

STATEMENT IN SUPPORT OF APPLICATION FOR SPECIAL USE PERMIT RENEWAL

APPLICANT: American Tower Asset Sub II, LLC

SITE ADDRESS: 1204 NE Woods Chapel Road, Lee's Summit, MO

ZONING DISTRICT: RDR (Rural Density Residential)

This statement in support of an application for a Special Use Permit renewal for an existing telecommunications tower facility (the "Tower Facility") located at 1204 NE Woods Chapel Road (the "Subject Property") in the City of Lee's Summit is respectfully submitted by American Tower Asset Sub II, LLC ("American Tower") to the City of Lee's Summit Planning Commission (the "Commission").

I. SITE BACKGROUND

American Tower (the "Applicant") is seeking approval of a Special Use Permit renewal for a term of twenty (20) years as detailed herein to allow for the continued use of an existing telecommunications tower facility located at the address identified above. The Tower Facility was originally permitted by a Special Use Permit (Ordinance No. 4128, see enclosed) issued by the City of Lee's Summit Board of Aldermen on June 6, 1995. This Special Use Permit was issued for a term of five (5) years, with an expiration of June 6, 2000. On October 17, 2006, the approval was retroactively renewed by Ordinance No. 6290 for a period of fifteen (15) years, commencing on June 6, 2000, and expiring on June 6, 2015. On March 21, 2016, the approval was retroactively renewed further by Ordinance No. 7849 for a period of ten (10) years, commencing on June 6, 2015, and expiring on June 6, 2025.

American Tower now respectfully requests renewal of the Special Use Permit to allow for continued use of the Tower Facility.

II. DESCRIPTION OF FACILITY

Pursuant to a lease agreement entered into in 1994 (as subsequently amended), American Tower currently leases a fifty-foot (50') by sixty-foot (60') area (the "Leased Area") from Entres Construction, LLC, the owner of the Subject Property. The Leased Area is surrounded by a six foot (6') tall chain link fence which is topped with barbed wire for security. The Tower Facility is accessed via a twelve foot (12') wide swing gate as well as a four foot (4') wide gate. The fenced-in compound area encloses equipment shelters utilized by the various carriers who have antennas on the Tower Facility.

The Tower Facility consists of a one hundred- and fifty-foot (150') monopole style telecommunications tower. The monopole supports antennas and related equipment which are owned and operated by the following carriers:

- AT&T**
- Verizon Wireless**
- T-Mobile**
- Dish Network**

See enclosed Site Drawings.

See enclosed Site Photographs.

III. BENEFITS OF THE TOWER FACILITY

The continued use and operation of the Tower Facility at this location is in keeping with the intent and purpose of the City of Lee's Summit Unified Development Ordinance (the "Ordinance"), and will continue to be a benefit, not a detriment, to the public. The Tower Facility serves to fill a need of the community in the least intrusive manner possible. By allowing for shared use of the Tower Facility by all four of the major national wireless carriers (AT&T, Dish Network, T-Mobile and Verizon Wireless), the Tower Facility

decreases the need for additional towers in the community, thus directly satisfying the 'Goals' identified in the Telecommunications Towers/Antennas section of the Ordinance (§6.1200 [B]). The availability of wireless communications service enhances community safety and is increasingly relied upon by civil defense and other safety officers as well as the general public in times of crisis, natural disaster, bad storms or other similar circumstances. Wireless communications service also provides a convenience to residents and is an attractive feature and service to businesses. The Tower Facility, by providing these services to the City, promotes the health, safety, convenience, and general welfare of the inhabitants of the City of Lee's Summit.

As the Tower Facility enhances the levels of coverage of AT&T, Dish Network, T-Mobile and Verizon Wireless in the City of Lee's Summit, it also serves the public convenience by increasing community safety in times of public crisis and natural disaster. A tremendous benefit of having reliable wireless coverage is that it allows users to call 911 wherever they have service. The wide availability of wireless devices has given consumers greater access to 911 emergency services in places lacking landline telephones, such as highways, parks, and other public places. Emergencies can be reported immediately, which reduces response times of emergency personnel. In addition to traditional 911 services, wireless carriers offer access to Wireless Enhanced 911 Services ("E-911"). E-911 allows emergency personnel to locate a caller using global positioning systems ("GPS").

