

Town of Brownsburg

Advisory Plan Commission

Project Synopsis

TO: Advisory Plan Commission; and Tricia Leminger
CC: Elizabeth Bentz Williams, AICP
FROM: Todd A. Barker, AICP
DATE: February 21, 2012
RE: CASE # PSDP-2-12-1092 Verizon Wireless Communication Tower

GENERAL INFORMATION:

APPLICANT: Matthew R. Clark; Clark, Quinn, Moses, Scott & Grahn, LLP.

STATUS OF APPLICATION: Pending a Public Hearing at the Plan Commission

REQUESTED ACTION: Approval of a new Wireless Communication Tower Location
§155.149 (B)(1) The Administrator shall approve co-locations, the Plan Commission shall approve new wireless communication facilities and the Board of Zoning Appeals shall approve special exception uses.

DATE OF APPLICATION: January 13, 2012

PURPOSE: To consider a new wireless communication tower and facility for Verizon Wireless.

PROPERTY ADDRESS: 1630 S. Green Street

PARCEL ID: 32-07-230-001.000-016

EXISTING ZONING: I-2

UTILITIES:

WATER:	Town of Brownsburg
SANITARY:	Town of Brownsburg
STORMWATER:	Town of Brownsburg

EXISTING SURROUNDING ZONING:

NORTH:	RB / GB (Hendricks County)
SOUTH:	I-1
EAST:	LI (Hendricks County)
WEST:	AGR (Hendricks County)

Hendricks County Zoning District Intent Statements:

AGR - The intent of the Agriculture Residential (AGR) District is to permit the establishment of individual single-family dwellings while maintaining a primarily rural character. This can serve to protect land best suited for agricultural use from the encroachment of incompatible land uses.

RA - The intent of the Single-family (RA) District is to permit the establishment of lower density single-family land uses as a transition between rural areas or in suburban-style subdivisions. This district should be used to provide unique, rural housing options.

GB - The purpose of the General Business (GB) District is to encourage well-planned commercial uses (retail, service, office, personal and professional services) on visually prominent and high use corridors to meet the needs of a community market area. These developments should provide unified design, safe ingress and egress, adequate and properly located parking and service facilities and convenient and safe pedestrian accessibility.

LI - The purpose of the Light Industrial (LI) District is to provide locations for production, small-scale manufacturing, assembly, warehousing, research and development facilities, and similar land uses. This district is intended to accommodate only industrial uses that do not involve the release of potential environmental pollutants or other objectionable elements such as noise, odor, dust, smoke, glare or traffic. This district is designed as a transitional use between heavy manufacturing uses and other less intense business uses.

EXISTING USES:

NORTH: Auto Repair-Body Shop / Single Family Residential
SOUTH: Self-Storage Facility
EAST: Religious / Single Family Residential
WEST: Single Family Residential

NEIGHBORHOOD CHARACTERISTICS:

The area adjacent to and surrounding this property includes a wide array of commercial and light industrial uses including Hendricks Regional Health, Village Pantry, racing and motorsports related businesses, Nature's Choice Landscape, etc. In addition to the non-residential uses, there are many single and two-family dwellings within the proximity of the proposed location.

TOTAL PARCEL SIZE:

5.56 Acres

COMPREHENSIVE PLAN DESIGNATION:

The Future Land Use Plan within the Brownsburg 2020 Comprehensive Plan designates this area as Commercial / Industrial.

THOROUGHFARE PLAN:

The 2020 Thoroughfare Plan identifies Green Street / SR 267 as a Primary Arterial.

GREENWAYS MASTER PLAN:

The 2008 Greenways Master Plan identifies the Green Street / SR 267 corridor as a Multi-Use Trail, which recommends a twelve (12) foot path.

PUBLIC NOTICE:

Appeared in the February XX, 2012 Hendricks County Flyer

PUBLIC HEARING DATES:

Scheduled for February 27, 2012

PUBLIC COMMENTS:

As of February 20, 2012 no written comments have been submitted to staff.

STATUTORY REQUIREMENTS/ FACTORS TO BE CONSIDERED:

§155.149 WIRELESS COMMUNICATION FACILITIES

- (B) Application and approval procedure.
 - (1) General procedure. The Administrator shall approve co-locations, the Plan Commission shall approve new wireless communication facilities and the Board of Zoning Appeals shall approve special exception uses.
 - (2) Application requirements. Each application for a wireless communication facility, whether a permitted use, special exception use, or a co-location, shall be accompanied by the following information:
 - (a) Engineer's reports. A report from a qualified and licensed professional engineer which:
 - 1. Certifies that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location;

