

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

December 2, 2014

Regular meeting of the Clay County Planning and Zoning Commission, Commission Hearing Room, 3rd Floor, County Administration Building, One Courthouse Square, Liberty, MO.

Call to Order at 6:30 pm.

Roll Call

Members Present: Mark Beggs, Jim Carlson, Duane Jackson, and Tom Decker

Members Absent: Gene Knisley and Cecil Troutwine

Staff Present: Matt Tapp, Director
Debbie Viviano, Planner
Tim Flook, Assistant County Counselor
Angie Stokes, Secretary

Mr. Beggs: Good evening ladies and gentlemen, I would like to call to order the Tuesday, December 2, 2014 regular meeting of the Clay County Planning and Zoning Commission, roll call please.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Present.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: *Absent.*

Mr. Tapp: Jim Carlson

Mr. Carlson: Present.

Mr. Tapp: Tom Decker?

Mr. Decker: Present.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Present.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: *Absent.*

Mr. Beggs: We will move onto our next order of business we have a motion to approve the November 4, 2014 Planning and Zoning Commission meeting minutes.

Mr. Jackson: I make a motion to approve as written.

Mr. Decker: Second

Mr. Beggs: Vote.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Yes.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Final Vote: 4/0/0 Approve November 4, 2014 Minutes

Mr. Beggs: Might draw everyone's attention to the Clay County Planning and Zoning Department's monthly report from November 2014, members take a look at that and if you have any questions or comments at this time to make. We will move on to our regular agenda, we have three cases tonight. The first one is case number December 14-136F and is a request for final plat approval of Lasack Valley a proposed subdivision located at approximately 13513 Mt. Olivet Road and the applicants are Owen and Colette Lasack. And all these cases that we are going to be talking about tonight, they will

be brought before the County Commission in this room on December 15th at 1:30 that will be for the Commission's vote on that. Does the staff have a report?

Mr. Tapp: Yes, Mr. Vice-Chairman I would like to attach the staff report as part of the record.

Mr. Beggs: So be it.

Mr. Tapp: Summarized the staff report Dec 14-136F dated November 24, 2014.

Mr. Beggs: Is the applicant or the representative of the applicant present? Come forward and if you would when you come to speak, we are recording this and if you would state your name and address you might even spell your name so we get it in the minutes for next month.

Ms. Lasack: Hi I am Colette Lasack.

Mr. Lasack: And I am Owen Lasack.

Mr. Beggs: And you are familiar with the staff's report?

Ms. Lasack: Yes we are.

Mr. Beggs: You agree with all the conditions that they reported?

Ms. Lasack: Yes we do.

Mr. Beggs: Okay, very good, do you have any comments that would like to make?

Ms. Lasack: No.

Mr. Beggs: Okay, thank you. Any comments from the Commission? Any questions? Any comments from the public? With that do I have a motion?

Mr. Decker: I make a motion to approve the final plat for Lasack Valley.

Mr. Beggs: A second?

Mr. Carlson: I'll second that.

Mr. Beggs: Do we want to add with the conditions shown in Exhibit A? Would you like to amend your motion?

Mr. Decker: I would like my motion to include the recommendations in Exhibit A.

Mr. Beggs: Do I have a second?

Mr. Carlson: I second that again.

Mr. Beggs: Vote?

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve with conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approved with conditions.

**Final Vote: 4/0/0 Approved, Dec 14-136F; Lasack Valley – Final Plat
With Four (4) Conditions**

Mr. Beggs: The next case is December 14-137GR this a request for the use of a water well as the water supply source on Agriculturally (AG) zoned property located at approximately 17326 169 Highway and the applicants are Donald (Dirk) L. Talley, Jr. and Julie L. Talley. Staff have a report?

Mr. Tapp: Yes as in the previous case staff would like to attach the staff report as part of the record.

Mr. Beggs: So be it.

Mr. Tapp: Summarized the staff report Dec 14-137GR dated November 24, 2014.

Mr. Beggs: Do we have a representative for the applicant present?

Ms. Woods: My name is Liz Woods here on behalf of Dirk Talley, did you need my address?

Mr. Beggs: Sure.

Ms. Woods: 18108 Rollins Dr, Smithville, MO. I have never presented at the board before so I am going to cover the points the Talley's had. If you go from each corner of the property, starting at the southeast corner it's 190 foot (inaudible) so it is within the 200 feet as he stated the hardship as I am referring to them at here, the hardships there like he said would be crossing the water way there and going under 169 Highway which is a considerable hardship, the distance there if they had to drill from

the location of the home site would be about 1,600 foot and that is a very steep rocky slop there, so drilling the water up that hill would be a considerable hardship. If you move to this second point where water could be accessible would be from the west and that is the water line there is 250 feet from the property line so it is a little bit beyond the County requirement also there they would have 1,214 feet to drill to the home site and the third location they can access water is the same side of 169 on the northeast corner at that point they would be drilling under again a water way requiring additional permits from the Department of Natural Resources then they also have to cross a gas line that is just under half way running entirely across their property just about half way across the property, so they would have to cross the water way and gas line there and also the distance there is about 2,300 feet that they would have to run. So that is why they are requesting that (inaudible).

Mr. Beggs: And the Talley's are familiar with the staff report?

Ms. Woods: Yes they are.

Mr. Beggs: And they are in agreement with it?

Ms. Woods: Yes they are.

Mr. Beggs: And they are in agreement with the conditions under which this is going to be considered.

Ms. Woods: Yes, that is if they went out and subdivide the property.

Mr. Beggs: The notarized statement basically.

Ms. Woods: Yes.

Mr. Beggs: Alright thank you. Any questions from the Commission?

Mr. Carlson: I have a question, this is for Matt, does the County have a policy granting water permits like this and then this is a 75 acre tract, that can be used for irrigating that tract, does the County policy regarding that?

Mr. Tapp: For the use of well water as irrigation water?

Mr. Carlson: Yes.

Mr. Tapp: No, just for principle drinking water.

Mr. Carlson: So they could use it for irrigation or they couldn't?

Mr. Tapp: They could but that is wide open for all AG land all farms they could use well water.

Mr. Carlson: I was just wondering if there was a policy for it.

Mr. Tapp: It's just when it comes to the drinking water supply we want to limit the amount of drinking water supply just in case the aquifer does go dry or dry at certain times. Because you don't want people without...

Mr. Carlson: It's the reverse the aquifer could go dry from them having irrigation on a field we have to concern ourselves with that too.

Mr. Tapp: Sure.

Mr. Beggs: Ag would not have to come to the Commission for permission to drill a well.

Mr. Tapp: No, it's only like it says in our code all development should hook up to enclosed water with unusual circumstances which basically interpretation in the previous part of the code is if it's within 200 feet you need to hook up, so it's kind of a general distance. If it is within 200 feet like Liz was talking about the southeast or the northeast you should hook up but with this particular piece of ground with 169 Highway being a barrier and the blue line creeks and the fact that it's so large so far removed from any water lines it makes since as a hardship. We definitely want to limit the proliferation of wells.

Mr. Beggs: So is this notarized statement is it recorded with the property as a restriction so anybody that would buy the lot would realize..

Mr. Tapp: No it would stay in the office but if the P&Z Commission, County Commission sees fit we could record as an agreement between the property owners and the County.

Mr. Beggs: Okay.

Mr. Carlson: Does it limit the number of wells?

Mr. Tapp: Basically yes, to this one if it were approved like it says if it's further subdivided as to the number of wells no Jim if you are talking about one for the drinking water and one for perhaps irrigation no but if it's further subdivided yes.

Mr. Beggs: Any further comments from the Commission? Any comments from the public? Do I have a motion?

Mr. Carlson: I make a motion we grant the request the use of well water for sole water supply source on property at approximately 17326 169 Highway.

Mr. Decker: Second.

Mr. Beggs: Do we want to amend that to the correct address, 17270.

Mr. Tapp: Yes, Jim we had clarified the address earlier.

Mr. Carlson: Yes, 17270.

Mr. Tapp: With the condition as outlined in Exhibit A.

Mr. Carlson: With the conditions.

Mr. Decker: Second.

Mr. Beggs: Vote.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve with conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Tapp: Tom Decker?