IV. COMPLIANCE WITH SPECIAL USE PERMIT STANDARDS

The continued use and operation of the Tower Facility is in compliance with the general criteria for approval of a Special Use Permit, as set forth in §6.650(B) of the Lee's Summit Unified Development Ordinance. Compliance with these criteria for approval is set forth below, with the Applicant's commentary following **in bold**:

1. Character of the neighborhood. **The Tower Facility has been a part of the surrounding neighborhood for the past thirty years, and in that span has not had any negative effects on neighboring properties. Since the Tower Facility is surrounded by a buffer of mature trees, it is effectively screened from nearby agricultural and residential uses.**
2. Compatibility with adjacent property uses and zoning. **As mentioned above, the Tower Facility is well setback and screened from neighboring agricultural and residential uses.**
3. Suitability of the property for which the special use is being requested. **The presence of a thick vegetative buffer of trees makes the Subject Property suitable for the presence of the Tower Facility.**
4. Extent to which the proposed use will negatively impact the aesthetics of the property and adjoining properties. **The Tower Facility has been existing in this location for the past thirty years and has not negatively affected surrounding properties in that time period. As no changes are proposed as**

part of this application, the approval of this application would not negatively impact the aesthetics of the property or adjoining properties.

5. Extent to which the proposed use will injure the appropriate use of, or detrimentally affect neighboring property. **As mentioned above, the Tower Facility has been existing in this location for thirty years and is well screened. The proposed use will not injure the appropriate use of, or detrimentally affect, any neighboring properties.**
6. Impact on the street system to handle traffic and/or parking. **The Tower Facility does not have any regular employees and is only visited intermittently by maintenance technicians to ensure that the wireless communications equipment remains in good working order, and by contractors in the event that a carrier modifies its installation. No additional foot traffic occurs in the neighborhood as a result of the use of the Tower Facility. The Tower Facility will be regularly maintained by qualified technicians to assure that the equipment operates at optimal condition. There is sufficient parking on site to accommodate all visiting vehicles.**
7. Impact of additional storm water runoff to the existing system or to the water shed area if no storm sewer is available. **The Tower Facility is already existing and is adequately served by storm water systems. The Tower Facility contains little impervious area that would contribute to additional storm water runoff, and no additional impervious area is proposed as part of this application.**
8. Impact of noise pollution or other environmental harm. **The Tower Facility does not generate objectionable noise, vibration, smoke, dust, odors, heat, glare or produce any other environmental harm. The Tower Facility has been existing in this location for the past thirty years and has not produced any harm in that span, and no additional features are proposed that would change its effects.**
9. Potential negative impact on neighborhood property values. **As mentioned, the Tower Facility has been existing in this location for the past thirty years and is an established part of the neighborhood. Its presence does not have a negative impact on neighborhood property values; on the contrary, by providing wireless services to the neighborhood's residents, it may help attract investment.**
10. Extent to which there is need of the proposed use in the community. **The Tower Facility serves the needs of the community by allowing for the provision of wireless communications services, including access to emergency services.**
11. Economic impact upon the community. **The Tower Facility has a positive economic impact on the community by providing wireless communications service, which are an attractive feature and service to businesses.**
12. Extent to which public facilities and services are available and adequate to satisfy the demand generated by the proposed use. **As an unmanned and**

passive use, the Tower Facility does not place any additional burden on municipal services, such as water, sewer, police, or fire protection.

13. Comparison of the benefit gained to the public health, safety and welfare of the community if approved versus the hardship imposed upon the landowner if the requested application is denied. **The Tower Facility allows for the provision of wireless service by all of the major national wireless carriers to residents of the City of Lee's Summit, including access to emergency services. The availability of such services is a significant benefit to the public health, safety, and welfare of the community. If the Tower Facility is not allowed at this location, not only the landowner but the community at large would suffer a hardship by the absence of such wireless coverage. In order to allow for the provision of similar levels of wireless coverage, a similar facility would need to be constructed within the City.**
14. Conformance to the UDO and current city policies and ordinances. **As demonstrated herein, the Tower Facility is in compliance with the Lee's Summit Unified Development Ordinance and current city policies and ordinances.**
15. Recommendation of professional staff. **The Applicant defers to city staff for their input and recommendation on this application.**
16. Consistency with permitted uses in the area in which the special use is sought. **As mentioned above, the Tower Facility has been existing in this location for the past thirty years and has not negatively affected surrounding properties in that time period. As no changes are proposed as part of this application, the approval of this application would not negatively impact the aesthetics of the property or adjoining properties.**

