

**City of Westwood  
Planning Commission Public Hearing  
4700 Rainbow Boulevard  
Westwood, Kansas 66205**

**February 4, 2013 – 7:00 p.m.**

**Summary**

The Westwood Planning Commission met in regular session on Monday, February 4, 2013, at 7:00 p.m. at Westwood City Hall, 4700 Rainbow Boulevard, Westwood, Kansas.

Members present: Chris Ross, Chair  
Ken Jagers, Vice Chair  
Donald Friend  
David Waters  
Rob Junk  
Cami Savage

Members absent: Ken Low  
Trent Robinett  
Justin Bridges

Staff present: Fred Sherman, City Clerk  
Ryan Denk, City Attorney  
John Sullivan, Director of Public Works

Others present: Blair Tanner  
Mike Owners, SSC  
Brandon Hidaka, 2116 W. 47<sup>th</sup> Ter  
Jim Culwell, 2122 W. 47<sup>th</sup> Ter  
Lisa Cummins, 2625 W. 51<sup>st</sup> Ter

**I. Call to Order**

The Chairman called the meeting to order. The City Clerk called the roll. A quorum was present.

**II. Consideration of Special Use Permit (SUP-2013-001) –Temporary Telecommunication Towers.**

Mr. Sherman provided an overview summary of the staff report:

Special Use Permit: SUP-2013-001 – Temporary Telecommunication Towers

**APPLICANT:** The application is filed by Chase Simmons with Polsinelli Shughart PC on behalf of Woodside Racquet Club Management, Inc., lessee to the City of Westwood, the property owner of record.

**REQUESTED ACTION:** The applicant requests a Special Use Permit to allow a temporary wireless telecommunications facility to accommodate three (3) telecommunications providers.

**LOCATION:** The property is located at 2001 W. 47<sup>th</sup> Place.

**EXISTING ZONING:** CP-1; Planned Commercial District, and within the COD-4 Commercial Overlay District, Ord. 930.

**EXISTING CONDITIONS:** The subject property contains a 42,695 sq. ft. health club facility building, parking lots, and six outdoor tennis courts.

**CHARACTER OF THE NEIGHBORHOOD:** The property is located east of Rainbow Avenue, on the south side of W. 47<sup>th</sup> Place within a commercially zoned corridor. To the immediate south are single-family residences along 47<sup>th</sup> Terr. Other commercial and retail uses along the east and west sides of Rainbow exist to southeast of this subject property.

**STAFF ANALYSIS OF THE APPLICATION:** The Westwood Municipal Code lists “telecommunications pedestals and structures” as a special use (16.8.1.1). Special Use Permits may apply to any zoning district and may be governed with regard to operations, site development, signs, and time limit, as the Planning Commission deems necessary in order to ensure that such use will not seriously interfere with the current or approved uses of neighboring properties.

### **Background**

The YouthFront building, located at 4715 Rainbow Boulevard, currently houses the antenna and support equipment for three separate telecommunication providers: T-Mobile, Sprint, and Clear Wireless. Each provider was approved under separate Special Use Permits, with different expiration dates and stipulations of approval:

- A Special Use Permit for T-Mobile was first approved in 2008. It was reapproved in January of 2011 with an expiration date of October of 2016 and stipulated that the Special Use Permit would expire if the building were demolished.
- Sprint initially received approval of a Special Use Permit in February of 2006. It was reapproved in 2008 with an expiration date of October of 2013.
- Clear Wireless, LLC receive approval of a Special Use Permit in October of 2009 with an expiration date of October 2011. It was stipulated that the lease include specific language reviewed and approved by the City Attorney to include a provision for a cell tower on wheels if necessary during any future construction or building modification. This Special Use Permit has not been renewed.

### **Woodside Village North**

The YouthFront building is slated to be demolished in 2013 after the transfer of the property to a new owner to allow for the development and construction of the first phase of a new mixed-use project – Woodside Village North. The antennas on the existing YouthFront building are critical to the coverage network for all three carriers. The equipment and antennas for two of the carriers, T-Mobile and Sprint, have recently been upgraded for 4-G coverage.

To allow for the demolition of the YouthFront building and construction of the Woodside Village north project, an off-site temporary location is needed to house the equipment and antennas for all three carriers. This will allow for continued network coverage of telecommunication service while the Woodside Village North mixed-use project is under construction. There is not sufficient space to accommodate a temporary facility for all three carriers on the YouthFront property during construction of the Woodside Village project.

The intent is to locate antennas on the new Woodside Village North building in an architecturally compatible manner once it has been constructed. The proposed Woodside Village North building is being designed to allow for the placement antenna on top of the building, and the placement of the support equipment within the building for three (3) or more telecommunication carriers.

A new separate Special Use Permit will be required for locating antennas on the new Woodside Village North building. Staff will recommend that any new Special Use Permit be tied to the Woodside Village North building and property, and not be approved on individual carriers. A new Special Use Permit for the Woodside Village North project can include parameters on the maximum total number of antenna that can be placed on the building, so additional carriers and different configuration of antennas may be placed on the building over time without having to receive a separate Special Use Permit approvals.

### **Temporary Site - Proposal**

The submitted plans indicate that three (3) new 60-foot tall wooden poles will be placed within a chain-link fenced compound area just to the west of the existing Woodside Racquet Club facility annex building, located on the south side of 47<sup>th</sup> Place. The proposed compound will be located 67 feet south of 47<sup>th</sup> Place, about 165 feet north of the residential property to the south along

47<sup>th</sup> Ter, and almost 200 feet to the east of Rainbow Blvd, near the northwest corner of the existing building. The compound will occupy five (5) existing parking spaces with the supporting equipment and pole placement.

#### **Stipulations of Approval**

The Special Use Permits approved for the existing antennas and equipment on the YouthFront building did include a number of different stipulations of approval. These stipulations typically addressed the following issues / items:

- The status of the approved Special Use Permit given the pending Woodside Village project proposal;
- Esthetic issues regarding the color of the equipment enclosures, cables, conduits, and the antenna placement;
- Requirements typically covered by the adopted building codes on wind loading and other technical aspects with the equipment;
- Liability insurance coverage standards; and
- The waiver of rights of subrogation against the City of Westwood

#### **Time Limit**

Section 16.8.1.2 - Duration of Permit of the Westwood code states that the initial Special Use Permit may be granted for a period of up to two years with renewal's granted for maximum period of up to five years.

**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission forward the Special Use Permit for the Temporary Telecommunication Towers (SUP-2013-001), located at 2001 W. 47<sup>th</sup> Place to the City Council with a recommendation for approval for a two-year period of time subject to the following stipulations:

1. Submittal of a certificate of insurance showing liability insurance of \$1,000,000 per occurrence and \$2,000,000 in the aggregate; and
2. The telecommunication carriers holds harmless and waive their rights of subrogation against the City of Westwood for all claims or losses that may occur from their operations in, and in conjunction with their operations, within the City of Westwood.

Blair Tanner and Mike Owens provided an overview of the request, stating that there is a need to locate the existing three telecommunications providers to a temporarily location to accommodate the construction of the new Woodside Village North project. The carriers does have some

1. Submittal of a certificate of insurance showing liability insurance of \$1,000,000 per occurrence and \$2,000,000 in the aggregate; and
2. The telecommunication carriers holds harmless and waive their rights of subrogation against the City of Westwood for all claims or losses that may occur from their operations in, and in conjunction with their operations, within the City of Westwood.
3. The Special Use Permit will become effective upon the issuance of a demolition permit of the YouthFront building, located at 4715 Rainbow Blvd.

## **IV. Other business**

## **VII. Adjournment**

There being no further business to discuss, Commissioner Waters moved to adjourn the meeting. Second by Commissioner Lowe. Motion carried by unanimous voice vote.

APPROVED: \_\_\_\_\_  
Christopher D. Ross, Chairman

ATTEST: \_\_\_\_\_  
Frederick L. Sherman, City Clerk