



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council

From: Ted Shekell, Planning Director
Walter Denton, City Administrator

Date: February 16, 2005

Subject: Ordinance No. _____: An Ordinance Amending Ordinance 623, Zoning District of the City of O'Fallon, Illinois (Amendment to the Existing Planned Use Development known as Shoppes at Green Mount to allow construction of a flag pole design cell tower by Sprint. **FIRST READING**

List of committees that have reviewed: The Community Development Committee reviewed the petition at their February 14, 2005 meeting. It was recommended 4-0 by the Committee that the petition be approved on 1st Reading. At the meeting, it was also noted that through Dan Vogel, land use attorney for the City on this project, a lease had been negotiated with Sprint for a tower at this site. This lease would be presented for approval on First Reading at the Council meeting on Feb 22, 2005.

Background:

The applicant, O'Fallon Development Group, LLC, is requesting an amendment to the B-1 (P) zoning at the Shoppes at Green Mount to allow the construction of a 120' flag pole design cell tower and a 50' by 50' equipment compound around the base of the tower on Lot 14 of the Shoppes at Green Mount Subdivision. Lot 14 will be deeded from the applicant to the City, and the City will enter into an agreement with Sprint to lease the land or space. Sprint is the company proposing to construct the flag pole design cell tower. The tower does not require a special use permit since the tower would be located on the City property. The tower, as proposed by Sprint, will require a variance from the 92' maximum height requirement of the B-1 District and a variance from the setback requirement, which is half the tower height, or specifically 60' for this tower.

The Planning Commission held a public hearing on the above referenced application at their Tuesday, February 8, 2005 meeting. The Commission voted unanimously to accept the report and recommend approval with the conditions as outlined in the attached project report with one amendment. The amendment included revising condition #4 by inserting "(excluding columns)" after "a height of 8 feet".

Approval was recommended by the Planning Commission for amending the Development Plan for the Shoppes at Green Mount with the following conditions:

- 1) The flag pole design cell tower shall not exceed 120' in height.
- 2) The flag pole design cell tower shall be constructed to accommodate three providers and shall not exceed 24" in width at the top.
- 3) A variance on the height requirement, not to exceed 28' and a setback requirement, not to exceed 40', shall be recommended for approval.

- 4) The brick wall compound shall be 50' by 50', with the walls having a height of 8', excluding columns, and construction shall include a band of brick of a varied color to improve the architectural design and match future buildings in the development.
- 5) The lease agreement between the City and Sprint shall include provisions designating responsibility of maintaining the flag, up-lighting and general maintenance of the brick compound to Sprint.

In addition to the Planning Commission recommendations, staff recommends a 6th Condition, which is as follows:

- 6) This Zoning Amendment is contingent upon the City of O'Fallon's acquisition of Lot 14 in the Shoppes of Green Mount Subdivision, pursuant to separate agreement and deed with the current owner.

Legal Considerations, if any: None

Budget Impact: The tower, which has three locations for cell providers, is expected to generate for the top place (Sprint) at \$20,400 per year, with 50% of the lease amount on the two co-locate spots [\$ amount undetermined, but estimated to be around \$7,500 each (our half) x 2, or \$15,000]. That would equal total revenue from the tower to be around \$35,000 per year. One item of note: This zoning and lease with Sprint is contingent upon the City receiving Lot 14 of the Shoppes at Green Mount (location of the future Sprint tower), which the owner Halloran has agreed to provide for a portion of the tower revenue. It is anticipated that a contract with Halloran for Lot 14 will be coming to the City Council for review at its March 7 meeting. Ultimately, the Sprint lease and the contract with Halloran are dependent upon the City's approval of the Shoppes at Green Mount Final Plat, which is presently on hold on 2nd Reading pending receipt of a signoff from the Army Corps of Engineers and IDOT on the traffic signal at Pierce and Green Mount.

Staff recommendation: Staff recommends the Zoning Amendment, with the conditions as recommended.