



PLANNING AND ZONING COMMISSION AGENDA

Thursday, March 7, 2024
5:00 P.M. (CST)

Wilmington City Hall
1165 S. Water Street (Council Chambers)

1. Call Meeting to Order
2. Roll Call by Clerk
Bryan Humphries, Chairperson
John Tryner
Ivana Longest
Chris Francis
Chris Smith
Larry Clennon
Frank Studer
3. Approval of Minutes of February 1, 2024
4. Public Hearing to Consider Request by LCC Telecom Services, acting on behalf of VB BTS II, LLC requesting to construct a new 199-foot monopole wireless communication tower with support equipment. The tower will be built in a 54-foot by 30-foot fenced lease area on property located at 29745 Elion Boulevard, Wilmington, IL 60481.
 - a. Introduction to Petition
 - b. Open Public Hearing
 - c. Verification of Notice & Publication
 - d. City Staff Summary
 - e. Oath Issued
 - f. Petitioner's Presentation
 - g. Commissioner Clarification
 - h. Public Comment
 - i. Petitioner Response
 - j. Close Public Hearing
 - k. Motion to take action
5. Public Comment (*State your full name clearly; limit 3 minutes each per Ordinance 19-06-18-01*)
6. Discussion – Thomas Outsen's Request to Rezone Two Properties from R1 to B3
(PINs 03-17-35-202-002-0000 and 03-17-35-202-001-0000)
7. Other Business
 - a. Discussion on [150.120 Designation of Historic Landmarks](#)
8. Attendance Confirmation (April 4, 2024 at 5 PM)
9. Adjournment

All applicants are advised to be present when the meeting is called to order. All persons interested in providing public testimony are encouraged to do so. If you wish to provide public testimony, please come forward to the podium, state your name for the record, and address your comments and questions to the Chairperson.

Posting Date:
3/1/2024 1:46 PM jz

Minutes to the City of Wilmington
Planning and Zoning Commission Meeting
Wilmington City Hall
1165 South Water Street
Thursday, February 1, 2024 at 5:00 PM

Call to Order

The February 1, 2024 meeting of the Wilmington Planning & Zoning Commission was called to order at 5:01 p.m. by Chairperson Humphries

Roll Call

Upon Roll Call by the Clerk the following members answered "Here" or "Present":

Commissioners Present Humphries, Tyrner, Clennon, Studer, Francis

Commissioner Absent Smith, Longest

Quorum

There being a sufficient number of members of the corporate authorities in attendance to constitute a quorum, the meeting was declared in order.

Other Officials in Attendance

Also, in attendance were City Administrator Jeannine Smith, Mayor Ben Dietz and Deputy City Clerk Joie Ziller

Approve the Previous Meeting Minutes

Commissioner Studer made a motion and Commissioner Clennon seconded to approve the December 7, 2023 meeting minutes and have them placed on file

Upon roll call, the vote was:

AYES: 5 Studer, Clennon, Francis, Tryner, Humphries

NAYS: 0

ABSENT: 2 Smith, Longest

Motion passed.

Public Hearing to Consider Request by Petitioner Rich Kane, Consolidated Pipe & Supply Company, Inc., for a variance from Section 150.87(C)(5) that requires walls and fences which enclose outside storage shall be a minimum of eight feet in height and a maximum of 15 feet in height to allow for a minimum of 6 feet on property located at 23920 Stripmine Road, Wilmington, IL 60481 (PIN 03-17-27-300-022-0000)

Commissioner Tryner made a motion and Commissioner Clennon seconded to open the public hearing at 5:03 PM

Upon roll call, the vote was:

AYES: 5 Tryner, Clennon, Studer, Francis, Humphries

NAYS: 0

ABSENT: 2 Smith, Longest

Motion passed.

Deputy Clerk Ziller verified that the public hearing notice was published on January 17, 2024, a sign was posted at the subject property on January 15, 2024, and notifications were sent via USPS Certified Mail to all adjacent property owners within 250 feet of said property on January 12, 2024.

City Administrator Smith provided from her summary that originally when Consolidated Pipe petitioned the City they included the request for a fence variance but unfortunately, that request was not included with the public notice so that is why we are revisiting it here.

No additional public comments were made.

Commissioner Tryner made a motion and Commissioner Clennon seconded to close the public hearing at 5:08 PM

Upon roll call, the vote was:

AYES: 5 Tryner, Clennon, Studer, Francis, Humphries

NAYS: 0

ABSENT: 2 Smith, Longest

Motion passed.

Commissioner Tryner made a motion and Commissioner Studer seconded to approve the request by petitioner Rich Kane and recommended that the City Council allow for a fence variance as presented

Upon roll call, the vote was:

AYES: 5 Tryner, Studer, Francis, Clennon, Humphries

NAYS: 0

ABSENT: 2 Smith, Longest

Motion passed.

Public Hearing to Consider Request by Petitioner Anthony Cavalea III, 213 Water Street Properties, LLC, for a variance from Section 150.61(B)(5) to allow a rear dwelling unit on the ground floor in B2A-Central Business District zoning on property located at 213 N. Water Street, Wilmington, IL 60481 in Wilmington, IL (PIN 03-17-25-322-007-0000)

Commissioner Clennon made a motion and Commissioner Francis seconded to open the public hearing at 5:09 PM

Upon roll call, the vote was:

AYES: 5 Clennon, Francis, Studer, Tryner, Humphries

NAYS: 0

ABSENT: 2 Smith, Longest

Motion passed.

Deputy Clerk Ziller verified that the public hearing notice was published on January 17, 2024, a sign was posted at the subject property on January 15, 2024, and notifications were sent via USPS Certified Mail to all adjacent property owners within 250 feet of said property on January 12, 2024.

City Administrator Jeannine Smith summarized her report as included in the agenda packet.

Deputy Clerk Ziller administered the oath to Anthony Cavalea.

Mr. Cavalea distributed his presentation and response to the Commission.

Commissioner Tryner questioned the fire access for both the commercial and residential occupants. Mr. Cavalea explained that the front-end commercial tenants' only exit is through the front of the building and the rear tenants' only exit is through the back of the building.

No additional public comments were made.

Commissioner Clennon made a motion and Commissioner Studer seconded to close the public hearing at 5:32 PM

Upon roll call, the vote was:

AYES: 5 Clennon, Studer, Francis, Tryner, Humphries

NAYS: 0

ABSENT: 2 Smith, Longest

Motion passed.

Commissioner Tryner made a motion and Commissioner Studer seconded to recommend to City Council to deny the Petitioner's request for a variance for a dwelling unit on the first floor of the building located at 213 N Water Street

Upon roll call, the vote was:

AYES: 5 Tryner, Studer, Clennon, Francis, Humphries

NAYS: 0

ABSENT: 2 Smith, Longest

Motion passed.

Public Comment

No public comments were made.

Review and Consideration to Approve the 2024 City of Wilmington Zoning Map

The Commission reviewed the information as presented in the agenda packet.

Commissioner Tryner made a motion and Commissioner Studer seconded to recommend to the City Council to approve the 2024 City of Wilmington Zoning Map

Upon roll call, the vote was:

AYES: 5 Tryner, Studer, Clennon, Francis, Humphries

NAYS: 0

ABSENT: 2 Smith, Longest

Motion passed.

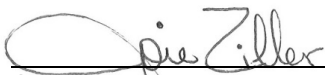
Other Business

City Administrator Smith briefed the Commission on Public Open House #1 held on January 31, 2024. This event was attended by approximately 40 citizens. Public Open House #2 will be held in March on a date to be decided.

Adjournment

A motion to adjourn the meeting was made by Commissioner Studer and seconded by Commissioner Tryner. Upon voice vote, the motion was carried. The Wilmington Planning & Zoning meeting held on February 1, 2024, adjourned at 6:05 p.m.

Respectfully submitted,



Joie Ziller
Deputy City Clerk

CERTIFICATE OF PUBLICATION

STATE OF ILLINOIS } Ss.
County of Will,

Certificate of the Publisher

Free Press Newspapers certifies that it is the publisher of the **The Free Press Advocate**

The Free Press Advocate is a secular newspaper, has been continuously published **weekly** for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the city of Wilmington, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5. A notice, relating to the matter of:

Planning & Zoning to hold hearing for new wireless communication tower

a true copy of which is attached, was published one times in **The Free Press Advocate**, namely one time per week for one successive weeks. The first publication of the notice was made in the newspaper, dated and published on **February 21, 2024**, and the last publication of the notice was made in the newspaper dated and published on **February 21, 2024**. This notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1. In witness, the Free Press Advocate has signed this certificate by **Eric D. Fisher**, its publisher, at Wilmington, Illinois, on **February 21, 2024**.

Free Press Newspapers

By *Eric D. Fisher*, Publisher
Eric D. Fisher

Printer's Fee \$ 52.00

Given under my hand on February 21, 2024

Janet M. Fisher

Janet M. Fisher, Notary Public



Planning & Zoning to hold hearing for new wireless communication tower

PUBLIC NOTICE

Planning and Zoning Commission of the City of Wilmington, IL

Please take notice that a public hearing will be held by the Planning and Zoning Commission of the City of Wilmington on March 7, 2024, at 5:00 p.m. The hearing will take place at City Hall, located at 1165 S. Water Street, Wilmington, IL. The purpose of the hearing is to receive and consider testimony and public comment on the request of LCC Telecom Services, acting on behalf of VB BTS II, LLC. The request is to construct a new 199-foot monopole wireless communication tower with support equipment. The tower will be built in a 54-foot by 30-foot fenced lease area on property located at 29745 Elion Boulevard, Wilmington, IL 60481.

The request is for a conditional use per Section 150.93 of the City of Wilmington Zoning Ordinance. The property is described as Lot 1 in Firehouse No. 2 Subdivision, being a subdivision of that part of the W1/2 of the NE1/4 of Sec. 16, T33N-R9E. The PIN # is 03-17-16-202-002-0000.

