

# 17-066CU – ST. JOHN’S WIRELESS TOWER

**Site Location**

South side of Rings Road, approximately 400 feet east of the intersection with Avery Road

**Proposal**

Conditional Use (CU) for a stealth Wireless Communications Facility (WCF)

**Zoning**

Restricted Suburban Residential District

**Property Owner**

St. John’s Lutheran Church

**Applicant/Representative**

Rob Ferguson, United Acquisition Services, Inc.

**Applicable Land Use Regulations**

Zoning Code Section 153.236 and Chapter 99 of the Dublin Code of Ordinances

**Staff Recommendation**

A. Approval of CU with four conditions

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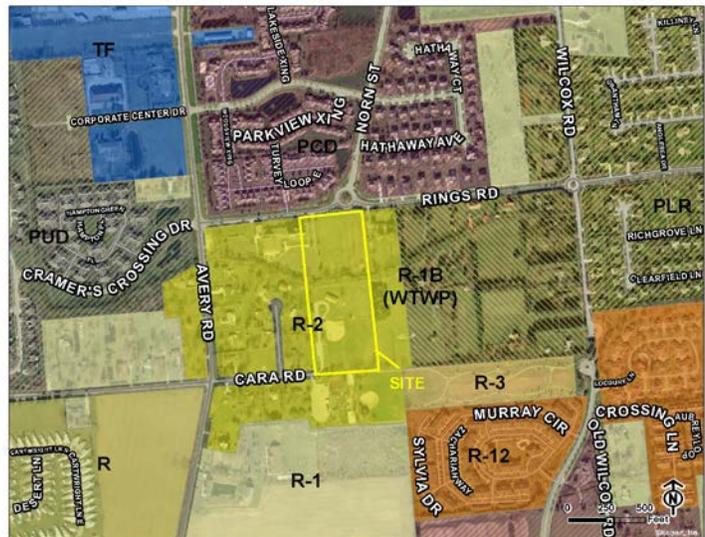
**Case Manager**

Logan Stang, Planner I  
(614) 410-4652  
[lstang@dublin.oh.us](mailto:lstang@dublin.oh.us)

**Summary**

The applicant is proposing the construction of an 80-foot wireless communications facility, stealth tower, designed as a bell tower on an existing church site. The stealth tower is located in the southeast corner of the parking lot at the end of the drive aisle extending from Rings Road.

