

SPECIAL USE EXCEPTION REVIEW REPORT

Petition Number: SUE 10-01

Petitioner: Steve Ward
Clearwire Communications for
T-Mobile (Voicestream Wireless)
15 Park Place Professional Circle
Swansea, IL 62226
618-222-2840

Agent/Engineer: None

Project Name: Pointe Tower SUE Amendment

Filing Date: 2/5/10

Review Report Date: 2/23/10

**Submission Compliance
Certification Date:** 3/2/10

Requested Action: Special Use Exception
Plan Amendment

Purpose: Communications Tower - Addition
of 5th attachment point for
antennas

Code Section Article XIV Sec. 1 (15)
Article XVI, Sec. 4 (B)
Chapter 7.6, Sec. 7.6-3 & 4

Location: 3 Ballwin Commons Circle

Existing Zoning/Land Use: PA Public Activity/ Recreation

Surrounding Zoning/Land Uses: North - PA / Parks
South - PA / Parks
East - S-1 / Contractor's yard
West - PA / Parks

Plan Designation: Active Recreation

Project Description:

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In 2000, Voicestream Wireless was given a special use exception allowing the erection of a 150' tall cellular tower and an associated enclosed equipment compound at #1 Ballwin commons Circle adjacent to the Pointe. This SUE was granted by ordinance 00-33. The facility was subsequently sold to T-Mobile USA in 2006. Clearwire Communications has been authorized by T-Mobile to request an amendment to ordinance 00-33 to allow an additional antenna attachment point at approximately the 130' level. There will be no expansion of the equipment compound. The new equipment will be placed within the existing fenced compound.

The applicable regulations would normally allow the attachment of additional antennas and ground based equipment, but this petition calls for the creation of a fifth antenna attachment point. The original ordinance provided for four antenna platform attachment points, so the special use exception needs to be amended to allow the additional attachment point.

Zoning Ordinance Requirements/PA District:

1. Communications towers can be allowed in the PA District subject to the special use exception review criteria. The land use of the immediately adjacent neighborhood is recreational on three sides with a contractor's yard land use (industrial) on the fourth side. The larger neighborhood is predominately residential in character with a substantial amount of multiple family land uses to the north and east. In 2000, when the SUE was granted, the Coachlight subdivision to the east was an industrial land use. **This petition does not propose any additional height to the tower or any expansion of the area of the equipment compound which were neighborhood compatibility issues of the original petition.**

3. The existing facilities appear to meet all minimum setback regulations of the PA District. **The amendment does not appear to impact these regulations.**

4. The height limit in the PA District is 35'. The 2000 SUE allowed the tower to be erected to a height of 150'. **The proposed additional antennas do not impact these regulations or the height of the existing tower.**

Zoning Ordinance Requirements/SUE Regulations:

1. Site Lighting: No special or additional site lighting is proposed as a part of this petition. **There does not appear to be any need for additional lighting to accommodate the additional antennas.** Site security illumination is provided from the luminaries in the Pointe Parking lot.

2. Landscaping: The landscaping in place was approved as a part of the 2000 SUE

approval. **It will not be impacted by the proposed new antennas and related equipment installations.**

3. Storm Water: There are no storm water implications to this proposal.
4. Fencing: The fencing around the compound was approved as a part of the 2000 SUE approval. **It will not be changed or impacted by the work associated with the petition.**
5. The parking requirements associated with the site will not be impacted by the petition.
6. Site access is via the Pointe parking lot. **No change to the access is foreseen in association with installation of additional antennas and equipment.**

Communications Facilities Ordinance Requirements:

Section 7.6-3 General Requirements

1. *Principal Use:* Per this ordinance, the antennas and support structures are principal uses in the PA District, not accessory uses. The facility is therefore subject to the setback, use and height regulations of main structures and not accessory structures. **The existing facility and the new installations proposed per this petition appear to meet the setback requirements for main structures in the PA District.**
2. *Building Code and Safety Standards:* Compliance with all local minimum construction code requirements will be reviewed as a part of the building permit review.
3. *Regulatory Compliance:* The facility is required to meet all FCC, FAA and other federal regulations relative to antennas and support structure integrity and compliance with the standards of the Electronics Industries Association. **Verification of compliance was provided when the tower was originally built and will be required for the proposed new equipment.**
4. *Security:* The site will continue to be secured via the existing 7' chain link fence.
5. *Lighting:* No additional lighting of the tower or compound is proposed. Security lighting will continue to be provided from the Pointe parking lot illumination.
6. *Advertising:* No advertising is proposed for this facility.
7. *Design:*

(1) *Color:* The tower and all attachments are galvanized metal. No change to the color of the existing facilities is proposed. **The submitted plans do not specify the**

color of the antennas, mounting brackets or equipment enclosure box. I recommend that the site plan amendment, if approved, require that the new equipment match the color of the existing facilities on the site.

(2) *Landscaping*: No change to the landscaping is proposed. **It appears that the existing landscaping meets the requirements of this code section and is consistent with the original approved site development plan.**

(3) *Residential Separation*: The code requires that all towers be separated from any off-site single family or multifamily residential structure a distance equal to the height of the tower. **The existing tower appears to meet this requirement and the proposed changes will not be impacted by this regulation.**

8. *Shared Use*: As required by this code section, the tower serves multiple users. This tower was originally approved with the understanding that it could accommodate at least four users. It presently accommodates T-Mobile, US Cellular, Sprint and Verizon. **The requested additional attachment point will provide for a fifth user on the site. This is in keeping with the multi-user intent of the regulations.**

7.6-4 (C) Permitted Use:

This section allows the installation of additional antennas on towers and buildings upon the receipt of a proper building permit because the structure is located on land owned by the City of Ballwin and a lease agreement is in place. The SUE amendment was required under Article XIV because of the height limitations of the PA District. These regulations were discussed earlier in this report.

7.6-6 Special Use Exception Required:

Since the additional antennas are allowed by section 7.6-4 (C) the additional special use exception regulations outlined in this section do not apply.

Planning and Engineering Concerns:

1. It is recommended that the SUE include a provision that all utility services to the facility must continue to be under ground.
2. It is recommended that the SUE require that all disturbed areas will be restored with like materials in accordance with Ballwin standards of construction. Turf will be restored with sod within 30 days of disruption. Sod will be guaranteed for 90 days following placement.

3. All final locations of utility lateral runs are subject to field review and adjustment at the discretion of the Director of Parks and Recreations and the City Engineer.

Thomas H. Aiken, AICP
Assistant City Administrator / City Planner