

City of Lee's Summit

Development Services Department

September 8, 2017

TO: Planning Commission

CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services *J.R.S.*

PREPARED BY: Shannon McGuire, Planner

RE: **CONTINUED PUBLIC HEARING – Appl. #PL2017-142 – SPECIAL USE PERMIT for a telecommunication tower – 465 SE Oldham Pkwy; Skyway Towers, applicant**

Commentary

This application is for a new monopole telecommunication tower located at 465 SE Oldham Pkwy. This site is zoned PI (Planned Industrial) and is developed as a mini-warehouse storage facility. The telecommunication tower will be enclosed within a 50' x 50' fenced area immediately south of the storage buildings. The tower will be accessed through the storage facility.

Three modifications have been requested for this application. Modifications to the tower appearance and landscaping requirements have been requested and are staff supported. The third modification request is to the tower setback requirement. Plans provided by the applicant depict a 150-foot tower that complies with all tower setback requirements; however, the applicant requests a modification to allow a 160-foot tower that does not meet the tower setback requirement. Staff does not support this modification request.

A preliminary development plan application (Appl. #PL2017-143) for the tower site layout has been submitted and is also on this agenda for consideration.

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, subject to the following:

1. A modification shall be granted to the requirement that the tower be painted, to allow the tower to be galvanized as shown on the plans.
2. A modification shall be granted to the requirement that landscaping be planted to screen the view of the tower base and accessory structures/equipment, to allow that no landscaping be planted around the perimeter of the tower.
3. To comply with the requirements of the UDO, the tower shall maintain setbacks from all property lines a distance at least equal to the height of the tower as measured from the base of the structure to its highest point.
4. Approval of the special use permit is contingent upon approval of the preliminary development plan (Appl. #PL2017-143), for the telecommunication tower.

Project Information

Proposed Use: 150-foot or 160-foot monopole wireless communications facility

Zoning: PI (Planned Industrial District)

Land Area: 292,414.97 square feet (6.71 acres)

Site Area: 50' x 50' fenced area

Location: 465 SE Oldham Pkwy (Lot 1, *Browning Industrial Park East BLK.G*)

Surrounding zoning and use:

North (across SE Oldham Pkwy): US 50 Hwy

South: PI (Planned Industrial District) - Office/warehouse under construction

East: PI (Planned Industrial District) - Office/warehouse

West: PI (Planned Industrial District) - Office/warehouse

Background

- April 7, 1992 – The City Council accepted the final development plan (Appl. #1992-100) for Safety Mini Storage.
- May 4, 2000 – The City Council granted a special use permit (Appl. #1999-061) to operate a mini-storage facility for a period of 25 years, by Ord. #4960.

Analysis of the Special Use Permit

Ordinance Requirement. Under the Unified Development Ordinance (UDO), a special use permit is required for new telecommunication towers. The request is for a new monopole telecommunication tower located at 465 SE Oldham Pkwy. The monopole will be enclosed within a 50' x 50' fenced area and will be accessed from SE Oldham Pkwy through the existing mini-warehouse storage facility.

Tower Appearance. Modification requested. Staff **supports** granting the modification.

- Required – A telecommunication tower shall be painted a neutral color so as to reduce visual obtrusiveness, subject to any applicable standards of the FAA.
- Proposed – The applicant proposes an unpainted galvanized pole.
- Recommended – Staff recommends approval of the unpainted galvanized pole. A painted pole creates additional unneeded maintenance issues.

Landscaping. Modification requested. Staff **supports** granting the modification.

- Required – A tower facility shall be landscaped to provide a buffer of plant materials that effectively screen the view of the tower base and accessory structures from adjacent property.
- Proposed – No landscaping is proposed around the perimeter of the tower. The proposed tower location is located a little over 550 feet to the nearest public right-of-way (SE Oldham Pkwy to the north of the property). The tower site is located within an existing development and is fully covered by impervious surface.
- Recommended – Staff supports granting the modification. The proposed location of this tower is set back within this site far enough that existing buildings shall provide adequate screening of the base from any public view.

Tower Setback. Modification requested. Staff does **not support** the requested modification.

- Required – 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.
- Proposed – The plans submitted to the City, and included as an attachment to the staff report, depict a proposed 150-foot tower with a 150' setback from the south property line. The north, east and west setbacks are 314', 183' and 371', respectively. Said plans comply with the tower setback requirements.

However, the applicant requests a modification to allow a taller 160-foot tower with only a 150' setback from the south property line versus the required 160' setback. The taller tower would comply with the required setbacks from the north, east and west property lines.

- Recommended – Staff does not support the modification request to allow a 150' setback for a 160-foot tower. The applicant has submitted plans demonstrating the ability to meet the required 150' setback for a 150-foot tower while still maintaining functionality of the tower and tower site.

Surrounding Uses. The site is located at 465 SE Oldham Pkwy on the existing StorageMart self-storage development. The property is surrounded on the east, south and west by Planned Industrial districts. To the north across SE Oldham Pkwy is US 50 Highway. The nearest residential property, Roseland Heights, is located across US 50 Highway, approximately 1200 feet to the northwest of the tower site.

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.

Planning

2. The security fencing will be reviewed with the building permit and will require engineered drawings.
3. A structural analysis report, liability insurance, and FAA registration shall be submitted as part of the final development plan submittal.

Attachments:

1. Preliminary Development Plan, date stamped August 1, 2017 — 5 pages
2. Narrative submitted by applicant describing the facility, dated June 27, 2017 — 2 pages

3. Photos of surrounding properties — 5 pages
4. Photo simulations of the proposed tower as it would be viewed — 3 pages
5. Site Justification Plan, date stamped June 30, 2017— 4 pages
6. Tower Setback Modification Request, date stamped September 7, 2017 – 2 pages
7. Towers in Lee's Summit Table—3 pages
8. Location Map