Mr. Decker: I'll abstain from the vote.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approved with conditions.

**Final Vote: 3/0/1 Approved, Dec 14-137GR; Talley – Well Water
With One (1) Conditions**

Mr. Beggs: Third case tonight is case number September 14-128CUP it's a request for a Conditional Use Permit to erect a commercial wireless communication tower on Agriculturally (AG) zoned property located at approximately 16423 Endicott Road, the applicant is Justin Anderson, Selective Site Consultants representing Verizon Wireless. This case was remanded from the County Commission. Do you have a staff report?

Mr. Tapp: Just as an update from the last time the Planning and Zoning Commission heard this case it was forwarded to the County Commission and at the business session at the County Commission some neighbors came and voiced some concerns so the County Commission remanded it back to the Planning and Zoning Commission to allow for this Board to hear the comments and due points of the neighbors. So that is why it is coming back to Planning and Zoning Commission and as part of the update staff has included the map attachment D surrounding property map that illustrates and we will do this for all towers, but it shows where the proposed location is and it's distance as it relates to the nearest house structures and just to cover from north down to east Perkins/Daniels are 3,350 feet, Rules are 2,499 feet the Poe's are 2,774 feet a line that does not have a label so it's probably about 2,400 and another line that is not labeled is probably about 2,000 or so and then the Onstott's are 1,831 feet and then the nearest property actually let me zoom to it on the map so we can get all of the labels showing and my eye sight is failing, it is very difficult to see at this distance. I am going to go to the computer because I cannot see it at all. The nearest property owners to the west and the map will refresh there is just a lot of data going from the server to the computer. Let me zoom in, and as it is zooming in I'll continue Collison's 2,163 feet and the Willis' are 3,961 feet and I apologize if I don't pronounce it correctly the Wiese's are at 2,441 feet. And of course the label there is really small Mr. Flook you are the closed to there can you tell me what the distance is closes property west from the location. Which would be this spot on here, that label I can't read it from here.

Mr. Flook: That one?

Mr. Tapp: It's not going to be on the map, it's not going to show, what does that say?

Mr. Flook: Oh that one?

Mr. Tapp: Yes.

Mr. Flook: That, it says Malay.

Mr. Tapp: Is that 1,155 feet?

Mr. Flook: Yes it looks like we'll say 1,155 or 1,355 or something like that.

Mr. Tapp: I think it is 1,155, so the nearest habitable structure is 1,155 feet from the proposed location, that is the only update that the staff has.

Mr. Beggs: Thank you. Is the applicant present?

Mr. Anderson: Good Evening, my name is Justin Anderson; my address is 9900 West 109th Street, Suite 300, Overland Park, KS 66210. Pardon me I am not quite familiar do you want an overview of the whole project or just touch on some of the updated concerns?

Mr. Beggs: I think as we have already heard this case I think, unless the Commission wants a review?

Mr. Flook: The Chair can recognize that this is reopening a hearing, he has already testified once so you are reopening the hearing and recognize the prior testimony unless somebody has questions and then that allows you to move right to the new witnesses.

Mr. Beggs: Okay.

Mr. Flook: If you can, you can ask him to repeat if you wish, if one of the members of the Commission would like to hear all of it again, you certainly can but if you want to acknowledge you got a record of what he said before and just limit him to answering questions or responses today then that way you have plenty of time for all the people who came to testify.

Mr. Beggs: That sounds like a good idea so I would like to re-acknowledge that we've already heard your testimony once before and we are just going to reopen the hearing for more public comments.

Mr. Anderson: Okay.

Mr. Beggs: Unless you have something new that you would like to add, we will just go on your old testimony.

Mr. Anderson: I do not, as far as new items to add I would like to reiterate that this a FAA approved a FCC licensed location and it's all of the code requirements as far as setbacks and location so forth we agree with all the staff requirements and conditions. My understanding and forgive me I haven't had any communication with the folks that are here tonight, what I am hearing from staff is that there are some concerns about property values and location of this site, on average those properties there are about a half a mile from this proposed site and we're again leasing about 100 by 100 area of fencing and 75 by 75 on a hundred and fifteen acre parcel. We've tried to get that away from residences as much as we can, there's a railway to the east of us so we've moved it as far east as we can. I would like to point out that there are a number of other towers in Clay County that are much closer to properties and actually taller, I have a list of those addresses if you want, I'll be happy to provide those but I think what is most important is to remember that we did look for co-location opportunities in this area there are no roof tops, water tanks the closest tower is a little over a mile away and we did approach other property owners two of them, may be here tonight, for whatever reason they weren't interested. Also we have a property report that was done for another site that we did for Verizon and T-Mobile work done in Prairie Village back in 2008 and we did a property study and the first paragraph of that says that there is no significant or measurable impact on the market value of single family residential lots or single family residences as a result of proximity to the cell tower sites. I will go ahead and submit that as part of the record, there are I think five different studies in there ranging from different prices of homes, condominiums, what they do is compare abutting to non-abutting like square foot, like amenities, what it sold for by square foot as well. Also had a little bit of time today to just drive around my local neighborhood down around Overland Park and pick out some properties that I am quite familiar with and actually a couple of those properties are part of that case are one of the reasons we did that case that was done for the cell tower at 63rd and Mission in Prairie Village it's a fire station. The neighbors also had these concerns, health concerns, property value concerns, those properties values from one of them from last year to this year went from 972,000 to 1,545,563 and 248,000 to 255,000. I would be happy to submit this for record as well. I think that the proof is in that report as well as anything else as far as these exhibits if you would like those. There is no record of properties devaluation, I was talking to the Assessor, the Clay County Assessor today and he also agreed that if you put any type of Commercial Use on an existing Agricultural or Residential use property you increase that property's value. Most Real Estate knowledge would say if you increase the property value next to you, your property value has been increased as well. There are a number of cases that have been heard for this, ranging from New Zealand to New York to California we don't need to go over all those I'll submit that for record. I also understand that are a number or health issues, I would like to offer that we can do a pre and post MPE study that's a Maximal Permissible Exposures study the FCC has a formula that dictates what percentage of radiation, for a lack of a better word, can be emitted from a site and we can do those before the site is installed. What we do is take all of the equipment that's going to be installed measure that from the closest house the height of the tower and then we give

that report, then once the project is installed we do a post report and we do the same thing and if that post report is still not to the Commission or for one's liking then that permit could be revoked or the permit could be held until that is to an agreeable point of or an acceptable level. I don't want to speak any more about health issues it's illegal for me and I don't want the liability of going back to my client and saying that I spoke about illegal things referencing the Telecommunications Act of 1996 but I am happy to answer any questions, comments or things that we can work on to make this run a bit more smoothly.

Mr. Beggs: I've got a couple of just quick questions. FCC you are talking about standards for radio frequency do they have a standard, that it cannot be above a certain number?

Mr. Anderson: So that's part of the formula they use for every single site, its own specific formula of measurement. We most recently did one in Mission Hills; there were some neighbors and some members on the Board of Zoning Adjustment that were concerned so we are happy to provide those. We do them in Minnesota quite a bit as well. Gives us a fair amount of comfort I think, they are the body that controls wireless communications.

Mr. Beggs: Is there a permanent FCC permit depends on you meeting those standards?

Mr. Anderson: Yes we buy our license frequencies from the FCC so in their eyes everything that we are doing is already licensed. All of our equipment says FCC licensed, antennas, phones.

Mr. Beggs: What I am saying is once you get this facility installed if you run this test and you are above their number will they pull your license for that site? Would they pull it?

Mr. Anderson: They'll pull; we won't get a permit to build it first so they won't really have to pull a permit for that site.

Mr. Beggs: They won't issue it.

Mr. Anderson: But they will definitely scrutinize the frequencies that we are using as well as all of the equipment manufacturers that we are using as well.

Mr. Beggs: And in regards to that study, I didn't have a chance to run all the way through it what was the height of those towers?

Mr. Anderson: They vary in sizes.

Mr. Beggs: So what was minimum and what was maximum?

