



STAFF REPORT

Planning Commission Meeting: February 23, 2026

Application:	<u>SU25-0007</u>: Request for approval of a Special Use Permit for a Telecommunications Facility (Monopole)
Location:	South of W. 151 st Street and west of Red Bird Street
Owner:	Ronald A. Mather Properties LLC
Applicant:	Emily Roseberry: SSC, Inc.
Engineer/Architect:	Larry Louk; Selective Site Consulting
Staff Contact:	Jessica Schuller, AICP, Senior Planner

Site Area: 0.05 acres **Proposed Use:** Telecommunications Facility

Existing Zoning: M-2 (General Industrial) **Plat:** New Century Business Park

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Employment Area	Flex Space, Contractor Garage & Mini-Warehouse	M-2
North	Conventional Neighborhood	Single-Family	M-2/R-1
East	Employment Area	Flex Space, Contractor Garage & Mini-Warehouse	M-2
South	Industrial Area	Warehousing / Distribution	M-2
West	Employment Area / Industrial Area	Vacant / New Century Airport	M-2

1. Introduction

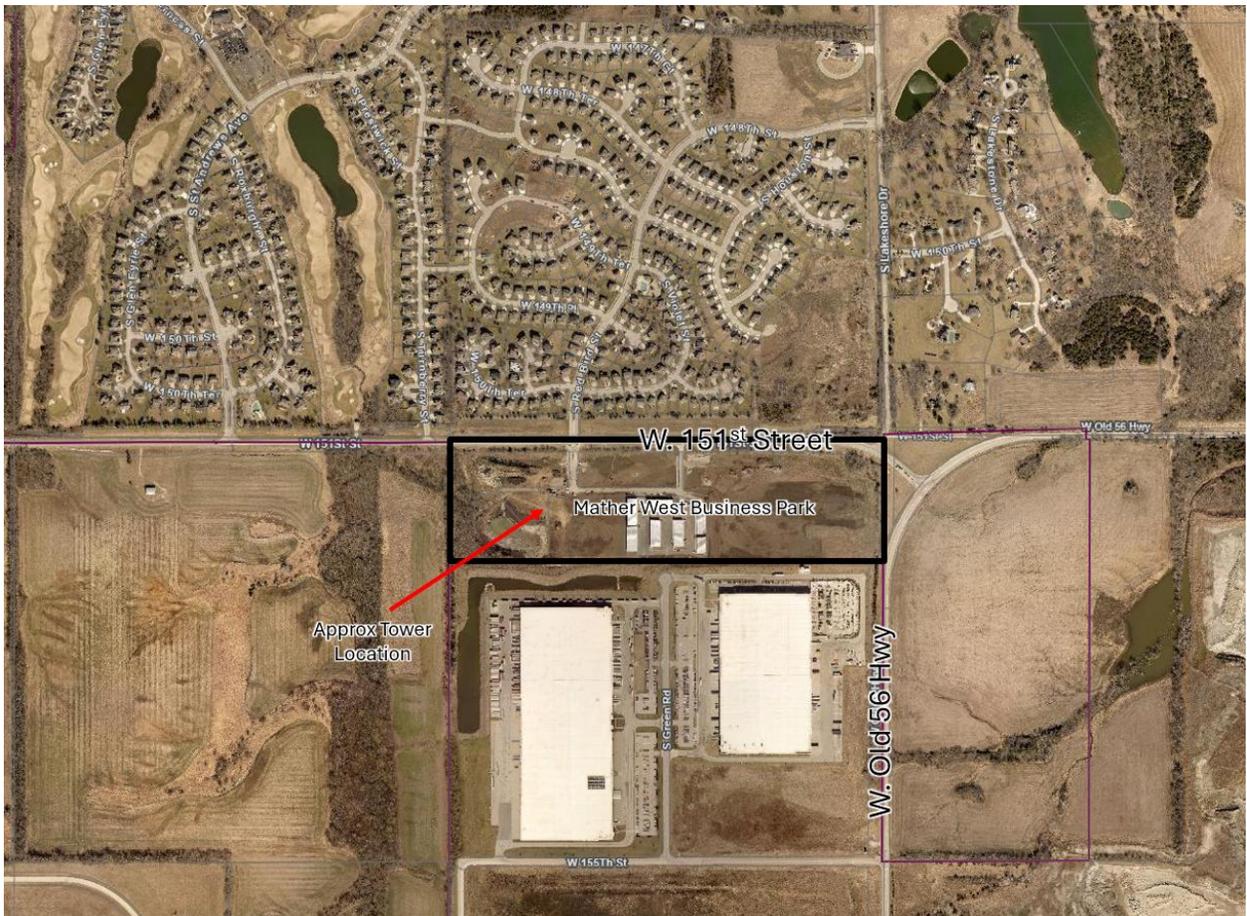
The applicant is requesting a special use permit for a 143-foot-tall monopole telecommunications facility, located south of W. 151st Street and west of S. Red Bird Street. The monopole is proposed central to the Mather West Olathe Business Park, which is partially constructed, and will be sited behind two future buildings and parking lot which screens all

ground equipment from public roadways to the north and east. A detention basin is located directly south and west. The proposed facility includes a fenced compound to house the monopole and future ground mounted equipment. The monopole is designed to support the antennas and equipment at three (3) centerlines ranging from 115 feet to 138 feet high on the monopole.

