

PLANNING COMMISSION MINUTES
April 7, 2015

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, April 7, 2015, in the Municipal Building Council Chambers at 7700 Mission Road. Chairman Bob Lindeblad called the meeting to order at 7:00 p.m. with the following members present: Nancy Vennard, Gregory Wolf, Larry Levy, James Breneman and Randy Kronblad.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, City Planning Consultant; Wes Jordan, Assistant City Administrator; Mitch Dringman, Building Official and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

The following changes were made to the minutes: Page 4 paragraph 4 the word “since” was deleted; Page 6 paragraph 6 the duplicated words “accounting for the” were deleted and Page 14 the first sentence was changed to read “One sign may be permitted per facade with no requirement that the tenant has a direct outside entrance or that the sign be adjacent to its space.” Randy Kronblad moved the approval of the regular minutes of Planning Commission for March 3, 2015 as corrected. The motion was seconded by Larry Levy and passed by a vote of 6 to 0.

PUBLIC HEARINGS

**PC2015-04 Request for Renewal of Special Use Permit for Wireless Communication Facility
3921 West 63rd Street**

Curtis Holland, with Polsinelli Law Firm at 6201 College Blvd., addressed the Commission on behalf of Verizon Wireless. Mr. Holland introduced Fire District #2 Chief Tony Lopez and Battalion Chief Doug Yonke; several representatives from Sprint and Trevor Wood and Mike Owens from Selective Site Consultants. Mr. Holland provided a brief history on the existing wireless facility owned by the Fire District located at 3921 West 63rd Street that was issued its initial Special Use Permit five years ago after extensive searches by several communication providers for an appropriate and acceptable location for their equipment. Currently located on the tower are Verizon Wireless and AT&T.

This is a request to renew the Special Use Permit for the monopole and equipment compound located at Consolidated Fire District #2 Station at Mission Road and 63rd Street. The original application was made by Verizon Wireless who constructed the monopole and equipment compound. Upon completion of the construction, the facility was deeded to Consolidated Fire District #2 who is now the owner.

At its regular meeting on May 4, 2010 the Planning Commission found the findings of fact to be favorable and recommended approval of the monopole and equipment compound subject to 21 conditions and subsequently approved the Site Plan. The Governing Body approved the recommendation of the Planning Commission on June 7, 2010.

The first condition established the initial permit be for a maximum duration of five years. At the end of the five year period, the permittee shall resubmit the application and shall demonstrate to the satisfaction of the Planning Commission and the City Council that a good faith effort has been made to cooperate with other providers to establish co-location at the tower site, that a need still exists for the tower, and that all the conditions of approval have been met. The Special Use Permit may then be extended for an additional ten years by the City Council and the permittee shall resubmit after each ten year reapproval. The process for considering a resubmittal shall be the same as for the initial application.

Mr. Holland noted that staff is recommending a permit length of three years. He understands the staff position, but respectfully requested that the tower facility and the current providers located on the tower be issued a permit for ten years with the Sprint application be granted a temporary permit for three years matching the agreement that it has with the Fire District.

Trevor Wood, with Selective Site Consultants, 9900 West 109th Street, representing Sprint, noted that initially it had intended to file a separate independent application to locate on the tower, but was advised by staff to file a single application for the wireless facility permit. Sprint has conducted a multi-year search of a site that would allow them to improve their service coverage in this area. The propagation studies submitted clearly reflect that Sprint is currently providing inadequate coverage for this area

Therefore, Sprint is requesting a three-year temporary permit to install antennas on the exterior of the tower. The existing canisters on the tower are not technically able to be used because the interior of the tower is at capacity and there is not enough space in the tower to accommodate the Sprint antennas and equipment. The Sprint antennas will be mounted on the exterior of the monopole and will be encased in a shroud. The shroud will be approximately 63" wide and 90" long. The monopole is approximately 29" wide at this point so the shroud will extend approximately 17" beyond the monopole. The equipment boxes supporting the Sprint installation would be located in the existing equipment compound. Sprint is requesting the temporary use for a period not to exceed three years in order for them to explore other alternatives to providing service to this area. If this request is approved for the three-year period they can install quickly and be providing service to customers within a few months.