**Zoning Map**

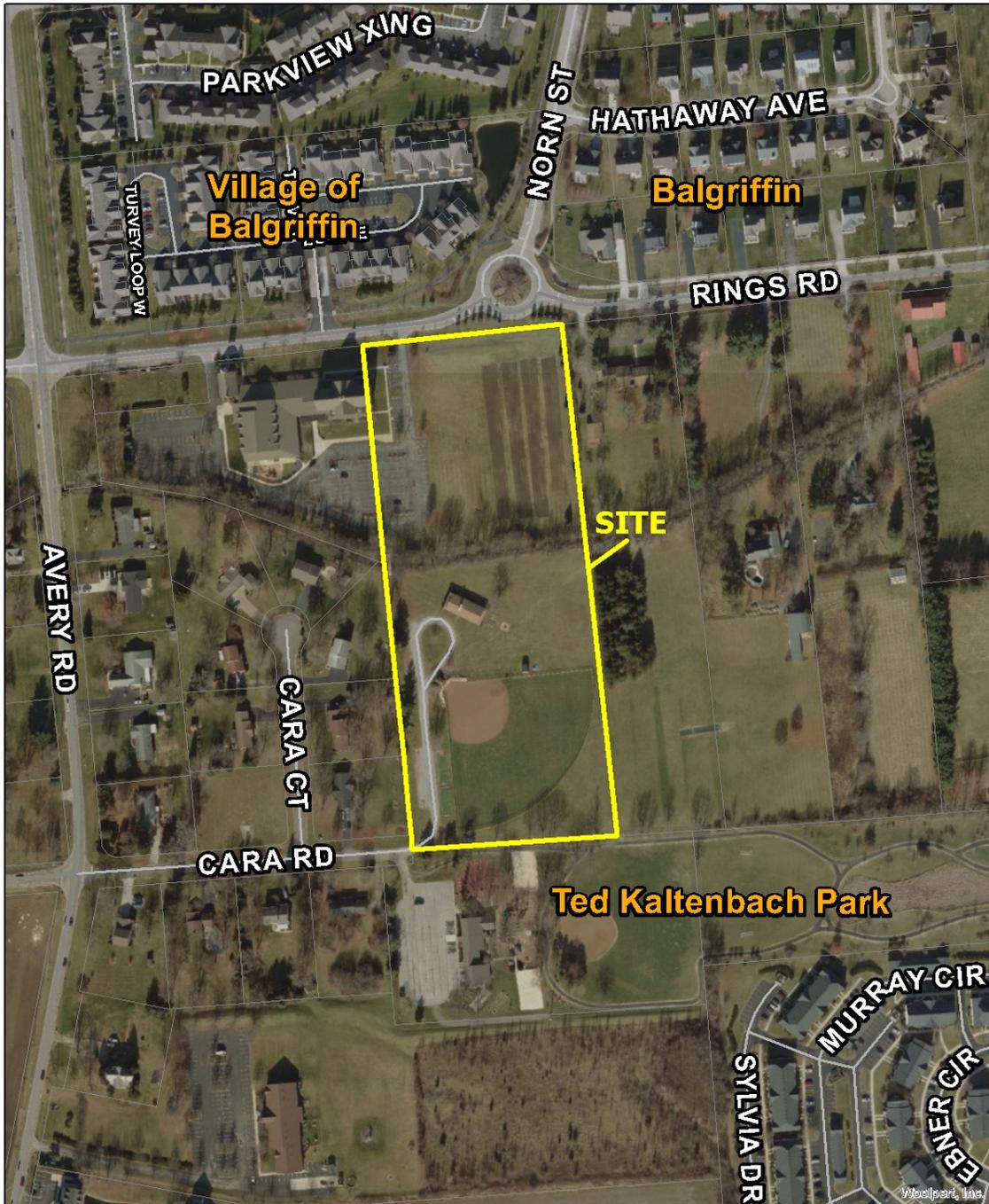


**Next Steps**

Upon approval from the Planning and Zoning Commission of the conditional use, the applicant will be able to file for building permits for the construction of the wireless communications facility. No additional public review is required for this application.

### 1. Context Map

The site is located on the south side of Rings Road, southeast of the intersection with Avery Road.



 <p>City of Dublin</p>	<p>17-066CU Conditional Use St. John's Lutheran Church - Bell Tower 6135 Rings Road</p>	<p>0 150 300 Feet</p> 
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## 2. Overview

### A. Process

Chapter 99 of the Dublin Code of Ordinances contains all regulations and review procedures for wireless communication facilities. Wireless facilities are considered as one of four categories in Chapter 99; co-location, new tower, alternative structure, and temporary facilities. A brief description of each facility is provided below:

- Co-location: Installation of wireless facilities on an existing tower or structure.
- New Tower: Construction of a monopole tower to house new wireless facilities.
- Alternative Structure: Construction of stealth tower or building mounted structure to house new wireless facilities.
- Temporary Facilities: Portable structures for operation during limited timeframes.

The facility type and zoning district determine the review procedure to ensure conformance with the requirements of Chapter 99. Alternative structures in residential zoning districts require Conditional Use review by the Planning and Zoning Commission and are the only tower type permitted in residential zoning districts. In addition to the criteria for a conditional use, Code identifies a number of criteria specific to the unique use of wireless communication facilities. These criteria are listed in the analysis section of this report and §99.07 of the Dublin Code of Ordinances.

