

4. SPECIAL USE PERMIT NO. 2008-18 - Vicinity of the southwest corner of 144<sup>th</sup> Street and Antioch Road

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1. APPLICANT: Selective Site Consultants, Inc., is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting approval of a special use permit, for a 10-year period of time, to allow a communication tower.
3. LOCATION: The subject property is located in the vicinity of the southwest corner of 144<sup>th</sup> Street and Antioch Road.
4. EXISTING ZONING: This property is currently zoned A-J, Agricultural District, Johnson County, with an indefinite special use permit for an electrical substation.
5. NEIGHBORHOOD CHARACTERISTICS: The proposed cell tower location is an existing 10.88-acre Kansas City Power & Light (KCP&L) electrical substation. To the north, south, east, and west are single-family homes. The residential properties to the north are zoned RP-OS, Planned Open Space Single-Family Residential District, for the Afton Hill subdivision. The subdivisions to the south and west, Parkside of Wellington Park and Somerset Brooke, are zoned R-1, Single-Family Residential District. The homes along Antioch Road to the east of the proposed tower are on unplatted property and are zoned RR-J, Rural Residential District, Johnson County.
6. ANALYSIS: The applicant is requesting special use permit approval for a 120-foot T-Mobile cell tower. The proposed tower location is an existing 74-foot power pole at the existing KCP&L Oxford Substation. The new tower would be a monopole design capable of housing one other communications provider besides T-Mobile and the KCP&L power lines. T-Mobile will have an equipment enclosure at the base of the tower constructed of CMU block on the north and east sides facing the residential properties and chain-link fence on the south adjacent to the substation access drive.

As proposed, the tower is a stealth design with all antennas located internally. The height of the proposed tower allows for the KCP&L power lines to be mounted at their current height (74 feet), while allowing four communications antenna positions at the top of the tower. T-Mobile would occupy the top two antenna positions, the spaces in the tower from 120 feet to 100 feet. The remaining two antenna positions from 100 feet to 80 feet would remain for a second communications provider to co-locate at

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this tower site. A photo of the current power pole and a photo simulation of the proposed cell tower/power pole combination are included as attachments to the staff report. The new T-Mobile location would provide coverage in the network where gaps currently exist, as shown in the attached coverage studies, as well as provide increased in-home coverage in the area of 143<sup>rd</sup> Street and Antioch Road.

The applicant has requested a 10-year period of time for this special use permit. The Unified Development Ordinance (UDO) limits the initial special use permit for a communication tower to a five-year period of time. Subsequent renewals can be granted in intervals of up to 10 years.

The UDO also requires that “all towers, except those designed as an architecturally compatible element in terms of material, design and height to the existing or proposed use of the property, shall be setback 200 feet from any surrounding property which is zoned for single-family development” (Section 18.370.040.O.7). The proposed cell tower location is the location of an existing power pole, which is approximately 195 feet from the rear property line of the residential property to the east of the electrical substation that fronts Antioch Road. In staff’s opinion, though, the proposed monopole, stealth cell tower is compatible with the existing use of the property, an electrical substation, and thus would be exempt from the 200-foot separation requirement. The base of the proposed tower is approximately 450 feet from the homes facing Antioch Road and approximately 340 feet from the homes to the north in the Afton Hill subdivision.

At this time, the applicant is not proposing any landscaping around the equipment enclosure at the base of the tower. Existing mature trees are located to the south and east of the proposed tower, and the substation is located to the west. Should the Planning Commission prefer landscaping along the north side of the equipment enclosure, that issue can be addressed at the time of final development plan approval.

ENVIRONMENTAL IMPACTS: The proposed improvements will not have a significant effect on the drainage patterns for the site. The engineering staff can recommend approval with no stipulations.

7. STAFF RECOMMENDATION: Staff recommends approval of Special Use Permit No. 2008-18, for a five-year period of time, subject to the following stipulations:

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- a. The development shall be in accordance with Exhibit "A" (Site Plan), and Exhibit "B" (Building Elevations), which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall follow and comply with all regulations and standards of the City of Overland Park, unless specifically exempted by the Governing Body.
- b. Prior to the issuance of a Building Permit, the property shall be preliminary and final platted.
- c. Prior to the issuance of a Building Permit, the Planning Commission shall approve final development plans.