2. Describes the tower's capacity, including the number and type of antennas that it can accommodate;
 3. Describes the tower height and design, including a cross section and elevation;
 4. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
 5. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 6. Includes an engineer's stamp and registration number; and
 7. Includes other information requested by the Administrator or the Plan Commission in order to evaluate the request.
 8. Cellular or wireless communications towers shall be in order to reduce visual impact.
 9. Cellular or wireless communications towers shall be monopole style. No latticework tower construction is permitted.
 10. A USGS 7.5 minute topographic map showing the location of all structures and wireless telecommunications facilities above one hundred (100) feet in height above ground level, except antennas located on rooftops, within a five (5) mile radius of the proposed facility, unless this information has been previously made available to the municipality. This requirement may be met by submitting current information (within thirty (30) days of the date the application is filed) from the FCC Tower Registration Database.
- (b) Co-location statement. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
- (c) Supplemental information. Before the issuance of an improvement location permit, the following supplemental information shall be submitted:
1. A copy of the FAA's (Federal Aviation Administration) response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460 1);
 2. Proof of compliance with applicable Federal Communications Commission regulations;
 3. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the state's structural and electrical standards; and
 4. Proof that the tower will be built to manufacturer standards.
- (3) Site development plan requirements. In addition to the site development plan requirements found in §§ 155.030 through 155.039, 155.050 through 155.061, and 155.070 through 155.081, site development plans for wireless communications facilities shall include the supplemental information listed below. Site development plans shall be located for all new wireless communications towers, whether permitted by right or as a special exception use. Facilities co-locating on existing towers shall be exempt from the site development plan requirements:
- (a) Location and approximate size and height of all buildings and structures within five hundred (500) feet adjacent to the proposed wireless communication facility;
 - (b) Site plan of entire development, indicating all improvements, including landscaping and screening;
 - (c) Elevations showing all facades and indicating exterior materials and color of the tower(s) on the proposed site; and
 - (d) Plans shall be drawn at a scale of no smaller than one (1) inch equals fifty (50) feet.
- (4) General approval standards. Generally, approval of a wireless communication facility can be achieved if the following items are met:
- (a) The location of proposed tower is compatible with Brownsburg's Comprehensive Plan;
 - (b) All efforts to co-locate on an existing tower have not been successful or legally or physically possible;

- (c) The submitted site development plan complies with the performance criteria set in these regulations;
- (d) The proposed facility/tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor;
- (e) The lowest six (6) feet of the facility/tower will be visually screened by trees, large shrubs, solid walls, or fences and/or nearby buildings;
- (f) The height and mass of the facility/tower does not exceed that which is essential for its intended use and public safety;
- (g) The owner of the wireless communication facility has agreed to permit other persons/cellular providers to attach cellular antenna or other communications apparatus which do not interfere with the primary purpose of the facility;
- (h) There exists no other existing facility/tower that can reasonably serve the needs of the owner of the proposed new facility/tower;
- (i) The proposed facility/tower is not constructed in such a manner as to result in needless height, mass, and guy wire supports;
- (j) The color of the proposed facility/tower will be of a light tone or color (except where required otherwise by the FAA) as to minimize the visual impact and that the tower will have a security fence around the tower base or the lot where the tower is located; and
- (k) The facility/tower is in compliance with any other applicable local, state, or federal regulations.

PREVIOUS ACTIONS ON-SITE:

1996-34P | Zoning Map Amendment to "I-2" Zoning District
1998-07P | Site Development Plan for Minor Plat #170
1998-18P | Replat of Lot #2, of Minor Plat #170
2012-01BZA | Verizon Wireless – Development Std Variance to reduce setback between the tower and the primary structure – Approved

PREVIOUS ACTION- SURROUNDING AREA:

1994-15P | Primary and Secondary Plat - Village Pantry at Sugar Bush
1994-17P | Annexation - Weld Tech (Meditch)
1994-18P | Zoning Map Amendment to "I-1" - Weld Tech (Meditch)
1994-39P | Site Development Plan - Weld Tech
1995-30P | Annexation - Joe and Susie Saldana
1996-24P | Zoning Map Amendment to "I-1" - Saldana Complex
1996-33P | Site Development Plan - Saldana Complex
2010-01BZA | Verizon Wireless – Special Exception to Permit A Wireless Communication Tower Denied
2010-02BZA | Verizon Wireless – Development Standard Variance to exceed the maximum height Denied
2010-03BZA | Verizon Wireless – Development Standard Variance to reduce the minimum setback Denied
2010-04BZA | Verizon Wireless – Development Standard Variance to permit a lattice tower Withdrawn

SUPPLEMENTARY DOCUMENTATION INSERT:

▪ APPLICATION		EXHIBIT - A
▪ SITE PLAN	(FULL SITE PLAN IS A SEPARATE DOCUMENT)	EXHIBIT - B
▪ STRUCTURAL DESIGN REPORT	(SEPARATE DOCUMENT)	EXHIBIT - C
▪ EXISTING STRUCTURES	(SEPARATE DOCUMENT)	EXHIBIT - D
▪ FCC COMPLIANCE		EXHIBIT - E
▪ FAA CERTIFICATION		EXHIBIT - F
▪ PUBLIC SAFETY CERTIFICATION LETTER		EXHIBIT - G
▪ GEOTECHNICAL ENGINEERING SERVICE REPORT	(SEPARATE DOCUMENT)	EXHIBIT - H
▪ ZONING MAP		EXHIBIT - I
▪ AERIAL INSERTS		EXHIBIT - J
▪ SITE PHOTOS		EXHIBIT - K

EXHIBIT - A
APPLICATION

PSDP-2-12-1092 / 2012-011

Brownsburg
INDIANA
PLANNING & BUILDING DEPARTMENT
61 North Green Street, Brownsburg, Indiana 46112
Phone: 317.852.1128 Fax: 317.852.1134

