

## Northern Kentucky Area Planning Commission

### Meeting Minutes: July 27, 2005

Chairman Bill Goetz called the monthly business meeting of the Northern Kentucky Area Planning Commission to order at 5:15 PM in the Commission Chambers of NKAPC Building in Fort Mitchell. Attendance of the members was as follows.

	<b>Term</b>	<b>Present</b>	<b>Absent</b>
Chairman Bill Goetz	May 2004 through May 2006	X	
Vice Chairman Tom Kriege	May 2004 through May 2006	X	
Treasurer Afton Kordenbrock	May 2004 through May 2006	X	
Commissioner Tom Litzler	May 2004 through May 2006		X
Commissioner Lou Noll	May 2005 through May 2007	X	
Commissioner Dick Spoor	May 2005 through May 2007	X	
Commissioner Gene Weaver	May 2005 through May 2007	X	

Also present were: George R. Warneford, Covington; Shane Pollard, PDH, Inc.; Jim Wagner, Jim Wagner Associates, Inc.; Marshall Slagle, Covington; John Scola, CBW Network; John Fisk, Covington Public Schools; Nick Stevens, CBW Network; Tom Bosse, legal counsel, CBW Network; Steve Carr, PDH, Inc.; John Huffman, Covington; Candace Smith, Covington; Dennis Andrew Gordon, FAICP, Executive Director; Mike Schwartz, AICP, Deputy Director for Current Planning; Stacy Hege, legal counsel; and Gail H. Deatherage, Administrative Assistant

Chairman Goetz led the Pledge of Allegiance and Commissioner Noll gave the invocation.

### ACCEPTANCE OF AGENDA

Chairman Goetz asked for review and approval of the agenda. Commissioner Kordenbrock made a motion to accept the agenda as presented; Commissioner Kriege seconded the motion. Chairman Goetz asked for a voice vote on the motion, which found unanimous approval. The motion passed.

## **PUBLIC HEARING**

Chairman Goetz opened the public hearing on cell tower application TF-2005-33. He noted that members had received information regarding this application prior to the meeting. He asked those persons in attendance to register if they wished to speak for or against the application. He noted that a representative from PDH, Inc., had passed out a brochure, which was to be made part of the record. Commissioner Kordenbrock expressed concern that members were receiving information on the application at such late date without having an opportunity to study it. Chairman Goetz asked Mr. Schwartz for staff review comments and recommendation.

Mr. Schwartz stated that the applicant, Cincinnati Bell Wireless (CBW), requested a Wireless Communications Facility, including a 130 foot monopole and associated ground structures, at an approximate 1,500 square foot area to be located at the northwest corner of the intersection of Eastern Avenue with Levassor Avenue, on property addressed as 2526 Madison Avenue in Covington. He read for the record the considerations (copy attached to the Original Minutes). He explained that the site in question is the Holmes High School campus and that areas adjacent to the site in question are zoned R-1E, a mixture of single-family, two-family, and multi-family residential dwellings.

Mr. Schwartz noted that the applicant has submitted the necessary documents for staff consideration: an application for identifying the request; a search ring for the proposed facility, a grid map, a propagation maps showing current/proposed coverage; and a proposed lease agreement, etc. He noted that the proposed tower is located approximately 60 feet from the nearest property line, approximately 170 feet from the nearest structure, and 170 feet from the nearest residential structure. He reported that waivers for construction of the proposed facility would require that screening be provided around the entire lease area, and that lease areas be not less than 5,000 square feet in size. Mr. Schwartz noted that Mr. Wagner, NKAPC's RF Consultant, had performed an evaluation of the proposed facility (copy included with the staff report and attached to the Original Minutes).

Mr. Schwartz stated staff's recommendation to approve the application from Cincinnati Bell Wireless (TF-2005-33) with the following conditions: that the monopole be a uniform gray color; that it not include any lighting; that it be relocated at a point at least 200 feet west of the Eastern Avenue right-of-way line; that it should be designed as a flag pole with an American flag; and, that CBW antennas be mounted internally.