Mr. Wood noted a permanent solution may require the replacement of this monopole with a larger, not taller one, the addition of a second tower or perhaps an alternative tower structure which may be a "monopine," a man-made tree. The application approval and the actual construction of the proposed facility take a considerable amount of time.

The five-year renewal period as set out in Condition #1 will expire June 7, 2015 and the applicant is requesting a ten-year renewal. When the monopole was approved, it had six canisters for antennas at elevations 145 feet, 135 feet, 125 feet, 115 feet, 105 feet and 95 feet. Verizon took the top two. AT&T took elevations 125 feet, 115 feet and 95 feet; and T-Mobile took elevation 105 feet, but did not install its antennas. Condition #12 approved the tower for Verizon and two additional carriers. Sprint is requesting co-location on the tower and would be the fourth carrier and this condition would need to be modified to accommodate them. Sprint's technical analysis the 105-foot elevation is not useable because the pole is at capacity and Sprint's antennas and equipment cannot physically fit within the tower. Therefore, Sprint is requesting approval to install its antennas and RRUs on the outside of the monopole, but enclosed within a shroud, for a maximum period of three years while it finds a permanent solution to serve the area. The equipment proposed by Sprint will be located within the existing equipment compound.

Randy Kronblad asked Mr. Holland if the 105 ft. canister would be able to be used by any provider. Mr. Holland responded that it would be very challenging because of the limited space within the monopole. Mr. Holland added finding appropriate wireless communication facilities has been a long-term problem in Prairie Village that needs to be addressed with a permanent structure that will allow for multiple providers due to the limitations of stealth structures. There is a current need for another tower at this location and this has been discussed with the Fire District Board.

Ron Williamson noted that a site plan for T-Mobile was approved by the Planning Commission in 2011 to locate at the 105' location, but they did not install the antennae and supporting equipment.

Bob Lindeblad stated that the initial approval was granted with the understanding that the facility would provide for three carriers all within the confines of the monopole. Mr. Holland agreed the tower was to be able to handle three carriers. Trevor Wood noted Sprint's design would work if there were two canisters, but not with the current availability of only one canister.

Bob Lindeblad expressed concern that the neighborhood letter did not clearly indicate that the antenna would be on the outside of the monopole. He does not support two monopoles at this location.

Trevor Wood stressed that Sprint has no intention of leaving the antenna on the outside for any longer than they need to and are asking for a maximum of three years. They are currently working on alternative design options.

Mr. Lindeblad asked if the Commission could approve a ten year permit for the existing carriers and a three year permit for Sprint. Mr. Williamson responded that staff felt the City would have more control if it were approved in its entirety for three years. Sprint would need to have an alternative operable within that time.

Since this wireless facility was approved in 2010, there have been several changes. Locally, case law has determined that Special Use Permits should be treated the same as rezoning and therefore the Golden Factors must be considered. Also, there is a protest petition process for Special Use Permits. At the Federal level, FCC has adopted new rules to process applications faster and more efficiently. However, these rules will not actually be effective until April 8, 2015 and some sections will not be effective until a later date.

The proposed FCC rules do not apply to an existing wireless facility that will result in substantial change to the facility. Substantial change is defined in the proposed rules and it is the opinion of Staff that it would fall under Section v. which reads as follows:

v. It would defeat the concealment elements of the eligible support structure;

The existing monopole has all the antennas concealed within the pole, in terms of timing, the new rules require an application which is not a substantial change to be acted on within 60 days of the filing date or it is automatically approved. The applicant and the City can agree to a longer time period.

Ron Williamson reviewed the initial approval given for this facility and conditions of approval which were included in the staff report to the Commission.

