

Legislation Details (With Text)

File #: 2017-1461 **Name:**
Type: Public Hearing - Sworn **Status:** Passed
File created: 8/18/2017 **In control:** City Council - Regular Session
On agenda: 10/5/2017 **Final action:** 10/5/2017
Title: Public Hearing - Appl. #PL2017-142 - Special Use Permit for a telecommunication tower - 465 SE Oldham Parkway; Skyway Towers, applicant.

Sponsors:

Indexes:

Code sections:

Attachments: 1. PC Minutes, 2. Staff Letter, 3. Preliminary Development Plan, 4. Applicant's Narrative, 5. Photos of Surrounding Properties, 6. Photo Simulations, 7. Site Justification Plan, 8. Tower Setback Modification Request, 9. Towers in Lees Summit Table, 10. Location Map

Date	Ver.	Action By	Action	Result
10/5/2017	1	City Council - Regular Session	approved	
9/12/2017	1	Planning Commission	recommended for approval	Pass
8/22/2017	1	Planning Commission	continued	Pass

Public Hearing - Appl. #PL2017-142 - Special Use Permit for a telecommunication tower - 465 SE Oldham Parkway; Skyway Towers, applicant.

Issue/Request:

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.

Committee Recommendation: **PLANNING COMMISSION ACTION:** On motion of Ms. Roberts and seconded by Mr. Lopez, the Planning Commission voted seven “yes” (Mr. Watson, Mr. Lopez, Ms. Dial, Ms. Roberts, Mr. Funk, Mr. Sims, and Ms. Arth) and one “no” (Mr. Norbury) by voice vote to **Recommend APPROVAL** of Appl. # **PL2017-142 - SPECIAL USE PERMIT for a telecommunication tower - 465 SE Oldham Pkwy; Skyway Towers**, applicant.