



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

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***TOM GROSSMANN
SHANNON JONES
DAVID G. YOUNG***

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

MINUTES: Regular Session – November 13, 2018

The Board met in regular session pursuant to adjournment of the November 6, 2018, meeting.

Tom Grossmann – present

Shannon Jones – absent

David G. Young – present

Tina Osborne, Clerk – present

- 18-1742 A resolution was adopted to approve the transfer of Candy Massie to the position of Cashier Receptionist within the Building and Zoning Department, from Unit Support Worker II within the Warren County Department of Job and Family Services, Human Services Division. Vote: Unanimous
- 18-1743 A resolution was adopted to hire Wyatt Allen as Water Distribution Worker I within the Warren County Water and Sewer Department. Vote: Unanimous
- 18-1744 A resolution was adopted to designate Family and Medical Leave of Absence to Jessica Johnson within the Telecommunications Department. Vote: Unanimous
- 18-1745 A resolution was adopted to authorize County Administrator to execute Change Order #1 with HGC Construction relative to the Warren County Probate/Juvenile Court Addition and Renovation Project. Vote: Unanimous
- 18-1746 A resolution was adopted to approve changes to the Exclusion Section of the Healthcare Plan to allow coverage. Vote: Unanimous
- 18-1747 A resolution was adopted to authorize the 2019 Renewal Verification with United Healthcare. Vote: Unanimous

MINUTES

NOVEMBER 13, 2018

PAGE 2

- 18-1748 A resolution was adopted to cancel regularly scheduled Commissioners' Meeting of Thursday, December 27, 2018. Vote: Unanimous
- 18-1749 A resolution was adopted to approve and authorize the President of the Board to execute an engagement letter with Hurst Kelly and Company, LLC relative to the assembling of the County's schedule of expenditures of federal awards for year end 2018. Vote: Unanimous
- 18-1750 A resolution was adopted to approve extension to agreement for Administrative Functions with Council on Aging of Southwestern Ohio relative to Warren County Elderly Services. Vote: Unanimous
- 18-1751 A resolution was adopted to approve extension to agreement for Intake, Assessment and Case Management Functions with Council on Aging of Southwestern Ohio on behalf of Warren County Elderly Services. Vote: Unanimous
- 18-1752 A resolution was adopted to amend Warren County Procurement Policy relative to Purchase Orders (Requisitions). Vote: Unanimous
- 18-1753 A resolution was adopted to declare an emergency and waive competitive bidding for the replacement of the bulletproof glass in B Pod at the Warren County Jail. Vote: Unanimous
- 18-1754 A resolution was adopted to advertise for bids for Security Equipment Replacement at the Warren County Government Campus in Lebanon. Vote: Unanimous
- 18-1755 A resolution was adopted to award bid for a Fire Alarm System Replacement at the Warren County Common Pleas Court Building. Vote: Unanimous
- 18-1756 A resolution was adopted to declare various items within Board of Developmental Disabilities, County Court, Facilities Management, Water & Sewer- Sewer, Sheriff's Office, Water & Sewer- Water, as surplus and authorize the disposal of said items. Vote: Unanimous
- 18-1757 A resolution was adopted to approve and enter into a Subcontractor Agreement between the Warren County Board of Commissioners on behalf of Warren County Children Services (Subcontractor) and Human Services Research Institute (HSRI). Vote: Unanimous
- 18-1758 A resolution was adopted to approve and enter into a Memorandum of Understanding between the Department of Warren County Children Services (Agency) and Mental Health America of Northern Kentucky and Southwest Ohio (Provider). Vote: Unanimous

- 18-1759 A resolution was adopted to authorize the President and/or Vice President of this Board to sign a Satisfaction of Mortgage for Gregory W. Wheeler.
Vote: Unanimous
- 18-1760 A resolution was adopted to approve license acquisition compensation and enter into Water Line License Agreement with the State of Ohio, Department of Natural Resources for the Lower Springboro Road Water Improvements Project.
Vote: Unanimous
- 18-1761 A resolution was adopted to approve various refunds. Vote: Unanimous
- 18-1762 A resolution was adopted to affirm "Then and Now" requests pursuant to Ohio Revised Code 5705.41 (D) (1). Vote: Unanimous
- 18-1763 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous
- 18-1764 A resolution was adopted to approve a cash advance from County Motor Vehicle Fund 202 into King Avenue Bridge Project Fund 437. Vote: Unanimous
- 18-1765 A resolution was adopted to approve supplemental appropriation into Juvenile Probate Court Expansion Project Fund #499. Vote: Unanimous
- 18-1766 A resolution was adopted to approve supplemental appropriation into Warren County Garage Parts Fund #619. Vote: Unanimous
- 18-1767 A resolution was adopted to approve appropriation adjustment within Common Pleas Court Pretrial Fund #101-1222. Vote: Unanimous
- 18-1768 A resolution was adopted to approve appropriation adjustments from Common Pleas Court Funds #101-1222, #101-1223 and #101-1224 into Common Pleas #101-1220. Vote: Unanimous
- 18-1769 A resolution was adopted to approve appropriation adjustments within Juvenile Detention Fund #101-2600 and from Juvenile Probation Fund #101-2500 into Juvenile Court Fund #101-1240. Vote: Unanimous
- 18-1770 A resolution was adopted to approve appropriation adjustments within County Court Funds #101-1280 and #101-1283. Vote: Unanimous
- 18-1771 A resolution was adopted to approve appropriation adjustment within Coroner's Fund #101-2100. Vote: Unanimous
- 18-1772 A resolution was adopted to approve appropriation adjustment within Dog and Kennel Fund #206. Vote: Unanimous

- 18-1773 A resolution was adopted to approve appropriation adjustment within Treasurers Office Fund #249. Vote: Unanimous
- 18-1774 A resolution was adopted to approve appropriation adjustments within Board of Elections Fund #101-1300 and from #101-1301 into #101-1300. Vote: Unanimous
- 18-1775 A resolution was adopted to approve with conditions the site plan application of Eric W. and Jessica M. Fields and American Tower LLC. Vote: Unanimous
- 18-1776 A resolution was adopted to approve the preliminary site plan for Miami Valley Gaming & Racing PUD within the Interstate Overlay District. Vote: Unanimous
- 18-1777 A resolution was adopted to implement Sections 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of the Turtlecreek Township Community Reinvestment Area, designating a housing officer to administer the program, and creating a Community Reinvestment Housing Council. Vote: Unanimous
- 18-1778 A resolution was adopted to accept an amended certificate and approve supplemental appropriation for Probate/Jail Court Building Addition/Renovation Construction #499. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board accepted and approved the consent agenda.

ADMINISTRATIVE HEARING
SITE PLAN REVIEW APPLICATION OF
ERIC W. AND JESSICA M. FIELDS AND AMERICAN TOWER LLC
IN TURTLECREEK TOWNSHIP

The Board met on August 15, 2018, and continued to this 13th day of November 2018, to consider the site plan review application of Eric W. and Jessica M. Fields, owners of record, and their agent, David A Pike, attorney American Tower LLC, relating to their request to construct a telecommunications tower at 1688 North State Route 48 in Turtlecreek Township, that consists of 29.5 acres, identified as Parcel # 09-31-100-006.

Commissioner Grossmann opened the hearing by requesting the Clerk of Commissioners to read into the record how and when the site was posted with signage as well as how and when the applicant and adjacent property owners were notified. He then administered the oath to those desiring to speak during the hearing.

Stephanie Austin, Zoning Inspector, presented the attached PowerPoint presentation reviewing the location, parcel site, current and future land use and current zoning district. She then reviewed the applicant's request to construct a 155' telecommunications tower plus a 9' lightning arrestor for a total tower height of 164 feet.

Ms. Austin presented the site plan proposal along with the issues for consideration by the Board. She then presented the staff recommendation to approve the site plan review subject to four conditions.

David Pike, Attorney for applicant, stated he has received and reviewed the recommended conditions for approval and finds them acceptable. He then presented the attached PowerPoint presentation and introduced various technical professionals as well as the property owner and stated that their respective reports have been submitted with the site plan application. He then requested all documents submitted to be part of the official record.

There was discussion relative to the increased need for towers due to capacity problems caused by wireless growth as well as the attempt to utilize the existing water tower on the adjacent school property.

Mr. Pike stated that the water tower is too short and that Lebanon Zoning would not allow the new tower to be constructed on the site. He then stated that the proposed tower will be the shortest cellular tower in the county.

There being no person to speak in opposition to the proposed site plan, the Board closed the hearing and resolved (Resolution #18-1775) to approve the site plan review application subject to four conditions.

ADMINISTRATIVE HEARING
REVISED PRELIMINARY SITE PLAN FOR MIAMI VALLEY GAMING & RACING PUD
WITHIN THE INTERSTATE OVERLAY DISTRICT IN TURTLECREEK TOWNSHIP

The Board met this 13th day of November 2018, in the Commissioners' Meeting Room to consider the Revised Preliminary Site Plan for Miami Valley Gaming & Racing PUD within the Interstate Overlay District of Turtlecreek Township.

Commissioner Grossmann opened the hearing by requesting the Clerk of Commissioners to read into the record how and when the publication of this hearing was made and how and when the applicant and adjacent property owners were notified. He then administered the oath to those desiring to speak during the hearing.

Greg Orosz, Regional Planning Commission, presented the attached PowerPoint presentation reviewing the zoning, site overview and proposal to add 231 parking spaces along with Stormwater management.

Mr. Orosz stated that the proposed parking lot will take the impervious surface area of the PUD from 36% to 38%, below the maximum allowable 50% as stated in the original zoning resolution. He then stated the applicant is requesting relief within the landscaping plan to allow the elimination of the landscape island to allow for future truck parking.

Upon further discussion, Mr. Orosz stated the staff recommendation to approve the request subject to 6 conditions.

Todd Ford, Woolpert Engineers, representing the applicant, stated that all of the original approved parking areas are built out and they have additional parking needs.

There being no persons in attendance to speak in opposition of the revision, the Board closed the hearing and resolved (Resolution #18-1776) to approve the preliminary site plan for Miami Valley Gaming & Racing PUD subject to 6 conditions.

Matt Schnipke, Economic Development Director, was present along with Tammy Boggs, Turtlecreek Township Administrator, to discuss the request of Turtlecreek Township for the creation of a Community Reinvestment Area (CRA) along the property in the attached map.

Mr. Schnipke reviewed the map of the area along with an explanation of the purpose of the CRA designation. He then stated that the schools are in favor of this request.

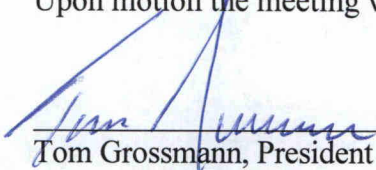
Tammy Boggs, Turtlecreek Township Administrator, stated the desire to have this CRA in place in order to be proactive for future economic growth. She stated the goal of the township to have this in place prior to October 2019 when the State is required to sell the land surrounding the state prisons.

There was discussion relative to the ability for this tool to be used in order to be competitive when a company is viewing other locations.

There was also discussion relative to the requirement of the Board to grant final approval prior to any company receiving tax abatement under this CRA.

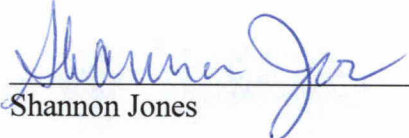
Upon further discussion, the Board resolved (Resolution #18-1777) to implement Sections 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of the Turtlecreek Township Community Reinvestment Area, designating a housing officer to administer the program, and creating a Community Reinvestment Housing Council.

Upon motion the meeting was adjourned.




Tom Grossmann, President

David G. Young



Shannon Jones

I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on November 13, 2018, in compliance with Section 121.22 O.R.C.



