

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, SEPTEMBER 10, 2019
7700 MISSION ROAD
COUNCIL CHAMBERS
7:00 P.M.**

I. ROLL CALL

II. APPROVAL OF PLANNING COMMISSION MINUTES - AUGUST 6, 2019

III. PUBLIC HEARINGS

PC2019-116 Special Use Permit Renewal
7700 Mission Road tower
Zoning: R-1a
Applicant: Ann Kooyman on behalf of Sprint Spectrum

IV. NON-PUBLIC HEARINGS

PC2019-117 Re-Plat Application
7609 Fontana Street
Zoning: R-1b
Applicant: Fontana Partners, LLC

V. OTHER BUSINESS

Review site plan criteria in zoning regulations

VI. ADJOURNMENT

Plans available at City Hall if applicable
If you cannot be present, comments can be made by e-mail to
cityclerk@pvkansas.com

***Any Commission members having a conflict of interest, shall acknowledge that conflict prior to the hearing of an application, shall not participate in the hearing or discussion, shall not vote on the issue and shall vacate their position at the table until the conclusion of the hearing.**

PLANNING COMMISSION MINUTES
August 6, 2019

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, August 6th, 2019 in the Council Chambers at 7700 Mission Road. Chair Nancy Wallerstein called the meeting to order at 7:00 p.m. with the following members present: Jonathan Birkel, James Breneman, Melissa Brown and Jeffrey Valentino.

The following individuals were present in their advisory capacity to the Planning Commission: Chris Brewster, Gould Evans; Jamie Robichaud, Deputy City Administrator; Ron Nelson, Council Liaison, and Adam Geffert, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

James Breneman moved for the approval of the minutes of the July 2nd regular Planning Commission meeting as presented. Jonathan Birkel seconded the motion, which passed 4-0, with Melissa Brown in abstention.

PUBLIC HEARINGS

No public hearings were scheduled.

NON-PUBLIC HEARINGS

PC2019-113 Site Plan Approval - Corinth South Retail Center

Chris Brewster stated that the site plan application was originally presented at the July 2nd meeting and had been continued. He noted that several changes were made by the applicant in response to Commission requests, specifically in regard to pedestrian circulation and landscape elements. Further, updates were made to building elevations, utilizing a simplified materials palette and a more unified, consistent design.

Mr. Brewster stated that staff recommended approval subject to the following conditions:

1. A drainage permit, or other similar permits associated with the work, be approved by Public Works, including a determination that no negative impacts on stormwater will result.
2. All future signs shall require a separate sign permit meeting the general sign standards for the City; or to the extent future signs include revisions to the sign standards applicable to this property or changes to the monument sign location, size or design, Planning Commission approval may be required.
3. The applicant submit appropriate paperwork prior to permits showing that the two parcels are joined as one lot of record, or alternatively that any building along the

parcel boundary shown in AIMS records has appropriate party wall / fire ratings to allow it to be sold as a separate entity.

Gregg Zike with First Washington Realty, owner of the property, stated that he was in agreement with the recommendation presented in the staff report, and introduced Kevin Berman from Hoefer Wysocki Architecture to provide a presentation of the plan. Mr. Berman shared that the updated elevations showed an increased commonality with the shops at Corinth North, due to the types of materials and colors used as well as building height. Pedestrian circulation was also taken into account, resulting in additional outdoor seating, improved public spaces and added bike racks.

Ms. Brown asked how pedestrians would connect to the area from 83rd Street. Mr. Zike noted that ADA access to cross 83rd Street from the north currently exists at Mission Road. Pedestrians would then enter the site by using a five-foot sidewalk adjacent to the First Watch building.

Mr. Valentino made a motion to approve the site plan, subject to the conditions recommended by staff. Mr. Breneman seconded the motion, which passed 4-1, with Ms. Brown in opposition.

OTHER BUSINESS

Mrs. Robichaud stated that community input sessions for Phase II of the Village Vision 2.0 update will be held on September 9th and 12th at the Meadowbrook Activity Center. Gould Evans will provide a presentation, followed by roundtable discussions.

Due to the Labor Day holiday, the next Planning Commission meeting will be held on Tuesday, September 10th.

ADJOURNMENT

With no further business to come before the Commission, Chair Nancy Wallerstein adjourned the meeting at 7:27 p.m.

Nancy Wallerstein
Chair

00 20682

SPECIAL USE PERMIT APPLICATION

Case # 20857

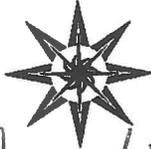
CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: PC2019-116

Filing Fees: \$100.00

Deposit: \$500.00



behalf of Ann Kooyman on
Sprint Spectrum

Date Advertised: _____

Date Notices Sent: _____

Public Hearing Date: _____

APPLICANT: _____ PHONE: _____

ADDRESS: _____ E-MAIL: _____

OWNER: City of Prairie Village PHONE: _____

ADDRESS: 7700 Mission Rd, PV, KS ZIP: 66208

LOCATION OF PROPERTY: 7700 Mission Road, Prairie Village

LEGAL DESCRIPTION: See attached

ADJACENT LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Park Space</u>	<u>R-1A</u>
South	<u>Park Space</u>	<u>R-1A</u>
East	<u>Residential</u>	<u>R-1A</u>
West	<u>Residential</u>	<u>R-1B</u>

Present Use of Property: City Property

Please complete both pages of the form and return to:

Planning Commission Secretary
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Does the proposed special use meet the following standards? If yes, attach a separate Sheet explaining why.

- | | <u>Yes</u> | <u>No</u> |
|---|---------------|---------------|
| 1. Is deemed necessary for the public convenience at that location. | <u>✓</u> | <u> </u> |
| 2. Is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected. | <u>✓</u> | <u> </u> |
| 3. Is found to be generally compatible with the neighborhood in which it is proposed. | <u>✓</u> | <u> </u> |
| 4. Will comply with the height and area regulations of the district in which it is proposed. | <u>✓</u> | <u> </u> |
| 5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect. | <u> </u> | <u> </u> |
| 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided. | <u>✓</u> | <u> </u> |

Should this special use be valid only for a specific time period? Yes No ✓

If Yes, what length of time?

SIGNATURE: Ann Kooyman

DATE: 7/22/19

BY: Ann Kooyman

TITLE: Program Manager

Attachments Required:

- Site plan showing existing and proposed structures on the property in questions, and adjacent property, off-street parking, driveways, and other information.
- Certified list of property owners

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: September 11, 2019

Application: PC 2019-116

Request: Renewal of SUP for Wireless Telecommunication Facility

Action: *A Special Use Permit requires the Planning Commission to evaluate facts and weigh evidence, and based on balancing the factors and criteria in the zoning ordinance, make a recommendation to the City Council.*

Property Address: 7700 Mission Road

Applicant: Ann Kooyman, KGPCo, for Sprint Spectrum

Current Zoning and Land Use: R1-A Single Family – Municipal Office Complex

Surrounding Zoning and Land Use: **North:** R-1A Single-Family District – SM East High School
East: R-1A Single-Family District – Single Family Dwellings
South: R-1A Single-Family District – Church
West: R-1A Single-Family District – Park & Single Family Dwellings

Legal Description: Prairie Village Municipal Office Complex Tract 1 LYG within (abbreviated) SD PVC 567D 1 BTAO 2935 0

Property Area: Cell Tower Compound – approximately 3,200 sq. ft., 0.07 acres
Municipal Office Complex – 16.75 acres

Related Case Files: PC 2018-117 Revised Site Plan to Replace 3 Antenna (SSC,Sprint)
PC 2016-07 Renewal of Special Use Permit for Monopole, SSC
PC 2016-111 Site Plan Approval for Black & Veatch (AT&T)
PC 2015-114 Site Plan Approval for Verizon Wireless
PC 2014-111 Site Plan Approval for Sprint
PC 2014-108 Site Plan Approval for Verizon Wireless
PC 2014-107 Site Plan Approval for AT&T
PC 2011-114 Site Plan Approval for AT&T
PC 2009-17 Special Use Permit Renewal for Sprint
PC 2006-19 Special Use Permit Renewal for Cingular Wireless
PC 2005-115 Final Plat Municipal Office Complex
PC 2004-09 Special Use Permit for Sprint
PC 2001-05 Special Use Permit for AT&T
PC 2000-05 Special Use Permit for General Dynamics for Metricom
PC 1997-04 Special Use Permit to Replace Tower

Attachments: Application, Drawings & Photos

General Location – Map



General Location – Aerial



Site – Aerial



Site – Birdseye





Street View – Looking southwest on Mission Road



Street View – Looking southwest on Mission Road

COMMENTS:

This is a request to renew the Special Use Permit for the installation of antennas and equipment on City Hall property at 7700 Mission Road, for KGPCo on behalf of Sprint Spectrum. The original application for this tower was approved in 1997. Subsequent Special Use Permits for either renewal of the tower SUP or the addition of other carries were approved in 2000, 2001, 2004, 2006, 2009, and 2017. The original SUP for the tower is held by Sprint and was last renewed in 2009 for a period of 10 years, and is the subject of this application.

AT&T also has a SUP for its equipment on the tower, initiated in 2006 and renewed by the Planning Commission in 2016/17. Recent approvals (site plans and SUP renewals) have been coordinated with several lease agreements that had separate renewal dates, with lease discussions occurring between 2016 and 2018. The lease renewals in part included reconciling tower capacity concerns for the tower that became evident in 2016. Additionally, Sprint modified this tower in September of 2018. The Planning Commission approved a site plan for the exchange of antenna, which was supported with a structural analysis as required by the amended SUPs and lease agreements. (Plans and information for that application are included in this packet as a reflection of the current condition of the tower and site.)

Notice of this hearing was mailed to surrounding property owners, and the applicant held a neighborhood meeting on August 20, 2019, in accordance with the Citizen Participation Policy. Information submitted by the applicant indicate that no one attended this meeting.

APPLICATION INFORMATION:

Staff has reviewed the renewal application based on the City's ordinance for Wireless Communication Facilities and has the following comments regarding the information submitted. The required application information is shown in bold type.

- A. 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.

Since this is the renewal of an existing installation, the City has not required a study of alternative locations within a one-mile radius. The applicant has indicated that this installation is an important location in servicing their customers, the City has required co-location of other providers, and all providers have upgraded and modified the facilities throughout previous renewal periods to provide better services.

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

Since this is an existing installation and no new equipment is proposed, photo simulations are not required. Staff has submitted photos of the actual installation.

C. 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.

This is an existing tower that has multiple service providers already located on the tower. The current leases and the overall SUP for the tower ensures that the tower is reserved for multiple providers. In an unrelated application in 2016, it was determined that the tower is at capacity, and although all current providers will remain on the tower, no new equipment may be put on the tower without a detailed structural analysis.

A structural analysis dated September 4, 2018 conducted by SSC Inc. was submitted in support of this application, showing the existing conditions on the site (structural analysis to support the last modification in September 2018). This analysis found the structure was compliant based on proposed loading conditions at that time, which is the current loading on the tower.

D. 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.

This is an existing tower and this section is generally not applicable to the renewal of the SUP where no additional equipment or changes to the site are proposed.

E. 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.

This is an existing facility and this factor is not applicable to the renewal of an existing Special Use Permit. While new information was not requested in association with the renewal application, the original SUP has a condition and continuing obligation for all operators on this tower to be within guidelines established by the FCC.

F. Preliminary construction schedule including completion dates.

This is an existing facility and this factor is not applicable to the renewal of an existing Special Use Permit.

G. The applicant shall provide a copy of its FCC license

Submitted with previous renewal and no change of status has occurred.

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

Not applicable since this is an existing tower that has multiple providers and is at capacity.

I. Any other relevant information requested by City Staff.

None requested.

FACTORS FOR CONSIDERATION:

The Planning Commission shall make findings of fact to support its recommendation to approve, conditionally approve, or disapprove this Special Use Permit. It is not necessary that a finding of fact be made for each factor. However, there should be a conclusion that the request should be approved or denied based upon consideration of as many factors as are applicable. The factors to be considered in approving or disapproving a Special Use Permit for a wireless facility shall include the following:

A. The character of the neighborhood.

The site is located on the west side of Mission Road within the municipal complex and behind City Hall. The complex is surrounded by other institutional uses including Shawnee Mission High School, Harmon Park and Prairie Village Pool, and a church. There are residences across Mission Road to the east. These locations are appropriate for wireless communication facilities and the scale of the area in relation to the surroundings were previously determined to be appropriate for a monopole.

B. The zoning and uses of property nearby.

North: R-1A Single-Family District – SM East High School
East: R-1A Single-Family District – Single Family Dwellings

South: R-1A Single-Family District – Church
West: R-1A Single-Family District – Park & Single Family Dwellings

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

This is the renewal of an existing Special Use Permit that will not have a detrimental effect on neighboring property. The installation has been in place since 1997, and the City has not received any 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.

This is a renewal of an existing installation with no changes proposed, and therefore it will not create any hardship on adjacent landowners.

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

The proposed antenna installation meets all the setback, height and area regulations contained in the Zoning Ordinance.

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

This application will have no adverse effect on the welfare or convenience of the public. The City has not received any complaints regarding this installation.

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:

- 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 installation of the antennas on this tower has had relatively little impact and has not dominated the immediate neighborhood as to hinder development. The tower and compound are integrated into the internal portion of the City Hall building and no landscaping or additional screening beyond the current equipment compound walls is necessary.

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 will not be necessary for this particular use other than a parking space currently available for service people entering the building to maintain equipment. The parking that is provided on the site will be adequate for this need.

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

Since there are not external improvements on the site, existing utility, drainage, and other facilities should be adequate.

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

The site and the equipment should require only service vehicles for periodic maintenance. The traffic generated by the use is so minimal that it will not create any additional congestion on the streets.

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.

This is an existing monopole design with multiple providers. The design and location of the pole was previously determined appropriate though the existing tower SUP, and renewals through of SUPs for other providers. However this tower is at capacity. Should any new facilities be determined to be necessary in the future, a new design or a new tower structure be required for any reason, this SUP should be amended to reflect compliance with any changes to the overall facility.

M. City Staff recommendations.

It is the opinion of Staff that the proposed renewal of the Special Use Permit meets the Factors for Consideration and recommends that it be approved subject to the conditions pf the original application and subsequent renewals.

RECOMMENDATION:

After a review of the proposed application and based on testimony and consideration of the factors at the public hearing, the Planning Commission may either recommend approval of the Special Use Permit with or without conditions, recommend denial, or continue it to another meeting. If the Planning Commission recommends approval to the Governing Body, it is recommended that the conditions of the previous 2009 special use permit be included with the renewal, specifically 1 – 10 below, with the addition of a new condition 11.

1. That the renewal of the special use permit shall be for a maximum of ten years. At the end of the ten-year period, the applicant shall resubmit the application and shall demonstrate to the satisfaction of the Planning Commission and City Council that a need still exists for the antennas and that all the conditions of approval have been met.
 2. All equipment cabinets and wiring shall be contained within the existing walled area.
 3. The antennas and the frame for mounting them shall be painted a color that blends with the other antennas and the tower so visibility is minimized.
 4. If the applicant is found to be in non-compliance with the conditions of the special use permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected. If a special use permit becomes null and void, the applicant shall remove the antennas, equipment cabinets and all other appurtenances and shall restore the site to its original condition.
 5. The applicant shall comply with all state and federal regulations.
 6. The applicant shall have a structural inspection of the antennas performed by a licensed professional engineer prior to every ten-year renewal and submit it as part of the renewal application.
-

7. The plans for any changes to the antenna connections shall be prepared and sealed by a structural engineer licensed in the State of Kansas with construction observation provided by a design engineer that is not an employee of the tower's owner.
 8. The Compound Plan submitted as a part of the original application, and the Site Plan dated 07/23/18 documenting current conditions and submitted as part of this renewal application shall be incorporated as part of the approval of this application.
 9. The coax line installed on the tower either shall be inside the monopole or enclosed in an encasement that is painted the same color as the tower.
 10. The applicant shall comply with all terms of its lease agreement with the City. Termination of the lease agreement will be cause to terminate the Special Use Permit.
 11. If the existing tower, or the overall SUP for the existing tower is amended in any way to accommodate structural changes for new equipment or a different capacity for this tower, or a new tower is constructed, the applicant shall comply with all design conditions in place at that time or which may be conditions of the new construction.
-