

City of Leawood  
Planning Commission Minutes

July 10, 2007  
Meeting – 6:00 p.m.  
Leawood City Hall Council Chambers  
4800 Town Center Drive

**CALL TO ORDER/ROLL CALL:** Shaw, Roberson, Jackson, Rohlf, Conrad, Elkins.

**APPROVAL OF THE AGENDA:** Rohlf noted several continuances to be noted in the minutes. She then called for a motion. A motion to approve the agenda was made by Elkins and seconded by Jackson. Motion approved unanimously.

**CONTINUED TO THE JULY 24, 2007 MEETING:**

**CASE 50-06 MOLLE TOYOTA OFF SITE PARKING.** Request for approval of a special use permit, located south of 104<sup>th</sup> Street and west of State Line Road. **Public Hearing**

**CASE 52-07 VILLAGE OF SEVILLE – OUTLOTS –** Request for approval of a revised preliminary site plan, located at northeast corner of 133<sup>rd</sup> Street and State Line Road. **Public Hearing**

**CASE 64-07 SABATES EYE CENTER –** Request for approval of a revised preliminary site plan, located south of 112<sup>th</sup> Street and east of Nall Ave. **Public Hearing**

**CASE 66-07 LDO AMENDMENT – SECTION 16-4-5.7 PARKING LOT CONST. STANDARD.** Request for approval of an ordinance to the Leawood Development Ordinance. **Public Hearing**

**CONTINUED TO AUGUST 14, 2007**

**CASE 55-07-LEAWOOD FIRE STATION #2 CELLULAR ANTENNAE –** Request for approval of a special use permit, located at 12701 Mission Road. **Public Hearing**

**CONTINUED TO THE SEPTEMBER 11, 2007 MEETING:**

**CASE 08-06 LDO AMENDMENT - SECTION 16-2-9.2 NON-RESIDENTIAL USES** Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

**CASE 09-06 LDO AMENDMENT - SECTION 16-3-9 DEVIATIONS** Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

**CASE 53-06 LDO AMENDMENT – SECTION 16-2-5.7 (RP-4 DISTRICT)** Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

**CASE 55-06 LDO AMENDMENT – SECTION 16-2-5.2 (RP-A5 DISTRICT)** Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

**CASE 56-06 LDO AMENDMENT – SECTION 16-2-5.3 (R-1 DISTRICT)** Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

**CASE 57-06 LDO AMENDMENT – SECTION 16-2-5.4 (RP-1 DISTRICT)** Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

**CASE 58-06 LDO AMENDMENT – SECTION 16-2-5.5 (RP-2 DISTRICT)** Request for approval of an amendment to the Leawood Development Ordinance. **Public hearing**

**CONTINUED TO OCTOBER 9, 2007**

**CASE 28-07 WEST SIDE AT MISSION –** Request for approval of a rezoning from SD-CR and SD-O to MXD, preliminary plat and preliminary site plan, located at the northwest corner of 135<sup>th</sup> Street and Mission Road. **Public Hearing**

**CONSENT AGENDA:**

**CASE 68-07 PARKWAY PLAZA OFFIC CONDOMINIUMS 1<sup>ST</sup> PLAT – FINAL –** Request for approval of a final plat, located at the northwest corner of 135<sup>th</sup> Street and Roe Ave.

A motion to approve the Consent Agenda was made by Elkins, seconded by \_\_\_\_\_. Motion approved unanimously.

**CASE 56-07 LEAWOOD SOUTH COUNTRY CLUB – WIRELESS COMMUNICATION TOWER – Request for approval of a special use permit, located at 12700 Overbrook Road. Public Hearing**

**Staff presentation:**

Jeff: This is Case 56-07, Sprint Wireless Communication Tower within Leawood South Country Club. The applicant is Curtis Holland representing Sprint. The applicant is requesting approval of a special use permit for installing a wireless communication tower within the Leawood South Country Club at 12700 Overbrook Road. The proposed tower is 95 feet tall and 37.8 feet in diameter at the base. The tower is designed to look like an evergreen tree. The antenna will be camouflaged to blend in with the bark and needles of the pine. The applicant is also proposing to extend the existing storage building in order to store some of their equipment. The application does meet the requirements under the Leawood Development Ordinance as explained in the staff report under the Performance Standard section. Public notices were sent to people within 1,000 feet as part of the courtesy notice requirement. An interact meeting was held on June 12<sup>th</sup>, and a summary of the meeting is included with the staff report. At the time of writing the staff report, staff was unable to make a recommendation. Since then, the City Administrator was able to visit an existing monopole, and based on looking at an actual tower, staff is recommending that the height of the tower be limited to the height of the existing trees located adjacent to this tower location. Again, staff is recommending approval of Case 56-07 with the stipulations stated in the staff report. If you have any questions, I'd be happy to answer them.

Chairman Rohlf: Did all of you receive the revised report from Jeff? That shows the modification to stipulation number 1. Questions for staff at this time?

Comm. Roberson: The proposed application suggests a 95 foot tower, and the change suggests it to be no higher than the current trees. Can you tell me what height that is that you're recommending?

Mr. Lambers: The applicant has advised me the highest tree is 56 feet. I do not know if that's correct, and how close it is in proximity to where they're proposing to put the tower. We will specifically identify that when that goes to the City Council. Again, I traveled to San Diego on Thursday and just got back early Saturday morning, so that's why this has not been a typical presentation. It will be probably in the vicinity of 55 to 60 feet in height when it's said and done, recommended to City Council.

Comm. Roberson: In that case, can you tell me if that limits this to use by Sprint only as opposed to allowing other carriers?

Mr. Lambers: You'd have to ask Sprint that question. The City Council does have the ability to simply restrict it to Sprint if they so desire, or if the capacity is there for co-location, then certainly that could be there. I would doubt that there is much opportunity for co-location with the height that I'm recommending.

Comm. Roberson: Have we had any other inquiries about cell towers in the general vicinity of this one from other carriers?

Mr. Lambers: Cell towers, no. Sprint has an application, as you're aware, for Fire Station No. 2, but that's just an antenna. It's not a tower. So the answer is no.

Comm. Roberson: No? Okay. Can you enlighten me to the purpose of the 20 percent bond?

Jeff: It's per the Leawood Development Ordinance. It's a requirement so that the City can come back and maintain the tower if there is a violation, or the City can come back and take down the tower with the money that the applicant is providing as the bond.

Chairman Rohlf: Do we have any other questions?

Comm. Jackson: Scott, since you've seen one, I'm trying to imagine what this simulated pine tree will look like. What sort of area was it in San Diego that you saw it? Was it surrounded by other pine trees?

Mr. Lambers: It was actually Oceanside. It was at the manufacturer's facility. The company that produces these is headquartered in Sioux City, Iowa. The manufacturer is in Fort Worth. They ship the pole to Oceanside, where the camouflage material is then placed on the pole. The pole's then shipped to whatever site it needs to go, and then the electronics are installed. At the manufacturer's site, they had three towers. Two of them are actual cell phone towers. One was just a demonstration model. All three of them were 75 feet in height. One of them did have some vegetation trees that were approximately 25 to 30 feet in height, and then the tower was an additional 40 feet above that, so I was able to gain some perspective as to how that would look. From a distance, it's difficult to discern that it's not real, but certainly if you were to focus in on it, you could probably see that it's not, primarily because the tree is pretty perfect as opposed to other trees. You would probably notice it, but from a distance, again if it's mixed in with trees, it would be less noticeable. In California it works well because they have 75 and 90 foot high pine trees that this can fit in. Oceanside has the limitation of 75 feet. That's why the two towers that were functioning were only 75 feet. The manufacturer originally and predominantly is involved in the petrification of plants and trees for installation in casinos and malls. These trees then do not require any maintenance, and they don't grow and cause problems. So this was a major portion of their business. Then the cell tower industry approached them to go into the camouflage business. I went out there with the intention of first looking at how well the

camouflage, the tower itself, would look. I was very skeptical. I came back thinking that it is close enough to where it would certainly blend in. However when you have a tree line of 40 or 45 feet and then a 95 foot pine tree, clearly the camouflage fails to work in that regard. So my recommendation in this is that the tree monopole will be allowed to be installed but be consistent with the height that's out there.

Comm. Jackson: Does the bottom of the tree look like bark?

Mr. Lambers: The whole thing looks like bark. It's a rubberized material. Some manufacturers simply paint the poles. However, the poles are 18 sided, and so from a distance you could even pick that up. With the material that they place, it appears to be round. They do not have branches on the lower 20 feet primarily to discourage people from climbing up on them, because they will break off. As part of this application, we would be requiring some additional landscaping of real pine trees around the base of the tree that will be done in conjunction with the golf course and the nearby property owners to provide a screening of that portion of the trunk, which does not have any branches on it. Then as time goes, obviously the trees would then grow to merge into the pine tree itself.

Comm. Jackson: Then how close is the closest house?

Mr. Lambers: I want to say 280 feet.

Jeff: Two hundred and fifty-six feet approximately.

Comm. Elkins: Mr. Lambers, in your conversations, if you had any conversations with the manufacturer, and this may be better placed to the applicant. Do you have a sense for how long these kinds of petrified or camouflaged trees have been in service, and what the long-term wear situation is with respect to the tree?

Mr. Lambers: Again, these are not petrified. That was their core industry. These are totally fake. I believe it's been six to seven years. He said they started about eight years ago, and so there's really not a good indication as to how they wear. As part of the SUP, we'll have requirements that they need to be maintained in their condition. The authority SUP gives us the ability that if it is not maintained, then when have the right to go in and either correct it or force its removal. We are protected in that regard with this. I don't think there's enough out there to say, because it is a totally manufactured material. I think it will weather well. Clearly there may be an issue of fading of the material, which then only time will tell.

Comm. Elkins: Does the manufacturer give a sort of prediction as to the lifetime?

Mr. Lambers: We didn't talk about that.

Chairman Rohlf: Anyone else have questions for staff at this time? Then we will hear from the applicant please.

#### **Applicant's presentation:**

*Curtis Holland, Polsinelli, Shalton, Flannigan, Suelthaus Law Firm, 6201 College Boulevard, Ste.500, Overland Park, Kansas, appeared before the Planning Commission and made the following comments:*

Mr. Holland: Before I get started, I would like to introduce a couple of members of our team, some of which who will speak to the application. First I would like to introduce Mike Reed. Mike is with Sprint. He is the Senior Manager of Site Development for the plains area, which would include Kansas City. Next I would introduce Mike Alt with Sprint, Director of Regional Planning and Logistics for the central region. He is a RF Engineer. Next I have Paul Rablica with Telecom Realty. Their firm was the site selection specialist that found the subject site. Then finally we have Ray Trott, the Chairman of Trott Communications, and they were engaged to do a couple of things on this application. One, to look at the existing coverage for Sprint, and to verify that they in fact needed a new facility in this area of the City. They did provide, in addition to that, a report that certifies that this communication tower and the electromagnetic admissions from this facility are in compliance with the FCC standards. That is a requirement of the City's regulations, and a report was submitted to the City recently that does certify that we do meet the FCC standards. One thing that we didn't submit, which I would like to at this time, is just simply Mr. Trott's biography. It would include some of the history that he has experienced in his life. Clearly when you read it, it's impressive and would designate that he is an expert in this area.

I would say to start that on behalf of Sprint, we're very excited to be here to present this application for a new wireless communication facility located at the Leawood South Country Club. Tonight is the culmination of many, many months of hard work and effort by Sprint to design a facility to enhance its wireless services to this portion of the City of Leawood. As you probably know, this application is really one of two applications that we have submitted recently to the City to enhance our services to this area. Tonight's obviously the application concerns the mono-pine at the Leawood South Country Club. The other one is the fire station, which was alluded to earlier. In that application, again it's a stealth application. We hope to place an antennae in a new cupola on top of the fire station at 127<sup>th</sup> and Mission Road. In connection with this application, we did submit a rather extensive list of documentation and reports to support our application that is required by the ordinance. Hopefully you've all had a chance to read that, go through it. Therefore, tonight I intend to just really provide a brief overview of our project. I will speak first on behalf of our

team, and then turn it over to Mike Alt, who will speak to the network design and the technological aspects of the site. Finally, we intend to have Ray Trott with Trott Communications say a few words to support the fact that this facility will meet the standards of the FCC with regards to electromagnetic frequency emissions, as well as to verify that this site is needed by Sprint. Then after they're done speaking, I will make a few concluding statements.

