

SKYWAY TOWERS /T-MOBILE APPLICATION
SEPARATION REQUIREMENT WAIVER REQUEST

This information is submitted in support of the Applicants' request for a waiver authorized under Section 10.600.F.3.c.(3) of the City's Unified Development Ordinance ("UDO").

The City of Lee's Summit ("City") has adopted setback and separation distance requirements for telecommunication towers/antennas as follows:

Section 10.600. Telecommunication towers/antennas

F. General requirements:

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 (**1: 1 setback**) 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. (**Emphasis added**).

b. **Guy Anchors.** Guy anchor foundations shall be 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. (**Emphasis added**).

(4) These separation distances may be waived if the Governing Body legislatively determines the application of these requirements would effectively prevent the provision of wireless telecommunications services within the City. (Emphasis added).

As detailed below, Applicant has determined that T-Mobile has a significant gap in its network wireless coverage and network capacity in this area of Lee's Summit and that the Proposed Site (defined below) is the only available site to resolve these network deficiency issues. No other alternative sites are available to remedy these issues. There is one existing support structure in the Search Area (defined below) but is not adequate for the objectives of the applicant and therefore no collocation opportunities are available to remedy the network deficiencies.

There are no properties in the Search Area that are "available" (defined below). The Proposed Site meets the UDO 1: 1 setback requirement but does not meet the one (1) mile separation requirement

from existing towers over 90 feet in height. The separation distance from the Proposed Site to the existing structure (Missouri Department of Transportation) is .27 miles. The Applicants respectfully request the City grant a waiver of .73-mile separation requirement to satisfy the separation requirement.

Wireless communications systems rely on an overlapping and interconnected network of wireless facilities, or WCF's. WCF's are comprised of radio antennas together with other necessary electronic equipment that receive and transmit low-power radio signals to and from mobile wireless devices, thereby facilitating wireless communications. For the system to function without "gaps" in radio signal coverage and network capacity, the WCF's must be properly located, installed and functioning. If there is no properly functioning WCF within a given area, wireless service will be significantly impaired for customers within such areas. These wireless customers will experience unacceptable levels of wireless service, including failed attempts, busy signals, dropped calls and lack of data transmission.

A WCF must be located on a support structure that is of sufficient height to transmit and receive radio signals and located within a specific geographical area to provide line-of-sight communications with wireless devices. Each WCF has a limited maximum coverage area and limited maximum capacity, the extent of which varies depending upon several factors, including the antenna height, local topography, configuration of various existing structures and population densities.

T-Mobile's radio frequency ("RF") engineers determined that a significant gap in its network wireless coverage and network capacity exists in and around this area of Lee's Summit. See T-Mobile RF Report attached as Addendum I. To remediate these network deficiencies, T-Mobile engaged Skyway Towers to construct a WCF facility in this area of Lee's Summit. The T-Mobile RF engineers defined a geographic area called a "Search Area" near which the new WCF should be located.

Skyway Towers engaged the services of SSC to canvass the Search Area to determine if there were any existing support structures upon which the T-Mobile WCF could be collocated. SSC determined that there were no existing support structures of any kind in the Search Area and then canvassed the various tracts of land in the Search Area to investigate whether any of those tracts were "available" to build a new support structure to accommodate T-Mobile's WCF. To be "available" means the land tract (1) is located in the Search Area; (2) meets the requirements of the City's zoning regulations for a WCF; (3) contains sufficient land area to construct a WCF; and (4) the landowner is willing to lease the land under mutually agreeable terms. If the land tract cannot meet all 4 requirements, then it is NOT available for development of a WCF.

After a thorough investigation and serious consideration of all feasible alternative sites, T-Mobile and Skyway Towers determined that the Proposed Site is the only site in the Search Area that is "available" for development of a new WCF.

The proposed location of the WCF is legally described is located at 465 Southeast Oldham Parkway, Lee's Summit and is legally described as follows:

LOT 1, BROWNING INDUSTRIAL PARK EAST, BLOCK G, LOT 1, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI (the "Proposed Site").