All interested persons are invited to attend the hearing and will have the opportunity to be heard. For additional information on this application, please contact the City of Wilmington Clerk's Office at 1165 S. Water Street, Wilmington, IL (815) 476-2175.

Joie Ziller
Deputy City Clerk
City of Wilmington

Published in the Free Press Advocate on Wednesday, Feb. 21, 2024.

City of Wilmington

Planning and Zoning

Staff Report

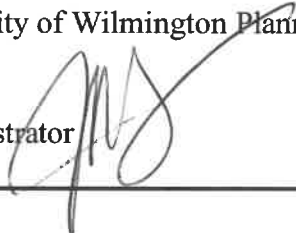
SUBJECT: Petition by Vertical Bridge and Conditional Use Permit to allow for a 199' (total height) antenna support structure

AGENDA ITEM: 4

MEETING DATE: March 7, 2024

TO: Honorable Members of the City of Wilmington Planning and Zoning Commission

FROM: Jeannine Smith, City Administrator



ACTION REQUESTED:

VB BTS II, LLC (“Vertical Bridge”) (Petitioner) approached the City with a land use petition to install a monopole support structure at the Public Safety Center located at (PIN 03-17-16-202-002-0000) 29745 Elion Boulevard, Wilmington, IL 60481. They are requesting a recommendation to the City Council for a Conditional Use Permit to allow for a 190’ antenna support structure with a 9’ tall lightening rod totaling 199’.

BACKGROUND:

The City was approached by the Fire Protection District to install a wireless communications tower at its Station 2 Facility located in the Elion Logistics Park. The purpose as stated verbally is to improve wireless service at Station 2 and the adjacent Wilmington Police Substation as well as provide for a more reliable network for all who travel in the northwest quadrant of the city.

Sections 150.93 and 158.68.7.K. of the City of Wilmington Zoning Ordinance provides that new wireless communication towers of any height and including their support equipment are an allowable use in industrial zones or on publicly owned property with conditional use permit approval (see below and attached).

158.68.7.K Building Height Limitation. Building height shall not be limited. Except, however, if a building height exceeds 50 feet, the front yard setback shall be increased by one foot for each additional three feet of building height **with a maximum front yard setback of 100 feet**. Notwithstanding the foregoing, no building height can exceed 50 feet when it is within 300 feet of property zoned or used for residential purposes. For purposes of calculating building height, the base shall be the finished building floor; and towers, equipment and similar facilities attached to or part of a structure shall not be included. City approval shall be required for any building height in excess of 150 feet.



For the exact location of the tower, please refer to the full plan set sent under separate cover.

The Petitioner now comes before you requesting the same.

PETITIONER'S NARRATIVE:

The proposed tower is being constructed by Vertical Bridge for AT&T and is necessary to provide uninterrupted PCS services to the residents of Wilmington, including wireless telephone service, voice paging, messaging, and wireless internet and broadband data transmission. PCS systems operate on a grid system where overlapping cells mesh together, forming a seamless network. No single site can function as a stand-alone entity as each site is interconnected, forming the network. The technical criteria for establishing cell sites are very exacting as to the location and height. The proposed site 29745 Elion Boulevard is within the geographic area deemed by engineers to be necessary for AT&T and various other wireless communications providers to provide uninterrupted services. CPS technology has become a vital part of emergency services aiding local residents and motorists in a variety of situations, thus helping to protect the general public's health, safety and welfare. The proposed wireless telecommunications facility at this site will further enhance the goals of providing the most reliable network possible in this area.

DISCUSSION:

Properties abutting the proposed development consist of the following zoning districts (see zoning map):

North B3 – General Commercial South I5 – Large Scale Planned Industrial
West I5 – Large Scale Planned Industrial East I5 – Large Scale Planned Industrial



FINDINGS OF FACT:

The Planning and Zoning Commission (PZC) shall make recommendation and provide findings of fact to the city council.

Standards for Conditional Uses

In addition to those uses specifically classified and permitted in each district, it is recognized that there are certain additional uses which may be desirable to allow because of their service to the public. However, because of their unusual and unique characteristics and impacts, these conditional uses require additional consideration. The city council, after receiving a report from the PZC containing its findings and recommendation, may allow a conditional use in connection therewith in a particular zoning district or districts.

The PZC, shall make findings based upon the evidence presented to it in each specific case that:

- (1) The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety, and general welfare; and will in fact provide for an opportunity for improved wireless coverage in an area that traditionally has been inconsistent for First Responders.
- (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood as the facility takes up a small footprint on the proposed parcel and is located in a heavy industrial zoning district far removed from sensitive areas such as residential.
- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district. In fact, the proposed personal wireless communication facility will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. As designed, the monopole conceals cables and minimizes the visual impact from the ground level, within a small fenced ground area on the proposed parcel only. The proposed wireless communication tower and facility will be unstaffed and would therefore not generate traffic that would otherwise be a nuisance to surrounding properties. It will not impair an adequate supply of light and air to adjacent properties, increase the danger of fire, nor create excess noise. The improved wireless telecommunications in the area will provide for an opportunity to improve wireless coverage in an area that traditionally has been inconsistent.

At this time, Staff respectfully requests and recommends your consideration of the findings of fact and recommendation to the City Council in the affirmative.

150.93 - Antenna and satellite dish regulations (wireless communications ordinance).

(A) Purpose and intent. It is the intent and purpose of this chapter to permit antennas and satellite dishes where they can be installed with minimal visual impact by encouraging colocation and other aesthetic measures, without creating adverse economic or safety impacts and promoting the health, safety and general welfare of the community. Furthermore, it is the intent of this article to ensure compliance with Federal Communications Commission (FCC) regulations as they relate to the promotion of universal service, competitive contracting by ensuring fairness through the creation of clear and objective approval criteria.

(B) Definitions. For the purpose of this article, the following definitions apply:

"Antenna." A device in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation. For the purposes of this section, an antenna includes any supporting tower, pole, mast, or building to which it is affixed.

"Colocation." The placement of two or more antenna systems or platforms by separate FCC license holders on the same structure, building, water tank or utility pole.

"Height." The height of an antenna or satellite dish shall be measured vertically from the highest point of the signal receiving/ transmitting apparatus, when positioned for operation, to the bottom of the base, which supports the antenna.

"Publicly owned property." Property in any district owned, leased, or otherwise controlled by a governmental entity.

"Satellite signal receiving antenna (satellite dish)." A device designed for the purpose of receiving and converting earth orbiting satellite communications signals. It may be a solid, open mesh or bar configured structure typically in the shape of a shallow dish or parabola. Said antenna of this type are hereinafter referred to as "satellite dishes."

"Usable satellite signal." A satellite signal which, when converted and viewed on a conventional television set is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

(C) Permits required.

(1) Building and electrical permit. Building and electrical permits shall be required prior to the erection of an antenna or satellite dish, except as provided for in subsection (C)(2) of this section. The plans and specifications shall meet or exceed applicable requirements of any and all building codes that are adopted by the city council and may be amended from time to time.

(2)

Exceptions. The private/personal use of an antenna or satellite dish for the reception or transmission of radio or television signals, ham radio signals, or citizen band transmissions, of a height no greater than 60 feet are exempt from the requirements of a building permit, engineering report, or conditional use permit.

(D) General requirements.

- (1) Federal Communication Commission (FCC) compliance. All antennas, towers, and satellite dishes shall comply with all FCC requirements.
- (2) Each business or residential lot shall have not more than one antenna, tower, or satellite dish, except that for a residential or business lot may have both a satellite dish and television antenna for personal use located on the same parcel. Radio or television studios or amateur radio operators licensed by the FCC are exempt from subsection (2). Businesses selling satellite dishes shall be allowed a maximum of three satellite dishes located outdoors and only one of these shall be allowed in the front of the building.
- (3) An antenna, tower, or satellite dish shall be located in the side or rear yard. In the situation of a corner lot, such antenna, tower, or satellite dish shall not be closer to the adjoining side street than the principal building.
- (4) In the event that a usable satellite signal cannot be obtained from the rear yard or side yard of the property, such antenna, tower, or satellite dish may be placed on the roof of a building subject to the approval of the zoning administrator and to the other requirements of this section.
- (5) Satellite dishes shall not be visible between the ground level and 10 feet above ground from any street adjoining the property. Screening used to achieve this requirement shall be in compliance with the building code, the provisions of this chapter and approved by the zoning administrator.
- (6) Within residential zoning districts, the diameter of satellite dishes shall not exceed seven feet. The dish and supporting structure shall be neutral in color and shall, as much as possible, blend with the character and appearance of the neighborhood.
- (7) No antenna or satellite dish shall be used or serve as a sign or bear an advertising emblem other than the name of the manufacturer in letters not to exceed two inches in height.
- (8) Guy wires (only where necessary) shall not be anchored within any front yard areas but may be attached to the building.
- (9) Whenever an antenna is installed within a distance less than the height of the tower to power or telephone lines, or where damage would be caused by its falling, a separate safety wire must be attached to the antenna or mast or tower and secured in a direction away from the hazard.

Antennas, towers and satellite dishes shall meet and be installed according to all manufacturers' specifications. The mast or tower shall be constructed of noncombustible materials, unless otherwise approved by Underwriters Laboratories (UL). Brackets, turnbuckles, clips and similar equipment shall be protected with materials approved by Underwriters Laboratories (UL).

(11) Antennas, towers or satellite dishes shall meet the setback requirements for a primary structure for the zoning district in which the facilities are located.

(E) Prohibited Uses. The following uses are prohibited:

(1) Towers or antennas in residential districts. A tower or antenna used for any commercial or other nonresidential purpose, including the placement of other support equipment or buildings, used in connection with the tower or antenna in any residential district, including residentially planned unit developments (PUD).

(F) Permitted uses. The following uses are permitted:

(1) Colocating antennas on existing towers in industrial or commercial zones, or on publicly owned property. Antennas on an existing communication tower of any height provided that:

(a) The additional antennas are cumulatively no more than 22 feet higher than the existing tower; and

(b) The antenna is neutral in color; and

(c) A qualified engineer submits evidence that the existing structure can adequately support the proposed colocation apparatus.

