

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
11/17/14

ITEM NO. 2 SPECIAL USE PERMIT FOR VERIZON WIRELESS; 1725 BULLENE AVE (SLD)

SUP-14-00312: Consider a Special Use Permit for a new 120' Verizon Wireless communications tower located at 1725 Bullene Ave. Submitted by PAMCORP LLC for Verizon Wireless LLC on behalf of Steven L. Eudaly, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a Special Use Permit for a communication tower located at 1725 Bullene Ave and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Prior to release of the site plan for issuance of a building permit, the applicant shall provide the following changes and documentation:
 - a. Submission of documentation to demonstrate the tower fall zone will be maintained within the proposed enclosure area.
 - b. Submission of lighting details to show the fixture type, lamp type and size not to exceed 150 watt incandescent lighting, and cut-off feature to shield and direct light downward.
2. Provision of a revised site plan to include a landscape plan per City Staff approval that shows additional landscape to include evergreen shrubs planted 5' on center along the west half of the north property line to provide screening between the proposed tower and the abutting residential zoning to the north.

Applicant's Reason for Request: *"Verizon Wireless proposes to construct and operate a 120' tall self-supporting monopole type communications tower which will be used to provide enhanced wireless voice and data services to its local subscribers. The facility will be unmanned and will be designed to accommodate at least two additional sets of antenna for use by other carriers"*

ATTACHMENTS

1. Area Map
2. Site Plan
3. Photo Simulations
4. Search Ring Map
5. RF Engineer Letter
6. 3rd Party Review Structures Map

KEY POINTS

- Third party review found the applicant's burden of proof justifying the need for a new communication tower is met.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission approval of Special Use Permit and adoption of ordinance.
- Publication of Special Use Permit ordinance.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Questions from nearby residents requesting clarification of request.
- Neighborhood representative requested additional documents regarding reason and justification for request and inquired about proposed fencing.

Site Summary	
Subject Property:	27,510 SF
Proposed Buildings:	Irregular Lease area [generally 55' x 48'] 11 x 27' pad site for equipment shelter H frame for equipment 120' monopole Generator located within shelter building Additional pad sites for future carriers.

GENERAL INFORMATION	
Current Zoning and Land Use:	IL (Limited Industrial) District; existing office warehouse building.
Surrounding Zoning and Land Use:	RS5 (Single-Dwelling Residential) District to the north; vacant lot immediately north, existing residences along the west side of Bullene Avenue to the north.
	IL (Limited Industrial) District, RS7 (Single-Dwelling Residential) District, and PD-[Villow Woods Planned Residential Development] District to the west. Existing Burrough's Creek Trail and Linear Park.
	IG (General Industrial) District to the south. Existing Construction sales and services use.
	IG (General Industrial) District and IL (Limited Industrial) District to the east. Existing vacant warehouse use.

Summary of Request

This request is for the construction of a new 120' communication tower to include Verizon communication equipment. Additional space is available on the tower and within the ground lease area for other communication carriers in the future.

Review and Decision-Making Criteria (Land Development Code Section 20-1306(i))

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

Applicant's Response: *"Yes"*.

Two key considerations of the application for a new communication tower are the compliance with Section 20-529 Telecommunication Facilities and completion of an independent third party review of the request. The proposed application complies with these requirements of the Development Code.

Staff Finding – This use complies with the applicable provisions of the Development Code.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING

HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Applicant's Response: *"Yes."*

This area includes industrial buildings, detached residences and public park space. Communication towers have a unique form and function. Additional traffic and activity are limited to periodic maintenance once a tower is constructed. Operational characteristics of a tower are not directly comparable to daily activity generated by residential and commercial/industrial uses and activities. This application includes a natural gas generator to be located in the shelter building. The proposed use will not generate odor or dust if approved. Regular noise associated with the use is limited to the equipment used for cooling the electrical components within the shelter building, similar to an air conditioner, and periodic maintenance of the generator, also located within the shelter building.

Lighting is not proposed for the tower and is not typically required for towers less than 200 feet tall. Lighting for any security purposes required at the base of the tower is proposed over doorways.

The proposed tower is 120' located in the rear of the property and separated from the recreation path by existing vegetation. The overall height of the tower mitigates the need for the tower to be lit. The proposed tower type is a monopole tower that provides a minimized profile for the type of use compared to other types of tower structures.

