



STAFF REPORT

Planning Commission Meeting: June 10, 2024

Application:	<u>SU23-0007</u>: Request for approval of a Special Use Permit for a compound expansion of existing telecommunications facility.
Location:	15201 S. Mur-Len Road
Owner:	Global Signal Acquisitions IV, LLC
Applicant:	Justin Davis, Crown Castle
Staff Contact:	Andrea Fair, AICP; Planner II

Site Area:	<u>7.43 acres</u>	Proposed Use:	<u>Expansion of an Existing Telecommunications Facility</u>
Existing Zoning:	<u>CP-3 (Planned Community/ Corridor Business District)</u>	Plat:	<u>Unplatted</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Conventional Neighborhood	Commercial & Telecommunications	CP-3 (Planned Community/Corridor Business)
North	Community Commercial Center	Commercial, Retail	C-2 (Community Center)
South	Conventional Neighborhood	Residential, Single-Family	C-O (Office)/R-1 (Single-Family)
East	Conventional Neighborhood	Residential, Single-Family	C-O (Office)/R-1 (Single-Family)
West	Conventional Neighborhood	Residential, Single-Family	R-1 (Single-Family)

1. Introduction

The applicant is requesting a special use permit for the expansion of an existing compound area housing ground mounted utilities for a Verizon Wireless telecommunications facility located at 15201 S. Mur-Len Road. The applicant is proposing a 348 square foot expansion to accommodate a 264 square foot equipment shelter and accessory ground equipment. New antenna for Verizon will also be installed on the existing 100-foot tall tower. The increase in compound area is considered a major modification per Unified Development Ordinance (UDO) Section 18.15.220.F.2 which requires approval of a special use permit.

2. History

The property was zoned to the CP-3 (Planned Community/Corridor Business) District in 1978 (RZ78-0023). There is an existing building directly west of the telecommunications facility that was constructed in 1969 for commercial warehouse uses. In 2000, a 60-foot tall telecommunications tower was constructed, which was the maximum height allowed without the need for a special use permit. In 2019, a special use permit (SU19-0007) was approved to increase the total height of the tower to 100 feet and an expansion of the compound area of 660 square feet.

3. Existing Conditions

The subject property contains existing commercial warehouse structures that were built in 1969 and have contained various uses over the past 50 years. The existing telecommunications facility was constructed in 2000 and an additional antenna was approved for a second provider in 2010 (PAR10-0004). The City owns the property directly south which currently contains a fiber equipment facility for Google.



View of the subject property looking northeast.



Site location map – outlined in yellow.

Location of compound area – outlined in red.

4. Zoning Standards

- a. **Land Use** – No changes to existing land uses are proposed. The existing telecommunications tower and proposed expansion of the compound area require approval of a special use permit; no other uses are requested at this time.
- b. **Height** – The equipment building is 10 feet tall and complies with the 12-foot maximum height requirement. New antenna will be mounted on the existing tower at a centerline of 75 feet, co-located on the existing 100-foot tower that was approved under application SU19-0007.
- c. **Setbacks** – The proposed structure exceeds all minimum setback requirements from the property line and nearby residential properties. The ground equipment is setback 160 feet from the north property line, 155 feet from the south property line, 110 feet from the east property line, and 190 feet from the west property line.

5. Development Standards

- a. **Access/Streets** – The facility maintains access from an existing driveway that connects to S. Mur-Len Road. Portions of the drive consist of asphalt while other portions of the existing access are gravel just north of the buildings.

- b. **Accessory Equipment** – The applicant is requesting an expansion of the existing compound area to install additional necessary ground equipment and a 264 square foot equipment building. The equipment includes a generator, ice bridge and other accessory components which will be contained within a fenced enclosure to screen all ground-level components from view. All cables and power trunks will be run through the inside of the tower to limit the visibility of accessory components on the monopole structure. The equipment building is a prefabricated structure that is 264 square feet, 10 feet tall and will complement the colors of the existing structures on site. The equipment building meets all UDO requirements.
- c. **Landscaping** – Screening of the ground-level equipment will be provided through the planting of a row of staggered evergreen trees east and south of the compound area. The chain-link fencing surrounding the existing compound area will be removed and replaced with black vinyl coated fabric fencing along the entire perimeter of the compound area. The plans currently show barbed wire along the top of the fence which is not permitted in commercial districts and staff has stipulated that all barbed wire must be removed from plans prior to building permit submittal.

