

PLANNING & ZONING COMMISSION (PZC)

Minutes for January 11, 2017, at 6:30 p.m.

City Council Chambers, Municipal Building

911 North Seventh Avenue, Pocatello, ID 83201

The meeting began at 6:30 PM.

Present: Bill Hancock, Kathleen Lewis, Steve Long, Ryan Loveland, Ryan Satterfield, and Matthew Tovey.

Excused: Jack Brennan.

Staff: Matthew Lewis and Aceline McCulla.

AGENDA ITEM #1: DISCLOSURE OF CONFLICT OF INTEREST, EX-PARTE COMMUNICATION AND SITE VISIT.

Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if a site visit was done, location(s) of the visit, and what was seen.

Hancock had nothing to report. **Lewis** had nothing to report. **Long** did a site visit and had nothing else to report. **Loveland** did a site visit and had nothing else to report. **Satterfield** had nothing to report. **Tovey** had nothing to report.

AGENDA ITEM #2: APPROVAL OF MINUTES

The Commission may wish to approve the minutes from the regular meetings held on September 28, 2016.

It was moved, seconded, and carried, (**Satterfield, Loveland**) to approve the September 28 minutes as written. Those voting in favor were Hancock, Chair Lewis, Long, Loveland, Satterfield, and Tovey.

AGENDA ITEM #3: PUBLIC HEARING – WIRELESS COMMUNICATION FACILITY

This time has been set aside for the Commission to hear comments from the public regarding a request from Verizon Wireless, represented by Kevin Howell of Digital Skylines, Inc., for a conditional use permit to allow installation of a 70-foot tall monopole cellular tower in the parking lot behind the El Caporal Restaurant at 612 Yellowstone Avenue. The property is located within a Commercial General zoning district. Ordinance 2979, published on October 12, 2016, allows new wireless communication facilities in Commercial General zoning districts through the conditional use permit process.

Matthew Lewis, planning manager with the City of Pocatello, stated that Kevin Howell of Digital Skylines, Inc., representing Verizon Wireless is requesting a conditional use permit to allow installation of a 70 foot tall monopole cellular tower and attending equipment in the parking lot behind the El Caporal Restaurant located at 612 Yellowstone Avenue. The property is located within a Commercial General (CG) zoning district. The Wireless Communications Towers & Facilities Ordinance, specifically Section 15.42.090 Zoning Districts & Land Use, allows new towers NOT in public rights-of-way in CG zoning districts through the conditional use permit process.

The previous WCF Ordinance prioritized placement of communication facilities with the first being (a) collocation on an existing tower, structure, or building and (b) on City owned property. In January 2015, Verizon Wireless submitted an application for placement of a WCF tower at the same location 612 Yellowstone Avenue. The applicant noted that in the area Verizon Wireless desired to serve, there were no existing buildings tall enough for the Verizon Wireless proposed antennas. Based on the priority order placement of a tower and attending equipment on City property needed to be exhausted, thus, the application was sent back. Verizon Wireless then submitted an application to place a 110-foot high faux pine tree tower in Alameda Park, which was considered by the City Council in June 2016 and was not approved.

As far as other locations, Verizon has identified one tower located at 396 Taft Avenue that has the necessary

height. Verizon Wireless also has a site at 1750 North 1st Avenue. Because the two towers are only about 0.88 miles apart, according to Radio Frequency (RF) engineers the service areas of the two towers overlap too much to be effective for the target area. Project details were with the application.

According to Municipal Code Section 15.42.120: The Planning & Zoning Commission shall review the facts and circumstances of each proposal and determine there is adequate evidence supporting the requested use at the proposed location. Lewis specifically noted Municipal Code 15.42.120(C)(6), which requires that the use would not be detrimental to the public interests, health, safety, or welfare of the city in its proposed location, size, design, and operating characteristics.

Staff finds that the tower will not be detrimental to the public interests, health, safety, or welfare of the City, if all FCC requirements are adhered to. The facility is intended to provide better cellular coverage for the targeted area bounded by Alameda Road on the north, Jefferson Avenue on the east, and Maple Street on the south.

Application supplemental information provided by the applicant included photo simulations of before & after placement of the tower, provided in Exhibits 2A-2D and attending equipment details regarding the location & elevations, provided in Exhibits 3A-3H.