Tina Osborne, Clerk
Board of County Commissioners
Warren County, Ohio

Case No.	101-2018 SP	
<u>Applicant/Owner</u> <u>Agent</u>	(Owner) Eric W. & Jessica Fields (Applicant) America Tower LLC c/o David A. Pike Attorney	
Township	Turtlecreek	
Property Location	Address	1688 North State Route 48 Lebanon, Oh. 45036
	PIN	09-31-100-006-0
Property Size	29.5 acres	1102' Road frontage
Future Land Use Map (FLUM) Designation	Office	
Current Zoning District	"R1B" Single-Family Residential (1 acre density)	
Existing Land Use	Residential/Agricultural	
Site Plan Requested	Construct a 155' Telecommunication Tower plus a 9' foot lightning arrestor = total height of 164'	
Issue for consideration	Placement of telecommunications towers on residential land	

Aerial Map

101-2018

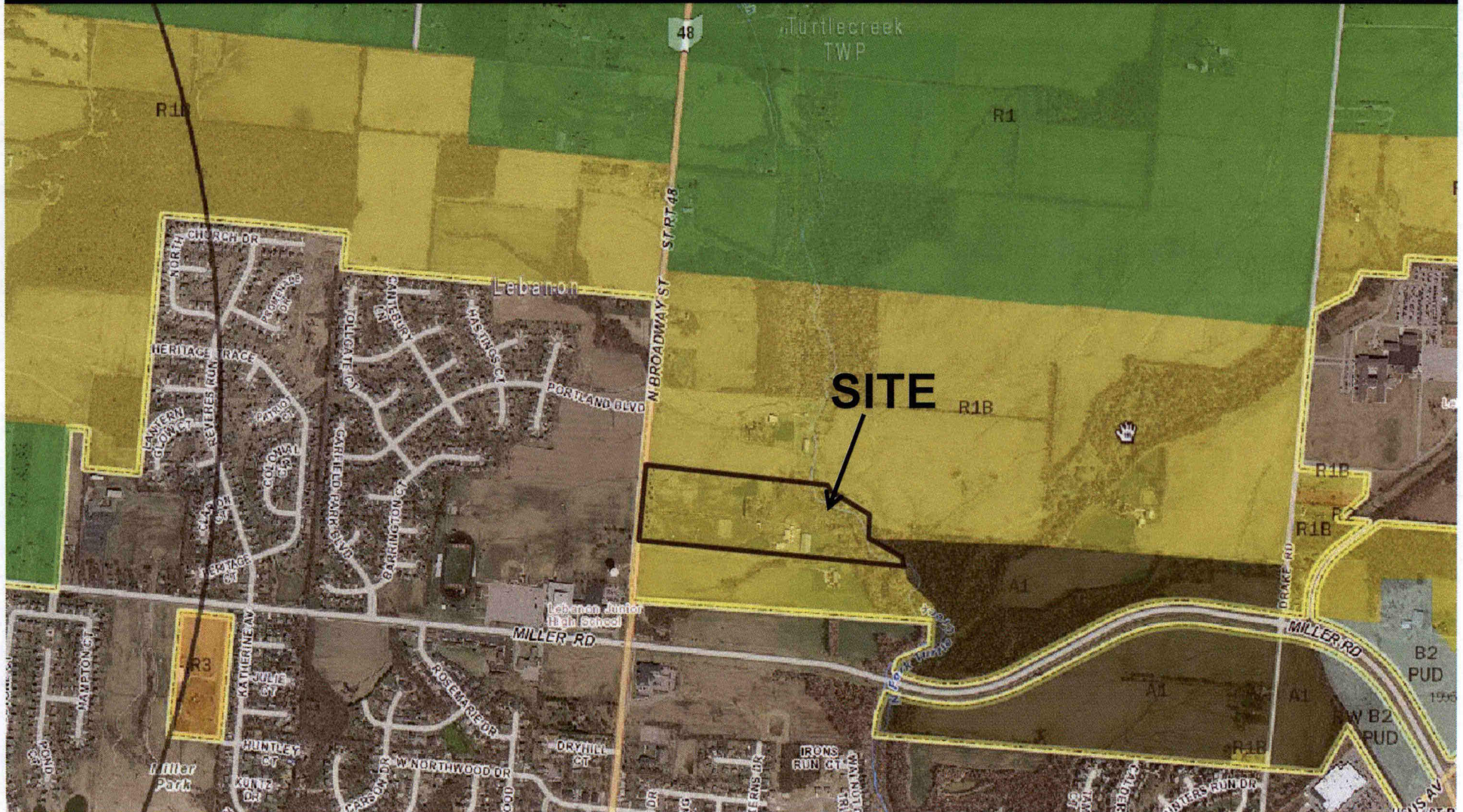
Turtlecreek Township

Sec. 3.205.11



Zoning Map

101-2018 Turtlecreek Township Sec. 3.205.11

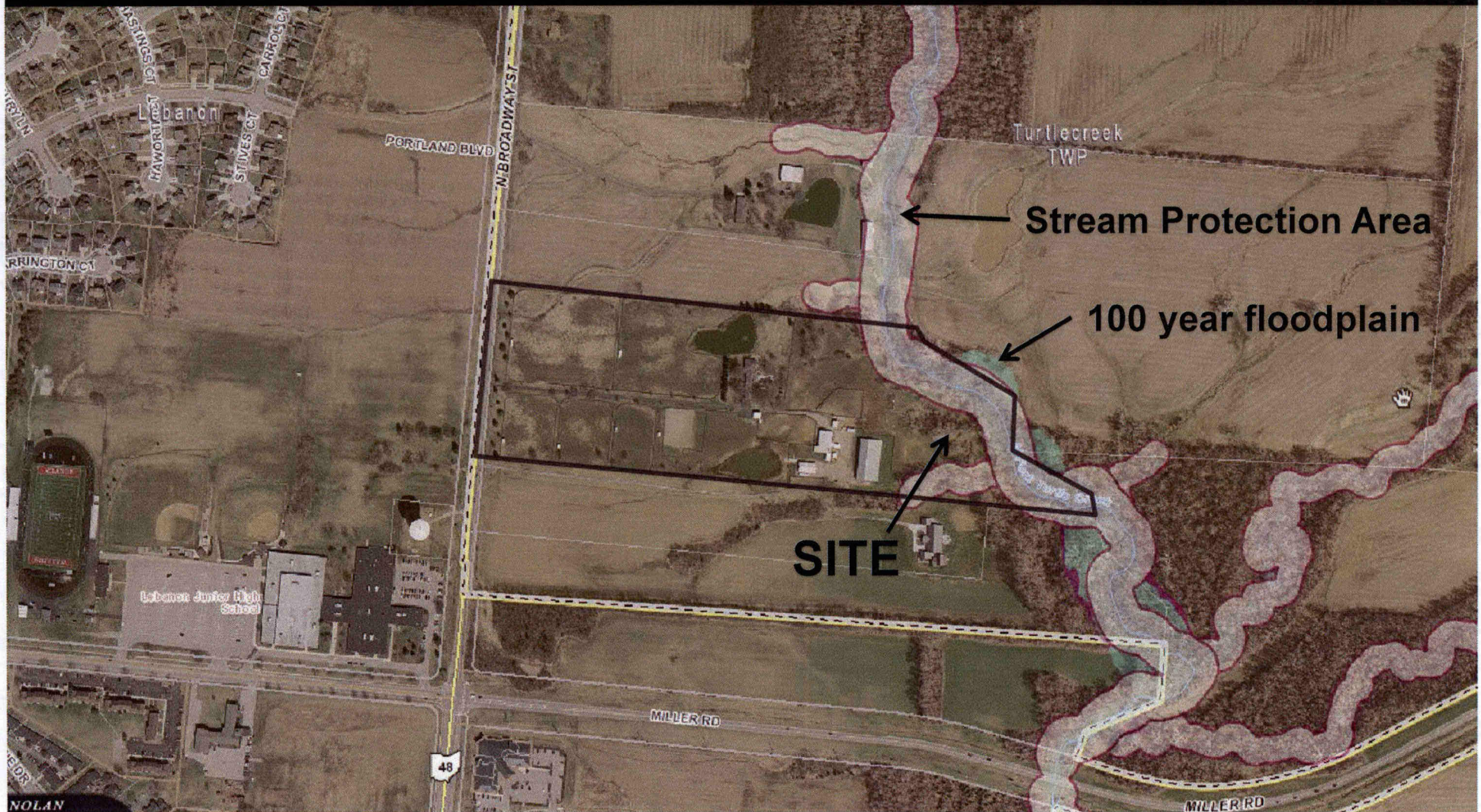


Flood Map

101-2018

Turtlecreek Township

Sec. 3.205.11



Legend

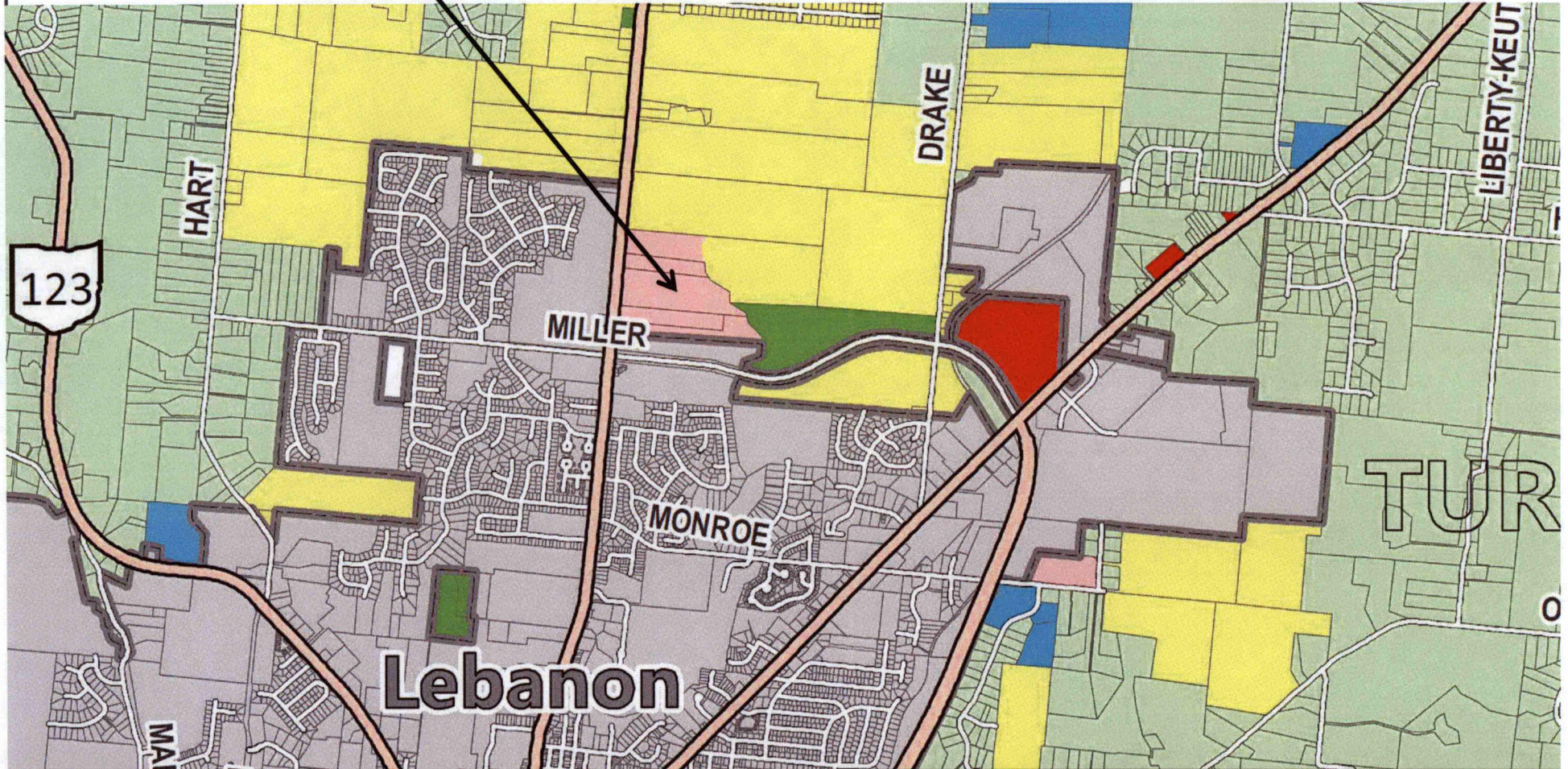
- County Boundaries
- Political Subdivisions
- Parcels
- Lakes and Rivers
- Municipalities

- Future Land Uses**
- Agricultural-Rural Residential
 - Commercial
 - Industrial
 - Mixed-Use Neighborhood
 - Multi-Family Residential
 - Office
 - Protection Area

- Deerfield Township Character Areas**
- Public-Semi-Public
 - Parks and Recreational-Open Space
 - Single Family Residential
 - Low Density Rural Neighborhoods
 - Medium Density Rural Neighborhoods
 - Neighborhood Mixed Use
 - Neighborhoods

- Office Park
 - Regional Highway Commercial
 - Town Center Mixed Use
- Clearcreek Township Additional Uses**
- Township Residential
- Hamilton Township Additional Uses**
- Rural Residential
 - Single Family Residential

- Salem Township Additional Uses**
- Mixed Use Light Industrial/Office
 - Mixed Use
- Union Township Additional Uses**
- Low Density Residential
- Wayne Township Additional Uses**
- Mixed Use Commercial/Industrial
 - Mixed Use Residential



