



Legislation Text

File #: 17-250, Version: 1

TO: Chair Wastchak and Planning Commission Members

FROM: Kevin Burke, Town Manager

DATE: July 11, 2017

DEPARTMENT: Town Manager

AGENDA TITLE:

Citizen Review of Ordinance Changes to include an Administrative Review of Small Cell Wireless Facilities

Council Goals or Other Policies / Statutory Requirements:

Responsiveness to Residents - Identify and consider resident concerns in a timely manner and seek solutions to the best of the Town's ability - Cell Service.

SUMMARY STATEMENT:

[The first two paragraphs are the same as the June 20 Action Report, then new material thereafter.]

The Town Council adopted a Statement of Direction (SOD) regarding amending the Personal Wireless Service Facility (PWSF) chapter of the Zoning Code. The SOD is attached and largely consistent with the discussion of the May 25 joint meeting of the Council and Commission.

The purpose of the revision is first and foremost to come into compliance with the new State statute in terms of objective design standards, undergrounding, stealth and concealment, and timely processing. In short, the Council has directed that the objective design standard for "new small cells in the right-of-way" model the New Path/Crown Castle faux cactus. Second, the Council has directed that "small cell antennas attached to existing utility poles in the ROW" model the antenna on the southwest traffic signal post of 56th Street and Lincoln Drive.

To that end, Town Attorney Andrew Miller drafted an ordinance amendment. That amendment was presented at the June 20, 2017 Planning Commission meeting. The draft ordinance placed the review process in Chapter 2 of the Town Code to make this an administrative process rather than a zoning process depending upon the compatibility of the proposed small wireless facility (SWF) to the objective design standards. There are still zoning amendments which necessitate that the ordinance be reviewed and approved by the Planning Commission.

A couple of Planning Commission members provided suggested edits to the draft ordinance including a request to consolidate sections. The Town Manager, Town Attorney, Community Development Director and Town Engineer reviewed and edited the entire draft ordinance. This review took two

passes. The first pass looked at just the content. That review is attached in both a redlined version and a clean version. The second pass took that newly edited content and reorganized it into sections to eliminate redundancies and improve the formatting. That version is also redlined and clean. It is suggested that Planning Commission review the "SWF Ordinance 7 03 2017 Consolidate Reformatted Clean" version.

Staff will review this version along with those areas with remaining implementation or policy questions during the Citizen Review portion of the Planning Commission meeting. Staff will look for Planning Commission members and citizens to provide comments at that time.

In order to accomplish this code amendment prior to the effective date of the new statute on August 8, 2017, this agenda item is scheduled for public hearing and Planning Commission action on July 25. It will then be returned to Council for a special meeting on August 8.

BUDGETARY IMPACT:

New statute will reduce the revenue received from those carriers licensed to place PWSF's in the rights-of-way.

ATTACHMENT(S):

Cell Service Statement of Direction 6-08-17
Small Cell Wireless Facilities Ordinance 06 30 2017 Redline
Small Cell Wireless Facilities Ordinance 06 30 2017 Clean
SWF Ordinance 07 03 2017 Consolidated Reformatted Redlined
SWF Ordinance 07 03 2017 Consolidated Reformatted Clean
Clean SWF Application (not totally complete)
Dolf's Comments
Daran's Edits
071117 Small Wireless Facility Ordinance PowerPoint