As you all know, cellular towers are really popular, and they're absolutely necessary in order for all of us to use our wireless communication devices. They're very popular, and over the years we now have established approximately 240 million users of wireless devices here in the United States. That's a significant number of users. It equates to about 75 percent of the total population of the United States. While that's significant, we do lag somewhat behind the wireless density in some of the other countries like Europe and Asia, but we have experienced a tremendous growth in our usage of these wireless facilities. As technology changes, obviously we've been able to utilize our handsets for a lot more things than we've started out. At first, as you all know we could only use the phone to make phone calls, but today we do lots more with our phones. We can send e-mails. We can receive e-mails. We can mark our calendars and check our calendars. We can take pictures with our phones. We can now hear music with our phones, and recently we've been able to watch TV with our phones. The point is that the use of the communication device has evolved over time. It's really a total, complete, personal communication system now. I did like an article that the *Kansas City Star* came out with in October of 2005. I thought it was apropos to what I am speaking to. It shows a picture of this wireless communication facility, and it goes through just the points that I made, and that is that the evolution of our communication device and how we utilize it has really changed over time. It's a complete and total personal communication system that we now use it for. With that, we have changed in terms of our usage where we use our phones and how we use our phones. Rather than just driving down the road and making a phone call these days, we now use our phones at work. We use our phones in our homes. So providing good, quality, reliable service, what we call in-building service, is extremely important to our customers. As I mentioned, it's very popular. I would bet that probably most people in this room have a cell phone on them. For safety reasons, I think probably a lot of our kids do as well. But the point of this all is that we really like to be connected and utilize our phone in many different ways. As expected, if we're paying money for our services, we expect our phones to work.

So, that's what we're trying to do with tonight's application for the mono-pine at Leawood South Golf Course and the companion application for the fire station. Unfortunately as you know, the City of Leawood's regulations, they're very difficult. They're rigid zoning regulations, so it's been difficult to provide coverage in these areas of Leawood. For years, Sprint has been hearing from its customers that they would like to have improved services to this area of the City. I would note that while the City of Leawood makes up approximately less than 2 percent of the total population of the Kansas City metropolitan area, it makes up about 30 percent of our trouble tickets or complaints from customers in the metropolitan area, so we have a significant issue here in the City of Leawood. Of course that's particularly troublesome with Sprint when Leawood is actually its backyard, and many of its customers and many of its employees do live here in Leawood.

The challenge for Sprint, like the challenge is for all of the carriers, given the rigid zoning regulations of the City, is to how can we cover and provide reliable quality service to our customers? I would tell you that Sprint has been trying to resolve this issue for several years now. You may have known that we have had several attempts to improve our services in the southern portion of Leawood. In fact, the sites I'm talking about tonight, which is the golf course, as well as the other site which we filed an application for, have both been the subject of prior attempts by Sprint and others to place wireless communication facilities in the City of Leawood. For several reasons, we didn't quite get to the point that we are today, but again, that's why we're happy that we've gotten this far and are able to make our presentation to you tonight. Of course, we're very cognizant of the City zoning regulations, and as I mentioned, they're very rigid in terms of how we would provide our coverage to this area. As you know, the code does encourage that we use stealth technology to provide these services to our customers and citizens in the area. That's what we've done with this application tonight. The disguised model pine tree, although it's the first of its kind, it has been utilized in many other locations throughout the country, and not just in California, but in places like Ohio and others. I would tell you that having been involved in many of these application, that these are probably two of the most unique and creative solutions that I've seen for providing wider services to an area.

As you would expect and know, the City's zoning regulations require a lot of information. As I mentioned, we prepared a full application, all of which was required by the City. In addition, we did also provide some other materials that weren't necessarily required, but we knew that there were questions that were being asked by the residents. We did have, as staff indicated, a neighborhood meeting with the residents out at Leawood South Country Club. One of the issues that came up at that meeting was property values, and there was some concern that these types of facilities would impact the property values of the adjoining residential areas. So we did submit, in addition to the regular material that's required by the code, copies of four property value studies which were prepared by MAI certified appraisers, which looked at this very issue and have concluded that these types of facilities do not cause a negative impact on adjoining property values, residential property values. In addition, as I mentioned, we have Mr. Trott here. There was some concern by the residents about the electromagnetic emissions. As you know, the City code requires that there be a report and that the applicant certify that. We will meet the FCC standards in regards to those emissions, so we did provide a report by Mr. Trott as I indicated earlier.

Again, we've been at this a long time, and one of the first things that we did is try to determine where we would put the facility and how tall it had to be and what it would look like. Essentially that was the job of the Radio Frequency Engineers who are trained professionals that work at Sprint, that know what they're doing, and took a look at this. You're going to hear testimony tonight from Mike Alt, who will indicate that when they first looked at this site, the original height of the communication facility was proposed to be at 120 feet. That was the minimum height that the RF engineer, their team, determined to be the optimum height necessary to provide the quality of service that their customers expect in Leawood. I would tell you there was some internal debate with Sprint, Sprint's teams, the site development team that Mr. Reed heads up, and given the fact that we were in the City of

Leawood and given where its location is in terms of Leawood South and that area predominantly being residential, that Sprint agreed to compromise, if you will, to lower the height of the tower from what they originally wanted to what we're proposing tonight, which is at 95 feet. When the RF engineers determined where they want the facility to be located, the issue was called a search ring. A search ring in its simplest terms is a circle on a geographic map, and if I could I would like to place this on the screen here and show you really what was the search ring. The search consists of a radius of approximately 2000 feet, so it's not a very large area. Again, that is the area within which the RF team determined that a new facility would be located or needed to be located to provide the services that they needed to in this area.

Once we have a search ring developed, what they do is they turn the search ring itself over to a site selection specialist, which in this case was Telecom Realty and Paul Rablica, who I mentioned earlier. What the site selection specialist does with the search ring is to go into the area and to look what is there and try to determine if there's any opportunities to co-locate on an existing structure. All the carriers do this. It is to their benefit and advantage to utilize existing structures to deploy their facilities rather than to make applications and spend capital on a new facility. It's only after they've exhausted all their options to either co-locate or find a different way to do it, that they would make an application for a new facility, which is what's happened tonight.

With respect to this particular search ring, this is a highly residential area, and it's very difficult for the carriers to cover residential areas because residents in the area do not like to have to look at new communication towers. When we are in these residential areas, what we try to determine, if there are no other co-location opportunities, is to try to find a nonresidential use in a residential area that we can then implement or incorporate our facilities within. For example, we use churches a lot. Churches are often located in residential areas, and we put our facility's antennae on top of church steeples or in bell towers all the time and have many of them throughout the Kansas City area. We also like to put them in parks, for example, or in this particular case, a golf course. It's fortunate for us that the search ring, the center of it is in the middle of a golf course. One of the advantages of a golf course or a park is that you have oftentimes much greater opportunities to buffer or separate the facility from the adjoining residential uses. In addition, those types of areas also frequently have a lot of trees. We're able to help screen and mitigate the view of those types of facilities by utilizing these large, nonresidential uses that are in a residential area.

The Leawood South Country Club Board controls the golf course and its operations, and that was our first point of contact. We did speak with them and actually negotiated over several months and finally came to a successful agreement in terms of a lease. We do have a ground lease with Leawood South Country Club, the Board, who looked and studied this issue very seriously. In my discussions with some of the members of the Board, one of the primary concerns they had was how can we incorporate this type of facility into our golf course so that it blends in with the area, the residents around, as well as to not interfere with the actual golf course operations itself. They really studied the golf course and looked at various locations that they could potentially put the facility on their course before they ever came to a decision or an agreement to approve the lease.

I would tell you that there are only a few, maybe two locations where you could put it. One is the location that we selected, which is by the fifth tee box on the golf course, and the other potentially good location was at the driving range area. The Country Club Board looked at that. One of their big concerns was to find a location again on the golf course where it is as far away from the adjoining residential houses which they could maximize the setback from existing homes, and then also to find a location on the golf course where it doesn't interfere with the actual play of golf or its operations. Between the two sites, the one that was selected is the superior site for a couple of reasons. One, that area has three fairways. There are three fairways that are parallel, next to each other, and so a lot of the other golf course, for example, would have one fairway and then you'd have houses lining up on both sides. Or you might have two fairways that are parallel to each other and then houses on two sides. This side actually has three fairways that are parallel to each other, so it really was an opportunity to maximize the distance between the location and the adjoining residences. The other important advantage that this particular location had over the other site and the other driving range was that there was an existing pump house next to the lake. Another part of our application is to expand the existing pump house structure and have our ground equipment, because there's always ground based telecommunications equipment associated with these facilities, placed inside of this expanded pump house area. The advantage to that was that we could hide essentially all of our ground-based equipment. Usually if you've seen cell towers, I know you have, at the base of each of these cell towers you'll see a wooden fence or a barbed wire fence or something around there that's covering up or screening these big boxes or these equipment shelters. In this particular case, we're actually going to utilize the existing structure, the pump house structure next to the lake right by where the proposed location is, and put our ground equipment inside of it. The good news is that we're also going to bury all of our coax cabling and all the other infrastructure that sometimes you do see above ground. So there's not going to be any above ground visibility of these facilities. The only thing that anybody will see is the pine tree, and some people may say, well that's a lot. But I would tell you that it's a big advantage to be able to use the pump house to hide the other ground equipment.

I guess then the only other thing I would say before I turn it over to Mike is that we are trying to meet absolutely the rule of law for these that are established by the City's regulations in terms of the submittal, in terms of the height requirement. And in terms of the structure itself, as required by the code, we are going to build it to accommodate other carriers, to afford other carriers the opportunity to co-locate on this facility. We don't have any existing leases or subleases with any other carriers at this time. We know that there is interest on the facility itself. However, we will do what the City asks us to do, and that is to structurally build so it can accommodate additional carriers. With that, I would turn it over to Mike Alt. Thank you for your time.

*Mike Alt, Sprint, 6240 Sprint Parkway, Overland Park, Kansas, appeared before the Planning Commission and made the following comments:*

Mr. Alt: I am the Director of Regional Planning and Logistics. I have been actually RF Engineering for 13 years. In fact, I headed the RF Department for the Midwest region for 7 of those 13 years. I was involved with the original design of the site. At the time of the

design, I was actually over the Kansas City area. One of the things I want to stress is that it's our intent when we go through a design like this to really provide the best possible coverage we can while minimizing the number of sites required to do it. It's in the best interest of the community to minimize the number of structures. It's in our best interest as well because the structures are costly. They're costly to maintain, they're costly to purchase and so on.

With that, I'd actually like to project this image. The different colors represent the density of coverage that we provide in the area today. In our case, green represents the strongest signal that we can provide. It basically means that we have solid in-building penetration, which is something we really strive for. As Curtis mentioned before, many of our users are now no longer mobile. They're now using their phones at home. They're even cutting the cords in some cases and not having land line services anymore. This map represents the Leawood area, and these dots in the corners represent our existing cell sites where they're located today. The two locations that are in the middle, this represents the Country Club, and this represents the fire station. This map basically shows what the coverage is today without those two locations actually being on the air. This is a propagation prediction. It basically shows that we have waning coverage throughout the Leawood area as a result of really no wireless propagation presence in this area. Again, in the case of these maps green for us represents solid in-building coverage, which means that users are able to use their phones in the houses. Yellow is a little bit more marginal. Red is a little bit more marginal. By the time you get to blue on this map, it basically means that you only have portable on-street coverage. You have to be outside in order to make a call, but it's not an exact science when it comes to propagation.

This next exhibit represents what the area looks like from a density perspective with those two cell sites activated and on the air. Again, it's a propagation study. It shows a prediction that says with the two cells on air, you can clearly see that a good portion of our coverage deficiencies are resolved. One thing I want to stress is to Curtis' point before, that in order for us to provide that coverage with the minimal number of sites, our original intent was the two sites to be at 120 feet each. We've had to make several compromises as a result of the sensitive nature of this application, and therefore this is the propagation at 95 feet for this site and I believe 30 feet for the fire station, which is roughly what the top of the cupola is. One thing to note is if you could see this at 120 feet, you would see far fewer gaps between the two, which again is much more of an ideal state. The key point is that we are making sacrifices for good reason due to the sensitive nature. However, the more sacrifices we make, the higher probability that we'll be coming back to the Commission and actually requesting additional sites in additional locations. In an ideal state, we would have one site that's in the middle of Leawood that may be 300 or 400 feet tall, but that would be our ideal situation because it would basically provide the coverage we need in Leawood. The reality is that we know that that's not possible, so we have to make concessions. And one of those concessions is lowering heights and potentially increasing the probability to have more sites.