(2) Colocating antennas on existing nontower structures in industrial or commercial zones, or on publicly owned property. Antennas on an existing structure other than a tower (such as a building, water tank, sign, utility pole, power pole, or other structure), provided that:

(a) The additional antennas are cumulatively no more than 22 feet higher than the existing tower; and

(b) The antenna is neutral in color; and

(c) A qualified engineer submits evidence that the existing structure can adequately support the proposed colocation apparatus.

(G) Conditional uses. The following uses may be permitted as conditional uses under the conditions and requirements specified in Section 150.10 et seq. of this chapter (Administration) in addition to those outlined below:

(1) Colocating antennas on existing nontower structures or existing commercial towers in residential districts. Antennas on an existing structure (such as a building (excluding dwelling units), water tank, sign, utility pole, or other structure), provided that:

(a) The additional antennas are cumulatively no more than 22 feet higher than the existing tower; and

(b) The antenna is neutral in color; and

(c) A qualified engineer submits evidence that the existing structure can adequately support the proposed collocation apparatus.

(2) Towers or antennas in commercial or industrial zones or on publicly owned property.

Antennas or towers of any height, including the placement of other supporting equipment and accessory buildings. Any equipment shelter shall comply with development standards (i.e., setbacks, height limitations, bulk, etc.) of the property's zoning district classification.

(3) Private use antennas, towers or dishes greater than 60 feet. The residential use of an antenna or satellite dish for the reception of radio or television signals, ham radio signals, or citizen band transmissions, in excess of 60 feet. These conditional uses shall meet the requirements of Section 150.10 et seq. (Administration) of this chapter, but will be exempt from the requirements of subsection (H) of this section.

(H) Application for a conditional use permit for antenna facilities. In addition to the requirements of Section 150.10 et seq. (Administration), the applicant shall be required to submit information that includes, but is not necessarily limited to, how the proposed conditional use will satisfy the following conditions:

(1) Points of visual interest shall be protected.

Views from residential structures located within 250 feet of the proposed antenna or tower to the following points of interest shall be protected to the greatest practical extent:

(a) Public open spaces;

(b) Natural areas;

(c) Landmark structures.

(2) Methods for protecting points of visual interest. The following standards shall be used to protect the above identified points of visual interest to the greatest practical extent if views from a residential structure located within 250 feet from a proposed antenna or tower to a point of visual interest specifically identified above, are significantly impacted. The applicant shall:

(a) Examine locations within the same area where such visual impacts can be minimized;

(b) Investigate alternative tower designs that can be used to minimize the interruptions of views from the residence to the point of visual interest;

(c) Minimize visual impacts to the point of visual interest referred to above, by demonstrating that collocation or the use of other structures within the service area is not feasible at this time;

(d)

Minimize visual impacts varying the setbacks or landscape standards that would otherwise be applicable, so long as the overall impact of the proposed development is as good or better than that which would otherwise be required without said variations.

- (3) Color. Antennas or towers and their supporting structures shall be a neutral color that is the same or similar in color as the supporting structure to make the antenna and equipment as visually unobtrusive as possible, unless otherwise specified under Federal Aviation Administration (FAA) standards.
- (4) Height. Antennas or towers shall not exceed the maximum building height plus 15 feet, in the zoning district in which it is located, applicants who wish to exceed this height shall provide evidence demonstrating the need for exceeding this minimum standard.
- (5) Setbacks (adjacent to residential uses). Antennas or towers shall be set back from any existing adjacent residential property line by a distance equal to the height of the tower, unless building plans are submitted demonstrating that the tower will collapse within itself. Such building plans shall be affixed with the seal of a certified structural engineer.
- (6) Lighting. None allowed except as required by the FAA.
- (7) Fencing and security. For security, antennas or towers and ancillary facilities shall be enclosed by a fence not less than six feet in height.
- (8) Landscaping and screening. Landscaping shall be placed outside the required fence area on sides facing public rights-of-way or residential areas and shall consist of a fast growing vegetation with a minimum planted height of four feet, spaced evenly at intervals equal to twice the expected width of the plant material.
- (9) Noise. Noise generating equipment shall be sound buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line of 30 dBA when adjacent to residential areas and 45 dBA in other areas.
- (10) Tower design. Towers shall generally be designed without the use of guy wires or external supports. In instances where such a requirement may not be feasible, appropriate documentation shall be provided by the petitioner, demonstrating why such a tower is not feasible. The applicant will offer alternatives to the design so as to minimize the visual impact of the tower.
- (11) Colocation protocol. Any conditional use request for the erection of a new tower shall complete the colocation protocol as outlined in subsection (l) of this section.
 - (l) Colocation protocol.
 - (1) Purpose.
 - (a) The purpose of this requirement is to create a process that will allow providers to equitably share publicly available, nonproprietary information among themselves, with interested persons and agencies, and with the city, at the time the provider schedules a

pre-application conference with the city. This colocation protocol is designed to increase the likelihood that all reasonable opportunities for colocation have been investigated and that the appropriate information has been shared among the providers.

(b) The city recognizes that colocation is preferable, where technologically feasible and visually desirable, as a matter of public policy, but that colocation of antennas by providers is not always feasible for technical or business reasons. However, if all licensed providers are made aware of any pending tower or antenna permit request, such disclosure will allow providers to have the maximum amount of time to consider possible colocation opportunities, and will also assure the city that all reasonable accommodations for colocation have been investigated.

(2) Pre-application requirement. A pre-application conference is required for all proposed support structures.

(3) Colocation request letter requirement. At the time of pre-application conference, the applicant shall demonstrate that the following notice was mailed to all other providers rendering service within the city:

Pursuant to the requirements of Section 150.93(C) of the City of Wilmington Zoning Code, (applicant) is hereby providing you with notice of our intent to meet with the City of Wilmington in a pre-application conference to discuss the location of a wireless communication facility that would be located at _____. In general, we plan to construct a support structure of ___ feet in height for the purpose of providing (Cellular, PCS, etc.) service.

Please inform us whether you have any existing or pending antenna or tower facilities located within ___ feet of the proposed facility that may be available for possible colocation opportunities. Please provide us with this information within 10 business days after the date of this letter. Your cooperation is appreciated.

(4) Applicant's duty to analyze the feasibility of colocation.

(a) If a response to colocation request letter is received by an applicant indicating an opportunity for colocation, the applicant shall analyze the feasibility of colocation. This analysis shall be submitted with an application for any support structure.

(b) The investigation of the feasibility of colocation shall be deemed to have occurred if the applicant submits all of the following information:

1. A statement from a qualified engineer indicating whether the necessary service can or cannot be provided by colocation at the possible location site;
2. Evidence that the lessor of the possible colocation site either agrees or disagrees to colocation on their property;
- 3.

Evidence that adequate access does or does not exist at the possible colocation site to accommodate needed equipment and meet all of the site development standards;

4. Evidence that adequate access does or does not exist at the possible colocation site.

(5) Result of colocation feasibility analysis. If the applicant has provided information addressing each of the criteria in subsection (l)(4) of this section, the colocation protocol shall be deemed complete.

(j) Abandoned facilities. An antenna or satellite dish which has been discontinued for a period of six consecutive months or longer is declared abandoned. Abandoned facilities shall be removed by the property owner within 90 days of abandonment. Failure to remove an abandoned facility is declared a public nuisance and is subject to penalties as outlined in the Wilmington Municipal Code.

(Ord. 1324, passed 1-4-00)

**APPLICANT: LCC TELECOM SERVICES
ON BEHALF OF VB BTS II, LLC AND AT&T**

*Received
FEB 05 2021
City of Wilmington*



**APPLICATION FOR CONDITIONAL USE PERMIT APPROVAL FOR
THE PROPOSED MONOPOLE WIRELESS COMMUNICATIONS TOWER AT**

**PUBLIC SAFETY CENTER
29745 ELION BOULEVARD
WILMINGTON, IL 60481
PARCEL NO. 0317162020020000**

VERTICAL BRIDGE SITE ID# – US-IL-5791

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9. Fall Zone Letter
10. Photosimulations
11. Site Plans

Letter of Application

January 30, 2024

Ms. Jeannine Smith
City Administrator
City of Wilmington
1165 S. Water Street
Wilmington, IL 60481

RE: Proposed Vertical Bridge Monopole Wireless Communications Tower
VB Site: US-IL-5791
Address: Public Safety Center
29745 Elion Boulevard, Wilmington, IL 60481
Parcel No.: 0317162020020000

Dear Ms. Smith:

LCC Telecom Services, on behalf of VB BTS II, LLC (“Vertical Bridge”) and AT&T, has finalized an agreement with the Wilmington Fire Protection District to develop and construct a proposed monopole wireless communications tower and facility that will be available to be used by AT&T and other wireless carriers. The proposed shared use facility is designed to house the equipment necessary to provide clear and uninterrupted wireless communications services to the residents and visitors of the City of Wilmington and surrounding areas.

This monopole wireless communications tower and facility would be constructed pursuant to Sections 150.93 (“Antenna and Satellite Dish Regulations - Wireless Communications Ordinance”) and 150.17 (“Conditional Uses”) of the City of Wilmington Zoning Ordinance. According to these sections, a Conditional Use Permit is required for the siting and construction of any new wireless communications tower and facility within industrial zones or on publicly owned property. The proposed wireless communications tower will consist of a 190’-0” tall monopole tower with a 9’-0” lightning rod for a total height of 199’-0”, to be located within a 30’-0” x 54’-0” fenced ground area. The proposed tower will be erected, owned, and operated by Vertical Bridge. Vertical Bridge already has a commitment with AT&T, a wireless services provider, for this site, and it will be available for collocation to other wireless providers. The facility is unstaffed and will only require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month after the facility is completed.

On behalf of the applicant VB BTS II, LLC (“Vertical Bridge”) and AT&T, LCC Telecom Services has submitted all required documentation for the proposed tower, in accordance with the City of Wilmington Zoning Ordinance for this application to be deemed complete. Should you have any questions please feel free to contact me. I look forward to working with you during the review and approval process. Vertical Bridge and AT&T look forward to helping provide the City of Wilmington with improved wireless coverage.

