

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF APRIL 23, 2012

MEMBERS PRESENT: Laura Klusener, Chairperson
Francis DeMott
Gary Falcetto
Tim Kundiger
Connie McGeorge
Brian Sullivan

MEMBERS ABSENT: Ron Close, Vice Chairperson
Mike Creel
Joel VanBecelaere

OTHERS PRESENT: Dr. James Armstrong, 201 E 1st Street, Pittsburg
Ralph McGeorge, 2301 N. Rouse
William Beasley, Director of Public Works
Todd Kennemer, Asst. Director of Public Works

The Pittsburg Planning and Zoning Commission met on Monday, April 23, 2012, at 7:00 p.m., in the Municipal Court Room of the Law Enforcement Center. Connie McGeorge led the flag salute. Chairperson Laura Klusener called the meeting to order at 7:00 p.m. with six (6) members present.

The first order of business was the approval of the minutes of the meeting of February 27, 2012. Connie McGeorge moved, seconded by Brian Sullivan, that the minutes be approved as submitted. Motion carried unanimously.

The first order of business under Presentation of Requests and Petitions was the consideration of Case No. 12P-02, a request submitted by the City of Pittsburg for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow a cell tower to occupy the lot located at 101 N. Locust. Todd Kennemer stated he would be representing the City of Pittsburg with regard to this request. He explained the City currently has a cell/radio tower located at 1st and Locust. The City has owned this tower since the 1960's. Verizon Wireless is collocator on this tower. The City and Verizon worked out a project where Verizon will build a new tower on the same lot as the current tower. The City will keep the Verizon lease the same for the next 4-5 years until the tower is paid for. Once the new tower is complete, the existing tower will be demolished. Mr. Kennemer went on to explain that Verizon has agreed to build the tower according to ANSI standards and the new tower will accommodate the City's equipment, Verizon's equipment and at least one additional carrier. He stated the tower company is to provide a letter from a certified engineer stating the tower is designed to cave into itself in the event of an emergency such as a wind storm.

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Laura Klusener asked if the letter from the engineer was available at this time. Mr. Kennemer stated the tower building engineer will provide the letter before construction begins.

Gary Falcetto asked if there is room for growth in the future. Bill Beasley, the Director of Public Works, was also present to speak in favor of the request. Mr. Beasley stated the tower is currently used for the City's Police and Fire Departments. The tower has already been upgraded once and can't be upgraded again. The structural analysis of the new tower states that up to 3 other collocators can locate on the tower as well. However, since Verizon has added equipment since the plan began that number could be less at this time but there will be room to allow more collocating in the future.

There being no one present to speak in opposition to the request, Chairperson Laura Klusener closed the PUBLIC HEARING to allow for discussion amongst the Commission.

There being no discussion, the Planning and Zoning Commission then considered the following factors.

1. Character of the neighborhood. This location is in the older part of the City and is both commercial and industrial in use; commercial land use is along Broadway (directly west of site) and, except for an apartment building directly south of the subject area, the remainder of the neighborhood is industrial/warehousing.
2. Zoning and uses of nearby properties. Properties to the west of this one are zoned CP-4 Planned Central Business District, and are located on Broadway; they include the *McMurry Chiropractic Clinic*, *First Federal Savings & Loan*, and *Paradise Mall (Antique shop)*. Properties to the north, south and east are all zoned IP-2 Planned Medium Industrial. Buildings to the north and to the east are warehouses and storage units; to the south is an apartment building, a warehouse/office/garage, and the *Paradise Antique Mall*. A portion of the warehouse/garage located to the south of the tower site burned a couple of years ago and was torn down. It has not been replaced and a portion of the lot is vacant.
3. Suitability of the subject property for the uses to which it is being considered. This property is located in a commercial/industrial area. It is suitable for the location of a communication tower.

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4. Length of time the subject property has remained vacant as zoned. Property is not vacant. The existing tower has been located on this property since about the 1960's.
5. The extent to which removal of the restrictions will detrimentally affect the nearby property. There should be no effect. This property has been occupied by a 200' tower for over forty years.
6. Relative gain to public health, safety, & welfare. H, S, & W should not be affected.
7. Recommendation of professional staff. APPROVE
8. Conformance to Master Plan. This proposed communication tower is in conformance with the Master Plan. All surrounding properties are designated for commercial/industrial use.

Based on the above findings, Tim Kundiger moved, seconded by Connie McGeorge, that the Planning and Zoning Commission forward a recommendation to the Governing Body for **APPROVAL** of this Conditional Use request. Motion carried unanimously. This recommendation will be presented to the City Commission for their consideration on Tuesday, May 8, 2012.

The second order of business under Presentation of Requests and Petitions was the review of a site plan submitted by the City of Pittsburg for the construction of a new cell tower located at 101 N. Locust. Mr. Kennemer showed the current tower is a four legged tower and the new tower has three legs. The new tower is the same height but built stronger.

Tim Kundiger asked for the exact address of the tower because the address on the site plan stated 125 North Locust and the address on the request stated 101 North Locust. Mr. Kennemer confirmed the address is 101 North Locust. Mr. Beasley stated that he believed when Kansas Gas and Electric owned the tower it was addressed as 125 North Locust as part of the KGE complex. However, since the switching of the ownership the address is now 101 North Locust.

Mr. Kennemer stated nothing is changing on the site for the plan approval checklist and he recommended approval of the site plan.

There being no further discussion, Gary Falcetto moved, seconded by Francis DeMott, to **APPROVE** the site plan as submitted. Motion carried unanimously.

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At this time Dr. James Armstrong, 201 E. 1st Street came forward to ask questions about the tower site. Laura Klusener stated the Public Hearing had been closed; however, she would open the floor for Mr. Armstrong to speak. Mr. Armstrong stated he hasn't seen the plans for the tower. He asked if the new tower would be built between the present tower and the fence. Mr. Kennemer stated it would be and showed Mr. Armstrong the plans. Mr. Armstrong asked what the distance from the tower to the fence is planned to be. Francis DeMott stated it looked like it would be approximately 50 feet from the east leg of the new tower to the fence and approximately 60 feet from the center of the tower to the fence. Mr. Armstrong asked what would happen in the instance of a tornado. Mr. Kennemer stated the tower is designed to cave into itself in the instance of a storm. Mr. Armstrong stated his reason for coming to the meeting was he is concerned that the tower will not cave in during a tornado with winds blowing in all directions at the same time. He stated the old tower was overbuilt and built very well. It has withstood the test of time. He feels the request for the new tower is not practical since there are now more residents in the area and more businesses in the area. He feels that the tower cannot fall straight down and as strong as the old tower. He is asking the Commission to make sure the three columns are just as strong as the four legs that are currently standing. Mr. Armstrong suggested the engineering specs, plans and the letter from the engineer be published before the Commission approves the plans. Mrs. Klusener thanked Mr. Armstrong for his comments.

Mr. Beasley stated the plans will be reviewed by a different engineer than the planning engineer to assure the tower is being built according to the ANSI standards. The tower will not fall straight down but will fold down upon itself. The reason for the building of the new tower is the old tower is not strong enough to hold any more carriers and there is a need for more carriers.

Under Other Business, Mr. Kennemer stated that he received a letter from Mr. Creel resigning his position on the Commission. He read the letter to the Commission and encouraged the Commissioners to let him know if they knew of anyone that might be good for the open position as soon as possible.

There being no further business to be discussed, Connie McGeorge moved, seconded by Brian Sullivan that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 7:30 p.m.

Respectfully submitted,

Andrea Holtzman
Administrative Assistant