

## Legislation Details (With Text)

**File #:** 2016-0688      **Name:**

**Type:** Public Hearing - Sworn      **Status:** Passed

**File created:** 10/26/2016      **In control:** City Council - Regular Session

**On agenda:** 7/13/2017      **Final action:** 7/13/2017

**Title:** CONTINUED PUBLIC HEARING - Appl. #PL2016-190 - SPECIAL USE PERMIT renewal for telecommunication towers - 2140 NW Lowenstein Dr.; American Tower Asset Sub II, LLC, applicant. (NOTE: This item was continued from April 6th, May 18th and June 1st, 2017 per the applicant's request.)

**Sponsors:** Planning and Special Projects

**Indexes:**

**Code sections:**

**Attachments:** 1. Planning Commission Minutes, 2. Staff Letter CC, 3. Site Plan, 4. Statement in Support, 5. Photos of Subject and Surrounding Properties, 6. Special Use Permit Tower Table, 7. RSMo Section 67.5094, 8. Location Map

| Date       | Ver. | Action By                      | Action                              | Result |
|------------|------|--------------------------------|-------------------------------------|--------|
| 6/1/2017   | 1    | City Council - Regular Session | continued                           | Pass   |
| 2/28/2017  | 1    | Planning Commission            | recommended for approval as amended | Pass   |
| 1/24/2017  | 1    | Planning Commission            | continued                           | Pass   |
| 12/13/2016 | 1    | Planning Commission            | continued                           | Pass   |

CONTINUED PUBLIC HEARING - Appl. #PL2016-190 - SPECIAL USE PERMIT renewal for telecommunication towers - 2140 NW Lowenstein Dr.; American Tower Asset Sub II, LLC, applicant. (NOTE: This item was continued from April 6th, May 18th and June 1st, 2017 per the applicant's request.)

Issue/Request:

This application is for a special use permit renewal for both a 200-foot tall self-supporting telecommunication tower and a 500-foot tall guyed telecommunication tower at 2140 NW Lowenstein Drive, respectively. The telecommunication towers have existed on this site for approximately 25 and 31 years, respectively. The subject application for special use permit renewal does not propose any increase in height to the existing tower.

The Uniform Wireless Communications Infrastructure Deployment Act was signed into law in the state of Missouri in 2013. The law placed limitations on the ability of cities and other political subdivisions to place certain requirements or restrictions on wireless infrastructure applications. Whereas special use permits are normally granted for a specific period of time, the subject application will not have a time period limitation placed on it. Missouri Revised Statutes (RSMo) §67.5094, Subpart 14 lists "Prohibited Acts of 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. The special use permit shall be granted for a period of twenty (20) years. (Added at the Planning Commission meeting, at the applicant's request.)**

Commission Recommendation: On the motion of Mr. Delibero, seconded by Mr. Rader, the Planning Commission members voted unanimously by voice vote on February 28, 2017, to recommend **APPROVAL** of continued Application #PL2016-190, Special Use Permit renewal for telecommunication towers: 2140 NW Lowenstein Dr.; American Tower Asset Sub II, LLC, applicant; amending the recommendation as stated.