The applicant held a public information meeting for the neighborhood for the original application on December 21, 2009. Approximately 10 people attended and several indicated opposition. The neighbors asked a number of questions regarding the application but none specifically addressed the new location and new height.

The applicant held a public information meeting for the neighborhood on March 16, 2015 for the proposed renewal of the Special Use Permit and no neighbors appeared.

Chairman Bob Lindeblad opened the public hearing on this application. No one was present to address the Commission and the public hearing was closed at 7:50 p.m.

Larry Levy stated he felt the City had a responsibility to its residents to make available acceptable phone service.

Randy Kronblad asked if Sprint would be able to install its antenna if there were two open canisters. Mr. Wood responded they would if there were two open canisters and a clear pathway through the monopole for wiring, but there is neither. Mr. Kronblad noted the three carrier monopole approved in 2010 is not capable of doing what it was presented to and approved to do. He understands the needs of the carriers and that most carriers are constantly upgrading their sites to meet user demand. This continues to be a problem as no additional sites have been approved since 2010.

Nancy Vennard asked who would be responsible to maintain the structure and landscaping. Mr. Williamson replied it would be the Consolidated Fire District as the owner unless it was addressed in their lease agreement.

Ron Williamson noted the initial structural analysis was completed prior to the shroud being added and it noted over stressing at the base plate and anchor bolts, but within acceptable regulatory standards. A new analysis has been conducted with ratings of 96.9 previously 105.9 and 98 previously 104.9 which is a significant improvement.

Chairman Bob Lindeblad led the Commission in review of the following criteria for approval of Special Use Permits:

A. The character of the neighborhood.

The neighborhood is largely residential in character except for the fire station, a church and Indian Hills Middle School that are public uses. These are typical public uses that are found in residential areas.

B. The zoning and uses of property nearby.

The property on the north side of the 63rd Street is Zoned R-1B and is occupied by single-family residential and a church. The area to the south, east and west is zoned R-1A and is occupied by Indian Hills middle School. The area on the southeast corner of Mission Road and 63rd Street is residential and located in the City of Mission Hills. The area on the northeast corner of 63rd Street and Mission Road is residential and located in the City of Fairway.

C. The extent that a change will detrimentally affect neighboring property.

All the adjacent property is owned by Shawnee Mission School District and the monopole and equipment compound should have little if any detrimental effect on the school. The wall of the school building that faces this site has no windows and is 110' from the monopole. The monopole is the tallest structure in the area and is visible from all surrounding sides, however, when the trees leaf out the monopole will be screened to some extent and will be less noticeable. The monopole is located behind the fire station approximately 130' south of 63rd Street and 160' west of Mission Road. The Governing Body approved setback reductions from the north, east and south property lines in 2010. The neighbors expressed some concerns during construction and when different carriers were installing their antennas, but since that time, there have been no complaints.

D. The relative gain to public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners.

The existing cell tower provides better communications to the public particularly in-building reception and provides a predictable flow of revenue to the fire district to offset its costs of operation. Because of its location away from both 63rd Street and Mission Road, it has little if any negative impact on surrounding residential areas.

E. The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.

The new Wireless Communication Facilities ordinance requires that equipment compounds meet the minimum setbacks for principal structures in the district in which it

is located and that towers setback from all property lines a distance equal to the tower height.

The side yard setback in the R-1A District is five feet and it appears that the compound meets that requirement. The rear setback is 25' and the compound sets back approximately 25' from the rear property line.

The tower or monopole sets back approximately 130' from the north property line, 94' from the east property line, and 35' from the south property line and 210' from the west property line. Therefore, it was necessary to grant setback reductions from the north, south and east property lines in order to approve the original Special Use Permit. In approving the reduction or waiver, the Planning Commission and City Council considered the following:

1. That there are special circumstances or conditions affecting the proposed cell tower installation;

Location of a cell tower to serve this neighborhood is difficult because of the limited number available sites and the predominance of single-family development in the area. The 150' height has been proposed in order to accommodate three carriers which could reduce the number of towers need to serve the area.