Staff Finding – The proposed tower is compatible with the adjacent uses in terms of hours of operation, orientation, and size. A self-supporting monopole tower has the most reduced profile of any tower type other than a fully stealth structure that is disguised as some other type of structure.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

Applicant's Response: *"No."*

The Development Code indicates a preference for communication towers to be located in commercial and industrial zoning districts. The tower is located on the western edge of the Brook Creek Neighborhood. Within the neighborhood a small area located between Haskell Avenue and the Burroughs Creek recreation path is zoned and developed with industrial uses. The proposed tower will be located in this portion of the neighborhood to mitigate any impacts to the area. Additionally the tower is sited in the rear of the property. This provides a natural screening of the base station equipment from the public street. The property immediately to the north is an undeveloped residential lot. There is no anticipated diminution of value to this area that will result from the proposed use.

Staff Finding – There is no anticipated diminution of value to this area that will result from the proposed use.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

The proposed tower is located on private property and does not require public infrastructure services such as water and sanitary sewer. There is an existing sanitary sewer line located on the north side of the building. Staff has noted that the location of the tower cannot encroach into the

existing easement. Other infrastructure needs such as telephone, electric and gas service, if needed for a generator, will be accommodated from existing utilities in the area. Westar noted that additional clarification regarding the utility easement is needed for them to serve the proposed tower. The applicant has been notified of this concern and will continue to work with Westar to secure the necessary easements to the site.

Staff Finding – The subject property is located within an urbanized area of the community with adequate public services available to the site.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to landscaping, exterior activity, and off-street parking. A requirement of the Development Code is that if a tower is not used for a period of three years than the tower shall be removed. This requirement is noted on the face of the drawing.

This application is for the construction of a communication tower. The approval does not change or alter the existing land use.

Staff Finding – Adequate assurances of continued maintenance are provided with this application.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Applicant's Response: *"No."*

The property is located in a developed urban area. The site abuts a natural area along the west property line. This area is part of the Burroughs Creek Linear Park. The existing vegetation west of the rear (west) property line should not be disturbed with the construction of this proposed tower and base station equipment.

The property is not encumbered by the regulatory floodplain.

Staff Finding – No impact on the natural environment is anticipated from the development of this proposed communication tower.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE

Section 20-529 (3) (i) states: *"Any Telecommunications Facility that is not in use for a period of three full years or more shall be removed by the Owner at the Owner's expense. Failure to remove the Telecommunications Facility pursuant to non-use may result in removal and assessment of cost to the property pursuant to K.S.A. 12-6a17."* This code provision limits communication towers to active use. No additional limitation on time is required.

Staff Finding – The Development Code includes a provision for non-use and removal of towers. No additional restriction is needed.

8. NEW TELECOMMUNICATION FACILITIES – ADDITIONAL CRITERIA FOR REVIEW. IN ADDITION TO THE STANDARDS AND CONDITIONS LISTED IN SECTION 20-529

(2) AND 20-529 (9), THE CITY COMMISSION SHALL CONSIDER THE FOLLOWING FACTORS IN DETERMINING WHETHER OR NOT TO ISSUE A SPECIAL USE PERMIT.

(i) Height of proposed Telecommunications Facility.

The proposed height of the tower is 120'. The tower will be capable of supporting a total of three carriers, including Verizon, the applicant.

Tower height and setback are related. The Development Code requires a tower to be "setback from the property line in all directions a distance equal to at least one-half the height of the telecommunications tower if the site is in or adjoins an R Base District." This setback applies to the north property line and requires a minimum setback of 60'. The proposed tower is located 89.3' from the north property line.

In any other abutting zoning district the tower setback is based on an established fall zone for the tower. The specific fall zone of the tower will be provided with the final engineering documentation at the time the tower is ordered for construction. If approved, the applicant will need to provide documentation to demonstrate that in the event of a tower failure the equipment will "fall" within the enclosure area.

Section 20-529 (2)(iv) requires the overall tower height to comply with section 20-302 of the Development Code. Section 20-302 addresses the Airspace Overlay District. The proposed tower is more than 19,000' from the centerline of the Lawrence Municipal Airport Runways. The proposed tower will not impact the Lawrence Municipal Airport.

(ii) Proximity of Telecommunications Facility to residential structures and residential district boundaries.

The nearest residential boundary is the north property line. The proposed tower is 89.3' south of the north property line. The property immediately north of the subject property is vacant. The next nearest residence is approximately 135' north of the proposed tower.

(iii) Technical or engineering requirements limiting placement of the Telecommunications Facility in other areas in order to provide coverage

A requirement for new telecommunications towers is to demonstrate or justify why the proposed equipment cannot be colocated on existing equipment. This requires a third party review. The City contracted with Burns and McDonnell to review the applicant's justification for this request. The third party review concluded there are no structures in the immediate area "suitable for collocation and provide the radio signal coverage proposed by the applicant."

