

# City of Lee's Summit

## Development Services Department

April 20, 2018

TO: Planning Commission  
PREPARED BY: Christina Stanton, AICP, Senior Planner  
CHECKED BY: Hector Soto, Jr., AICP, Current Planning Manager  
RE: **PUBLIC HEARING – Appl. #PL2018-027 – SPECIAL USE PERMIT renewal for a telecommunication tower – 5740 NE Lakewood Way; American Tower Asset Sub II, LLC, applicant**

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### Commentary

This application is for a special use permit (SUP) renewal for a 100-foot tall self-supporting telecommunication tower located at 5740 NE Lakewood Way. This site is zoned AG (Agricultural). The telecommunication tower was built in 1998 (Building Permit #B9800609); the original SUP (Appl. #1998-012) was approved for a time period of 20 years. This is the first renewal since the original approval.

The existing tower does not meet the current setback requirements from property lines (Section 10.600.F.3.a). However, it met the property line setback requirements in effect at the time of its approval, and so this is a lawful non-conforming condition.

No time limitation for the special use permit is established as part of this approval due to §67.5094 R.S.Mo., Subpart 14. This statute lists "Prohibited Acts by Authority," which states: *In order to ensure uniformity across the state of Missouri with respect to the consideration of every application, an authority shall not: Limit the duration of the approval of an application.*

### Recommendation

Staff recommends **APPROVAL** of the special use permit.

### Zoning and Land Use Information

**Location:** 5740 NE Lakewood Way

**Zoning:** AG (Agricultural)

**Surrounding zoning and use:**

**North:** AG – Crown Pointe Church

**South:** Rights-of-way for I-470, NE Lakewood Way, and NE Timber Hills Drive

**East (across NE Lakewood Way):** R-1 (Single-Family Residential) – Single-family residences of *Timber Hills*

**West (across I-470):** AG – vacant undeveloped land

**Site Characteristics.** The telecommunications tower sits on 2.16 acres of agricultural property which remains undeveloped with the exception of the tower.

**Description and Character of Surrounding Area.** To the north of 5740 NE Lakewood Way is a 9.47 acre parcel of undeveloped agricultural land. North of that parcel is Crown Pointe Church. To the east is the Timber Hills single-family subdivision and to the west is I-470.

## Project Information

**Proposed Use:** 100-foot monopole telecommunication tower

**Land Area:** 94,133.38 square feet (2.16 acres)

**Site Area:** 50' x 50' fenced area

## Public Notification

**Neighborhood Meeting Conducted:** N/A

**Newspaper Notification Published:** April 7, 2018

**Radius Notices Mailed to Properties Within 185 Feet:** April 9, 2018

## Process

**Procedure:** The Planning Commission makes a recommendation to the City Council on the special use permit renewal request. The City Council takes final action on the special use permit.

**Duration of Validity:** The City Council shall not limit the duration of the special use permit for a telecommunication tower in accordance with §67.5094 R.S.Mo. Subpart 14.

## Unified Development Ordinance

Applicable Section(s)	Description
10.020, 10.030, 10.040, 10.050, 10.060.E	Special Use Permit
10.600	Telecommunication Towers

## Background

- April 14, 1998 – The City Council granted a special use permit (Appl. #1998-012) to operate a telecommunications tower or antenna mount for a period of 20 years, by Ord. #4598.
- May 15, 1998 – A building permit (#B9800609) was issued for the construction of a new 100' tower and its associated building.

## Analysis of the Special Use Permit

**Tower Setback.** Existing lawful non-conforming condition.

- Required – 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.
- Existing – The plans submitted to the City, and included as an attachment to the staff report, illustrate the existing tower is located approximately 91' to the west, 92' to the north, and 119' to the east. The highest point on the tower currently sits at 106'.
- Recommended – The zoning ordinance in effect at the time when the original special use permit was granted only required a setback of half the tower height from any property line. Under Section 10.050.E of the UDO, the City Council may grant a renewal containing modifications for existing conditions without the submission of a preliminary development plan. This is considered a lawful non-conforming condition for which no additional action is needed.

**Surrounding Uses.** The site is located at 5740 NE Lakewood Way. The property is primarily surrounded by agricultural property, with the exception of *Timber Hills* located across NE Lakewood Way. *Timber Hills* is the nearest residential property and located approximately 252 feet to the east of the tower.

**Time Period.** No time limitation for the special use permit is established as part of this approval due to §67.5094 R.S.Mo., Subpart 14. This statute lists “Prohibited Acts by Authority” which states: *In order to ensure uniformity across the state of Missouri with respect to the consideration of every application, an authority shall not: Limit the duration of the approval of an application.*

### **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 application 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 of fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.

#### Attachments:

1. Preliminary Development Plan, date stamped February 20, 2018 — 7 pages
2. Statement in Support submitted by applicant describing the facility, date stamped February 20, 2018 —9 pages
3. Photos of Site and Surrounding Areas — 5 pages
4. Towers in Lee’s Summit Table—3 pages
5. Location Map