This next exhibit is not a propagation study. This is an actual drive test where we sent someone out in a vehicle that has equipment that collects signals that determines the actual signal that we're delivering in the Leawood area or in any area that we propose to drive test.

Comm. Conrad: Do we have this map?

Mr. Alt: You do not. This is something that I added tonight. I can submit a copy after the meeting has ended. I may not be able to do it tonight, but I could do it tomorrow. Anything that is either red, black or brown represents signal that is not dense enough for us to provide an in-building coverage today. We're obviously not able to go to each individual home and determine what the coverage is, so we have to do a measurement on the outside and then make a provision for what do we think that building penetration is. We make estimates that are called leap budgets, and that's what those values are on the side of that. So what this clearly shows is that, as it stands today, this is a not a propagation. This is actual test results. This clearly shows that we have deficient in-building signal in a large portion of Leawood. As a matter of fact, we even have insufficient signal to keep a call up in your car in some of the Leawood area. Again, these are actual drive test results. These are not propagations. It's through the use of these two tools, the propagation prediction as well as our drive test, that determines where we put the cell location in order to maximize, basically to fill the hole the best we can. As a result of this analysis, that's where we came up with the two locations that we came up with today, the fire station and the Country Club.

In summary, we have made some provisions in order to accommodate the sensitive nature. However, we do feel that it is going to be a very difficult balance to make further provisions or further reductions without having to come back and say, well now we need to build additional sites in other locations that may even be less desirable. I thank you for your time, and I'm going to turn it over to Ray Trott.

*Raymond C. Trott, Chairman, Trott Communications Group, 4320 N. Belt Line Road, Ste. A100, Irving, Texas, appeared before the Planning Commission and made the following comments:*

Mr. Trott: I'm Chairman and founder of Trott Communications Group out of Irving, Texas. I'm also a professional engineer and a graduate of the Engineering School at Northeastern University in Boston, Massachusetts. I founded Trott Communications almost 30 years ago now, and our main purpose was to service the engineering for the telecommunications and what we called at that time land mobile communication industry. Some of the clients involved were municipalities, county governments, state governments, and a lot of commercial entities, utilities and water districts and the like. In fact, several years ago the City of Leawood asked me to analyze and provide a report on the antenna system proposed by Nextel somewhere in the area. So, we do a lot of work with municipalities and state and county governments.

In addition, we do RF exposure studies, which is one of the reasons I'm here today. I've been involved with RF exposure studies for more than 15 years now, and that was about the time that the FCC was beginning to look at that whole issue, although it

really started almost 60 years ago when television first started. The government decided we better start looking at these emissions because the broadcasters, especially the television, were putting out megawatts of power. They formed a committee made up of government academia, the military industry, and public people to look at this thing and come up with standards. These standards that were developed and finalized about ten years ago went through a lot of iterations and a lot of work to determine which is the safest parameters for the general public and people. They threw quite a bit of safety factors in this thing. When the medical people got involved, they finally determined how much power it took to damage cells on a body, then they added a factor of ten to that before they started the determination of the limits that people could withstand. In addition, they went five times further for the general public. So there's a lot of safety factors built into these things. We've been doing over the past 15 years at least 2000 studies on mainly rooftops, but a lot of towers as well. Sometimes we go out and we actually measure the fields at these facilities, and sometimes we do prediction studies.

So Sprint asked us to look at both of these sites, the fire station as well as the South Country Club tree, and we did a study and determined that based on the FCC standards, the levels at ground level were extremely low. In fact, it was 3.6 percent, with 100 percent being the limit, of the FCC MPE, which we call Maximum Permissible Exposure limits. They asked us also to look at a level 35 feet above the ground, I guess in case there was some buildings around or rooftops where some maintenance people would have access to do some work. That turned out to be 18.5 percent, again, really low as far as the emissions go, as far as the standards that the FCC has put forth. Because they were so low, that means that the site will be compliant with the FCC rules. Now, the FCC also, OSHA is abiding by the same rules, EPA and some of the other governmental agencies. I always address it as FCC because they are the ones that brought this about. Anyway, because they are way below the limits, they don't have to do anything to alert the general public that they may be in danger of being overexposed, because it's so very low. The FCC has put out a document that is written more or less in lay terms for governments and other people to explain these low levels around cell sites. They're really not to be too concerned about. The big problem is sites where they have broadcasts. Again, FM stations put out hundreds of thousands of watts. A TV station puts out megawatts. These are the areas that you have to really watch and be careful when you approach these sites. But cellular towers, they are just so low that when we go out to measure at a water tank or a cellular tower, we hardly get a reading with our equipment. It is very low, and because of that, the FCC has put forth some categorical exclusions for those people who are at least 30 feet above ground with their antennae. They're not required to do the kind of study that Sprint asked us to do to certify that the ground level was well within the limits of the FCC and other agencies.

That's basically what we found with this certification study. I believe the copies of the study have been included in your material. On another issue, Sprint had asked us to look at their system design and comment on it. I studied the proposed system. I looked at their propagation analysis. I looked at their drive testing, and then we had our own computer models. A little bit different, but they all basically show the same. We plugged in the data from the three surrounding sites plus the two proposed sites and found indeed the altitude for those sites is a big variant. It really covers a lot more in-building coverage, so we were asked to do that. We did it, and if you have any questions, I'll be glad to answer them.

Mr. Holland: We've taken up a lot of your time, and I will be brief with my closing comments. Again just to reiterate, we were very sensitive to the public perception of these types of facilities and concerned with their aesthetics and the City's encouragement and requirement, in this case to stealth the facility. That's why we came up with the proposed design of the communication tower. As mentioned, you're going to hear from some people who aren't very happy about this facility no matter what it looks like. At the meeting that we were at, what was expressed to us in a couple different instances were a concern about property values. I would just reiterate that we have had this issue studied many, many times across the country, and I did submit a sampling of some reports that were by MAI certified appraisers that indicate this will not have a negative impact on property values.

You just heard Mr. Trott testify about our compliance with the FCC standards on EMF. That was another very hot topic that was discussed at these meetings. There is some concern by the residents regarding the health. I would just note for the record, one, as you probably have been advised by counsel, the Federal Telecommunications Act of 1996 prohibits cities from basing a denial of these types of facilities on concerns regarding health as long as we are compliant with the FCC standards on emissions. I would also note that the City of Leawood regulations require that we certify that we are in compliance with the FCC standards. So notwithstanding what Mr. Trott said about the FCC rules categorically excluding our need to certify this in regards to the Federal rules, we did do that because the City rules asked us to do this. Mr. Trott's company studied this and found that we were compliant. We're not going to talk about health issues and speculate about concerns about these types of facilities. We obviously have a different opinion about this than some of our friends who are probably going to speak about that issue tonight. I hope that we could limit the discussion on that, but we're not going to get into that other than to say that we are in compliance with the FCC standards.

Finally, there is the public benefit, the enhanced 911 services that are provided by wireless communication facilities. Just to let you know, there are over 80 million phone calls a year made on or by wireless handsets to 911 service providers. Often that results in safety assistance for either roadside or some other emergency type situations, accidents and the like. I know that there's been some articles in the paper. Sprint's routinely asked by law enforcement to trace their handsets and their locations, which is another great benefit to 911, to track somebody who's been injured or who needs 911 assistance, so there is a significant public benefit that I don't want anyone to overlook.

Finally, with respect to the stipulations, I would indicate that we are in support of all the stipulations, except for the first one, which I'll talk about. Especially in regards to the planting additional trees and the maintenance and those kinds of things, we're in agreement with those things. As to the stipulation number one, which talks about the height of the trees, it wasn't talked about but it's important for you to know that in order for radio signals to be sent out, they have to be above the tree canopy line, so we can't just simply put them at whatever the tree line is next to it, because one of the things we're going to be doing is shooting right into the foliage, particularly during the summer months. It really has a significant impact and degradation in our ability to cover those areas.

So at a minimum we have to be above the tree canopy. In addition, we're not exactly sure what the tree height is, and we're going to figure that out I guess. We did a preliminary measurement on an instrument that we're not sure how accurate it is, and it was around 56 feet or 60 feet in that area. There are other trees in the area. The golf course indicates that there are some taller trees than that, that are in the area that we're still going to have to send our signals out over. So at a minimum, we're going to have to be above the tree line, whatever it is. I guess we'll figure that out between now and the City Council, but as you heard the testimony tonight, our original application was for a height of 120 feet, not our application, I'm sorry, our design. What we needed to serve this area was 120 feet; at 95 feet, we really have a significant compromise to our system. Something we could certainly live with, but I think that going much lower than what we're asking for tonight is going to seriously impact the quality of service that we're going to be able to and the value of this facility to the community.

Again, we're in agreement with all the other stipulations. We're ready to answer any questions. I know the public's anxious to speak on this issue and how we choose to do that. We're certainly available to answer questions now and can be available and would like to answer some of the issues that may be raised by the public. With that, I will close. Thank you.

Chairman Rohlf: Thank you. I would like to take about a five minute break here, please. I think it would be a good time to do that. So we will be back in about five minutes.

(Break)

Chairman Rohlf: All right, I guess we will get started then. We are at the point where we are asking questions of the applicant, which would include its entire team.

Comm. Conrad: One of the coverage charts that we didn't have showed the effect that the fire station location would have. That antenna will be at about 30 or 35 feet? Is that correct?

Mr. Alt: Correct. The simulation that we've provided was based upon when we estimated the top of the cupola. That's this one here. That's the 30 feet height.

Comm. Conrad: That took up really two blue areas, one directly east and one north from an elevation of 35 feet.

Mr. Alt: Correct. And these applications or these sites are actually there. There is some interdependency, of course. You can't say that site by itself is going to take care of all that area, but it's a pretty good guess.

Comm. Conrad: I suspect a lot of the discussion will be to final height, and I just wanted to understand that that one is about 35 feet.

Mr. Alt: Correct.

Comm. Conrad: Thank you.

Chairman Rohlf: I think while we're on that, and perhaps you're the best person, what is the connect between the two sites? How do those pieces of equipment work together?

Mr. Alt: Actually it's a very good question. It's not just the two. It's actually all of the existing sites as well. This is part of when we talk about making concessions. One of the concessions that we absolutely can't make is if this coverage is not strong enough in order for a call to make it from one site to the other, because they will hand off. As it's carried through, if you're mobile as an example, and in this case this is State Line. If you were mobile in this environment, you would be served on this site the first. Then as you progressed and this site became more strong, that one would start picking you up. You talked at both and then eventually you dropped one. In the case of the two applications or any of the sites that we deploy, there has to be some overlap between the two of them. Without that, we're incapable of providing mobile service. It will drop one. You'll actually end the call and then you'll have to start back up again, which is almost the same as what we have today when you don't have service.

Chairman Rohlf: So these two sites that you're proposing are the ideal sites for this equipment to work together?

Mr. Alt: I wouldn't say that it's the ideal situation.

Chairman Rohlf: Given the area.

Mr. Alt: It's a compromise that we're making. Further compromises make it much, much more difficult for us to do that. To add to that, you could even see that we have still existing gaps. In an ideal state, we'd have two site applications that would solve all our gaps for the Leewood area or one for that matter. So you can see that we're trading off some of that benefit.

Chairman Rohlf: I think it was Mr. Holland that talked about or it might have been you about the percentage of the users of this part of the city and that it represents 30 percent of some of the problems. Can you explain what kind of trouble that is, why you think it is?

Mr. Holland: Just to clarify, yes, what I mentioned. When our system or network isn't providing good coverage to an area, we frequently get calls from customers saying, "hey, my phone's not working in this area. You need to put a site over here." Those are complaints or tickets, call tickets, and what I said was that Sprint's network here in Kansas City receives 30 percent of its trouble tickets from the Leawood area, even though the City of Leawood's population is less than 2 percent of the metropolitan area. So I guess I was emphasizing the point that we have a big problem here and that we have a lot of customers in this area, and we're getting a lot of complaints. That's why we needed the facility.

Chairman Rohlf: Those problems really relate back to just not having sufficient equipment in this area?

Mr. Alt: Insufficient facilities to provide reliable service to this area. So we get calls.