(iv) Nature and uses on adjacent and nearby properties

The proposed site location is the Burroughs Creek Corridor, an existing industrial area. An existing park is located immediately west of the subject property. The following graphic shows the location of the nearest existing residential uses in the immediate area.

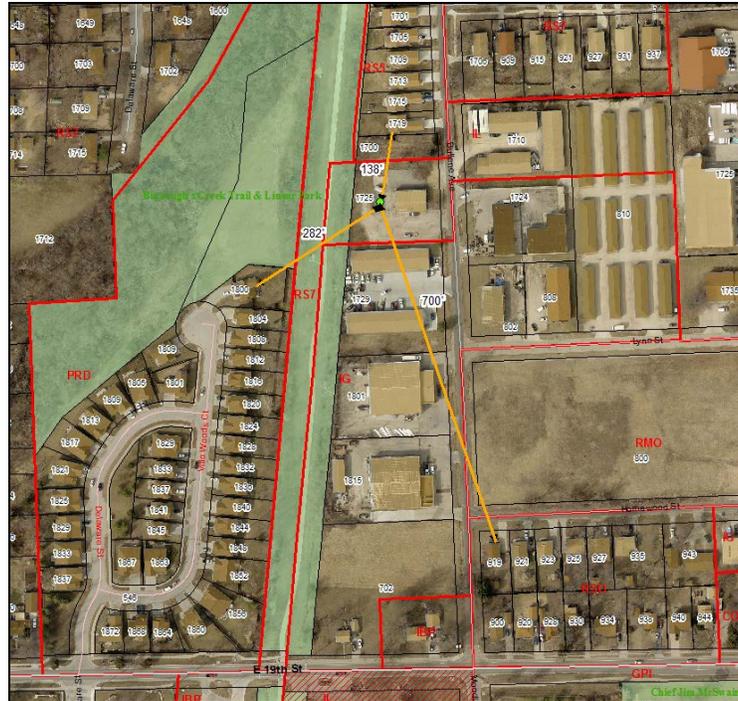


Figure 1: Residential Use Locations

(v) Surrounding topography, tree coverage and foliage

The subject property is a developed industrial site. Existing trees are located along the west property line and within the city park boundary. Existing trees are also located on the northeast corner of the property and a single street tree is located on the north side of the entrance drive.

(vi) Design of the Telecommunications Facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness and making the proposed Telecommunications Tower or Telecommunications antenna a stealth or disguised facility.

The proposed tower is a monopole similar to other telecommunication towers constructed in the city limits on Bob Billings Parkway, Hidden Valley Girl Scout property, and E 23rd Street, Knights of Columbus property. The base station that includes the ground equipment and enclosure is located in the rear of the property behind the existing industrial building.

(vii) Availability of suitable existing Telecommunications towers or other structures for placement of proposed Telecommunications Antenna

Based on the third party review there are no suitable towers or other "tall structures" within the area for co-location of antenna to meet the applicant's requirements. A map included in the Burns and McDonnell report, Attachment 6, shows the locations identified towers and structures considered.

(viii) Whether the character of the proposed site and the proposed Telecommunications Tower will facilitate maximum utilization of space for placement of Telecommunication antennas serving multiple users.

The proposed tower is capable of supporting additional communication carriers as required by the Development Code. The enclosure area is sufficiently large enough to accommodate additional ground mounted equipment to support future carries.

9. STAFF REVIEW

This portion of the staff report addresses the site plan details and physical development of the site. The property is developed with an existing building that was constructed in 1978 according to Douglas County appraisal Records. There is no record of a site plan for this property. Existing site improvements include:

- 2,400 SF building.
- 5,787 SF enclosed exterior storage yard.
- 10,155 SF gravel parking/access drive area.

The existing parking lot area provides access to an overhead door on the abutting property to the south at 1729 Bullene Ave. The access to the site and general interior circulation will be modified by the proposed tower for a portion of the area west of the existing building at 1725 Bullene Ave (subject property). Adequate area for parking and access will be retained.

A. Site Summary/History

A complete site summary is not provided for this application. The request addresses only the communication tower and enclosure area and does not summarize the existing site. There is no existing site plan on this property. The property was developed at a time prior to site planning for industrial buildings. The following site summary is developed from existing city data.