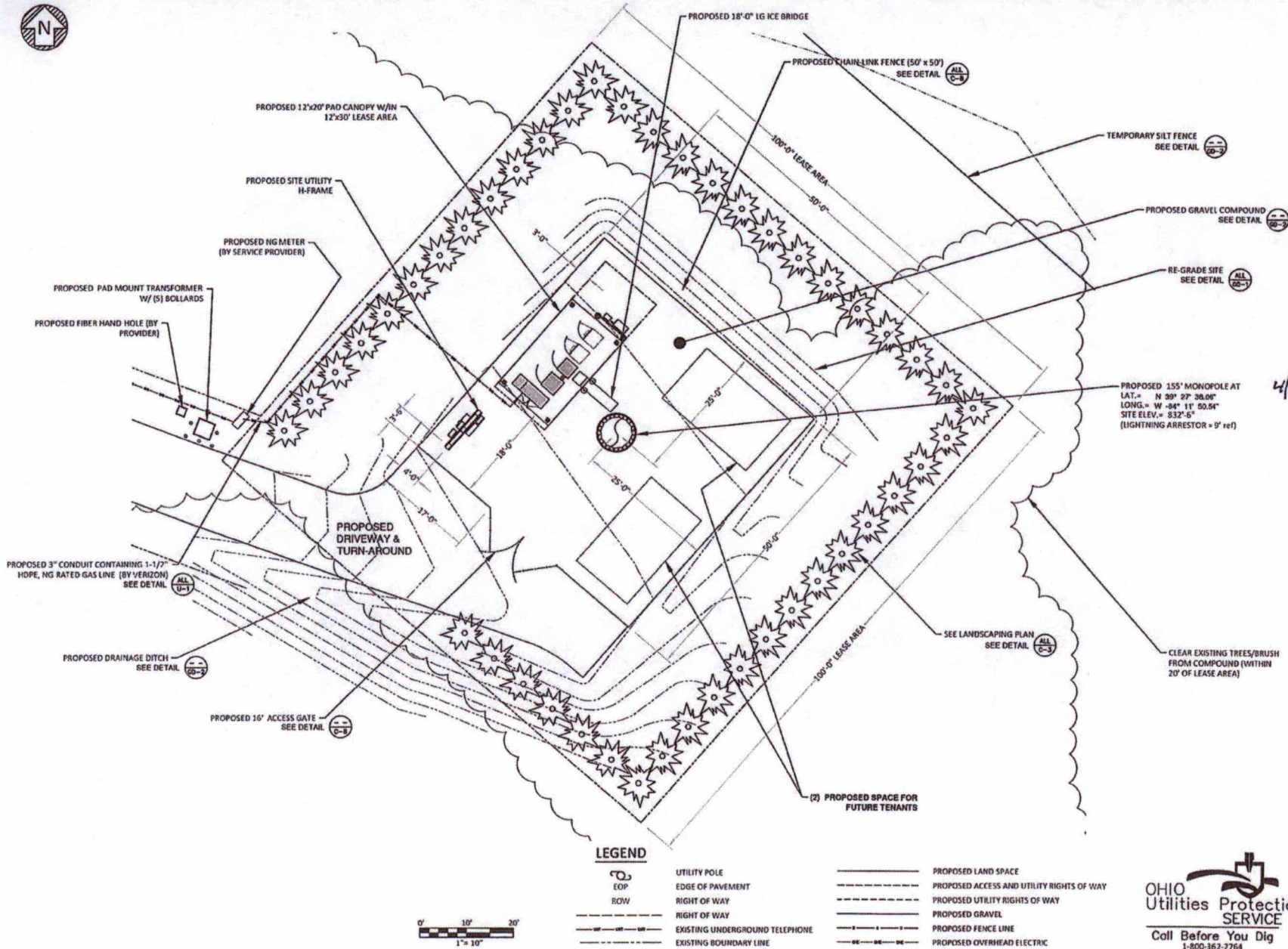
Comprehensive Plan-Land Use Element

Issue for consideration

ORC 303.211- Telecommunication Towers

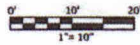
This statute limits the powers of county zoning to regulate telecommunication towers, under certain circumstances, to regulating the location, erection, construction, re-construction, change, alteration, removal, or enlargement of a telecommunication tower.

Landscaping Plan



LEGEND

	UTILITY POLE		PROPOSED LAND SPACE
	EDGE OF PAVEMENT		PROPOSED ACCESS AND UTILITY RIGHTS OF WAY
	RIGHT OF WAY		PROPOSED UTILITY RIGHTS OF WAY
	RIGHT OF WAY		PROPOSED GRAVEL
	EXISTING UNDERGROUND TELEPHONE		PROPOSED FENCE LINE
	EXISTING BOUNDARY LINE		PROPOSED OVERHEAD ELECTRIC



ALL PREPARED BY:

Wirenet
 230 E. KEMPER ROAD
 LOVELAND, OH 45340
 (513) 774-7700

PREPARED FOR:

**NEW PARR
 DATA
 verizon**

SITE OWNER PARTNER:

AMERICAN TOWER
 10 PRAISEMOUNT WAY
 WOBURN, MA 02451

4/10/18
 PREPARED BY: *KDC*
**KENNETH D. COWAN
 E-55231**

PLANT SCALE PRINTED ON 24" x 36" MEDIA

CONSTRUCTION DRAWINGS

REV	DATE	DESCRIPTION
3	03/30/18	UPDATE FORMAT TO VTN TEMPLATE

SITE INFORMATION:
WARRIOR OH
 888 NORTH SR 45
 LEBANON, OH 45036
 WARREN COUNTY

VERIZON WIRELESS SITE NAME/ID:
CNCN-484

WIRENET P.O. No.: 170324 01CV
 DRAWN BY: OGD
 CHECKED BY: KDC
 DATE: 09.22.17

SHEET TITLE:
ENLARGED SITE LAYOUT

SHEET NUMBER:
C-2

**OHIO
 Utilities Protection
 SERVICE**

Call Before You Dig
 1-800-362-2764
 AT LEAST 48 HOURS PRIOR TO EXCAVATING

SUMMARY OF APPLICATION:

The proposed Telecommunications Towers is 155' feet in height with a 9' foot lightning arrestor and is proposed to fill gaps in the service area.

ANALYSIS OF ZONING:

North	“R1B” Single Family Residential	<u>Single-Family Residential</u>
West	City of Lebanon	<u>Lebanon City School District</u>
South	“R1B” Single Family Residential	<u>Single-Family Residential</u>
East	“R1B” Single Family Residential	<u>Single-Family Residential</u>

REVIEWING DEPARTMENTS :

Site Plans were circulated to the Warren County Engineer, Warren County Water & Sewer, Warren County Soil & Water Conservation, Warren County Regional Planning Commission, Turtlecreek Township Trustees and Fire Department, Warren County Combined Health District, Warren County Building Department, Warren County Sheriff, and Ohio Department of Transportation.

Site Plan Review 1.303

1.303.6 Review Criteria: The site plan review is conducted to determine anticipated impacts on the public health and safety, as well as the public convenience, comfort, prosperity, or general welfare, as applicable. Factors to be considered include those in Section 1.303.1, and the following additional criteria:

- (A) **Adequacy of Information and Compliance with Zoning Code:**
- (B) **Design Layout Sufficiency and Sensitivity:**
- (C) **Design Character, Operational Compatibility, and Coordination:**
- (D) **Preservation of Significant Features:**
- (E) **Pedestrian Access and Circulation:**
- (F) **Vehicular Access and Circulation Streets:**
- (G) **Parking and Loading:**
- (H) **Landscaping and Screening:**
- (I) **Exterior Lighting:**
- (J) **Signage:**
- (K) **Public Service Impact:**
- (L) **Stormwater Drainage Stormwater Management Plan:**
- (M) **Soil Erosion and Sediment Control:**
- (N) **Emergency Access and Service Facilities and Public Safety:**
- (O) **Building Design:**
- (P) **Compliance with Public Health and Safety:**

ZONING INSPECTORS REVIEW

OF W. C. CODE STANDARDS :

- 1. Compliance with the Warren County Rural Zoning Code Standards for Site Plan Review Section 1.303 have been met.**
- 2. The Telecommunications Tower use is providing essential everyday services to the immediate surrounding area and meets the standards of Section 3.205.11 subject to the following:**

Staff Recommendations

1. Site Access and Circulation:

Section 3.205.11(A) (4) requires approval of the Access Permit by the Warren County Engineer, Ohio Department of Transportation and the Turtlecreek Township Fire and EMS Departments to ensure adequacy of the access point for the additional use.

2. No grading within the floodplain or streamside setback areas.

3. The applicant will follow the Site Plan submitted with this application and include these recommendations at the time of permitting.

Continued

3. Buffer Screening: Submit a revised landscaping plan that shows how the existing vegetation will be preserved and integrated into the proposed landscape plan, also trees and vegetation outside of the 100 x 100 foot leased area shall be preserved to the greatest extent.

Continued

4. If the project will disturb an acre or more of land, and earth disturbing a permit from Warren County Soil and Water Conservation District will be required, also additional levels of perimeter sediment protection will be required on the east side of the project to protect North Fork Turtle Creek, SWP3 will be required per EPA regulations, and stormwater quality and quantity calculations will need to be provided.

Warrior

American Towers and Verizon Wireless

Warren County
Board of County Commissioners

November 13, 2018

- Attendees
- Presentation Procedure Overview.
- Thanks to Michael A. Yetter and Stephanie Austin for their hard work and assistance with this application.
- We agree to staff recommendations.
- All exhibits required by Warren County Rural Zoning Code have been submitted.
- All procedural guidelines have been followed.

Wireless Data Growth

- We first used mobile phones to make calls on the go, then came text messaging for quick messages, photos, and videos.
- Today 68% of Americans are doing more with their mobile service now than they were five years ago, including:
 - Mobile Bank
 - Health apps
 - Browsing the web
 - Shopping
 - Finding entertainment
 - Connecting with their car and home
 - And more

Wireless Data Growth

- Wireless data traffic has reached yet another record high.
- Traffic totaled 13.72 trillion MBs—the equivalent of 1.58 million years of streaming HD video¹—an increase of 4.07 trillion megabytes.
- Data use increased 238 percent and continues to grow.

Need for New Facility

- Warren County is growing and there are increasing demands for wireless services.
- State-of-the-art telecommunications is an essential element to create investment, jobs, economic growth, and consumers benefit from market-based competition that offers consumers of telecommunications services the most innovative and economical services.

Capacity Problem

- Although other existing antenna sites were in the past able to serve this area, they can no longer do so efficiently because the number of customers and their demand for high speed data has grown enormously over the past few years.
- Local demand for wireless services is starting to exceed the capacity of our existing sites in this area to handle.

Capacity Problem

- When a wireless network reaches the maximum number of connections it can handle at one time, the service area is saturated, and new connections are put into a cue and will drop off when the wait timer is met.