In addition to the general criteria for approval of a Special Use Permit set forth above, the Tower Facility is also in compliance with the specific standards for Telecommunications Towers set forth in Article 6 of the Unified Development Ordinance, namely:

§6.1200 (F)(3): Special use permit. A telecommunications tower shall be subject to a special use permit, in accordance with the following considerations:

- a. Setbacks. 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. Accessory structures shall be governed by the setbacks for that particular zoning district. **The Tower Facility has been existing in this location for thirty years without issue.**
- b. Guy Anchors. Guy anchor foundations shall be setback a minimum of ten (10) feet from all property lines. **N/A: The Tower Facility is a monopole design and does not have or require guy anchors.**

- c. Separation Distances. The following are the required separation distances from other towers and residential:
1. A telecommunications tower over ninety (90) feet in height shall be separated from any other telecommunications tower over ninety (90) feet in height by a distance of at least one (1) mile. **N/A: The Applicants request approval of a renewal for an existing telecommunications tower.**
 2. 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. **The Tower Facility has been existing in this location for thirty years without issue. A modification to this requirement was granted by Ordinance No. 6290.**
 3. This requirement may be waived if it is found to effectively prevent the provision of wireless telecommunications services within the City. **The Tower Facility has been existing in this location for thirty years without issue.**
- d. Lighting. A telecommunications tower or other antenna structure shall not be artificially lighted unless such lighting is required by the FAA or other applicable authority. If lighting is required, the Governing Body may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Security lighting around the base of a communications tower or other antenna structure may be installed if the lighting complies with Article 7 and no light is directed toward adjacent properties or rights-of-way. **N/A: The Tower Facility is not artificially lighted and does not require lighting by the FAA or any other authorities.**
- e. Signage. Signs located at the telecommunications tower shall be limited to ownership, contact information, the FCC antenna registration number and any other warning signs required by the FCC. Commercial advertising is strictly prohibited. **Signage at the Tower Facility is limited to ownership, contact information, the FCC antenna registration number and other warning signs required by the FCC. There are no commercial advertising signs present at the Tower Facility.**
- f. Landscaping. A telecommunications tower facility shall be landscaped in accordance with Article 14 to provide a buffer of plant materials that effectively screen the view of the telecommunications tower base and accessory structures from adjacent property. This may be waived by the Governing Body where natural growth and land forms provide an equivalent buffer. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be reduced

or waived by the Governing Body. **The Tower Facility is surrounded by a buffer of mature trees which effectively screens the compound from surrounding properties. The facility is well setback from adjacent properties and effectively screened**

- g. **Parking Areas & Drives.** Parking areas and drives associated with the telecommunications tower shall be paved in accordance with this Chapter and the Design and Construction Manual or as otherwise authorized by the Governing Body in the approval of a special use permit after making a determination that additional impervious coverage is not in the best interest of adjacent property owners. **The access drive to the Tower Facility is partially paved and graveled and is sufficient for use by all technicians which visit the site. Parking for multiple vehicles is available adjacent to the existing compound area.**
- h. **Security Fencing.** A telecommunications tower shall be enclosed by fencing not less than six (6) feet in height and equipped with an appropriate anti-climbing device. The type of fence shall be in accordance with Article 14 or as otherwise authorized by the Governing Body in the approval of the special use permit. **The Tower Facility is currently enclosed by a six-foot-tall chain link fence topped with three strands of barbed wire to deter unauthorized entry to the compound area.**
- i. **Demonstrated Need.** An applicant for a special use permit for a telecommunications tower shall provide technical data sufficient to show that a tower of the requested height is necessary in the requested location to maintain the integrity of the entire planned communication system. The applicant also shall show why a system composed of antenna structures lower in height, located on existing structures, or otherwise less visually obtrusive should not be required. **The Tower Facility currently supports installations by the four major national wireless carriers (AT&T, Dish Network, T-Mobile, and Verizon Wireless). As each carrier needs a separate height on the tower for their antennas, the 150-foot height of the Tower Facility is necessary in order for each carrier to have a mounting height sufficient for their radio frequency coverage needs. By permitting the continued use of the Tower Facility, the Commission would allow for the uninterrupted provision of wireless services by all of these carriers without the need for an additional tower in the City.**
- j. **Visual Impact.** To limit the visual impact of a telecommunications tower, to the extent feasible, the tower shall be:
 - 1. Located away from key public viewpoints. **The Tower Facility is not located in close proximity to any key public viewpoints and is well screened by an existing buffer of mature trees.**
 - 2. Located down-slope from the top of ridge lines, so that from key public viewpoints, a smaller portion of the height of the tower is viewed against the sky. **The Tower Facility is not located near any ridge lines or key**

public viewpoints and will not adversely affect views from any such points.