**COMMERCIAL/INDUSTRIAL/MULTI-FAMILY
ACCESSORY STRUCTURE
IMPROVEMENT LOCATION PERMIT APPLICATION**

OWN OF BROWNSBURG
PLANNING & BUILDING

NOV 29 2011

Permit #
Receipt #

Location & Project Info:	Address of Construction: 1630 S. Green Street	Suite # (if applicable):
	Building, Project, or tenant name: Verizon Wireless	Lot # & Subdivision (if applicable): Lot 1 - Minor Plat No 170
Zoning: I-2	Flood Plain <input type="radio"/> Yes <input checked="" type="radio"/> No	Estimated Construction Cost:
State Design Release #'s:	Water Utility Provider: N/A	Sewer Utility Provider: N/A
		Parcel #: 32-07-230-001.000

Builder:	Name: Contact for Project: Clark Quinn for Verizon Wireless		
	Street Address: 320 N. Meridian Street	City, State Zip: Indianapolis, IN 46204	
	Contact: Elizabeth Bentz Williams	Phone: 317-637-1321	Fax: 317-687-2344

Property Owner:	Name: Patricia Trout and John Wittman		
	Street Address: 8560 N. County Road 1050 E.	City, State Zip: Brownsburg, IN 46112	
	Contact: Patricia Trout	Phone: 317-652-7441	Fax:

APC Docket # if applicable:	BZA Docket # if applicable:	TC Ordinance # if applicable:
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Type of Construction:	<input checked="" type="radio"/> Commercial/Industrial	<input type="radio"/> Institutional	<input type="radio"/> Multi-family (# of units:)
Type of Improvement:	<input type="radio"/> Addition (Porch/deck)	<input type="radio"/> Cell Tower (New)	<input type="radio"/> Cell Tower Co-locate
Number of Floors: Sheffer - 1	Number of Elevators / Lifts:	Bldg. Construction type: precast con.	Occupancy Classification:
Additional Square Footage:	Garage	Porch/Patio	Other: Total SF Under Roof: 299

Included with this application are 4 copies of the plot plan and 4 copies of the construction plans, as required.

Class I structure permits are subject to the General Administrative Rules of the State of Indiana (See 675 IAC 12) regarding expiration time frames for beginning and completing construction.

I, the undersigned, agree that any construction, reconstruction, enlargement, relocation, or alteration of a structure, or any change in use of land or structures requested by this application will comply with, and conform to, all applicable laws of the State of Indiana, and the Zoning Ordinance of Brownsburg, Indiana and amendments, adopted under authority of I.C. 36-7 et seq. General Assembly of the State of Indiana, and all Acts amendatory thereto. I understand that all changes to the plans will be submitted to the Planning & Building Department for approval, prior to the change being completed. I further certify that only kitchen, bath and floor drains are connected to the sanitary sewer collection system. I further certify that the construction will not be used or occupied until a Certificate of Occupancy has been issued by the Brownsburg Planning and Building Department.

Elizabeth Bentz Williams *ELIZABETH BENTZ WILLIAMS* 11-29-11
Signature of Owner or Authorized Agent Print Date

Office Use Only		
Reviewed By: _____	Date: _____	
Approved By: _____	Date: _____	
Permit Fee: _____	BFT Fee: _____	Other Fee: _____
Clean Water Permit:		

