

STAFF REPORT

Planning Commission Meeting: April 13, 2020

Application:	<u>SU19-0007:</u> Special Use Permit for an increase in the height of the monopole tower and expansion of the compound area for an AT&T telecommunications facility
Location:	15201 S. Mur-Len Road
Owner:	GPC&L Holdings LLC
Applicant:	Tina Fedele, Crown Castle
Staff Contact:	Kim Hollingsworth, AICP, Senior Planner

Site Area: 0.43± acres **Proposed Use:** Expansion of an Existing Telecommunications Facility

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

1. Introduction

The following is a request for a special use permit for an increase in the height of an existing monopole tower and expansion of the compound area for an AT&T telecommunications facility. The existing 60-foot tall tower was constructed in 2000 and was built at the maximum height permitted at that time without the need for a special use permit. The applicant is proposing an addition to the tower to increase the total height to 100 feet and an expansion to the compound area of 660 square feet to accommodate ground equipment to serve AT&T. The increase in height and compound area are considered a major modification per Unified Development Ordinance (UDO) Section 18.50.220.E.3 which requires City Council approval of a special use permit.

2. Details of Proposal

The applicant is seeking the special use permit to increase the height of the monopole tower by 40 feet and expand the compound area 20 feet directly to the north. The site plan also details a proposed 14 feet by 17 feet raised platform for a generator and equipment cabinets within the expanded area. The applicant provided that an increase in height would provide an opportunity for an additional future cellular provider to install equipment on the tower. Additional site improvements including landscaping and a paved fire-turnaround access are proposed to meet UDO requirements.

3. 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.

4. Existing Conditions

The subject property contains existing commercial warehouse structures that were built in 1969 and have contained various uses over the past fifty 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 and was approved for a future City water tower through a special use permit in 2007 (SU07-0016).



Aerial View of Subject Property and Surrounding Vicinity



View of Site, Looking Southwest from Mur-Len Road

5. Zoning Requirements

- a. **Height** – The maximum height permitted for telecommunication support structures in commercial zoning districts is 150 feet. The proposed 100-foot tall tower complies with the maximum height requirement and the proposed accessory ground equipment also complies with the 12-foot maximum height requirement for equipment.
- b. **Setbacks** – The proposed structure exceeds all minimum setback requirements from the property line and nearby residential properties. The support structure must be located at least a distance equal to 50% of the height of the 100-foot tall structure. Additionally, the tower must be setback a minimum of 100 feet from the residential zoning districts located to the east and south. The tower support structure is setback 267 feet from the residential district to the east and 157 feet from the residential district located directly to the south.

6. Development Requirements

- a. **Site Access** – The facility maintains access from an existing driveway that connects to Mur-Len Road. Portions of the drive consist of asphalt while other portions of the existing access are gravel just north of the buildings. Paved access must be provided to all telecommunications equipment structures and monopole structures. Additionally, a paved extension of the access drive will be constructed to meet fire turnaround requirements.
- b. **Accessory Equipment** – The applicant is requesting an expansion of the exiting compound area to install additional ground equipment. The equipment including a generator, ice bridge and other accessory components 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.
- c. **Landscaping/Screening** – Screening of the ground-level equipment will be provided through the planting of a double row of staggered evergreen trees north and south of the compound area. The applicant will also be installing additional trees east of AT&T's access and utility easement which will be detailed once an agreement with the property owner is established. The chain-link fencing surrounding the existing compound area will be removed and replaced with black vinyl coated fencing along the entire perimeter of the compound area.
- d. **Lighting** – The Federal Aviation Administration (FAA) does not require lighting for the proposed tower. The only lighting that will be provided and that is permitted per UDO requirements is temporary lighting for nighttime repairs.

7. Public Notification

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted public signs on the subject property per UDO requirements. The applicant mailed updated letters on March 30, 2020 to all property owners within 200 feet with the updated public participation information for the April 13, 2020 Planning Commission Meeting. A new public notice sign was also posted on the subject property with updated public participation information on March 26, 2020.

A neighborhood meeting was held January 8, 2020 with five individuals in attendance. The applicant addressed questions from attendees including why the site was selected and the

timeline for the project which the applicant is interested in completing before the end of 2020. The applicant advised that a camouflage or faux tree was not pursued because it would not blend with its immediate surroundings. Finally, the applicant addressed that AT&T does not own the property directly adjacent to the residential properties but new trees will be planted adjacent to their easement area to provide additional screening of equipment.

Staff received one additional correspondence from a nearby property owner prior to the Planning Commission meeting which has been included in the packet.

8. Time Limit

Per UDO Section 18.50.220.C.1, the first special use permit has a time limit of ten (10) years with subsequent renewals of ten (10) years each. Staff is recommending an approval period of ten (10) years which is consistent with the UDO requirement. The applicant requested a longer time limit as AT&T expects to be operational for a significantly longer time period. However, staff's recommendation is consistent with the UDO requirements and Kansas State Statute. In addition, Staff's recommendation is consistent with the practices and procedures of the City for telecommunications facilities that have been approved over the past several years throughout the community.

9. Comprehensive Plan Analysis

The following are criteria for considering special use applications as listed in *Unified Development Ordinance (UDO) Section 18.40.090 G* and staff findings for each item:

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 proposed use is located interior to the development to provide the greatest extent of separation from the surrounding neighborhoods. 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 which it has been restricted within the CP-3 District; however, a special use permit is required to further evaluate the compatibility of the nature of this particular use given the 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.

F. The extent to which development under the proposed district would substantially 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.

G. The extent to which the proposed district 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.

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

The proposed expansion of the telecommunications facility use is not anticipated to generate any environmental harm or pollution concerns.

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

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

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

As presented, the proposed use does not negatively impact the health, safety, or welfare of the public.

10. Staff Recommendation

A. Staff recommends approval of SU19-0007 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 (SU19-0007) with the following stipulations:
 1. The special use permit is valid for a period of ten (10) years following Governing Body approval, with an expiration date of May 5, 2030.
 2. A double row of six-foot tall evergreen trees must be planted north, east and south of the compound area prior to certificate of occupancy.
 3. Any disturbed ground cover areas must be replanted with sod.