

**STATEMENT IN SUPPORT
OF APPLICATION FOR
SPECIAL USE PERMIT RENEWAL**

APPLICANT: American Tower Asset Sub, LLC
SITE ADDRESS: 2750 NW Clifford Road, Lee's Summit, MO
ZONING DISTRICT: AG (Agricultural)

This statement in support of an application for a Special Use Permit renewal for an existing telecommunications tower facility (the "Tower Facility") located at 2750 NW Clifford Road (the "Subject Property") in the City of Lee's Summit is respectfully submitted by American Tower Asset Sub, LLC ("American Tower") to the City of Lee's Summit Planning Commission (the "Commission").

I. SITE BACKGROUND

American Tower (the "Applicant") is seeking renewal approval of a Special Use Permit for a term of twenty (20) years as detailed below to allow for the continued use of an existing Tower Facility located at the address identified above. The Tower Facility was originally permitted by a Special Use Permit (Ordinance No. 4358) issued by City of Lee's Summit Board of Aldermen on November 5, 1996 for a term of ten (10) years. On October 2nd, 2007, an approval was retroactively renewed by Ordinance No. 6493 for a period of ten (10) years, commencing on November 6, 2006 and expiring on November 5, 2016.

II. DESCRIPTION OF FACILITY

American Tower leases the 2,907 square feet along with an easement for The Tower Facility is located on 2,907 square feet of leased ground space (the "Leased Area"), with an easement for three (3) guy wire anchors and access (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. The fenced-in compound area includes small equipment shelters utilized by the various carriers with antennas on the tower.

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The Tower Facility consists of a three hundred and forty foot (340') guyed telecommunications tower, with a six foot (6') lighting rod, and three guywire anchors supporting the tower. The guyed tower supports antennas and related equipment at the following mounting heights, which are owned and operated by the following carriers: Cricket Communications and Sprint.

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 line with the intent and purpose of the City of Lee's Summit Unified Development Ordinance (the "Ordinance"), and will continue to be a benefit, to the residents of Lee's Summit. The Tower Facility fills a need within the City in the least intrusive manner possible. By allowing for shared use of the Tower Facility by various wireless carriers, the need for additional towers within the City is reduced, thus directly satisfying the 'Goals' identified in the Telecommunications Towers/Antennas section of the Ordinance (§10.600[B]). The availability of wireless communications service enhances community safety, as it is increasingly relied upon by public safety officials and 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 for local businesses. The Tower Facility, by providing these services to the City, promotes the health, safety, convenience and general welfare of the residents of Lee's Summit.

As the Tower Facility enhances the levels of coverage of Sprint and Cricket Communications 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. With reliable wireless coverage Lee's Summit residents can use their wireless devices to report urgent circumstances to emergency responders immediately in locations without access to a landline like highways, parks, and other public places. In addition to traditional 911 services, residents will have access to Enhanced 911 ("E-911") allowing public safety officials to have increased location accuracy in emergency circumstances through GPS. This is something vital to public safety as more people "cut the cord" and no longer have wireline services.

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 §10.050(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**:

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1. Character of the neighborhood. **The Tower Facility has been a part of the surrounding community since it was constructed in 1997, and has not negatively impacted the abutting properties. Since the Tower Facility is surrounded by a buffer of natural vegetation including trees, it is effectively screened from nearby agricultural and residential properties.**
2. Compatibility with adjacent property uses and zoning. **The adjacent properties are zoned Agricultural and Planned Industrial; the existing Tower Facility is compatible with the prescribed uses in those properties.**
3. Suitability of the property for which the special use is being requested. **The Tower Facility has been on the Subject Property since 1997 and 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 existed in this location for over nineteen (19) years, and has not negatively affected the surrounding properties in that time. There are no changes proposed as part of this renewal application, therefore approval of this renewal application would not negatively impact the aesthetics of the Subject Property or any neighboring properties.**
5. Extent to which the proposed use will injure the appropriate use of, or detrimentally affect neighboring property. **The proposed use will not injure the appropriate use of, or detrimentally affect, any neighboring properties, as the Tower Facility has existed here for over nineteen (19) years. Additionally, there are no proposed changes to the current use of the Tower Facility.**
6. Impact on the street system to handle traffic and/or parking. **The Tower Facility does not have regular employees and is visited intermittently by maintenance technicians to ensure that the wireless communications equipment is in good and safe working order, and by contractors hired by wireless carriers to modify installation as needed. There is no additional foot traffic as a result of the use of the Tower Facility. There is sufficient parking on site to accommodate any technician 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 already exists and is adequately served by storm water systems and no modifications are requested as a part of this renewal 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.**
9. Potential negative impact on neighborhood property values. **As mentioned, the Tower Facility has existed in this location for the over nineteen (19)**

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years and is an established part of the neighborhood. Its presence has no negative impact on neighborhood property values.