Mr. Anderson: The minimum in there is probably right around 80 feet I believe so it's been awhile since I looked at it too. That's been the most, that company actually has their home base out of New York and they have a licensed realtor all across the country so we've seen that to be a pretty non bias group that does that, they don't have any skin in the game if you will for Johnson County or Clay County or Ray County what have you so.

Mr. Beggs: Looking at the map it looks like those towers were in very close proximity to houses. They look like they are right inside.

Mr. Anderson: Yes in fact the houses that I mentioned earlier are a couple hundred feet to four hundred feet away from the site.

Mr. Beggs: Okay.

Mr. Anderson: And again that's what we are trying to do with this cell tower, you will actually see there's a row of trees planted and we're doing some more landscaping until we soften the base of the site we can't hide a 160 foot, it's 150 foot, 160 with the lighting rod, it's not lite. So we are doing all we can unfortunately there's only so much space and if it's not here and we push it east or west or north or south then we could be having the same argument but with some other folks.

Mr. Beggs: Elevation of that site compare to say the road to the west, do you have contours?

Mr. Tapp: I can.

Mr. Beggs: Is it on a hill or is it? I assume it's up pretty high?

Ms. Malay: Its 950 feet.

Mr. Beggs: Okay.

Mr. Anderson: So this not only a coverage site but a capacity site as well so it does talk to other sites and offer capacity. That's typically to help with all the new technology in phones.

Mr. Beggs: So do you currently have a hole in coverage in there?

Mr. Anderson: We do have a hole, our goal for this site is northwest of Excelsior Springs, northeast/east of Kearney. I'm not sure if everybody still has a copy of the propagation study?

Mr. Tapp: When it was first submitted I believe there was, Mr. Vice-Chairman, that information is included, I think back in September I'll double check.

Mr. Anderson: It was similar to this.

Mr. Beggs: It will be just Verizon using this tower?

Mr. Anderson: It won't be, this tower will allow for at least two more co-locations, additional carriers within the fenced area as well as a Clay County or another public entity can lease the area on the tower for free. So they will be responsible for their own installation but using the tower free of charge.

Mr. Beggs: So if someone has something other than a Verizon phone will they get better coverage?

Mr. Anderson: Say if I have Sprint..

Mr. Beggs: I have AT&T.

Mr. Anderson: You have AT&T, so if AT&T decides they want to go on the site then that will benefit you, yes.

Mr. Carlson: In your study you have three towers, what are the height of those three towers approximately can you tell me? You mentioned a minimum of 80 this tower is twice as tall as your minimum.

Mr. Anderson: I can't tell you with certainty what the height of those are.

Mr. Carlson: It doesn't say.

Mr. Anderson: I thought we had those broken down by their case but I apologize if they are not.

Mr. Carlson: That's okay. You told us in our last hearing that you develop your tower strategy by people complaining about having poor coverage.

Mr. Anderson: Poor coverage for this specific area or if other areas have drop calls basically towers get too busy it's kind of like adding extra links to the road.

Mr. Carlson: Have you had a lot of complaints of poor coverage in this area?

Mr. Anderson: As a contractor I don't see the specific complaints that's priority information, similar to I couldn't tell you exactly how many people per day will use this tower, how many dollars they'll make off subscriptions for this site, but I can tell you that these sites are about 200 thousand dollars with a lot of time and effort with the engineering going out finding the site, going through leasing, hiring legal so it's not something they take lightly. It's in the carriers opinion that we would like to co-locate with everything, you pay a little bit more rent but it's also a building permit or electrical permit in some places rather than a year process of doing all of the geotech work, doing the neba and the shipo going to public hearings you know getting easements and doing P&Ps and you know it goes on and on. It's not an easy process, it's not something where we just kind of pick it out on a map and say "that looks good".

Mr. Carlson: But what you told me was you don't want to put a tower up and then hope the area will grow, you put up a tower up for an area that needs the help.

Mr. Anderson: Right.

Mr. Carlson: These people should really be saying "we need help". When actually, I mean I'm not saying what they are here for but I talked to you about the problem I have at my house, I get dropped calls all the time, I'm on the other side of I-35.

Mr. Anderson: I agree with you, we've found that people in opposition come to meeting, people that are happy for the site or just don't really care stay home.

Mr. Carlson: I was actually given a number to call if I got a dropped call and so they do track it.

Mr. Anderson: They do absolutely.

Mr. Carlson: You don't have any of that information?

Mr. Anderson: I don't, it was a request, it is something that I could get it would probably take a little while, that is a national directive (*inaudible*) I think the Federal Government has a hard time getting that sometimes. But to answer your question in more of a broad since is, it's not a, if you build it they will come hopeful mentality.

Mr. Carlson: Yes that is what you said.

Mr. Beggs: Looks like case study one is a 480 foot guide cell tower, so that's pretty tall.

Mr. Anderson: That's pretty tall, I would imagine that one's a kind of in the 80's or 90's.

Mr. Beggs: I don't know it looks like it is right in the middle of a subdivision.

Mr. Anderson: Yes.

Mr. Tapp: Just for clerical purposes, we should include that as Attachment E.

Mr. Beggs: So be it. Any other questions from the Commission?

Mr. Carlson: No.

Mr. Beggs: Okay, we will let you sit down and see what the public has to say.

Mr. Anderson: I appreciate your time.

Mr. Beggs: We are going to take comments from the public, if you would state your name and address when you approach. We'll try and keep all comments coming to the Commission and we'll try and reiterate those questions you have back. Thank you.

Mr. Simmons: My name is John Simmons, I live at 16700 Endicott Road. First off those of us that moved to the area, where we are at, when we moved there we understood that there was going to be issues as far as technology goes and we made those moves to this area knowing that. As far as the Verizon service I had Verizon service, I discontinued my Verizon service not because I could not get the service because they continued to raise my rates is the reason why I discontinued Verizon. And where I reside at I have no problem with getting that service what so ever. So I am not real sure from that stand point, there is service there at least for Verizon. There is also two existing towers within three miles of the proposed site here, that tower is a fairly new tower at 172nd Street between Old BB and Ragsdale. Currently there's one antenna on that tower so I'm sure, I don't know whose tower that is but I am sure that if Verizon approached those people they could possibly put an antenna on that tower which is again within three driving miles of the site where they want to put it, the tower. I'm not sure how tall the tower is, pretty good size tower I doubt that it's 160 but I would guess it's well over 100 foot tower. Where the second tower that is not quite as tall as the one on 172nd Street, that tower is on Ragsdale Road just north of 164th or Jesse James Road as you can see there are two antennas on that tower so I am sure there's room for additional antennas there. Again we made the move out into the country because that's where we wanted to be and as far as the technology end of it when we made that move there we understood that we might be lacking in some of those services. As far as whether it would directly affect the resale value of my property, I might be far enough away that it wouldn't but the ladies whose property that is going to be abutted to I think would have some definite issues as far as resale. I know at least one of our neighbors was contacted by Verizon and I believe that neighbor is here, Bill Collison was contacted by Verizon requesting to put the tower on his property and he declined because he felt like it would be an issue that the neighbors would be interested in protecting, the piece of land that it is on right now is 115 acre tract and it is also own by an absentee land owner and also they certainly have no direct impact if you would if that tower is on that piece of property, if fact they are going to benefit by probably a sizable amount of money every year. But the fact with me is when you approach people who live there they don't want to let them use the land but if you approach someone who doesn't live there who really no has bearing on whether the tower is there or not then you know they are willing to accept that. So that's the information I have.

Mr. Beggs: Can you give me your last name again.

Mr. Simmons: Simmons, S-I-M-M-O-N-S.

Mr. Beggs: Thank you.

Mr. Tapp: Mr. Vice-Chairman if you can Attachment F.

Mr. Beggs: You want to do both of them?

Mr. Tapp: Just one for both pictures. I think there are two pictures is that correct?

Mr. Beggs: That's all I kept.

Mr. Tapp: As the Simmons'.

Mr. Beggs: So be it.

Ms. Malay: Good evening, my name is Lisa Malay, I live at 16521 Endicott Road, the property that's 1,130 feet from the tower and I do have some notes and report that I put together that I would like to hand out to you and also to be submitted with the minutes.

Mr. Beggs: Okay, thank you.

Ms. Malay: And Matt I can give you my copy when I am finished.