Comm. Roberson: I have a few questions. Can you tell me the monopine, what kind of radius we're talking about in service coverage at 95 feet?

Mr. Alt: If you look at the general radius of the cell at 95 feet, the cell edge is right about here. This is 135<sup>th</sup>; this is 119<sup>th</sup>. This is State Line, and this is Roe right here. So I think, and don't quote me on this, I think it's roughly a mile. At 95 feet, even that low of elevation, somewhere around a mile, the distance between the site and its edge.

Comm. Roberson: If you were to raise that to 150 feet, what would your coverage areas be?

Mr. Alt: It's going to be greater than that obviously, and there's two significant factors. I can't say off the top of my head. I'd have to look at the propagation study to determine it. But the two things I could say is that first of all, you are higher up, which means that there is less impedance in your way. You can see more, and you're away from most of the foliage at that point. At 95 feet, depending on the height of the foliage, you could be very, very close, depending on again how tall those trees are. But 150 feet, you really clear that.

Comm. Roberson: So if you were at 150 feet and you were to move say a mile south, would you still have similar coverage in Leawood South?

Mr. Alt: Similar, yes. Identical, no. We would continue to have gaps, and in fact the gaps would likely widen to the north. One thing I want to stress is that when we look at where the cell placement should be, we take all those factors into consideration. As a matter of fact, we ran studies on all of the nonresidential areas that are impeded by this coverage hole to see what makes the most sense. In the end, the answer was this site here was really our only solution to be able to serve the coverage hole that really exists today based on the nonresidential locations.

Comm. Roberson: So just by moving it slightly south and raising it, you wouldn't improve that coverage there?

Mr. Alt: You would improve it. You would not be able to fill the hole near as adequately as what we would with this application, and in addition, that would again increase the probability we'd come back and say well we need something for the north side of Leawood as well.

Comm. Roberson: With the addition of the firehouse antenna, that doesn't help? Well, it helps, obviously.

Mr. Holland: It does help. It helps specifically on the west side of Leawood. Unless the firehouse was significantly taller and significantly would be back to the 120 foot center, would be our best bet at getting some of the areas that we'll be deficient by moving that to the south.

Comm. Roberson: Well, that was number one. Maybe somebody can explain to me. If I understand correctly, a cell tower was looked at Hallbrook and one at Church of the Nativity. Is that correct?

Mr. Holland: Yes, we have looked in those locations.

Comm. Roberson: If my understanding is correct, both of those were turned down? Can you tell me why?

Mr. Holland: We haven't looked in the Hallbrook area. Church of the Nativity, obviously being where it's located it has opportunities there as a nonresidential use in a residential area. It's been looked at by several different carriers. Yes, we've looked at it.

Comm. Roberson: And they've chosen not to do it?

Mr. Holland: Well no, at this point in time, we aren't really pursuing that site. I don't know in the future whether we will talk to Church of the Nativity, but it's not been turned down per se. It's just at this point in time we're not pursuing it.

Comm. Roberson: Again, I apologize. I'm trying to get educated here. On the Sprint campus, I've heard that there isn't cell coverage or it's very spotty on the campus itself. Is that correct?

Mr. Alt: Not from our testing results, no. There are several sites that serve the Sprint campus, including one in the clock tower that's a macro site as well as sites that are surrounding the Sprint campus. In each building we have propagating entities.

Comm. Roberson: So you actually have cell coverage then? From a layman, you do have a cell tower on the campus?

Mr. Alt: Yes.

Comm. Roberson: Okay, let's talk about the recommendation number one or the stipulation number one. If this tower was lowered 60 feet, 55 feet, tell me what happens to your coverage at that point.

Mr. Alt: We would ultimately have to model it and show what the impact would be, but off the top of my head, what you would see is you would see this in-building service would decrease. It would actually shrink back. Some of these areas that are marginal would turn to red, which means less than marginal or unsatisfactory or whatever. Essentially the holes that you see from this original proposal would open up. In addition, probably what may be more important is if you talk about 60 to 65 feet, there is a function of how tall is that relative to the foliage and the trees that are surrounding it. I often refer to cell sites as imagine if you were putting up a light. Cell rays don't act in any significant difference than light does. It penetrates some surfaces. It doesn't penetrate others. In the case of the application, if you put it at basically at or below the tree line, imagine if you were putting a light up there. Saying I want to light this area. I want to light that fifth green or that fifth fairway, and you put it below the tree line. The probability of doing that goes down significantly, because the trees themselves act as impeders or buffers.

Comm. Roberson: How does that affect the co-location of other carriers at say 55 feet?

Mr. Alt: It's difficult. I can't answer for another carrier. What I could say based upon my experience would be that 55 feet would be very undesirable if you will. Bottom line is it goes back to, how many cell towers do you really want in the City of Leawood? Because another carrier comes in and has to sacrifice at 55 feet is an example to say, well now I've got a hole that's just as big or bigger than Sprint's, and I can't even satisfy as well as Sprint can. So now I'm going to need something else as well in a different location that may be less desirable. I'm just speculating on what they would respond.

Comm. Roberson: One more question. So, you lower the tower. Can you increase the power to expand your coverage area?

Mr. Alt: No. This is really very line of sight specific. The bottom line is you can't offset any increases in power with the amount of impedance you get from lowering the tower. Certainly if nothing else, you can't increase the power to go beyond the hills, as an example. The Country Club is not a very high area. It's actually pretty low. Now by comparison, the fire station is at a higher point, at least relative to some of the other areas that we're covering. Leawood overall isn't very flat, so going back to that light theory that says if I make the light brighter, it still doesn't get past the things that are in its way. Part of the reason for height is in order for us to have a line of sight, you want to be able to see the area that you intend to cover.

Comm. Roberson: So if I'm another carrier, just because you're lower, I'm not going to come in and increase my power to punch through the trees, basically is what you're telling me.

Mr. Alt: No. My speculation is you would be unsuccessful.

Chairman Rohlf: Other questions for the applicant?

Comm. Jackson: If Mr. Trott would, I'd like to ask him his thoughts on the effect of the tree canopy at 65 feet.

Mr. Trott: Well again, the higher the tower or the higher the antenna, the more it's going to propagate. This is not even considering the absorption of the trees around it. If you go in low, especially in the summer time, those wet leaves can really soak up that RF. So that would be another deterrent for getting good coverage is the trees are surrounding, sucking up all that RF.

Comm. Jackson: It's my understanding from some comments that have been made that the higher up the tower is, the less the RF makes it down to where people.

Mr. Trott: Now you're talking about the exposure?

Comm. Jackson: Yes.

Mr. Trott: Yeah, absolutely. In fact, most of the problems that we find are very close to the antenna, especially on a rooftop. That's where people can walk around in front of the antennae. But when you're up in tower, unless someone climbs up that tower and gets in front of that antenna, he's really out of harm's way. So you're right. The higher you go, the further you're away from that antenna, the levels are going to be a lot lower. And that's true even going up. The further you get away from an antenna, even a relatively high powered antenna, you get six or seven to ten feet away, and levels drop below the FCC limits. They drop very rapidly.

Comm. Jackson: Thank you. And then a question for Mr. Holland. Looking at the landscaping plan, whoever wants to address that. There doesn't appear to be that many trees that are being placed around this, and it's my understanding they're trying to make it look a little bit like it's in a grove of trees? Any idea?

Mr. Holland: I think the comment from staff, which we're in agreement with, is to add some additional trees, particularly around the monopine location so that it doesn't look naked, if you will. So that it may look more natural, and we would add pine trees to the base at that location to increase some of our plantings in the area.

Comm. Jackson: So what the landscape plan shows on A4, that does not incorporate anything within the stipulations?

Mr. Holland: Yes, you're correct. We would need to add additional trees to meet the stipulation, and we're willing to do that.

Comm. Jackson: Okay, thank you.

Chairman Rohlf: Mr. Holland, would you have discussed that with Leawood South Board as far as adding additional trees? I don't know the layout of this course. I'm assuming this is in an area that would not impede the play but would adding any additional landscaping.

Mr. Holland: I think there's going to need to be a conversation with the Board to coordinate additional trees. I don't believe the Board would be opposed to it, but they are sensitive to the location. There's underground irrigation systems there, and we want to make sure we stay away from those. I don't have any doubt that we would be able to resolve, come to a reasonable solution with the staff and with the Country Club Board on additional plantings.

Chairman Rohlf: Thank you. Any other questions for the applicant at this point?

Comm. Elkins: I think I'd like to start with Mr. Alt. Mr. Alt, in response to a question that the Chairman asked you, I wrote a note that said that you indicated that these two proposed locations, I'm not even sure if we're talking about both tonight. I think we're just talking about the monopole or the monotree or whatever. That it was not the ideal location. If you had your druthers at the 95 foot level, from a technical standpoint what would be the best place to put a 95 foot pole to fill this hole as best as you could?

Mr. Alt: Normally, the short answer to the question is exactly where the hole exists. If I pulled back with the drive test, what you'd see is that the hole exists right around people houses. So the true ideal location is to put the site exactly where the hole is, which in many instances is in someone's home. Now the reality is we obviously cannot do that, and we wouldn't do that, beyond the fact it goes against every zoning restrictions on the [inaudible]. It's not feasible. But the ideal, in a pure engineering state, you'd put the site where the hole is regardless of where that might be.

Comm. Elkins: I'm looking at a document that was submitted with the case identified as Sprint-Nextel Leawood South Country Club Search Ring Site Acquisition Justification Report. I'm trying to tie it back to what you've been flashing up on the screen. The coverage map on page 3 of that document, is that coverage map only for the 95 foot monopine?

Mr. Alt: I'm not sure which.

Mr. Holland: That is true.

Mr. Alt: It is true? Okay, the answer is yes.

Comm. Elkins: And so in the materials that we have, the hard copies of, we don't have the coverage map that includes both the 95 foot monopine and the fire department?

Mr. Alt: That may be true, yes.

Comm. Elkins: Now as I understand it from that report, Sprint-Nextel is co-located with other carriers at the Town Center site at 119<sup>th</sup> and Roe. Is that correct?

Mr. Alt: I don't know. I know we're at 119<sup>th</sup> and Roe. I don't know about the co-location, but yes.

Comm. Elkins: Again, you're co-located at the Church of the Nazarene as well?

Mr. Holland: Yes.

Comm. Elkins: Is there co-location there, too?

Mr. Holland: Yes.

Comm. Elkins: Okay. And then as I understand it, the third spot where you're co-located at is what I call the big pole at 135<sup>th</sup> and Nall.

Mr. Alt: Yes, that's true.

Comm. Elkins: And again, to the extent that you know, do your competitors have a hole that's roughly the same as this hole?

Mr. Alt: We didn't look at all of the competitors. We only have one source of data that shows competitive information as to where our competitors are relative to this. The two facts that we could state would be number one, that we do know that Verizon has some challenges in this area as well. I couldn't say exactly where. We just looked at that information today and we saw yes, they have a signal that looks pretty similar to ours. So they have some challenges. And we have had some people who were interested that have discussions that say we know that we're concerned here, too. I think the key point, though, to say is that our application today is to serve our customers' needs. We really don't pay much attention to what the competitors are doing, if they have gaps in that area. We're more interested in what do our customers need, and we go back to the 30 percent figure that says our customers are obviously demanding service in this area that they're not getting.

Comm. Elkins: On that point, I'm curious, and maybe Mr. Holland can speak to it as well, but that 30 percent of the trouble tickets coming out of the Leawood area, is there any anecdotal evidence out of that that gives you any ideas to what the whole situation is with respect to your competitors?

Mr. Alt: As far as anecdotal goes, you mean like how the competitors fair?

Comm. Elkins: Yes, I can see a customer as an example calling and saying, our Verizon phone works fine here or my XYZ phone works fine here, but my Sprint phone doesn't.

Mr. Alt: We can always get anecdotes like that, but we don't really take them into consideration. The bottom line for us is that number one, our customers are underserved. Number two, regardless of what our competitors are doing, we obviously can't serve in the area as well as what we need to. If we're competitively advantaged or disadvantaged, we wouldn't know it. We know our customers are upset, and that's what we rest on.

Comm. Elkins: Thank you, Mr. Alt. Along these same lines then, it seems like one of the ironies of this is that you're going to have great cell phone coverage on the fairways at Leawood South, and we still have some pretty considerable holes in the residential area that's at least somewhat to the west of there. Long-term, what's it going to take to fill the rest of that hole?