Capacity Problem

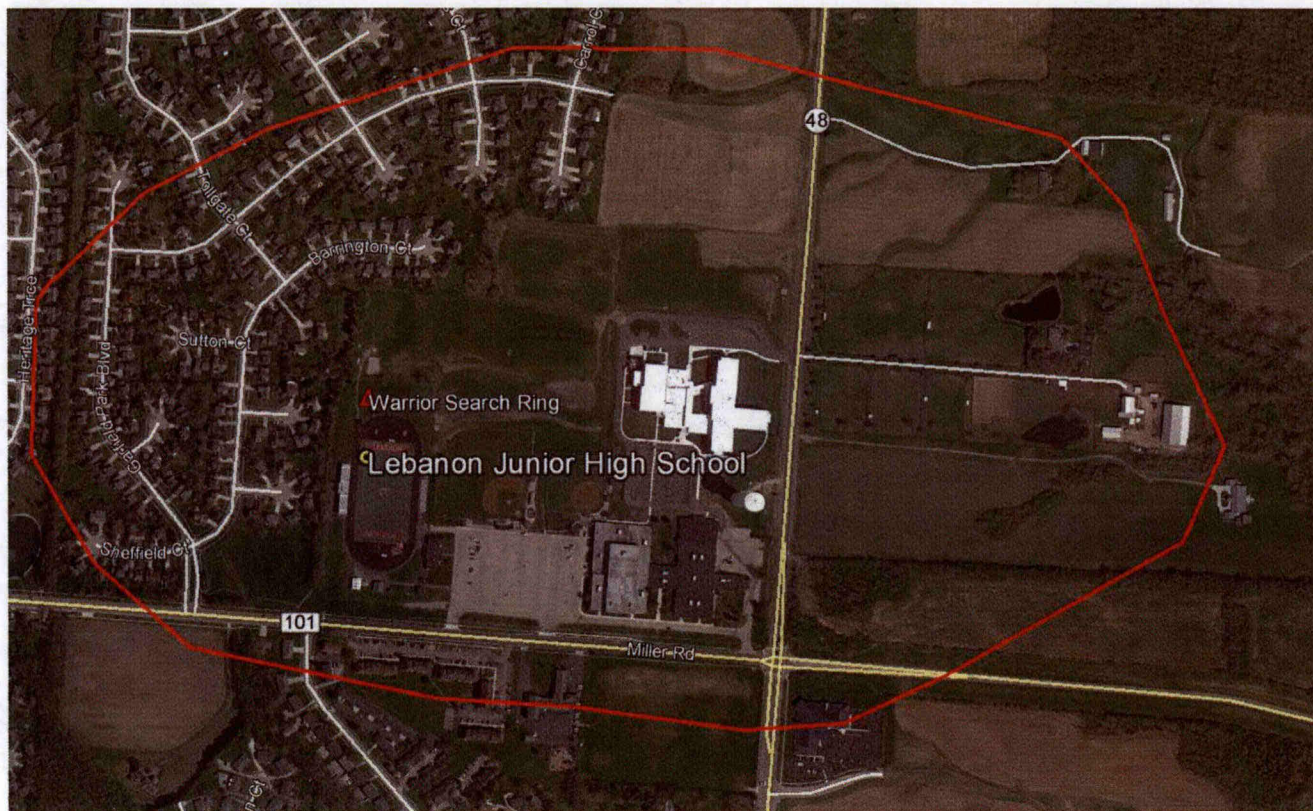
- This most often occurs during high demand periods, such as emergencies and social events, but as the customer base in a given area grows, bandwidth limitations are met and starts to occur more often, even daily, especially during high-demand periods.
- The logical solution to cure exceeding the bandwidth is to add capacity.

Need for New Facility

- A new telecommunications facility is necessary.
- Project engineers identified the geographic area where the antenna site must be located in order to close the gap and issued a map, called a “Search Area.”

Radio Frequency Search Area

- Radio Frequency Search Area, as determined by Verizon Wireless Radio Frequency Engineers, was included as a part of the Application.

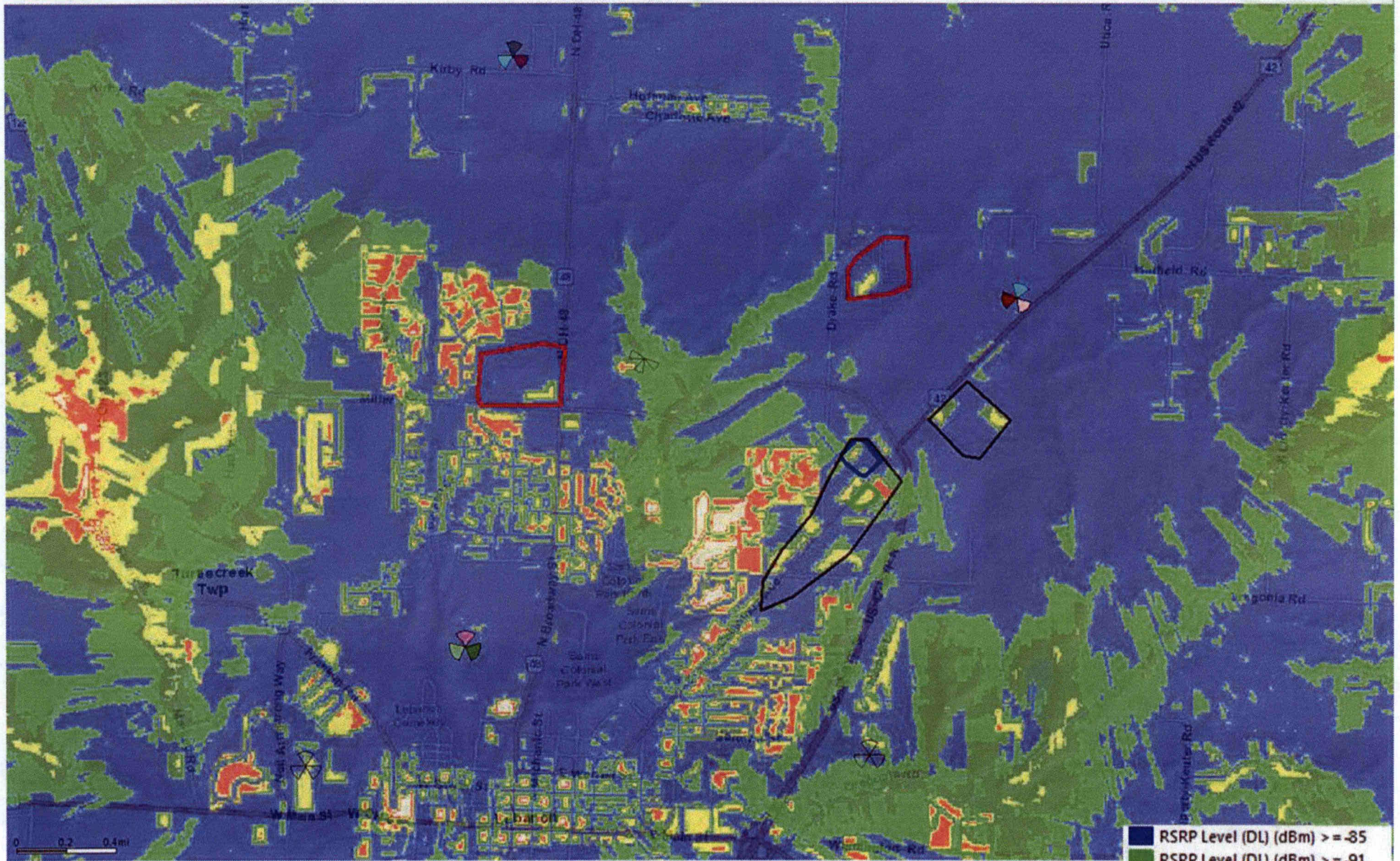


A tower must be located within this area to remedy the coverage need described in the Radio Frequency Report.

Need For New Facility

- A report prepared by Nick Stevens, a Verizon Wireless Radio Frequency Engineer, was filed as a part of the application for this site.
- The following slides show the existing gap in service and the improved service with a new facility.

Existing On Air



Lebanon Schools



Kroger



Walmart



Restaurant



Businesses

- RSRP Level (DL) (dBm) > -85
- RSRP Level (DL) (dBm) > -91
- RSRP Level (DL) (dBm) > -97
- RSRP Level (DL) (dBm) > -103
- RSRP Level (DL) (dBm) > -109

Need For New Facility

- Two requirements must be met to fill the gap.
 - Tower must be located within prescribed search area.
 - Moving the site outside of the search area is not a solution.
 - Spacing is critical to the effectiveness of the network.

Need For New Facility

- Tower must be built to the specified elevation.
- Reducing tower height will provide less capacity offload and negatively impact internet data speed throughput, thereby negatively affecting the customer experience.

Need For New Facility

- Without the proposed site, people in this area will continue to experience poor performance, slow thru-put, connection failures, and poor signal coverage.

Co-location

- The Applicants have worked hard to evaluate all possible solutions and alternate locations.
- Verizon Wireless is committed to co-location and frequently locates equipment on existing towers and buildings.
- This practice saves time and capital compared to building a new tower.

Co-location

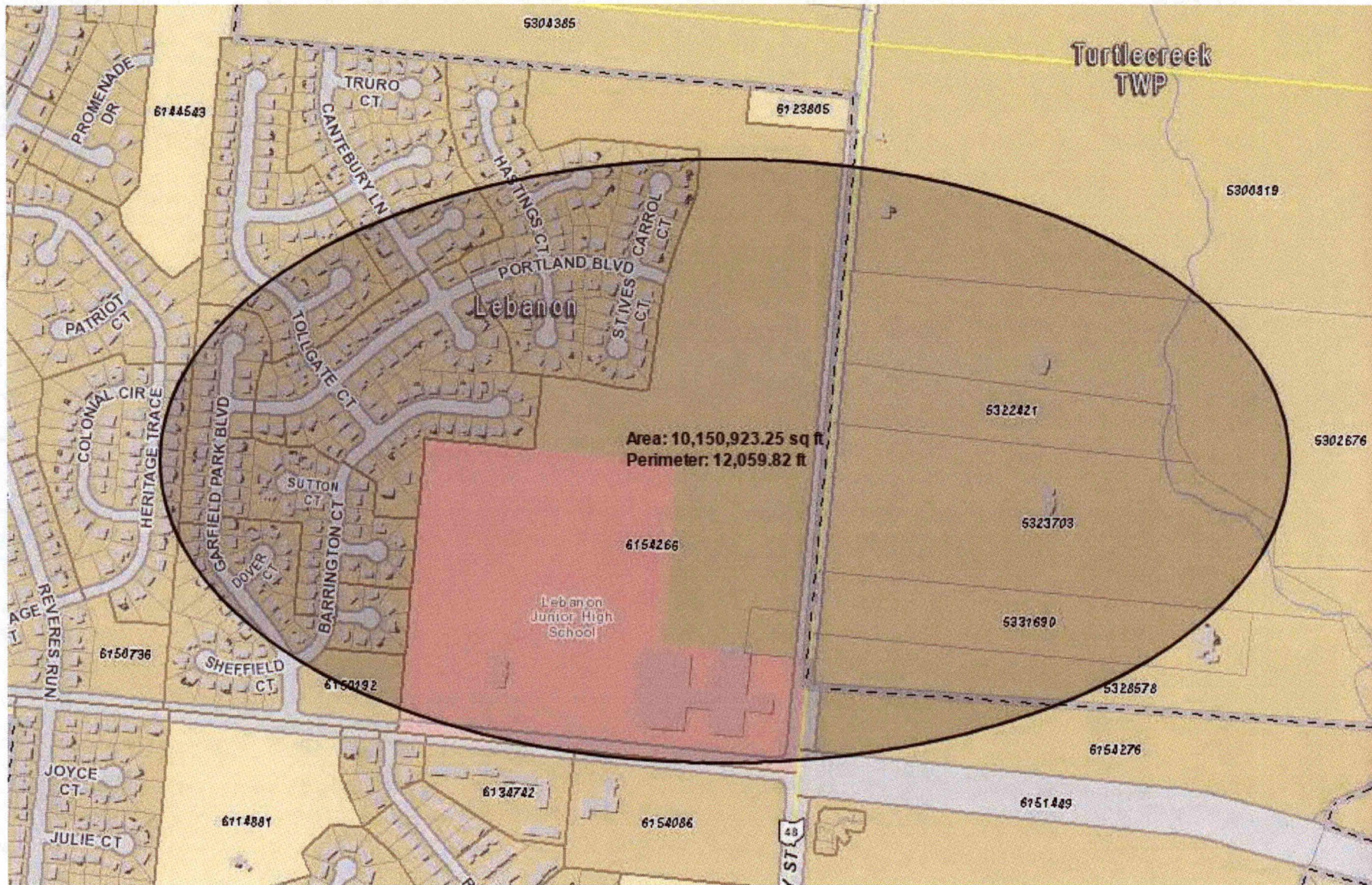
- Verizon Wireless has reciprocal agreements with other wireless carriers regarding co-location and allows co-location on its towers.
- The site development team first reviewed the Search Area for a suitable and available tower suitable for co-location, but there aren't any.

Site Selection

- Applicants next reviewed the Zoning Code and parcel map to evaluate raw land sites for new tower construction.
- Searched for an available site where a tower will largely be screened from view from residential property and public rights-of-way by distance, intervening buildings, and vegetation.

Site Selection

- Each parcel in the search area was evaluated to:
 - Confirm availability of sufficient land space;
 - Identify a specific location on the parcel;
 - Identify any recognized environmental conditions that would disqualify the parcel from consideration;
 - Identify any construction issues that would disqualify the candidate;
 - Assess the potential impact of the facility on neighboring properties.



Parcel Map

The small residential parcels in the western portion of the search area were eliminated since they did not meet the criteria of the Zoning Code and are not suitable for a new tower.



Flood Map

The number of alternative locations was also limited by a flood plain running through the search area.

Site Selection

- The largest parcel in the search area is the Junior High School.
- The City of Lebanon would not consider the necessary zoning changes to locate a tower on the school property and it was eliminated from consideration.
- The owners of the remaining suitable large parcels were contacted, but none of them were willing to lease space for a new tower.