Mr. Tapp: That's fine go ahead.

Ms. Malay: Thank you for your time this evening I am not going to read this entire report but I would like to go through some of the highlights in looking over the report that was submitted by the company that is requesting the tower I noticed that the guidelines that you go by in deciding whether it's an appropriate allocation for the land or not or permission and that it is required by the LDC that it meet all

six of the criteria listed in the LDC and I found a least four that I didn't believe it did. And the first one is the proposed use complies with the intent of the Comprehensive Plan in general provision of the Land Development Code modified for this specific use request. It says that in the plan that it fosters Quality Growth Conservation Preservation of Natural Resources and development through the County and in its unincorporated planning area. We are designated a green tier as you know Agricultural and R-1 and a cell tower of this stature just by its nature indicates an anticipation of growth in that area and the plan from what I understand of it is that you protect the growth in these outlying areas to consolidate the resources of the County and more densely packed residential area to kind of control the growth, so by saying that it's okay to put a tower that anticipates more densely populated areas this far out of the unincorporated areas or in these unincorporated areas really isn't consisting with what the plan has designated these areas for that we are in. B is that the proposed use is, in its proposed location will not have a substantial adverse impact on public health, safety or general welfare and this is, you can look on the internet and it's hotly debated all over the world about the cell towers. This is a very very controversial subject for some residence, I will say that just last year the International Agency for Research on Cancer classified the arc of fields from cell towers, not cell phones but cell towers as a class 2B carcinogen, possible carcinogenic to humans. This is the same classification as lead, welding fumes and DDT. Also I am not going to go through this study but in a study at the Tel Aviv University and it out lines here in my report how they did this study but based on their criteria woman inside the area that was close to a cell phone substation were ten times more likely over a period of about five years to develop cancer than women who were not in close proximity to this cell tower. I am a woman, the stipulation for them was within 300 meters or roughly 900 feet well I live at 330 meters and I live directly, I live on a hill at about 900 feet ground evaluation is where my house is. The tower is also at 900 feet evaluation so it's, I am in direct line, if there is a problem with it and it's debatable I admit that, but if there is a problem with it I am in direct line of that problem, I am most likely to be effected and I work from home so I am there day and night, so just add that to it. C in the outline it says and I will add that the real question is not whether the RF emission of cell towers are safe but what the safe radiation levels are and he told you that it changes from site to site. It will change depending on whether there is one carrier on that tower or three. Whether the carriers put out the single mini antenna, the little antennas that are on the tripods that are up there or adds more of the small antennas as use demands, so keeping that in mind. C is the proposed use will not cause substantial injury to the value of other property in the vicinity and I don't discount the reports that he suggested but I do point out that the reports that he entered into evidence for you, for a lack of a better word, is that they were all conducted by people who do have a horse in the race by these companies who go out and look for locations for the cellphone companies to plant the towers. There is a documented research and evidence supporting that the fact that the property values will be impacted negatively for homeowners adjacent to a tower site anywhere from a minimum of 15 up to 20 percent and I put an attachment in my report at the back, Dr. Sammy Bond she did an all over, several reports around the world and reviews, but also one in Florida and one in San Francisco and the most powerful thing I think that was said and that was "the results of the cell's analysis showed prices of properties were reduced by around 21% after a cellphone base station was built in the neighborhood" and also this is published in the Appraisal Journal, this is an United States publication, this is for appraisers because even if you go on their websites they don't know how to value this. Even buyers in the Appraisal Journal they say "even buyers who believe there are no adverse health effects from cellphone base stations knowing that other potential buyers might think the reverse will probably seek a price discount for a property located near a cellphone base station". And he also mentioned that typically when a commercial endeavor goes in that surrounding property values are in increased by the nature of the fact that there is money is being made on that, that's not actually not true at all in this instance because just because there is a cell tower on a these gentlemen's property next to mine doesn't mean that I am going to get a cell tower on my property and also make anywhere from 1,000 to 2,000 dollars a month. They don't put them in next door nor would I want that. That just doesn't play there is no increase in value in my property because it's next to a cell tower. And the last one is that they proposed uses compatible with adjacent uses in terms of scale, site design and operating characteristics, hours of operation, traffic generating, lighting, noise, order, dust and other external impacts and Matt do you have the little thumb drive that had the photos on it?

Mr. Tapp: I do would you like for me to...

Ms. Malay: Yes I would please.

Mr. Tapp: Sure.

Ms. Malay: I took pictures from my living room window that faces that hill where the tower will go and when I bought the home in 2007 I remodeled and I spent a ridiculous amount of money to take a five foot window and make it a twelve foot window because the views are spectacular. Well now that window will have a 160 foot cell phone tower right in the middle of the view and I will see it day and night because it is not only my home it's my office window. The other thing that Justin mentioned was that there is much planning and thought and money that goes into the locating of these towers, I put a lot of money and thought into location of my home. My parents built the home, my mom sold it in 2001 because she couldn't stay in it because of her health. In 2007 I purchased the home when I moved back from Arizona, it was being leased at the time by the O'Dell's and they sold it to me for what my mom sold it to their dad for because they wanted to see the home back in the family. I put in over a \$100,000 in renovations in the home, it's a four bedroom home so it's absolutely a family home, so even if I do sell it will be selling it to a family with children and there's the risk in their minds if they do any research at all that there is a health risk associated with this house. So this is the deal and I am sorry about the quality of the photos, I am not a photographer. This is the window and if you look at the spot where those two trees are that is where the cell tower will be going, Matt if you go to the next, oh thank you that is nice.

Mr. Tapp: I'll get there hold on.

Ms. Malay: Okay, so at any rate this is looking out my back window and those two trees are at the top of the hill where the cell tower would go, basically come up right in between them like that. A 160 foot cell tower has a base of 7 feet those trees are 40 feet high they were all planted at the same time which was actually this, Justin has mentioned that they did that the O'Dell's did that five years ago but those trees are 40 feet high, so this tower will go four times the height of those trees. And if you would go to the next, this is a view from again that's the hill behind my home between my house and the garage without the tower and then the next picture will show it with the tower and that's a tower that has three carriers on it. And then the next one, that's the view from the hill above my house, the trees they are slightly off to the right that's where my home is and then that's the barren part in the middle is the hill, about right there is where the cell tower goes. That's my house and then if you go to the next picture there's the cell tower. This home I think you said the Poe's were about 25 or 3,000 feet from the tower site, if you drive along Endicott, all of Endicott is raised about 1,000 feet so although the property values may not be affected by all of the neighbors maybe we are not densely located together but every time they drive south on Endicott to go to work and they all go south because north is further out into the country, this cell tower will loom and we have beautiful sun rises and beautiful sunsets and a cell tower right in the middle of it. So as far as being compatible with in terms of scales, site design I would say not, and I also know that you use the LESA evaluation system in making these decisions and in that, I am on page three, one of the considerations is environmental consideration, wild life habitat and unique community values and Justin also mentioned that Overland Park quite a bit and Shawnee Mission and that is a beautiful area, I understand that but we have our own unique community values where we live and that includes our desire to live in a rural area with wide open spaces and unobstructed views. We pay more in travel and services to live in this area because of these values. If we were interested, as John said, in the latest technology and the fastest service we would live in a Google Fiber neighborhood where we would get cable TV and we could have pizza delivered. We don't have those services, we don't want that. I telecommunicate, I work for about 18 TV stations around the country around the country and I send auto files from my home so I rely heavily on the internet everyday it's the way I pay my bills and I have no problem with the services that I have and I have a Verizon phone and we have a neighborhood meeting recently, we had three or four different options as far as internet access so as far as fulfilling some sort of need for this community I would say it's not there. I would say that many of the cellular companies are wanting to build their own towers so that they don't have to sublet space from other companies that own a tower. They instead can own their tower and sublet to the other carriers so to take a strictly commercial endeavor and plant it out in a R-1 and AG area I understand why the owners what to do this, they will get to see a paycheck every month and again anywhere from \$1,000 to \$2,000 a month and he never has to see that tower except for when

he comes to check on his crops or when crop dusts and flies his plane over. Which might be a little bit difficult with a tower there. But I will see that tower every single month and I will see the impact in my property values drop and not only that the impact just emotionally. I will just say that the degradation of the enjoyment that I have in property and I think if any of you went home and looked out your back window and imagined a tower out there instead whatever view you have and I have a really nice view. You would see why just that alone would be a reason not to have that, and again the LESA issues it says “protection of vistas in view sheds and view corridors” and I suggest that you drive Endicott Road from Jesse James Road to MM once and deny it is in a view corridor with amazing vistas and we are asking you to help us protect this area from the blight this tower will cause. And might I also say that as far as tower heights go there are no towers of this stature of 160 feet anywhere outside of the I-35 or 69 corridor. The closest one is in Kearney and I believe it is 200 feet, there is also a 160 foot tower in Excelsior, the Excelsior water tower at one point was the highest point in the County some years ago and it’s at 210 feet. But there is no precedence set for a tower of this stature in a rural area and I am hoping that you can see that we don’t want it there and that it doesn’t belong there. And I really appreciate your time, thank you very much.