The applicant has submitted a report from an independent engineer addressing the monopole design and fall zone. It states that the monopoles are designed to ANSI, BOCA and ASCE standards and materials are tested to certify their quality. The report further states that monopole structures do not experience or have ever experienced "free fall" type failure due to wind or seismic induced loads. It further states that the monopole could be design to collapse within a fall zone radius of $\frac{1}{3}$ to $\frac{1}{2}$ the pole height. It appears that the only building that would be affected if the pole collapsed would be the fire station.

This is a large public use area and is the type of location in which the Planning Commission and Governing Body would prefer towers to locate.

2. That the setback waiver is necessary for reasonable development of the cell tower installation or the landowners property;

The Fire District Board determined that this would be the best location for the proposed tower and equipment compound because it would have the least impact on the fire department operation and the aesthetics of their site. There are other locations on the site that could accommodate the facility, but a setback reduction would still be needed. The Fire District property is only 165' deep from 63rd Street so any tower over 85' in height would require approval of a setback reduction.

3. That the granting of the setback waiver will not be detrimental to the public welfare or cause substantial injury to the value of the adjacent property or other property in the vicinity in which the particular property is situated.

The setback reduction would only affect the Indian Hills Middle School and the closest point of the building to the tower is approximately 110'. There are no single-family residences in close proximity. The single-family dwellings are further protected by the 60' wide right-of-way on Mission Road and 63rd Street.

F. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.

The monopole and equipment compound are located behind the fire station away from single-family development and the facility has not adversely affected the welfare or convenience of the public. On the other hand the facility benefits the community by providing better in-building, in-vehicle and street coverage.

G. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such as the special use will not cause substantial injury to the value of the property in the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will cause substantial injury to the value of property in the immediate neighborhood, consideration shall be given to:

- a. The location, size, nature and height of buildings, structures, walls, and fences on the site; and
- b. The nature and extent of landscaping and screening on the site.

The facility is located behind the fire station and the wall enclosing the compound is an extension of the building using brick that matches the existing building. The wall is approximately 10' in height and this is because the elevation drops rapidly (approximately 6') from the building to the south property line.

The design of the wall and its materials are compatible with the existing building. The monopole will be the tallest structure in that area at 150'. The monopole is located in a large public use area and the closest residence to the east is approximately 300' and to the north is approximately 285'.

Additional plants have been added to the south side of the equipment compound to provide additional screening.

H. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.

Off street parking is not necessary for this particular use other than a parking space available for service people to maintain equipment. The parking provided on the site is adequate for this need.

I. Adequate utility, drainage, and other such necessary facilities have been or will be provided.

Adequate utilities are available and stormwater management was addressed as a part of the original approval.

J. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

The facility will require construction equipment to maintain the tower, install or change out antennas, and install equipment cabinets.

K. Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors or unnecessarily intrusive noises.

The antennas and equipment do not have any hazardous or toxic materials, obnoxious odors, or intrusive noises that would affect the general public.

L. Architectural design and building materials are compatible with such design and materials used in the neighborhood in which the proposed facility is to be built or located.

The architectural style and materials are typical of those used for utility type electrical poles and towers that are frequently found in urban neighborhoods. This tower is a monopole which has more of the appearance of a flagpole and no antennas are visible from the exterior. The screening wall surrounding the equipment compound at the base of the tower is brick and the brick matches the building on the site. Having the compound attached to the fire station improves the appearance of the site and presents a more compatible and aesthetic design.

M. City Staff recommendations.

This location is appropriate for a wireless facility installation and the Special Use Permit should be renewed. It is a large public use site; it is not adjacent to any single-family dwellings and carriers have demonstrated that there is a need in this area to provide better service. Service has been improved in-building, in-vehicle and at the street level. The need for better cell service is being driven by the public demand for service plus the demand for additional services such as data. The provision of wireless service is considered more of a utility more than a luxury and the ideal situation is to integrate the facilities in an area with the least negative impact on the residents. This site seems to accomplish that. There are a number of conditions that need to be attached as a part of the approval or the renewal of the Special Use Permit.

