



**LEE'S SUMMIT**  
**MISSOURI**  
Development Services Department

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## Development Services Staff Report

<b>File Number</b>	PL2019-147
<b>File Name</b>	SPECIAL USE PERMIT renewal for a telecommunications tower
<b>Applicant</b>	American Tower Asset Sub II, LLC
<b>Property Address</b>	111 SW Hook Rd.
<b>Planning Commission Date</b>	June 27, 2019
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	C. Shannon McGuire, Planner
<b>Checked By</b>	Hector Soto, Jr., AICP, Planning Manager Kent D. Monter, PE, Development Engineering Manager

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### Public Notification

Pre-application held: n/a  
Neighborhood meeting conducted: n/a  
Newspaper notification published on:  
Radius notices mailed to properties within 185 feet on: June 3, 2019  
Site posted notice on: June 7, 2019

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### Attachments

Site Plan – 4 pages  
Applicant Narrative – 6 pages  
Applicant Response to Use Conditions – 2 pages  
Location Map

## 1. Project Data and Facts

Project Data	
<b>Applicant/Status</b>	American Tower Asset Sub II, LLC / Owner
<b>Applicant's Representative</b>	David Tracy
<b>Location of Property</b>	111 SW Hook Rd
<b>Size of Property</b>	±3.48 acres
<b>Zoning</b>	AG (Agricultural District)
<b>Comprehensive Plan Designation</b>	Long Term Retail Opportunity
<b>Procedure</b>	<p>The Planning Commission makes a recommendation to the City Council on the proposed special use permit. The City Council takes final action on the special use permit.</p> <p><b>Duration of Validity:</b> A special use permit shall be valid for a specific period of time if so stated in the permit.</p>

Current Land Use
The tower facility is the sole use of the 3.48 acre wooded lot.

Description of Applicant's Request
This application is for a special use permit (SUP) renewal for a 298' tall guyed telecommunication tower. The applicant has requested an indefinite SUP with no established expiration date per §67.5094 R.S.Mo., Subpart 14.

## 2. Land Use

Description and Character of Surrounding Area
The property north of the proposed site is a 5.09-acre parcel of undeveloped wooded land. M-291 Hwy is located east of the property. South of the property is a veterinarian office and undeveloped agricultural land. A KCP&L power substation and undeveloped agricultural land is located west of this property.

### Adjacent Land Uses and Zoning

<b>North:</b>	Undeveloped wooded parcel/CP-2 (Planned Community Commercial) KCP&L power substation/AG
<b>South:</b>	Veterinarian office/CP-2 (Planned Neighborhood Commercial) Undeveloped agricultural land/AG
<b>East:</b>	M-291 Highway
<b>West:</b>	KCP&L power substation/AG

Site Characteristics
The wooded site consists of an irregular shaped lot bordered by M-291 Hwy to the east. The primary

access is from SW Market St via a gravel driveway shared with the abutting KCP&L substation.

### 3. Project Proposal

#### Site Design

Land Use	
Existing use	298' guyed tower (existing)
Land area	151,724.77 sq. ft. (3.48 acres)
Site area	90'x60' fenced area

### 4. Unified Development Ordinance (UDO)

Section	Description
6.620, 6.630, 6.640, 6.650	Special Use Permit
6.1200	Telecommunication Towers

Use of the subject property as a telecommunication tower site is allowed under the UDO in the AG zoning district with approval of a special use permit, subject to certain conditions. Conditions currently in effect under the UDO include, but are not limited to, setbacks and separation distances from other telecommunication towers. City ordinances in effect at the time of the original special use permit approval in 1989 did not have any such use conditions for a telecommunications tower. Any existing condition that does not comply with the current requirements of the UDO is a lawful non-conforming condition, and as such does not require modifications as part of the approval for a special use permit renewal.

The following are current requirements of the UDO with which the existing telecommunications facility does not comply. As previously stated, these are lawful non-forming conditions that require no further action; they are listed below solely for your information.

- Setbacks. **Existing condition; no modification required.**
  - Required – New towers shall be set back a distance equal to the height of the tower from all property lines.
  - Existing – The existing 298' tower is set back 243' from the north property line; 169' from the south property line; 60' from the west property line; and 266' from the east property line.
- Separation Distance from other Telecommunications Towers. **Existing condition; no modification required.**
  - Required – A tower over 90' in height shall be separated from any other telecommunication tower over 90' in height by a distance of at least one (1) mile (5,280 feet).
  - Existing – The existing 298' tower is separated a distance of approximately 5,140 feet from the tower located at 3650 SW Windemere Dr. It should be noted that the subject tower pre-dated the tower on SW Windemere Dr by 8 years.

### 5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Overall Area Land Use	Objective 1.1 Objective 1.4
Economic Development	Objective 2.1 Objective 2.2
Public Facilities and Services	Objective 6.5

The ever-increasing reliance on telecommunications for personal, business and other uses places an increased need and importance for providing a strong telecommunication network in the community. By providing wireless service to the community, the tower serves the needs of the public and first responders by promoting the health, safety, convenience and general welfare of the community.

## 6. Analysis

### Background and History

- May 9, 1989 – The City Council approved a special use permit (Appl. #1989-013) for this microwave/cellular communications tower for a period of 10 years by Ordinance No. 3287, expiring May 9, 1999.
- July 19, 2007 – The City Council approved UDO Amendment #23 to update the Special Use Permit regulations for telecommunications towers.
- September 20, 2007 – The City Council approved a special use permit renewal (Appl. #2007-027) for the tower for a period of 10 years from the previous expiration date, to expire on May 9, 2009.
- March 4, 2010 - The City Council approved a special use permit renewal (Appl. #2009-098) for the tower for a period of 10 years from the previous expiration date, to expire on May 9, 2019.

The applicant seeks approval for the renewal of a special use permit for the existing 298' telecommunications tower located adjacent to the intersection of SW Hook Rd and SW Market St. The tower was constructed in 1989 and has received two special use permit renewals since its original approval. There is no proposed increase in tower height or expansion of the tower compound boundaries as part of the special use permit renewal.

The applicant requests that the special use permit renewal be approved for an infinite time period, meaning that the special use permit renewal shall not expire. Under §67.5094.(14) R.S.Mo. of the Uniform Wireless Communications Infrastructure Deployment Act, the City is prohibited from limiting the duration of the approval of the special use permit renewal application.

### Compatibility

The character of the surrounding area will not be negatively impacted by the continued presence of the tower and its associated equipment. The tower has existed on the site for approximately 30 years. The compound is screened by existing vegetation to minimize visual effects of the equipment on surrounding property.

**Adverse Impacts**

The tower facility is designed, located and proposed to be operated so that the public health, safety and welfare will be protected. It is structurally compliant with all local, state and federal regulation as certified by a Missouri licensed engineer.

Renewal of the SUP will not create excessive storm water runoff, air pollution, water pollution, noise pollution or other environmental harm.

**Public Services**

The tower has little or no impact on the existing public facilities and services. Access to the tower site is adequately served by SW Market St to the east. The tower generates an infrequent and minimal amount of traffic onto the surrounding street network.

Renewal of the special use permit will not impede the normal and orderly development and improvement of the surrounding property. A strong telecommunications network serves as an asset for existing and future development.

**Recommendation**

The application meets the requirements of the UDO and/or the Design and Construction Manual (DCM).