Mr. Rutz: My name is John Rutz, I live at 17308 Endicott Road, just maybe a half mile from where this is going in at. I’ve moved out there approximately 2001 to be out in the country which I was use to living in and the problem I have also we went out there to be away from street lights, stop lights, the whole nine yards and putting this monstrosity out here is just going to take away from country living. Also I have a little background, I am a retired detective with the City of Liberty also I am a Fire Investigator for a company in Kansas still and I have AT&T, I use my phone hot spot to work my computer, I sent a lot of photographs on that and I have no problem, they bring up this issue of about maybe we don’t have cell service out here. Well I don’t even have cable TV out there and I don’t have what she said pizza delivery out there either and we don’t want it we don’t need it and for service I’m fine, I’m in great shape and live high up on the hill out there, I think my elevation is almost a 1,000 foot elevation and we have no problem at all. Another issue I see there, I am a private pilot, I’ve flown in and out of Clay County Airport several times and I know what the cross winds are and I know we are in the flight pattern out there. This to me is going to be a debarment to pilots in that area, life flight flies east of my home which goes between where the cell tower would be at and also Endicott Road. I’ve seen them fly pretty low when the ceiling is low through there; they’ve had some problems before with crashes and would hate to see again. Just some issues I brought up and also we kind of a prevailing west wind out there which I myself and other pilots I’ve talked to have a time to get into Clay County because of the cross winds they fought some of have spun way over toward my place trying to get in to Clay County and that’s getting awful close to this 160 feet of cell tower out there, which is sitting on 950 foot elevation already so a couple of issues that I would like to bring up there I think you should take into consideration, thank you.

Mr. Beggs: Thank you.

Mr. Tapp: Sir could you please spell you last name.

Mr. Rutz: R-U-T-Z.

Mr. Tapp: Thank you.

Mr. Simmons: John Simmons again, I just wanted to reiterate the fact that as far as cell phone service out there none of us have problems with cell phones as far as internet service we are all capable of getting internet service out there without any problems at all again for Verizon, I had Verizon and it wasn’t that their service was not adequate, their service was adequate in fact I used their internet service with no problem it was just merely a fact of they were continually raising their rates on it.

Mr. Beggs: Thank you.

Mr. Raimes: David Raimes I live at 24804 Country View Drive.

Ms. Viviano: Sir could you spell your last name please.

Mr. Raimes: R-A-I-M-E-S.

Ms. Viviano: Thank you.

Mr. Raimes: I do have trouble with service on our cell phones and I have an iPad that we use for hot spot on our computer and we have to go outside for our service on our phones a lot and kind of get our other hot spot by the windows so it will get good service. So the question I would have is, if this tower is there will it over shot my house so I that I won’t get very good service?

Mr. Beggs: What was your address again?

Mr. Raimes: 24804 Country View Drive. So do you know the answer?

Mr. Beggs: I don't, but we were certainly put that back to the consultant and see what they have to say.

Mr. Carlson: Dave are you saying that you think this may not improve your services it will probably be a debarment to the service?

Mr. Raimes: Well what I want to know was if it's there will it over shot my house so that I would not get very good service or is it going to improve it? I would like to have better service.

Mr. Carlson: Would you be in favor of this tower if you got better service?

Mr. Raimes: Sure.

Mr. Beggs: Thank you. Where is his location?

Mr. Tapp: That's the subdivision to the north of that request.

Mr. Beggs: Okay.

Mr. Faltys: David Faltys F-A-L-T-Y-S, 24606 Country View Drive. This is a Verizon cell tower, I've got Verizon we have no problems there, there's people with AT&T and Sprint they say right now if Verizon is going on the tower I don't think a Verizon tower is going to help out AT&T or Sprint or anybody else unless they put it on there so the real question is are you going to be helped that way. My question would be to Verizon can a guy be too close to a tower, might it make my reception worse, because it is shooting over the top of me kind of like Dave's question was? Thank you.

Mr. Beggs: But you use Verizon?

Mr. Faltys: I use Verizon with no problem.

Mr. Beggs: Any other comments?

Mr. Kraft: My name is Kraft and I live at 23614 NE 164th Street, and I have Verizon and we use Verizon wireless for our internet and we have not trouble at all with our internet. My question to the Consultant is he said the closest house is half a mile away from the tower and 1,100 feet doesn't really add up to a half a mile, he's about a quarter mile plus off. And I would like to know is the tower going to be lit at night? Is there extensions coming down to hold the tower up or is it a free standing tower? And does that effect the mitigation of birds and all of that if

Mr. Beggs: I believe it's a mono pole, so there is no guyed wire

Mr. Kraft: It is okay.

Mr. Tapp: The FAA only requires a light on top of towers 200 feet or taller.

Mr. Kraft: Okay.

Mr. Tapp: And then this is mono pole request so no guyed wires, self-supported.

Mr. Kraft: Okay, my other question is there any other substitute spots for the tower that they've picked out and has that been presented to the Board at all? Or is it one and done? Is it just the one presentation for this one tower or has he presented any others?

Mr. Beggs: We've only seen one.

Mr. Tapp: Logistically for our Conditional Use Permit they just request one particular site they don't give you choices this is it.

Mr. Kraft: Okay I didn't know, okay thank you.

Mr. Beggs: Any other comments from the public? Mr. Anderson we let you come up, we have some questions for you.

Mr. Anderson: I guess, I'll hit on a few probably work backwards if that is alright, unless there are question.

Mr. Beggs: How about an alternate location, have you guys looked at any other locations the one at BB and Ragsdale? One that is on Ragsdale north of Jesse James Road? I think Matt didn't you have those pulled up the other tower locations?

Mr. Tapp: Yes I could turn those back on, I believe the nearest tall structure, we call tall structures, so if it would be (*inaudible*), water towers, cell towers, any communications tower. I can zoom out; I think the nearest one is the public water supply district facility, if I remember right.

Mr. Anderson: So to answer your question yes we have looked at other co-location possibilities the engineering behind the propagation map came out a failing, it's basically redundant service for us. So we have a site to the north or northwest of this called Muddy Fork, I don't know the exact intersection to the southeast we have a site in Excelsior Springs which is actually being proposed right now as a roof top site but we are working with, and then we have a site in Kearney as well. It was brought up that

