

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

**PLANNING COMMISSION/
BOARD OF ZONING APPEALS**

April 15, 2008

Commissioners Present: Cowman, McLean, Gage, L. Smith, Bonner, Wrischnik
Commissioners Absent: Rhodes

Others Present: Justin Givens, Amy Barenklau, Brian McCauley, Bob Herlithz

Item 1: Consider minutes from the March 18, 2008 meeting

Chair Cowman called the meeting to order with the first order of business the consideration of the minutes from the March 18, 2008 meeting.

Commissioner Cowman requested a change on page 7, paragraph 3. He felt that the word move was meant to read 'most'.

Commissioners Cowman and Bonner made a motion to approve the minutes with the noted change. All Commissioners voted in favor.

Item 2: Preliminary Site Plan – Consider a Preliminary Site Plan for a commercial communications tower at 902 North Pearl.

Planner Givens introduced the zoning representative from Selective Site Consultants that has been working with Horvath and city staff.

Planner Givens presented the staff brief. Horvath Towers LLC on behalf of T-Mobile has proposed to remove the existing tower located at 902 N. Pearl and erecting a new tapered tubular monopole tower on the same property but further south. This area was selected based upon its location within a one-half mile radius for a target tower. There are several towers in the general Paola vicinity but none in the area needed for T-Mobile. Based on the setbacks required for a commercial communication tower a variance will be applied for at a future meeting with a final site plan if the preliminary plan is approved.

Analysis:

Section 03.334 of the LDO provides criteria for the Planning Commission to consider in approving a Commercial Communication Tower under a limited review. Those criteria are as follows.

SECTION 03.334 COMMERCIAL COMMUNICATION TOWERS

- A. Applicants must provide documentation acceptable to the Planning Commission that existing structures within an appropriate one-mile radius of the proposed location are not available for co-location.

The applicant has provided staff with a statement on increased coverage by a T-Mobile engineer stating that the two existing sites utilized by T-Mobile are located to far away to provide adequate coverage for the target area.

- B. All proposed towers 150 feet or less, not including lightning rod, shall be designed to accommodate at least one additional PCs/Cellular platform. All proposed towers in excess of 150 feet shall be designated to accommodate at least two additional PCs/Cellular platforms.

The site plan shows that the antenna is designed to have four total co-locators on the structure with sufficient space for each to have cabinets for telemetry.

- C. Any application for a tower in excess of 150 feet in height shall include testimony of an RF Engineer, or other Licensed Professional Engineer, substantiating the need for the requested height.

No statement of this nature has been submitted by the applicant

- D. The minimum setback from adjoining property lines shall be the height of the tower plus 20 feet. Setbacks may, on a case-by-case basis, be considered for a variance.

The applicant is aware that the setbacks are not met in this location and if the preliminary site plan is approved, will apply for a variance at a later date.

- E. The tower and accessory equipment must meet all requirements of the Federal Communications Commission and the Federal Aviation Administration.

The applicant has provided an affidavit from the tower owner used in other jurisdictions swearing to these facts and staff feels that requirement would suffice if made to Paola.

- F. Any tower that is not operated for a continuous period of two years shall be considered abandoned and the owner of such tower shall remove the same within 90 days of a receipt of notice from the City Council notifying the owner of such abandonment. If such tower is not removed within 90 days, the City may remove the tower at the owner's expense.

The applicant has provided an affidavit from the tower owner stating its understanding of and responsibility to remove the structure if it is abandoned

- G. The City shall have the authority to require the applicant to file and maintain a surety bond, letter of credit or other security acceptable to the City. The security shall be equal to 20% of the cost of construction of the tower as disclosed by the applicant. The security shall be used to pay for removal of the tower if the owner fails to remove the tower as provided in (F.) above. The security shall be returned to the applicant upon proper removal of the tower.

Based on discussions with the City Manager and City Clerk the City will reserve its right to require any surety at this time but may enforce this right at any time.

- H. Pad sites and guy wire location must be surrounded by a minimum of a six-foot tall fence which has an opacity of 1.00

The applicant has provided in its site plan a typical fence section that is not compliant with City regulations. An appropriate fence with opacity of 1.00 will be required.

Issue:

Does the Planning Commission wish to recommend approval of this Preliminary Site Plan to the City Council?

Actions:

The Planning Commission may:

- Recommend the Site Plan to the City Council
- Not recommend the Site Plan to the City Council
- Table the matter for further study

Recommendation:

It is staff's recommendation that the Planning Commission recommend the approval of the Preliminary Site Plan to the City Council with the following revisions to the final site plan.