Site Selection

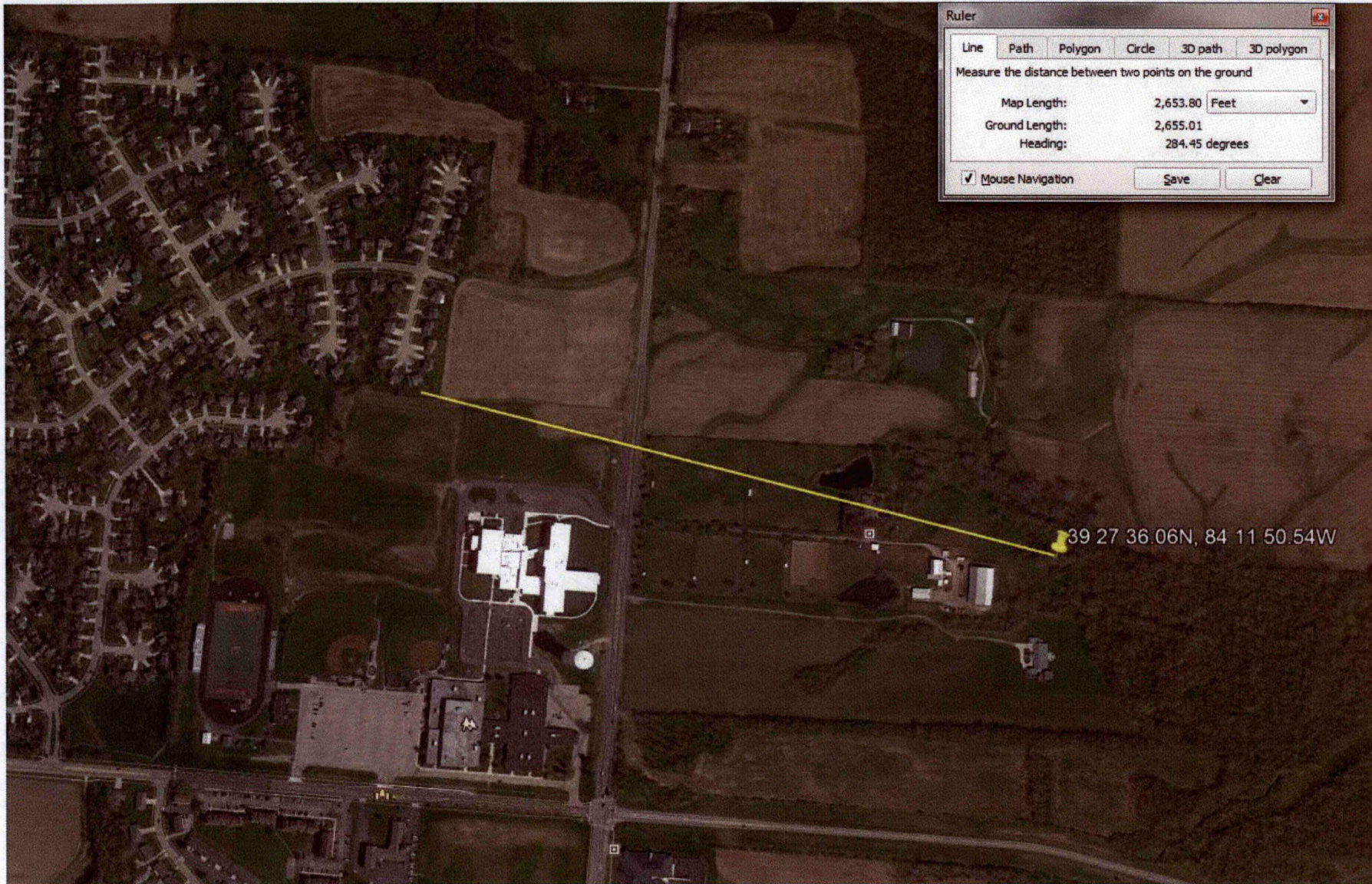
- The only available parcel for a new tower is the proposed 29-acre proposed site.
- The property is currently used for agricultural purposes and the surrounding area is also agricultural.
- The owners board and train horses, riders, and have riding trails.

Proposed Site

- Site Address: 1688 North SR 48, Lebanon, Ohio
- Landowners: Eric W. Fields and Jessica M. Fields
 - Tower proposed for placement in the rear of the parcel
 - The site parcel was selected and the tower has been sited to maximize distance from property lines and residences.
 - ½ mile from the residential areas to the west
 - Mature vegetation will help buffer the site from area properties.
 - Site plan includes additional landscaping.

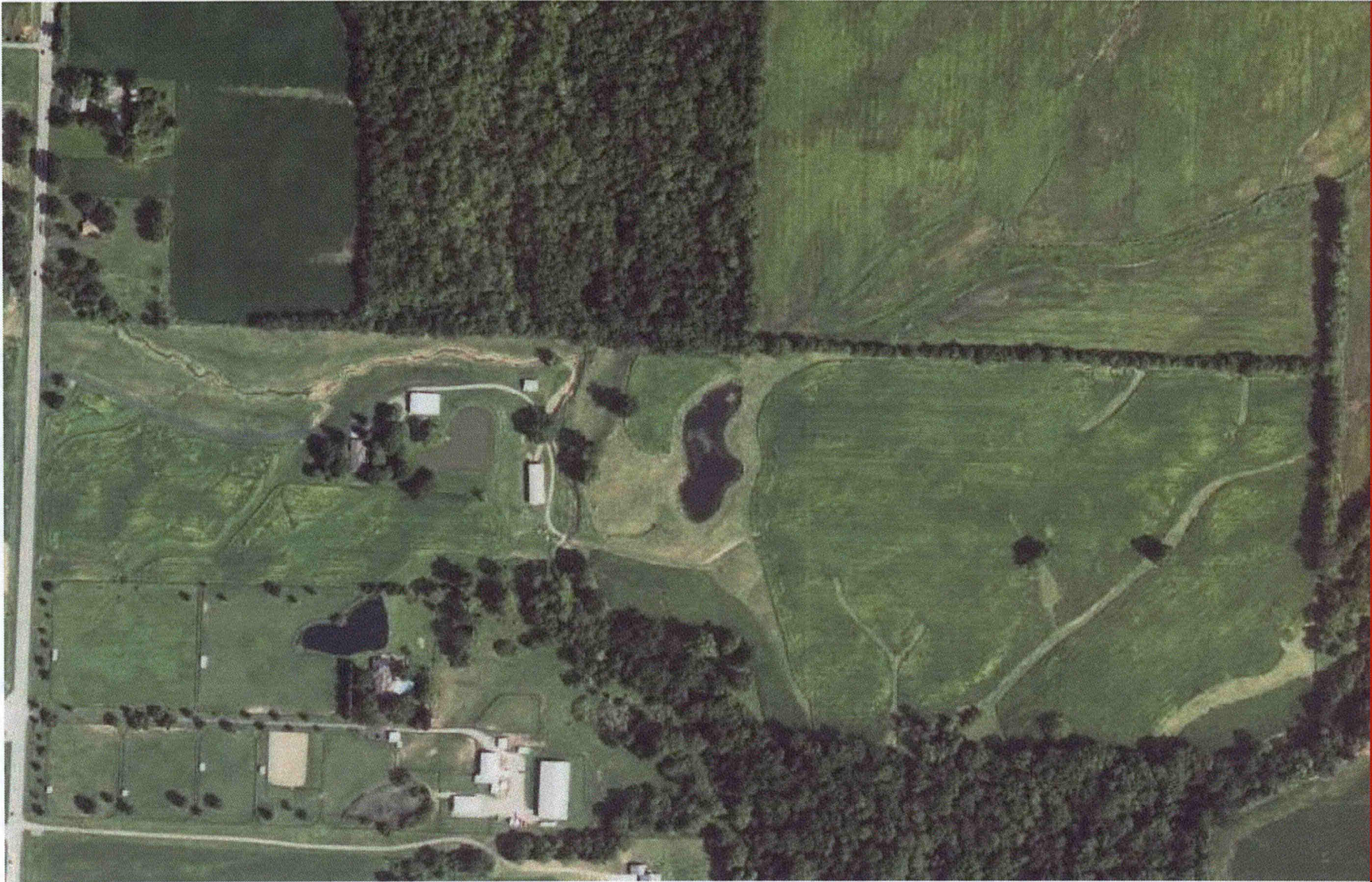


Proposed Site



Distance to Residential Area to the West

Monopole will be $\frac{1}{2}$ mile from the residential areas to the west.



Aerial Photograph

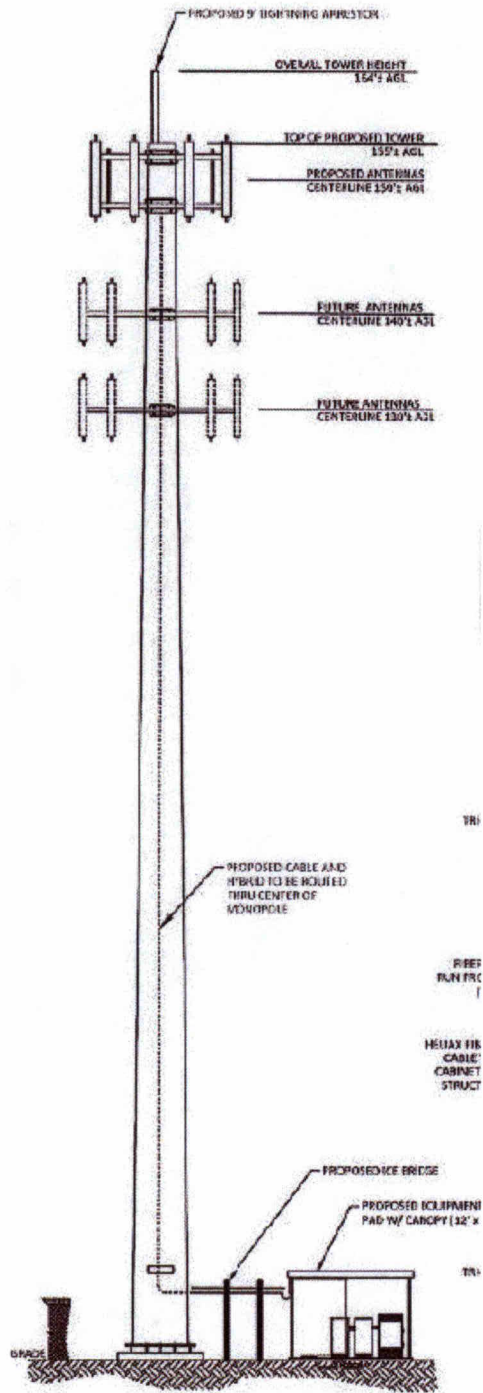
There is existing mature vegetation that will help buffer the site from adjoining property owners.

Site Plan

- A Site Plan showing all details of the proposed construction was signed and stamped by an Ohio licensed engineer.
 - Designed to accommodate a minimum three carriers.
 - Proposed monopole height is 155' above ground level.
 - Tower will not be lit unless required by the Federal Aviation Administration.

