


City of Lee's Summit

Department of Planning & Codes Administration

February 19, 2016

TO: Planning Commission
FROM: Robert G. McKay, AICP, Director 
RE: **PUBLIC HEARING – Appl. #PL2016-001 – SPECIAL USE PERMIT renewal for a telecommunications tower – 1204 NE Woods Chapel Rd; American Tower Asset Sub II, LLC, applicant**

Commentary

This application is for a special use permit renewal for a 150-foot tall monopole telecommunications tower at 1204 NE Woods Chapel Road. The telecommunications tower has existed on this site for approximately 21 years. The most recent inspection report and structural analysis were completed on January 22, 2016, and January 28, 2015, respectively. The applicant requests a renewal of the special use permit for a period of 20 years. Staff recommends the renewal be granted for a period of 10 years from the previous special use permit expiration date of June 6, 2015, to expire on June 6, 2025.

Recommendation

Staff recommends **APPROVAL** of the special use permit, subject to the following:

1. The special use permit renewal shall be granted for a period of 10 years from the previous special use permit expiration date, to expire June 6, 2025.

Project Information

Proposed Use: 150-foot monopole telecommunications tower

Location: 1204 NE Woods Chapel Road

Zoning: AG (Agricultural)

Surrounding zoning and use:

North: AG – vacant, unplatted

South (across NE Woods Chapel Road): AG – vacant property owned by PRI

East: AG – unplatted, large lot residential

West: PI (Planned Industrial), CP-2 (Planned Community Commercial) and AG – church

Background

- June 6, 1995 – The City Council approved a special use permit (Appl. #1995-009) for the 150-foot telecommunications tower, located at 1204 NE Woods Chapel Road, for a period of 5 years by Ord. #4128.
- October 17, 2006 – The City Council approved a special use permit renewal (Appl. #2006-164) for the 150-foot telecommunications tower, located at 1204 NE Woods Chapel Road, for a period of 15 years from the previous special use permit expiration date of June 6, 2000, to expire on June 6, 2015, by Ord. #6290.

Analysis of Special Use Permit

Setbacks from Property Lines. Existing lawful non-conforming condition.

- Required – 150 feet from all property lines. The UDO states:
*“No new tower shall be constructed without **setbacks from all property lines a distance equal to the height of the tower** as measured from the base of the structure to its highest point or as otherwise authorized by the Governing Body in approval of the special use permit.”* (Section 10.610.F.3.a.)
- Existing Condition – The distance to the western property line is approximately 149 feet. This has been reduced in recent years due to the realignment of NE Lakewood Way. The distance to the eastern property line is approximately 105 feet.
- Recommendation – The zoning ordinance in effect at the time when the original special use permit was granted required a setback equal to half the tower height, which was met. This is considered a lawful non-conforming condition for which no additional action is needed.

Setback from Residential. Existing lawful non-conforming condition.

- Required – 600 feet from single-family or two-family uses. The UDO states:
*“A telecommunications tower shall be located a distance of **four (4) times the tower height** from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family or two-family residential use, and any property where the future use indicated by the Comprehensive Plan is low density residential use.”* (Section 10.610.F.3.c.(2))
and
“This requirement may be waived if it is found to effectively prevent the provision of wireless telecommunications services within the City.” (Section 10.600.F.3.c.(3))
- Existing Condition – approximately 275 feet from an existing residence on the lot to the east.
- Recommendation – The zoning ordinance in effect at the time when the original special use permit was granted did not provide for any setback requirements from residential. This is considered a lawful non-conforming condition for which no additional action is needed.

Time Period.

- Request – The applicant requests a time period of 20 years.
- Recommended – Staff recommends the renewal be granted for a 10 year time period, from the previous special use permit expiration date, based upon the time period approved for recent special use permit renewals of telecommunication towers.

Ordinance Criteria. The criteria enumerated in Section 10.050 were considered in analyzing this request.

- The proposed continued operation of a telecommunications tower at this location will not detrimentally affect the appropriate use of neighboring property.
- The proposed use is a renewal and no change is contemplated. There is no new impact upon the community.

- The use is not expected to negatively impact traffic and/or parking in the area. Typical wireless carriers service their equipment 1-2 times per month utilizing a pick-up truck or SUV. The impact on the street system will range from negligible to no impact.

In considering all the criteria and regulations, staff finds the use to be appropriate and recommends renewal of the special use permit.

Code and Ordinance Requirements

The items in the box below are specific to this development and must be satisfactorily addressed in order to bring the plan into compliance with the Codes and Ordinances of the City.

Fire

1. All issues pertaining to life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to the safety to fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.

RGM/cs

Attachments:

1. Site plan, date stamped January 5, 2016 – 4 pages
 - Title Sheet
 - Zoning Plan
 - Site Plan
 - Signage
2. Statement in Support with special use permit criteria addressed by the applicant, date stamped January 5, 2016 – 10 pages
3. Photos of subject and surrounding properties, date stamped January 5, 2016 – 4 pages
4. Special Use Permit Tower Table – 3 pages, dated February 17, 2016
5. Location Map