The other alternative locations in the Search Area and the reasons they were not available are described below. An aerial map showing the Search Area, the Proposed Site, and the alternative locations is attached as Addendum 1.

1. **Lee Summit High School:** There are no undeveloped areas that are practically capable of supporting a new WCF on this property. The property owner declined the proposal to allow a new WCF on the property. The proposal was for a light standard replacement with a WCF due west of the football complex. The only other possible locations would not meet the UDO 1:1 setback requirement.
2. **Kraft Thomas Anthony-Trustee:** Multiple attempts were made to contact the owner but the owner was non-responsive.
3. **Pro Build:** Multiple attempts were made to contact the owner but the owner was non-responsive.
4. **Jim Properties LLC 2:** The property owner declined the proposal to allow a new WCF on the property. The property owner has plans for future development and in order to meet the UDO 1:1 setback the WCF would need to be located in the center of the property. All other locations on the property would not meet the UDO 1:1 setback.
5. **Jim Properties LLC:** There are no undeveloped areas that are practically capable of supporting a new WCF on this property. The property owner declined the proposal to allow a new WCF on the property. The property owner has plans for future development and in order to meet the UDO 1:1 setback the WCF would need to be located in the center of the property. All other locations on the property would not meet the UDO 1:1 setback.
6. **Kell-Nell LLC:** There are no undeveloped areas that are practically capable of supporting a new WCF on this property. The property owner declined the proposal to allow a new WCF on the property. The proposed WCF would need to be located on the west portion of the property to meet the UDO 1:1 setback. The location proposed was declined by the property owner due to restricting use for his business and for future expansion to the existing building. All other locations on the property would not meet the UDO 1:1 setback.

For the reasons stated above, these alternative sites were not "available" according to the 4 criteria above. The Proposed Site is the only site meeting all 4 criteria. Denial of the waiver would effectively prevent the provision of wireless telecommunications services within the City.

1. Lee's Summit High School

2. KRAFT THOMAS ANTHONY TRUSTEE & MO-07000 SE Blue Pkwy

3. Pro Build

4. Jim Properties LLC 2

5. Jim Properties LLC

6. KELL-NEILL LLC

Proposed Skyway/T-Mobile Cell Tower Site (Storage-Mart)

SE Main St, SE Green St, SE 8th, SE 9th, SE Blue Pkwy, SE Oldham Pkwy, SE Blowing Rock Pkwy, SE 11th, SE 12th, SE 13th, SE 14th, SE 15th, SE 16th, SE 17th, SE 18th, SE 19th, SE 20th, SE 21st, SE 22nd, SE 23rd, SE 24th, SE 25th, SE 26th, SE 27th, SE 28th, SE 29th, SE 30th, SE 31st, SE 32nd, SE 33rd, SE 34th, SE 35th, SE 36th, SE 37th, SE 38th, SE 39th, SE 40th, SE 41st, SE 42nd, SE 43rd, SE 44th, SE 45th, SE 46th, SE 47th, SE 48th, SE 49th, SE 50th, SE 51st, SE 52nd, SE 53rd, SE 54th, SE 55th, SE 56th, SE 57th, SE 58th, SE 59th, SE 60th, SE 61st, SE 62nd, SE 63rd, SE 64th, SE 65th, SE 66th, SE 67th, SE 68th, SE 69th, SE 70th, SE 71st, SE 72nd, SE 73rd, SE 74th, SE 75th, SE 76th, SE 77th, SE 78th, SE 79th, SE 80th, SE 81st, SE 82nd, SE 83rd, SE 84th, SE 85th, SE 86th, SE 87th, SE 88th, SE 89th, SE 90th, SE 91st, SE 92nd, SE 93rd, SE 94th, SE 95th, SE 96th, SE 97th, SE 98th, SE 99th, SE 100th