Sincerely,

Julie Baniqued



Julie Baniqued

Zoning Manager

10700 W. Higgins Road, Suite 240

Rosemont, IL 60018

Phone: (580) 352-2718

Email: jbaniqued@lcctelecom.com

cc: Troy Peter, Project Manager, Vertical Bridge

Application Materials

Pre-Application Conference



TELECOM SERVICES

10700 W. Higgins Rd., Ste. 240,
Rosemont, IL 60018
847 608-6300 Office
847 608-1299 Fax
www.lcc telecom.com

January 24, 2024

RE: VB BTS II, LLC ("Vertical Bridge") / AT&T
Site Number: US-IL-5791
Site Address: 29745 Elion Boulevard, Wilmington, IL 60481
PIN: 0317162020020000

To Whom it May Concern,

Pursuant to the requirements of Section 150.93(C) of the City of Wilmington Zoning Code, LCC Telecom Services on behalf of VB BTS II, LLC ("Vertical Bridge") is hereby providing you with notice of our intent to meet with the City of Wilmington in a pre-application conference to discuss the location of a wireless communication facility that would be located at the Public Safety Center addressed 29745 Elion Boulevard, Wilmington, IL 60481, with parcel ID number 0317162020020000, or at coordinates 41.34239495, -88.19762874. In general, we plan to construct a monopole support structure of 190 feet with a lightning rod 9 feet tall for a total height of 199 feet and for the purpose of providing wireless services.

Please inform us whether you have any existing or pending antenna or tower facilities located within 2 miles of the proposed facility that may be available for possible colocation opportunities. Please provide us with this information within 10 business days after the date of this letter. Your cooperation is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Julie Baniqued".

Julie Baniqued



TELECOM SERVICES

Zoning Manager
10700 W. Higgins Road, Suite 240
Rosemont, IL 60018
Phone: (580) 352-2718

U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9407 1112 0621 7187 2632 04

FEEES
Postage per piece \$0.640
Certified Fee \$4.400
Total Postage & Fees: \$5.040

ARTICLE ADDRESS TO:

Comcast Corporation
1255 W North Ave
Chicago IL 60642-1562

Postmark
Here

U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9407 1112 0621 7187 2897 23

FEEES
Postage per piece \$0.640
Certified Fee \$4.400
Total Postage & Fees: \$5.040

ARTICLE ADDRESS TO:

Verizon Wireless
1600 Golf Rd Ste 800
Rolling Mdws IL 60008-4223

Postmark
Here

U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9407 1112 0621 7187 2039 34

FEEES
Postage per piece \$0.640
Certified Fee \$4.400
Total Postage & Fees: \$5.040

ARTICLE ADDRESS TO:

T-Mobile
1400 Opus Pl
Downers Grove IL 60515-1198

Postmark
Here

U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9407 1112 0621 7187 2070 04

FEEES
Postage per piece \$0.640
Certified Fee \$4.400
Total Postage & Fees: \$5.040

ARTICLE ADDRESS TO:

Dish Network
214 S Wabash Ave
Chicago IL 60604-2303

Postmark
Here

Conditional Use Permit



Planning and Zoning Application Form

Received FEB 05 2024 City of Wilmington

Application Request(s)

Check all that apply.

- Annexation, Concept Site Plan, Map Amendment, PUD-Special Use Permit, Preliminary Plat, Final Site Plan, Text Amendment, Final Plat, Variance, Conditional Use Permit

The undersigned applicant(s) request(s) the corporate authorities of the City of Wilmington to approve the following application for the above checked item(s) in the City of Wilmington and in support of the said application, state(s) as follows:

Property and Request Information

29745 Elion Boulevard, Wilmington, IL 60481

Address of Request

New Wireless Communication Tower

0317162020020000

Project Name

PIN

South side of existing Public Safety Center

General Location

Property Size

Large Scale Planned Industrial (I-5)

Large Scale Planned Industrial (I-5)

Present Zoning

Previous Zoning

Police and Fire Station

Wireless Communication Tower

Present Land Use

Proposed Land Use

Reason for Request/Description of Request: According to Section 150.93 of the City of Wilmington Zoning Ordinance, new wireless communication towers of any height and including their support equipment, are an allowable use in industrial zones or on publicly owned property with Conditional Use Permit approval. Therefore, LCC Telecom Services, on behalf of VB BTS II, LLC, seeks approval of a Conditional Use Permit and any other permits or approvals necessary in order to install a new wireless communications tower and facility on the industrial zoned Public Safety Center property described above.

Building Permit Submitted? [] Yes [x] No If yes, for what:

Complete the following Development information if applicable:

Development/Subdivision Name:

Type of Development: [] Residential [x] Commercial [] Industrial [] Institutional

Number of Units/Lots (if applicable)

Buildings/Improvements on Property to Remain or be Removed? (describe): The existing Public Safety Center building and parking lots will remain.

Floodplain in areas present on the property? Yes No

Professional Fee Agreement Submitted? Yes No

Applicant Information

Applicant/Developer

Owner Contract Purchaser Lessee Agent For:

Julie Baniqued

Primary Contact

29745 Elion Boulevard, Wilmington, IL 60481 (project site address)

Address (City, State, Zip)

JBANIQUED@LCCTELECOM.COM

Email

LCC Telecom Services Agent on behalf of VB BTS II, LLC

Business Name

(580) 352-2718

Phone

Fax

Property Owner (if different than applicant)

Wilmington Fire Protection District

Name

Email

Address (City, State, Zip)

Phone

Fax

Project Team

Attorney

Name

Business Name

Address (City, State, Zip)

Email

Phone

Fax

Engineer

Name

Business Name

Address (City, State, Zip)

Email

Phone

Fax

Project Team (Continued)
Planning/Landscape Architect Consultant

Name _____

Business Name _____

Address (City, State, Zip) _____

Email _____

Phone _____

Fax _____

Submitted Materials Required

- Legal Description of Property (Hard Copy)
- Legal Description of Property (Emailed Copy)
- Disclosure of Beneficiaries Form - completed
- Non- Refundable Fees (all that apply)
 - Annexation: \$ _____
 - Preliminary Plat: \$ _____
 - Final Plat: \$ _____
 - Concept Site Plan: \$ _____
 - Final Site Plan: \$ _____
 - Variance: \$ _____
 - Map Amendment: \$ _____
 - Text Amendment: \$ _____
 - Conditional Use Permit: \$ _____
 - PUD-Special Use Permit: \$ _____

Amendment request(s) fees are the same as listed above.

- Variance, Special Use Permit and/or PUD Supplement(s)
- Plat of Survey, to scale and current
- For Variation(s): Marked up Plat of Survey illustrating variation(s)
- Any specific information which may help in the review and approval process

Applicable for new development only:

- Four (4) full-size, folded, collated copies of all applicable plans including but not limited to the following:
 - Site Plan with Complete Site Data, Preliminary/Final Plats, Architectural Elevations (Color and Black-Line)
 - Signs, Photometric Plan with Lighting Specifications, Tree Survey, Landscape Plan
- One (1) copy of the proposed covenants and restrictions
- A detailed description of business, proposed hours of operation, number of employees

Applicant Signatures

The undersigned below hereby certifies that he/she is the owner of the described property and has authorized an agent, which both agree to abide by all ordinances, regulations, and codes of the City of Wilmington as are in full force and effect on the date of the consideration of this application by the Corporate Authorities. The owner or applicant(s) also agree(s) to pay any and all fees, costs, and expenses of the City of Wilmington, including professional fees that are necessary and required to act on this application.

New Wireless Communication Tower

Project Name

Owner's Name

Julie Baniqued

Applicant's Name, if different than owner

Owner's Signature

Julie Baniqued

Applicant's Signature

10700 W. Higgins Rd, Suite 240, Rosemont, IL 60018

Address (City, State, Zip)

1/30/2024

Date

Staff Use Only

Applicable Code Sections

Comprehensive Plan

Zoning of Adjacent Properties: North _____ South _____ East _____ West _____

Date Professional Fee Agreement was signed

Applicant's Name, if different than owner

Submittal Date

Received By

Address (City, State, Zip)

Payment Amount

Payment Type

Payment Date



Received
FEB 05 2024
City of Wilmington

Conditional Use Application Supplement

Julie Baniqued, LCC Telecom Services agent on behalf of VB BTS II, LLC

1/30/2024

Applicant's Name

Date

10700 W. Higgins Rd, Suite 240, Rosemont, IL 60018

Address (City, State, Zip)

Conditional Use Permit approval for a new wireless communication tower
Request

Provide justification as to how the request meets the following Standards for Approval as set forth in the City of Wilmington Municipal Code. Additional sheets may be attached, if necessary.

Chapter 150.17 of the Wilmington Code of Ordinances provides that for a requested Conditional Use, the Planning and Zoning Commission shall provide findings of fact setting forth the reasons for the recommendation, and the findings shall set forth with particularity the following:

- (a) Proposed use of the property that warrants this application for a conditional use
Pursuant to Section 150.93 of the City of Wilmington Zoning Ordinance, new wireless communication towers of any height, including the placement of other supporting equipment and accessory buildings, are an allowable use in industrial zones or on publicly owned property with Conditional Use Permit approval.
- (b) If the proposed conditional use is approved, what improvements of construction are planned? (An accurate site plan may be required to establish that the proposed improvement can meet the minimum zoning requirements)
Construction plans would include installing a new 199' monopole wireless communication tower with support equipment in a 54' x 30' fenced lease area.
- (c) Identify the existing uses of the properties within the general area of the property in question
The facility is proposed in an industrially zoned district and is surrounded by industrial uses.