Mr. Alt: There are way too many variables to really answer that question accurately. I wouldn't state necessarily that we're just providing coverage on the holes of the Country Club.

Comm. Elkins: No, and I didn't mean to imply that.

Mr. Alt: No, understood, understood. There are so many different interacting variables that take place. For example, you approve this height at whatever height it comes up, or approve this site at whatever height it comes with, or reject this site, that's going to make an impact as to what we do for additional design considerations around there. You change the height on the fire station. That's going to change something. You increase the number of users, suddenly capacity goes up. That changes the situation. It is really an extremely complex and ever-changing environment. Now we look at what we have today, what we can show as our deficiency. In a perfect world, this deficiency we can say is definitely coverage related. We want to solve the coverage problem. As time progresses, if we solve the coverage problem adequately and capacity comes into play, now we have to solve the capacity problem. That's why it is so dynamic and so difficult to answer that question.

Comm. Elkins: So the issue of additional service is really a capacity issue as opposed to a coverage issue. It doesn't make any difference whether we're talking data or television or whatever the next big thing is going to be for mobile.

Mr. Alt: Very true. There are some different considerations. Some technologies are more robust than others. Data is more than robust than voice as an example, but I'm making a general statement. But yes, obviously demands of the services, the services themselves and demands on them are going to change the landscape. In the case of Leawood, beyond a shadow of a doubt there's a coverage problem, period.

Comm. Elkins: Now Mr. Alt, you alluded to the fact that if the approval was to be for something less than the 95 foot level, that would have a degrading affect upon your coverage, correct?

Mr. Alt: Yes.

Comm. Elkins: I think I understood you to say that's not necessarily a linear degradation.

Mr. Alt: It may not be. There's a lot of function around foliage, and there's a lot of function around terrain. That would determine, in a perfect world, if it's completely flat and there's nothing standing in the way, it is very linear. In the case of real world applications, no it's not.

Comm. Elkins: It seemed to me that just based on rule 4, as you get lower and lower, your circle is going to decrease by a function of Pi. It's more than linear. It's almost the exact opposite of linear. It's exponential, I guess, is where I'm trying to head with that.

Mr. Alt: There is linearity. The power loss is exponential to begin with. We offset that by putting a different factor on it called DB. Wattage power does decrease, and actually Ray spoke to that earlier. It does decrease exponentially, not linearly. But we offset that by using a different value. However, in a perfect propagation environment, you half the size of your original proposal and you've quartered the power output. That's just based on pure propagation. That does consider tree lines or the trees themselves or anything in that matter. A case in point, the reason why it's difficult to answer that question is I can look at this propagation plot and say, well we're really providing insufficient residential in-building signal today. It's marginal at best. I could look at the same plot and say in Manhattan, this is not only substandard, it's not even working. And it's because there's extreme variations between what we consider residential in a neighborhood like Leawood versus a high rise building in Manhattan, which is really closer to urban. So that's why this has become so dynamic and so difficult to answer. It's artistic science really.

Comm. Elkins: Mr. Alt, I'm not sure whether you'd even have a choice, but just as a hypothetical situation, in the event that the application was granted and you constructed the monotree or the monopine, would Sprint be open to co-location with competitors?

Mr. Alt: Absolutely. It's very common for us to co-locate either on someone else's or have someone co-locate on us.

Comm. Elkins: Thank you. Mr. Holland, questions for you. You may recall at the beginning of this session I directed some questions to staff about the useful life of the monopine and how it's going to wear over time. Lots of artificial materials look great on week one, and ten years later they're a faded green and all the artificial pine needles have fallen out. Now we've got a steel tree sitting out there. I'm curious, can you address the issue of what the manufacturer has told you about the useful life of the tree?

Mr. Holland: I don't have any personal knowledge of that. I don't know if anybody on our team would rather answer that question. I don't see anybody volunteering. Honestly, I don't know that I could give you a real accurate answer, and I apologize. Perhaps the best thing to do would be to, between now and the Council meeting, to gather up that information. Certainly we can make that available back to the Planning Commission as well. Obviously there's going to be a requirement for maintenance of this facility, and the ideal is to make it look as good as it looks on day one as it does in year ten. To that extent, I know we're committed to doing that, but I will find out specifically that information for you.

Comm. Elkins: I think it is important. Again, if we approve this, it's going to be a stipulation obviously that Sprint has to maintain it. Again, just as with my friends at AT&T, Sprint's always been a wonderful corporate citizen in Leawood, and I would expect no less. It would help us to understand just what we're looking at. I guess the last question, I'm just curious, can you give us a ballpark idea of what the investment for Sprint is in something like this?

Mr. Holland: Probably would say that the word to describe it is substantial. I don't know that we would be willing to publicly disclose the amount of investment, but it's significant and substantial. Needless to say, if we didn't need the site, we wouldn't be going through this application and bringing the folks out. It's really a last option for us to provide coverage to this area, but we think it's worth the investment.

Comm. Elkins: Thank you, Mr. Holland. I just conclude by congratulating you and your team on an extraordinary amount of creativity to try and find some way to make this work. Madam Chairman, I'm done.

Chairman Rohlf: Do we have any other questions for the applicant or any member of his team?

Comm. Conrad: We've used the term in-building coverage. Is that significantly greater than standing outside?

Mr. Alt: I don't know about significantly. Again, it goes back to functionality. What's the probability of being able to make a call inside versus outside? And if you're a cell phone user, and maybe you are, maybe you're not. You walk in, if you have four bars outside and you have one bar inside, what does that do to the probability of being able to make a call? The answer is, well it decreases but it may not eliminate it. One of the advantages with digital technologies is that it is more robust. It's not 100 percent linear because the digital aspect of it does offset that to some degree, but it doesn't make it perfect. So we're really talking about probabilities.

Comm. Conrad: So if we looked at other areas in Leawood, do we have fairly good in-building service?

Mr. Alt: The answer is no, and the drive test really showed that. See, what you've seen is the propagation plots. They're outputs of computers that say based upon modeling and so on, this is representative of what your coverage looks like. This plot represents what the actual coverage is today. If you see anything that's red, black or brown, that means that there is insufficient signal in order to make a call inside. In the case of if you get to the point of brown, there's insufficient signal to even make a call outside. You will have no coverage in this area. So these areas around here, which would be west of the Country Club, north of the Country Club. To put this into perspective, this is 119<sup>th</sup>. This is State Line. This is Nall, and this is 135<sup>th</sup>. You can see the significant pockets of areas where we don't have sufficient coverage to make a call inside. And even in some of the cases of the marginal areas, that means the probability of being able to make a call inside is not as robust as what it is say in the blue and the green where we say you should have a really high probability to make a call in there.

Comm. Conrad: So as I look at the rest of Leawood to see consistency, what I see is similar.

Mr. Alt: It's difficult to say because I don't have the drive test to show it. You're going to see varying coverage everywhere no matter what. If that's what you're asking, I may not be answering the right question.

Comm. Conrad: I understand. We're trying to decide a little bit of how we model and change our environment and what we do. I'm just trying to understand the significance of the issue, some of the definitions, as I'm sure some of the other commissioners are, of what some of the things are we are talking about. Is this something that we're going to need to do the next section up at some time?

Mr. Alt: I see. I'm not prepared to answer that question because I haven't seen the plans myself.

Comm. Conrad: And the reason I ask that is that you've made a comment that these things are so interconnected. I mean, even the fire station application can have an impact as we debate whether this should be 60 or 80 or 95 feet. Should this be looked at in a bigger picture?

Mr. Alt: We've certainly done that in the past where we had met with a municipality and said, let us devise our strategy.

Comm. Conrad: I just wonder if we're going to have a lot of people that are going to speak on reasons why it should or shouldn't occur. Should there be a bigger view of how all of this inter-relates? Are we just addressing one leak in the boat, and we're going to go run and have to try to fix another one later?

Mr. Alt: What I can say with all certainty is that by addressing this area, we are addressing what we consider to be the largest gaps that we have in Leawood. We know that. We go beyond that, and we can talk about different strategies. I personally have been involved with two cities' designs from design to implementation, Indianapolis and Columbus. In both instances, we would meet with communities and say, let's devise a strategy. In some cases, the cities were very receptive. In some cases, cities weren't. In some cases it was co-location. In some cases it wasn't. It was extremely variable. But I think if nothing else, I will stress that we are addressing the biggest holes, and that's what this shows.

Chairman Rohlf: Do we have any more questions for the applicant? I think before we start the public hearing, I would like to advise our last case this evening, number 65-07, M&I Bank at Villaggio, that we will not reach that case this evening.

Mr. Lambers: The applicant's in my office, so I will tell him that.

Mr. Lambers: I would suggest a motion be in order to continue that to a date. Mark, do we have a real heavy agenda on the 26<sup>th</sup>?

Mr. Klein: We have a fairly full agenda.

Mr. Lambers: Let's make it the 14<sup>th</sup> of August would be our next meeting. The 14<sup>th</sup> of August.

Chairman Rohlf: All right, if I could have a motion then please?

A motion to continue CASE 65-07 to the August 14, 2007 meeting was made by Elkins and seconded by \_\_\_\_\_. Motion approved unanimously.

Chairman Rohlf: That takes us up to the public hearing for this case. I have some comments that I would like to make before we get started, and because they are important comments, The City has received numerous communications regarding the proposed cell tower at the Leawood South Country Club. Many of the notes make reference to health concerns. However, the Telecommunications Act of 1996 prohibits the City from taking potential health effects into consideration on a zoning application. The City can, however, take other items into account, including property values and aesthetics. Thus while I cannot tell you to refrain from speaking about health concerns, I can tell you that this body will need to make its recommendation based on other factors. *Chairman Rohlf outlined procedures for making public comments.* As you can see from the number of e-mails we have received, we have had a lot of information, both positive and negative, on this case.

*Chris Carroll, Director of External Affairs for AT&T, 8900 Indian Creek Parkway, Overland Park, Kansas, appeared before the Planning Commission and made the following comments:*

Mr. Carroll: Madam Chair, I was here for another purpose tonight, had not planned to speak, but I didn't want to pass up this opportunity. I represent the largest wireless provider in the United States. I'm a competitor of Sprint, and it might benefit my company to see Sprint fail tonight, but I'm not here for that. In fact, I'm going to stand in support of this application. A recent report from the FCC states that 13 percent of the U.S. population has cut the cord, meaning that they have abandoned the traditional wire line services in support and use of strictly wireless services. As such, there's a greater demand for quality wireless service from all providers of service. Ubiquitous coverage is very, very important in meeting this demand and for public safety. We all learned too well with the Kelsey Smith tragedy how important wireless coverage is in crime investigation. I wanted to make that comment.

Our company has used the monopine design. We've used creative designs, light poles, church steeples, bell towers. This is a design that we have used across the country and support this. It blends in very nicely with the environment. The only other thing I wanted to state tonight was on the matter of co-location, we do frequently partner and co-locate with Sprint, Verizon, T-Mobile. The recommendation for a no higher than a treetop level design would not interest our company, and we probably would look elsewhere. The higher design obviously, and was reported tonight by the experts, would more interest our company and others. I'm sure I can't speak for Verizon or T-Mobile, but certainly probably won't interest them as well. That's all I have.

*Steven Horner, Law Firm of Holman, Hanson, Colville, appeared before the Planning Commission and made the following comments:*

Mr. Horner: I'm here representing a collection of residents in order to try to get one voice to you instead of several. As a quick background on myself, I currently represent several other local cities with regard to telecom, cable and tower matters. In addition, about ten years ago when our law firm represented the City, I actually was involved with the drafting of your current wireless facility ordinance. We certainly understand the requirements that on you under the Telecom Act. That being so, you don't have to rubber stamp this plan, but you have the right to hold the applicant to their burden of proof. You have the right to demand, if appropriate, that the applicant retool or rethink its application, which we think is appropriate in this situation.

Our first issue is that this plan is not allowed by your ordinance. The ordinance repeatedly goes out of its way to protect the City's neighborhoods. One stated purpose is to provide for suitable locations of facilities so as to mitigate their effect on residential neighborhoods and land uses. One factor that you are supposed to consider is the zoning district. According to the Johnson County Ames Map, I don't know the exact zoning, but part of the golf course is planned recreational and part of it is R1. If it's planned recreational, that zoning regulation is narrow in scope according to your zoning regulations and offers a very limited range of uses. No building, structure, land or premises shall be used, and no building or structure shall hereafter be erected, constructed, etc., except for on one of the following uses: public golf course, city private park, public or government uses. There's no mention of commercial wireless facilities, towers or monopines. If the zoning was residential, again your ordinance says there will be no newly proposed wireless facilities in any residential districts. The only exceptions are for church sites with steeples and bell towers, park sites when camouflage to be compatible, and pre-existing nonresidential alternative tower structures. There's no exception for a newly construction, monopine or other manmade tower.