### B. Case Background

The Planning and Zoning Commission reviewed this application at their August 10, 2017 meeting. During the review, concerns regarding the weathering of exterior cladding, adherence to the Code criteria, and request for additional public involvement were expressed by the Commission. The applicants and Commission had a thorough discussion of the proposal and outstanding items that require remedy prior to the application being eligible for a determination. The applicants chose to table the application with the intent of addressing outstanding items.

Since the August meeting, the applicants have met with staff, the property owner and nearby residents to discuss alternative designs and sites available for the construction of this facility. As part of outreach, the Planning Division facilitated a public meeting on October 11, 2017 with the applicants and residents of the community to discuss alternative stealth tower designs, history of the site selection, and potential alternative site analysis conducted by staff for 16 properties in the surrounding vicinity. This process and additional research has been incorporated into the most recent submittal provided for review and detailed in this staff report.

### C. Site Background

The church located on the adjacent parcel to the west is within the Architectural Review District and therefore falls within the purview of the Architectural Review Board which approved site and architectural modifications for a drop-off canopy with drive aisle and landscaping for the existing church on April 24, 2013.

The Architectural Review Board approved a building expansion for a sanctuary and mezzanine with associated site improvements on May 27, 1998. The case was reviewed by the Planning and Zoning Commission on June 19, 1997 due to the height of the proposed addition exceeding the maximum height permitted.

## D. Site Characteristics

### 1) Natural Features

The site consists of a large open area used for community gardens near Rings Road with a stream, Cramer Ditch, which bisects the property running west to east. The stream contains a mature tree row that extends between the west and east property lines. South of the stream is a baseball diamond with outbuilding and service drive that connects to Ted Kaltenbach Park and Cara Road right-of-way.

### 2) Historic and Cultural Facilities

There are no historic or cultural facilities present on the parcel included with this application. The adjacent property to the west contains a historic church that is connected to the main church facility extending over two tax parcels, including the subject parcel.

### 3) Surrounding Land Use and Development Character

- North: PCD, Balgriffin (Attached condominiums)
- East: R-2, Limited Suburban Residential (Single-family residence)
- South: R-2, Limited Suburban Residential (Ted Kaltenbach Park)
- West: R-2, Limited Suburban Residential (Single-family residences)

### 4) Road, Pedestrian and Bike Network

The facility is proposed on a private site in the southeast corner of an existing parking lot. No new sidewalks or shared paths are proposed or required with this application.

### 5) Utilities

The site is served by public utilities with sanitary and water provided on Rings Road. The applicant has obtained all necessary utility rights-of-way to ensure appropriate connections throughout the site.

## E. Proposal

### 1) Original Proposal

At the August 2017 Planning and Zoning Commission meeting the applicant had proposed a different stealth bell tower wireless structure. The proposal was for a 102-foot stealth wireless structure with a 20-foot by 20-foot base located in the leased land space area approximately 93 feet from the closest adjacent property line. The height exceeded the maximum permitted in a residential zoning district and required approval from the Planning and Zoning Commission as part of the Conditional Use review, per §99.05(C)(3)(f)(5). The setback was less than the minimum permitted setback from property lines and required an alteration as approved with the Conditional Use review, per §99.05(C)(4)(a)(3). Screening the base of the structure was a solid wood board-on-board fence with evergreen landscaping on three of the four sides. The architectural design and materials have remained consistent through proposals including the most recent version. The applicant has since modified the proposed design to adhere to Code requirements and comments presented at the August 2017 meeting.

**2) Location**

The applicant is proposing to construct the alternative structure and associated mechanical pads at the southeast corner of the church parking lot, on a separate tax parcel. The applicant is leasing a portion of the property from the property owner identified in the submitted documents as the "land space". Mechanical cabinets are proposed either within the structure or to the immediate south within the land space. The proposed location will allow direct access from the west using the existing drive aisle and parking area along the southeastern edge of the parking lot.

Code requires that new towers or alternatives structures are located a minimum of 100 feet from all adjacent property lines. The proposed location places the structure at approximately 102 feet from the property line that bisects the church site, meeting Code.

The proposed location of the structure and mechanical areas adhere to §99.05(C)(4)(a); setback and siting requirements as outlined in the wireless code. No alteration to the setback is being requested with this proposal due to the reduction in overall size of the structure from the proposal reviewed at the August meeting. The fencing proposed around the perimeter of the land space is not subject to the 100-foot setback requirement per §99.05(C)(4)(b) which states it will adhere to requirements of screening as listed in the Zoning Code.

Floodplain has been mapped on the parcel as identified by FEMA FIRM Panel 39049C0134K, however the proposed tower Location is outside of the floodplain. The subject utilities right-of-way is proposed within the floodplain. Any work proposed within the floodplain will require the applicant to submit a Special Flood Hazard Area Development Permit Application (SFHADPA) and will be subject to Chapter 151 – Flood Control of the Dublin Code of Ordinances.

**3) Tower Design**

The proposal disguises the wireless communications facility as an 80-foot standalone bell tower located south of the main church facility (the original proposal was for a 102-foot tall tower). The existing church has a height of approximately 52 feet to the peak of the sanctuary and approximately 67 feet to the top of the cupola located in the center of the roof. The structure will include faux brick textured panels, arched windows, and a steeple design intended to mirror the architectural style of the church. Per §99.05(C)(3)(c), Code requires that the design of alternative structures be architecturally compatible with the surrounding environment using materials, colors, textures, and screening. The Code provision does not regulate the specific use of any integration method to allow flexibility in design. The proposed windows are decorative elements to break up the massing of the structure and are non-operational. Utility doors are proposed at the ground level to allow access to the mechanical equipment cabinets and wireless antenna within the stealth structure. The proposal complies with the maximum permitted height of 80 feet for residential zoning districts and the architectural requirements of the wireless chapter.

**4) Building Materials**

The proposed material is a fiberglass panel and detail that is color injected and textured to replicate the brick on the existing church and provide a cohesive architectural integration. Code does not regulate building materials but requires

compatible design with the surrounding environment both aesthetically and architecturally. Per §99.05(C)(3)(c), this can be achieved through materials, colors, textures, and screening. The panels are attached to a steel underlying structure that houses the wireless communication equipment on various platforms. The applicant will need to submit a Fire Resistance Study for the proposed building material that demonstrates compliance with all applicable regulations to be reviewed and approved by the Fire Marshal.

**5) Mechanical Screening & Landscaping**

The proposal includes the construction of a six-foot wrought iron fence around the perimeter of the land area to screen the mechanicals while providing a safety measure. Fencing is a permitted screening material in the Code and is required to comply with applicable requirements of Zoning Code, Chapter 153, for mechanical screening. Per §99.05(C)(4)(b) and §153.077(A), screening is required to extend one-foot taller than the equipment being screened, but shall not exceed a maximum height of 12 feet. An identical gate is proposed on the west side of the land space to provide access to the structure and equipment cabinets.

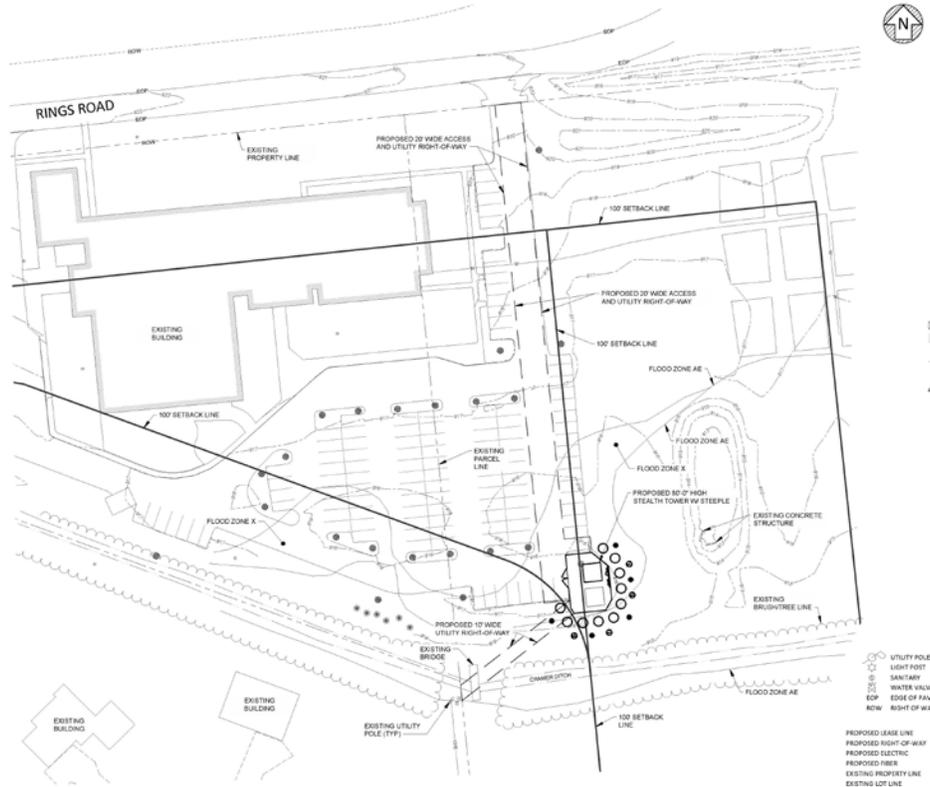
In addition to the fence, the applicant is proposing to provide landscaping around the south, east, and northern portions of the fencing to soften the base of the structure and future mechanical area. The proposal includes the installation of 19 evergreen trees at a typical distance of 12 feet on-center, staggered to ensure continuous screening. The landscaping will be provided in more detail with the building permit to ensure compatibility with the surrounding foliage and is required to be reviewed and approved by staff at that time.

**6) Stormwater Management**

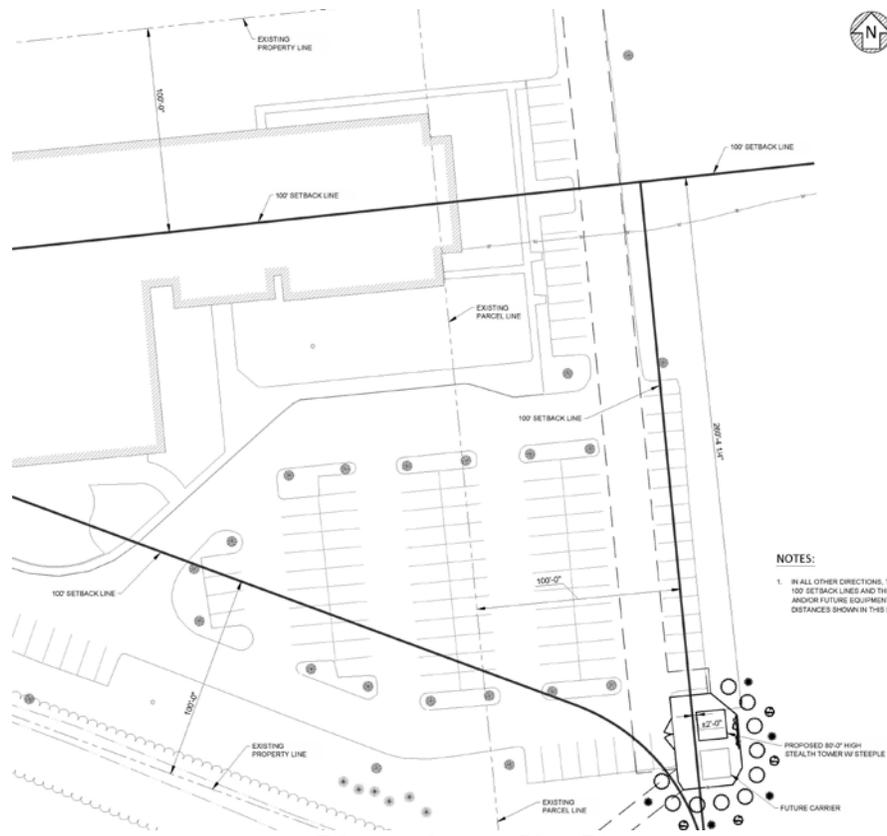
The proposal will add less than 2,000 square feet of impervious area therefore a feasibility assessment is required per the Stormwater Design Manual. The applicant has submitted a feasibility assessment but additional storm calculations and details are required to demonstrate compliance with Stormwater requirements as defined in Chapter 53 of the Dublin Code of Ordinances, subject to the approval of the City Engineer.

**3. Site Plan**

The accompanying site plans delineate the location of the alternative structure and existing site conditions.



**Overall Site Plan**



**Dimensioned Site Plan**

**NOTES:**

1. IN ALL OTHER DIRECTIONS, THE 100' SETBACK LINES AND THE 150' AND/OR FUTURE EQUIPMENT FC DISTANCES SHOWN IN THIS LAY.

PROPOSED 80'-0" HIGH STEALTH TOWER W/ STEEPLE  
 FUTURE CARRIER

## 4. Criteria Analysis

### F. Conditional Use Analysis [§153.236(C)]

- 1) **The proposed use will be harmonious with and in accordance with the general objectives or purpose of the Zoning Code and/or Community Plan.**

Criteria met.

This proposal complies with all applicable provisions of the Zoning Code as outlined in the wireless chapter of the Dublin Code of Ordinances. Those sections pertaining to signage, landscaping, and screening requirements per §99.05(C)(4)(b)-(d). The proposal also remains consistent with the Community Plan adhering to future land use recommendations, historic preservation, and permitting development and/or redevelopment to occur on adjacent properties. Although the design and materials' color and texture are complementary to the historic church on the adjacent parcel, the location of the tower does not increase the massing of the historic structure or change its profile as viewed from nearby rights-of-way.

- 2) **The proposed use will comply with all applicable development standards, except as altered in the approved conditional use.**

Criteria met.

This proposal is consistent with all applicable development standards as outlined in the wireless chapter, §99.05(C), and Zoning Code. No alterations from code requirements are requested with this proposal as the application maintains conformance with all applicable requirements. Additional requirements will be addressed through the conditions listed in this report.

- 3) **The proposed use will be harmonious with the existing or intended character of the general vicinity.**

Criteria met with condition.

The proposed use is harmonious with the intended character of the vicinity meeting the Code required maximum height and integrating architecturally with the surrounding built environment, specifically St. John's. The surrounding area is primarily developed with single-family homes and the siting of this facility will not prevent any future development or redevelopment. The applicant will be required to revise the landscape plan to provide a natural buffer along the perimeter of the fence enclosure with the building permit. This will ensure the base of the structure is appropriately integrated into the natural environment established in the area.

- 4) **The use will not be hazardous to or have a negative impact on existing or future surrounding uses.**

Criteria met with condition.

The proposed use will not contain any hazardous effects or have negative impacts that would impede future development or redevelopment in the area. Per federal law and regulations, potential environmental effects, including health effects, if any, of radio-frequency (RF) emissions are impermissible bases for local decisions on requests to construct wireless communications facilities. The applicant will be required to submit a Fire Resistance Study for the building material demonstrating

compliance with all applicable regulations to the satisfaction of the Fire Marshal. The study must confirm that the proposed building material meets all regulations and requirements of the Washington Township Fire Marshal and applicable code provisions of the Ohio Building Code and Ohio Fire Code.

**5) The area and proposed use(s) will be adequately served by essential public facilities and services.**

Criteria met with conditions.

The proposed use has adequate connections to all public services and facilities through the access and utility right-of-way from Rings Road to the land space. An additional utility right-of-way is provided over Cramer Ditch for service and the applicant will be required to submit a Special Flood Hazard Area Development Permit Application (SFHADPA) for any work proposed within the floodplain and is subject to Chapter 151 – Flood Control of the Dublin Code of Ordinances. Additional calculations and details will be required to be submitted with the feasibility assessment to demonstrate compliance with Chapter 53 of the Dublin Code of Ordinances and will be subject to approval by the City Engineer.

**6) The proposed use will not be detrimental to the economic welfare of the community.**

Criteria met.

The proposed use will not be detrimental to the property values or development potential of any adjacent property. The construction of this use will aid an existing cellular network that provides services to multiple entities and property owners throughout the community covering both the public and private sectors. This use also creates the ability for multiple providers to co-locate on a single structure, as the Code encourages, further improving cellular service capabilities.

**7) The proposed use will not involve operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, or other characteristic not comparable to the uses permitted in the base zoning district.**

Criteria met.

The proposed use includes only the operation of a wireless communications facility which is a conditional use within the Limited Suburban Residential Zoning District. The operation of this facility will not generate a material amount of excess traffic or noise, and will not produce smoke, fumes, glare, odor, or other similar characteristics.

**8) Vehicular approaches to the property shall be designed as not to create interference with traffic on public or private streets or roads.**

Criteria met.

The proposal will utilize existing access drive provided for parking lot circulation through the site. The applicants have been provided with a 20-foot wide access and utility right-of-way that connects the Rings Road curb-cut to the outer edge of the

land space area leased by the property owner. The use of this access will not impede circulation through the parking lot and will not have any interference on the existing roadway network.

**9) The proposed use will not be detrimental to property values in the immediate vicinity.**

Criteria met.

The proposed use has been located and designed to meet all requirements of the Zoning Code and wireless chapter. Other stealth and non-stealth wireless facilities have operated in residential areas of the City without apparent detriment to property values. This bell tower stealth wireless structure is unique and it is Staff's opinion that this proposal preserves property values based on Code criteria. The siting of this facility also protects the rights of the surrounding property owners to develop or redevelop their properties as it is located entirely on an existing church property who has leased the land space to the applicant.

**10) The proposed use will not impede the normal and orderly development of the surrounding properties.**

Criteria met.

The proposed use is compatible with the surrounding character based on the provided application and would not impede the orderly development of surrounding properties. The location and design of this facility would not hinder conformance with zoning regulations should the property owner, St. John Lutheran Church, or any surrounding property owner pursue development or redevelopment of their property.

**G. Wireless Communications Facility Analysis [§99.07(B)]**

**1) Compliance with the requirements of this chapter.**

Criteria met.

The proposal is compliant with all applicable requirements of §99.05 of the Dublin Code of Ordinances covering the "General Requirements" for wireless communications facilities. This includes but is not limited to structure setback and siting, screening, design, height, and landscaping. Adherence to the requirements of this chapter are further detailed in the criteria listed below and as outlined in this staff report.

**2) Height of the proposed tower or facility and its proximity to residential structures and districts.**

Criteria met.

The proposed structure meets the requirements of the height restriction with the top of the roof appurtenance adhering to the 80-foot height maximum for wireless communication facilities located within residential zoning districts.

The proposed location for the stealth tower and associated mechanical equipment areas meet the required 100-foot setback from the closest adjacent property line including the shared property line with the existing residential homes southwest of the site. The setback requirement does not apply to the proposed wrought iron

fence surrounding the facility per §99.05(C)(4)(a)(1) which excludes screening material.

**3) Nature of the potential for adverse effects on uses on adjacent and nearby properties.**

Criteria met.

The proposal will not create any adverse effects on the nearby properties as the only operation proposed is for a wireless communications facility. Per federal law and regulations, potential environmental effects, including health effects, if any, of radio-frequency (RF) emissions are impermissible bases for local decisions on requests to construct wireless communications facilities. The location and use of this facility will not impede the development or conformance to zoning regulations of any adjacent property as the facility adheres to the requirements of the wireless chapter, §99.05.

**4) Relationship of surrounding topography to the view from nearby properties.**

Criteria met.

The site is relatively flat and open due to the development of the church. Grading varies around the location of the stream bisecting the property providing lower portions of the site from the surrounding properties. In lieu of topography, the proposed location provides at least the code required minimum distance of 100 feet from adjacent properties with the location being approximately 360 feet from the Rings Road right-of-way. This separation aids in reducing the massing of the structure both from public right-of-way and existing residential homes in the vicinity.

**5) Surrounding tree coverage and foliage and the ability to screen the facilities from the view of nearby properties.**

Criteria met.

The proposed location of the structure is adjacent to an existing tree row running along Cramer Ditch. The foliage provided by the tree row will serve to screen a significant portion of the base of the structure from any neighboring properties to the south and west. The proposed location provides the most suitable screening by the existing foliage given the neighboring residential on Cara Court to the southwest. Additionally, street trees, landscaped areas, and other foliage on private properties will further limit visibility of the structure from residences and right-of-way.

**6) Design of the tower or facility, with particular regard to design characteristics that reduce or eliminate visual obtrusiveness.**

Criteria met.

The proposed structure uses design elements such as texture and color, per §99.05(C)(3)(c), to architecturally integrate the stealth structure with the existing church. The panels will be color injected to match the brick on the existing church and are capable of being replaced as necessary to ensure a consistent aesthetic quality. Additionally, the proposal adheres to the height and setback requirements outlined in the wireless chapter which aids in reducing the overall massing of the structure from adjacent properties.

**7) Proposed ingress and egress for maintenance, safety, and prohibition of nuisances.**

Criteria met.

The proposal will utilize an existing drive aisle located within the parking lot to provide ingress and egress to the site. This access from Rings Road is located within a 20-foot-wide access and utility right-of-way provided by the property owner that connects directly to the land space. Existing circulation throughout the parking lot will not be impacted by this proposal and only one parking space will be impacted by the location of the 16-foot wide gate used for entry into the land space.

The structure itself contains a maintenance access at the ground level connecting to the mechanical equipment and service access. This entrance is located within the land space and is only accessible through the gate provided on the west side of the enclosed area. When not undergoing maintenance, the gate will remain closed and locked so as not to interfere with the parking lot configuration and safety of vehicles or pedestrian moving throughout the site.

**8) Availability of suitable towers, other structures, or alternative technologies not requiring the use of new towers or structures per §99.07(B)(8)(a)-(b).**

Criteria met.

The proposal has demonstrated, per the requirements of §99.07(B)(8)(b), that there is no suitable existing tower, other structure, or alternative technology available in the area to accommodate the wireless communications facility. The applicant has identified that there are no available towers in the area for co-location capabilities and that the existing church structure does not provide sufficient height to meet the needs of the engineering requirements. The applicant has also affirmed that no alternative sites identified in the staff analysis are suitable for wireless facilities as the locations of the properties would cause interference with antenna on existing towers located within and outside the municipal boundary.

## 5. Recommendations

The proposed Conditional Use for a Wireless Communications Facility is consistent with all of the applicable review criteria. **Approval** of the facility is recommended with the following conditions:

- 1) That the applicant submit a Special Flood Hazard Area Development Permit Application (SFHADPA) for any work proposed within the floodplain, subject to Chapter 151 – Flood Control of the Dublin Code of Ordinances;
- 2) That the applicant submit additional calculations and details with the feasibility assessment to demonstrate compliance with Chapter 53 of the Dublin Code of Ordinances, subject to approval by the City Engineer;
- 3) That the applicant submit a Fire Resistance Study for the building material demonstrating compliance with all applicable regulations to the satisfaction of the Fire Marshal; and,
- 4) That the applicant revise the landscape plan to provide a natural buffer along the perimeter of the fence enclosure with the building permit, subject to staff approval.