**PLANNING COMMISSION MINUTES**

November 3, 2015

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, November 3, 2015, in the Municipal Building Council Chambers at 7700 Mission Road. Chairman Nancy Wallerstein called the meeting to order at 7:00 with the following members present: James Breneman, Melissa Brown, Patrick Lenahan, Jonathan Birkel, Gregory Wolf and Jeffrey Valentino.

The following persons were present in their advisory capacity to the Planning Commission: Chris Brewster, City Planning Consultant; Wes Jordan, Assistant City Administrator; Mitch Dringman, Building Official; Eric Mikkelson, Council Liaison and Joyce Hagen Mundy, Commission Secretary.

Chairman Nancy Wallerstein welcomed Shannon Marcano, Assistant City Attorney and wireless communications legal counsel.

###### **APPROVAL OF MINUTES**

Gregory Wolf moved for the approval of the minutes of the Planning Commission for October 3, 2015 as submitted. The motion was seconded by James Breneman and passed unanimously.

Patrick Lenahan moved for the approval of the minutes of the Special Planning Commission Meeting for October 12, 2015. The motion was seconded by James Breneman and passed by a vote of 6 to 0 with Gregory Wolf abstaining due to a professional conflict of interest.

**PUBLIC HEARINGS**

**PC2015-09 Request for Rezoning from R-1a to MXD and CP-2**

**PC2015-118 Approval of Preliminary Development Plan**

**PC2015-119 Request for Preliminary Plat Approval**

**9100 Nall Avenue**

Commissioner Gregory Wolf recused himself due to a professional conflict of interest on these applications.

Chairman Nancy Wallerstein stated it was the intent of the Planning Commission to continue these items to a Special Planning Commission meeting to be held on Thursday, November 12, 2015. However, as the public hearing was published to be held at 7 p.m. on November 3, 2015 she opened the public hearing for PC2015-09.

James Breneman moved the Planning Commission continue applications PC2015-09, PC2015-118 and PC2015-119 to a Special Planning Commission meeting to be held on Thursday, November 12th at 6 p.m. at Meadowbrook Country Club, 9101 Nall Avenue. The motion was seconded by Patrick Lenahan and passed by a 6-0 vote.

Commissioner Gregory Wolf returned to the meeting.

**PC2015-10 Request for Special Use Permit for Wireless Communications Facility**

**3921 West 63rd Street**

Justin Anderson with Selective Site Consultants, 8500 West 110th Street, Suite 300, representing Consolidated Fire District #2 and Sprint, appeared before the Commission to present the application for renewal of a Special Use Permit for a wireless communications facility to replace the existing facility at 3921 West 63rd Street that was approved in 2010. Mr. Anderson reviewed the background of this site and this application, including a renewal approved in April, 2015 for a three year period due to the inability of the current structure to accommodate three cell phone providers with direction that the applicant return within six months with a permanent solution for the desired co-location on the facility. Options to be considered during that period included replacement of this monopole with a larger, not taller one, the addition of a second tower or perhaps an alternative stealth tower structure which may be a “monopine,” a man-made tree.

Mr. Anderson stated the proposed application addresses the capacity issues of the current tower, and proposes a longer term design solution than what was reviewed and recommended for approval by the Commission on April 7, 2015. Since this is a renewal, and due to the good faith efforts to cooperate with other providers, propose a permanent solution, and comply with all conditions of the original and interim approval, the applicant is requesting a 10-year renewal period as provided by ordinance.

The existing monopole and equipment compound are located on the south side of the fire station. The monopole is located approximately 35 feet from the south property line, 130 feet from the north property line and 94 feet from the east property line. The ordinance requires monopoles to setback a minimum distance from all property lines equal to the height of the monopole which in this case is 150 feet. The applicant requested a reduction of the setback requirement on the north, east and south sides which was recommended by the Planning Commission and approved by the Governing Body.

The proposed application has the following features, specifically noting changes from the current facility:

* Maintain the current 150’ height.
* Move the location to the east approximately 43’, including exceptions for setbacks corresponding with the exceptions granted for the existing tower:
  + approximately 35’ from south property line,
  + approximately 130’ from north property line, and
  + changing from 94’ to approximately 51’ from east property line.
* Increase the diameter of the tower from 2’5” to 7’6” at its widest (subject to design option selected with the current temporary canister approximately 5’3” wide.
* Include 4 canisters – 1 for each provider (Verizon Wireless, Sprint, AT&T, and future T-Mobile) at the following levels - 145’, 135’, 125’ and 112’. This will remove the temporary exterior canister for Sprint at 79’ (approx. 5’3” diameter). Due to the increased diameter, the 4 canisters proposed are to be sufficient for 4 carriers, while the 6 canisters in the current narrow configuration cannot accommodate 4 carriers due to the size of the latest equipment and space occupied by cables. Mr. Anderson noted that the Fire District has received a letter of intent from T-Mobile to co-locate on the facility at 99’.
* New concrete compound to accommodate the proposed tower and related carrier equipment on the southeast corner of the building.
* A new concrete patio, brick and CMU compound wall to match the current wall, and landscape area associated with the new compound area.

Mr. Anderson presented the following review of three photo simulations of proposed design solutions:

* + A taper wide-based column (7’6” diameter) with similar width for the entire tower
  + A narrow-basted tower (2’6” diameter) with a wide top (wide top at approximately 98’ feet with 7’6” diameter), OR
  + A narrow-based column with a tapered top (taper at approximately 90’ feet up to 98’ with 7’6” diameter)

Mr. Anderson stated they tried to think “outside the box” in seeking a solution looking at more stealth designs as recommended by staff and the City Council. However the applicant explained that towers such as monopines, flagpoles or other designs intended to mask that the structure is a cell tower are disproportionate on this site, and would have the opposite of the intended effect. The photo simulations of stealth applications were presented. Mr. Anderson noted that a flag pole of 150 feet in height would require a flag that was 20’ x 40’, the lanyard and the flag would be noisy, the flag would either have to be lit or taken down each day at dusk. The base of a 150’ monopine would be 60 feet. The tallest trees in this area are 60 to 70 feet making this significantly disproportionate. Monopines have a five to ten year life span after which the branches have to be taken down and refurbished which takes approximately six months. In viewing the photo simulation it was noted that the nearest tree was 90’ from the photographer and the monopine was 190’ from the photographer.

