

CITY OF CERES
PLANNING COMMISSION
MINUTES

October 1, 2007

MEETING CALLED TO ORDER: 6:01 p.m.

ROLL CALL:

PRESENT: Del Nero, Kachel, Meyer, Smith, Williams

ABSENT: None

ALSO PRESENT: Community Development Director Kenneth Craig, Planning Manager Barry Siebe, Engineering Services Supervisor Len Guillette, City Attorney Michael Lyions, Associate Planner Lantz Rey, Planning Technician Carla Cervantes, Admin. Secretary/Planning Tech. Linda Ryno

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Meyer

APPROVAL OF MINUTES:

1. September 4, 2007.

Commissioner Kachel, being new to the Commission, asked about the content of the minutes. Director Craig responded that the minutes are not verbatim, but an expanded summary type of minute.

It was moved by Commissioner Kachel, seconded by Commissioner Del Nero, to approve the minutes as presented. Carried 5/0.

CONFLICT OF INTEREST DECLARATION:

None

CITIZEN COMMUNICATION:

None

APPROVAL OF AGENDA AS POSTED (OR AMENDED) AND CERTIFICATION OF POSTING:

It was moved by Commissioner Williams, seconded by Commissioner Smith, to approve the agenda as posted. Carried 5/0.

CONSENT CALENDAR:

None

PUBLIC HEARINGS:

2. CUP 07-17; a conditional use permit proposal to authorize the installation of an 83' tall wireless communications tower at 3032 Dale Court.

Associate Planner Rey gave a report.

The public hearing was opened at 6:08 p.m.

Chairperson Meyer asked if the applicant was in the audience. Hearing no response from the audience, Chairperson Meyer was asking the Commission if they concurred to move to the next item to allow the applicant to appear, when the applicant appeared at 6:12 p.m.

Nate Holderbein, representing Omnipoint Communications dba T-Mobile, Inc., apologized for being late and told the Commission that he agreed with all the conditions.

Chairperson Meyer asked how far the pole would be from the opening to the adjacent storage unit? Mr. Holderbein responded that it was about eight feet, but that unit is the one they will be using to store their equipment.

The public hearing was closed at 6:13 p.m.

It was moved by Commissioner Kachel, seconded by Commissioner Williams, to adopt PC Resolution 07-25 approving CUP 07-17. Carried 5/0.

3. CUP 07-19; a conditional use permit proposal to authorize the installation of a new 104' tall stadium light monopole with three wireless antennas and a radio cabinet in a 200 square foot fenced lease area at Smyrna Park.

Planning Technician Cervantes gave a report.

Planning Manager Siebe continued that the original proposal had shown a location within the perimeters of the "play area". Staff discussed this with the applicant as well as with the Parks and Recreation Department and decided that inside that perimeter, that the city wanted to limit these

types of facilities. The applicant was very amenable to moving it to the other side, putting it on the 3rd baseline. The Parks and Recreation Department had originally asked for a condition requiring the construction be completed prior to mid February. The applicant contacted staff today and expressed their concern with condition 2 on page 13 of the staff report. The applicant's concern is the lack of flexibility in case there are delays along the way. Parks and Recreation has agreed to some flexibility.

Planning Manager Siebe read staff's suggested modification to condition 2:

Condition 2 modified to read:

2. The applicant will diligently pursue the project to ensure completion of construction prior to February 1, 2008. At a minimum, ball field lighting must be completed by February 1st, and remaining construction activities occurring after February 1, 2008 will be coordinated with the Directors of Public Works and Parks and Recreation to minimize any impacts to activities on the field.

The public hearing was opened at 6:20 p.m.

Karen Lienert, representing Metro PCS, told the Commission that she was concerned that if the construction was not completed prior to February 1, 2008, that the conditional use permit would expire and asked what would happen if the pole wasn't up by February 1? She further commented that they intend to have the site built by the end of this year. She further commented that the lease agreement still has to go to the City Council and they still have a building permit to pull.

City Attorney Lyons responded that Metro PCS would be in default of their permit if the construction was not completed by February 1, 2008. There would have to be an amendment if it was going to proceed.

Ms. Lienert responded that some things were out of their control and asked if the condition could be written in such a way that it had to be done by February 1; if not done by then, they would be given a block of time that they could not work on the project.

Director Craig commented that the Planning Commission could amend the condition as they like. He also suggested that they not modify it by removing that provision and that an amendment would be the proper process to go through. If for some reason, the applicant couldn't meet a February 1st deadline for the initial construction, then just as with any expiration, they would need to come back and ask to reinstate their permit.

Chairperson Meyer asked if they needed to add an amendment clause to Planning Manager Siebe's modified condition?

Director Craig responded that as long as the applicant makes the application per the Municipal Code by the time the permit would expire, that essentially its allowing that permit to be considered for its amendment of time.

City Attorney Lyons added that they could certainly process a request for an amendment to the permit to allow an extension of time for the actual construction and that it would be possible to leave the condition as it currently exists. Then the applicant should be mindful that if things do not go as expected and they are not going to make the deadline of February 1, that they should go to the Planning Department with a request for the Planning Commission to consider an amendment.

Director Craig asked the applicant how long it would take to construct? Ms. Lienert responded that it takes about six weeks; but it may be another 60 days before they're ready to begin because of the lease agreement with the City Council, engineering, and building permit approval. She further commented that they do a lot of work with schools and parks and that typically there's a black out period where they can't work and that if they miss the February 1 deadline, they understand they'll have to wait until October to continue. Ms. Lienert continued that rather than the city say their permit is null and void and expires if you miss February 1, she would let her office know that if they miss February 1, they're waiting eight months. She said that would be easier for them to swallow if it's a longer waiting period instead of the permit being null and void.

Chairperson Meyer asked why this location was chosen and expressed concern about the amount of light in the area because it is a residential neighborhood.

Planning Manager Siebe responded that as the city expands use of this facility, the light poles that are currently there are old, they're in need of replacement, the city would either have to expend funds to replace those poles or as these opportunities present themselves, the city takes advantage of them. When the application was submitted, the City decided it was an opportunity to use that pole as another light standard. Planning Manager Siebe addressed the concern of additional lighting by stating that are certain calculations for particular levels of play and that the lighting isn't necessarily being increased.

Director Craig also commented that whenever the city has a light pole installed, they're always concerned about light throw and will ensure that the field area will have the proper lighting so play can take place, but will also make sure they're shielded and pointed to avoid any throw into residential neighborhoods. Mr. Craig continued that there's always the compatibility issue when a community facility is surrounded by residential neighbors.

Public hearing closed at 6:34 p.m.

It was moved by Commissioner Williams, seconded by Commissioner Del Nero, to adopt PC Resolution 07-27 with the change to condition 2 as read by Planning staff approving CUP 07-19. Carried 5/0.

PUBLIC MEETINGS:

None

UNFINISHED BUSINESS:

None

MATTERS INITIATED BY PLANNING COMMISSION AND STAFF:

None

REPORTS:

Planning Manager Siebe told the Commission that he had left a copy of the Copper Trails Master Plan on the dais for each of them and wanted to remind them that the proposed project would be heard at their next meeting of October 15. At that time, their comments will be compiled and they'll accompany the document to the City Council.

ADJOURNMENT:

The Planning Commission adjourned at 6:37 p.m. to the Planning Commission meeting of October 15, 2007.

APPROVED:


Brandy Meyer, Chairperson

ATTEST:


Kenneth H. Craig, Secretary