

City of Lee's Summit

Development Services Department

March 10, 2017

TO: Planning Commission
FROM: Robert G. McKay, AICP, Director of Planning and Special Projects *RGM*
RE: **PUBLIC HEARING – Appl. #PL2017-036 – PRELIMINARY DEVELOPMENT PLAN – telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant**

Commentary

Both a preliminary development plan and special use permit application were filed with the City in 2016 to locate a cell tower on property located at 244 NW Executive Way. The applications were considered by and subsequently denied by the City Council on July 14, 2016. Based upon that denial, the applicants, T-Mobile and Eco-Site, Inc., filed legal action in federal court challenging the denial of the application. The City and applicants negotiated a settlement that changed the conditions of the T-Mobile cell tower proposal as it relates to the following:

- ***Location of the tower within the proposed site area (new application proposes to locate the tower further west on the property)***
- ***Reduction of the height of the tower (new application proposes to reduce the tower height from 95 feet to 75 feet overall height)***
- ***Variation of the tower's appearance (new application revises the tower from a monopole to a stealth monopole, meaning there are no exterior antenna mounts)***

This application is for a new 75-foot stealth monopole telecommunication tower located at 244 NW Executive Way. The telecommunication tower will be enclosed within a 40' x 50' fenced area and will be accessed from NW Executive Way.

For the sole purpose of illustrating that the proposed tower does not render the remainder of the property undevelopable, the preliminary development plan also provides a general concept of how the remaining portion of the site could develop as an office use. The approval of the preliminary development plan is for the telecommunication tower site layout only. If and when a building is proposed for this site, a separate preliminary development plan application shall be submitted for review and approval.

A special use permit application (Appl. #PL2017-037) for a telecommunication tower has been submitted and is also on this agenda for consideration.

Recommendation

Staff recommends **APPROVAL** of the preliminary development plan, subject to the following:

1. The approval of the preliminary development plan is for the telecommunication tower site layout only. If and when a building is proposed for this site, a separate preliminary development plan application shall be submitted for review and approval.
2. An access easement shall be recorded with the Jackson County Recorder's Office prior to the issuance of a building permit.
3. Approval of the preliminary development plan is contingent upon approval of the special use permit (Appl. #PL2017-037) for the telecommunication tower.

4. Development shall be in accordance with the preliminary development plan, dated February 21, 2017.

Project Information

Proposed Use: 75-foot stealth monopole wireless communications facility

Zoning: PO (Planned Office)

Land Area: 62,680 square feet (1.43 acres)

Site Area: 40' x 50' tan vinyl fenced area

Location: 244 NW Executive Way (Lot 6, Parkway Plaza, 2nd Plat)

Surrounding zoning and use:

North: R-1 (Single-Family Residential) and PO (Planned Office)—single-family residence and office

South: CP-2 (Planned Community Commercial) and PO (Planned Office)—office

East (across NW Executive Way): PO (Planned Office)—office

West (across NW O'Brien): CP-2 (Planned Community Commercial)—office

Background

- December 16, 1956 – The final plat (Appl. #1956-009) for *Broadmoor Addition, Lots 1-65* was recorded with the Jackson County Recorder of Deeds office by Instrument #1956-10675629.
- January 28, 1987 – The final plat (Appl. #1986-196) for *Parkway Plaza, 2nd Plat, Lots 1-14* was recorded with the Jackson County Recorder of Deeds office by Instrument #1987-10747599.
- July 14, 2016 – The preliminary development plan (Appl. #PL2016-053) and the special use permit for a telecommunication tower at 244 NW Executive Way (Appl. #PL2016-054), was denied by Ord. Nos. 7921 and 7922, respectively.

Analysis of the Preliminary Development Plan

The request is for a new 75-foot stealth monopole telecommunications tower located at 244 NW Executive Way. The stealth monopole will be enclosed within a 40' x 50' fenced area and will be accessed from NW Executive Way. The preliminary development plan also provides a general concept of how the remaining portion of the site could develop as an office use. The approval of the Preliminary Development Plan is for the telecommunication tower site layout only. If and when a building is proposed for this site, a separate preliminary development plan application shall be submitted for review and approval.

Ordinance Criteria. The criteria enumerated in Section 4.260 were considered in the analysis of this request.

- The site is a vacant parcel and is surrounded by office development and to the north, south, east and west. In addition, a residential use is located immediately north of this lot.
- The location of the tower on the site meets the UDO requirements for on-site setbacks and provides the opportunity for future office development for the east portion of the site.
- The new telecommunication tower will provide additional cellular service to a needed area of Lee's Summit.

- The tower and associated equipment will be enclosed with an 8-foot tall, tan vinyl fence and screened by landscaping.

In considering all the criteria and regulations, staff finds the use to be appropriate and recommends approval of the preliminary development plan.

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.

Engineering

1. All Engineering Plan Review and Inspection Fees shall be paid prior to approval of the engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance permit).
2. A Land Disturbance Permit shall be obtained from the Public Works Department if ground breaking will take place prior to the issuance of an infrastructure permit or prior to the approval of a Final Development Plan.
3. Any cut and / or fill operations, which cause public infrastructure to exceed the maximum / minimum depths of cover shall be mitigated by relocating the infrastructure vertically and / or horizontally to meet the specifications contained within the City's Design and Construction Manual.
4. Future stormwater detention system and stormwater quality elements shall be required for future phases of work on this property. The basin would need to be constructed when a future phase of the project takes place, along with a detention study and report.
5. The future development should be revised without the north driveway (and a two-way south driveway that has appropriate parking design for two way traffic), in consideration of the City's Access Management Code.

Fire

6. 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 of fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.
7. An approved lock shall be installed on gates or similar barriers when required by the fire code official. A Knox padlock shall be required.

Planning

8. The security fencing will be reviewed with the building permit and will require engineered drawings.
9. A structural analysis report, liability insurance, and FAA registration shall be submitted as part of the final development plan submittal.
10. Pavement for parking areas and driveway shall comply with the Unified Development Ordinance (UDO) Article 12, in terms of pavement thickness, base, and subgrade stabilization or geogrid.

RGM/jmt

Attachments:

1. Preliminary Development Plan, date stamped February 21, 2017—5 pages
2. Narrative submitted by applicant describing the facility, date stamped February 21, 2017—2 pages
3. Location Map