EXHIBIT - B
SITE PLAN

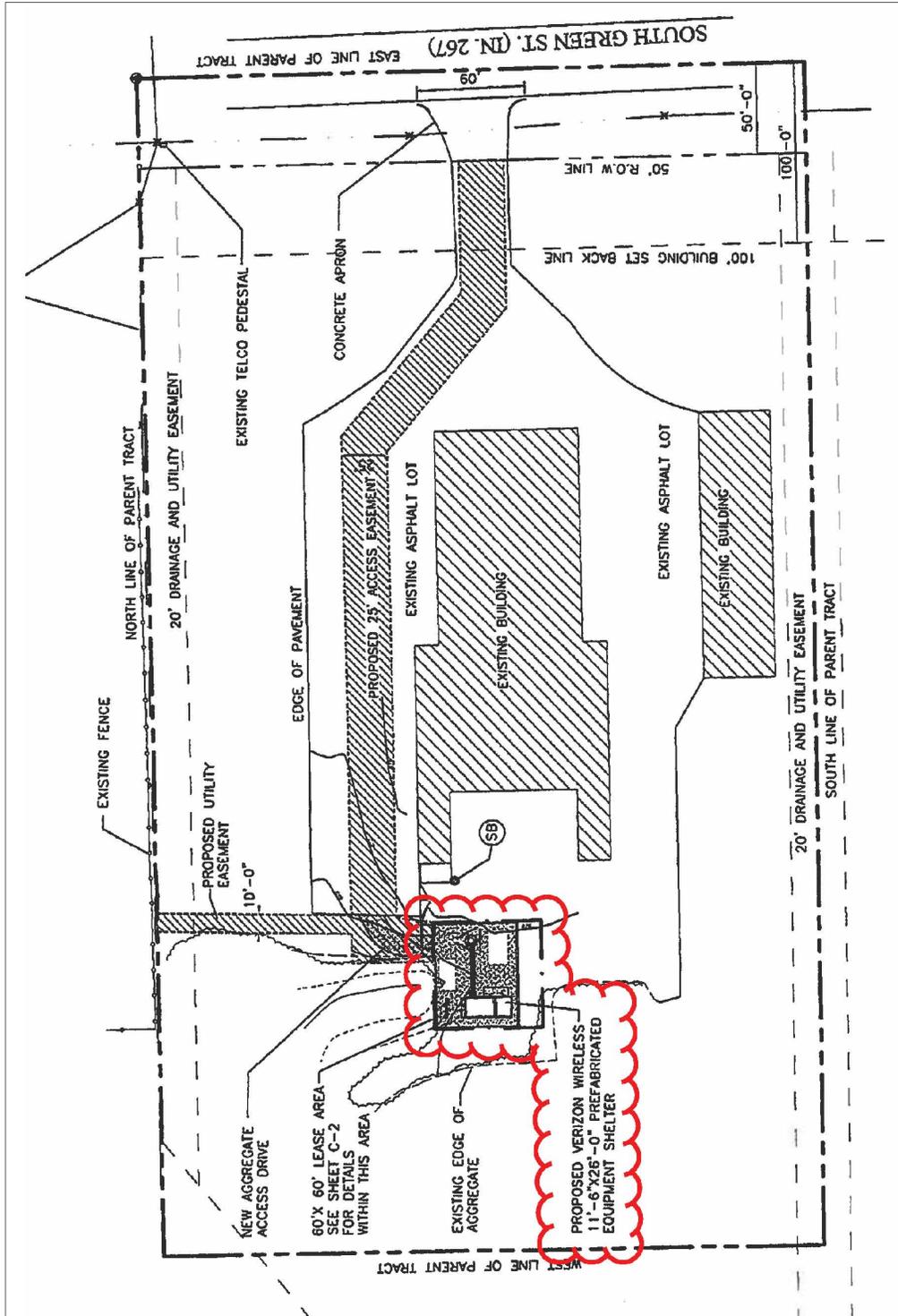


EXHIBIT - B
SITE PLAN *continued*

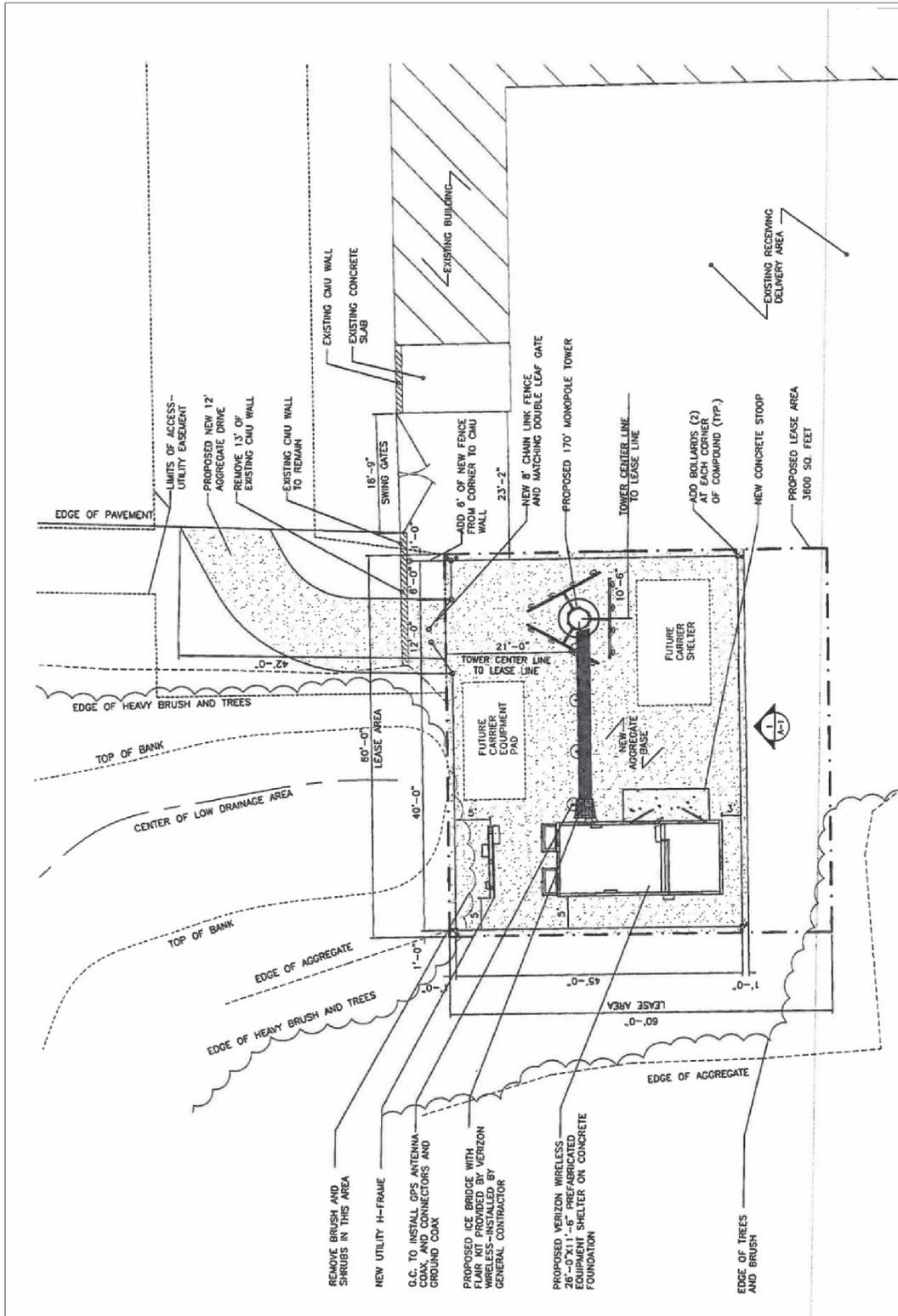


EXHIBIT – B
SITE PLAN *continued*

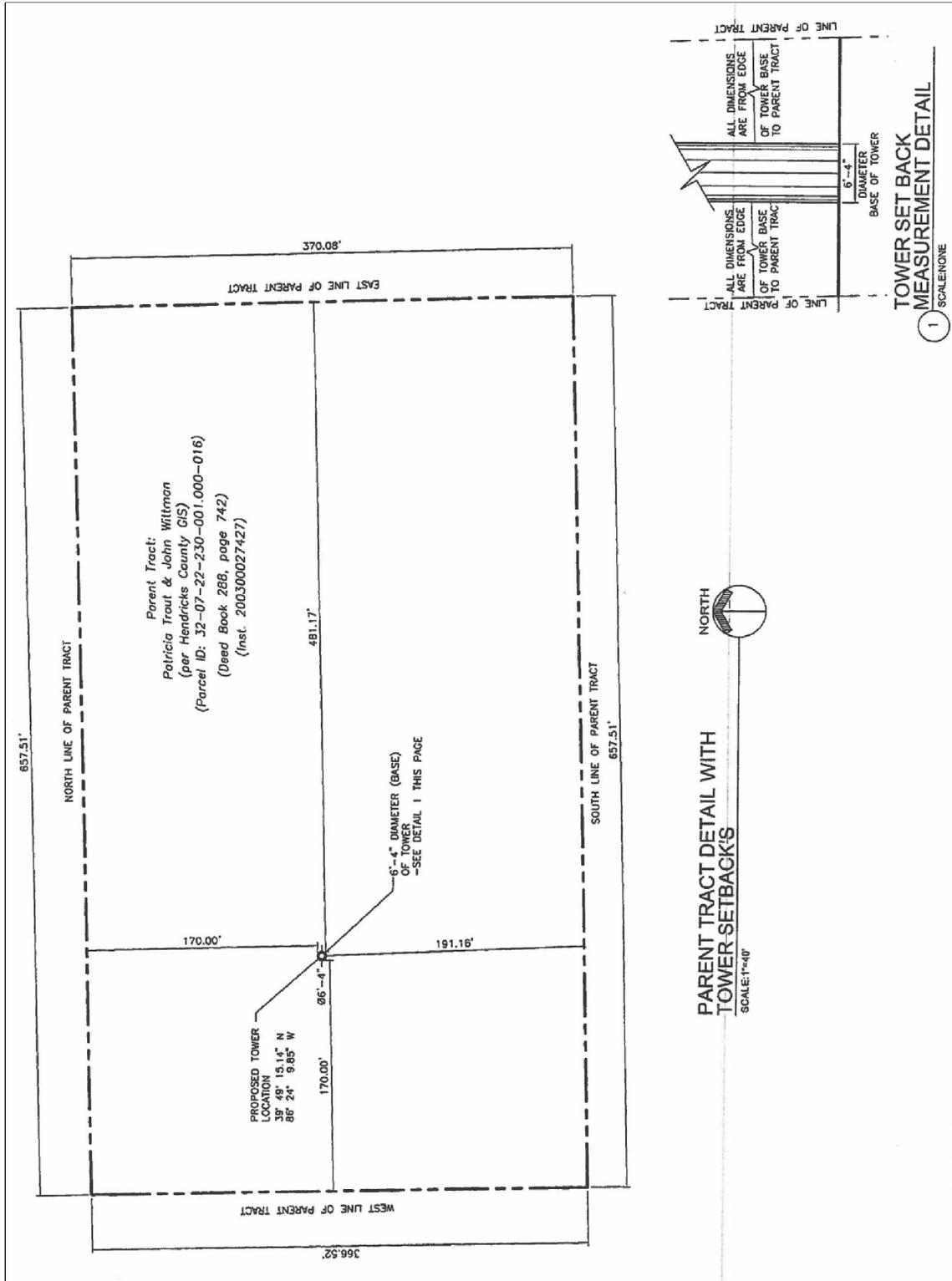


EXHIBIT – B
FULL SITE PLAN

See file: G1b PSDP-2-12-1092 Verizon Wireless Site Plan.pdf

EXHIBIT – C
STRUCTURAL DESIGN REPORT

See file: G1c PSDP-2-12-1092 StructuralDesignReport.pdf

EXHIBIT – D
EXISTING STRUCTURES

See files: G1d PSDP-2-12-1092 ExistingStructureSites.pdf, and
G1e PSDP-2-12-1092 ExistingStructureRejection.pdf

