terms of the underlying zoning district, subdivision control ordinance and/or applicable PUD District Ordinance, any variances associated with the site, and any commitments associated with the site.

PROJECT OVERVIEW

Property Location

The subject property is approximately 2,500 square feet in size and is located at the northwest corner of the Shamrock Springs Elementary School property (the “Property”). The Property is zoned Single Family-2 (SF-2). Adjacent property to the north is zoned Maple Knoll PUD and is residential in use. Adjacent property to the west is zoned Centennial North PUD, and is currently vacant, but is zoned for residential use. Adjacent property to the east and south is zoned SF-2 and is school property.



Project Description

In order to provide a certain level of wireless communication service within this area of Westfield, new antenna equipment is needed. There are no existing nearby co-location options, so a new tower is needed in order to install new equipment. The proposal is to install a new 125 feet tall wireless communication tower and ancillary equipment building(s) on the Property. As proposed and required by the BZA, the tower is to be designed to appear and function as a flag pole, and is referred to as a "stealth flag pole". Proposed access to the Property would be from 161st Street, via a gravel drive that would be constructed within a private access easement. The proposed equipment building would be approximately ten (10) feet in height and approximately 300 square-feet in area. The proposal indicates fencing and landscaping would be installed around the perimeter of the Property.

Project History

Wireless Communication Service Facilities are not permitted by-right within the SF-2 zoning classification. On August 12, 2014, the Board of Zoning Appeals approved the petitioner's request to allow a Wireless Communication Service Facility on the Property (BZA Case No. 1408-VU-02) with the following conditions:

1. That a U.S. flag, proportionally sized in relation to the height and size of the stealth flag pole, always be raised on the stealth flag pole, unless otherwise dictated by federal, state, or local law or edict;
2. That any building constructed on the Property either:
 - a. Be designed with architectural features that are consistent with the design criteria of the Spring Mill Station Plan; or,
 - b. Be completely screened from view on all sides by evergreen trees that are a minimum of eight (8) feet in height at installation and are spaced in a manner that creates a complete visual screen.
3. That the petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department prior to permit approval.

WESTFIELD UNIFIED DEVELOPMENT ORDINANCE

Zoning Districts (Chapter 4)

SF-2 District (Article 4.5)

1. **Permitted Uses**

Wireless Communication Service Facility, allowed by Variance of Use 1408-VU-02 (approved 08/12/14)

Comment: COMPLIANT



2. Minimum Lot Area = 3 acres
Comment: COMPLIANT (23.65 acres+/-)

3. Minimum Lot Frontage = 250 feet
Comment: COMPLIANT (800+ feet)

4. Minimum Building Setback Lines
 - a. Front Yard = 100 feet
Comment: COMPLIANT (157 feet)
 - b. Side Yard = 30 feet
Comment: COMPLIANT (61 feet from west; 748 feet from east)
 - c. Rear Yard = 30 feet
Comment: COMPLIANT (1,100+ feet)

5. Minimum Lot Width = No minimum
Comment: COMPLIANT

6. Maximum Building Height = 2.5 stories
Comment: COMPLIANT (10 feet)

7. Minimum Living Area
Comment: Not Applicable

Overlay Districts (Chapter 5) – Not Applicable

Development Standards (Chapter 6)

Lot Standards (Article 6.10)

1. All Lots shall abut on a Street or Private Street and shall have a minimum Lot Frontage as set forth by the Zoning District or Overlay District.
Comment: COMPLIANT

2. Residential Corner Lots shall be of sufficient width to permit appropriate Building Setback Lines and driveway setbacks from both Streets.
Comment: Not Applicable



Setback Standards (Article 6.16)

Comment: COMPLIANT

Vision Clearance Standards (Article 6.19)

Comment: COMPLIANT

Wireless Communication Service Facilities (Article 6.20)

8. The height of the antenna support structure shall not exceed two hundred (200) feet.

Comment: COMPLIANT (125 feet)

9. The antenna support structure shall be set back a minimum of forty (40) feet from the Lot Line, unless the adjoining Lot is zoned or used for a residential use. If the antenna support structure adjoins a Lot which is zoned or used for residential use, then the setback shall not be less than the height of the support structure.

Comment:

- North (Residential) = 125' required = **COMPLIANT** (157 feet)
- West (Agricultural) = 40' required = **COMPLIANT** (61 feet)
- East (Recreational/Institutional) = 40' required = **COMPLIANT** (61 feet)
- South (Residential) = 125' required = **COMPLIANT** (1,100+ feet)

10. Except as required by the Federal Aviation Administration or Federal Communications Commission, the antenna support structure shall not be illuminated by any artificial means and shall not display strobe lights.

Comment: COMPLIANT

11. No Signs or advertising shall be placed upon an antenna support structure and associated equipment buildings or structures.

Comment: COMPLIANT

12. The support structure and any antenna located on the support structure must be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment.

Comment: COMPLIANT (stealth flag pole design)



13. All utility buildings and structures accessory to the antenna support structure must be architecturally designed to blend into the surrounding area.
Comment: COMPLIANT (The proposed prefabricated equipment shelter is not too dissimilar from what neighboring residential uses could have as accessory structures. From this perspective, the proposed equipment shelter blends with the surrounding area.)
14. A Landscape Plan for the Wireless Communication Service Facility shall be submitted with the application and shall be substantially similar to landscaping required for other uses in Business or Industrial Districts.
Comment: COMPLIANT (Landscaping plan complies with condition of BZA approval regarding landscaping and screening.)
15. All Wireless Communication Service Facilities shall be designed structurally, electrically, and in all other respects to accommodate the user's equipment and the equipment of at least two (2) additional service providers.
Comment: COMPLIANT
16. A qualified and licensed engineer must approve the design of the antenna support structure and certify that it is constructed to comply with the requirements set out in this Article.
Comment: Will be reviewed at time of permitting.
17. All applications shall include a notarized letter of intent committing the antenna support structure owner or lessee on behalf of themselves and their successors in interest that the antenna support structure shall be shared with additional users if the additional user(s) agrees to meet reasonable terms and conditions of shared use.
Comment: Will be reviewed at time of permitting.
18. No transmissions from a Wireless Communication Service Facility shall interfere with any existing public safety communications.
Comment: Acknowledged.



BOARD OF ZONING APPEALS CONDITIONS OF APPROVAL

1. That a U.S. flag, proportionally sized in relation to the height and size of the stealth flag pole, always be raised on the stealth flag pole, unless otherwise dictated by federal, state, or local law or edict;
Comment: Will be reviewed at time of permitting and monitored by Code Enforcement for compliance.

2. That any building constructed on the Property either:
 - a. Be designed with architectural features that are consistent with the design criteria of the Spring Mill Station Plan; or,
 - b. Be completely screened from view on all sides by evergreen trees that are a minimum of eight (8) feet in height at installation and are spaced in a manner that creates a complete visual screen.
Comment: COMPLIANT

3. That the petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department prior to permit approval.
Comment: Will be verified at time of permitting.

STAFF RECOMMENDATION

If there is no public remonstrance at the Public Hearing on December 1, 2014, staff recommends approving 1412-SIT-16 as presented.