<p>(d) Identify the existing zoning classification of the properties within the general area of the property in question</p> <p>Industrial</p>
<p>(e) Describe how the proposed conditional use will not have an adverse effect on the value of adjacent properties. Compare the value of the subject property and nearby properties under the current zoning to their potential value under the proposed zoning.</p> <p>The uses, values, and enjoyment of other property in the immediate vicinity for purposes already permitted will not be substantially impaired or diminished by the establishment of the proposed wireless communications tower and facility. The facility takes up a small footprint confined to the proposed parcel, meets the terms of the zoning ordinance, and is located in an industrial zoned area that is far removed from any sensitive uses such as residential.</p>
<p>(f) Describe how the subject property cannot be reasonably used for any of the uses currently permitted under its current zoning classification. (<i>Physical and market conditions may be considered.</i>)</p> <p>The property is currently used by the Wilmington Fire Protection District. Constructing this proposed wireless communication tower will take up only a small footprint at the Public Safety Center property and its unstaffed operation will not hinder the Fire Department from continuing to use their property. Other permitted uses for this zoning district may require much more space to operate and would not be feasible in this location. The finalized lease agreement with the Wilmington Fire Protection District to construct a new wireless communication tower will also generate revenue for the City.</p>
<p>(g) Does the property have appropriate public facilities, such as sewer, water and roads, and other required services?</p> <p>There will be no impact on utilities such as water and sanitation as they are not used at the site. The only utilities used in connection with the monopole wireless communications tower and facility are power and land-line telephone.</p>
<p>(h) How does the proposed conditional use, and ultimately the use of the property, relate to the land use plan of the current City of Wilmington Comprehensive Plan?</p> <p>The proposed wireless communications tower is in line with the goals of the current City of Wilmington Comprehensive Plan as it considers the conditions, development, and land uses of its surrounding area. The facility takes up a small footprint confined to the proposed parcel, meets the terms of the zoning ordinance, and is located in an industrial zoned area that is far removed from any sensitive uses such as residential.</p>
<p>(i) Describe how the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety, and general welfare.</p> <p><small>The proposed wireless communications tower and facility will not be detrimental to or endanger the public health, safety, or general welfare. To the contrary, enhanced wireless communication will be beneficial to the health, safety, and welfare of the area. AT&T would improve and upgrade its network's wireless coverage and capacity in the area of the Public Safety Center to provide better signal strength, FirstNet access for First Responders, in-building penetration, and reliable, high-speed wireless data capability. Additionally, the tower and facility would operate at safe and healthy levels as regulated by the federal organizations FCC and FAA.</small></p>

(j) Describe how the conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood?

The facility is proposed in an industrially zoned district and is surrounded by industrial uses. The uses, values, and enjoyment of other property in the immediate vicinity for purposes already permitted will not be substantially impaired or diminished by the establishment of the proposed wireless communications tower and facility. As more people and businesses rely on wireless technology, the enhanced coverage will be a benefit to the area and will be compatible with existing or future uses of the adjacent land.

(k) Describe how the establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.

The proposed personal wireless communication facility will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. As stated previously, the proposed facility will be designed as a monopole, which will conceal cables and minimize the visual impact from the ground level, within a small fenced ground area on the proposed parcel only. The proposed wireless communication tower and facility will be unstaffed and would therefore not generate traffic that would otherwise be a nuisance to surrounding properties. It will also not impair an adequate supply of light and air to adjacent property, increase the danger of fire, nor create excess noise. In the event of any development, the improved wireless telecommunications in the area will be a significant benefit to all current and future uses as the facility will bring improved wireless communication services to the area.



Received
FEB 05 2021
City of Wilmington

PLANNING AND ZONING COMMISSION
PETITION FOR CONDITIONAL USE

(1) The proposed request conforms to the comprehensive plan; or conditions or trends of development have changed in the area of the request, since the adoption of the comprehensive plan, to warrant the need for different types of land uses or densities. Furthermore, the proposed conditional use is appropriate considering the length of time the property has been vacant, as originally zoned, and taking into account the surrounding area's trend of development.

Yes No Explanation: _____

(2) The proposed conditional use conforms to the intent and purpose of Chapter 150 of the City of Wilmington's Code of Ordinances.

Yes No Explanation: _____

(3) The proposed conditional use will not have a significant detrimental effect on the long-range development of adjacent properties or on adjacent land uses.

Yes No Explanation: _____

(4) Adequate public facilities and services exist or can be provided.

Yes No Explanation: _____


Required Public Notices

Unless otherwise confirmed below by acknowledgment of intent to complete notices, the City of Wilmington will complete all ordinance required public notice postings no less than 15 days and no more than 30 days prior to the scheduled public hearing. Such notices include the following:

- City shall provide and applicant shall post a sign on the subject property;
- Public Notice in a newspaper of general circulation;
- Written notice with certified return receipt to the owner of the record, as shown on the record of the local real estate tax collector, of all lots lying within 250 feet, exclusive of right-of-ways, of the property line for which the request is sought.

Only if Petitioner chooses to complete written notices. As the petitioner, I would like to complete the required written notices and take full responsibility for the accuracy and timeliness of said notices. Prior to mailing said notices I will confirm with City staff the ordinance required content of the letters, method of sending letters, and required affidavit of notice.

X _____
Applicant's Signature

STATE OF ILLINOIS)
) SS.
COUNTY OF WILL)
The undersigned hereby authorizes the filing of the aforesaid request and understands that the owner or an authorized agent must be present at the public hearing to present the request to the Plan Commission.	
<p>X <u>Julie Barrigued</u> OWNER or APPLICANT'S SIGNATURE</p>	<p>NOTARY PUBLIC: Sign <u></u></p> <div style="border: 2px solid black; padding: 5px; text-align: center;"> <p>Official Seal Fromencia Arroyo Notary Public State of Illinois My Commission Expires 6/15/2027</p> </div> <p>AFFIX STAMP HERE</p>
<p>SUBSCRIBED AND SWORN to before me this <u>31</u> day of <u>January</u>, 20<u>24</u> and who has provided the proper identification and who did take an oath.</p>	

Site Data Sheet

Applicant: VB BTS II, LLC ("Vertical Bridge")
750 Park of Commerce Drive
Suite 200
Boca Raton, FL 33487

Authorized Agent: Julie Baniqued
LCC Telecom Services
10700 Higgins Road
Suite 240
Rosemont, IL 60018

Tower Owner: VB BTS II, LLC
750 Park of Commerce Drive
Suite 200
Boca Raton, FL 33487

**Applicant's Interest in the
Property:** Leasehold

Property Owner: Wilmington Fire Protection District

Address of Property: Public Safety Center
29745 Elion Boulevard, Wilmington, IL 60481

Parcel Number: 0317162020020000

Request: Application for a Conditional Use Permit and any other approvals or permits necessary to erect a 190'-0" monopole wireless communications tower with a 9'-0" lightning rod for a total height of 199'-0" to be located within a 30'-0" x 54'-0" fenced ground area.

Legal Description

LOT 1 IN THE FINAL PLAT OF FIREHOUSE NO. 2 SUBDIVISION, BEING A SUBDIVISION OF THAT PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 33 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 23, 2020 AS DOCUMENT NUMBER R2020049125, ALL IN WILL COUNTY, ILLINOIS.

ACCESS AND UTILITIES SERVING THE PREMISES (AS DEFINED IN THE LEASE) INCLUDES ALL EASEMENTS OF RECORD AS WELL AS THAT PORTION OF THE PROPERTY DESIGNATED BY LANDLORD AND TENANT FOR TENANT (AND TENANT'S GUESTS, AGENTS, CUSTOMERS, SUBTENANTS, LICENSEES AND ASSIGNS) INGRESS, EGRESS, AND UTILITY PURPOSES TO AND FROM A PUBLIC RIGHT-OF-WAY.

SAID INTEREST BEING OVER LAND MORE PARTICULARLY DESCRIBED BY THE FOLLOWING DESCRIPTION: INSERT METES AND BOUNDS DESCRIPTION OF AREA.

Narrative Overview

LCC Telecom Services, on behalf of VB BTS II, LLC (“Vertical Bridge”) and AT&T, seeks approval of a Conditional Use Permit and any other permits or approvals necessary in order to install a new monopole wireless communications tower and facility on property located at the Public Safety Center with address of 29745 Elion Boulevard, Wilmington, IL 60481, or Parcel Number 0317162020020000.

The proposed site is publicly owned property, owned by the Wilmington Fire Protection District, that is zoned I-5, Large Scale Planned Industrial District. This property consists of the existing Public Safety Center building and parking lot to the south of the building with younger trees lining the parking lot. Pursuant to Section 150.93 of the City of Wilmington Zoning Ordinance, new wireless communication towers of any height, including the placement of other supporting equipment and accessory buildings, are an allowable use in industrial zones or on publicly owned property with Conditional Use Permit approval. Vertical Bridge proposes to erect this tower on the eastern edge of the existing parking lot at the proposed property and will be offering it as a shared facility to AT&T (with whom Vertical Bridge already has a commitment) and any other communication carriers that have a need for a facility in this area.

The tower that Vertical Bridge is proposing to install on the property for AT&T is necessary to provide uninterrupted PCS services to the residents of Wilmington, including wireless telephone service, voice paging, messaging, and wireless internet and broadband data transmission. PCS systems operate on a grid system where overlapping cells mesh together, forming a seamless network. No single site can function as a stand-alone entity as each site is interconnected, forming the network. The technical criteria for establishing cell sites are very exacting as to the location and height. The proposed site at 29745 Elion Boulevard is within the geographic area deemed by engineers to be necessary for AT&T and various other wireless communications providers to provide uninterrupted services. PCS technology has become a vital part of emergency services, aiding local residents and motorists in a variety of situations, thus helping to protect the general public’s health, safety and welfare. The proposed wireless telecommunications facility at this site will further enhance the goals of providing the most reliable network possible in this area.

The proposed monopole wireless communications tower and facility will also be designed and constructed to meet all applicable governmental and industry safety standards. Specifically, Vertical Bridge and AT&T will comply with all FCC and FAA rules and regulations regarding construction requirements and technical standards. All registered wireless provider’s technology operates at various radio frequency bands allocated by the FCC as part of their license. In accordance with FCC regulations, the mobile service facility will not interfere with any form of communications, including but not limited to, land-line phones, cable and satellite television and radio broadcasts. Any and all RF emissions are subject to the exclusive jurisdiction of the FCC. Any height, lighting, or marking issues are subject to the exclusive jurisdiction of the FAA.