Certificate of AM Regulatory Compliance

Site Name Brownsburg
Location N39-49-15.14 W86-24-09.85
Client Verizon Wireless
Certification Date 12/19/2011

According to the Federal Communications Commission (FCC) Rules and Regulations,

**Sec. 22.371 Disturbance of AM broadcast station antenna patterns*
Public Mobile Service licensees that construct or modify towers in the immediate vicinity of AM broadcast stations are responsible for measures necessary to correct disturbance of the AM station antenna pattern which causes operation outside of the radiation parameters specified by the FCC for the AM station, if the disturbance occurred as a result of such construction or modification.
(a) Non-directional AM stations. If tower construction or modification is planned within 1 kilometer (0.6 mile) of a non-directional AM broadcast station tower, the Public Mobile Service licensee must notify the licensee of the AM broadcast station in advance of the planned construction or modification. Measurements must be made to determine whether the construction or modification affected the AM station antenna pattern. The Public Mobile Service licensee is responsible for the installation and continued maintenance of any detuning apparatus necessary to restore proper performance of the AM station array.
(b) Directional AM stations. If tower construction or modification is planned within 3 kilometers (1.9 miles) of a directional AM broadcast station array, the Public Mobile Service licensee must notify the licensee of the AM broadcast station in advance of the planned construction or modification. Measurements must be made to determine whether the construction or modification affected the AM station antenna pattern. The Public Mobile Service licensee is responsible for the installation and continued maintenance of any detuning apparatus necessary to restore proper performance of the AM station array.*

This certificate verifies that the site at the above location has been screened and found to have no AM broadcast stations currently licensed to operate within the FCC mandated coordination distances. No further AM coordination actions are warranted at this time.

Certified by:



Matthew Butcher, PE
VP, RF Engineering and Development
Sitesafe, Inc.

 **sitesafe** TOWN OF BROWNSBURG
rf compliance experts PLANNING & BUILDING
200 North Glebe Rd, Suite 1060
Arlington, VA 22203
703-276-1100
www.sitesafe.com
DEC 21 2011
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EXHIBIT – F
FAA CERTIFICATION



**GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.**
1135 BROADWAY FORT WAYNE, IN 46802

FAA 1-A TOWER CERTIFICATION

Date: April 18, 2011

To: GTE Mobilnet of Indiana Limited Partnership d/b/a Verizon Wireless
250 E. 96th Street Suite 175
Indianapolis, Indiana 46240

Re: Proposed telecommunications tower
Site Name: BROWNSBURG
State Road 267 (South Green Street), Brownsburg, IN

I hereby certify that the following Latitude and Longitude coordinates for the center of the proposed telecommunications tower are accurate to within +/- 15 feet horizontally; and that the following elevations and heights are accurate to within +/- 3 feet vertically.

Horizontal Datum: NAD 83 Vertical Datum: NAVD 88

Geographic coordinates of the center of proposed tower:

Latitude: **North 39 degrees 49 minutes 15.14 seconds**
Longitude: **West 086 degrees 24 minutes 09.85 seconds**

Ground elevation at base of tower: **870.0 feet AMSL**

Timothy C. Gouloff, LS (29500017)



PH: (260) 424-5362 FAX: (260) 424-4916

EXHIBIT – G
PUBLIC SAFETY CERTIFICATION LETTER

December 19, 2011

RE: Proposed Verizon Wireless Communications Facility
Section 155.149 (B) 2, (a) 5: Interference with established Public Safety
Telecommunications
Site Name: **Brownsburg**

To Whom It May Concern:

An AM analysis is conducted to ensure we do not require AM detuning from any neighboring AM Station. Attached is that report and in this regard it is NEGATIVE which means we are not causing any issues for neighboring AM stations.

Public Safety and Cellular communications are in different bands of spectrum and therefore result with slim chances of interference. To that note, by FCC Laws anyone who is interfering with other services will be required to resolve the issue.

There is NO CHANGE in Verizon's Frequencies and Band with antenna height reduction.