3. Placed within forested areas with antennas just above the treeline. **The Tower Facility is placed in a forested area and is surrounded by a buffer of existing trees. The tower height is the minimum necessary for all carriers' antennas to be located above the treeline and provide seamless wireless coverage.**
 4. Located or be of such a height not to necessitate FAA coloring and lighting. **The Tower Facility does not require coloring or lighting per FAA requirements.**
 5. Located in industrial areas. **The Tower Facility is located in a residential and agricultural area but is well screened from neighboring properties by a buffer of existing trees and landscaping. The Tower Facility has been existing at this location for thirty years and has not been a detriment to the community; by contrast, it has proven to be a benefit by allowing for the provision of wireless services by multiple carriers.**
 6. Of the minimum height necessary for operation of the telecommunication system, considering the visual trade-off of a greater number of towers at lower heights. **As mentioned above, the Tower Facility currently supports installations by the four major national wireless carriers (AT&T, Dish Network, T-Mobile, and Verizon Wireless). As each carrier needs a separate height on the tower for their antennas, the 150 foot height of the Tower Facility is necessary in order for each carrier to have a mounting height sufficient for their radio frequency coverage needs. By permitting the continued use of the Tower Facility, the Commission would allow for the uninterrupted provision of wireless services by all of these carriers without the need for an additional tower in the City.**
 7. Located outside historic districts designated by the Governing Body and located unobtrusively so as not to be visible from historic structures. **The Tower Facility is not located within nor visible from historic districts or structures.**
- k. View of accessory equipment. Mobile or immobile equipment not used in direct support of a wireless telecommunications facility shall not be stored or parked on the site of the facility unless repairs to the facility are being made. **The only permanent accessory equipment located at the Tower Facility is the equipment necessary for the operation of the Tower Facility and the individual installations by each wireless carrier located at the site. No mobile or immobile equipment not used in direct support of the Tower Facility is stored or parked on the site.**
- l. Design. The following standards shall apply:

1. A telecommunications tower shall, subject of any applicable standards of the FAA, be painted a neutral color approved by the Governing Body, so as to reduce visual obtrusiveness. **The monopole tower is a neutral gray color in order to reduce visual obtrusiveness.**
2. At a telecommunications tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment. **All ground equipment within the Tower Facility is surrounded and effectively screened from neighboring properties by a buffer of existing trees. The Tower a neutral gray color so as to not stick out in the natural setting.**
3. If an antenna is installed on an antenna structure other than a telecommunications tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the antenna structure so as to make the antenna and related equipment as visually unobtrusive as possible. **N/A: The current application does not include an antenna installed on an antenna structure other than a telecommunications tower.**
4. Tower design will be evaluated on a case-by-case basis utilizing the following design preferences:
 - i. Monopoles are highly encouraged. **The subject tower is a monopole design.**
 - ii. Stealth technology shall be incorporated into the placement of antenna utilizing architectural elements or structures whenever feasible. Such antenna placement is appropriate around window frames, doorways, along guttering, incorporated into penthouses, cupolas, steeples, etc. **As the proposal does not involve the placement of antennas on a building, the use of architectural elements such as window frames, doorways, guttering, etc., for stealthing is not feasible. However, the Tower Facility allows for shared use by all four of the major national wireless carriers, thereby reducing the need for additional towers in the community.**
 - iii. Towers are to be architecturally compatible to the surrounding development(s). **The Tower Facility is a neutral gray color and is screened from neighboring properties by a buffer of existing trees.**

V. CONCLUSION

The continued use and operation of the Tower Facility will provide a tremendous benefit to the City of Lee's Summit and its residents by allowing for the provision of wireless services and access to emergency services. The Tower Facility will continue to serve the needs of customers of AT&T, Dish Network, T-Mobile, and Verizon Wireless without having a negative impact on the surrounding neighborhood. Having reviewed the specific impacts and made the specific findings provided and enumerated above, as well as to satisfy the mandate of the Federal Government to facilitate competition in the wireless communications industry as set forth in the Telecommunications Act of 1996, the Applicant hereby respectfully requests that the Commission determine that the Tower Facility is appropriate for the granting of a Special Use Permit renewal for a period of twenty (20) years.