Chairman Goetz asked for comments from Cincinnati Bell Wireless representatives. Mr. Carr apologized for the lateness in getting the new proposed location information to the commission members. He explained that after discussions with Holmes High School representatives, neighborhood groups and surrounding homeowners that the new location to the north side of the bleachers was the

preferred location, and then gave some overview on their selection of the site and how it fit into their coverage for the area/Ohio River valley. He noted that the NKAPC staff had been very helpful and cooperative and then answered some general questions from the commission.

Chairman Goetz asked if anyone in the audience was opposed to the cell tower application.

Mr. Huffman replied that he was not against the application in general, but had several questions concerning the extent to which the antennas would project away from the pole, possible effects of cell towers on health, possible interference with television/cable/internet reception, and a possible relocation of the antennas on Holmes High School's building.

Ms. Smith stated that she was not opposed to the application in general terms. She said she just discovered this evening that the new proposed location is closer to her home and that neither she nor any of her neighbors had received a notification of the meeting tonight. She indicated she was also in favor of hiding the tower in some way and expressed concern about additional parking and the height of the tower.

Mr. Carr addressed several of the concerns, explaining the length of antenna projections were 57", that the stealth application for this location was not a viable option, and the height requirements for proper coverage. He noted there are no health risks from cell towers; no interference with televisions, radios, computers, etc.; and, notice had been sent to all adjacent property owners. He then explained discussions CBW had pursued with neighborhood groups, property owners, staff, etc. in the selection of the site.

Mr. Slagle noted he was president of the Wallace Woods Neighborhood Association and that this group was concerned about the proposed location. He reported that he had asked CBW to relocate to a different site and noted some other minor other issues they had.

Mr. Warneford noted he was opposed to the proposed location because of aesthetics and felt the new proposed site would not be any better.

Mr. Wagner noted that he felt any location on the Holmes campus would meet the CBW needs and requirements for their intended coverage area. He also answered some general questions from the members.

Commissioners Kriege and Noll both expressed concern that the Commission was considering an application to which the applicant has made significant changes. They warned that staff, the Commission, and surrounding property owners were not given significant notification for consideration. They also questioned what action they should take.

Commissioner Noll questioned whether the applicant should submit a new application showing the new proposed site or whether the application should be tabled. He also asked if there would be legal ramifications on a decision or recommendation the Commission would make since adjoining property

owners had not been notified. Commissioner Spoor expressed similar concerns.

Mr. Bosse noted that all of their meetings, conversations, etc., regarding the application had been pursued to assure that the cell tower would be placed for adequate coverage and safety for surrounding public and property owners. He responded he did not feel that these changes require a new application, and that CBW will work with staff for whatever is required.

Mr. Schwartz stated it was not unusual that staff be given one location and then another location on the same property after submittal of the application. He noted that the Kenton County Planning Commission (KCPC) must take action on the application within sixty days of receipt of the application unless an extension is agreed to by both parties. If no action is taken this evening by the Commission, the KCPC would be asked to table the application at its August 4 meeting. Mr. Schwartz noted the staff's pleasure that the new proposed location is 200 feet from the right-of-way line of Eastern Avenue.

After some further discussion, Commissioner Kriege made a motion to table the matter until the August 24 meeting; Commissioner Noll seconded the motion. Chairman Goetz asked if there were any questions; there were none. He asked for a roll call vote, which found Commissioners Kriege, Noll, Kordenbrock, Spoor, Weaver, and Chairman Goetz in favor. The motion passed unanimously.

Chairman Goetz opened the public hearing on TF-2005-34 and stated that members had received information regarding this application prior to the meeting. He asked those persons in attendance to register if they wished to speak for or against the application. Chairman Goetz asked Mr. Schwartz for the staff presentation and recommendation.

Mr. Schwartz replied that the applicant, Cincinnati Bell Wireless (CBW), was requesting a wireless communications facility, including a 125 foot monopole and associated ground structures, at an approximate 3,700 square foot area to be located at the northwest corner of the intersection of Greenup and Bush Streets in Covington. He noted that the site in question is located on property at 101-25 East 11 th Street and read for the record the considerations (copy attached to the Original Minutes). He explained that the site in question is zoned NC-2, that areas to the west/southeast are zoned NC-2, and that areas north, south, and east are zoned R-3.