Sincerely,

Anthony Kibling
RF Engineer, Verizon Wireless

TOWN OF BROWNSBURG
PLANNING & BUILDING

DEC 21 2011

EXHIBIT – H
GEOTECHNICAL ENGINEERING SERVICE REPORT

See file: G1f PSDP-2-12-1092 GeoTechReport.pdf

EXHIBIT – I
ZONING MAP

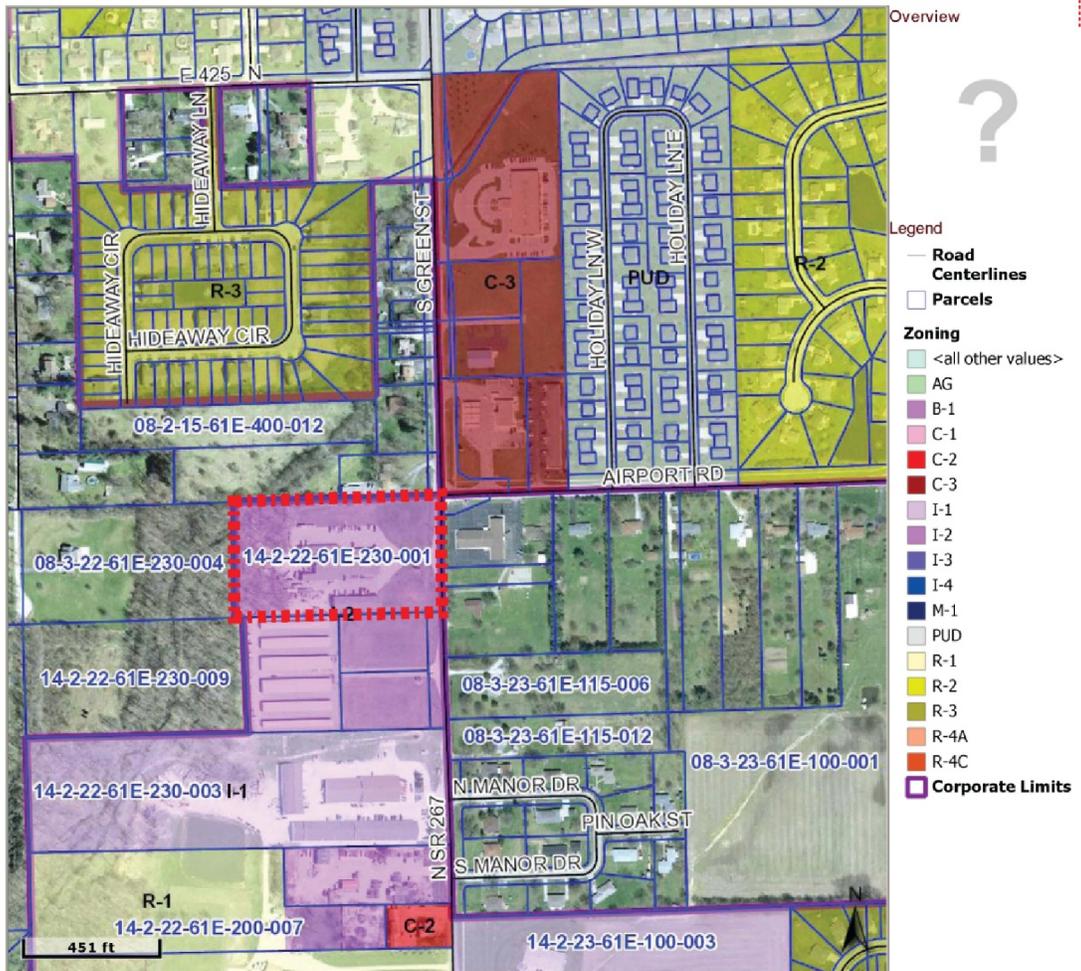
Town of Brownsburg, IN



PSDP-2-12-1092 Verizon
Wireless

Date Created: 2/20/2012

1630 S. Green Street



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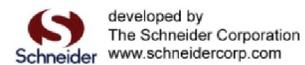


