# PLANNI NG COMMISSI ON REPORT <br> Regular Agenda - Public Hearing Item 

PC Staff Report
12/15/2014
ITEM NO. 1 CONDITI ONAL USE PERMIT FOR VERIZON WI RELESS; 1200 BLOCK OF N 850 ROAD (SLD)

CUP-14-00451: Consider a Conditional Use Permit for a new 199' self-supporting communication tower located on the south side of N 850 Rd and the east side of E 1296 Rd in Pleasant Grove. Submitted by James Cardinal on behalf of Horvath Towers and Leo and Sheryl Beier, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for a communication tower located in the 1200 Block of N 850 Road and forwarding it to the County Commission for a recommendation of approval.

## Reason for Request:

To build a 195' self-supporting tower for wireless purposes, also a compound of $70^{\prime}$ by $70^{\prime}$ with (1) proposed shelter and its footprint of $20^{\prime}$ by $30^{\prime}$

## ATTACHMENTS

1. Site plan
2. RF Justification Report
3. Map of towers in area
4. Floodplain Map
5. Loren Buntemeyer Communication
6. Marilyn Lynch Commination

## KEY POI NTS

- Property is encumbered by regulatory floodplain in the northeast corner of the parent parcel.
- Property is located south of the Lawrence Urban Growth Area.


## ASSOCI ATED CASES/ OTHER ACTI ON REQUIRED

- Board of County Commissioners' approval of the Conditional Use.
- Submission and approval of a local floodplain development permit to Douglas County if required by County Zoning and Codes Office.
- Submission and approval of a local building permit to Douglas County.
- Obtain a Conditional Use Permit from Douglas County.


## PUBLI C COMMENT

- Public communication regarding location of proposed tower
- Email from Loren Buntemeyer in favor of application
- Phone call from Marilyn Lynch opposed to application
- Meeting with Rural Water District No. 2 regarding location of new tower in proximity to existing water line.


## PROJ ECT DESCRI PTI ON

- Application is for a new $195^{\prime}$ self-supporting tower with a 4' lightning rod for a total of 199'.
- The proposed tower shows space for up to five total carriers.
- Ground equipment includes an equipment shelter building and generator to be located within the shelter building.
- This application includes a 70' by 70' development area.




## I. ZONI NG AND USES OF PROPERTY NEARBY

The predominant zoning in the area is the A (agricultural) District. However, a large area to the west and northwest of the subject property is zoned A-1 (Suburban Home Residential) District and an area to the southeast is zoned R-T (Rural-Tourism Business) District generally known as Sadies Lake. The area to the northwest is developed with rural residential homes. The surrounding area to the north and south includes multiple parcels used for agricultural purposes and scattered rural residential homes.

Staff Finding - The predominate zoning and land use on the west side of E 1296 Road (Old Highway 59) is rural residential. The balance of the area is zoned and used for agricultural purposes with scattered homes in the remaining area. Towers are allowed in the Agricultural District subject a Conditional Use Permit.

## II. CHARACTER OF THE AREA

This is a rural area with agricultural uses, suburban residential uses and scattered rural residences. The area is part of the unincorporated community known as Pleasant Grove. It is outside of any growth boundary of Lawrence or Baldwin City.

The topography of the area includes slopes, which contain most of the woodlands. High quality soils, as defined in Horizon 2020, are located south and west of the subject property. The property is not characterized by either Class I or Class II soils. The area contains environmentally sensitive lands in the form of regulatory floodway and floodway fringe and stands of mature trees. Map of the soils type and floodplain are provided as attachments to this report.

The property is near a major transportation corridor Highway 59. Access to the site is proposed from N 850 Road, an existing local road.

A large part of the property is populated with mature trees as shown in the following graphic. These mature trees will aid in screening ground equipment associated with the tower from the area to the west.


Staff Finding - This is a rural area with the following features which are defined as environmentally sensitive lands in the Subdivision Regulations: stream corridors, regulatory floodway and floodway fringe, and stands of mature trees which are part of a larger contiguous network. In addition to these features, steep slopes and high quality soils are also located in the surrounding area. Additionally there are numerous rural residential homes in the area.

## III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED <br> Applicant's response: "Not proposing to change zoning. Towers are allowed with CUP."

This property is currently restricted to uses allowed in the A (Agricultural) District. This district is associated with agricultural activates such as farms, truck gardens, nurseries, grazing and similar activities. The A District allows both residential and non-residential uses.

The proposed request does not change the base zoning district or alter the allowed uses. Section 12-319.4.31 (d) specifically identifies commercial, industrial or agricultural zoning districts as suitable for communication towers.