Lastly, the proposed tower will be unstaffed and only require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month. Access will be provided via an easement and the proposed property entry off of Elion Boulevard. The site is entirely self-monitored through a sophisticated alarm system which is connected to a main switch station. The system alerts personnel to any equipment malfunction or breach of security. There is no need for additional police or fire support. There is also no impact on utilities such as water and sanitation as they are not used at the site. The only utilities used in connection with the monopole wireless communications tower and facility are power and land-line telephone.

LCC Telecom Services, on behalf of Vertical Bridge and AT&T, looks forward to working with City of Wilmington to bring the benefits of the proposed service to the area. The addition of the facility will ensure the best uninterrupted wireless services for this area. This application addresses all standards for conditional use approval and satisfies the requirements of the City of Wilmington Zoning Ordinance.

Standards of Section 150.93 Antenna and Satellite Dish Regulations (Wireless Communications Ordinance)

All wireless communication towers and facilities must meet the design standards listed in Section 150.93 of the City of Wilmington Zoning Ordinance. Per said section of the zoning ordinance, since this proposed tower and facility is located within a Large Scale Planned Industrial District (I-5) and on publicly owned property, the use is only allowed there with conditional use permit approval. The following specific wireless design standards must be met for the project to be approved.

1. Points of visual interest shall be protected. Views from residential structures located within 250 feet of the proposed antenna or tower to the following points of interest shall be protected to the greatest practical extent:
 - a. Public open spaces
 - b. Natural areas
 - c. Landmark structures

There are no residential structures within 250' of the proposed tower facility. The area where the structure will be located is in an industrial area, surrounded by industrial uses and Interstate 55. The facility will be far removed from any residential uses or other aesthetically sensitive areas. Please see the "Photosimulations" section of this application for what the proposed tower would look like from multiple views in the surrounding area.

2. Methods for protecting points of visual interest. The following standards shall be used to protect the above identified points of visual interest to the greatest practical extent if views from a residential structure located within 250 feet from a proposed antenna or tower to a point of visual interest specifically identified above, are significantly impacted. The applicant shall:
 - a. Examine locations within the same area where such visual impacts can be minimized.
 - b. Investigate alternative tower designs that can be used to minimize the interruptions of views from the residence to the point of visual interest.
 - c. Minimize visual impacts to the point of visual interest referred to above, by demonstrating that colocation or the use of other structures within the service area is not feasible at this time.
 - d. Minimize visual impacts varying the setbacks or landscape standards that would otherwise be applicable, so long as the overall impact of the proposed development is as good or better than that which would otherwise be required without said variations.

There are no residential structures within 250' of the proposed tower facility. Please see the "Photosimulations" section of this application for what the proposed tower would look like from multiple views in the surrounding area.

3. Color. Antennas or towers and their supporting structures shall be a neutral color that is the same or similar in color as the supporting structure to make the antenna and equipment as visually unobtrusive as possible, unless otherwise specified under Federal Aviation Administration (FAA) standards.

The proposed tower structure is a neutral gray metal color without any lighting or visually obtrusive markings, unless otherwise required by FAA.

4. Height. Antennas or towers shall not exceed the maximum building height plus 15 feet, in the zoning district in which it is located. Applicants who wish to exceed this height shall provide evidence demonstrating the need for exceeding this minimum standard.

The Large Scale Planned Industrial District (I-5) does not have a building height limit, with the exception that City approval through the conditional use permit process is required for any building height over 150 feet tall in this district. A sworn statement from AT&T attesting to the need for this proposed tower at its total height of 199 feet and exact location was submitted as part of this application. Please refer to the "Carrier Affidavit – Sworn Statement of Need" section of this application for review of that document.

5. Setbacks (adjacent to residential uses). Antennas or towers shall be set back from any existing adjacent residential property line by a distance equal to the height of the tower, unless building plans are submitted demonstrating that the tower will collapse within itself. Such building plans shall be affixed with the seal of a certified structural engineer.

There are no residential properties located adjacent to the proposed tower facility. A fall zone letter stating the distance in which the proposed tower would collapse within itself was submitted as part of this application. Please see the "Fall Zone Letter" section of this application for more details.

6. Lighting. None allowed except as required by the FAA.

The proposed tower structure does not have any lighting, unless otherwise required by FAA. Generally, the FAA does not require lighting for structures less than 200'.

7. Fencing and security. For security, antennas or towers and ancillary facilities shall be enclosed by a fence not less than six feet in height.

The site plans submitted with this application show an eight feet tall chain link fence including barbed wire at the top to enclose the proposed tower facility.

8. Landscaping and screening. Landscaping shall be placed outside the required fence area on sides facing public rights-of-way or residential areas and shall consist of a fast growing vegetation with a minimum planted height of four feet, spaced evenly at intervals equal to twice the expected width of the plant material.

The site plans submitted with this application show all existing and proposed landscaping for the proposed tower facility development. LCC Telecom Services will work with the City of Wilmington to ensure only acceptable vegetation is selected and placed in such a way that satisfies their requirement described above.

9. Noise. Noise generating equipment shall be sound buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line of 30 dBA when adjacent to residential areas and 45 dBA in other areas.

The proposed tower facility equipment, including the new generator, will not exceed 45 dBA in noise generation as specified above.

10. Tower design. Towers shall generally be designed without the use of guy wires or external supports. In instances where such a requirement may not be feasible, appropriate documentation shall be provided by the petitioner, demonstrating why such a tower is not feasible. The applicant will offer alternatives to the design so as to minimize the visual impact of the tower.

The proposed tower structure is monopole in design. Therefore, no guy wires or similar external supports will be used.

11. Pre-application requirement. A pre-application conference is required for all proposed support structures.

LCC Telecom Services has submitted a complete Reimbursement Agreement Form as part of this application. Please see this form in the "Application Materials: Pre-Application Conference" section of this application. A check for the required deposit amount of \$500 was also included with the four copies of this application submitted to Jeannine Smith, City Administrator for City of Wilmington, by mail. Submitting a complete Reimbursement Agreement and deposit of \$500 satisfies all application requirements to schedule a pre-application conference with the City of Wilmington.

12. Colocation request letter requirement. At the time of pre-application conference, the applicant shall demonstrate that the following notice was mailed to all other providers rendering service within the city:

Pursuant to the requirements of Section 150.93(C) of the City of Wilmington Zoning Code, (applicant) is hereby providing you with notice of our intent to meet with the City of Wilmington in a pre-application conference to discuss the location of a wireless communication facility that would be located at _____. In general, we plan to construct a support structure of ___ feet in height for the purpose of providing (Cellular, PCS, etc.) service.

Please inform us whether you have any existing or pending antenna or tower facilities located within ___ feet of the proposed facility that may be available for possible colocation opportunities. Please provide us with this information within 10 business days after the date of this letter. Your cooperation is appreciated.

LCC Telecom Services has mailed the required colocation request letter with the exact statement above by certified mail to all wireless carriers rendering service in Wilmington, IL. A copy of the letter that was mailed and certified mail receipts are included in the "Application Materials: Pre-Application Conference" section of this application.

13. Applicant's duty to analyze the feasibility of collocation. If a response to the collocation request letter is received by an applicant indicating an opportunity for collocation, the applicant shall analyze the feasibility of collocation. This analysis shall be submitted with an application for any support structure. The investigation of the feasibility of collocation shall be deemed to have occurred if the applicant submits all of the following information:
- a. A statement from a qualified engineer indicating whether the necessary service can or cannot be provided by collocation at the possible location site.
 - b. Evidence that the lessor of the possible collocation site either agrees or disagrees to collocation on their property.
 - c. Evidence that adequate access does or does not exist at the possible collocation site to accommodate needed equipment and meet all of the site development standards.
 - d. Evidence that adequate access does or does not exist at the possible collocation site.

A sworn statement from AT&T that indicates that there are no collocation opportunities surrounding the proposed tower location and attests to the need for this proposed tower at its total height of 199 feet and exact location was submitted as part of this application. Please refer to the "Carrier Affidavit – Sworn Statement of Need" section of this application for review of that document. If a response to the collocation request letter is received, then the sworn statement should cover all required analyses discussed above. LCC Telecom Services will work with the City of Wilmington to ensure the sworn statement satisfies all required analyses listed above or provide additional information as reasonably needed.

Standards of Section 150.17 Conditional Uses

For each Conditional Use Permit application, the Zoning Administrator or their designee first verifies if the application is complete. According to Section 150.17 "Conditional Uses" of the City of Wilmington Zoning Ordinance, a Conditional Use Permit application is deemed complete when it includes the following items:

1. All the information requested in the development checklist. Unless stated by the jurisdiction otherwise, it is understood that the "Submitted Materials Required" section of the Planning and Zoning Application Form is considered the development checklist. Per this development checklist, the following information is required:

- a. Legal Description of the Property (hard copy or emailed copy)

A legal description of the proposed property at 29745 Elion Boulevard, Wilmington, IL 60481 is provided in the "Legal Description" section of this application.

- b. Completed Disclosure of Beneficiaries Form

Please see a completed Planning and Zoning Application Form that includes the Disclosure of Beneficiaries Form on pages 5 and 6 in the "Application Materials: Conditional Use" section of this application.

- c. Non-Refundable Fees for a Conditional Use Permit

Once the City of Wilmington provides the fee amount owed for the Conditional Use Permit, LCC Telecom Services will submit payment covering that total fee amount.

- d. Completed Conditional Use Supplement Application Form

Please see a completed Conditional Use Supplement Application Form in the "Application Materials: Conditional Use" section of this application.

- e. Current Plat of Survey that is to scale

Please refer to the drawings in the "Site Plans" section of this application for survey details.