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, like E911. Many people today have eliminated their home phones and rely solely on their cell phones.**
11. Economic impact upon the community. **The Tower Facility has had a positive economic impact on the community by providing wireless communications service for local residents and businesses.**
12. Extent to which public facilities and services are available and adequate to satisfy the demand generated by the proposed use. **This is an unmanned Tower Facility; therefore it 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 has the potential for any wireless carriers, to install antennas on the tower and provide wireless services to the residents of Lee's Summit. The availability of such services provides a significant benefit to the public health, safety, and welfare of the community. If the Tower Facility is not allowed to continue to operate at this location, 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. **The Tower Facility is in compliance with the Lee's Summit Unified Development Ordinance, and current city policies and ordinances and will remain in compliance with the City's Unified Development Ordinance, 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 existed in this location since it was built in 1997 and has not negatively affected surrounding properties. No changes are proposed with this renewal application, the approval of this renewal 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 10 of the Unified Development Ordinance, namely:

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§10.600(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 entire property parcel containing the Subject Property is 11.725 acres and the Tower Facility is located approximately in the middle of the property. A new tower is not proposed as part of this application. However, the existing Tower Facility is located a distance less than its height from the property lines on both the North Western and Eastern sides and was approved with such distances from the property lines in 1997. As the abutting property is also zoned Agricultural and Planned Industrial and the Tower Facility has been in this location for over nineteen (19) years without disrupting adjacent uses, the Applicant respectfully requests that the Commission authorize a modification from this requirement to allow for continued use of the Tower Facility.**
- b. **Guy Anchors.** Guy anchor foundations shall be setback a minimum of ten (10) feet from all property lines. **The guy anchor foundations are setback a minimum of ten (10) feet from all property lines.**
- 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. **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 abutting properties to the existing tower facility are zoned either Agricultural or Planned Industrial. The nearest residentially zoned property is not adjacent the Subject Property but rather across the highway known as US 470, however the distance from the property line of the Subject Property to the property line of the nearest residentially zoned property is less than four times the height of the tower, a waiver from this requirement is requested for the reasons set forth in Subsection (3).**

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3. This requirement may be waived if it is found to effectively prevent the provision of wireless telecommunications services within the City. **As mentioned in Section (2) above, the Applicant respectfully requests a waiver from a separation distance of four (4) times the height of the Tower Facility from the residential property to the across the highway, since the Tower Facility has existed in this location for over nineteen (19) years and has not adversely affected the existing residential use of the nearby. Further, the Tower Facility provides essential coverage for those traveling on US 470.**
- 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. **The Tower Facility is lit in accordance of FAA regulations.**
- 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 does not include commercial advertising; and is limited to ownership, contact information, the FCC antenna registration number, and other warning signs required by the FCC.**
- 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 trees which screens it from surrounding properties. Additionally the view from US 470 of the compound is blocked the by elevated terrain of the location. Since the Tower Facility is setback from adjacent properties and effectively screened, the Applicant respectfully requests a waiver from the landscaping requirements of Article 14.**
- 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

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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 in compliance with this condition.**
- 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 two wireless carriers, Sprint and Cricket Communications and can support several more colocations. Each carrier requires a specific height location for its equipment to function with the most effectiveness. Elimination of the tower would result in additional towers being built in the City. By granting this renewal application, the Commission would allow for the uninterrupted provision of wireless services by any installed wireless carrier and allow for increased coverage with future installations 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. **While the Tower Facility is located nearby US 470, the local terrain blocks the view from the highway. Additionally, the trees appropriately screen the compound and the tower itself does not obstruct any scenic or public viewpoints.**
 - 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 in a forested area and is surrounded by a buffer of existing trees. The tower has existed harmoniously in this location for many years. Located or be of such a height not to necessitate FAA coloring and lighting. Due to the height of the existing tower it must be in accordance with FAA requirements.**

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4. Located in industrial areas. **The Tower Facility is located in an Agricultural area, with the abutting properties also being zoned Agricultural or Planned Industrial. The Tower Facility existed at this location for over nineteen (19) years and is not a detriment to the community; by contrast, it is a proven benefit by providing wireless communications services to Lee's Summit residents.**
 5. 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 two wireless carriers. Each carrier places their respective equipment at different heights on the tower to allow for sufficient coverage of their specific radio frequency needs. The tower has been here for over nineteen (19) years and can accommodate future collocations. By permitting the continued use of the Tower Facility, the Commission would allow for the uninterrupted provision of wireless services by the carriers without the need for an additional tower in the City.**
 6. 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 in or 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 necessary equipment 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.**
1. 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 tower is painted a neutral gray color in order to reduce visual obtrusiveness and lit in accordance with FAA regulations.**
 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 screened from neighboring properties using the existing trees and landscaping around the tower. The Tower is painted a neutral gray color so as to not impose on the skyline.**

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not propose any changes to the Tower Facility, which is in conformity with the Section 6409 regulation.

Finally, 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 wireless providers and allow for future provides to expand their coverage within the City without having a negative impact on the surrounding neighborhood. Having reviewed the specific impacts and made the specific findings provided and detailed 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 will be granted a Special Use Permit renewal for a period of twenty (20) years.

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