1. A two hundred foot area map showing locations of buildings to help determine the impact of this structure on the neighboring property.
2. Acceptable fencing with an opacity of 1.00, which would include vinyl or wood privacy.
3. Testimony of an RF Engineer, or other Licensed Professional Engineer, substantiating the need for the requested height.
4. Assurances that the tower and accessory equipment must meet all requirements of the Federal Communications Commission and the Federal Aviation Administration
5. Assurances that any tower that is not operated for a continuous period of two years shall be considered abandoned and the owner of such tower shall remove the same within 90 days of a receipt of notice from the City Council notifying the owner of such abandonment. If such tower is not removed within 90 days, the City may remove the tower at the owner's expense
6. That as shown on the site plan the compound is graveled.
7. Any additional items that the Planning Commission deems necessary.

Mr. Herlithz explained that this company has built many of these towers and they rent space to communications companies as a more cost effective way to expand coverage for their customers. He did not feel there would be a problem with meeting any of the additional requirements and felt that the conditions would be completed prior to the City Council meeting. He also indicated that they have filed for the necessary variance.

Commissioner Bonner inquired about proximity of tower to railroad tracks. Mr. Herlithz indicated that the distance was in excess of one-half the height of the tower.

Commissioner Smith inquired about property to the west of the proposed tower location. Mr. Herlithz indicated they had been notified about the variance, but had not heard any response.

Commissioners Cowman and Gage made a motion to recommend approval of the preliminary site plan at 902 North Pearl with the noted conditions. All Commissioners voted in favor.

Item 3: Preliminary / Final Site Plan – Consider an application for a Preliminary/Final Site Plan for Lakemary Center at 1500 East Peoria.

Commissioner Cowman stated the Commission would reconvene the discussion that was tabled at the February meeting.

Planner Givens presented the staff brief. At the February 19, 2008 Planning Commission meeting Lakemary Center of Paola did submit a preliminary/final site plan to construct a new service building that would consolidate much of its offsite services. This project is located on the Lakemary Campus and will have a single entrance on East Peoria Street.

At the time of the original submittal, a large-scale site plan was not available for staff and the commission to completely evaluate the project within the context of the neighborhood. Lakemary has now completed the large-scale site plan and is re-submitting the project for approval.

Analysis:

Having reviewed the re-submitted site plan, the project is still calling for an 11,250 square foot building that will be wrapped in stucco / model stone and accent bands. The building will consist of office and conference space as well as two lifestyles rooms, an organizational employment area and area for future expansion internal to the building.

The applicants have provided ample parking with a 40' internal cul-de-sac for entering and exiting. One way entrance and exists are now shown on the plan. The west entrance is roughly 240' from Sunrise Circle and the access points line up with adjacent drives across the street. The eastern drive is the exit and aligns with Pottawatomie Street. Since this is an exit the city will require "do not enter" signs to be placed facing Pottawatomie to restrict traffic for using this as an entrance. The eastern drive is roughly 160' to the Citizens State Bank entrance and 240' to the Paola Crossing entrance, which is not shown, but directly across from the western McDonald's entrance. This was one of the largest concerns without having the full site plan. How the access points would match with existing drives. It is the opinion of staff that this plan reflects the requirements and standards of good access management.

Issue:

Does the Planning Commission wish to recommend approval of this Preliminary/Final Site Plan to the City Council?

Actions:

The Planning Commission may:

Recommend the Preliminary/Final Site Plan to the City Council

Not Recommend the Preliminary/Final Site Plan to the City Council

Table the matter for further study

Recommendation:

It is staff's recommendation that the Planning Commission approve this preliminary/final site plan contingent upon the following:

An approved landscaping plan be submitted to staff

An approved lighting plan be submitted to staff

An approved color and materials scheme be submitted to staff that reflects the requirements in Chapter 15 Quality and Monotony of the LDO

An approved signage plan be submitted to staff including traffic regulation signage.

Commissioners Cowman and Gage made a motion to recommend approval of the preliminary/final site plan for Lakemary at 1500 East Peoria with the noted conditions. All Commissioners voted in favor.

Item 4: Staff Items

Planner Givens stated that Commissioner Gage's last meeting would be next month as he had indicated he would be resigning. Any suggestions or ideas for individuals who might be interested in serving would be appreciated and can be forwarded to staff or Mayor Stuteville. Commissioner McLean stated that he had decided to resign as well, so a position to represent the Community Growth Area would be open.

Planner Givens inquired if any members were aware of reasons for Business Park zoning at 327th and Hospital Drive. All Commissioners indicated they were not aware of any particular reasons that quarter section had been zoned as such.

Item 5: Items from Commissioners

Commissioner Cowman stated that maybe some of the leadership class members might good candidates for the open positions on the Planning Commission.

Commissioners inquired about the status of Paola Crossing. Staff indicated that they are moving along, and that the shipping store has indicated a May 1 opening date.

Item 6: Adjournment

Commissioners Cowman and McLean made a motion to adjourn with all Commissioners voting in favor.