Nancy Wallerstein asked which design option was being proposed. Mr. Anderson stated they felt the narrow-based column with a tapered top was there recommended design, but stated they would do whatever design they were directed to do by the City.

Patrick Lenahan confirmed that once the tower was constructed the existing tower would be removed. Mr. Anderson noted that the tower is proposed with a galvanized gray surface as prepared in the factory; however, they would be willing to paint the structure if desired by the City

Jeffrey Valentino asked for additional information on the technical aspects of the tower and related coverage. Ivan Blanco, Senior Engineer with Sprint Technology Department reviewed the propagation maps with current coverage provided and coverage with the proposed installation. Commission members stated they would have liked to see maps of coverage prior to the installation.

Chairman Nancy Wallerstein opened the meeting to public comment. With no one present to address the Commission on the application, the public hearing was closed at 7:28 p.m. It was noted that three e-mails were received by the Commission late Tuesday afternoon in opposition to the application.

Mr. Brewster noted the applicant held a public information meeting for the neighborhood for the original application on December 21, 2009; with approximately 10 people attended and several indicating 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 for the first renewal on March 16, 2015 and no neighbors appeared.

The applicant held a public information meeting for the neighborhood for this application on October 20, 2015 and no neighbors appeared.

Chris Brewster, City Planning Consultant, reviewed the following staff analysis prepared for this application:

The original application was approved based on the City’s new ordinance for Wireless Communication Facilities. The following is a summary of the information submitted for the original application. The required application information as set out in the new ordinance is shown in bold type.

1. **A study comparing potential sites within an approximate one mile radius of the proposed application area. The study shall include the location and capacity of existing towers, alternative tower sites, a discussion of the ability or inability of each site to host the proposed communications facility and reasons why certain of these sites were excluded from consideration. The study must show what other sites are available and why the proposed location was selected over the others. It must also establish the need for the proposed facility and include a map showing the service area of the proposed facility as well as other alternative tower site and antennas.**

**If the use of exiting towers, alternative tower structures, and sites are unavailable, a reason or reasons specifying why they are unavailable needs to be set out and may include one or more of the following: refusal by current tower or site owner; topographical limitations; adjacent impediments blocking transmission; site limitations to tower or facility or tower; no space on existing facility or tower; other limiting factors rendering existing facilities or towers unusable. The documentation submitted must use technological and written evidence, that these sites are inadequate to fulfill the grid needs of the wireless service provider, or that a reasonable co-location lease agreement could not be reached with the owners of said alternative sites.**

**The applicant shall submit an overall plan that shows the coverage gaps in service or lack of network capacity throughout the entire City and provide an indication of future needed/proposed wireless communication facilities, towers, and/or antenna.**

**The applicant shall demonstrate how the proposed communication facility, will impact its overall network within the City of Prairie Village and adjacent cities on both sides of the state line.**

**The study shall demonstrate how the proposed communication facility, will impact its overall network within the City of Prairie Village and adjacent cities on both sides of the state line.**

**The study shall also provide documentation establishing the minimum height necessary to provide the applicant’s services and the height required to provide for co-location. The study shall include coverage maps for the proposed monopole at the requested height and at ten feet descending intervals to 50 feet.**

**The Planning Commission or Governing Body at its discretion may require a third party analysis, at the applicant’s expense, to confirm the need for the facility.**

**The applicant shall be responsible to provide timely updates of the above described study and information during the Special Use Permit process.**

Sprint and other carriers have documented through this and previous applications that this is an area where service is poor and in some instances non-existent. The Sprint RF engineer’s propagation study demonstrates existing and proposed coverage. The applicant submitted coverage maps that show the need for the facility and also show areas that are under served. The coverage maps demonstrate best, good, and fair coverage for voice and data (CDMA) and data (LTE).

The applicant has performed a search of existing towers and sites for this and previous applications that potentially could be used for wireless carriers. The search by the applicant included the following 15 sites and this is a summary of their comments regarding each location:

1. Highland Elementary School (62nd and Roe) - This site is too close to existing Verizon Wireless site "Fairway" shown on Aerial 2. A new school is being constructed on this property.
2. Southminster Presbyterian Church (63rd St. & Roe Ave.) - This site is too close to existing Verizon Wireless site "Fairway" shown on Aerial 2. This site is well North and West of the SARF. This site is much further West of the SARF than is the Consolidated Fire District site discussed below and the subject of this application. The Southminster Presbyterian site is inferior to the site proposed at the Consolidate Fire District because it abuts single family residential land uses on all sides, whereas the Fire District site is largely surrounded by institutional land uses.
3. Faith Evangelical Church (67th & Roe) -Potential collocation site denied twice by Prairie Village City Council, once on July 21, 2008, and again on May 4, 2009; Verizon Wireless submitted letter of intent to collocate on this tower in association with the application that was denied on May 4, 2009.
4. McCrum Park water tank - City Council terminated Special Use Permit application by electing not to proceed with a lease with Cingular Wireless (now doing-business as AT&T Mobility) for ground space on January 17, 2006; Water District No 1 of Johnson County has since placed this water tank on list for decommissioning in the next several years. (Staff Comment –The water tower has been removed from this location.)
5. KCYC Tomahawk - Verizon Wireless/Consolidated Fire District No 2 application for Special Use Permit submitted April 2, 2010. Project explanation accompanies application filed concurrently herewith.
6. Shawnee Mission School District - Indian Hills Middle School- proposal sent to District representatives on December 16, 2009 - written letter indicating District's unwillingness to entertain further negotiations received February 2010. We understand that, among other matters, the Shawnee Mission School District's future facility planning makes entering in to a long-term lease arrangement unfeasible - please see attached Exhibit 5.
7. Homestead Country Club - on two occasions, Board of Directors has indicated its unwillingness to entertain lease negotiations proposed by carriers, and in one prior instance, the Club actually withdrew its consent to a land use application while that application was in process. Efforts to build on this site most recently occurred in 2014, when communications and discussions stalled. Shortly after this the club filed for bankruptcy and is in the process of redevelopment and is not currently available for tower locations.
8. Prairie Elementary School- Shawnee Mission School District. The District's concerns regarding future District facility planning renders leasing space at this elementary school unfeasible for the same reasons leasing space at Indian Hills Middle School is unfeasible - please see attached Exhibit 5. It is noted Prairie Elementary School is situated on a significantly smaller tract than is Indian Hills Middle School.
9. Prairie Village Shops - proposal sent to Lane 4 Property Group, management agent for owner, in 2009; written correspondence received September 16, 2009 indicating ownership is not interested in a communication tower anywhere on the Shops - please see attached Exhibit 6.
10. Saint Ann's Catholic Church -7231 Mission Road - the steeple at this site is too low for Verizon Wireless' coverage needs and the site is too close to an existing Verizon Wireless site location "Prairie Village" at City Hall, 7700 Mission Road.
11. Indian Hills Country Club - proposal submitted to General Manager Michael Stacks on December 21, 2009 – no reply ever received despite numerous repeated attempts to correspond with club - please see attached Exhibit 7.
12. Village Presbyterian Church - no feasible option that meets Verizon Wireless' coverage objectives (church's stated maximum is 65' antenna centerline in bell tower structure - this option has been previously rejected by several carriers in light of 70-80 foot trees in area and low topography). A propagation prediction was run by Verizon Wireless and confirms constructing a facility in the bell tower would not alleviate Verizon Wireless' coverage deficiencies. That prediction accompanies the application submitted herewith. No space is available for the construction of a new monopole tower on the Village Presbyterian Church property without significantly impeding traffic flow through the existing parking lot and eliminating multiple spaces from that lot.
13. Trinity Anglican Church - This parcel is too small to accommodate a wireless communications facility. Base district setbacks cannot be met on this parcel and height waivers would be required to all property lines.
14. Kansas City Country Club - this parcel is located too far North and East of the SARF. This parcel is deed restricted and would not likely allow for a wireless communication facility.
15. Crown Castle monopole tower - 5950 Roe Avenue - this site is too close to existing Verizon Wireless site "Fairway" shown on Aerial 2.

No available sites within one mile of the proposed site could be found to provide the coverage needed, and in most instances more towers would be needed to provide coverage comparable to the proposed application.

1. **Multiple photo simulations of the proposed facility as viewed from the adjacent residential properties and public rights of way as directed by City Staff.**

The applicant submitted photo simulations of 3 preferred design options viewed from the southeast. These simulations demonstrate the differences in appearance from the proposed width increase, plus the view of the new location. While these views are not shown from right of way or adjacent property, they are depicted from a closer location to demonstrate a change from the existing tower. Views from the adjacent rights-of-way and residential property will be somewhat screened from fully-leafed trees when viewed from the east or north (as the current tower is), but will be clearly visible from the west and south (as the current tower is).

1. **When possible, all wireless communication towers and alternative tower structures must be designed to accommodate multiple providers (co-location), unless after consideration of the recommendation of the Planning Commission, the City Council finds that the height or other factors required to make such an accommodation will have a more detrimental effect on the community than having multiple sites. Failure of a permit holder to negotiate in good faith to provide fairly priced co-location opportunities, based on industry standards may be grounds for denial or revocation of the Special Use Permit. A signed statement shall be submitted indicating the applicant’s intention to share space on the tower with other providers.**

The monopole and equipment compound have been designed to accommodate four carriers. After the facility is constructed it will be titled to the Fire District who will negotiate with current providers, and the addition of one more provider. In looking at the coverage maps and assuming that other carriers would have generally the same requirements as Verizon the lowest proposed centerline level is 106’, which is an increase over current levels of 95’ (AT&T) and 79’ (temporary Sprint). This configuration, although increasing the width of the tower, does provide for additional carriers and provide better coverage than current tower levels.

1. **Any application for construction of a new wireless communication facility, tower, antenna or equipment compound must provide a detailed Site Plan of the proposed project. This properly scaled Site Plan will include one page (including ground contours) that portrays the layout of the site, including the proposed facility, the fall radius of any proposed monopole, as well as proposed and existing structures within 200 feet of the tower base and the identification of the specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate. Access to and from the site, as well as dimensioned proposed and existing drives, must be included on this plan. Detailed exterior elevations (from all views) of the tower, screening wall, and all proposed buildings must also be submitted. Finally, a landscape plan detailing location, size, number and species of plant materials must be included for review and approval by the Planning Commission.**

The applicant submitted a detailed Site Plan for the proposed facility compliant with city requirements, which depicts the monopole location, the existing Verizon and AT&T equipment cabinet location, the proposed location for Sprint, and a future location for an additional carrier. The applicant has not indicated any landscape removal, other than the landscape bed on the southeast corner of the building, which has been proposed to be relocated in association with the compound expansion. This landscape area is to be designed to landlord and city specifications. The landscape plan is conceptual at this time and will need to be finalized when all decisions have been made. The applicant has submitted elevations of the screening wall which shall be built out of brick that matches the existing fire station.

1. **Description of the transmission medium that will be used by the applicant to offer or to provide services and a statement that applicant will meet all federal, state and city regulations and law, including but not limited to FCC regulations.**

**The applicant shall provide an engineer’s statement that anticipated levels of electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the FCC. The cumulative effect of all antennas and related facilities on a site will also comply with the radio frequency radiation emission guidelines established by the FCC. An antenna radiation pattern shall be included for each antenna**.

A statement has been submitted by Sprints’ Radio Frequency Engineer that the antenna will be in compliance with electromagnetic radiation guidelines established by FCC. As a reminder, FCC regulates the environmental effects of radius frequency emission and a city cannot consider this issue in approving or denying an applicant.

1. **Preliminary construction schedule including completion dates.**

The applicant plans to construct the facility as soon as all approvals have been obtained from the city. Construction is anticipated to occur in the first quarter or early second quarter of 2016. The existing tower will remain in place throughout construction.

1. **The applicant shall provide a copy of its FCC license**

Copies of Sprint FCC licenses have been submitted.

1. **Copies of letters sent to other wireless communication providers and their response regarding their interest to co-locate.**

The applicant submitted letters to other existing carriers and has received one expression of interest to collocate on the monopole.

1. **Any other relevant information requested by City Staff.**

None requested.

**FACTORS FOR CONSIDERATION:**

The factors set out in the Wireless Communications ordinance includes most, but not all of the Golden Factors. The factors to be considered in approving or disapproving a Special Use Permit for a wireless facility shall include, but not be limited to the following:

1. **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.

1. **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.

1. **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 117’ west of Mission Road (43’ closer than the location of the current pole). 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.

The new tower is approximately 5-feet wider in diameter than the current tower, however it will maintain the same height as the current tower. This increased width will provide additional service providers and ensure all providers are at the same or higher level as in the current tower configuration.

1. **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.

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

The 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, 51’ from the east property line, 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’ high has been proposed with increased diameter in order to accommodate three carriers which could reduce the number of towers need to serve the area.

The applicant has previously 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 1/3 to 1/2 the pole height. It appears that the only building that would be affected if the pole collapsed would be the fire station. Prior to design and construction of the new pole, similar assurances, compliance with the referenced standards, or a new report shall be submitted to address the justifications for the tower location.

It should be pointed out that 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.

1. **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.

1. **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.

1. **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.

1. **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:**
   1. **The location, size, nature and height of buildings, structures, walls, and fences on the site; and**
   2. **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 260’ and to the north is approximately 285’.

Additional plants have been added to the south side of the equipment compound to provide additional screening, and a proposed landscape area will be provided on the east side along Mission Road.

1. **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.

1. **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.

1. **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.

1. **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.

1. **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 and no antennas are visible from the exterior. The applicant has submitted 3 design variations that deal with the increased width of the tower to accommodate the all-interior design for antenna and wires. 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.

1. **City Staff recommendations.**

It is the opinion of Staff that 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.

1. **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.

1. **The length of time of any vacancy of the property.**

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

1. **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.

Jeffrey Valentino asked for clarification on the background of this application. Mr. Brewster replied that when Sprint was given temporary approval to locate on the tower they were directed to return with a permanent solution to accommodate the desired co-location. Most of the conditions of approval stipulated are the same or similar to those approved in the original 2010 application.

Nancy Wallerstein asked how far from the existing tower will the new tower be constructed. Mr. Anderson replied it will be centrally located on the south side of the Fire District Building which will provide some screening. Mrs. Wallerstein asked if all the equipment would fit in the enclosed equipment area. Mr. Anderson responded that it would with some rearranging.

Jonathan Birkel asked for additional information on the comments of support that were received by the applicant. Mr. Anderson replied they were general comments, pleased that coverage would be improved. Nancy Wallerstein asked if the dead zone at 67th and Roe would be improved. Mr. Blanco replied there would be some improvement

Jeffrey Valentino questioned if the increased size would negatively impact property values of neighboring homes. Mr. Anderson replied the height of the facility is not increasing, only the diameter and with the larger diameter the facility will be able to accommodate future growth with no exterior changes to the facility. The proposed model follows the design of the facility in Leawood near I-435. Mr. Valentino asked if the current structure could be modified to accommodate the carriers. Mr. Anderson replied it could not, only one canister space is available. Mr. Valentino asked if in providing the ability to expand if this facility is oversized.

Justin Anderson stated the direction they were given by the city was to come up with a permanent solution that would accommodate future growth without the need for additional facilities. There are no other sites available in the area that meet the required setbacks. They were directed by residents that this is the location that they desired. Mr. Valentino asked what the heights of other facilities in Prairie Village were. Mr. Anderson replied the tower at 7700 Mission Road is 150 feet and he did not know the height of the tower at 9011 Roe. He noted that both of these facilities have antennas located on the outside whereas this facility will be slimmer with no external antennas.

Nancy Wallerstein noted the original permit was for five years and why staff was recommending ten years as requested. Wes Jordan responded the code allows for renewals to be granted for ten years. This facility is very similar to the existing facility which has operated for the past five years without any issues and the proposed design will allow for the desired co-location by multiple carriers as requested; therefore, staff felt the ten year request was reasonable. The Planning Commission has the ability to recommend only a five year renewal.

Mrs. Wallerstein confirmed that the applicant had reviewed and accepts the conditions of approval recommended in the staff report.

Jonathan Birkel stated this is a huge facility and asked where the benefit was for Prairie Village, noting that other cities are being provided coverage. Justin Anderson replied the service provided by the proposed facility will be located approximately one-third in Prairie Village, Fairway and Mission Hills. He stated when selecting location sites, they do not consider city boundaries. The goal is to find a site that will allow for co-location of multiple carriers. They have examined Village Church, Homestead and 61st & Mission Road in Fairway as possible sites, but they do not have the required setbacks. Their goal was to use an existing location that could provide co-location, not to use a Prairie Village location to provide coverage for other cities.

Mr. Birkel asked if they considered a slim line pole without the shroud. Mr. Anderson stated that would require have visible exterior antennas. Mr. Birkel asked if two carriers could be accommodated on a shorter tower than 150 feet. Mr. Anderson responded they could, but there would be a subsequent application by the other providers for another facility for their equipment.

Nancy Wallerstein asked why condition number 12 allows for a maximum height of 150 feet and not to exceed 165 feet, instead of only 150 feet. Chris Brewster replied that Federal regulations through the FCC allow existing tower modification to go above their existing height by 110%. Federal regulations would actually allow the height to increase to 175 feet. Shannon Marcano added that the language limits the applicant to making this increase only once.

Justin Anderson stated they are aware of the federal regulations that would allow them to increase the height; but it would only apply to work that would not hinder the stealth design required of this tower or other conditions of the Special Use Permit; however however, they are seeking approval for 150’ and have no plans of increasing that height. He stated the Fire District, who owns the facility, has only approved a height of 150 feet. Mr. Anderson repeated that the proposed application, which is no higher than the existing application provides what the city has requested – the ability for co-location now and in the future without any exterior changes to the site for multiple carriers.

Gregory Wolf asked what would happen if the application were denied. Mr. Anderson stated they would have to go back to the drawing board, but he was not sure what other options are available based on their research and the requirements of the code. A slim line installation could go as high as 180’, but he could not say that would have the diameter needed to meet the current and future needs of the carriers.

Nancy Wallerstein stated that with more and more households dropping their landlines, Prairie Village residents need to have effective and dependable cellular service for telephone and data. Technology demands it. Mrs. Wallerstein stated that she would like to see more landscaping on the site.

Chris Brewster reviewed the designated landscape areas on the site plan and stated that the applicant would work with staff to prepare and design an acceptable landscape plan. Mrs. Wallerstein stated she wanted more landscaping area than was designated on the plan and not just by the building. Mr. Anderson stated they were open to more landscaping.

Jonathan Birkel asked if the carriers were using fiber or only copper material for their installations. Mr. Anderson replied the Sprint installation will use fiber. Verizon and AT&T currently have copper installations using more space in the pole. Mr. Birkel asked if the diameter could be reduced. Mr. Anderson responded they attempted to reduce it to 12”; however, the mounts did not work properly.

The commission members discussed the three design options. It was noted that the uniform width design would be very massive at the bottom in the normal line of site. It was felt that the design with the changing width leads ones eye to the top. It was felt that the designs were relatively the same with the tapered design being preferred by the majority of the Commission.

Jonathan Birkel suggested that possibly painting the unit would make it appear more finished. Mr. Jordan stated the best blend is received with the galvanized installations or those painted white. Mr. Anderson restated that they would be willing to paint the facility if it was the desire of the city. Mr. Jordan also stated that Zoning Regulation 19.33.035 (C.1.) specifies a “galvanized finish. Mr. Jordan also informed the Commission that the applicant did previously appear before the Governing Body to seek feedback prior to finalizing the pending application. He said several Council members were interested in a “stealth” design and asked the applicant to focus on that attempt versus a monopole replacement.

Chairman Nancy Wallerstein reminded Mr. Mikkelson that this application would be going forward to the Governing Body for action and that he should weigh very carefully any comments he would make at the Commission level as not to be construed as having prejudged this application.

Mr. Mikkelson reported that a number of the City Council members found the stealth applications to be viable options for this application. Mrs. Wallerstein replied that she has seen the monopines and finds them hideous and unacceptable, a flagpole would be loud and require an enormous flag, the width of the shroud the entire length of the facility would be massive and require a very heavy base.

Gregory Wolf moved the Planning Commission find favorably on the factors for consideration and recommend the Governing Body approve PC2015-09 granting a special use permit for the proposed wireless communications installation at 3921 West 63rd Street with the tapered design subject to the following conditions:

1. The initial approval of the Special Use Permit shall be for a maximum of ten years. At the end of the ten 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.
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 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. The Special Use Permit renewal is for four carriers, 3 existing and one future. 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.
12. The monopole shall be approved for a maximum height of 150’, and no additional height shall be added to the monopole, whether allowed by the city or other entity, unless specifically required by law or federal rule, and in no case more than 165’. Any increase in height above 150’ but not to exceed 165’ shall be allowed to occur one time only.
13. 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.
14. The tower and shall have a hot dipped galvanized finish.
15. There shall be no security lighting installed around the base of the tower.
16. The approved Site Plan, dated October 10, 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.
17. 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.
18. The applicant shall not prevent other carriers from locating on the tower.
19. 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.
20. 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 is approximately 130’ from the north, 51’ from the east and 35’ from the south. All design and construction specifications for the tower shall be in conformance with previous reports and standards used to justify setback waivers of the existing tower.
21. The applicant shall maintain the landscape and replace plants that die. A final landscape detailed plan for the area to the south andeast of the compound shall be agreed to by the landlord and staff prior to construction.
22. 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.
23. Upon completion of the proposed tower, the existing tower shall be removed within a reasonable time. Any demolition period beyond 2 months shall require approval by the City or may constitute violation of the Special Use Permit, subject to all penalties or remedies authorized under the city’s ordinance.

The motion was seconded by James Breneman and passed by a 6 to 1 vote with Jeffrey Valentino voting in opposition.

**SITE PLAN APPROVAL**

Chris Brewster stated that since this is the request for approval of the renewal of a Special Use Permit with a modification for a wireless communication facility, Site Plan Approval is required in accordance with Chapter 19.32 Site Plan Approval if the Planning Commission recommends approval of the Special Use Permit.

This is a major wireless communications facility installation. The existing monopole is 150’ in height and the equipment compound is approximately 67’ by 17’ 6”. This application proposes a similar configuration with a relocation of the tower approximately 43’ to the east and an expansion of the compound by approximately 29 feet to the east (aligned with the existing pergola on the east side, and at the same line along the south side of the building.

Staff prepared the following analysis of the criteria for approval of this application:

* 1. **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. A final landscape detailed plan for the area to the east of the compound shall be agreed to by the landlord and staff prior to construction.

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

Basic utilities are available to serve this location.

* 1. **The plan provides for adequate management of stormwater runoff.**

The installation has created more impervious area. The applicant must submit a stormwater management plan to Public Works prior to construction.

* 1. **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.

* 1. **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.

* 1. **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 appearance of the pole will not be the slim line as it is today, but all antennas will be enclosed and 4 providers will be accommodated at greater coverage heights without increasing the height of the current tower.

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.

* 1. **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.

Gregory Wolf moved the Planning Commission concur with the analysis provided by staff and approve the site plan presented for the cell tower installation including the Sprint antenna installation subject to the following conditions:

1. That the applicant submit a final landscape plan meeting the requirements of city and the landlord be submitted and approved by staff prior to construction.
2. That final storm water plans be approved by Public Works prior to construction.
3. Details of the compound screening wall be submitted and approved by staff to demonstrate compatibility with the current structure.
4. That the approval be conditioned on approval of the Special Use Permit by the Governing Body, and that if any changes are required through the Special Use Permit that impact the site design a new site plan shall be submitted to the Planning Commission.

The motion was seconded by James Breneman and passed by a vote of 6 to 1 with Jeffrey Valentino voting in opposition.

**NON PUBLIC HEARINGS**

**PC2015-115** **Request for Site Plan Approval**

**7501 Mission Road**

Chris Hafner, with Davidson Architects, has requested that the Planning Commission continue this item to their December 1st meeting to allow additional time for the applicant to prepare a revised site plan submittal. Gregory Wolf moved the Planning Commission continue consideration of PC2015-115 to the December 1, 2015 Planning Commission meeting. The motion was seconded by Patrick Lenahan and passed unanimously.

**PC2015-116** **Request for Building Line Modification**

**8440 Roe Avenue**

Dana Blay informed the city that the homes association will be reviewing his plans on November 6th and asked that his application be continued to the December 1st meeting of the Planning Commission Gregory Wolf moved the Planning Commission continue consideration of PC2015-116 to the December 1, 2015 Planning Commission meeting. The motion was seconded by Patrick Lenahan and passed unanimously.

**PC2015-120** **Request for Site Plan Approval**

**4195 Somerset**

Gregory Zike, Vice President with First Washington Realty introduced the members of their team present: Alex Nyhan, Senior Vice President; Monica Mallory, Regional Property Manager; Paul Michell with Generator Studio and Kevin Pinkowski with BHC Rhodes.

Mr. Zike noted this is the last building is the center to be renovated. The new façade will contain features carried over from the CVS building. The renovations include a new skin on the storefronts (facing the interior parking lot), with columns, slatted parapets, sign frames and a covered trellis. Also included is the addition of outdoor patio seating, connections to the public sidewalk, a bike station and landscape amenities.

Kevin Pinkowski noted the increased stormwater is under ten percent and does not require a stormwater study. They have talked with Public Works Director Keith Bredehoeft and will be following his recommendations. An option under consideration is the use of pavers, instead of full concrete in the outdoor patio area to reduce the impervious surface. The proposed landscape shrub will be replaced with the species recommended by staff.

Nancy Wallerstein expressed concern with the height of the plants and their impact on visibility for turning vehicles. Mr. Michell responded the location of the plants is such that they will not impact the sight distance for vehicles. Mrs. Wallerstein replied this is a difficult intersection with the slope of the roadway. Mr. Michell replied he would reconfirm that the sight triangle is not impaired. Mr. Breneman added his concern with the view for traffic turning left. He noted he did not understand the rationale behind the proposed bike station. Mr. Birkel asked if the bike station could be more integrated into the center. Mr. Michell responded that the bike station is an amenity to the trail for the overall community and not solely for use by those using the center. He noted that moving the bike station closer to the patio would negatively impact the patio customers with additional noise and increased activity.

Patrick Lenahan felt that if people were stopping at the bike station, they would probably go into the center and questioned its location. Alex Nyhan repeated they view the bike station as an amenity to the trail, not the shopping center. Mrs. Wallerstein noted that every bike she has seen in the center has been next to Mely’s. Melissa Brown noted that cyclists tend to travel in large groups and felt the station was under designed for the capacity of cyclists and feels it would create a bottleneck. She also questioned the impact of the bike station on pedestrians using the trail. Paul Michell reviewed the existing connectivity to the shopping center.

Ms. Brown also noted there is a significant distance between the Hatties building and the rest of the center and would like to see something to get shoppers safely from this building to other parts of the center.

Jon Birkel felt the bike station would be better located on the side of the coffee shop, perhaps behind the screen where there would be better access and not block the sight line for vehicles.

Nancy Wallerstein noted there are two different groups of cyclists – young children and the adult cyclists that travel in large groups and tend to migrate to such places as the Blue Moose and feels they are more likely to congregate at BRGR or the Urban Table. Mr. Michell noted the location of the bike station is visible to bikers on Somerset and also serves as an access to the shopping center. He noted it could be moved back some but stressed its purpose is to serve individuals using the trail, not shoppers of the center.

Jonathan Birkel asked how the proposed base and column materials relate to other parts of the center. Paul Michell stated the design is a cleaner more modern look but that it meets the intent of the design of the center. The same types of stone will be used. Similar planters will be placed by the patio area

Jeffrey Valentino expressed concern with the long term durability of the columns and the stone base. Mr. Michell replied the columns have a steel base. He noted the existing tile base is a mixed of design and material. They are seeking a consistent tile under the windows with a darker slate covered with stone for a cleaner look. Mr. Birkel agreed the column is modern; however, it has a very cold feel to him and he would like to see stone that is more cohesive with the existing center providing several options to soften the appearance.

Nancy Wallerstein expressed concern with the back lit signage, noting none of the existing signage is backlit. She would like to see something more reflective of the architecture to provide for more cohesiveness. Mr. Michell replied the signage is not backlit, the letters themselves are lit from behind and is within the confines of the sign standards approved for the Center. The only change is the white background. They are not proposing specific signage for the tenants.

Nancy. Wallerstein asked where accessible parking was located. Mr. Michell replied no changes are being made to the existing parking. The location of accessible parking can certainly be reviewed. Mrs. Wallerstein stated she would like to see at least one curb cut and ADA space close to the storefronts, noting elderly customers coming out of the nail salon on a regular basis. She feels with the improvement of this building, this should also be considered as another improvement.

Wes Jordan stated that staff feels the parking on the north side of the building is underutilized and suggested that it be made more accessible for public parking. Mr. Lenahan noted this would be similar to the old “Starbucks” building at the PV Shopping Center.

Paul Michell stated the ADA parking is currently on the end of the building. Mrs. Wallerstein stated that with this improvement she felt it would be better to have ADA parking located closer to Hatties. Greg Zike replied they just finished a major parking lot renovation at the center and would be restriping the parking lot in the center after winter and can make that change at that time. Patrick Lenahan noted that curb cuts would also be required to make that change.

Nancy Wallerstein asked if employees could be required to park in the back. Mr. Zike replied they would.

Jonathan Birkel suggested reducing the amount of stone and perhaps put up a trellis, something more like Urban Table and move the bike station.

Alex Nyhan confirmed Mr. Birkel was looking for something more like the gateway elements used in the main shopping center and for the bike station to be moved back. Mr. Michell noted those changes could be made and stated they would like to be able to make them without delaying this project.

Patrick Lenahan noted the staff recommendation includes five conditions with #3 being very similar to what is being said by the Commission regarding the bike station, recognizing that the bike station needs to be related to the destination. He asked if the applicant was willing to accept the staff conditions including the realignment of the pedestrian connections. (The staff analysis of the application as related to the site plan criteria and recommendation can be found on the staff report for PC2015-120 dated November 3, 20150.)

Gregory Zike replied the pedestrian path was designed to save two large mature trees. Other alignments were considered but they feel the retention of trees is more important than saving concrete. They are open to working with staff to work on making the shift on the bike station. He feels that as the number of bikers grows this will become a valued amenity and added that there are currently several bike parking locations within the center, but they are happy to work with staff.

James Breneman noted the placement of the bike station behind the patio will get it away from the corner and is a very good location. Nancy Wallerstein asked if public works has reviewed the sight triangle. Chris Brewster replied that he received an e-mail from the Director of Public Works regarding this application. The e-mail did not specifically address sight triangle, as staff did not see this as an issue; but addressed stormwater issues that he felt could be worked out between the city and the applicant.

Mr. Brewster noted that the city’s Comprehensive Plan calls for a more pedestrian friendly center and this is an opportunity to make pedestrian connectivity better. Staff did not see this as a concern, but as an opportunity for improvement. He noted the condition regarding pedestrian crosswalk identifies the need for a crosswalk to get pedestrians from Somerset into the center without having to walk in the parking lot.

Mr. Brewster provided the following summary of the application in his staff report:

* *Signs* – The new exterior skin and parapets include sign frames. The Corinth Center is subject to center-specific sign requirements approved by the Planning Commission. The proposed site plan does not include details to demonstrate either compliance with, or any proposed deviations from the Tenant Sign Criteria with regard to size, location, or design of future signs. Prior to getting a sign permit, all signs shall either meet the current Tenant Sign Criteria, or any changes shall be required to be reviewed and approved by the Planning Commission as provided by ordinance.
* *Stormwater* – The application is causing a slight increase in impervious surfaces. It is suggested by the applicant in the Storm Water Management Letter (BHC Rhodes), that the increase is small enough to warrant an exception from stormwater management requirements. Additionally, improvements are proposed around existing stormwater facilities. Prior to construction of any improvements, Public Works concurrence with the storm water analysis and any grading, or stormwater facility improvements is required.
* *Bike Station* – A bike station is proposed as an entrance feature associated with a connection to the public sidewalk. While this improvement creates a nice gateway element, improves pedestrian scale design for the center, and is a gesture to greater multi-modal access, the location of the bike station is of questionable value. This is a remote section of the specific site and center, substantially separated from commercial activity by grade and orientation of the buildings. Further, bikes traveling to the center are as likely to be using the street and driveway entrance. Because of the remoteness of proposed bike parking and likely travel patterns, a location of the bike station and/or parking more closely associated with the patio or other points of entry for the center and building should be considered.
* *Pedestrian Path* – Similar to the bike station, any increase in pedestrian scale design and connectivity is an improvement for the center. However, the proposed path meanders from the public sidewalk on Somerset several feet east of the 82nd and Somerset intersection. In looking at likely pedestrian paths from other streets in the vicinity (particularly neighborhoods north and west of the center), this may not create a practical path for the greatest number of pedestrians. A crosswalk from the north and west side of Somerset exists at the staggered intersection of 82nd and Somerset, meaning many pedestrians may be approaching the site from that direction. The proposed pedestrian path will not be practical for these people, who are more likely to walk along the driveway to the patio area and stores. There is a marginal sidewalk on the west side of the 82nd street entrance, however a more direct pedestrian path with enhanced landscape on the east side could make the 82nd street entrance drive detail more like a typical streetscape and improve the pedestrian connection (i.e. path parallel to drive with a 6’ tree lawn with street trees). Moving the path to create a better direct connection for all, and to create a more formal landscape / street tree element on this drive should be considered.

In summary regarding the Bike Station and Pedestrian Path, reorienting these features and bringing bike and pedestrian travel to more of a focal point in association with the outdoor patio space could improve both the entry feature aspect of this plan, and begin to establish a more functional and practical bike/pedestrian entryway into the center.

* Landscape Design Site Amenities – The details on planter boxes is not sufficient to determine quality and consistency with the other stonework throughout the center. Provided these elements continue themes existing throughout the center, these elements will be a positive contribution to the pedestrian scale and landscape amenity of the center. Prior to permits, details of the material and construction quality shall be submitted to the City Staff. The Landscape pallet includes 31 Harlequinn Euonymus.  This plant is a poor performer for this region.  Different low shrubs such as Blush Pink Nandina, Drift Rose, Midnight Wine Weigela, Gro-Low Sumac or Miss Kim Lilac should be substituted.

Mrs. Wallerstein expressed her concern with the potential brightness of the signage now that there are several small businesses located in this building whereas the businesses in the other parts of the center are larger with their signs further away from each other, therefore not having the same impact. It will appear different that the signage in the center. Chris Brewster responded that anything on the signage has to meet the sign standards that were approved by the Commission for the center. The only change being made is the white background. Mrs. Wallerstein stated she is concerned with the brightness of the signage. Mr. Zike replied that the Hen House has large white letters and this is a facility will have a white background for their lettering providing a subtle difference, yet connection to the buildings. Mrs. Wallerstein noted the background on the lettering on the CVS building is wood and does not create the same impact as far as brightness. She feels the proposed lettering would glow. Mr. Zike noted the lighter background will direct eyes to the signage for the businesses, which the businesses do not currently have.

Alex Nyhan noted at this time there are not specific signs requested, but suggested that when a sign is requested that the applicant create a mock up and bring it to the city for review. He requested that they be allowed to move forward and let the sign standards work as expected. If they do not, the commission will then have another opportunity to address the signage.

Melissa Brown stated that she likes a more modern design, but noted the recent renovations to the center, which have been so successful, are very different and she feels that perhaps that design should be continued with this building. She feels there is a disconnect with the rest of the center. Mr. Michell reviewed the design elements and materials that are being continued to a lesser degree in the proposed façade while providing a fresh and cleaner look.

Jeffrey Valentino noted that most of the comments are on the entryway; however, he would like to see revised plans and designs.

Gregory Zike asked if the work on the patio area could be separated out, so that they could start part of the project while making the desired changes and relocation of the bike station.

Chris Brewster stated he felt staff and the applicant could work off the comments made to bring back an even more improved project. He doesn’t see this as needing to stop the applicant on moving ahead on the building of the patio area. Regarding the signage, he believes Mr. Nyhan’s suggestion that they bring back a specific sign with a mock-up at the appropriate time for review and otherwise follow the established sign standards. It the signage does not meet the sign standards, it will need to come before the Planning Commission. Mr. Lenahan confirmed that would include the background color of the sign panel.

James Breneman agreed with Mrs. Wallerstein that he felt the signage will jump out and a more muted background color would be better.

Nancy Wallerstein stated from her personal standpoint she cannot support this as it stands. She is uncomfortable with the white/tan/brown steel columns which she does not feel fit with the rest of the shopping center. She is uncomfortable with the signage. If the letters are to be backlit she would rather see it on a wood tone than the proposed white. Without review by Public Works she is not certain the proposed bike station does not impact the sight distance and would like to see a realignment of the pedestrian crosswalk. There are a lot of issues remaining and she feels they need to all be seen as a full package together. She feels it should be more reflective of the rest of the shopping center.

Jeffrey Valentino asked the applicant for their timeline. Gregory Zike replied they want to move forward as quickly as they can and are currently talking with potential contractors. They feel it is important for them as new owners of the center to make these improvements and reviewed how the proposed building incorporated other elements of the shopping center.

Mrs. Wallerstein thanked them for the proposed changes to a building that needs some change.

Jeff Valentino noted with the number of issues that need to be addressed that would make a cumbersome motion. He asked Ms. Brown if she had concerns with the proposed tile. Ms. Brown replied that it would be ok as it is under cover, but she feels there are better options. Mr. Birkel agreed that a synthetic stone would be better than the proposed tile. Mr. Michell replied they are looking at a large format tile but would be will to look at a stone title.

Ms. Brown raised concerns about the contemporary design elements and with this being a one-story building with a flat roof the general appearance is different from the rest of the center and a very conscientious effort needs to be made to incorporate design elements and features from the rest of the center into this building. Mr. Michell reviewed how this was being down.

Gregory Wolf moved the Planning Commission continue PC2015-120 for submittal of revised plans. The meeting was seconded by James Breneman. Mrs. Wallerstein asked if the continuation was to December 1st meeting. The applicant asked if they could be added to the November 12th meeting. Mr. Jordan replied that meeting has a very full agenda and is a special meeting published to specifically consider the Meadowbrook application. Mrs. Wallerstein stated the items would be continued to the December 1st meeting or whenever the applicant was prepared to resubmit. The motion was voted on and passed unanimously.

**OTHER BUSINESS**

**Adoption of the 2016 Planning Commission/Board of Zoning Appeals Meeting and Submittal Schedule**

James Breneman moved the Planning Commission adopt the proposed 2016 meeting and submittal schedule as proposed with the correction of the March meeting date from March 2 to March 1st. The motion was seconded by Gregory Wolf and passed unanimously.

Chairman Nancy Wallerstein reminded the Planning Commission of their Special meeting for consideration of the Meadowbrook application to be held on Thursday, November 12th at 6 p.m. at Meadowbrook Country Club, 9011 Nall Avenue.

**NEXT MEETING**

The planning commission secretary noted the filing deadline for the December meeting is November 6th. However, the meeting will include the three items continued by the Planning Commission at this meeting. She added that due to the Thanksgiving holiday, meeting packets will be delivered earlier.

**ADJOURNMENT**

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 9:45 p.m.

Nancy Wallerstein

Chairman