N. The suitability of the property for the uses to which it has been restricted under its existing zoning.

The property is developed primarily for a fire station which is an approved use in a residential district. The wireless communications facility is a compatible use with the fire station and is a suitable use of the property.

O. The length of time of any vacancy of the property.

The property is developed for a fire station and is not vacant.

P. Conformance with the Comprehensive Plan.

Wireless communications are not specifically addressed in Village Vision. However, it falls into two general goal areas; which are maintaining and improving infrastructure and improving communications between the City and its residents.

Mr. Williamson advised the Commission that in order to accommodate the Sprint temporary request, Conditions #1 and #13 will need to be revised. #13 currently reads as follows:

13. The monopole shall be approved for a maximum height of 150' and shall have a hot dipped galvanized finish. All antennas and cables shall be installed internally in the monopole and the design and installation shall meet the standards set out in Section 19.33.035.C. Tower/Antenna Design.

It is recommended that it be reworded as follows:

13. The monopole shall be approved for a maximum height of 150' and shall have a hot dipped galvanized finish. All antennas and cables shall be installed internally in the monopole for permanent installations and the design and installations shall meet the standards set out in Section 19.33.035.C. Tower/Antenna Design. One temporary installation shall be permitted that allows shrouded external antennas for a period not to exceed three years from the date of approval by the Governing Body. At the end of the three-year period, or when a permanent solution is implemented, whichever comes first, all external antennas and the shroud shall be removed and the monopole shall be restored to its original condition. Within six months after the approval of this application by the Governing Body, the applicant must submit an application for a permanent solution.

Since a long-term solution is needed for this location, it is recommended that the Special Use Permit renewal be approved for three years rather than ten as the ordinance allows.

Randy Kronblad moved the Planning Commission finds favorably on the findings of fact and recommend the Governing Body approve the renewal of the Special Use Permit for a wireless communications facility at 3901 West 63rd Street subject to the following conditions:

1. The approval of the Special Use Permit renewal shall be for a maximum of three years. Within six months after the approval by the Governing Body, the applicant shall make application for the approval of the permanent solution shall and shall demonstrate to the satisfaction of the Planning Commission and the Governing Body that a good faith effort has been made to cooperate with other providers to establish co-location at the tower site, that a permanent solution for all providers is determined, that a need still exists for the tower, and that all the conditions of approval have been met. The Special Use Permit may then be extended for an additional ten years by the Governing Body and the applicant shall resubmit after each ten year reapproval. The process for considering a resubmittal of the Special Use Permit shall be the same as for the initial application.
2. Any tower, antenna or other facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such tower, antenna or facility shall remove the same within 90 days after receiving notice from the City. If the tower, antenna or facility is not removed within that 90 days period,

the governing body may order the tower, antenna or facility removed and may authorize the removal of the same at the permittee's expense. Prior to the issuance of the Special Use Permit, the applicant shall submit a bond to the City in an amount adequate to cover the cost of tower removal and the restoration of the site or otherwise guarantee its removal. This bond will be secured for the term of the Special Use Permit plus one additional year. In the event the bond is insufficient and the permittee otherwise fails to cover the expenses of any such removal, the site owner shall be responsible for such expense.