Staff Finding - The subject property, zoned A (Agricultural) District, is a suitable district for the proposed use. The base zoning district is not altered by this request. A communication tower is an allowed use in the A (Agricultural) District subject to a Conditional Use Permit.

## IV. LENGTH OF TI ME SUBJ ECT PROPERTY HAS REMAI NED VACANT AS ZONED

The property is currently vacant. The zoning has remained unchanged since 1966.
Staff Finding - The property is vacant. The zoning has remained unchanged since 1966.

## V. EXTENT TO WHICH REMOVAL OF RESTRICTI ONS WILL DETRI MENTALLY AFFECT NEARBY PROPERTY

Applicant's Response: "Tower is approximately 196 feet in height therefore will be visible from nearby properties from areas not obstructed by trees, buildings, or other structures. "

Section 12-319-1.01 of the County Zoning Regulations recognize that "....certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."

Communication towers are specifically recommended to be located in commercial, industrial or agricultural zoning districts. The tower is sited to avoid areas of floodplain that touch the northeast corner of the site and the existing wooded area along the west side of the site.

Property on the west side of E 1296 Road and on the east side of E 1250 Road is developed with homes located on rural residential lots. Visibility of the tower is an aesthetic concern that may be perceived by residents as a detriment. The height of the tower does not require lighting. This will mitigate some concerns by maintaining a "dark sky" in the area.

Staff Finding - Detrimental affects are mostly likely to be categorized as aesthetic in nature. The base zoning district is appropriate for the request. The height of the tower mitigates the
requirements for lighting. The location of mature trees in the area will aid in buffering the tower from direct line of site from most property owners.

## V. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE destruction of the value of the petitioner's property as compared to the HARDSHI P IMPOSED UPON THE INDI VI DUAL LANDOWNERS

Approval of the request expands the structural network of towers and structures that are capable of supporting communication equipment. The proposed request facilitates cellular communications and wireless data use within the community. The proposed equipment does not conflict with existing emergency communication equipment.

The property will remain viable for existing land uses and uses permitted within the A (agricultural) District.

Staff Finding - The benefit to the public is improved cellular communication and wireless data capacity within the Verizon network and along the Highway 59 corridor. Additionally, the structure provides an opportunity for other carriers to co-locate in the future. If denied, the property can continue to be used for current land uses and those uses allowed per the existing zoning of the property.

## VII. CONFORMANCE WITH THE COMPREHENSI VE PLAN

The subject property is not located within an identified Urban Growth Area for any of the incorporated cities in Douglas County. There are several unincorporated communities and land divisions forming informal subdivisions in the surrounding area.

Chapter 10; Community Facilities of Horizon 2020 addresses public utilities. Key strategies (Page 1010) primarily address municipal unities such as water and wastewater planning. One strategy states:

- The visual appearance of utility improvements will be addressed to ensure compatibility with existing and planned land use areas.

The plan specifically addressed electric and telephone services and encourages this infrastructure to be placed underground in conjunction with new development where feasible. Communication towers support the wireless industry and accommodate the reduction of hardwire infrastructure. However, it should not be interpreted that wireless communication will replace hardwire needs in the community.

The plan recognizes that "telephone and electric utilities have a strong visual presence in the unincorporated Douglas County Landscape." Large transmission lines and easements should be coordinated throughout the community to minimize visual and environmental impacts.

The Comprehensive Plan does not explicitly address communication towers.
Staff Finding - The comprehensive plan does not provide any specific land use recommendations regarding communication towers. A Conditional Use Permit can be used to allow specific nonresidential uses subject to approval of a site plan. This tool allows proportional development in harmony with the surrounding area. The proposed request is consistent with the Comprehensive Plan.

## STAFF REVI EW

In addition to typical site plan design standards, communication towers must address specific requirements of section 12-319-4.31 of the County Zoning Regulations. As discussed above, the proposed use is located in an appropriate zoning district.

New communication towers require design that shall accommodate at least three two-way antennas for every 150 ' of tower height or co-location space. The proposed tower includes space for multiple (up to 5) carriers. The site plans shows pad sites capable of supporting up to five carriers.

## Setback

The setback of the communication tower is required per section 20-319-4.31(d) to be at least equal to the height of the tower to the nearest property line measured from the center of the tower. The tower setback may be reduced when documentation from a registered engineer is submitted certifying the "fall zone" of the tower in the event of a failure. Evaluation of the required structural documentation will continue to be reviewed with the submission of a building permit to the County Zoning and Codes Office. The proposed setback is shown to be 252 ' from the nearest property line. The proposed tower exceeds the required district setbacks.

The tower and ground equipment will be located in a lease area that is $100^{\prime}$ by $120^{\prime}$. Improvements will be located within a fenced area $70^{\prime}$ by $70^{\prime}$ within the lease area.