Exhibit 4 shows the existing service area without the proposed tower, specifically the yellow area between the Bannock and Pocatello block labels that represent "Fair LTE coverage." As mentioned earlier, the facility is intended to provide better cellular coverage for the targeted area bounded by Alameda Road on the north, Jefferson Avenue on the east, and Maple Street on the south. Exhibit 5 represents "Good LTE coverage" with placement of the new monopole tower, the same area now covered in green with the Deleta block label.

Notice of this application was published in the Idaho State Journal, was sent to property owners within a 300-foot radius of the subject site, and a notice of hearing sign was posted on the property. As of the date this staff report was completed, January 5, 2017, no comments either in support or in opposition have been received.

Based on a review of the application materials, site, Municipal Code standards, and Comprehensive Plan goals and objectives, Planning Division **staff recommends approval** of the request **with the following conditions**.

1. All Building and Fire Code requirements as deemed applicable by the Building Official shall be adhered to.
2. Per Municipal Code Section 15.42.080 G. Idaho Code 54-227 Surveys, requires boundaries of the proposed easement & lease area for cell towers shall be monumented & a record of survey filed with Bannock County.
3. The monopole shall be of an earth tone color similar to the restaurant.
4. The proposed tower and attending equipment shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owner of the tower shall bring such into compliance with the revised standards and regulations within six (6) months of the effective date of the revised standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring the subject tower/equipment into compliance with such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense upon fifteen (15) days' written notice via normal first class mail. (Ord. 2662, 2001). Compliance with the Spectrum Act (Section 6409(a) enacted as part of the Middle Class Tax Relief and Job Creation Act of 2012, shall be adhered to (Per Code Section 15.42.100 B).

Kevin Howell with Digital Skylines Incorporated, 11340 N 105th Place, Scottsdale, AZ 85259, stated the Verizon engineers found a capacity issue two plus years ago; phones will work in this area, however, the wireless internet would be substantially slower. Downloading a movie or playing a game might take away 10-20 phone calls of bandwidth, thus shrinking the service area of cell sites and at times, you cannot get a call out. This area was identified about 2.5 to 3-years ago, which preempted the search for a new tower location. Howell stated this location was better suited for the tower to meet the cellular needs.

Long asked Howell if the power going to the site would be underground, and when construction will begin. **Howell** stated the power would be underground and that he was hopeful the lease would be signed in May or June, with construction through the summer of 2017.

Chair Lewis opened the public hearing at 5:45 PM.

Against:

Ellen Carlson, 625 Warren Avenue, Pocatello, stated she was concerned with radiation and she was against the tower.

With no other public comments, **Chair Lewis** closed the public hearing at 5:50 PM.

Discussion ensued among Commission members and staff. **Loveland** asked staff to clarify that PZC could not deny the request due to emissions. **M. Lewis** stated that based on the Telecommunications Act of 1996, the Planning & Zoning Commission, Council, or entity of this nature, may not regulate the placement, construction, or modification of Wireless Communications Facilities based on the environmental effects of Radio Frequency (RF) emissions.

Satterfield asked Lewis about the surrounding zoning areas off Pershing. **Lewis** stated the east side of Pershing was commercial; the closest residence to the tower is at least 300 feet away, equivalent to a city block. The corner area between Cedar and Walnut is zoned Commercial General. The remainder of the neighborhood extending from the west side of Pershing east to Jefferson is zoned Residential and solid residential in use.

It was moved, seconded, and carried, (**Loveland, Hancock**) to approve the Conditional Use Permit for Verizon Wireless to install a 70-foot tall monopole cellular tower in the parking lot behind El Caporal Restaurant at 612 Yellowstone Avenue, per staff recommendations with conditions, and to authorize Chair Lewis to sign the findings of fact and the decision. Those voting in favor were Hancock, Chair Lewis, Long, Loveland, Satterfield, and Tovey.

It was moved, seconded, and carried, (**Hancock, Tovey**) to close the meeting at 7:58 PM. Those voting in favor were Hancock, Chair Lewis, Long, Loveland, Satterfield, and Tovey.

Submitted by *Aceline McCulla*
Aceline McCulla, Secretary

Approved on *February 22, 2017*