3. The applicant shall have a structural inspection of the tower performed by a licensed professional engineer licensed in the State of Kansas prior to every renewal and submit it as a part of the renewal application and the report shall be submitted to Staff prior to the meeting of the Governing Body.
4. The wireless communication facility, monopole and antennas shall be structurally maintained to a suitable degree of safety and appearance (as determined by the City and any applicable law, statute, ordinance, regulation or standard) and if it is found not to be in compliance with the terms of the Special Use Permit will become null and void within 90 days of notification of noncompliance unless the noncompliance is corrected. If the Special Use Permit becomes null and void, the applicant will remove the facility tower antenna and all appurtenances and restore the site to its original condition.
5. The permittee shall keep the property well maintained including maintenance and replacement of landscape materials; free of leaves, trash and other debris; and either regularly cleaning up bird droppings or installing anti-perch devices that prevent birds from perching on the installation.
6. In the future should the levels of radio frequency radiation emitted be determined to be a threat to human health or safety, the wireless communication facility, tower or antenna shall be rectified or removed as provided for herein. This finding must be either mandated by any applicable law, by federal legislative action, or based upon regulatory guidelines established by the FCC.
7. In order to ensure structural integrity, all wireless communication facilities, towers and antennae shall be constructed and maintained in compliance with all applicable local building codes and the applicable standards for such facilities, towers and antennae that are published by the Electronic Industries Alliance.
8. The installation shall meet or exceed all minimum structural and operational standards and regulations as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then all facilities, towers, and antennae shall be brought into compliance within six (6) months of the effective date of the new standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
9. It shall be the responsibility of any permit holder to promptly resolve any electromagnetic interference problems in accordance with any applicable law or FCC regulation.
10. CFD#2 shall have the ability to enter into leases with other carriers for co-location and CFD#2 shall be responsible for the removal of the communications tower facility in the event that the leaseholder fails to remove it upon abandonment.

11. Information to establish the applicant has obtained all other government approvals and permits to construct and operate communications facilities, including but not limited to approvals by the Kansas Corporation Commission.
12. The Special Use Permit renewal is for three additional carriers. Additional carriers may locate on the tower subject to approval of a Site Plan by the Planning Commission in accordance with Chapter 19.32 Site Plan Approval and an amended Special Use Permit will not be required.
13. The monopole shall be approved for a maximum height of 150' and shall have a hot dipped galvanized finish. All antennas and cables shall be installed internally in the monopole for permanent installations and the design and installations shall meet the standards set out in Section 19.33.035.C. Tower/Antenna Design. One temporary installation shall be permitted that allows shrouded external antennas for a period not to exceed three years from the date of approval by the Governing Body. At the end of the three-year period, or when a permanent solution is implemented, whichever comes first, all external antennas and the shroud shall be removed and the monopole shall be restored to its original condition. Within six months after the approval of this application by the Governing Body, the applicant must submit an application for a permanent solution.
14. There shall be no security lighting installed around the base of the tower.
15. The approved Site Plan, dated March 6, 2015 shall be incorporated as the Site Plan for approval of this application. If any changes are made to the Site Plan as a result of the approval, the plan shall be revised and submitted to the City prior to obtaining a permit.
16. The applicant may change out equipment boxes, cable and antennas provided that the replacements are generally consistent with the approved plan. If change-outs are significantly different, as determined by the Building Official or his/her designee, a revised Site Plan shall be submitted to the Planning Commission for its review and approval.
17. The applicant shall not prevent other carriers from locating on the tower.
18. In the event that a carrier transfers its facilities to another carrier or changes its name due to merger acquisition, etc., it will notify the City within 30 days of such change and will provide a description of the service provided by that carrier. If modifications are required as a result of this change they will be approved by Staff unless in the opinion of Staff they are significant changes, then they will be submitted to the Planning Commission for Site Plan Approval.
19. A setback waiver is hereby granted for the tower from the north, east and south property lines to reduce the required setback from 150' to the actual distance between the existing tower and the property lines which are approximately 130' from the north, 94' from the east and 35' from the south.
20. The applicant shall maintain the landscape and replace plants that die.
21. Only one standby generator shall be approved for this complex. The generator shall be shared by all carriers and shall be owned, operated and maintained by the same entity that owns the tower. The generator will be connected to a natural gas line. Staff will need to review the specifications for the proposed standby generator before it is installed to be sure that the noise created by it is minimized. The maximum noise level should not exceed 68-db and as much noise reduction as possible should be incorporated into the unit.