there are no sites taller than this in Clay County, or I am not sure if that was meaning behind the statement but I have a list of four that I came up with pretty easily, one is a Verizon site, one is owned or leased by the Knights of Columbus. One is another tower company which is a co-locatable tower and the other one is owned by Clay County, they are all in rural areas except for the one that's leased by the Knights of Columbus that's at Highway 33 and I-35, they are 220 feet, 200 feet, 240 feet. There was a question I found interesting recently and that was will the tower over shoot my property or my house and to those gentlemen that answer is no. If you live just north of this site than you are going to be getting the prime coverage from the site. Typically a site is only over shooting its host if (inaudible) if it's a roof top site or if it's a water tank and you are standing underneath the water tank so the antennas don't have a beam that shoots directly down, they have about a 60 degree beam width. It will also not interfere with any existing wireless service that companies pay hundreds and millions of dollars to lease their frequencies; their frequencies don't interfere with baby monitors or emergency services or anything of the like that goes along with being FCC licensed. There was concern about flight paths we have received and submitted the Mid America flight reports approval for the site, there's another mention that I have Verizon wireless internet that's actually a wire service like Time Warner Cable or Cox Cable, so it's not a wireless product at all, Verizon is both wire band and wireless. The idea that you have Verizon service and it's okay or you get service or you can make calls that's great and we are happy to hear that our sites go for in car coverage to in building coverage and building means you can be sitting at home do whatever you want to do and continue on and not have to walk out on your porch or do what have you. It's somewhere to, there are a bunch of telephone lines or power poles down the road and then you get to many and you have to have a substation because you have to have run offs or you have a two lane highway and everybody says well I can get from point A to point B well eventually that gets clogged up and becomes really inefficient and people start complaining maybe not the fifteen or so people here but this is a 24/7 365 day a year site that's never down and will be there for 25 years or at least that is what the lease is and will service thousands and thousands of people every single year. I can appreciate that it's in their vicinity but there isn't a place considering these distances in County that I know of where if we took that as the average goal to be farther than 3,000 feet or 1,100 feet that we can possibly be located this admitting wireless from Clay County all in all. But I would like to point out that I said that those distances are on average of about a half a mile. I understand that there is one that's much closer to that and I can appreciate that. The existing towers that are three miles away they simply don't work for us. So they are considered, each site that we get has a search area if you will, has an agent assigned to it, their tasked with driving up here going to the Assessor's office getting tax maps talking to Planning staff, you know fighting property owners and we honestly, I can't stress this enough, all tower companies would prefer to not build a tower. It's, they don't want to be real estate companies they want to be wireless companies and that's why almost every water tank that you see around here has a wireless carrier on it, every tower that you see around here has mostly more than one carrier on it. The only sites that we really can't locate on are AM towers just because of the frequency of AM and wireless just like AM/FM towers can't coexist either. So we do our due diligence to the best we can we try to not be in continuous areas it unfortunately happens sometimes and for that I apologize but again our goal is not to service just the small area if that were the case then we would say well these folks aren't interested and then we would pack up and go home. Our goal is to not only service this area but the areas that it connects to as well so the towers around there that this site will talk to there's 911 GPS installed at every single tower as of 2002 Federal Mandate to try (inaudible) any accidents and other things. So there're important and I'm not going to say that they are necessarily pretty but you can come up with a million scenarios of why it should be somewhere else and then other people can show up and say "well I don't like that location", so then you've got to find reasons to go somewhere else. I am happy to answer questions I think I've presented a good case for the site and again its part of Verizon's growth and if there were any AT&T towers, SBA tower they'd happily go on it. Matt knows as well as I do that it's much easier for us to do that then go through the conditional use permit. As well as Verizon will allow and it's in the County's Zoning Ordinance, other carriers could go on this site. Hope we can get your approval and be happy to answer any questions.

Mr. Carlson: I have a question, we've had numerous requests for towers it seems and I don't think it was with you but I discussed one thing is 80 feet which is a small tower would that be acceptable here?

Mr. Anderson: An 80 foot?

Mr. Carlson: Or do you need 160?

Mr. Anderson: So 160 feet is actually, our goal is given, we initially had this site resigned for 200 feet we're sympathetic to the fact that it's near an airport, we by no means want to have any kind of safety issues with this site, so we did what's called a Ken Patterson Study, we also have a determination, hazard from FAA saying, you can go at a maximum of, I think 165 feet, we are at a 160 because the lightning rod is considered part of that height.

Mr. Carlson: The other part of my question are you familiar with the tower on Lake Waukomis? I brought that up with another gentleman.

Mr. Anderson: I am not sorry.

Mr. Carlson: Lake Waukomis is a very densely populated area, they have a cell tower there you can't see that cell tower it looks like a tree, it has tree limbs on it and I know it's very expensive but I know AT&T or Verizon is a very wealthy company, why couldn't we make this look like a tree, like they have?

Mr. Anderson: Well let me ask you this; are there any 160 foot pine trees in the area?

Mr. Carlson: I asked you, if height could be less.

Mr. Anderson: Sure at 80 feet this site wouldn't be effective for us most of the mono pine sites that have been done in Kansas City and I know the most recent taller one is right around Summerset and State Line I believe there are a couple in Leawood that are 47 feet there are two on Leawood Golf Course. Sites in this area they have to a little bit taller given the rural nature of the area, so could we do 80 feet, if we could do maybe four or five more towers, I don't know. It's a policy question do you want fewer that are a little bit taller and can be co-locatable or do you want more that probably can't be co-locatable. So if Verizon want's three or four and Sprint wants three or four or AT&T needs three or four that's the age old question for wireless policy I suppose.

Mr. Carlson: I think everybody would probably agree though if it looked like a tree they would accept it but these look like poles.

Mr. Beggs: It is interesting you say that because we have heard other consultants say they're going to shorter more numerous towers but it sounds like you guys are taking the opposite, you are going taller.

Mr. Anderson: Not necessarily, because in certain areas we are so in denser more densely populated areas that's absolutely the case but I think you would be hard press to find a carrier that says a 75 foot pole would work great for us here. If this were a project in a subdivision or right at the edge of a city then maybe that's the case but this isn't.

Mr. Beggs: Okay. Any other questions for Mr. Anderson? Thank you.

Mr. Anderson: Thank you.

Mr. Simmons: I guess I don't understand exactly what's involved here but there on 172nd Street a tower that's every bit of a 100 feet and their saying that that tower is not contiguous to their use, but they are going to put up one with the expectation that other carriers hooking on to that one, so in that one tower that I gave you the photograph of, the tall one there's maybe one antenna on it in fact it might be a lightning rod, he was saying the lightning rod is at the top I never thought about that, that might very well be a lightning rod on that, it's just I don't understand when you are talking three miles down the road how it's going to make that much difference on the type of reception they are going to get, for whatever it's worth.

Ms. Malay: Lisa Malay again, I just wanted to, a couple of points that he made, theirs is technology now and it should be out in the next five years where cell phones will have their own transceivers and so the signals will bounce from user to user instead of tower and out and that is the direction that the phone's will be going, the use will be going the technology is going in that direction and so it's very likely that these towers will be giant eye sores in ten years and the fact that he thinks that it's a great idea that it's going to be there for 25 years is horrid to me. I'm sorry but I was hoping I will be there for 25 years and we will see which one out lives the other. The other thing is that there is no tower that is, what I said was there was no tower that is 160 feet high between the I-35 corridor and the State Route 69 corridor, those towers that he mentioned are located in those corridors. They may be zoned agricultural but they are right along I-35 so there is not the expectation for the vistas that there are when people buy five/ten acres in lots out there to build their dream home and then there's a tower there. The other thing is that Justin mentioned that there is a lot of planning that goes into the sites and no company with it salt would not consider excessive building and convenience for their company and this

is a very accessible very convenient location with well paved and maintained Clay County roads that these people here and many others including my parents paid the taxes to maintain and keep up for decades and so naturally they want an easily accessible route there are thousands of open farm land acres that I am sure there would be less opposition to that they can put their tower but they would have to build more infrastructure, they would have to go further with their electrical lines and they would have to go further with their paved roads and they would have to take their tower parts further to get them there and they would have to go further to service them so I am sure that went into their planning. The last point I wanted to make was that as far as the airport restrictions go I know you have a map and the report that we submitted to you in September and the restriction line actually cuts right through the property where they want to put the cell tower, so they are wanting to put the tower 300 feet outside of that flight limitation and with the ground elevation and the height of the tower they come in at 80 feet below the flight restriction so they are really threading a needle here with this and I know that the tower company is happy about it and the landowner, or the new landowner that lives in Ray County is happy about it but I think they could find a more suitable site. Even I thought initially, the reason I didn't come to the first meeting that was here was because I thought the tower was going to go by the gate, if it went by the gate of this property it will be the railroad bridge. See how the property curves out, the outside of the view lines of most of my neighbors on Endicott and there is a residential on the other side, there is one house on the other side and it wouldn't be very visible to them either but it puts them inside the Clay County Airport flight restriction area so they had to move it over right behind my house. I can't think with all this open acreage and farmland that there is not a more suitable site and thank you very much for you time.