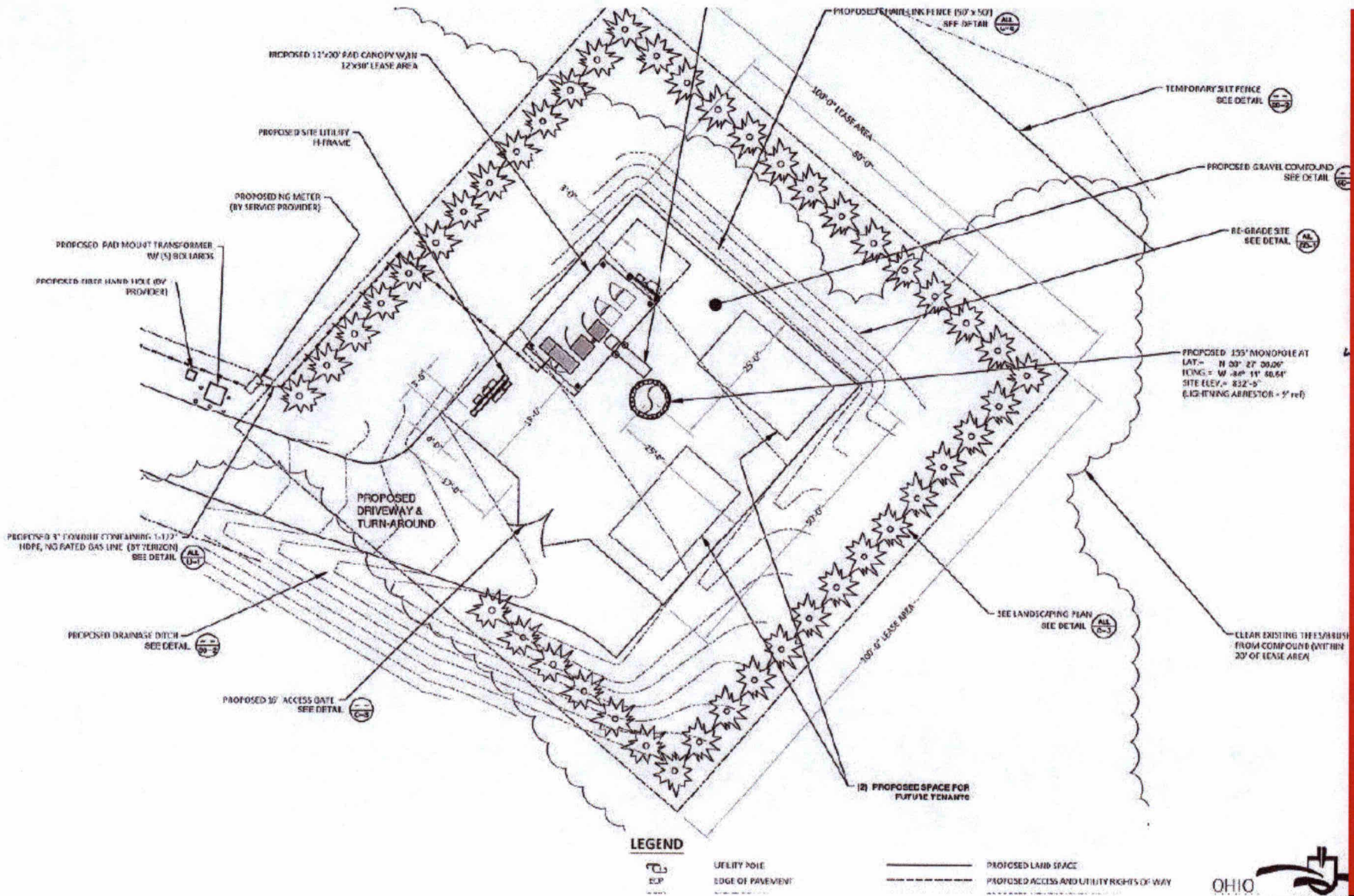
Site Plan

- Meets 1:1 height-to-yard ratio setback (155') from adjoining property lines.
 - 261' setback from nearest property line to the north.
 - 205' setback from nearest property line to the east.
 - 255' setback from nearest property line to the south.
 - 1,721' setback from nearest property line to the west.
 - The tower is setback from all property lines at a distance exceeding the tower's height.
 - ½ mile from the residential areas to the west.

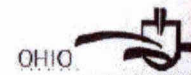


TOWER ELEVATION

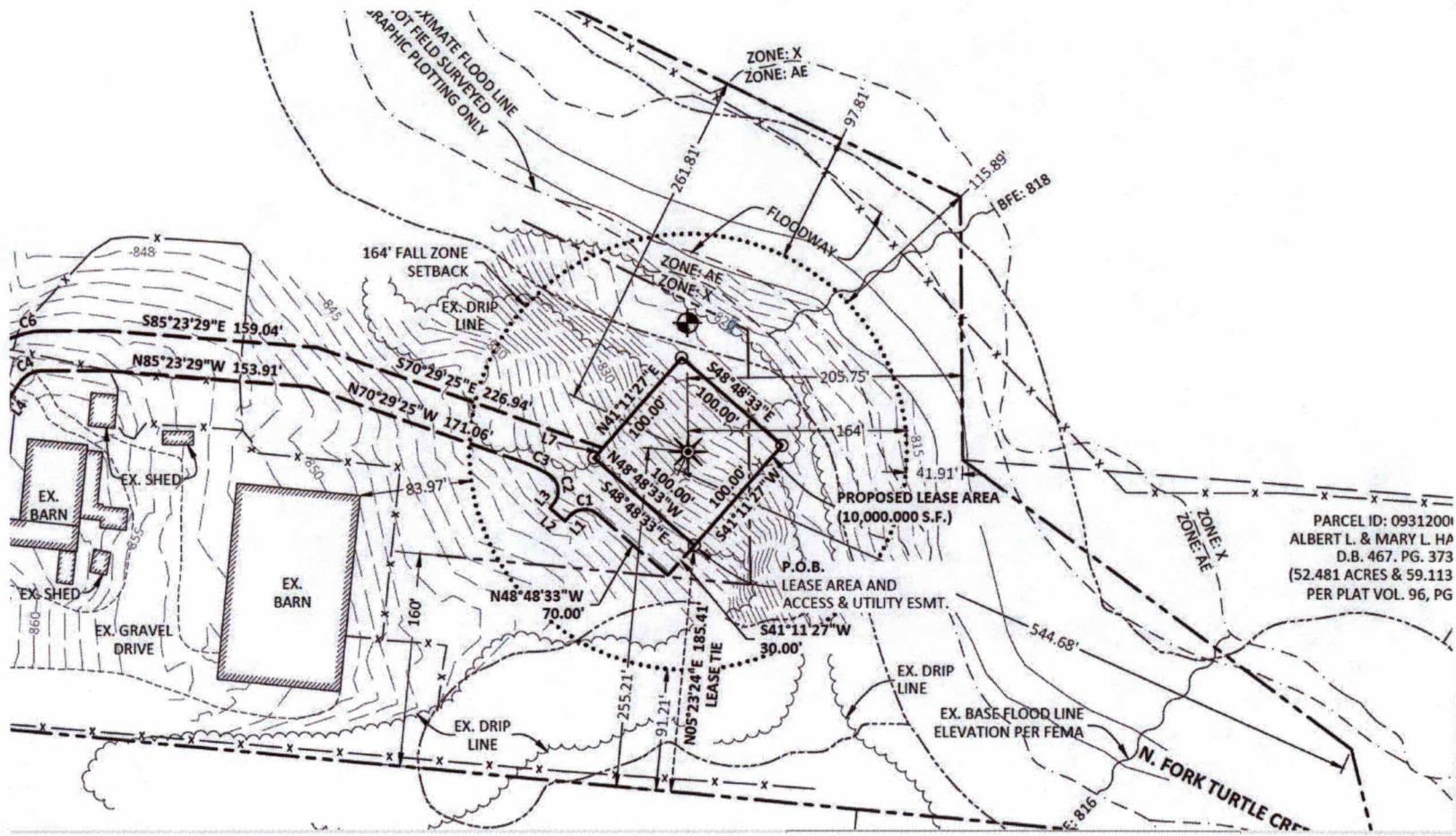




Enlarged Site Layout



Distance to Property Lines



Structural Considerations

- A report analyzing the proposed tower from an engineering perspective has been filed by Applicants as a supplement to the application.
 - Drafted by William E. Grigsby, P.E.
- Tower built to state-required specifications
 - ANSI/TIA 222 – Revision G
- In the event that the structure suffered a direct strike from a tornado it would be “the last thing standing.”
- Blasting will not be used in the construction of the foundation of this tower.
- Mr. Grigsby is at today’s hearing and available for any questions.

Federal Telecommunications Law

- As discussed in the following slides, several provisions of federal law govern applications for cellular tower construction.
- This hearing is different than other zoning hearings because it is governed by federal law and separate state statutes dealing only with wireless communications facilities.

Federal Telecommunications Law

- Applications for construction of a telecommunications facility can be denied only when the denial is based on substantial evidence. 47 U.S.C. Sec. 332(c)(7)(B)(iii)
 - The locality's own zoning requirements are an example of substantial evidence. *Cellco Partnership v. Franklin Co., KY*, 553 F. Supp. 2d 838, 845-846
 - The following items are NOT substantial evidence.
 - Lay opinion. *Cellco Partnership* at 852 and *T-Mobile Central, LLC v. Charter Township of West Bloomfield*, 691 F.3d 794, 804
 - Unsupported opinion. *Cellco Partnership* at 849
 - Generalized expressions of concerns with 'aesthetics.' *Cellco Partnership* at 851
 - Claims the tower is unsightly are generalized expressions of aesthetic concerns and the same objection could be made by any resident in any area in which a tower is placed. *Cellco Partnership* at 852
 - General concerns that the tower is ugly or unwanted near an individual's residence are not sufficient. *T-Mobile Central* at 800
 - Anyone who opposes a tower in their backyard can claim it would be bad for the community, not aesthetically pleasing, or is otherwise objectionable. *T-Mobile Central* at 801

Federal Telecommunications Law

- Federal Law prohibits local zoning authorities from prohibiting an Applicant from providing wireless service. 47 USC Sec. 332(c)(7)(b)(i)(II)
- A prohibition of service occurs when an application to construct a telecommunications facility is denied even though the Applicant proves that a significant gap in service coverage exists and an inquiry into the feasibility of alternative facilities or site locations has occurred. *T-Mobile Central*, 691 F.3d at 805
- A service gap exists when the Applicant presents evidence of a significant gap in its own coverage. *T-Mobile Central*, 691 F.3d at 806

Environmental and Health Concerns

- A letter and legal memorandum prepared by the Pike Legal Group was filed with the Planning Commission on July 12, 2018. (Tab G)
- This hearing is different than other zoning hearings because it is governed by federal law. Specifically, Federal Law prevents this Committee from considering health effects of radio frequency emissions. 47 USC Section 332(7)(B)(iv)
- The federal requirement is echoed by a state statute.
 - KRS 100.986: In regulating the placement of cellular antenna towers, a planning commission shall not:
 - Regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that these facilities comply with the regulations of the Federal Communications Commission concerning radio frequency emissions.
- The tower will be constructed to meet all federal guidelines for radio frequency emissions.

Local Requirements

- All exhibits required by local regulations have been submitted.
- All Design Standards have been met.
 - Tower meets 1:1 setback requirement. ✓
 - Tower will not be lit unless required by the FAA. ✓
 - The site access is of a dust-free surface material and load-bearing capacity sufficient to provide for safe intersection of the public road. ✓
 - A security fence at least 7' in height will enclose the site. ✓
 - Existing trees and shrubs will be maintained to the greatest degree possible to screen the view of the tower and base facility. Additionally, the perimeter of the tower and base facility will be planted with evergreen landscaping capable of forming a continuous visual buffer screen at least five (5) feet in height within two (2) years after planting. ✓
 - Tower designed for Verizon Wireless' equipment and (2) additional collocation opportunities. ✓

FCC Report

- A federal report detailing the increasing use of wireless communications.
- Approximately 70% of 911 calls are placed from wireless phones.
- The percentage of 911 calls placed from wireless phones is growing.
- Available for the Commission's review at Tab H and tendered as an exhibit today.

National Health Interview Survey

- A study conducted by federal agencies regarding wireless substitution for landline services.
- Over one half of American homes (53.9% as of December 2017) have only a wireless phone.
- As of December 2017
 - 53.3% of all adults live in households with only wireless phones.
 - 61.8% of all children live in households with only wireless phones.
- Available for the Commission's review at Tab I and tendered as an exhibit today.

Wireless Industry Survey

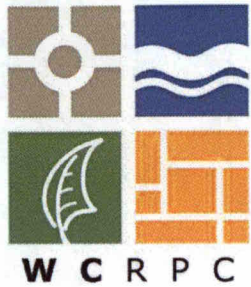
- Additional cell sites are necessary to accommodate growth in wireless usage.
 - In 2016, 13.72 trillions MBs of wireless data traffic was generated.
 - 13.72 trillion MBs = 1.58 million years of streaming HD video.
 - Up 4.07 trillion MBs since 2015.
 - 396 million mobile devices are in use today.
 - Approximately 1.2 devices per American.
 - 95% of Americans own a cell phone
 - 78% of Americans own a computer
 - Enough cars and motorcycles on the road to accommodate just 77% of Americans.
 - 261.9 million smart phones in use today
 - 80% of the U.S. population
 - Growth of wireless industry has positive effect on local, state and national economy.
 - 216,537 Americans work for wireless carriers
 - 4.6 million jobs are supported by the wireless industry.
 - Licensed wireless service generates more than \$400 billion annually.

Establish Record

- Introduce all filings by Applicants to date including prior to hearing, supplemental filings and information introduced today is hereby introduced into the record.

Conclusion

- You deserve the best possible wireless service in your community.
- Verizon Wireless can drastically improve service if this tower is approved.
- The proposed facility is in compliance with all federal, state and local requirements with appropriate waiver requests.
- Thank you for your patience.