6. Public Notification and Neighborhood Meeting

The applicant mailed the required public notification letters to surrounding property owners within 200-feet and posted a sign on the subject property per UDO requirements. A neighborhood meeting was also held in accordance with the UDO on April 5th, 2024 and no members of the public attended the meeting. Staff has received correspondence from one individual and responded to their inquiries.

7. Time Limit

According to UDO 18.50.220, special use permits for telecommunications facilities are approved for an initial time limit of 10 years with subsequent renewals of 10 years each. This special use permit will replace the existing special use permit (SU19-0007).

8. UDO Special Use Criteria

The Future Land Use Map of the PlanOlathe Comprehensive Plan identifies the subject property as a Conventional Neighborhood. The site is currently zoned CP-3 (Planned Community/Corridor) and the site is surrounded by residential, and commercial uses. A SUP is required for telecommunication facilities in any zoning district to ensure adequate precautions are taken to ensure compatibility with the surrounding area. The proposed special use meets the following policy elements of the Comprehensive Plan:

CF-2.3 Service Provider Coordination: Coordinate with other service providers on development requests to ensure that necessary services not provided by the City should be made available for planned new development and redevelopment.

Staff reviewed the application against UDO criteria for considering all special use applications, as listed in UDO Section 18.40.100.F. Staff finds the request meets the criteria as detailed below.

A. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.

PlanOlathe promotes that the installation and extension of all utilities will be consistent with the provisions of the comprehensive plan and with the responsibilities of the respective utility providers. The proposed use will conform with comprehensive plan principles and other planning policies adopted by the City.

B. The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).

The property is surrounded by commercial uses to the north, and traditional single-family residential uses of one and two-story heights to the west, south and east. The proposed use is located interior to the site to provide the greatest extent of separation from the surrounding neighborhoods and is partially screened by the existing commercial/warehouse structure. The proposal meets the minimum height and setback requirements that are permitted for telecommunications facilities in a nonresidential district.

C. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning districts and uses.

The surrounding properties contain R-1 and C-2 zoning districts which are both considered low-intensity, residential and commercial districts. The regulations for telecommunications facilities ensure that residents and businesses have reliable access to wireless telecommunications networks while also protecting the health, safety, welfare, and aesthetic character of the community.

D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

The property is suitable for the permitted uses to which it has been restricted within the CP-3 District; however, a special use permit is required in all districts to further evaluate the compatibility of telecommunications facilities in regard to existing conditions in the surrounding area.

E. The length of time the property has remained vacant as zoned.

The subject property is not currently vacant and was zoned CP-3 Planned Commercial District in 1978. A special use permit for a telecommunications facility was originally approved in 2019 and the facility has been operational since that time.

F. The extent to which approval of the application would detrimentally affect nearby properties.

The compound expansion is not anticipated to detrimentally affect nearby properties. The proposed expansion to the telecommunications facility is located within the interior of the site with considerable setbacks to minimize visual impact from the arterial roadway and surrounding properties. The ground mounted equipment is completely screened from view from Mur-Len Road by the existing building. Additional landscaping will be planted to provide screening of the ground equipment from residential properties located to the east and south.

G. The extent to which development under the proposed district would substantially harm the value of nearby properties.

The compound expansion is not anticipated to harm the value of nearby properties. The proposed expansion to the telecommunications facility is located within the interior of the site to minimize visual impact from the arterial roadway and surrounding properties. Additional landscaping will be planted to provide screening of the ground equipment from residential properties located to the east and south.

H. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.

The proposed use will have no impact on the surrounding road network or parking available on the property.

I. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.

Staff is not aware of any potential for unlawful levels of air, water, or noise pollution with the proposed expansion. Landscaping is being added to the site and there is no increase in impervious surface. The use is subject to all local, state, and federal environmental guidelines.

J. The economic impact of the proposed use on the community.

The proposed telecommunications facility compound expansion accommodates additional coverage for current and future wireless customers in the surrounding vicinity.

K. The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

There is no gain or detriment to the public health, safety, or welfare if the application were denied. If the application were denied, the applicant would not be able to expand the compound area to accommodate the additional equipment.

9. Staff Recommendation

Staff recommends approval of the special use permit (SU23-0007) with the following stipulations:

1. The special use permit for the Telecommunication Facility and expanded compound area is approved for a ten (10) year period effective from the date of the Resolution.
2. All landscaping must be installed per plans dated May 28, 2024 prior to certificate of completion.
3. Barbed wire is prohibited in commercial districts and must be removed from all plans with building permit submittals.