## Lighting

Lighting is not proposed with this application for the communication tower. Generally, towers less than $200^{\prime}$ are not required to be lit. Lighting of ground equipment must be shielded and directed down.

## Access, Circulation, and Off Street Parking

Access to this site is from N 850 Road. The applicant will be required to seek an access permit from the County for the driveway to the tower site. The access drive will provide maintenance access to the tower enclosure. This use does not require off-street parking. The design of the site provides adequate vehicular access and turnaround for maintenance activity to the site.

## Other

Prior to construction of the tower the applicant will be required to obtain a Conditional Use Permit, issued by the County Zoning and Codes Office, as well as applicable building and floodplain development permits.

## Conclusion

The proposed application meets the required documentation requirements of the County Zoning Regulations.











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## To: The City Representatives

RE: New Cell Site near Pleasant Grove, KS

Dear City Representatives,

Verizon Wireless is proud to serve the greater Lawrence area and we are always diligent to maintain excellent service and improvements. At this time, we are trying to enhance the area near and surrounding Pleasant Grove, KS where coverage service reliability and capacity must be improved. The area that needs improvement at this time in both coverage and performance is along Highway 59 south of Lawrence near the community of Pleasant Grove. The fast growing 3G voice and 4G (LTE) data have required us to put a new site in this area to improve coverage, performance and offload capacity from our existing sites namely Wakarusa River and South Lawrence as shown below, Map 1.

Map 1 - Existing Coverage


Map 2 - Coverage with the new site


With the new site, the coverage, performance and capacity will improve within about 1.5 mile radius from the new site.

Other locations near this area were considered, a water tank to the south and an existing tower to the northwest of the proposed Verizon location.

Below is map 3 showing coverage if the proposed site was located on the water tank located at latitude: 38-50-15.61 N and longitude: 95-16-13.37 W.

Map 3 - Coverage with the new site on water tank


The water tank location is too close to the existing South Lawrence cell site. This results in unequal spacing between the existing cell sites along Highway 59 creating a coverage null to the north and excessive overlap of signal to the south, which will impact call quality. The objective of the future site is not being met at the water tank location. The limited height of the water tank is also a contibuting factor of it not being considered a prime candidate.

Below is map 4 showing coverage if the proposed site was located on the Kansas Broadband tower located at latitude: 38-53-23.0 N and longitude: 95-17-17.9 W.

Map 4 - Coverage with the new site on Kansas Broadband tower


The Kansas Broadband tower is too far northwest of the Pleasant Grove area to adequately address coverage issues along that part of Highway 59. ( 2.4 miles NW of the proposed location) The large coverage null of initial concern still remains. Even when increasing antenna height and new azimuths on the Kansas Broadband tower, the coverage null remains throughout much of the Pleasant Grove area and the site objective is not met.



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Floodplain


## Soils




## CUP-14-00451: Conditional Use Permit for a New Wireless Communications Tower Located Just South of 1275 N 850 Road in Pleasant Grove

| From: | Buntemeyer, Loren J. |
| :--- | :--- |
| To: | Sandra Day |
| Cc: | Buntemeyer, Loren J. |
| Subject: | Verizon tower request |
| Date: | Tuesday, November 04, 2014 9:37:21 AM |

Due to the very poor reception for cell phones in the hole of Pleasant Grove, I would like to vote that the request for a cellular tower for Verizon be completed.

Thanks,
Loren

From: Marilyn Lynch [mailto:marilynlynch14@gmail.com]
Sent: Thursday, December 04, 2014 7:12 AM
To: Sandra Day
Subject: communication tower in Pleasant Grove

I AM OPPOSED TO THE BUILDING A COMMUNICATION TOWER IN PLEASANT GROVE, located on the south side of N 850 Rd and the east side of E 1296Rd in Pleasant Grove.

## MY REASONS:

1. The area west of E 1296 Rd. has a relative high density of houses, that have high appraised values according to your Real Estate Tax Statements. Therefore, the selling of these properties will be affected with the communication tower. We have suffered the recession on real estate in the past few years and now will suffer more with the tower, in our valuation of property.
2. Many individuals (who would be prospective buyers) do not want near a tower and will not look at any houses near them.
3. I will be few feet (approximately $1 / 4$ mile) from the tower and the tower will be first thing people will see out my front door and my breakfast table. My house faces South and my front yard faces the tower.
4. I choose this area for my home as the area South of town, is to me, the prime area of Lawrence.

## Please deny the communication tower in Pleasant Grove.

Thank you for your attention to this email.

Marilyn Lynch
1272 N. 870 Road
Lawrence, Kansas