Our second issue is the applicant did not meet their burden to show that there was an alternative location. The applicant is supposed to come to you and show they cannot use existing tower locations. They referenced that, but they did not detail that. Or that other potential sites are inadequate. In their testimony, they didn't check other sites. They stopped at the Country Club. And their circle that they provided you, there was a commercial location just south of that, and they gave no indication to that. They at least have to show they could not reach a lease agreement.

Our third issue is the proposed design is excessive and burdensome. At 95 feet, this is not being camouflaged and is not being concealed, which is a requirement throughout your ordinance. My understanding is they only need 65 feet to serve their purpose and that the extra height is for co-location. Whatever it is, they haven't provided you the information of what that coverage would be at 65 feet. They haven't provided you the information on the tree foliage. They're just saying they need to be above it. It seems like they need to provide you that information. Furthermore, they're not meeting the 500 foot setback area, and I understand that they're trying to say that this is a camouflaged structure, but it's still a 95 foot tower, and your ordinance requires 500 feet from residential property.

In summary, we ask that you either deny this matter or at least table it and direct the applicant to go back and retool their application into something that better meets the City's zoning objectives. There's no alternative location, and the Planning Commission feels that this is the best location. At the very least, require them to redesign and reduce their tower to only install what it needs at a minimum, which is basically what staff is recommending you to do. I appreciate your time to speak.

*Garth Adcock, T-Mobile, appeared before the Planning Commission and made the following comments:*

Mr. Adcock: We're wholeheartedly for the application. We would like to attach to the tower. Thank you.

*Steven Pasner, appeared before the Planning Commission and made the following comments:*

Mr. Pasner: I've been a Leawood resident for the past ten years, and I'm presently employed by Sprint. I've been employed by the company for 18 years. I'm here tonight as a Leawood resident. I'm in favor of the proposed cell site, but I have no official company authority in this matter. The company has not asked me to speak or indicated anything I might say. As I mentioned, I've worked for the company for the past 18 years and had a variety of job responsibilities and presently in finance, but in an earlier assignment I was in the network organization. I had personal responsibility for designing and constructing site locations on more than 200 cell sites in the northeast part of the United States. I can tell you that much of it was in New England. The zoning is very difficult. Everything I've heard tonight convinces me the company has done everything that's prudent and appropriate in designing and proposing the features of the cell site. I happen to know how expensive it is to camouflage a site as is being proposed, and that obviously is part of the consideration the company is taking, all the important aesthetic and health and safety concerns appropriately.

I wanted to offer some anecdotal insights as well. Last night on my way home from campus, I stopped at the Hen House across the street and I needed to make a phone call. I was unable to get adequate RF signal from inside the Hen House building. Afterwards I left, and I was speaking with my wife on 119<sup>th</sup> Street near where Mission intersects. Dropped call. Those are two good examples that we have inadequate coverage. My wife is the past treasurer of the Leawood Elementary School PTO. I have a daughter that attends that school as well as one that attends Leawood Middle. My wife is at the school quite often. She volunteers maybe 25 hours a week at the school. I can tell you that very often when I'm speaking with her on the phone when she's at Leawood Middle, she drops a call. I drop the call. She drops it. So there's inadequate coverage there.

One of the folks spoke about the recent death and the cell phone coverage that was used to help resolve that case. I personally would like to have the Family Navigate Location service. I know that my older daughter who does have a cell phone, service just doesn't work adequately at the middle school. So I wouldn't be able to use it.

It's embarrassing to me as a Sprint employee that our service is as inadequate as it is in the area. I think most people would agree that Sprint has been an incredibly great neighbor to the southern Johnson County area. Again, speaking as a resident, not as an employee, but as both a resident of Leawood and as a customer of Sprint, I think it would be desirable to have the cell service. The last comment I would make, as I mentioned I bill 200 cell sites. I know personally how important height can be, and when you start getting down to 50 and 60 feet, you greatly diminish the quality of service. I don't know the details of the RF engineering in this case, but I'm pretty certain that they will need additional cell sites to cover what's being proposed.

Chairman Rohlf: Thank you. Before we move to the next individual, I note that it's about 7 minutes to 9:00. I would like to have a motion to extend our meeting to an appropriate length made by a motion maker.

**A motion to extend the meeting 30 minutes was made by Jackson and seconded by Elkins. Motion approved unanimously.**

Chairman Rohlf: The meeting will continue until 9:30. We will move along.

*M. John Robinson, 12706 Cherokee Lane, appeared before the Planning Commission and made the following comments:*

Mr. Robinson: I live on the 12<sup>th</sup> fairway of the Leawood Golf Course. I've been a resident of Leawood for 35 years, first time somewhere in north Leawood and my company's located, Black & Veatch, where I've worked for 35 years, located out there at 115<sup>th</sup> and Lamar. I came and moved to Leawood south. I'm here to speak as a consumer of cell services and what it means to me and my family. I encourage you to find a solution for this problem. I can tell you as a consumer, I've tried three different cell service providers in my years where I live, and I get very poor coverage from all three of them. I rely on my cell phone number, one, for emergencies. I have a companion phone for my wife. We're both over 65. Whenever one of us leaves home, I like to stay in touch, and I've had to rescue her twice now from car situations. Secondly, I have digital phone service. When the power goes out, I need my cell phone for emergency coverage. I also have a couple of small businesses since I've recently retired, and I rely on my phone for that purpose. On the issue of property values declining, I think there's more of a danger of property values declining in Leawood if we don't have adequate wireless service than it is for any other reason with today's current population, who are more and more reliant on cell services.

I'm encouraged that there's a company that's come forward willing to invest money and providing us this service. I don't happen to be with Sprint, but hopefully my company will co-locate with them if they get this problems solved to your satisfaction. So I encourage you to work with them and to find a reasonable solution to this glaring problem in Leawood. Thank you.

*Darlene Drummond, Leawood South, appeared before the Planning Commission and made the following comments:*

Ms. Drummond: We've lived in Leawood South 18 years in full view of the proposed cell tower. We will see this cell tower every day of our life. In December, we will have been members of Leawood South Club for 40 years. Naturally, we'd like lower dues and financial help for the club, but not at the expense of our home values. If any of you have seen the towers on 119<sup>th</sup> or the tower on 133<sup>rd</sup> on commercial property, I'm sure you would agree these unsightly towers should not be in our residential area of Leawood South even if they do resemble a 95 foot pine tree. We are very concerned about the negative impact the cell tower will have on being able to sell our home. Thank you for your consideration.

*Leroy Kellogg, 12708 Pembroke Lane, appeared before the Planning Commission and made the following comments:*

Mr. Kellogg: I live on the number 3 hole at Leawood South. I totally in favor of this. As you've heard, we have no service basically on the golf course. I wasn't going to even speak tonight, but I will now because when I picked up my phone to come here tonight, I hadn't been of the house since sometime this weekend. I had a text message hit me that I have a niece who is now in very bad health condition. I wouldn't have got that message if I wouldn't have walked out of the house with my cell phone. I've also had business people in this town for many years who ridicule Leawood South Country Club, Leawood as a town, for their inadequate service. These are people that came from all over the country. We're known for not having cell service. Whether this is the solution or not, it needs to be fixed, and I can verify that my house, there's no service from many services because I've had many, many people there with their cell phones. With that, that's all I want to say.

*Kayla Strobehn, 4005 West 123<sup>rd</sup> Street, Brookshire, appeared before the Planning Commission and made the following comments:*

Ms. Strobehn: First of all, my kids all have different cell phones, different companies, and they can't get a cell in our house. I have Sprint, and I do enjoy Sprint. We've lived in Leawood for 22 years. I can't get a cell at my desk. I can't get a cell in my basement. I can sometimes get a cell in the house. If I go outside, it's pretty good. If I drive down Mission, I drop cells all the way down the street. It's really frustrating, and I concur with those who say it's very hard to get a cell in Leawood in environs, and I recognize myself on the map, because there are these pockets. I really feel, too, that the upcoming generations, none of my kids have landlines. They live with their cell phone. So it's a new world coming with just the cell phone, and I think that's very important. I think the safety factor is very important. I also concur with the car trouble. I have the Sprint cell car plan, and that has saved me in other areas of the country when I use my cell phone and I can get a signal for car service when I've had car problems. But I've had problems with a car where I haven't been able to get a signal, and I haven't been able to take advantage of the car cell service. So that is a safety factor, not just for personal safety but for car factors as well. I just really hope that you all get it solved. I think what they've come up with is a good plan, and I think that they'll be able to solve it with your help. I vote for it. Thanks.

*Joy DeCoursey, appeared before the Planning Commission and made the following comments:*

Ms. DeCoursey: I live on the 5<sup>th</sup> hole on Leawood South. I wanted to address a couple of things that Mr. Lambert said, when he was talking about them placing the cell phone tower on the fifth tee because there were three fairways there, and they thought it would affect as few homes as possible. I just want to point out that those three fairways are surrounded by homes on four sides. Pembroke Circle is on the north and the east side, and then Sagamore is on the south side, and High Drive is on the west side. All those people's backyards and decks face in towards the fifth tee, so that's what we're going to see every time we go outside into our backyard or sit on our deck, which we like to do in the evening. How can it not affect your home values? If you were selling your home, and there's a 95 foot tower right outside your deck? It's obviously going to be a problem for people who are trying to sell their homes. We already have a lot of homes for sale in there.

I was kind of confused, but he said that the equipment for the cell phone tower would be placed in the pump house that exists there now. The pump house is 35 feet long. It's been there the whole 30 years that I've lived there, and it conflicts with what he told us at the meeting that he had at the Leawood South Country Club. At that meeting, he said that they were going to build an additional pump house. It looks like a barracks. I mean it's painted green, but it's just like a barracks. It's just a wooden hut kind of thing. The one that's there now is not landscaped or anything really. It's just kind of sitting there. That means in addition to the 95 foot tower, there will be another long, wooden hut.

Mr. Anderson, you asked about the Nativity. I'm a member of that parish. I remember when they turned that down, it was because the parents objected. There's a school, one through eight, there on the church grounds. We won't go into that, because that was a health issue what was their concern. As far as the cell phone coverage goes, in my experience I can speak on my T-Mobile cell phone in my home. Sometimes I have to walk towards the door, but I always have at least one bar. If I go into the center of the house, I may maybe once a year get cut off. It's just a matter of knowing where to go. If you go near the windows or near the door, you're okay. Thank you very much.

*Scott Bauer, 12744 Overbrook, appeared before the Planning Commission and made the following comments:*

Mr. Bauer: I'd like to thank all of you for your patience tonight and listening to this. There's a lot of people that are impacted by it. I know Sprint sent out letters to approximately 200 residents. Being one of those residents, I'm a sitting ex-officio president of the Homes Association. I'm not here speaking for the Homes Association, but I will tell you the first comment I want to make tonight is

two residents who are on the Homes Association have already put their homes up for sale to move out. So as far as home values and property values, I don't know that I fully agree with Mr. Holland. Being that I've got to live within a 1,000 foot radius of this tower, I know now that I have to disclose the fact that I live within this tower close by. I'm sorry, I disagree with that. I think we're going to be immediately impacted. I happen to carry two Sprint phones. I carry a Sprint Blackberry for my work and a Sprint cell phone personally. My wife has one. My daughter has one. I live right on the red portion, Mr. Alt, that he showed. I can do down in my basement and I have coverage, so it's not a problem for me.

I think there's a big issue of the transfer of economic value. I think residents are going to lose home values, and I think that value is going to Sprint. I think it's going to AT&T. I think it's going to T-Mobile. I also think it's going to the golf course. On the golf course point, I find it real interesting tonight I've heard this tower being anywhere from 50 feet to 120 feet, back down to 91 feet. Trees and foliage being a problem. I will say on that driving range, there are no trees and it's not close to anybody's homes. Well it's close to homes still. I think we'd still have an issue. Generally I'm opposed to big towers being in Leawood South, but I think that that's an interesting point that the Country Club chose a point that's not in their backyard but opposite from the Country Club or away from the Country Club.