Mr. Schwartz noted that the applicant has submitted the necessary documents for staff consideration: an application for identifying the request; a search ring for the proposed facility, a grid map, propagation maps showing current/proposed coverage; a proposed lease agreement; and, tower design information. He noted that the proposed tower is located approximately 26 feet from the nearest property line, approximately 40 feet from the nearest structure, and 200 feet from the nearest residential structure. Mr. Schwartz said that while not specifically requested, the proposed location would require waivers from the following requirements: a) that all structures be located a minimum distance from the property line of any adjoining property that is equal to one-half the height of the tower, but not less than 50 feet; b) that screening be provided around the entire lease area; and c) that all lease areas be at least 5,000 square feet in size.

Mr. Schwartz reported that Mr. Wagner, NKAPC's RF Consultant, had performed an evaluation of the proposed facility (copy included with the staff report and attached to the Original Minutes).

Mr. Schwartz stated that staff recommended disapproval of the application, noting that the proposed application is not in conformity with the 2001 Area Wide Comprehensive Plan Update and KCPC's Administrative Policy No. 6. This policy states that wherever possible, service providers should be required to use existing structures or facilities which meet all of the requirements of the proposed installation in order to minimize proliferation of new towers/facilities. He noted that the applicant has indicated that it has an existing antenna system collocated on a building located on East 11 th Street between Scott Street and Madison Avenue.

Mr. Schwartz stated staff's belief that there are more appropriate commercial and industrial zoning districts located along the railroad tracks west of Madison Avenue that are further from residential properties, larger in size, and will not have the same visual impact on surrounding residential neighborhoods. He reported that the applicant has stated that some of these alternative sites would be acceptable for this proposed tower. Mr. Schwartz also noted that the applicant has not provided sufficient evidence to prove that there is not a better alternative site.

Commissioner Noll noted for the record that he has a family member who works in the vicinity of the proposed site.

Chairman Goetz asked for comments from Cincinnati Bell Wireless representatives.

Mr. Carr responded that the proposed site is owned by Cincinnati Bell and is used as a switching station. He explained the coverage area the company is targeting for this tower. He noted that the proposed 130 foot stealth flag pole tower would be located in an existing fenced parking lot and that the tower would provide better wireless communication services for the city.

Mr. Stevens gave some background on how coverage is achieved and why the proposed location benefits CBW cell users. He responded to staff's recommendation for a location in commercial and industrial zoning districts to the west, explaining that these sites are not viable for their coverage area. He noted the proposed site is suitable for using stealth technology and that it would be disguised as a flagpole. He noted that the area is asphalt and asked for a waiver on planting additional trees and shrubs rather than tearing up the asphalt to plant trees/shrubs.

Mr. Carr answered various questions from members. He noted that few vehicles use this parking lot and that the building on site is used for storage. He suggested that future co-locations would be available on this pole.

Commissioner Kordenbrock said he felt that the applicant had explained why this location was chosen and suggested the tower would not be detrimental to the neighborhood. He then made a motion to approve the application. Mr Schwartz questioned whether the motion included the noted three waivers.

Commissioner Kordenbrock amended his motion to include waivers a) and c). He asked applicant to make the area more aesthetically pleasing. Mr. Gordon reminded everyone that NKAPC has a landscape architect on staff and that he could work with the applicant to select landscape stock that would grow in this type location. Mr. Schwartz asked if Mr. Kordenbrock intended the motion to include that the pole be uniform grey in color and that lighting atop of pole be prohibited unless required by federal regulations. Commissioner Kordenbrock responded that wanted these issues to be included in his motion; Commissioner Spoor seconded the revised motion. Chairman Goetz asked if there were any questions; there were none. He then asked for a roll call vote, which found Commissioners Kordenbrock, Spoor, Kriege, Noll, Weaver, and Chairman Goetz in favor. The motion passed unanimously.

Chairman Goetz recessed the meeting at 7:55 PM and reconvened it at 8:05 PM.