The motion was seconded by Gregory Wolf.

Mr. Kronblad and Mr. Lindeblad expressed disappointment that the initial facility that was supposed to accommodate three providers with all antenna located within the pole cannot provide for this application without having the placement of antenna outside the monopole. However, they acknowledged the difficulty of providers to find acceptable sites in this area. The motion was voted on and passed unanimously.

Chairman Bob Lindeblad led the Commission in the following review of the criteria for site plan approval of the proposed site containing the existing monopole of 150' in height and the equipment compound is approximately 67' by 17' 6":

A. The site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.

There is adequate area on the site to accommodate the monopole and equipment compound. The monopole location does not meet the setback requirements, but a setback reduction was approved as a part of the original Special Use Permit. The proposed facility is served by the existing parking and drives.

B. Utilities are available with adequate capacity to serve the proposed development.

Basic utilities are available to serve this location.

C. The plan provides for adequate management of stormwater runoff.

The installation has created more impervious area. The applicant submitted a stormwater management plan to Public Works which was approved.

D. The plan provides for safe and easy ingress, egress and internal traffic circulation.

The proposed site utilizes the existing fire station driveway and parking lot for circulation which will adequately serve the use.

E. The plan is consistent with good land planning and good site engineering design principles.

This is a major installation and the location has been designed so that it blends as well as possible with the existing fire station.

F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed installation and the surrounding neighborhood.

The monopole is 150' in height which is taller than any other structure in the area. It is a slim line design and all antennas and wiring are within the monopole. The applicant is requesting that one carrier be permitted to place antennas on the exterior of the monopole. The applicant has agreed to provide a shroud around the antennas so the appearance will at least have the antennas internal. The appearance of the pole will not be the slim line as it is today, but the antennas will be enclosed.

A brick screening wall was constructed using the same materials that match the existing fire station around the perimeter of the equipment compound and it will be maintained.

G. The plan represents an overall development pattern that is consistent with the comprehensive plan (Village Vision) and other adopted planning polices

Wireless communications are not specifically addressed in Village Vision. Perhaps it falls into two goal areas which are maintaining and improving infrastructure and improving communications between the City and its residents.

Randy Kronblad moved the Planning Commission find favorably on the findings of fact for PC2015-04 and approve the Site Plan for the cell tower installation including the Sprint antenna installation at 3901 West 63rd Street subject to the following conditions:

1. That the antennas be shrouded in a material that matches the monopole and shall be installed as shown on the plans dated 3/25/15.
2. That the cable be within the monopole.

The motion was seconded by Jim Breneman and passed unanimously.

**PC2015-101 Request for Front Yard Platted Building Line Modification
From 75 feet to 65 feet
4021 West 86th Street**

Chairman Bob Lindeblad announced that Sohail and Ivett Shah, 4021 West 86th Street, have withdrawn their application for a requested building line modification.

PC2015-105 Request for Temporary Use Permit for ADHD Summer Treatment Program at 4801 West 79th Street

Carla Allan, with Children's Mercy Hospital at 5520 College Blvd, noted the success of last year's program at this location and is requesting approval to operate the program this summer. This is one of only 12 programs of this type in the world.

Children's Mercy South provides an eight-week Summer Treatment Program for approximately 50 children with ADHD. The program will be held at the Kansas City Christian School from June 1, 2015 through July 24, 2015. The hours of operation will be 7:30 am to 5:30 pm; Monday, Tuesday, Wednesday, and Friday; and 7:30 am to 8:00 pm on Thursday. Staff will train the previous week, May 26th through May 29th. The program will use three classrooms, the cafeteria, the gymnasium, and the outdoor playgrounds. The proposed Summer Treatment Program will use the existing building, parking lots, and outdoor areas and there will be no changes made to the property.