The averages point 30 percent of tickets. I find it real interesting and irony there that there's a lot of Leawood residents who work for Sprint, carry Sprint cell phones, and obviously during the middle of the day. I'm sure the capacity zooms up for people in Leawood. I think there's a lot of places near the Sprint campus where maybe another tower could go in to handle that capacity. Again, I think it unfair that some of the residents of Leawood South have to accommodate Sprint and those who will make a profit from this.

My last point, Mr. Conrad, I think you hit on it. I don't know all about the zones and how all that Planning Commission works, but we've got some very good rules and regulations in our city. That's why I live here. It's why I moved over from Kansas City, Missouri. I think that as you consider this, I think that we've got to take a look in terms of bigger scope. We've got to do it right, and we've got to do it in the right places. It's what Leawood is noted for, and I would just ask all of you to take that into consideration and make sure that we do it right and do it in the right places.

*John Flannery, 12845 Pembroke Circle, appeared before the Planning Commission and made the following comments:*

Mr. Flannery: I received the certified letter that says you live within 1,000 feet of the proposed location. A couple of quick points aesthetically. I find it unpleasant. I would see it out of the front of my house, and it's a 95 foot tree in Kansas is not common. I find fault with their argument about line of sight. We've got a 45 year old subdivision. There's 550 homes. We've got lots of older trees. If all they have to do is get it above the canopy for better service, what do we do with all the big trees on all the streets in front of all the houses? Do we have to cut those down, too? How does that help? I also find fault with the property value survey. I'm afraid that people aren't going to want a cell tower in their front yard or the view out of their front door. And then, is this going to set a precedence? I don't think they gave us another option. One thousand feet further to the south is Roe farmland. Why wasn't that evaluated or explained? Thank you.

*Bruce Gaddis, appeared before the Planning Commission and made the following comments:*

Mr. Gaddis: I've lived in Leawood South since 1977. I'm on the number one hole as you walk down the golf course, and certainly one of the great assets and reasons that I moved there was because of the golf course and all the amenities that Leawood brought. I was in Overland Park. They were building one shopping center after the other on about one mile centers. I said I'm going to go to Leawood where I can still have the beauty of the residential, which has been really what Leawood has always been about in terms of our homes. If you look at the tax base of this community, probably 80 to 90 percent of that tax base is coming from the residential, despite the commercial development that we've had. And I received the notarized letter. So we've got this structure here simulated by computer. It doesn't go into any of the things that are going to have to happen in that pump house. But the Sprint expert has already told you that this tower needs to be 125 feet to get the optimum coverage that they'd like to have. So in accommodation, they've come down to 95 feet. They're going to be roughly 40 feet above the trees that are in that area, and it's not even the same type of tree. I mean this computer thing is really done very nicely. We all got it, and you look at what they've done and it's quite different. And for this thing, this is really dead on arrival, because if you make that tower even congruent with the height of those trees now, 50 feet is an example, AT&T has already said we don't want anything to do with it because this isn't going to work. We hope that those trees on the golf course will be 20 feet higher in another ten years. I've got five trees in my yard. I've taken care of them. I've trimmed them. They're maybe 35 feet high right now at the present time. I hope they grow to be 100 feet high. So this item that we put in here in terms of if we even cut it to 45 or 50 feet to match up, when we do that, AT&T is out. They've already said that won't work in terms of a long-term solution. It won't work with Sprint either, because ten years from now you'll have tree heights that will be approximately 20 feet higher than the tower.

My point is that we're a residential community, and we've already gone over all the zoning things that we have in place here to protect the integrity and so forth, of what Leawood is about. Take this tower, in terms of the locations and people mentioned Church of the Nazarene. That location, which I think is a very nice job in terms of camouflaging with the steeple that they have. The major tower location, I believe, at 135<sup>th</sup> and Nall in terms of that type of structure, you don't go right into the middle of a high-end residential unit, area, location, and put this type of a structure. We've got shopping centers on one-mile centers now. Every corner of Leawood you have a shopping center. You've got schools. You've got churches. I mean take this commercial apparatus and put it in a commercial setting.

I think basically that's the point that I wanted to cover, that nobody is here opposed to the cell phones. I turned mine on; I've got three bars. People have talked about the level of service that they get. I get service in my basement. Be glad to have Sprint come out, 12700 Pembroke Lane. Six years ago I didn't get that level of service, and I was one of those calls. People called in, said hey, what's going on? You've done something in terms of the software or the technology that you've been able to upgrade your service, and I've got in-house service and so forth. One of the other gentlemen that has already spoken this evening that had very poor service, we live about 100 yards apart. In my house I've got it in the basement. In his house, he has trouble getting the service. We've got trees that are now roughly 30 or 40 feet high that we hope are going to grow to be 100 feet high, and we've got a tower here that won't work unless it's at least 95 feet tall. If we drop it down to conform with the height that would even be congruent with what the trees presently are. AT&T said that they want out. Take this facility, put it on a commercial site.

*Ken Schiffman, 4800 West 150<sup>th</sup> Street, appeared before the Planning Commission and made the following comments:*

Mr. Schiffman: I also work for Sprint, but I'm here, too, in another capacity. I'm on the Board of Directors of Leawood Chamber of Commerce, former Secretary of that Board and now just a member of the Board of Directors. I want to just demonstrate to you and talk to you about the business benefits of improved cell phone coverage for Leawood. As you know, Leawood is growing enormously from a business base. More and more of the tax base of this city is paid for by businesses and people who run businesses. People who work for companies in town depend on their cell phone service and depend on dependable cell phone service. We've heard that the issue here is a lack of coverage. I think that the Sprint folks here have adequately and convincingly demonstrated to you that there just isn't adequate coverage in a large swath of Leawood. I think the benefits, the economic or problems associated with such coverage problems will really start to impact Leawood from a business base and from a tax base. Folks, property taxes have good chance of increasing if businesses don't locate here in Leawood, and their employees who live in Leawood aren't able to keep in touch with their employers like they need to. All of us work out of our homes significantly now at night, in the morning. Our coverage is dependent upon getting a good signal from our cell phone towers. A lot of folks have cards in their computers that allow them to travel on a mobile basis and access Sprint cell phone network with those cards. Without increases in coverage that these proposed sites are going to provide, folks will not be able to do that as well either. So I think from a business perspective, that these proposed sites are very important.

You've heard about the public safety aspects of this. Folks all over the city depend upon their cell phones for public safety. My wife and I are in constant contact. A lot of the times that she's driving my kids to school, including a child that I had who went to preschool at Leawood Elementary, and I did have some dropped calls from her as she was going back and forth from Leawood Elementary. So we at Sprint appreciate the opportunity to present before you here tonight. We think that the proposed sites will increase capacity and coverage, and we think it will improve the business climate in the City of Leawood. Thank you.

*Thomas Armor, 12839 Pembroke Circle, appeared before the Planning Commission and made the following comments:*

Mr. Armor: I live right across the street where they want to put this thing, I call it. I think it's terrible. Everything Sprint has told us to date, when you people ask questions, they didn't give you a direct answer. They said I don't know. I'll find out or I think so. They didn't give you an answer, none of them. They told you in the paper, the Kansas City Star this morning, that Sprint had 2,000 people call in complaining, and what does Sprint do? They sent them a notice saying go some place else. They're telling you how they're going to take care of their customers. The other two companies that got it, said we welcome people calling us and telling us what they don't like, because we want to do something about it. I don't have any problem with my cell phone. I'm right across the street from this thing. Now, if they're putting these things in, I'd like to know how many people in this room that work for Sprint? And how many lawyers are here for Sprint? Naturally they're going to say it's a wonderful deal. So if you people let them do this, you're making one big mistake. There's four houses that have gone on sale right on my block, right on my block. You're making a big mistake. I've lived there now in that house for ten years. I've lived in Leawood for 15 years. I don't have any problem with my cell phone. I never have had any problem with my cell phone, and if they've got a problem with their cell phone, maybe they ought to go to another company that's got a good cell phone. Thank you.

*Nan Tammerham, appeared before the Planning Commission and made the following comments:*

Ms. Tammerham: I've already sent in my letter to the Board. I would like to restate everything that I said to the Board, but I am opposed to the cell towers. I have never appeared before a meeting like this before, and it's quite interesting. On one side we have a heavy weight of money and big business, and on the other side we have a few just like myself, widows and homeowners that are trying to protect our property. I do not believe when they say there's no danger medically. My husband died of cancer. I have cancer. My daughter-in-law just got through cancer. There's too much Attention Deficit around. There's a lot of Alzheimer's around. And this magnetic field, there's something with it. I mean you look on the Internet, and you can pull up so much against the cell towers. We already have two homes for sale in our area. This is since the meeting at Leawood South. I have a son that lives on 167<sup>th</sup> and Kenneth, another son at 150<sup>th</sup> and Switzer, a grandson at 199<sup>th</sup> in Spring Hill. I can reach all of them on my cell phone, and they call me on their cell phones. I hate to say it, but I have Verizon. I'm asking the board to look at the other side of the coin, the little people, not the big money and the big business that's behind this. We're not against cell phones or cell towers. We're against where they're putting it, in the middle of a golf course. Thank you very much.

*Jack Knuth, 12837 Pembroke Circle, appeared before the Planning Commission and made the following comments:*

Mr. Knuth: I'm about a seven iron away from ground zero. The only way this tower would be less unobtrusive to me is if it were on my roof. Then I couldn't see it anywhere. When people ask me why are you against this, the best thing I can do is try to paint a little scenario, a future scenario. I see two real estate agents standing in my front yard with prospective buyers. I see them look at my house wantonly. It's a nice house. I see them turn slowly to the east and look at the magnificent lake and the panoramic view. Then they pan a little further and they see the cell tower masquerading as a pine tree. I can't believe that they would find that very, very attractive. My vision also sees them getting in the car and leaving to another area in this community where the people cared more about the beauty and the picturesqueness of the area than they did about the financial aspects of it. I urge this community to not recommend the special use permit. I ask you to consider, as you have so many times in the past, many of the other issues that are involved, specifically the beauty of this place, the beauty that causes people to want to come to Leawood and settle. Thank you very much.

*Jeff Nelson, 12801 Pembroke Circle, appeared before the Planning Commission and made the following comments:*

Mr. Nelson: I'm right across the street from Jack Knuth, who just spoke. He's a seven iron away. I'm about a sand wedge away. We are the house that is 256 feet away from the proposed tower. We are members of the golf club. We have only lived in the neighborhood for two years. We moved over from Kansas City, Missouri. If the tower is built, we have no plans to move. We are not going to put our home on the market, my wife and I. In fact, our plan is that this is the last home that we will ever live in. We are adamantly opposed to the tower for aesthetic reasons. Despite all assurances otherwise, we believe this will be unattractive, intrusive into our neighborhood, and will ultimately be a detriment to our property values.

If I may, I would like to show a few pictures using your visual system. It's a black and white photo, and I apologize, but this is actually the fifth tee box at Leawood South. It was discussed earlier that some of the trees are in the 56 foot range. Actually there's an Oak tree that sits down lower than where the proposed tower is located or would be located. It's about 67½ feet tall. This is the exact same photograph with a proposed 95 foot tower stuck in the middle of it. This is to scale, the image that Sprint and the attorneys sent out at the public meeting was not to scale. It showed the tower roughly the same size as the trees around it. The tower at 95 feet will be a minimum of 30 to 35 feet taller than any of the trees in that particular area. This is the view from our driveway and the view from the front of Mr. Knuth's house if you will. This is the end of our driveway. The pump house is at the lower right of this particular photograph. This is that same view with a 95 foot cell tower. Again, we have no plans to move if this tower goes in, but I would appreciate it if the Commission would recommend against approval. This is something that no one in our neighborhood wishes to see on a regular basis, on a daily basis every day.

Finally, a few photographs. If you go out to the Internet and look very quickly, you can find example of "camouflage towers." It's not very difficult to find them. There is a major law firm in California that represents companies that put these in, and they have hundreds of examples. This is a camouflaged tower from California. These are camouflaged towers from California. The one on the left is a camouflaged tower in Los Angeles owned by Sprint Nextel. As far as I know, there are no plans to improve that. There may be, but that is an operating "camouflaged tower" as it is today owned by the applicant. Finally, as Tommy Armor said, taking into consideration, it does pain me to have to say this, but taking into consideration this picture of a tower owned by Sprint Nextel and the article in the newspaper today and on the financial press regarding Sprint's treatment of paying customers, actually telling them to go elsewhere, I would hate to think of what they would tell us as simple residents in the area if in fact in three years, five years, ten years, some point down the road that tower is not maintained. All of the stipulations that it must be maintained can be made, but ultimately once this tower goes in, it's in and we're stuck with it. Thank you.

