

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, DECEMBER 9, 2013 – 7:30 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Chair Phillips at 7:30 p.m.

2. ROLL CALL

PRESENT: Chair Phillips and Commissioners Gardner, Palmquist, and Olson
STAFF: City Planner Kaltsas, Administrative Assistant Nelson, and Councilor Fisher
ABSENT: Commissioner Thompson
VISITORS: Eldow Sassen, Mike Flannigan, Jan Gardner, and Rob Viera

3. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF SEPTEMBER 9, 2013

Motion by Gardner, seconded by Palmquist, to approve the September 9, 2013 Planning Commission minutes. Ayes: Phillips, Gardner, Palmquist, and Olson. Nays: None. Absent: Thompson. MOTION DECLARED CARRIED.

4. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF NOVEMBER 18, 2013

Tabled until the January meeting, due to absence of Commissioners from the November Meeting.

5. PUBLIC HEARING - MICHAEL FLANNIGAN (APPLICANT) AND ELDON AND MARY SASSEN (OWNERS) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTION FOR THE PROPERTY LOCATED AT 7914 COUNTY ROAD 6 AND 755 KUNTZ DRIVE (PID NOS. 33-118-24-22-0011 AND 33-118-24-22-0031):

A lot line rearrangement to increase the size of 7914 County Road 6 and decrease the size of 755 Kuntz Drive.

Kaltsas described the property locations and applicants request of the lot line rearrangement. The request would increase the size of 7914 Co Rd 6 and decrease the size of 755 Kuntz Drive. Both these properties are zoned and guided in the Comp Plan as Agricultural properties. As proposed 755 Kuntz Drive would reduce from 6.66 acres to 6.11 acres, and 7914 Co Rd 6 would increase from .59 acres to 1.14 acres.

Kaltsas explained this additional acreage would allow the applicant of 7914 Co Rd 6 the option of secondary onsite septic location. This property recently installed a new septic system, but now does not have a secondary location site. The additional increase of acreage would make it more consistent in size with the adjacent properties. The lot line rearrangement is permitted in the Agricultural district.

Public Hearing Open

No Comments

Motion by Gardner, seconded by Olson, to close the Public Hearing. Ayes: Phillips, Gardner, Palmquist, and Olson. Nays: None. Absent: Thompson. MOTION DECLARED CARRIED.

Public Hearing Closed

Phillips inquired if there were any easements. Kaltsas stated there were none on the original properties and since it was not a subdivision it was not request easements. Palmquist inquired if any were needed, and Kaltsas explained due to the size and the being zoning Agricultural, he felt they were not needed. Gardner agreed.

Motion by Palmquist, seconded by Olson, to combine a portion of the 755 Kuntz Drive with 7914 Co Rd 6 subject to the two (2) conditions in the staff report, without an amendment for drainage and utility easements. Ayes: Phillips, Gardner, Palmquist, and Olson. Nays: None. Absent: Thompson. MOTION DECLARED CARRIED.

6. PUBLIC HEARING - VERIZON WIRELESS (APPLICANT) AND DELANO UNITED METHODIST CHURCH (OWNER) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTION FOR THE PROPERTY LOCATED AT 3310 COUNTY LINE ROAD (PID NO. 07-118-24-33-0004):

- a. An amendment to the conditional use permit to allow new antennas on the existing telecommunications tower.
- b. Site plan approval for the proposed accessory structure and site layout.
- c. A variance to permit an accessory structure to a telecommunications tower that exceeds 300 square feet.

Kaltsas explained the request from Verizon and the location of the tower located on the Delano United Methodist Church property. He stated the original tower Conditional Use Permit was granted to Qwest in 2001. The company is no longer in operation, and the tower has not been used in several years. Verizon is requesting to utilize the tower, locate their antennas on the tower, remove some existing equipment at the base of the tower, and add some additional equipment.

Kaltsas explained with the initial request for a variance from the 300 square foot building has been removed. The applicant amended the site plan and the building size was reconfigured, so the variance is no longer needed. He stated only a CUP and site plan approval is needed.

Kaltsas stated the location, the size 6.89 acres, and that it was zoned and guided as agriculture.

Kaltsas explained the City asked the applicant to from an amendment to the CUP because the tower is not currently being used and because they are proposing to add some significant equipment to the base of the tower. He stated the proposal is to add 12 antennas to the tower and construct a shelter just less than 300 square feet. The City requires screening of the proposed equipment, lighting restrictions, and setbacks. He explained a new gravel driveway off the existing parking lot would give access to the tower site. An equipment shelter, south of the tower, would be setback 15ft from the corner property lines. The shelter would hold the equipment and backup generator. The shelter would replace the existing equipment, which is currently fenced in.

Kaltsas stated the City is recommending increasing the amount of landscaping, evergreen and shade trees, to add additional screening. The properties to the South are guided as Commercial Properties. Lighting fixtures meeting the City's criteria are also required. He stated criteria is the same for granting and amending a CUP. The locations of the antennas will be similar to the previously approved antenna. The equipment shelter will be an improvement from the fenced equipment. The additional landscaping will also be an improvement. The site plan will need approval. The City has received written evidence from an engineer that the structure meets the requirements, proof that the tower is needed, and lease documents.

Gardner stated the landscape materials should be added in the recommendations as a part of the criteria.

Gardner asked the applicant, Rob Viera, if the City's ordinance of a 300 square foot structure is prohibitive. Viera stated Verizon usually uses a prefabricated 360 square foot structure, which houses the generator.

Public Hearing Open

Motion by Gardner, seconded by Thompson, to close the Public Hearing. Ayes: Phillips, Gardner, Palmquist, and Olson. Nays: None. Absent: Thompson. MOTION DECLARED CARRIED.

Public Hearing Closed

Phillips asked if the tower was going to remain the same height and the Viera stated it would be the same.

Phillips and Kaltsas discussed the number of towers in the City, agreeing on four or five. Phillips then requested the Commission revisit and review the City's Ordinance on telecommunication towers. Gardner stated the FCC regulates tower applications. Kaltsas stated it is more likely the current towers may be looking for upgrades or co-locating on an existing tower. Phillips and Kaltsas discussed the City's ordinance only allows one building even if two (2) providers share a tower.

Palmquist asked Kaltsas if he felt the additional tree screening was adequate. Kaltsas stated the screening will enhance the southern side which eventually redevelop. Phillips and Kaltsas discussed the driveway being located further back than 15 feet.

Motion by Palmquist, seconded by Gardner, to approve the actions for 3310 County Line Rd amendment to the Conditional Use Permit to allow the antennas on an existing telecommunications tower, with removal of the variance request, and site plan/layout approval, subject to criteria in the staff report with minor changes to item 4 and a 5th criteria regarding trees. Ayes: Phillips, Gardner, Palmquist, and Olson. Nays: None. Absent: Thompson. MOTION DECLARED CARRIED.

Fourth criteria: State the City has obtained the requested documents.

Additional fifth criteria: Nine (9) proposed trees are a Spruce trees and the applicant add an additional seven (7) evergreen trees and three (3) deciduous trees.

7. OPEN/MISC.

Phillips requested Kaltsas discuss the Interim versus Condition Use Permits in the first quarter of 2014, when fewer items are on the agenda.

Phillips also discussed with the Commissioners about revisiting the ordinance regarding towers. Gardner inquired about who would be responsible when no one uses the tower or if it needs to be removed. Kaltsas stated the lease could dictate the operator or the owner of the tower would remove or maintain. Olson asked the Viera what would be the ideal size for an equipment shelter. Viera stated for each provider/co-locator 360 square feet. Kaltsas stated in some instances co-locators can share buildings. Palmquist asked Viera if technology is requiring bigger or smaller structures. Viera stated providers can get by with smaller buildings, such as a 6x6 structure, but the generators would be located outside. Phillips also requested Kaltsas bring this up for discussion in the first quarter of 2014.

8. ADJOURN

Motion by Olson, seconded by Gardner, to adjourn the meeting at 8:00 p.m. Ayes: Phillips, Gardner, Palmquist, and Olson. Nays: None. Absent: Thompson. MOTION DECLARED CARRIED.

Respectfully submitted

Jolene M Nelson, Recording Secretary