



Public Hearing Summary

Application to rezone a 3.259 acre site from County “AG” Agriculture to City “I-2” Light Industrial or other more restrictive City district. Cases PZ15-04, BMW Towers, LLC, owners.

The application is proposed for 15510 Highway FF, Parkville, Missouri 64152, also known as Platte County Parcel # 20-9.0-31-000-000-002.002. The owner, BMW Towers, LLC, proposes to rezone the 3.259 acres from County “AG” Agriculture to City “I-2” Light Industrial or other more restrictive City district. The application is proposed in conjunction with an application for conditional use permit to allow the near-term installation of additional antenna and associated equipment at a height 160 feet (existing tower height) and to allow for future expansion of the tower to a height of 230 feet as approved by Platte County in 2001 (prior to being annexed by the City of Parkville). For additional information, please see the attachments described below.

The subject property and surrounding properties may be viewed online using the County GIS view at <http://maps.co.platte.mo.us/>. Enter the parcel number in the address field or zoom to the proposed area using the general location description above.

A public hearing to discuss the proposed rezoning will be held on Tuesday, February 10, 2015 at 5:30 pm in the Parkville City Hall Boardroom at 8880 Clark Avenue, Parkville, MO 64152. The hearing is open to the public and all interested parties are welcome to attend and express opinions before the Planning and Zoning Commission during the hearing. In addition, y written comments received by the Community Development Department on or before 5:00 p.m. Wednesday, February 4, 2015 will be included in the Commission’s materials for consideration prior to the meeting. Comments may be mailed to 8880 Clark Avenue, Parkville, MO, 64152, faxed to 816-741-0013 or emailed to sackerson@parkvillemo.gov. Comments received after that date will be handed out the night of the meeting.

For additional questions please contact the Parkville Community Development Department at 816-741-7676.

Attachments:

1. Application for Rezoning Map Revisions (Rezoning)
2. Summary of proposed changes submitted by the applicant
3. Site plan (sheet 1 of 1)
4. Enlarged Site Plan (sheet A02)
5. April 12, 2001 letter from the Platte County Planning & Zoning Department, confirming prior approval of a special use permit for the existing tower.
6. Legal description for the subject property

Additional information:

1. “I-2” *Light Industrial District Regulations*, online at <http://www.unicode360.com/27902183>
2. Parkville zoning code in its entirety online at <http://www.unicode360.com/PA3395-DIV-05>



Application #: P215-04
 Date Submitted: 1-9-15
 Public Hearing: 2-10-15
 Date Approved: _____

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

Application for Zoning Map Revision (Rezoning)

1. Applicant / Contact Information

Applicant(s)
 Name: BMW Towers, LLC
 Address: 3864 West 75th Street
 City, State: Prairie Village, KS 66208
 Phone: 913 449-4774 Fax: 913 901-2435
 E-mail: pwrabica@me.com

Owner(s), if different from applicant
 Name: N/A
 Address: _____
 City, State: _____
 Phone: _____ Fax: _____
 E-mail: _____

Engineer / surveyor(s) preparing legal desc.
 Name: Lovelace & Associates, LLC
 Address: 929 SE 3rd Street
 City, State: Lee's Summit, MO
 Phone: 816-347-9997 Fax: 816-347-9979
 E-mail: act@lovelaceassociates.com

Contact Person
 Name: Caroline Boyd
 Address: 3864 West 75th Street
 City, State: Prairie Village, KS 66208
 Phone: 913-226-5736 Fax: 913-901-2435
 E-mail: carolineboyd@kc.rr.com

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that rezoning in the City of Parkville is subject to the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above-mentioned codes, and further understand that any violations from the provisions of such or from the conditions as stated herein shall constitute cause for fines, punishments and revocation of approvals as applicable.

Applicant's Signature (Required) [Signature] Date: 1/8/2015
Property Owner's Signature (Required) [Signature] Date: 1/8/2015

2. Property Information

Legal description: Attach a separate sheet with complete writing and graphical legal description of the subject property.

Property address or general description of location: I-435 & FF Hwy / 15510 FF Highway

Parcel ID Number: 20-9.0-31-000-000-002.002

Present zoning: County "AG" Agricultural Proposed zoning: Light Industrial

Present use of the property: Wireless telecommunications Facility

Length of use: Indefinite

3. Neighboring land uses and zoning

Describe the existing land use and zoning on the surrounding properties:

<u>Existing Land Use</u>	<u>Existing Zoning</u>
North: <u>Vacant - projected park / residential</u>	<u>County "AG" Agricultural</u>
South: <u>Vacant - floodplain</u>	<u>County "AG" Agricultural</u>
East: <u>Vacant - PCRSD sewer plant</u>	<u>County "AG" Agricultural</u>
West: <u>I-435 ROW / Interstate</u>	<u>County "AG" Agricultural</u>

Attach a summary of the general character of the surrounding properties, the effects of the proposed rezoning on nearby property, the suitability of the site for development under the current zoning, adequacy of area roads, public utilities and public services necessary to serve development permitted in the proposed zoning district, consistency of the proposed zoning with the City's adopted Master Plan, and any other relevant information relating to this rezoning request.