The Unified Development Ordinance (UDO) requires a special use permit for telecommunications facilities in all zoning districts. The subject property is also located within one mile of the Johnson County Executive Airport and is therefore subject to review by the Johnson County Airport Commission and the Johnson County Board of County Commissioners prior to publication of a zoning ordinance.

2. History

The subject property was annexed and zoned to the M-2 (General Industrial) District in 1988 and was platted as part of the New Century Business Park in 2024. A preliminary site development plan for the Mather West Olathe Business Park was approved in 2022 for a mix of flex warehousing, contractor garages and mini storage uses. A final development plan was approved in 2023 and the development is partially completed today.



3. Existing Conditions

The Mather West Olathe Business Park is actively under construction, with existing buildings constructed on the north and east sides of the property. The proposed tower location is on a yet undeveloped parcel in the business park, just north of the existing detention basin. Two rows of buildings will be constructed directly north of the proposed tower.



4. Process

The telecommunications facility is subject to both federal and state statutes which provide the framework for the City's regulations. The telecommunications facility will meet or exceed regulations of the Federal Aviation Administration, the Federal Communications Commission, the State of Kansas and any other agency with authority to regulate telecommunications facilities.

Per Kansas State Statute (K.S.A. 66-2019) criteria to which the City can and cannot review and render their decision are identified. The City as the approving authority is bound by specific requirements in reviewing and evaluating an application for a telecommunications facility. These conditions include but are not limited to:

- Evaluate an applicant's business decisions regarding service or customer demand for service
- Require information concerning the need for the wireless support structure
- Evaluate an application based on the availability of other potential locations including co-location on existing structures
- Impose unreasonable requirements regarding the appearance or function of the facility including materials used, landscaping or screening of facilities
- Impose environmental testing or compliance measures for radio frequency emissions that exceed federal law/requirements
- Reject an application in part or whole based on perceived or alleged environmental effects or radio frequency emissions or exposure
- Condition approval based on the applicant's agreement to permit other wireless facilities or co-location on the proposed structure
- Limit the duration of an approval to less than ten years

Staff's review and recommendations adhere to K.S.A. 66-2019 in addition to the City's Municipal Code.

5. Zoning Standards

- a. **Land Use** – The proposed Telecommunication Facility use requires approval of a special use permit within the M-2 (General Industrial) District.
- b. **Structure Height** – Unless otherwise approved, the maximum height for the monopole support structure per UDO 18.50.220.D is 150 feet, excluding the lightning arrestor. The proposed monopole is 143 feet tall, meeting this requirement.
- c. **Setbacks** – Per UDO 18.50.220, support structures must be setback from all platted property lines a distance equal to 50 percent of the height of the structure, measured from the base of the structure to its highest point (excluding the lightning arrestor). Therefore, a 71.5-foot setback to the nearest property line is required. The monopole support structure is not meeting this setback requirement from the eastern property line, where a setback of 40 feet is proposed. Per the UDO, a deviation to the setbacks may be requested

by the applicant for the Planning Commission's recommendation and consideration by the Governing Body (see Section 8 for further details regarding the request for this deviation).

6. Development Standards

- a. **Access/Streets** – Paved access must be provided to the telecommunication support structure and utility cabinets. Paved driveway and parking areas will be constructed from 151st Street to the tower lease area, meeting this requirement.
- b. **Photo Simulations** – Line-of-sight drawings or photo simulations are required showing the proposed structure from at least three directions per UDO 18.50.220 requirements. Three photo simulations are attached, showing how the monopole would be viewed from 151st Street and looking east, west and south.
- c. **Landscaping/Screening** – A six-foot-high chain link fence with 3-strand barbed wire and mesh fabric is proposed around the telecommunications facility. The facility is located south of a future building to be constructed within the Mather West Business Park, which obstructs the view of all ground equipment and fencing from 151st Street; therefore, no additional landscape screening is required.
- d. **Accessory Equipment** – Ground-level equipment must conform to the setbacks for accessory uses in the applicable zoning district. The locations of all future ground-level equipment are located on the site plans and meet these setback requirements.

7. Support Structure and Antenna Design Criteria

As required by UDO 18.50.220, the monopole support structure is a galvanized finish with cables running interior to the monopole support structure. The UDO recommends that antennas should be flush mounted to the pole where economically and technically feasible. The applicant is proposing a sector-mount design, which has less bulk than a traditional triangular antenna array, while still supporting current wireless technologies that a flush-mount design can't accommodate. Staff is supportive of the proposed sector-mount design.

8. Exceptions to Setbacks

Per UDO 18.50.220, support structures must be setback from all platted property lines a distance equal to 50 percent of the height of the structure, measured from the base of the structure to its highest point (excluding the lightning arrestor). The monopole is setback a distance of 40 feet from the eastern property line rather than the 71.5 feet required (a deviation request of 31.5 feet).