Mr. Collison: Billy Collison, 24212 NE 164th Street. I would just like to say again I have heard it said several times here tonight rural, rural, rural I just want you fellows to put yourselves in our place we are rural America I still believe we are the fabric of this country but we are coming around. For people to come in and take over I am afraid it's a start of even more things to come I don't want to see that. We are not Johnson County, Kansas we are Clay County, Missouri that's all I got to say, thank you.

Mr. Beggs: Any other comments?

Mr. Anderson: So just as a rebuttal to some of those comments I am sure there are a lot of other farms and acreages in the area the dark blue dot on this map is about a half mile in radius that's our search area for this site to be as effective as it can be moving outside of that just, we do try to work with that as much as we can and we are actually right on the east edge of that site of that search ring right now. Again to reiterate in kind of flight hazard this is our FAA determination, no hazard so we are not being any more dangerous than what the FAA and the local airport deems is acceptable. There's another conversation that, I am losing my train of thought, I've had a lot of comments tonight. I'll just stick with that and say we've moved our sites when we can a couple of sites most recently in Ray County, we had one in Orrick and one up by Lawson we are fortunate to be able to keep it on the same property. This has nothing to do about Johnson County or Kansas City or those places those are simply off the cuff examples that I am providing. More locally perhaps and in similar areas I might add a number of residents not just similar to the turn out tonight worried about the property values, worried about their views, we moved those sites when we could and went back and everybody was happy. We unfortunately can't move this site we had two property owners in the search ring that weren't interested. These two gentlemen were interested this is where we can locate it on the property given flight patterns and our coverage plan and again I would be happy to answer questions.

Mr. Beggs: So what I am hearing from you is there really weren't any alternative sites that would be viable.

Mr. Anderson: I think that the ring is filled with property owners here tonight so for our coverage to maintain our competitive edge with AT&T, Sprint, I want to make it clear I work for those companies as well, I am a third party consultant, I am hired to come here and represent the facts of this specific site. This was the site that we ended up having because two other parties weren't interested, I can give you their names if that will help, as well as the flight pattern issue. That's why we are here.

Mr. Beggs: So just east of the tracks wouldn't have worked?

Mr. Anderson: Just east of the tracks, that was like I said we're east of our search area right now.

Mr. Beggs: You are on the very east side.

Mr. Anderson: We're on the very east side as well as there's quite a bit of trees and don't know if construction would be workable plus there is a large body of water and a river so I don't know what those flood patterns are like. We just simply couldn't look there because we are at the far edge of where we can go.

Mr. Beggs: You did split the site south because of the flight restrictions?

Mr. Anderson: Right our main focus is safety. Obviously it's like anything else with property and real estate its location, location, location. Well, this is the best location to help this system work so and I apologize that it is inconvenient and an eye sore to some folks. I am from a rural area in Indiana and I can appreciate that more than you know. My County doesn't have any zoning and it just happened one day for me, I appreciate everybody's exercise.

Mr. Beggs: Any other questions? Thank you.

Mr. Anderson: Thanks for your time.

Mr. Beggs: Any other comments before we close it for public comments?

Mr. Tapp: Mr. Vice-Chairman, there might be a potential compromise per se. Lisa I overheard you talking about the viewshed and how it slopes off as you get closer to the railroad and Justin you might be able to chime in here as to why the proposed site is so far north when maybe we could scoot it down south closer to the gate and closer to Lafoon/164th Street and perhaps try and arrive at a compromise if that suites all. You're moving the site down a little further because I have all the airport planning layers and in this particular location all we have is a protection zone which is the dark grey area outlined on the map and as you can see it's clearly outside of the subject property, even so we're at that blue 1,200 cross line where no structure can be taller than 1,200 feet above sea level. I think in our report in this particular site the ground elevation is 953.85 I would assume it slops down the further away from that vertical, I guess my question to you Justin is does it have to be at this exact point to achieve the coverage results that Verizon is looking for? Vice-Chairman if you don't mind?

Mr. Beggs: Sure I would like to hear the answer.

Mr. Anderson: The long and short of it is we can try and move it south, I guess my concern is are going to move it south and have the same turn out?

Mr. Beggs: It would be the same property so we have the same notification properties and while we have the folks here if that's a viable compromise. I don't know I am just trying to assist both sides but perhaps we move it off of the hill side or something and lessen the impact on the view shed then I think you might lessen the impact there. If you move it down the hill can you go taller, a taller tower?

Mr. Tapp: We would probably have to re-notice it because it was noticed at 160 feet so I would say that is the threshold for the vertical.

Mr. Decker: The topo's here is level (*inaudible*)

Mr. Anderson: So the long and short of that is I can say from the carrier's standpoint that we can move it's again....

Mr. Tapp: Maybe the neighbors can advise us as to, Lisa you mentioned a view shed I am not sure exactly what the bounds are but if we move it south would that alleviate that concern?

Mr. Decker: It would include radius (*inaudible*)

Ms. Malay: No it's still, he suggesting, can I just. He is suggesting moving it south which would..

Mr. Tapp: I think they are talking about the gate down there correct? If you point at that.

Ms. Viviano: It's closer to the gate.

Ms. Malay: Right here is where the gate is, right here.

Mr. Tapp: Right in that general area.

Ms. Malay: So he's suggesting to moving it south but that maybe the flight, the approach area.

Mr. Tapp: It's the grey area.

Ms. Malay: I believe in the report that was submitted in September there is a flight restriction that goes right through here. It's an arced map and it's in the report that was submitted...

Mr. Tapp: I will zoom out so you can see, I pretty sure...

Ms. Malay: And it goes kind of right along here and that's why they moved it over to behind my house I am sure. The other thing is that where the land slopes off it actually only drops about ten to fifteen feet and that gets them into conflict with their east side boundary where the railroad tracks and the bridge, because they have to be so far in.

Mr. Tapp: 100% height of the tower.

Ms. Malay: Yes, so again like I said it is kind of threading the needle, I don't think moving it south is a solution, because of the flight restriction and I'm not sure that my other neighbors, like I said that would be less intrusive if it was over by the gate but I don't think that that is an option for them because there is a restriction there for, and also they can't get it by the gate and still have it 160 feet away from the railroad track and it pushes..

Mr. Tapp: Just a mere recommendation if we go 160 feet from the property line at the minimum we are pushing it to the south away perhaps from your view shed, it was merely a...

Ms. Malay: It's a good idea but I...

Mr. Anderson: If it works for the FAA and the property owner we'll absolutely do it.

Mr. Tapp: Right we have what is called the Airport Overlay Zone and I don't want to get too technical but it's basically the same vertical elevation only across there 1,200 feet above sea level as long as you stay below that you meet our codes standards.

Ms. Malay: But as you see that property line, you see where it rainbows out from where the tower is, where the property line is you get closer to the road curves in and so it'll push the tower further west to stay away from that property line, from the railroad track property line and the elevation starts to drop as you go further west.

Mr. Anderson: So again from a carrier point of view we're happy to (*inaudible*) that move and we can go look at our FAA, it's really up to the property owner if they would want to do that, so I can't speak for them I know that it's part of the lease exhibit where this location is but Verizon (*inaudible*) will be fine with that move, Verizon as far as capital expenditures will be fine with that move so if it works for all the regulatory and the other neighbors if the other neighbors are going to be as unhappy with that place as they are with this place then I am not sure that provides a solution, but we will do our part to see what we can do.

Ms. Malay: I think most of them are just unhappy with the location close to their homes and many of them because of the health risks so I don't think that would resolve their fears. That's not the solution that we want.

Mr. Simmons: Moving it to the gate..

Mr. Tapp: Yes John if you don't mind we are trying to record the meeting.

Mr. Simmons: Moving it to the gate as far as I'm concerned isn't a solution. The thing of it is this is 160 foot tower and it's going to be sticking up, towering over all of us who live out there in the neighborhood and there are several people that wanted to come but they work nights so they couldn't come tonight but there is a new property owner that just built across the street there on 164th Street and I spoke to him Saturday he stopped by my house and he says "hey you know I just moved out here and spent \$100,000 to buy this piece of land and building this new building" and he was also opposed to this tower coming there. There's another 20 acre right around the corner there, where there is one house going in right now and he's already subdivided his 20 into two tens so there is going to be another house going in there and I am sure if those property owners had an opportunity to come in and all the probability they are not even aware this tower is going up. They're going to feel the same as those of us that are already there. I mean we have a gentleman that just spent a \$100,000 to buy a piece of land and is constructing a new home on it and here comes this 160 foot tower up and he's going to see it.