EXHIBIT – J
AERIAL INSERT

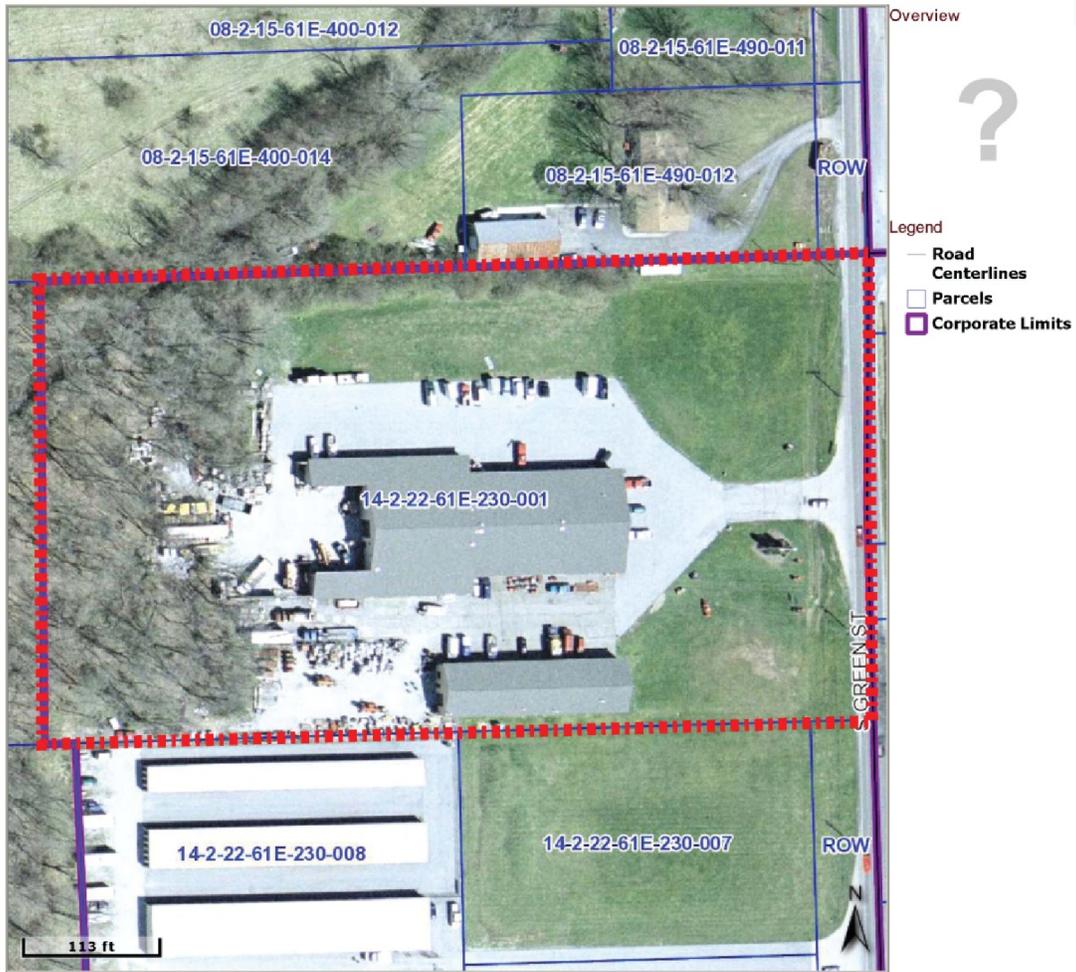
Town of Brownsburg, IN



PSDP-2-12-1092 Verizon
Wireless

Date Created: 2/20/2012

1630 S. Green Street



Last Data Upload: 9/15/2010 8:50:20 AM



EXHIBIT – K
SITE PHOTOS



STAFF ANALYSIS:

§155.149 Wireless Communication Facilities of the Brownsburg Zoning Ordinance regulates the standards for the installation of new wireless communication facilities. The standards within that section of ordinance are being used to review this new tower location.

Wireless Communication Facilities are permitted uses within the I-2 zoning classification, which is consistent with the zoning of this property.

The maximum height permitted in the I-2 for communication tower is one hundred eighty (180) feet. This request is for a maximum tower height of one hundred seventy (170) feet.

The minimum setbacks are equal to the height of the tower; based on the information provided the proposed tower location meets the minimum setbacks of one hundred seventy (170) feet.

Upon reviewing the documentation submitted in association with this request, Exhibits "A" through "H" staff determined that a Development Standard Variance would be needed in order to approve this request for the location proposed. Verizon Wireless submitted for and received a Development Standard Variance to reduce the minimum setback between the proposed tower and the primary structure. §155.149(C)(3)(b) required the minimum setback between the tower and primary structure to be equal to the height of the tower. The Board of Zoning Appeals approved that variance subject to:

1. Approval of a site development plan, currently on-file in the Planning and Building Department;
2. Annual inspection of the tower site and facilities to ensure compliance with the zoning ordinance and to verify the site is properly secured from unauthorized entrants;
3. That a written commitment be executed and recorded with the Hendricks County Recorder's Office regarding sections 155.149(C)(8)(a)&(b) of the Zoning Ordinance which state:
 - a. All abandoned or unused towers and associated facilities shall be removed by the applicant within one hundred eighty (180) days of the cessation of operations at the site unless a time extension is approved by the Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within one hundred eighty (180) days of the cessation of operations at a site, the tower and associated facilities may be removed by the town, and the costs of removal assessed against the property.
 - b. Unused portions of towers above a manufactured connection shall be removed within one hundred eighty (180) days of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new improvement location permit.
4. That a written commitment be executed and recorded with the Hendricks County Recorder's Office stating that the property owner understands and accepts the inherent risk of locating a wireless communication tower at a distance less than is required by the Town's Zoning Ordinance; and
5. The approval of the Findings of Fact and Conclusions of Law by the Board of Zoning Appeals.

With the approval of the Development Standard Variance by the Board of Zoning Appeals and a review the documentation included in or referenced by this report, it is our opinion that the petitioners have SATISFIED the requirements of the §155.149.

RECOMMENDATIONS:

Upon reviewing all of the materials provided by the petitioner, a review of the site, and a review of the applicable Town regulation I recommend the Plan Commission APPROVE this site for a new Wireless Communication Tower subject to the following comments, commitments, and conditions:

1. That an improvement location permit (building permit) and all applicable fees be submitted and approved by the Planning & Building Department within twelve (12) months of this approval.
2. That a written commitment be executed and recorded with the Hendricks County Recorder's Office regarding sections 155.149(C)(8)(a)&(b) of the Zoning Ordinance which state:
 - a. All abandoned or unused towers and associated facilities shall be removed by the applicant within one hundred eighty (180) days of the cessation of operations at the site unless a time extension is approved by the Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within one hundred eighty (180) days of the cessation of operations at a site, the tower and associated facilities may be removed by the town, and the costs of removal assessed against the property.

- b. Unused portions of towers above a manufactured connection shall be removed within one hundred eighty (180) days of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new improvement location permit.
- 3. The approval of the Report of Determination by the Plan Commission.

STAFF CONTACT:

NAME: Todd A. Barker, AICP

Jonathan K. Blake

TITLE: Director of Planning

Planning Technician

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317-852-1128

EMAIL: tbarker@brownsburg.org

jblake@brownsburg.org