Site Summary: Lot A, Bock 9 of Scott's Replat		
	Existing	Proposed
Lot Size:	27,510 SF	27,510 SF
Building: (SF)		
• Existing warehouse building.	2,400 SF	2,400 SF
• Proposed equipment shelter	0 SF	2,112 SF
• Proposed communication tower		120' tall
Impervious Cover: (SF)	18,569	Unknown
Pervious Cover: (SF) percent	8,941 SF 32.5 %	unknown

Future site development may require a complete site plan of the property including all improvements.

B. Access and Parking

On-site Parking:

Parking is not typically required for communication towers. Maintenance vehicles park within the enclosure as needed for service. Adequate area is provided for vehicle turnaround from the driveway. These structures are accessed for maintenance only. The location of the tower is within an existing industrial site. The location of the tower enclosure occupies a portion of the fenced storage area and rear yard area of the existing site. The parking area is retained on the south side of the building. There is no parking lot striping to indicate the number of spaces and no site plan for the existing improvements. Off-street parking may need to be evaluated for this site in the future with a change of use.

Access: Access to this site is provided via parking lot access from Bullene Drive. The proposed request does not alter the existing driveway location for this property.

C. Design Standards

Site Design:

Historic District Review: This property is not located within the environs of a designated historic property or district.

Pedestrian accessibility: This application is for a utility type use. The tower will be located in the rear of an existing industrially zoned property. Accessibility needs for the site are limited to periodic maintenance of the structure and equipment as needed. The property abuts the Burrough's Creek Trail along the west property line. Existing vegetation separates the tower site from the recreation path.

Neighborhood: This property is located within the Brook Creek Nneighborhood and is adjacent to the Barker Neighborhood. The Woods on 19th Neighborhood is located to the southwest of the subject property. The neighborhoods are connected by the Burrough's Creek Trail and Linear Park.

D. Landscaping and Screening

The following section provides a brief detail of the existing and proposed landscaping for this property. The applicant does not propose to alter the existing landscape condition of the existing site. Generally, the site does not comply with the current design standards for landscaping, street trees, interior landscaping and similar elements. Future development or redevelopment of the site will require

Street Trees: The property was replatted in 1976 as Scott's Replat. A master street tree plan was not required for the property at that time. The site includes one street tree located on the north side of the driveway. Any future street trees will need to account for the overhead lines for species and placement on the site.



Figure 2: Existing Street Trees

Bufferyard: the property abuts residential zoning to the north, and industrial to the west, south and east. A portion of the Burrough's Creek Trail and Linear Park is zoned IL, the same as the subject property. If developed today, Buffering would be required along the north property line.

With regard to the proposed communication tower, ground equipment should be appropriately screened from the residential zoning and the abutting park property. The Park includes mature vegetation along the west property line of the subject property. The proposed improvements are located outside of the existing vegetative boundary. This natural vegetation provides sufficient buffer between the proposed equipment and the public park space.

The property to the north is zoned RS5 (Single-Dwelling Residential) District. The residential property is undeveloped and includes mature vegetation. Staff recommends the site plan be revised to include additional screening be added along the north property line to screen the ground equipment at the base of the tower.

Parking Lot Landscaping: Interior and perimeter landscaping standards were adopted after the development of the site. The parking lot is a gravel surface with no markings to indicate parking stalls. Future development or redevelopment of the site will require appropriate parking lot landscaping. The proposed tower use will not include personnel. Access to the site is limited to occasional maintenance. No off-street parking is required for this use.

Mechanical Equipment Screening: As discussed in the bufferyard section, mechanical equipment is required to be screened per City Code. Screening must be balanced with the need for security and visibility with this type of facility. The provision of landscape material along the north property line provides reasonable screening of the mechanical equipment at the base of the tower without adverse impact on the security of the facility.

E. Lighting

Lighting is not proposed for this tower other than minimum required lighting at the base of the tower for the equipment building. Additional detail regarding the lighting fixture is required to demonstrate compliance with the City's photometric standards.

F. Floodplain

This property is not located within the regulatory floodplain and is not subject to a local floodplain development permit.

G. Other

The "search ring" prepared by the applicant includes The northeast portion of Barker Neighborhood as well as portions of East Lawrence, Brook Creek and all of Willow Woods Neighborhood. Within this area, the predominant use is residential. Options for tower placement are limited in this area.

CONCLUSION

The proposed tower meets the design standards of the Development Code. The proposed tower provides space for future co-location of equipment. Conditions recommended for approval relate to mitigating visual impacts of the proposed tower on the surrounding property owners.