Ms. Malay: We are prepared to bring notarized signatures from any residents that couldn't make it tonight, but we're prepared to bring notarized signatures from those who are against it and it's pretty comprehensive.

Mr. Wiese: I am Timothy Wiese, it's W-I-E-S-E, and everyone else has been speaking here has all the property of the tower to the west of it, my mom and I have that little block down in the right hand corner there, again going to say the view is understandable if it was moved south that would put it more at our front door we would be looking right outside and see it. What would make other people here probably upset with me is I'm a licensed ham radio operator so I understand the need for getting communication out but a height of a tower that extreme I thought it would not be visibly pleasing out in the countryside like everybody else has stated that they had moved out there for the openness, they moved out there to try and get away from the city life and they do make long commutes, my commute is 40 minutes a day to just get to work. So I can understand their concerns on that. I think my big concern would be not as much as the health risk, like I said I am a licensed ham radio operator so I

understand those things and understand some the FCC rules and stuff, but it's strictly just having that sight and again I don't know my option was what if it was camouflaged, what you would say. But again a tree that big is pretty extreme, so I don't know if a lower height would be probably not as good as reception for them but as personal the paint on it I would be against it myself just for the view of it and just for the impact it would make. Thanks.

Mr. Beggs: Any more public comments? I am going to close the public comments, Commission any discussion?

Mr. Decker: Yes, I don't know if I am prepared to make a decision based on what was presented, I can side with Mr. Anderson and I could side with the community. I am having a hard time seeing the benefit for the citizens in the surrounding areas I am not really prepared to make a decision myself.

Mr. Beggs: Okay.

Mr. Carlson: I would like to make a motion to table this request and that Lisa provide us the study for the impact that she mentions in her report on page four of her residential (*inaudible*) and I'm not ready to make a decision that's why I would like to table.

Mr. Beggs: Do I have a second?

Mr. Jackson: Second.

Mr. Beggs: Vote.

Mr. Tapp: To gain clarity Jim your motion is to table based on the grounds of what more information are you looking for?

Mr. Carlson: The impact study on cell phone towers on house prices in residential areas.

Mr. Tapp: Okay.

Mr. Flook: Matt there are two things that came up, that is why he was asking me earlier procedurally, what steps to take in order to, because what we have in this statement by Ms. Malay is we have what appears to be is things that have been taken off the internet and inserted into the statement, is it internet research?

Ms. Malay: Yes it is and I'm not sure exactly what you are referring to that is in that case.

Mr. Flook: Well it looks like you have a property value impact in close proximity stating the Appraisal Journal study and National (*inaudible*) a couple things like that...

Ms. Malay: I will be happy to provide you with those reports.

Mr. Flook: Well I guess he is saying is there is a difference between having the report and an excerpt. Because the standard is these factors that you are looking at and whether or not there's competent and substantial evidence to support a yes or a no whatever the decision is, so one of the questions is you have a reference to a report but you don't have the report and that (*inaudible*).

Mr. Carlson: What I am intending to do is to table it to allow us to continue to allow us to collect more evidence.

Mr. Beggs: And give us time to digest the report that Mr. Anderson gave us which is also on property values.

Mr. Tapp: I also ask Lisa to supply the full reports whenever you get an opportunity to and I will forward it to the P&Z Commission as soon as we get it.

Ms. Malay: My I ask what the time frame is on that?

Mr. Tapp: It's up to the Commission they tabled it but I would recommend that we table it until February to give enough time to gather the information that's two months, that should be more than enough time.

Mr. Beggs: So that being said it kind of goes to Mr. Anderson do you still want with a two month delay do you still want to pursue?

Mr. Anderson: Absolutely.

Mr. Beggs: I just want to make sure you're not under some time constraint that two months puts it off the table.

Mr. Tapp: Let's get the official date so that everyone is aware.

Mr. Anderson: And if I may in that time we'll run a more rescent report as well, (*inaudible*).

Mr. Beggs: So if that is the case are going to open this up to any public comment?

Mr. Flook: I think what you would do is basically purge your evidence for today so procedurally you're going to continue the hearing to February and in February you're going to take new evidence whatever that has not been put into evidence, you can take new evidence, you can rehear everything if

you want but I don't think everybody wants, you don't have to retread the same tire, you certainly for example if you want to be able to in fact evaluate the competency of a statistic you can ask someone to bring in the entire report or see if it is available either party can do that so if there's two issues raised that appear to be relevant to the factors, one the market value impact if one full report and an excerpt of a report on different sides then you have an excerpts of some type of study about cancer those kind of things for example you would want the competent evidence which will be the full report you can limit it to that or you can expand it to more than that if you want it's up to you.

Mr. Beggs: That's was my question, so do we want to limit it to just to issues that we are talking about?

Mr. Carlson: No I would like to open to continue.

Mr. Beggs: I am talking the full reports, full evidence of the reports are we just asking for those or are we going to let people submit other reports?

Mr. Carlson: More evidence.

Mr. Beggs: Okay, so to just clarify maybe we restate that motion.

Mr. Carlson: I would like to table it to move to continue to allow us to collect more evidence.

Mr. Beggs: And we need that submitted by?

Mr. Tapp: The meeting will February 3rd, 6:30 pm same place here, staff reports normally go out the week before that is the week of the 26th so ideally by the 26th the goal is to get information and by the end of business on the 26th so we can get it out to you all, with the regular staff packet, P&Z Commission packet. So I would say for the folks in the audience January 26th by the end of business 5 o'clock pm central standard time, receive all the information.

Mr. Beggs: So to be considered at the next meeting we have everything in by, what time did you say 5 o'clock on the 26th?

Ms. Viviano: Staff reports go out on the 26th.

Mr. Tapp: We are not going to generate any new staff reports this is mere additional information so as long as we get the additional information by Monday it can go out on Wednesday.

Ms. Viviano: Okay you took the Monday not the Wednesday, okay never mind, sorry.

Ms. Malay: How would you like, what kind of format would you like this submitted?

Mr. Tapp: Hard copy or pdf would be fine.

Ms. Malay: Who would I send that too?

Mr. Tapp: You can send it to me or just general P&Z@claycountymo.gov, you will see it on our website, just go to our general exchange.

Mr. Beggs: But I would ask that you would submit full reports, factual type evidence not internet hear say.

Ms. Malay: (*inaudible*) I get what you are saying.

Mr. Beggs: So do I have a second?

Mr. Decker: Second.

Mr. Beggs: Vote.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve to table.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve to table.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve to table.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve to table.

Final Vote: 4/0/0 Approved to table, Sept 14-128CUP; Verizon Wireless – CUP

Mr. Tapp: So February 3rd, 2015 6:30 pm in this same room, January 26th by end of business for all the submittals, substantial competent evidence.

Mr. Beggs: That is all the cases that we have tonight is there any Director's comments?

Mr. Tapp: None at this time Mr. Vice-Chairman.

Mr. Beggs: Any other business that we need to take care of? I would entertain motion to adjourn.

Mr. Carlson: I move we adjourn.

Mr. Decker: Vote.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve.

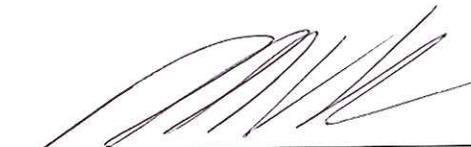
Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

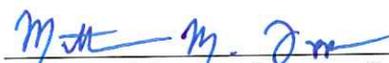
Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

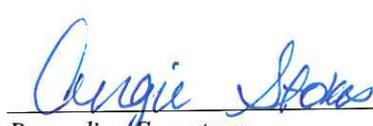
Meeting Adjourned



Chairman, Planning & Zoning Commission
MARK V. BEGGS



Secretary, Planning & Zoning Commission



Recording Secretary