

NEW CASE:

**CASE NO. 023-10
CLEARWIRE WIRELESS
TELECOMMUNICATION TOWER
LEARWOOD SQUARE
CONDITIONAL USE SITE PLAN
PUBLIC HEARING**

**REQUEST OF THE CLEARWIRE WIRELESS
LLC, c/o CYNTHIA SARADY, 10763 YORK
ROAD, NORTH ROYALTON, OHIO FOR
APPROVAL OF A CONDITIONAL USE SITE
PLAN FOR A MONOPOLE WIRELESS
TELECOMMUNICATION TOWER AT 407
LEAR ROAD IN THE LEARWOOD SQUARE
SHOPPING CENTER. THIS PROJECT IS
LOCATED IN A B-1 BUSINESS ZONING
DISTRICT.**

This request will require waivers to the following code section:

**Waiver to 1256.05(b)(2) Fence Type; and
Waiver to 1256.05(a) Landscaping requirements**

Mr. Reitz stated this proposed tower will be a 150 foot tall monopole and will be located in the rear of the shopping center property. The base of the pole and the equipment building will not be visible from the frontage on Lear Road. The site is currently a part of the asphalt parking area adjacent to Maximum Independent Living within the business zoning district. Due to the location and the adjacent 6 feet tall board on board fencing the fencing equivalency request is in conformity to the existing surroundings. In the opinion of the Planning Department the landscaping equivalency request is reasonable due to the existing vegetation that is present between the business districts against the adjacent residential district to the east.

Ms. Cynthia Sarady representing Clear Wireless, Mr. John Sindyla of Sindyla Law Firm, Neil Weinberger of JND Properties representing Learwood Square Shopping Center and David Kenectne, engineer for Clearwire Wireless were present tonight to represent this case and answer any questions the commission may have.

Ms. Sarady showed a site plan of the property, site coverage maps and pictures of what the site and tower would look like and stated the waiver on the fence and landscaping is due to the location of the tower and the need for ground space for potential co-location. The delivery vehicles and entrance to MIL did not want to be disturbed and we think this will be much safer. The fence will be a wood board on board instead of chain link.

Mr. John Sindyla stated there would be three other spaces on the tower for co-location. Normally we only have room for two, but we provided extra space for an additional co-location due to the area and the need for more providers on that side of town.

Mr. Fell opened the meeting to the public.

Mr. David Kos, Councilman, stated that since the public notices were posted he had not received one phone call with concerns about the tower. I have reviewed the packet of information given to Planning Commission and feel there are no red flags with this location.

Mr. Fell closed the public portion of the meeting.

Mayor Zuber asked that with the next application for a tower in this city the applicant provide a more detailed street map showing coverage.

Mr. Fell stated that he agreed with the wood fence instead of the chain link because it would be harder to climb a wood board on board fence than a chain link.

Mr. Fell stated that Mrs. Fenderbosch has inquired about who would maintain the fence? Would that fence be maintained by the property owner or the tower owner?

Ms. Sarady stated that the fence and tower would both be maintained by the cell tower owner.

Mr. Fell asked at what location would the Clearwire Wireless have their antenna?

Ms. Sarady stated that Clearwire Wireless would have the top position, with the three additional spaces available below them.

Mr. Sherban asked what color the tower would be and asked if the finish would be matte or shiny.

Mr. Sindyla stated that the towers can either be white, aluminum or a grey color. I do not know what color has been chosen for this site. The towers are usually shiny at first and as they age they get a dull finish.

Mr. Sherban stated that he was concerned about having a shiny tower and having a glare on the traffic on Walker Road. How long does the metal take to age and become matte.

Mr. Sindyla stated that the tower usually takes about a year to become faded or matte.

Mr. Sherban asked about the traffic behind the shopping center. I have concerns about the traffic and not being able to see the fence at night. That are bends right at the tower site and if traffic doesn't see the fence there is nothing there to stop a car or truck from plowing right thru the fence and hitting the tower.

Mr. Sindyla stated that the applicant would not have a problem with putting in bollards to prevent traffic from being able to hit the fence or tower. The bollards can be placed about 3 feet in front for protection.

Mr. Simonovich stated that he too thought that there would be a need for the bollards in that location.

Mr. Simonovich asked who and what is Clearwire Wireless?

Mr. Sindyla stated that Clearwire is a wireless internet provider. They supply hot spots for residents to get wireless internet connectivity.

Mr. Greg Palmer, 31794 Bayview Drive asked if the coverage would go to the east to the City line. Also, what happens to this tower at the end of the useful life. What would happen to this tower.

Mr. Reitz stated that our city codes stipulate that if a site is left unused for its intended use for more than six months the owner would have to have the tower taken down and removed.

Mr. Palmer asked if the antenna would be on the inside or the outside of the tower.

Ms. Sarady stated that with this tower the antenna would be on the outside because that is how they can provide for more space for the co-locations.

Mr. Robert Young, 395 Harbor Court asked how a cell tower would affect his property values and stated that on the public notice it stated that address as being 407 Lear Road. 407 Lear Road is the address for the child care building in the front of the shopping center. This tower is being placed in the back of the shopping center adjacent to my property. This is not where I thought this would be placed based on the address, was the address listed incorrectly.

Ms. Sarady stated that per the Lorain County Auditor's Office the address was based on the parcel number and the legal address. Property values are not based on utility use. Utility poles do not attract or detract from property values. They are treated just like the light poles in front of your home.

Mr. Simonovich moved to recommend approval on the request of the Clearwire Wireless LLC, c/o Cynthia Sarady for approval of a Conditional Use Site Plan for a monopole wireless telecommunication tower at 407 Lear Road in the Learwood Square Shopping Center. The recommendation of approval includes waivers to 1256.05(b)(2) for the wood fence instead of the chain link fence and to 1256.05(a) landscaping, to not provide landscaping per the code, and an addition to the site plan to add bollards to the west side of the tower compound for safety. Mayor Zuber seconded the motion.

AYES: All NAYS: None

Mr. Fell stated this case has passed and will now move on to City Council for readings and approval.

INFORMATIONAL ITEM

Mr. Fell stated that the next meeting of Planning Commission will be September 7, 2010.

DISCUSSION ITEM

Mr. Fell said that he had seen that Mr. Kopf had pulled Belmont Drive Re-Subdivision from being developed at this point. If Mr. Kopf decides to come back with a plan for that area I think that the Planning Commission and City Council should have a joint meeting to discuss the plans and how to deal with the situation together.

Mayor Zuber agreed.

GENERAL PUBLIC COMMENT

None

ADJOURNMENT

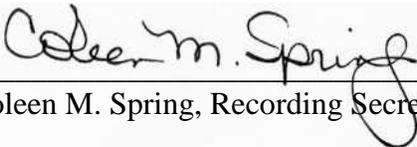
Mr. Fell stated that Mr. McNamara did not show up for the meeting. There were no objections from Planning Commission members on Mr. McNamara being absent, so his absence is considered excused.

Mr. Knilans moved to adjourn at 8:07 p.m. the August 3, 2010 Planning Commission meeting. Mr. Sherban seconded the motion.

AYES: All NAYS: None

The next regular meeting of the Planning Commission will be on September 7, 2010.

Gary Fell, Chairperson



Coleen M. Spring, Recording Secretary