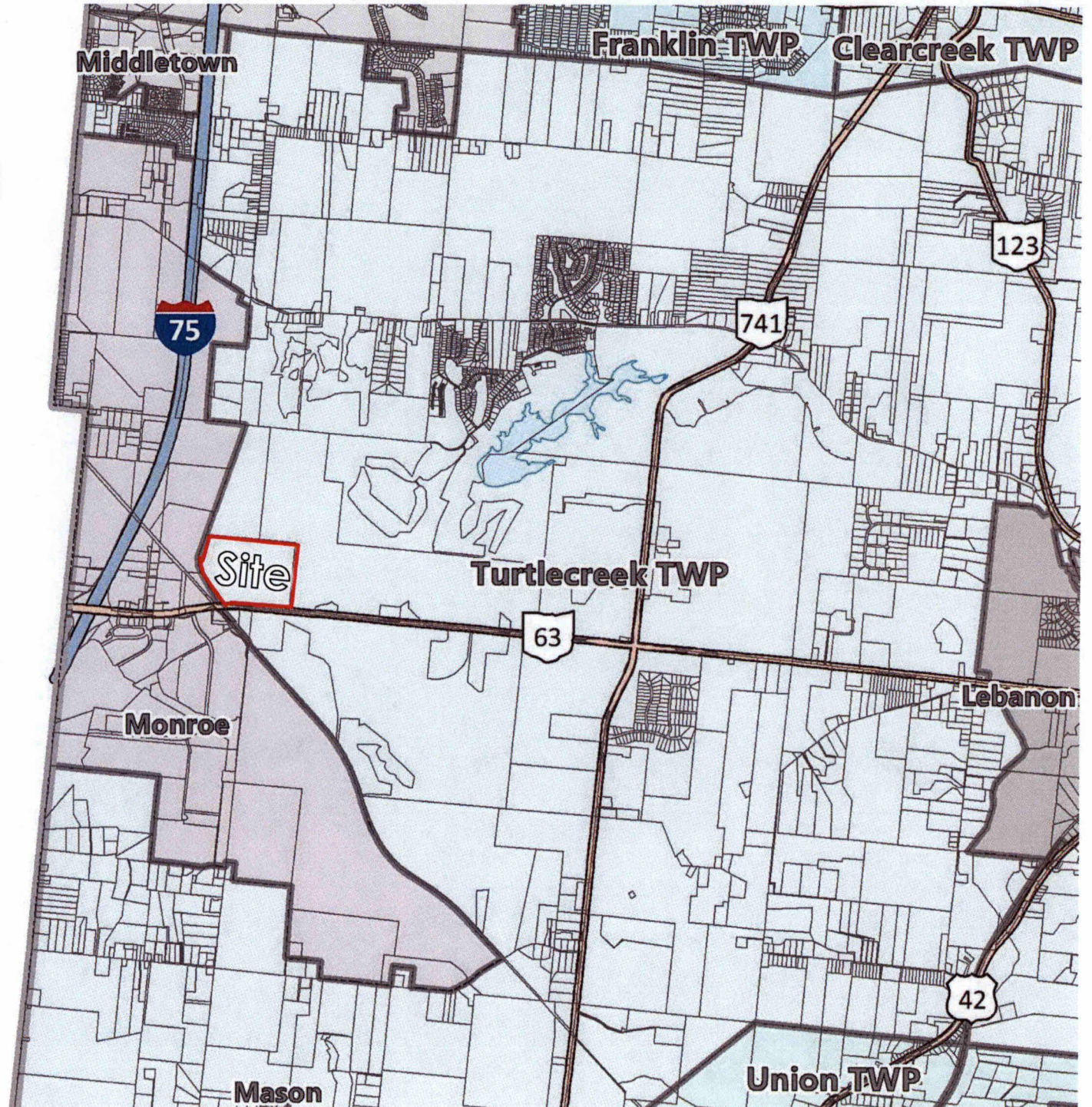


Miami Valley Gaming
Revised PUD Stage 2
Preliminary Site Plan

Turtlecreek Township

Board of County Commissioners
November 13, 2018

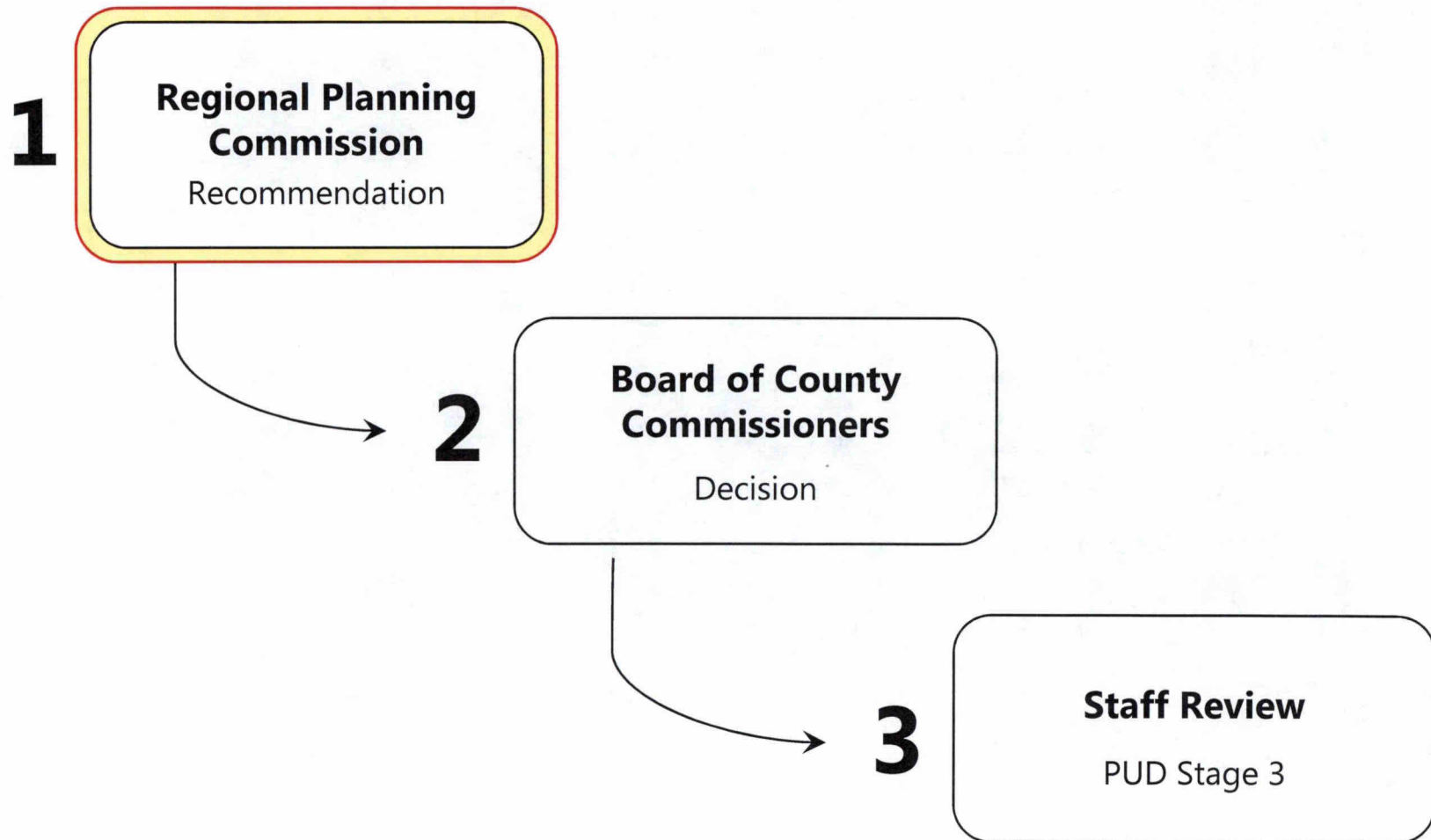
Vicinity



Project Information

Applicant	Miami Valley Gaming & Racino
Engineer	Woolpert
Site Area	119.99 total PUD acres 3.096 acres revised area
Address	600 State Route 63
Zoning Classification	Mixed Use PUD – Interstate Overlay

Process



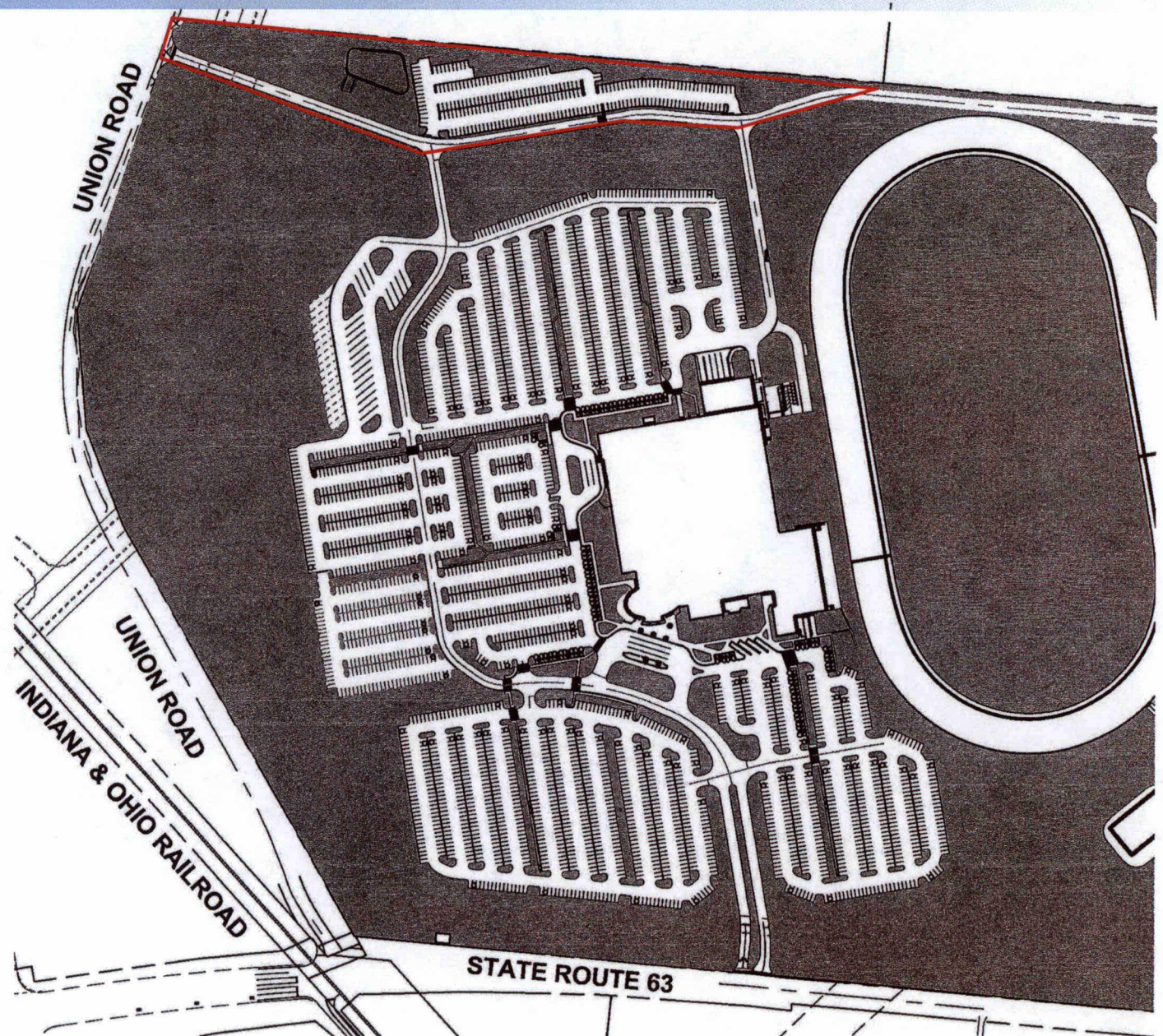
Site

- Racino with track.
- 3,000+ parking spaces.
- Main entrance off SR 63.



Proposal

- Addition of 231 parking spaces.
- Stormwater detention basin.



PUD Development Standards

Accessory Uses Allowed:

Surface Parking

Parking:

The minimum number of spaces for automobiles: 3,000+ as shown on the approved Site Plan (based on industry standards for gaming/racing facilities) and **not to exceed the maximum 50% gross parcel coverage** including all buildings, parking, streets, and driveways.

