

City of Leawood Planning Commission Minutes

May 11, 2004
Meeting – 6:00 p.m.
Leawood City Hall
4800 Town Center Drive

CALL TO ORDER/ROLL CALL: Henderson, Rohlf, Conrad, Duffendack, Munson, Williams, Pilcher

APPROVAL OF THE AGENDA: A motion to approve the agenda was made by Henderson and seconded by Pilcher. Motion approved unanimously.

OLD BUSINESS:

CASE 25-04 SBC PRONTO/DSL Request for approval of a special use permit to allow a DSL cabinet. Located at 9613 Lee Boulevard.

Staff presentation: Presentation by Jeff Joseph. The applicant is Charles Lawrence with SBC. The applicant is requesting approval of a special use permit to install a DSL cabinet at 9613 Lee Blvd. This property is owned by the City of Leawood. The proposed cabinet is 45 inches wide, 70 inches in length and 70 inches high. The applicant has proposed landscaping to provide screening. Staff is recommending approval of this case with the stipulations stated in the staff report.

Duffendack asked if this is on City property. Joseph stated it is on the fire station's property. There is an easement around the cabinet. Munson asked why the pad is so large for a rather small case. Joseph stated the applicant could answer that question better.

Rohlf asked the status of the term limits on this type of use. Binckley responded she believes the cabinet at 129th Street and Roe Avenue was given 25 years. Part of that is also determined by the lease agreement between the City and the applicant and it will go before City Council.

Henderson asked if there are any security or safety issues with this cabinet. Joseph stated the applicant could answer that question better.

Applicant presentation: Presentation by Chris Carroll of SBC. There are safeguards protecting the cabinets so that no one can get in without a special tool. To the best of his knowledge, none of them have been broken into. They do everything they can to protect the integrity of their networks. To answer the question about the large pad, originally there was a handhold vault planned for this site; which is an access to a small vault for the fiber optics. That has since changed and access will be through the manhole off of Lee Boulevard. The pad does not need to be as large as proposed. The manufacturer has recommended a pad the size of 127 inches by 131 inches. SBC would be happy to reduce the pad to that size.

Duffendack asked if the cabinet would be located on the pad as seen on drawing C1. Carroll stated yes, and then showed a picture of the same type of cabinet. Duffendack asked if there would be access from both sides. Carroll stated, yes. Duffendack asked if there would be a problem accessing it on the south side, with the landscaping on that side. Carroll stated he would hope the landscaping would allow access for a technician to get inside and work in the cabinet. With the reduction of the pad, the cabinet could be moved further to the north to allow better access. Duffendack asked the height of the cabinet. Carroll stated it would 5 feet, 8 inches high. Duffendack asked if the landscaping would be mature enough when it is planted to ensure shielding. Carroll stated, definitely. He has met

with staff as well as the residents around the area. He held an interact meeting on April 15th and only a few residents attended. The neighbors immediately to the north, Joan McFadden, and her neighbor to the north and east, Debbie Graham, were not present so he met with each of them separately and they were both satisfied with the proposal. There will be 6-ft. tall mature evergreens along the north side to shield the view as much as possible from the residents to the north.

Henderson asked what might happen if unauthorized access were gained to this cabinet. Carroll stated, hypothetically speaking, if access were gained then the access to the high speed broadband from 95th Street to 103rd Street from Lee Boulevard to State Line Road might have a problem. There are alarms at the switching station that would alert SBC to any compromise of the cabinet and technicians would be dispatched immediately. Henderson asked if there are any backup systems to rectify the problem quickly. Carroll stated there are redundancy systems at the central office. If this cabinet were compromised, just the high-speed broadband would be affected. Once the cabinet is constructed, access to the cabinet would be once a week on average.

Duffendack asked if all cables and power are buried. Carroll stated there will be a separate power box next to the cabinet; the facilities to both of those cabinets would be buried.

Rohlf asked what factors go into their decision to place a box in a particular position. Carroll stated their technology reaches from a switching station approximately 12,000 to 15,000 cable feet from that location. Beyond that reach, they need to place additional cabinets to extend the reach. One of these cabinets will serve another 12,000 feet. Their engineers pinpoint the location within 100 feet to optimally serve the coverage area that is lacking. Rohlf asked if they consider these permanent locations. Carroll stated, yes.

Binckley stated she went back to check the time limit on the other DSL box that has been approved and there is a 20 year time limit on that special use permit. Staff has a stipulation used on the previous one that she would like added to this one to include the time limit. She suggested adding a stipulation to read, "The special use permit shall be for an indefinite period of time, not to exceed 20 years, as evidence by previous approvals by Southwestern Bell's competition and that it can be renewed by mutual agreement of Southwestern Bell and the Governing Body at that time." Carroll stated the applicant is okay with that stipulation being added.

Public hearing: With no one present to speak at the public hearing, a motion to close was made by Henderson and seconded by Pilcher. Motion to close approved unanimously.

Henderson stated he feels that part of the reason for the time limitation was to allow for competition and he is in approval of adding that stipulation.

A motion to approve was made by Henderson with the addition of the stipulation stated by Binckley and the reduction of the pad size to what the applicant offered. Motion seconded by Pilcher. Motion approved unanimously.

Meeting adjourned.

J. Paul Duffendack