## **OLD AND UNFINISHED BUSINESS**

Chairman Goetz asked if the minutes of the June 22, 2005, business meeting were acceptable or if anyone had any additions/corrections. Commissioner Kriege made a motion to accept the minutes as submitted; Commissioner Weaver seconded it. Chairman Goetz asked for a roll call vote, which found Commissioners Kriege, Weaver, Kordenbrock, Noll, Spoor, and Chairman Goetz in favor. The motion passed.

Chairman Goetz asked if the minutes of the June 30, 2005, special meeting were acceptable or if anyone had any additions/corrections. Commissioner Spoor made a motion to accept the minutes as submitted; Commissioner Noll seconded it. Chairman Goetz asked for a roll call vote, which found Commissioners Spoor, Noll, Kordenbrock, and Chairman Goetz in favor. Commissioners Kriege and Weaver did not vote. The motion passed.

Chairman Goetz asked for consideration of the Preliminary June 2005 Report of Receipts and Expenditures. Mr. Gordon noted that this report was “preliminary” since the auditors will prepare the actual report for June. He also answered and explained various line item questions and reported on several other line items’ totals. Mr. Gordon also reported on funds projected to be left on hand as of June 30. He said he would return with recommendations for this overage of funds as soon as the auditors complete their work. Commissioner Weaver complimented Mr. Gordon and staff on the good job they have done this year with respect to holding down expenses during the renovation project. No action was taken on the preliminary June Report of Receipts and Expenditures.

Upon being asked by Chairman Goetz, Ms. Hege noted there was nothing new to report from legal counsel.

Chairman Goetz asked for update reports from Mr. Gordon.

Mr. Gordon noted that staff is still going over punch list of items with the project manager for the

renovation project. He said that everything should be finalized soon. He stated that the new facing for the high rise sign had been ordered and that the parking lot would be sealed and re-stripped over the weekend.

Mr. Gordon reported that the Mayors Group had met in the new Commission Chambers recently, that he had conducted tours following that meeting, and that the Commission had received many compliments on the renovation.

Mr. Gordon gave an update on the One Stop Shop (OSS) program, noting that it is going fairly smoothly with 12 cities on board. He reported that Covington would be coming on board August 1 and Park Hills on or before September 1. He gave an update on the reaction from electrical contractors to the program and noted that they had not realized how OSS would affect them. He also stated that staff had met with officers of the NK Electricians Association to answer questions.

Mr. Gordon stated that the State plumbing plan reviewer was now working from his NKAPC office and that from all reports, this is working out well. He noted that an agreement between the Office of Housing, Buildings, and Construction (OHBC) and local plumbing contractors had been worked out to include a \$25 fee for each plan review the OHBC pursues from this office and that this fee will provide sufficient funds to compensate NKAPC for the office space, utilities, telephone and internet access it is providing. He noted members had received copies of a resolution covering this fee and asked the Commission to approve Resolution #801 establishing the \$25 plan review fee for state plumbing plans submitted through NKAPC's One Stop Shop program, effective August 1, 2005. He noted that the NK Plumbing Association had voted in favor of this Resolution.

Commissioner Weaver made a motion to approve Resolution #801 as recommended by staff; Commissioner Noll seconded the motion. Chairman Goetz asked if there were any questions; there were none. He asked for a roll call vote, which found Commissioners Weaver, Noll, Kriege, Kordenbrock, Spoor, and Chairman Goetz in favor. The motion passed unanimously.

Mr. Gordon reported that several GIS staff members are attending the ESRI Conference in San Diego. He said that they will also be receiving a Special Achievement Award from ESRI President Jack Dangermond. He reminded members that the GIS staff had received the same president's award in 1992 and that he was proud of staff's accomplishments over the past several years.

Chairman Goetz asked for members' comments. Chairman Goetz noted that Commission members are invited to the NKAPC family picnic to be held on Saturday, September 10, at Craig's Creek in Warsaw and asked members to let Ms. Deatherage know if they planned to attend.

Chairman Goetz asked if there were any other comments or other business to come before the Commission. There being no further business, he adjourned the meeting with unanimous consent at 8:50 PM.

Bill Goetz, Chairman

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Dennis Andrew Gordon, FAICP

Secretary