

MINUTES

PUBLIC HEARING

No Public Hearing

REGULAR MEETING

The regular meeting of the Arnold Planning Commission was called to order by Chairman Brian McArthur at 7:00 p.m. The Pledge of Allegiance was recited by those in attendance.

ROLL CALL OF COMMISSIONERS: Del Williams, Michelle Hohmeier, Cricket Whaley (excused), Brian McArthur, Roy Wilde, Ted Brandt, Frank Kutilek, Jeff Campbell, Andrew Sutton, Todd Teuscher, Mary Holden, Christie Hull-Bettale, Dan Bish and Attorney Frank Vatterott. 9 voting members present, 1 excused.

REVIEW AND APPROVAL OF AGENDA: Motion by Jeff Campbell to approve the agenda as presented. Second by Todd Teuscher. Voice Vote – *Unanimously Approved.*

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the August 14, 2012 meeting as presented. Second by Andrew Sutton. Voice Vote – *Unanimously Approved.*

Brian McArthur stated for the record that since he is an adjoining property owner, he will recuse himself from item 7a. Brian turned the meeting over to Jeff Campbell.

QUESTIONS FROM THE FLOOR: Bernie Wilde, 3533 Swan Circle S., referred to item #8 Richardson Ridge Villas. This should be called St. John's Villas. Also commented that with the added traffic a stop light or blinking yellow is needed in order to turn out of Linderhoff safely.

Paul Terry, 3938 Wicks, informed Collective Solutions that the drawings show an access to Wicks Rd. which is illegal; it is a residential street. The way the plan illustrates now is that trucks will be driving right over the pipeline. Should be a sign there stating that it is a pipeline and not a public street. It is a Telegraph address not a Wicks address.

John Morrie, 3920 Wicks, has called several real estate companies and they have stated that our property could be devalued by 10%.

Randy Keller, 3932 Wicks, gas line comes through his yard; doesn't want to look at the tower and fears for his daughter and wife's safety.

Cindy Rayburn, owns property at 4008 Wicks and the property Pioneer Paving is on. Feels Heartland Bank will not refinance the Pioneer Paving property because of the tower. This tower will devalue all our properties.

James Geisler, 765 Mary, a lot of people will be making money but all the residents will be losing. If the tower falls it has a possibility of hitting the gasoline. When it blows it will be a disaster. Unfair to put all this stuff in one place and expect the people in the area to live with the possible hazards.

Brian McArthur, 777 Mary Ln., read the attached statement.

Jerel Poor, 765 Mary, feels their goal is to put up 18 towers and collect money. Not enough research was done. Gas line very dangerous. Asked the Planning Commission to deny this application.

Christine Terry, 3938 Wicks, concerned of the tower falling. The picture they showed of the tower falling in Katrina, actually fell to the side. If this happened it would completely block Wicks Rd.

Norma Rapp, 4210 Wicks, objects to the proposed location.

Mike Evans, 509 Hannah Way, read the definition of the word "no".

Rebecca Thomas, 757 Mary, has two disabled sons and it would be a hardship for her to move. Pleaded with the Commissioners to deny this tower.

7a. 2012-19: CONDITIONAL USE PERMIT FOR JEFFERSON COUNTY 911 TO CONSTRUCT COMMUNICATION TOWER AT 3500 TELEGRAPH (CONTINUED FROM AUGUST 14, 2012): Andrew Sutton was disappointed with the letter from the applicant's attorney. Turn it down and get sued or approve it and put the citizens out. Wishes the applicant would have submitted a more thorough proposal regarding alternative sites. We didn't have to have this meeting tonight.

Michelle Hohmeier questioned if this technology is in operation elsewhere and are they having difficulties with the technology. Is there better technology out there; is this a quick fix; what are the large scale emergencies; if the system is designed to be redundant then why do we need so many towers; what if more than 1 goes down; what kind a wind will the tower withstand; if we say "no" do they have the authority to do what they want.

Del Williams commented on the 4 concerns he keeps hearing:

- Health – there has never been a study that shows cell towers cause health problems.
- Tower falling – Del believes in engineering and believes they will be designed properly.
- Gas tank – doesn't keep us from going into gas stations to fill up.
- Property values – Banks won't talk to you if you're trying to refinance for less than \$100,000.

This system needs to go in this area; it serves 20,000 plus people in the City of Arnold; it serves 230,000 plus people in Jefferson County; it serves millions of people when you connect it with Homeland Security. Del is in favor of this tower.

Frank Kutilek questioned if Wicks Rd. is private. Mary Holden stated that Wicks Road is public and city maintained. Section 704 talks about towers but not this specific type of tower. Asked which specific references are included in the 1996 Act.

Todd Teuscher commented that he disagrees that this is good planning practice and not detrimental to the residents; the propane tank may be a danger; area around the tower is wooded/good buffer; could affect the property value. If this is approved he would like another condition that a double row of large canopy shade trees are provided around the tower, planted at least 20' to 25' on center on all 4 sides in addition to the fencing and the evergreen screen.

Motion by Del Williams to approve 2012-19, conditional use permit for Jefferson County 911 to construct a communication tower at 3500 Telegraph with the findings and conditions. Motion died due to no second.

Motion by Michelle Hohmeier to deny 2012-19, conditional use permit for Jefferson County 911 to construct a communication tower at 3500 Telegraph due to this cannot be developed in a manner visually compatible with the surrounding properties and the use is not deemed essential or desirable to preserve or promote the public health, safety, and general welfare of the City of Arnold. Second by Andrew Sutton. Roll call vote: Del Williams, no; Michelle Hohmeier, yes; Brian McArthur (recused); Roy Wilde, yes; Ted Brandt, yes; Frank Kutilek, yes; Jeff Campbell, yes; Andrew Sutton, yes; Todd Teuscher, yes. 7 yeas, 1 nay, 1 recused. *Motion to Deny Approved.*

8a. 2012-22, SKETCH PLAN, RICHARDSON RIDGE VILLAS, PROPOSED PRD FOR SENIOR HOUSING: Brian McArthur read the staff report.

Mary Holden passed along to Mr. Werner, Bernie Wilde's comments regarding the name change of the Villas and her traffic concerns.

Patrick Werner with Arapaho Development addressed some questions of the Commissioners concerning traffic, visibility, entrance, landscaping, etc. Commissioners all seem to like the idea but are concerned about traffic and public safety.

STAFF REPORT:

- a. **2012-20, PLANNING COMMISSIONERS HANDBOOK:** Mary Holden asked the Commissioners to read through and give her any comments by the end of the week.
- b. **LANDSCAPE REQUIREMENTS:** Mary asked that the Commissioner read this document and provide her with comments. She also stated she will contact the Department of Conservation to invite them to the first meeting in October to give a presentation.
- c. **DEFINITION OF "TRANSIENT":** The city had an issue arise in trying to define what transient lodging is. Will bring a definition of transient forward for the Zoning Code.

OLD BUSINESS: Ted Brandt asked the status of the vehicle up on the lift at Blackwell Motors. Mary stated that a citation has been issued.

COMMISSIONERS REPORT: Frank Kutilek asked if Sept. 11 is the deadline for Spruce Up Landscaping. Mary stated that was correct. Frank also questioned how we verify a traffic study. Christie stated that she reviews the study, checks for validity and makes sure they use valid counts and valid resources. Frank's concern is what they give us to what actually occurs.

Ted Brandt heard Clean Stream did a great job. Also asked the status on the JCYA. Mary stated we have no plans yet. Christie feels they will probably submit grading plans in the next month.

Jeff Campbell thanked Todd Teuscher on his work on the landscaping document. With regard to traffic study's he suggests we find some way to have the city control who gets the job. Jeff also reported a van at Checkered Flag that endangering public safety that needs to be removed.

Andrew Sutton thanked Mary for her work on the handbook and Todd for his work on the landscaping requirements.

Brian McArthur asked when the 911 Tower will go before the City Council. Mary stated it will be Sept. 6. Thanked Jeff Campbell for stepping in for him.

ADJOURNMENT: Meeting adjourned at 8:38 p.m.

Respectfully Submitted,



Roy Wilde
Planning Commission Secretary

If this issue of pursuit of other locations is really irrelevant as the law firm representing this applicant is trying to convince you of, then I put forward that you should deny this request based on the 3rd criteria for granting a CUP. This is not visually compatible with the surrounding properties. As the staff has left this off the report as they know this to be true. As there is no way to screen a 309' tower from the view of the adjoining Residential districts. It is one of the functions of this board when considering a CUP to determine if the conditions and standards are applicable to the surrounding area. This is exactly why this is a CUP and not a use by right as it must be looked at and proven that is a good use for the surrounding area first and foremost and I believe this is the most important criteria that must be met before even considering the rest.

I also disagree with the applicant, that this proposal will not lower the property rates. These conclusions are based on the following reasons. Most of the data and studies were based only on actual sales data including the one presented by the applicant, and did not include how many potential buyers never even bothered to put in a bid because of the perception that the tower is a danger or health hazard. Or the unsightly look of a large tower adjoining the potential property. I guarantee you would eliminate at least 25% more potential buyers to just take one look at the massive 309' tower. Then add another 25% with the perception of the towers health dangers, there is no way you can tell me that is only going to produce a true 2% loss to property values.


The other issue that has not been properly discussed is this Site also contains a 1000 gallon propane tank. While the government rules allow this to be placed within 25 ft of any structure, this as usual makes no common sense at all. If the container is breached by any outside source such as a collapsing tower upon its self, It will generate a Blevé (*boiling liquid expanding vapor explosion*) or as some in the firefighting community call a **"Blast that Levels Everything Very Effectively!"** which in a 1000 gal tank would produce a fireball radius of 115' and the suggested firefighter working distance is set at 459' because of the Shockwave and of the projectile ranges that are at 410' and an evacuation distance of 1722' (3/10 of a mile) to 3444' (7/10 of a mile). Wow really, 25' sounds like a good distance to me too! So I also submit that this also goes against Criteria # 4 that is does not promote public safety but does the exact opposite as it introduces an unsafe condition directly to the residence within 120' and 7/10 of a mile of the tank.

If this issue of they have met all of the legal and other requirements of a CUP as the law firm representing this applicant is trying to convince you of, then I put forward that the only legal and other requirements this application has met with in regards to the CUP is that it may be allowed if it meets certain requirements and criteria set aside in the ordinance, it is not a use by right and their fore they must prove that it is the best and safest use for this site. Just because this is the only location they could negotiate a lease on should not make it a reason for approval based on sound planning process. Do not get sucked into the political ploys and government pressure to make a decision that is not in the best interest of the city. Because guess what the people adjoining this property are also part of the city. Please do not as a commission take away the rights of these property owners that choose not to live next to a structure that is being forced upon them under the guise of is what is best for the city, leave this to the politicians. Yours is to make the best planning decision not the best political one. There is no set number of the 4 criteria that have to be met to make your decision. It can be as low as 1 or up to all four.

SO in closing based on the comments I have brought forth. I ask that you deny this application based on the following findings.

1. This cannot be developed in a manner visually compatible with the surrounding properties.
2. The use is not deemed essential or desirable to preserve promote the public health, safety, and general welfare of the city of Arnold.

Sincerely,


BRIAN K. MCCARTHY, 777 MARY LN, ARNOLD

**PLANNING COMMISSION
ROLL CALL SHEET**

DATE: 8/28/2012								
CALLED TO ORDER: 7:00 PM								
ADJOURNMENT: 8:38 PM								
	ROLL CALL	2012-19 - DENIAL APPROVED						
DEL WILLIAMS	P	N						
MICHELLE HOHMEIER	P	Y						
CRICKET WHALEY	EXCUSED							
BRIAN MCARTHUR	P	RECUSED						
ROY WILDE	P	Y						
TED BRANDT	P	Y						
FRANK KUTILEK	P	Y						
JEFF CAMPBELL	P	Y						
ANDREW SUTTON	P	Y						
TODD TEUSCHER	P	Y						
MARY HOLDEN	P	NO VOTE						
CHRISTIE HULL-BETTALE	P	NO VOTE						
DAN BISH	P	NO VOTE						
ATTORNEY FRANK VATTEROTT	P							