

BEAVERCREEK BOARD OF ZONING APPEALS
REGULAR MEETING, January 10, 2018, 6:00 PM

PRESENT: Mr. Hight, Mr. Hung, Mr. Kruse, Mr. Morter, Mr. Raber

ABSENT: None

Chairman Hung called the meeting to order followed by roll call.

Mr. Hight MOVED approval of the agenda, seconded by Mr. Morter. Motion PASSED by majority voice vote.

Mr. Hight MOVED approval of the July 12, 2017 minutes, seconded by Mr. Morter. Motion PASSED by majority voice vote.

PUBLIC HEARING

CU-18-1, OH Exchange Facilities Networks, LLC

Clerk Gillaugh read the notice of public hearing on an application filed by OH Exchange Facilities Networks, LLC, 120 S. Riverside Plaza, Ste. 1800, Chicago, IL 60660. The applicant is requesting a conditional use approval to construct a new micro tower in the City right-of-way. The property is located on the east side of Commons Boulevard across from 2619 Commons Blvd.

John Bear, Permitting Manager, OH Exchange Facilities Networks, stated the request tonight is for a new pole. He said his preference in working with cities is to figure out a deployment that is beneficial for his company and the City. Mr. Bear explained their first preference is to co-locate onto existing infrastructure. He stated they have received approval for a co-location on an existing AT&T pole located on Edwin Drive. Mr. Bear said their RF Engineers determine where there is a gap in coverage, and over by the mall there is a gap in coverage. He explained that is mostly an underground area, so there was not adequate infrastructure to attach to. Mr. Bear stated Mr. Burkett had requested they reduce the height of the pole down to 40 feet, and said he had a revised set of plans getting the height of the pole down to 37 feet with the antenna being right at 40 feet.

Mr. Burkett summarized the staff report dated January 5, 2018, which stated the applicant was proposing a conditional use approval to allow for the construction of a wireless telecommunication micro tower within the City's right-of-way. He discussed the location of the proposed tower, what currently exist on the surrounding properties, the proposed site plan, and the height requirement. Mr. Burkett discussed the two proposed conditions in the resolution, and recommended approval of the case.

There being no public input, the public hearing was closed.

Mr. Morter asked with this technology if these types of towers are going to replace the 200-foot towers. Mr. Bear said yes and no. He explained the large towers will always be necessary, but there will be more micro towers and less macro towers.

Mr. Hung said one of the conditions required proof of liability before the zoning permit could be issued. Mr. Burkett stated yes. Mr. Hung questioned if the amount of the insurance would be determined when the permit comes in. Mr. Burkett said yes, it would be determined by the City Attorney, the City Engineer, and the City Finance Department. Mr. Hung stated he was used to seeing an amount required, and was assured that is something that will be worked out with the applicant and staff when the time arises.

Mr. Hight said the tower was originally 75 feet tall. Mr. Bear said yes, approximately 12 to 14 months ago it was at 75 feet. Mr. Hight questioned if the reduction in height would require an increase in the number of towers needed. Mr. Bear explained generally speaking, when the height is reduced it will require more candidates, but his pipeline for the City of Beavercreek has gone down and currently there are three. He said two of those will be on existing poles, so this is the only request for a new pole.

Mr. Hight MOVED to CU-18-1 with two conditions:

1. The conditional use application to allow construction of a small cell wireless telecommunication tower and equipment on Commons Boulevard, across from 2619 Commons Boulevard, Beavercreek Ohio 45431, is hereby approved.
2. Conditions of approval shall be as follows:
 - a. The approved plans for this application shall be those stamped "Received December 6, 2017, except as modified herein.
 - b. The height of the pole shall be limited to 40 feet from adjacent grade.
 - c. The pole shall be painted to match the color of the existing light poles on Commons Boulevard.
 - d. Prior to the installation of the pole and associated equipment, the applicant shall apply for and receive approval of a zoning permit and a right-of-way permit from the Planning and Development Department and the Engineering Department respectively.
 - e. The pole shall not contain any advertisements, and may only display information required by federal and/or state law.
 - f. Should the use of the be discontinued (meaning the structure is not properly maintained, has been abandoned, become obsolete, has been unused or has

ceased daily activities or operation for a period of 12 months) the applicants or its successors shall be responsible for its removal.

- g. Prior to the construction of the pole, the owners/operators of the pole shall submit and keep on file with the City, proof of liability insurance, and shall indemnify the City of all liability from the construction and operation of the pole within the city's right-of-way.
- h. As required by state and federal laws, the applicant is granted relief from non-applicable and non-practical requirements of §158.130 (D) and (F) of the Zoning Code.

Motion was seconded by Mr. Morter, and PASSED by a roll call vote of 5-0.

ADJOURNMENT

Mr. Morter MOVED adjournment at 6:19 p.m., seconded by Mr. Hight. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk