

Monroe County Zoning Board of Appeals

100 South Main Street
Waterloo, IL 62298

The Monroe County Zoning Board of Appeals met September 9, 2020, in the Monroe County Court House, Waterloo, Illinois, with the following members present: Mike Conrad, Russell Gregson, George Obernagel, Dennis Rodenberg, and Vicki Taake. Also, present: Chris Voelker.

Dennis Rodenberg opened the Public Hearing concerning an appeal filed by Network Real Estate, LLC on behalf of AT&T Mobility. They are appealing the Monroe County Zoning Administrator's interpretation of Article II. Regulations, §41-2-1, (B) (1) of the Monroe County Code of Ordinances.

Dennis Rodenberg gave the oath to those wishing to speak.

BACKGROUND & PROCEDURAL HISTORY

Matt Schlicter (engineer for Network Real Estate) – Read AT&T's response to the decision of the Monroe County Zoning Administrator.

- Decision of Monroe County Zoning Administrator being appealed:
 - During the August 3, 2020 County Commissioner's hearing regarding AT&T's tower application, the Zoning Administrator was asked to interpret Article II §41-2-1 "Regulations for communication support structures and antennas of the Zoning Code," which states:
 - Article II. Regulations.
 - §41-2-1. Regulations for communication support structures and antennas
(B) General
 - (1) No public office, or principal repair or storage facilities shall be maintained in connection with the site.
 - The Zoning Administrator interpreted the code provision as prohibiting the installation of a telecommunications tower where a storage facility is located anywhere on the entire subject parcel owned by the property owner. By doing so the Zoning Administrator has determined that the communication support structure proposed in AT&T's petition at 1332 Valmeyer Road is prohibited in accordance with the Zoning Code because the property owner is currently operating a commercial self-storage facility on the same parcel. The Zoning Administrator declined to adopt AT&T's reasoning, which provided that the "site" referenced in the aforementioned Zoning Code provision is not a reference to the entire parcel, but rather the smaller, leased site upon which the telecommunication tower is to be installed. So basically, instead of interpreting as the smaller, 50 x 70 compound in the site lease, the interpretation was that the site was going to be interpreted as the site was the entire parcel.
- Applicant's Response to Zoning Administrator's Interpretation:
 - It is AT&T's position that the above-described Zoning Code provision is intended to prohibit the use of only the communication support structure as a storage facility or repair facility for old equipment or vehicles or as a business front or for administrative offices and to limit the use of the communication support structure to only those uses required for operations of a telecommunication site. In other

words, the provision is intended to prohibit or prevent expansive use of the leased site, beyond the simple operation of a telecommunications tower.

- AT&T's proposed communication support structure will only house the equipment required for the operation of the telecommunication site and will be enclosed within a fenced compound. So, separating the leased area from the entire subject parcel. Additionally, AT&T will not have any other vehicles or spare equipment stored inside the fenced compound, and will not operate a public office out of the leased site.
- If the Zoning Administrator's interpretation were to stand, i.e., "site" is defined as the entire parcel rather than smaller leased area to be used by AT&T for the communications support structure, the County would effectively restrict the ability for communication support structures to be placed not only on parcels with a primary use of a storage facility but any other parcels in the county that are primarily used for public use or other commercial business (i.e., that would prohibit any sites that have public offices as there intended use).
- AT&T is seeking to reverse the Zoning Administrator's interpretation of the provision in question by having the Board of Zoning Appeals define the "site" in the above mentioned provision to only the smaller fenced compound that we are leasing from our landlord for the communications support structure and therefore rendering the provision as not applicable to AT&T's proposed petition before the County Commission.

DISCUSSION

Dennis Rodenberg – Asked Chris Voelker, Zoning Administrator to show the board where the structure as was located on the map. Chris Voelker showed them on the map where it was located. He also distributed pictures to the Board.

George Obernagel – Asked if there was going to be a building or if it was going to be fenced with just the tower inside the fence.

Matt Schlichter – Correct. Everything will be enclosed inside what we call the fenced compound. The leased area.

Dennis Rodenberg – Is that similar to all of your towers?

Matt Schlichter – Correct.

George Obernagel – Why are you putting the tower there? Is there no service or poor service?

Matt Schlichter – The intent behind the site is to improve the coverage and service in the area. That is correct.

George Obernagel – Is there a lot of problems with no service in that area? If somebody would have a wreck – communication for emergencies and situations like that now?

Matt Schlichter – Yes, there is always a concern in this area and especially along with the coverage issues in the past. Emergency response is always a concern to help with the first responders, help with the emergency responses of the 911 system.

James Maurer (Vice President for AT&T) – Lives in Waterloo and the Vice President for AT&T. AT&T gets notified when customers are having problems with service because of either a capacity issue or because they are not getting good telecommunication services from their wireless service. Adding one tower improves all of the towers. This is because each tower handles a certain number of calls simultaneously. If you add additional towers it helps relieve the other towers that are getting too many calls. If you've been down Bluff Road, you know there are service issues. We are not building very many towers unless we know that we have a definite need to provide service to customers. In today's world, with the need for broadband availability, with the need for people to be able to communicate because so many people working from home – it's critical to get these things built before they are in demand – before customers start not being able to make phone calls.

Dennis Rodenberg – Asked why that area was more important than the rest of the areas in Monroe County that have no service?

James Maurer – Responded that the towers are expensive to build. When calls can't be completed it is tracked. It is determined by the number of calls that are dropped or signal issues for whatever reason. Also has to do with where they can build them and where it makes sense to build them. In rural Illinois, he very rarely has ever seen them not get built because there is such a demand. There are so many people who want to have better cell service that there's absolutely a need for even more towers.

George Obernagel – Is it going to interfere with the view of houses or are no houses going to be affected?

James Maurer – Suspects that some houses there will be able to see the tower.

George Obernagel – But there are no houses directly above the tower that are going to have issues?

James Maurer – No, it follows the guidelines relative to where it's located as far as distance from setbacks. We have specific setback requirements.

George Obernagel – Are there any other places that you looked at to place the tower?

Matt Schlichter – They have been looking for approximately three years. This location checked off all of the boxes.

James Maurer – Given the concerns that have been expressed, I have looked at it a half a dozen times to try to find an opportunity that would work a little better. It just doesn't work, so there is no need to build it if you don't put it where the search grid indicates it is needed.

Russell Gregson – One of the provisions says that you have to contact anybody within a quarter mile that has another tower. Are there any towers within a ¼ mile radius of the site?

Matt Schlichter – No.

Luke Maher – (Outside counsel for AT&T) – The provision talks about storage facilities. There is not going to be a building selling phones or fixing buildings. It is only to build a tower to improve service.

Russell Gregson – Will there will be a small building?

Matt Schlichter – No, there will not be any buildings.

James Maurer – The technology has changed to where those buildings aren't necessary.

Mike Conrad – Was the city of Columbia approached to build the tower?

Matt Schlichter – They could not come to terms with Columbia to make a deal. A location in the city limits of Columbia didn't meet all of the requirements.

Mike Conrad - Is height a factor in the location?

Matt Schlichter – Now a days it is where the demand is.

Dennis Rodenberg– Who owns that property?

Chris Voelker – Marco Investment Group.

George Obernagel – How tall is the tower going to be?

Matt Schlichter - 160 feet.

Mike Conrad – Does it require a strobe?

Matt Schlichter – Yes, because it is near the air strip even though it is not 200 feet.

Vicki Taake – Believes that the term “site” is defined as the whole parcel.

Luke Maher – If you look at the entirety of the provision it talks about the landscaping. If the site is the entire parcel, then it means they would be responsible to landscape the entire parcel. Therefore, it clearly means that the site is defined as the leased area.

Vicki Taake – There has to be consistency with the definition of “site”.

Luke Maher – If that were the case, we couldn't put our towers on any commercial property. At the state level it says they prefer the towers to be put on commercial property.

James Maurer – Where we need to put towers is in the residential areas because that is where the people are. As more and more customers are using cell phones, the need for cell towers continue to increase. If a customer buys a phone and they take it home and it doesn't work, they should bring it back. If it stops working after it did at one point, then it is on AT&T. The closer we get to residential areas the harder it is to build them.

Mike Conrad – Do you use other towers other than your own?

Matt Schlichter – Yes, that is always the first choice. Unfortunately, it isn't always available, which is when we have to build.

Mike Conrad – There are no suitable sites in Columbia?

Matt Schlichter – Correct.

Anna Embrich (local resident with property adjacent to the proposed site) – Showed her house on the map. Her front porch will face the tower. They don't want to be looking at a tower every day. Also concerned about their property value. No one is going to want to buy a house with a huge tower in front of it. They are right on the edge of the city limits. (they are county). Her husband is a farmer. There is plenty of farm ground to put the tower. The man they are getting the site from doesn't even live in Monroe County. Concerned about the radiation coming off of the tower in regard to her children. It is a residential area.

James Maurer – Had them look at the other farms. This is the best location for what they need to do. Been working on this for years. The FCC regulates the radiation. There are no RF emissions that have an effect on people from a tower. Would not be concerned about the radiation. There are places right now that don't have cell service.

Anna Embrich – There are better places than the beginning of a residential area.

Luke Maher – Not familiar with any other county that a cell tower can't be put where there's a storage facility. This will be the first time we have seen this.

DECISION

Russell Gregson motion to overturn Chris Voelker's interpretation, George Obernagel second. Roll Call Vote – yes – 2, no – 2, abstained – 1. **Motion denied – Zoning Administrator's interpretation affirmed.**