Ron Williamson stated the Planning Commission approved the same Summer Treatment Program last year. Kansas City Christian School and the City did not receive any complaints about the use. Staff feels this is a very good use for a facility that is unused during the summer months. Since the short-term use is for more than 30 days, it requires Planning Commission approval.

The Planning Commission may approve the temporary use permit provided that the application meets the following:

1. **The applicant shall submit in written form a complete description of the proposed use, including drawings of proposed physical improvements, estimated accumulation of automobiles and persons, hours of operation, length of time requested, and other characteristics and effects on the neighborhood.**

The applicant has provided a detailed description of the proposed operation, as follows: The applicant has submitted a description of the program, floor plans of the area to be used. The applicant stated on the application that the program will be provided from 7:30 am to 5:30 pm; Monday, Tuesday, Wednesday, and Friday; and from 7:30 am to 8:00 pm on Thursday from June 1st until July 24th. Staff training will occur from May 26th to May 29th. There will be approximately 50 children and 26 staff. There will be no external changes to the facility or grounds so it should have no adverse effects on the neighborhood. The program will use approximately 25 parking spaces and the site is more than adequate to accommodate them. This provides a needed service for the community and is a good use of a facility that would remain unused for the summer.

2. **If approved, a specific time period shall be determined and a short-term permit shall not be operated longer than the period stipulated in the permit.**

The applicant has requested that the short-term use be approved for the period from June 1, 2015 through July 24, 2015, with staff training May 26th through May 29th, and that would be the maximum time of operation that would be permitted.

3. **Upon cessation of the short-term permit, all materials and equipment shall be promptly removed and the property restored to its normal condition. If after giving full consideration to the effect of the requested short-term permit on the neighborhood and the community, the Planning Commission deems the request reasonable, the permit for the short-term use may be approved. Conditions of operations, provision for surety bond, and other reasonable safeguards may be written into the permit. Such permit may be approved in any zoning district.**

There will be no external changes to the building and grounds; therefore, no adverse effects on the adjacent neighborhood.

Gregory Wolf moved the Planning Commission the temporary use permit for an ADHD Summer Treatment Program at 4801 W. 79th Street subject to the following conditions:

1. That the temporary use permit for the ADHD Summer Treatment Program be approved for a period from June 1, 2015 through July 24, 2015, with staff training May 26th through May 29th.
2. That the hours of operation shall be from 7:30 am to 5:30 pm on Monday, Tuesday, Wednesday, and Friday, and 7:30 am to 8:00 pm on Thursday.
3. That the Summer Treatment Program use the existing building, parking, driveways, and playgrounds and will make no external changes to the property.
4. That the applicant properly maintains the exterior area of the property and will leave it in an acceptable condition when the program ends on July 24th.

The motion was seconded by Jim Breneman and passed unanimously.

OTHER BUSINESS

Ron Williamson noted the City Council approved the rezoning request for Chadwick Court (3101 West 75th Street) with the four waivers requested by Mr. Royer. The Final Plat will be on the May Planning Commission agenda for approval.

Next Meeting

The May Planning Commission agenda will include the request for a Special Use Permit for a storage facility by St. Ann's Church for the storage of athletic equipment near their baseball field. Other improvements to the site include a new backstop, batting cage, and pavilion area. The Commission will also meet as the Board of Zoning Appeals to consider a requested variance for 6737 Granada Lane to exceed maximum lot coverage of 30% to 33.2%.

It was noted that the new concept plans that were presented to the Governing Body for Mission Chateau are posted on the city's web site. The Governing Body also granted a 30 day extension to the current Special Use Permit for Mission Chateau.

Wes Jordan advised the Commission that the city would be putting out a request for qualifications for a City Planning Consultant this month. Mr. Williamson has agreed to remain until a new consultant is selected.

ADJOURNMENT

With no further business to come before the Commission, Chairman Bob Lindeblad adjourned the meeting at 8:15 p.m.

Bob Lindeblad
Chairman