- f. Four full-size, folded, collated copies of all applicable plans including but not limited to the following: Site Plan with Complete Site Data, Preliminary/Final Plats, Architectural Elevations (Color and Black-Line) Signs, Photometric Plan with Lighting Specifications, Tree Survey, Landscape Plan

Four copies of this application with all applicable plans and supporting documents were submitted by mail to Jeannine Smith, City Administrator for City of Wilmington, IL.

- g. One copy of the proposed covenants and restrictions

LCC Telecom Services will work with the City of Wilmington to provide any proposed covenants and restrictions upon their request.

h. A detailed description of business, proposed hours of operation, number of employees

The proposed tower facility will be unstaffed. The site will operate 24 hours and is entirely self-monitored through a sophisticated alarm system which is connected to a main switch station. There will be no employees at the site other than occasional maintenance workers. Routine maintenance is anticipated, which will require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month.

i. Any other specific information which may help in the review and approval process

LCC Telecom Services will work with the City of Wilmington to provide any additional information that is reasonable to support this proposed tower facility development.

2. A drawing of the property showing the following:

- a. All dimensions of the property.
- b. Location of all streets, alleys, and other properties within 150 feet of the subject property.
- c. Where applicable, the approximate location of all existing and proposed buildings, curb cuts, driveways, off-street parking spaces and loading areas, traffic circulation patterns, adjoining street pavement and right-of-way widths, sidewalks, landscaping, screening, open space areas, signage, lighting, sanitary sewer and water utilities, and other related site plan features.
- d. Legal description of the property.

Drawings of the property showing all details as requested above have been submitted as part of this application. Please refer to the "Site Plans" section of this application for these drawings.

For each complete application for a Conditional Use Permit, two public hearings are required: the first with the Planning and Zoning Commission, followed by the second with City Council. Upon completion of the first public hearing, the Planning and Zoning Commission shall report to the City Council their findings and recommendations, including the stipulation of additional conditions when they are deemed necessary for the protection of the public interest. After recommendation by the Planning and Zoning Commission is received, City Council may make the final decision to approve, approve with conditions, or deny the Conditional Use Permit application. A Conditional Use Permit will only be approved when the following standards from Section 150.17 "Conditional Uses" of the City of Wilmington Zoning Ordinance are met:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety, and general welfare.

The proposed wireless communications tower and facility will not be detrimental to or endanger the public health, safety, or general welfare. To the contrary, enhanced wireless communication will be beneficial to the health, safety, and welfare of the area. AT&T would improve and upgrade its network's wireless coverage and capacity in the area of the Public Safety Center to provide better signal strength, FirstNet access for First Responders, in-building penetration, and reliable, high-speed wireless data capability. As people are eliminating their landline services and the demand for wireless services increases, the welfare of the area will be improved through an enhanced wireless network. Additionally, the tower and facility would operate at safe and healthy levels as regulated by the federal organizations FCC and FAA.

2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The facility is proposed in an industrially zoned district and is surrounded by industrial uses. The uses, values, and enjoyment of other property in the immediate vicinity for purposes already permitted will not be substantially impaired or diminished by the establishment of the proposed wireless communications tower and facility. The facility takes up a small footprint confined to the proposed parcel, meets the terms of the zoning ordinance, and is located in an industrial zoned area that is far removed from any sensitive uses such as residential. As more people and businesses rely on wireless technology, the enhanced coverage will be a benefit to the area and will be compatible with existing or future uses of the adjacent land.

3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.

The proposed personal wireless communication facility will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. As stated previously, the proposed facility will be designed as a monopole, which will conceal cables and minimize the visual impact from the ground level, within a small fenced ground area on the proposed parcel only. The proposed wireless communication tower and facility will be unstaffed and would therefore not generate traffic that would otherwise be a nuisance to surrounding properties. It will also not impair an adequate supply of light and air to adjacent property, increase the danger of fire, nor create excess noise. In the event of any development, the improved wireless telecommunications in the area will be a significant benefit to all current and future uses as the facility will bring improved wireless communication services to the area.

Carrier Affidavit – Sworn Statement of Need

AFFIDAVIT
SWORN STATEMENT OF NEED FOR A NEW MOBILE SERVICE SUPPORT
STRUCTURE IN SUPPORT OF NEW TOWER CONSTRUCTION

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)

The undersigned, Andrew T. Flowers being first duly sworn on oath, deposes and states as follows:

1. My name is Andrew T. Flowers, and I am employed by AT&T Mobility as its Senior Real Estate and Construction Manager IL/WI. My job duties include, among other things, responsibility and oversight of AT&T Mobility's wireless network and new site deployments. This includes overview of the newly proposed mobile service support structure at the Wilmington Fire Protection District's Public Safety Center addressed 29745 Elion Boulevard, Wilmington, IL 60481, with a parcel ID number of 0317162020020000, and Lat/Long coordinates of 41.34239495, -88.19762874.
2. The purpose of this Sworn Statement is to address the colocation requirements of the City of Wilmington zoning ordinance.
3. I make and submit this Sworn Statement in support of the accompanying application and supplement documents for the request of zoning approval submitted by applicant LCC Telecom Services, LLC on behalf of VB BTS II, LLC ("Vertical Bridge"), and pursuant to which Vertical Bridge proposes to develop and construct a 190-foot monopole tower (overall structure height 199' with lightning rod attachment) and related telecommunications equipment at the Public Safety Center described in Section 1 above and depicted on the site plans submitted along with the application.
4. Vertical Bridge is in the business of, among other things, developing, constructing, and operating mobile service support structures and facilities (a/k/a telecommunications towers or cell towers) and leasing space on those structures and facilities to wireless carriers such as AT&T Mobility. Relevant to the present application, AT&T Mobility and Vertical Bridge desire that Vertical Bridge develop and build the referenced tower and lease space thereupon to AT&T Mobility as part of improving AT&T Mobility's wireless telecommunications network in the surrounding area of the Public Safety Center.
5. AT&T Mobility is improving and upgrading its network's wireless coverage and capacity in the area of the Public Safety Center to provide needed improvement to signal strength, FirstNet access for First Responders, in-building penetration, and reliable, high-speed wireless data capability. To accomplish these network improvement objectives, AT&T

Mobility and Vertical Bridge are proposing the new mobile support structure tower and related telecommunications site at the Public Safety Center.

- The proposed mobile service support structure and facilities at the Public Safety Center is a necessary infrastructure addition and will become an integral part of AT&T Mobility's wireless network. The primary functions of the proposed site are to provide enhanced, reliable wireless coverage and additional capacity which will help ensure seamless wireless data capabilities and connectivity to AT&T Mobility's customers in the area. Without this site, the signal strength and data capacity in the area will not be adequate for a reliable network. As consumption of data services surge, the importance of this site also surges. AT&T Mobility has evaluated the existing mobile service support structure locations in the search area ring surrounding the Public Safety Center. There are no existing towers or other tall structures within a two-mile radius of the Public Safety Center that could accommodate AT&T equipment to achieve these network improvements, including the same mobile service functionality, coverage, and capacity, so collocation is technically infeasible because it would not result in the needed mobile service functionality, coverage, and capacity. Consequently, because no other suitable collocation on existing structures would provide the required wireless coverage, signal strength, or data speeds to the coverage objective and intended areas, the proposed new mobile service support structure is necessary to provide the coverage and capacity required for a fully functioning wireless network.

Dated this 29 day of JANUARY, 2024.



(Affiant) Andrew T. Flowers

(Affiant's Job Title) Sr Real Estate & Construction Manager

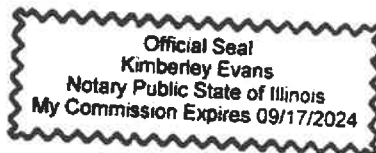
(Carrier) AT&T MOBILITY

Subscribed and sworn before me this
29 day of JANUARY, 2024.



Notary of Public, State of ILLINOIS
My commission expires: 9-17-2024 (date)

(Affix Notarial Seal Below)



Fall Zone Letter

Michael F. Plahovinsak, P.E.

18301 State Route 161, Plain City, Ohio 43064
(614) 398-6250 • mike@mfpeng.com

December 18, 2023

The Towers, LLC

Re: Proposed 195-ft Monopole
Located in Will Co., IL: Site #US-IL-5791 Lorenzo
MFP #23523-736 TAPP TP-22795

I understand that there may be some concern on the part of local building officials regarding the potential for failure of the proposed communication monopole. Communication structures are designed in accordance with the Telecommunications Industry Association TIA-222-H, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures". This structure is to be fabricated by TransAmerican Power Products

I have designed this monopole to support three (3) wireless carriers and withstand a 3-second gusted wind speed of 107 mph (V_{ult}) as recommended by TIA-222-H for Will County. *The design also conforms to the requirements of the 2021 Illinois Building Code.*

This monopole has been designed to accommodate a theoretical fall radius. The upper 100' of the pole has been designed to meet the wind loads of the design, however, the lower portion of the pole has been designed with a minimum 10% extra capacity. Assuming the pole has been fabricated according to my design, and well maintained, in the event of a failure due to extreme wind and comparable appurtenance antenna load (winds in excess of the design wind load), it would yield/buckle at the 95' elevation. The yielded section is designed to swing down and rest on the ground, resulting in an approximate 32-ft fall radius.

The structure has been designed with all of the applicable factors as required by the code. A properly designed, constructed and maintained pole has never collapsed; monopoles are safe structures with a long history of reliable operation.

I hope this review of the monopole design has given you a greater degree of comfort regarding the design capacity inherent in pole structures. If you have any additional questions please call me at 614-398-6250 or email mike@mfpeng.com.

Sincerely,



Michael F. Plahovinsak
Designer



Reviewed by:
Christopher Sekol, S.E.