Chairman Rohlf: I think before we start up again, it looks like we're approaching our 9:30 time. I would entertain a motion to extend the meeting for another 30 minutes, and I believe that is our last extension. Is that correct?

Mr. Lambers: That is correct, Madam Chair.

Chairman Rohlf: So if I could have another motion please, Ms. Jackson?

**A motion to extend the meeting 30 minutes was made by Jackson and seconded by Elkins. Motion approved unanimously.**

Mr. Lambers: Madam Chair? Could I suggest that we advise the audience that we'd like to get in all the public comment by 10:00, and that clearly we're not going to have an opportunity for you to consider the deliberation of this application in the time that remains. But at least let's do the best we can to complete the public hearing process tonight.

Chairman Rohlf: I think we're close. I think we're to the outside.

*Sherry Boles, appeared before the Planning Commission and made the following comments:*

Ms. Boles: I live in the Roy Subdivision, which is directly across from where the tower will be. I did receive a notification. Everyone here has spoken very eloquently about why they want the tower or do not want the tower. I don't feel that it is a question of capacity. We know that we need more capacity. The plans by Sprint are just very ill conceived, and they are very ill prepared to meet with us tonight. The letter that they wrote indicated 50 to 70 foot trees in Leawood South. That has been proven many times

tonight to not be the truth. Their statistics with regard to 30 percent of their complaints coming from Leawood, I don't believe it. We don't know what the call volume is. We don't know if it's about dropped calls. To speak to them about it, they don't know either because they haven't done the research that it would take to find out. When I call about phone service, they generally tell me that I need to buy a new cell phone, because the power of my phone will not receive a cell call. I can receive calls in my house, outside of my house, and basically all over Leawood. So I think it's just an ill-conceived idea. I think they should put it in a nonresidential area, and I think everybody would be well served, and I think the City of Leawood would be well served to do that. Thank you.

Chairman Rohlf: Thank you. All right, has everyone then had the opportunity to speak this evening that would like to speak from anywhere?

**Seeing no one, a motion to close the public hearing was made by Elkins and seconded by \_\_\_\_\_. Motion approved unanimously.**

Chairman Rohlf: If the applicant would like to come forward and address some of the concerns raised by the public hearing.

Mr. Alt: It's clear there are folks who have an interest in this application, and you've heard a lot of testimony tonight. We have also supported a significant amount of information in terms of the application that answers a lot of the questions that some in the public think we haven't answered. There is anecdotal testimony on both sides of this issue, and so yes, it's a challenging issue for the City. These types of facilities always are challenging. We don't like to build facilities that aren't necessary, so it's not about big money and big business. It's about serving our customers appropriately and providing good, reliable coverage. You heard testimony indicating that our representation of the tree heights in the area aren't correct, when we heard other testimony from people who were opposed to the application indicate that the tree right next to it is in fact 67½ feet tall. So those were estimates that we were given. We weren't trying to deceive anybody, and in fact it turns out that we were quite accurate about the tree heights in the area.

As to the property value questions, it's understandable that people won't necessarily believe what we say, but all we can deal with are facts. And the fact is that these issues have been studied, and we did provide property value studies prepared by MAI certified appraisers that indicate that they won't have a negative impact. People talk about how they will see these facilities from their back porch or their front yard, wherever it may be. I know they won't necessarily agree with this point, but I would tell you that these types of facilities blend into the background over time. I know that certainly this one will as well. There are certainly a lot of other facilities out there that may have a less favorable impression. For example, the one that was mentioned at 180<sup>th</sup> and Nall, I'm sorry 135<sup>th</sup> and Nall. It's a 180 foot tall tower. One of the property value studies that were submitted was on that particular application, and that is right next to a residential development, Winwood Development. Those are nice homes. So people do, we adjust to these types of facilities. Yes, we live near them. If we want to have good wireless service in our community, in our homes, there has to be some sacrifice. What we have done in this particular case is try as best as we can to mitigate what would be the perceived negative impact of the facility by disguising it as a monopine. You heard the testimony from Mr. Lambers tonight who has actually been out to California to see these facilities. I would object to the representations of the pictures that were shown by Mr. Nelson. Those clearly aren't what this facility will look like.

In the end, it is a decision that's going to have to be made by the City. It's a balancing act in the end. Do we want good cell phone service? And if so, how do we best provide that? Is this the best way to provide it? I think our evidence that we provided tonight as well as in the application and the testimony that you heard clearly would support that this is the best way to provide better quality service to the residents of Leawood. With that I would close, unless there are any additional questions.

Chairman Rohlf: Does anyone have questions for the applicant? Anything you want to go over? Mr. Lambers, it is 25 to 10:00. What would you recommend? One of the reasons we're asking this is that our bylaws govern us to not extend our meetings beyond 10:00. So that's what we're dealing with right at the moment.

Mr. Lambers: Well, it's always my suggestion that after you had three and a half hours of input from an applicant and public that it's best to take this under advisement. The question I would have, assuming this gets continued to another meeting, is there anything that you would like to see from the staff or the applicant to be forwarded to you prior to this being reconsidered? Now would be a good time to advise the applicant of it.

Chairman Rohlf: I do have one thing for you, Mr. Holland and your team. As I listen to all of this very carefully tonight, I do agree with you, I think it is a balancing act, but one of the points raised by one of the members of the public was considering alternate locations. Figures have been thrown out and locations have been thrown out. I want to believe in all of the documents that you have presented us tonight and your representation that this is by far the best location for this structure. But would there be any other material that you could provide us about alternative locations and why they wouldn't work or explain a little bit more about that in real terms, I mean just common sense?

Comm. Conrad: I don't know that we're going to get an explanation right now. This is just something we want.

Chairman Rohlf: Yes, do you need any further explanation about? I think you heard some of the comments about that. I know that you've done a thorough investigation of this area. We've seen your presentation but perhaps be able to come back and enlighten us a little bit more about why this is the best and maybe a comparison to some other sites.

Mr. Alt: Sure.

Chairman Rohlf: What may be, I don't know if there would be a formula, but if this is the ideal. If it could be higher, would it be better elsewhere? Would you gain more by putting it elsewhere, making it your 120 feet or whatever?

Mr. Alt: We can work. The short answer is yes, we can provide some additional information.

Chairman Rohlf: That's kind of what I'm struggling with, whether this is truly the best location and why.

Comm. Roberson: I totally agree with that statement. I am conflicted at this point, and I would suggest that having the information that you just requested would be very helpful.

Mr. Alt: If we could work with staff on some of the locations that would be in question, that would be really beneficial.

Chairman Rohlf: The City requirements factor into this decision. I know that, and we're not all aware of what those are and all of the hoops that you've had to jump through. I know there are many, but that would be helpful if we could just figure out how much of that was dictated by the City, how much of it's dictated by cost. It would help us a little bit. That's the point I'm struggling with the most. I'm totally in favor of having better coverage for people, safety concerns, all of that. We have to look at that. We do have to look at the public safety.

Mr. Alt: Without a doubt, all we need is just some points of contact for staff. It's very important for us to have some very concrete situations. We can't say well why didn't you go here? Why didn't you go there? I mean there's just to many applications. It's best if staff works with us and says provide us with an outlook of what it looks like in all the commercial developments, or provide us an outlook that looks at various heights in the commercial developments.

Chairman Rohlf: That would be helpful.

Mr. Alt: The more specific the better for us as well.

Comm. Elkins: Mr. Alt, just to elaborate a little bit further for my own perspective, and that is that I would add to that, that request the idea. I, too, am conflicted and one of the comments from the public had to do with the relative merits of sighting this in a commercial area versus in a residential area. I understand that you can't move the hole. The hole's where it's at, but the specifics I would be interested in are what are the alternatives in commercial areas that are somewhat near that would still work to fill that hole?

Mr. Alt: Of course. I think it's very reasonable. Again, the important thing for us is to know what the Commission's concern are, representatives of the public to not just say let's talk about commercial areas in general, but to be very specific. The commercial area to the south, the commercial area to the east, this commercial area. Being specific really helps, because otherwise this could be a nine month analysis, because every time we come back we say, we didn't think about this proposal. Absolutely.

Comm. Elkins: A couple of additional things for the team, and in particular for Mr. Alt. You showed us the actual data that you collected on the drive-by's in the area, and I think it would be helpful to all of us if we had that closer at hand than on the screen. So that's one of the things that I would ask for. I guess the other thing, from a staff perspective, I'm interested in, the other comment from the public that caught my attention was some discussion about the provisions in our ordinance relative to the planned recreation and the R1, to the extent that we get some perspective from staff on that.

Mr. Lambers: The interpretation that was made on that was the fact that as the attorney read, is that camouflage is allowed in a park area. It does not define park as either public or private, so we liberally construed the golf course as a park facility. So that's why we believe it met the intent of the ordinance to allow it to go forth.

Mr. Alt: With regard to your first concern, Mr. Elkins, we can provide that information. It won't be tonight, but we'll definitely get it to you.

Comm. Elkins: Again, Scott, I don't know that we necessarily need an answer tonight.

Mr. Lambers: I was going to respond to that, because that is one issue. It's an interpretation, and some people may look and just see park and say this isn't a City park. But parks can be private and that was again our intention. The other thing that was brought up and I think needs to be looked at is the fact that they're talking about two facilities with the fire station and this facility and perhaps maybe looking at a third facility working in conjunction with these two in a commercial area. I don't deny that there is gap of coverage in this area. I firmly believe that. I just don't think they need to have the magnitude of the facility that they're proposing in that area, and that if we could do a larger facility in the commercial area and have smaller facilities in and around the golf course area would be something that the staff would like for them to explore that possibility. I guess I don't want to say that you just have to

look at the commercial. I think you'd be able to look at moving south to Price Chopper or west to Mission, but still have some facility in the middle. You said they need to have repeatable coverage in there, and I recognize that concept.

Comm. Roberson: I'm going to follow along with Commissioner Conrad here. In terms of a larger picture, the biggest issue that we're talking about is coverage or lack of coverage. We all agree there is a hole. There's a hole not only for Sprint, but there's a hole probably for Verizon, AT&T, T-Mobile and anybody else we can think of. My biggest concern is that if we downsize your pole, for example, to 50 feet, we limit it to Sprint. Trees grow up. Your coverage disappears. We have to put another pole in somewhere else. AT&T comes in and says, gee I need a pole, because I got a hole, too. You name it, we got a problem. All I see is a solution here for Sprint's hole. I don't see a solution for the hole that we experience for those of us that don't have Sprint. We won't go into that. But for those that don't have Sprint, this doesn't solve that problem. Leawood still has a lack of cell phone coverage, if you want to call it that, from other carriers when co-location is a common factor. You can look at all the tall cell phone poles around the area, and they've got multiple carriers on them. So I'm not sure where I'm going with this, but I'd sure like to know if you all would like to take the lead on this, I have no problem with that. I think you ought to consider the other carriers that have other holes in here. That may be beyond the scope of what you all think you should be doing, but from our standpoint, I really have a big concern about having a single purpose carrier with a 60 foot pole, because then that's only going to solve one problem and not the many problems that we have. It's a concern I have. I'm not sure how you solve the concern, but I'm going to throw it out there.

Chairman Rohlf: Thank you. Anything else we need to present to the applicant at this time? Then I think, Mr. Lambers, the bigger decision is when do we want to hear this again? I believe the other antenna, the fire station, is set for our next meeting. Is that correct?

Mr. Lambers: No, that's not until the August meeting.

Chairman Rohlf: Oh, August meeting. I'm sorry, I thought it was on July.

Mr. Lambers: I think in fairness to everyone, we will just put it on the next agenda and just queue everyone else behind it. We'll have it first on the agenda and go from there.

Chairman Rohlf: Would that give the applicant enough time to investigate what you need to do? All right, then if we could have motion to continue this case until our next meeting on the 24<sup>th</sup>.

**A motion to continue CASE 56-07 to the July 24, 2007 meeting was made by Elkins and seconded by Jackson. Motion approved unanimously.**

Chairman Rohlf: The case is continued until our next meeting on the 24<sup>th</sup>.

*Meeting adjourned.*