As provided by UDO 18.50.220.D.4.d, the Planning Commission may recommend, and the Governing Body may approve, a deviation from the setback requirements if it finds that all of the following conditions are met:

1. That the deviation is appropriate.
2. The deviation will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of this ordinance would constitute unnecessary hardship upon the property owner represented in this application.
4. That the deviation will not adversely affect the public health, safety or general welfare.

The applicant provided responses to each justification criteria (see Attachment B) noting that the monopole is located at the southeast corner of the parcel in order to tuck it into the corner of the site and maintain adequate parking and turnaround space for semi-trucks access the loading docks of the future building on site. The adjacent property to the east is currently under the same ownership and is planned for the development of unoccupied storage units. Staff is supportive of the proposed deviation to setbacks for these reasons.

9. 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. Property owners within 500 feet of the site included the applicant, and City, therefore no neighborhood notice was required. No public correspondence was received by staff or the applicant.

10. Time Limit

Per UDO 18.50.220, special use permits for telecommunications facilities are approved for an initial time limit of 10 years with subsequent renewal opportunities of 10 years each.

11. UDO Special Use Criteria

The future land use map of the Comprehensive Plan identifies the subject property as part of an Employment Area. Staff is supportive of the proposed use with approval of a Special Use Permit as Telecommunications Facilities are higher intensity uses that are visible from great distances due to their height. The following are criteria for considering special use applications as listed in UDO Section 18.40.090.

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

The Comprehensive Plan designates the subject property as part of an Employment Area which allows for a variety of uses, including light-industrial, and commercial uses. The proposed Telecommunications Facility requires approval of a special use permit in all zoning districts, to ensure access to reliable wireless communications services and to minimize community impacts. The proposed telecommunications facility is consistent with the goals and principles 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.

The proposed telecommunications facility is appropriate for the M-2 District and is located in a manner to avoid conflicts with future development within the Mather West Business Park.

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).

Across 151st Street, the single-family neighborhood of Oak Run is fully built-out and consists of traditional 2-story homes. Significant landscaping is located south of the existing homes and will be continued south of 151st Street as part of the Mather West development. Buildings within the Mather West Business Park are single-story and faced with brick masonry and metal. Buildings within the I-35 Logistics Park are tilt-up concrete structures between 40-50 feet tall.

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.*

Zoning surrounding the subject property consists of the M-2 (General Industrial) and C-2 (Community Center) Districts. The M-2 District within the Mather West Business Park is only partially developed and the I-35 Logistics Park is substantially developed. The C-2 District at the southwest corner of 151st and Old-56 Highway remains undeveloped. The proposed telecommunications facility is in harmony with the surrounding districts and is located in a manner to reduce visibility from nearby arterial roadways.

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

The subject property is zoned to the M-2 District which permits a variety of general industrial land uses such as flex space, warehousing and storage uses. The M-2 District also allows Telecommunications Facilities with approval of a special use permit. The special use permit ensures that adequate regulations are in place to ensure compatibility with surrounding uses which are also business park and undeveloped commercial uses.

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

The subject property was annexed and zoned to the M-2 District in 1988 under Ordinance 88-153. The site is currently developing with business park uses including contractor garages and mini-warehouse uses.

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

The proposed development is not anticipated to detrimentally affect nearby properties. The property is located to the rear of the Mather West Business Park under the M-2 District, and is bordered by the I-35 Logistics Park to the south, which consists of large scale warehousing and logistics.

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

Staff is not aware the special use will not substantially harm the value of nearby properties, which consist of business park and industrial uses. The tower will be visible across W. 151st Street, which is residentially zoned. However, the proposed tower will fulfill service gap needs in the area. No ground-mounted equipment will be visible from arterial roadways following build-out of the surrounding business park.

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 not adversely affect the capacity or safety of the roadway network as the proposed use will not generate a substantial number of vehicular trips to the site once constructed. The site is also located along an arterial roadway with adequate roadway capacity.

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 air pollution, water pollution, noise pollution or other environmental harm associated with this proposal. The telecommunications facility is required to comply with all applicable federal and state laws.

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

The City of Olathe recognizes that facilitating the development of wireless service technology can be an economic development asset to the City and a benefit to residents.

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.

The proposed use does not negatively impact the public health, safety or welfare of the community as presented. If the application were denied, other business and industrial park uses are permitted on the property.

12. Staff Recommendation

A. Staff recommends approval of SU25-0007 for the following reasons:

1. The proposed development complies with the policies and goals of the *Comprehensive Plan*.
2. The complies with the *Unified Development Ordinance* criteria for considering special use permit applications.

B. Staff recommends approval of the special use permit (SU25-0007) with the following stipulations:

1. The special use permit for the Telecommunication Facility is approved for a ten (10) year period effective from the date of the Resolution.
2. A deviation to the required setbacks of the monopole support structure is approved, as shown on the site plan dated January 19, 2026.
3. Equipment buildings, shelters or cabinets must meet all requirements of UDO 18.50.220 including but not limited to size, height, materials and setback requirements.