Digitally signed
by Christopher
P. Sekol
Date:
2023.12.19
10:37:52-05'00'

Exp. 11-30-2024

Photosimulations



SHEET TITLE: PHOTO RENDERING/SIMULATION LOCATION MAP
PROJECT TITLE: LORENZO SOUTH US-IL-5791
PROJECT NUMBER: 58957
PROJECT LOCATION: 29745 ELION BOULEVARD WILMINGTON, IL 60481



AT&T
1355 WEST UNIVERSITY DRIVE MESA, AZ 85201




RAMAKER
employee-owned
(608) 643-4100 www.ramaker.com



SHEET TITLE:
BEFORE PHOTO RENDERING/SIMULATION - LOOKING NORTHEAST

PROJECT TITLE:
LORENZO SOUTH US-IL-5791

PROJECT NUMBER:
58957

PROJECT LOCATION:
29745 ELION BOULEVARD WILMINGTON, IL 60481



AT&T

1355 WEST UNIVERSITY DRIVE MESA, AZ 85201




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SHEET TITLE: AFTER PHOTO RENDERING/SIMULATION - LOOKING NORTHEAST
PROJECT TITLE: LORENZO SOUTH US-IL-579 I
PROJECT NUMBER: 58957
PROJECT LOCATION: 29745 ELION BOULEVARD WILMINGTON, IL 60481



AT&T
1355 WEST UNIVERSITY DRIVE MESA, AZ 85201




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SHEET TITLE: BEFORE PHOTO RENDERING/SIMULATION - LOOKING SOUTHWEST
PROJECT TITLE: LORENZO SOUTH US-IL-5791
PROJECT NUMBER: 58957
PROJECT LOCATION: 29745 ELION BOULEVARD WILMINGTON, IL 60481



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PROPOSED 190' MONOPOLE
TOWER & EQUIPMENT



SHEET TITLE: AFTER PHOTO RENDERING/SIMULATION - LOOKING SOUTHWEST
PROJECT TITLE: LORENZO SOUTH US-IL-5791
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verticalbridge



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 **AT&T**
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 verticalbridge


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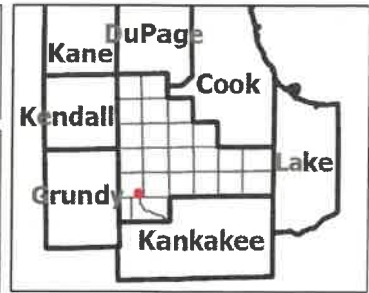
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1355 WEST UNIVERSITY DRIVE MESA, AZ 85201



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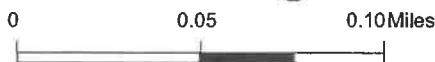
Legend

- Address Points
- Roadways
 - Federal
 - State
 - County
 - Local and Private
- ▭ Parcels
- ▭ Townships
- ▭ Buildings

Notes

Date: 3/1/2024

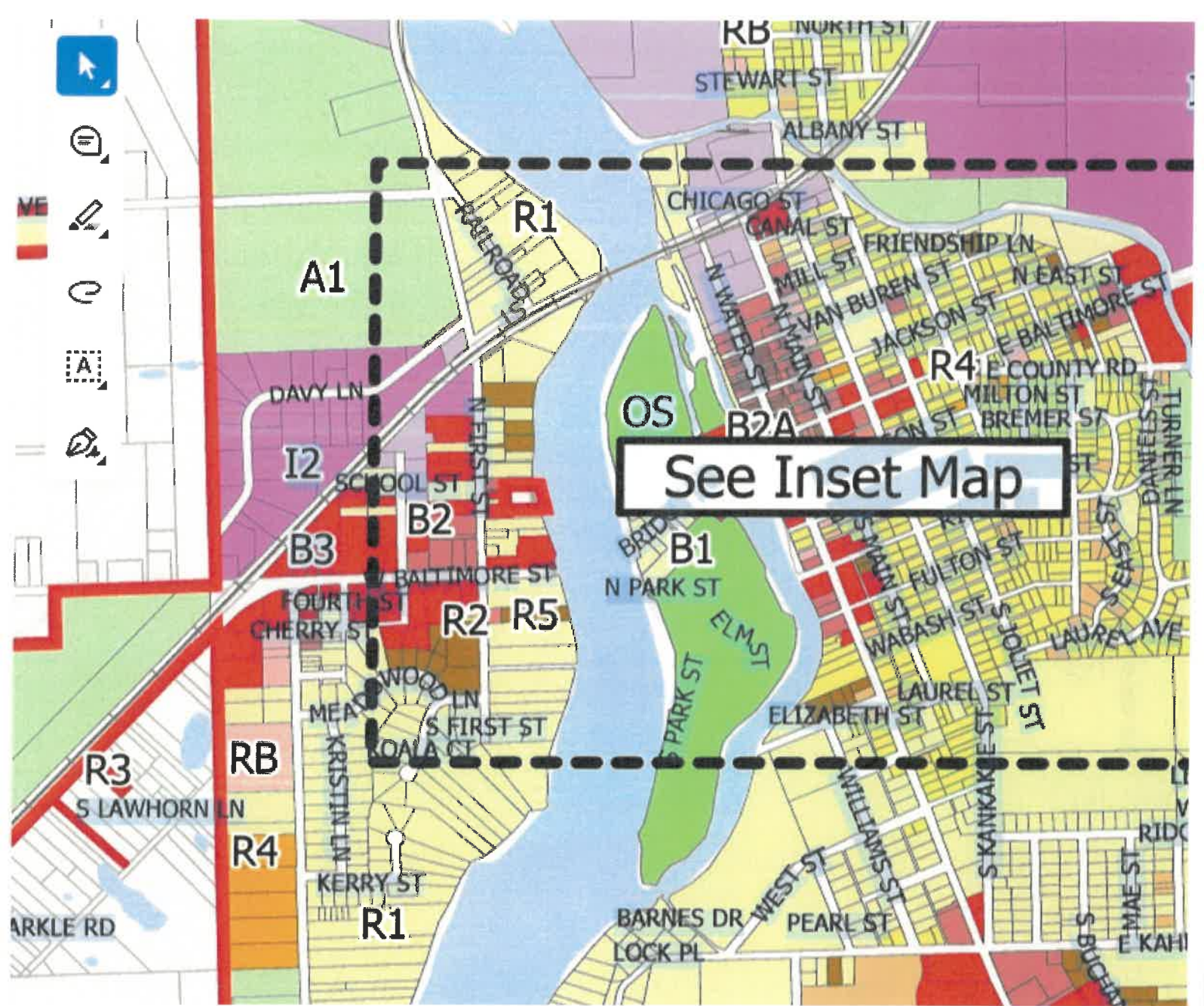
1: 3,141



Projection

WGS_1984_Web_Mercator_Auxiliary_Sphere

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150.120 Designation of historic landmarks.

(A) Designation of Historic Landmarks.

(1) Procedures For Designation.

- (a) Any person, group, group of persons, association, commission or the city council may institute a request for a historic landmark designation for any structure or site in the city which may have historic significance. All designations of landmarks in the city are subject to review by city council.
- (b) Notification for such public hearings before the planning and zoning commission shall provide due notice to the owner(s) of the property, and an opportunity to be heard at the public hearing.
- (c) Planning and zoning commission shall recommend to city council to approve or deny the designation of a historic landmark based upon criteria in subsection (A)(2) of this section.
- (d) City council shall make a determination on the designation based upon criteria in subsection (A)(2) of this section. Designation of a historic landmark shall not be made if the designation is opposed by the property owner(s).

(2) Designation Criteria. In making its findings for the designation of a landmark structure and/or site, the city council shall consider the following criteria concerning the such structure and/or site:

- (a) Its character, interest, or value as part of the development, heritage, or cultural characteristics of the city, county, state, or the United States;
- (b) Its location as a site of a significant historic event;
- (c) Its identification with a person or persons who significantly contributed to the culture or development of the city, county, state, or the United States;
- (d) Its exemplification of the cultural, economic, social, or historic heritage of the city, county, state, or the United States;
- (e) Its portrayal of the environment of a group in an era of history characterized by the distinctive architectural style;
- (f) Its embodiment of distinguishing characteristics of an architectural type;
- (g) Its identification as the work of an architect or master builder whose individual work has influenced the development of the city, county, state, or the United States;
- (h) Its embodiment of elements of architectural design, detail, materials, or craftsmanship which represent a significant architectural innovation;
- (i) Its relationship to other distinctive areas which are eligible for preservation according to a plan based on a historic, cultural, or architectural motif;
- (j) Its unique location or singular physical characteristic representing an established or familiar visual feature of a neighborhood, community, or the city or county;
- (k) Its archaeological significance to the community, city, county, state, and the United States;
- (l) Its vernacular culture (utilitarian purpose without consideration of aesthetic value); or
- (m) Its economic and functional potential.

(B) Regulation of Construction, Rehabilitation, Demolition, and Removal; Historic Landmarks.

- (1) It shall be unlawful for any person to construct, move, alter, change, makes addition to, make any improvement to, add structures or buildings on a lot or tract with a designated historical landmark,

demolish or remove the exterior or any aspect of the exterior of any designated historic landmark, unless the city has previously authorized such work. Prior approval shall not be required for ordinary repair and maintenance, in which there is no exterior change in appearance or materials or changes in color. It shall be unlawful to change the color of the exterior of a designated historic landmark.

- (2) Plans for the alteration of the exterior of a designated historic landmark or new construction to a designated historic landmark on a lot with a designated historic landmark shall be processed in the same manner as subsection 150.12 of the zoning code.
- (a) In addition to the findings of fact set forth in Section 150.12, in reviewing the proposed plans, the planning and zoning board shall provide findings of fact in making its recommendation to city council as follows:
- (i) Whether the proposed work will highlight or positively enhance any exterior architectural feature of the improvement upon which said work is to be done.
 - (ii) Whether the proposed work will detract from those characteristics and qualities which deem the structure or site a landmark.
 - (iii) Whether the proposed work will have a positive effect on the use of the landmark.
 - (iv) Whether the proposed work is consistent with the Secretary of the Interior's standards for rehabilitation.
- (3) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of a historic landmark which does not involve a change in design, material, color, or the outward appearance thereof; nor to prevent any alteration or demolition which the city administrator, or its designee, shall certify is required for the public safety due to an unsafe or dangerous condition.

(Ord. 22-10-18-01 , passed 10-18-22)