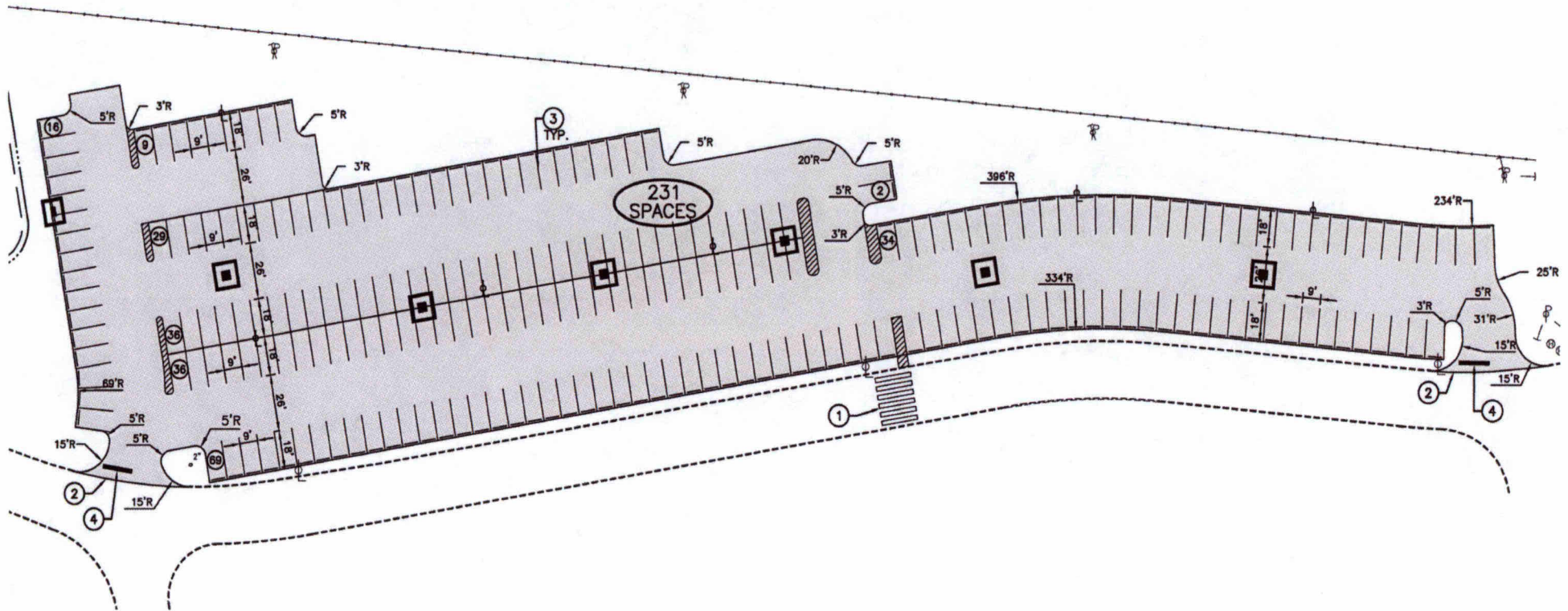
Revised site plan:

Increase impervious from 36% to **38%**. Under the maximum.

PUD Development Standards

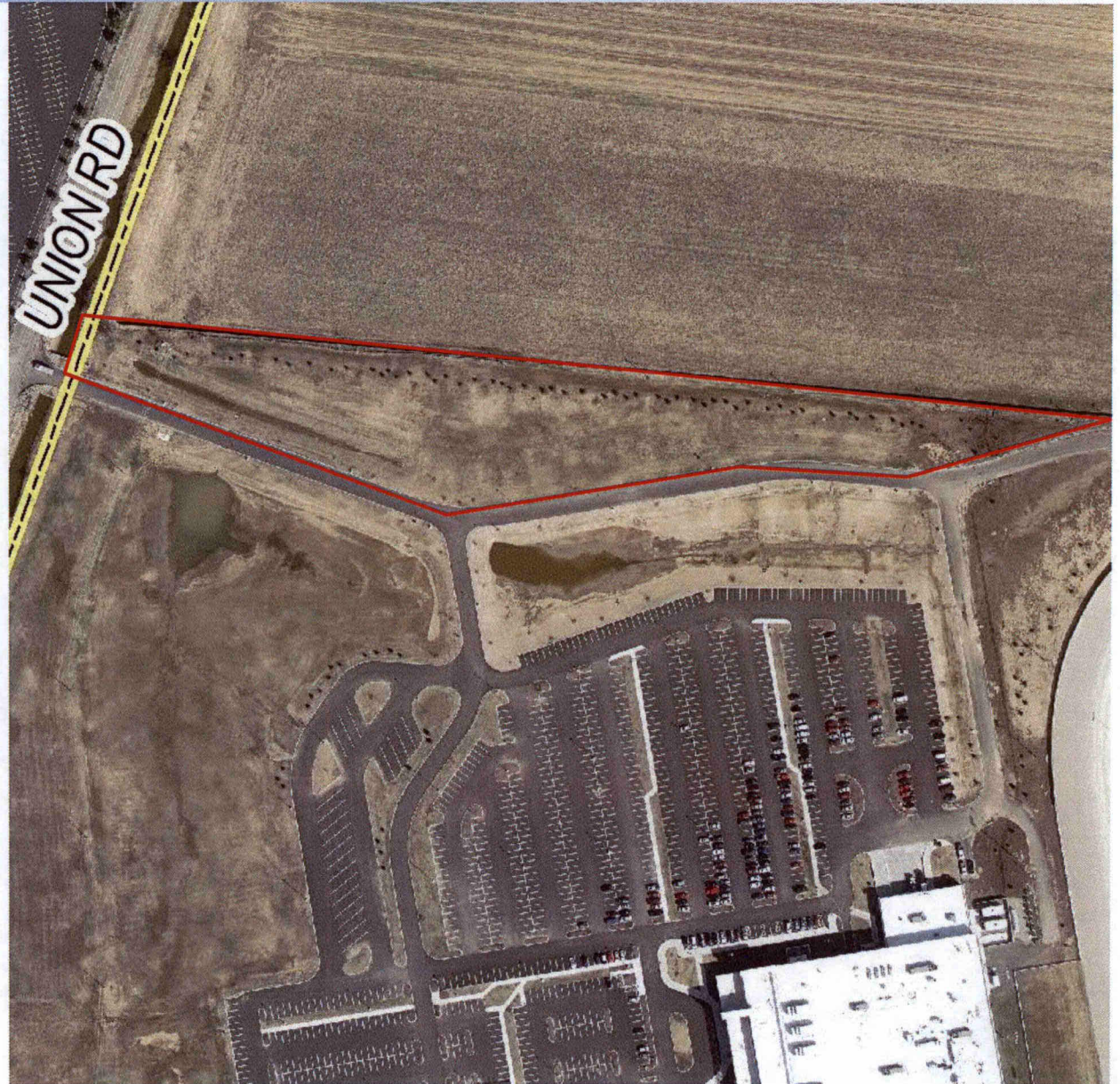
Revised PUD Setback - 50' minimum to 26'

New Language: Parking setback standards along the northern boundary shall meet the requirements as illustrated on Miami Valley Gaming Parking Lot Addition Site Plan, Page C200.



Landscape & Buffer

- Currently area is green space with buffer landscaping.
- Adjacent to agriculture.



PUD Development Standards

Open Space, Landscaping, Buffering and Screening:

- Any future development to provide additional landscaping, buffering and screening consistent with the Warren County Rural Zoning Code requirements.
- Landscape islands shall be well distributed throughout surface parking areas.

Note: Most conditions are from the 2012 Resolution to limit the need for the applicant to telescope multiple documents.

RPC Recommendation

To **approve** the Revised Stage 2 - Preliminary Site Plan for Miami Valley Gaming & Racing PUD within the Interstate Overlay District, subject to the conditions outlined in the staff report specifically:

3. The applicant shall comply with the PUD Stage 1 standards of the Warren County Rural Zoning Code. All development is subject to the development standards illustrated on the approved site plans s – Exhibit B, and as documented in the approved "Special Development Standards for the Miami Valley Gaming & Racing PUD District" attached as Exhibit A, along with the conditions of approval.

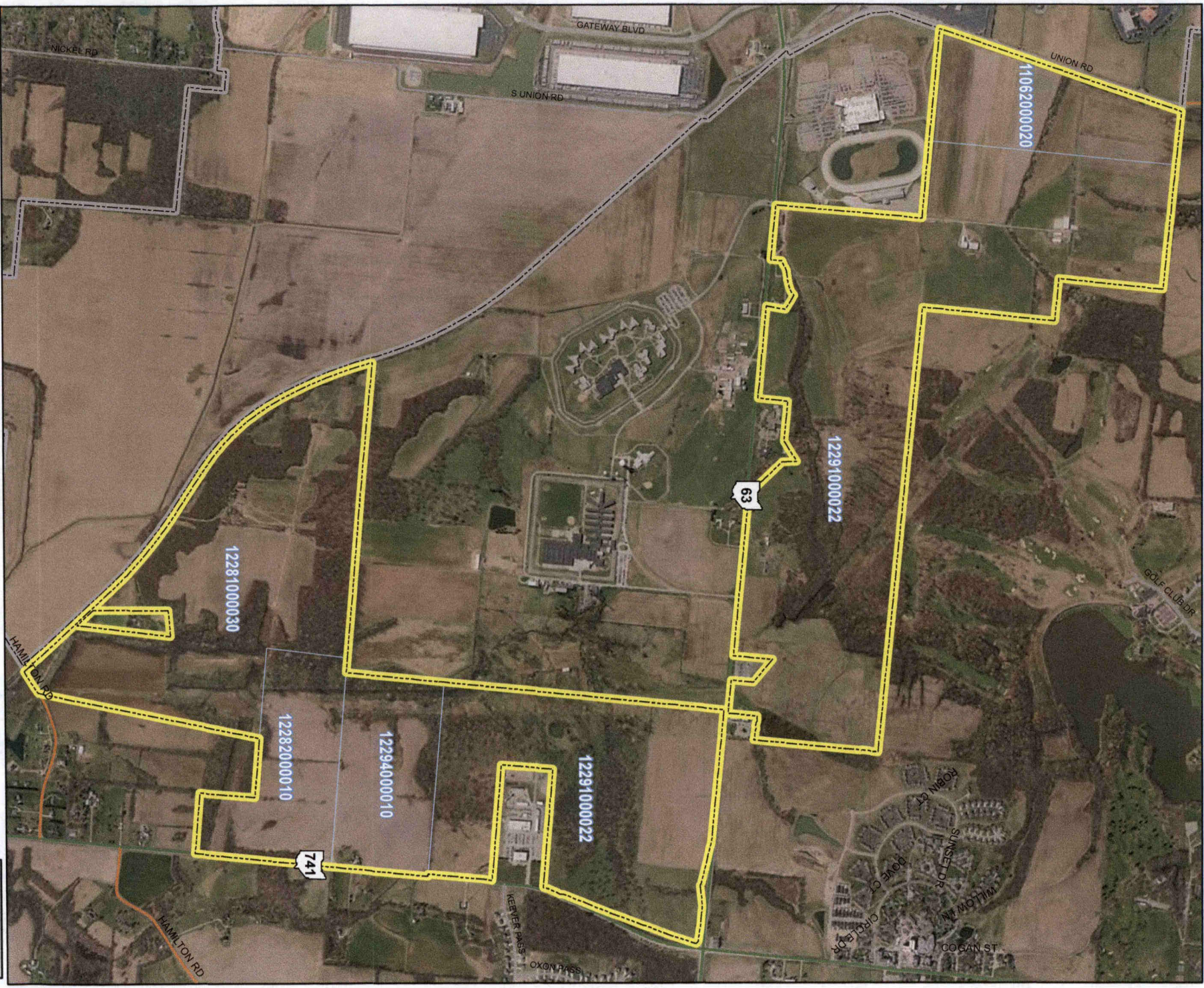
Development Standards – Revised Sections

Parking

5. Parking setback standards along the northern boundary shall meet the requirements as illustrated on Miami Valley Gaming Parking Lot Addition Site Plan, Page C200.

Open Space, Landscaping, Buffering and Screening

6. Landscaping standards in 2018 Revised Site Plan Parking area and along the northern boundary shall meet the requirements as illustrated on Miami Valley Gaming Parking Lot Addition Landscaping Plan, Page L100.



- area_of_interest** **Roads**
- parcels of interest
 - Corporation Lines
 - County
 - Interstate
 - State
 - Township
 - US
 - Municipal

Wayne County, Ohio
 Customized Property Map

N

Project# 9071
 Date: 11/7/2018

1 inch = 1,750 feet