4. Checklist of required submittals

- Completed application, including all required details and supporting data.
- Nonrefundable application fee of \$300.00. Applicant will be billed to recover costs for required publication and certified notice to adjacent property owners.
- Complete written and graphical legal description of subject property in paper and electronic formats, and 8.5" x 11" area map showing the subject property and surrounding major features including roads.
- List of names and addresses of all property owners within 185' of the property to be rezoned (certified or as obtained from the Platte County Assessors Office and verified in the Platte County Recorder's Office.
- If proposed rezoning is for a "planned" district (i.e. R-5, B-4, B-P, OTD, Community Unit Plan), a complete site plan/development plan including all features as required by Municipal Code.
- Notarized affidavit of ownership and authorized signature of the applicant and owner of record of the property. *Applicant is Owner of Record / Deed Attached*

For City Use Only

Application accepted as complete by: Sean Ackerson CD Director 1/12/15
Name/Title Date
 Application fee payment: Check # #1385 M.O. Cash \$ 300.00
\$ 300.00
 Final reimbursable costs paid (if applicable). Date of Action: _____

Planning Commission Action: Approved Approved with Conditions Denied Date of Action: _____
 Conditions if any: _____

Board of Aldermen Action: Approved Approved with Conditions Denied Date of Action: _____
 Conditions if any: _____

This application is for a Conditional Use Permit (CUP) for an existing 160' SST (expandable to 230') which was constructed in 2001 under a Special Use Permit (SUP) issued by the Platte County Planning & Zoning Commission (*Case No. SP-03-00, 4/10/01, unanimous approval*).

The SUP process required landowner notification within 1,000 feet of the property as well as published public notification.

The Platte County Planning & Zoning Commission made the following finding:

"The location and size of the special use, the nature and intensity of the operation involved in or conduction in connection with it, and the location of the site with respect to the streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and the use of neighboring property in accordance with the applicable zoning district regulations. In making this determination, consideration has been given to location, nature and height of the buildings, structures, walls and fences on the site and the nature and extent of landscaping and screening of the site."

The surrounding uses in 2001 were (1) sewage treatment plant, (2) vacant ground, (3) cemetery, and (4) Parma Woods Shooting Range (across I-435). In 2015, other than the construction of the Tower, the uses in the area have not changed.

Specific Provisions in Parkville's Code of Ordinances, Chapter 471

Section 471.030:

Purpose – Goals. Types of Towers. Other.

Parkville's Cell Tower provisions call for encouraging collocations on existing towers, minimizing the number of towers within the community, minimizing the visual impact of the towers/antennas, and encouraging tower locations in non-residential areas and/or in areas where the adverse impact on the community is minimal.

Parkville's provisions require all towers to be self-support towers (SST) or monopoles unless camouflaged.

The subject tower is a 160' self support tower that is designed to be expandable to 230'. It was constructed in 2001 and currently has Sprint PCS as a tenant. Verizon Wireless has requested collocation at the top of the tower (160').

At 160', and with an FAA indicating "no obstruction to airspace", the tower does not have lights. If the tower expands to 200' or above, the FAA would require the tower to have lights.

The subject tower surroundings on the north, east & south sides are fairly dense trees and volunteer shrubs. The west side faces I-435 & that side has fewer volunteer trees & shrubs. The remainder of the property has not been cleared, nor have the surrounding parcels. Consequently, the base of the tower is essentially not viewable from public roadways.

CUP CRITERIA:

1. **Height:** The subject tower was originally approved at 230' and allowed to be constructed at 160'. Verizon has requested to install their antennas at 160'.

Request: Applicant requests the Parkville Planning Commission to approve the tower in the same manner as the Platte County Planning Commission – allow the 230' tower with the understanding that the tower will only expand when there is a collocation opportunity for the expansion.

2. **Adverse Effect:** The subject tower has been standing since 2001. The uses in the area have not changed since 2001. The original SUP governing body, the Platte County Planning Commission, made the following findings regarding the tower's impact upon the area:

"The location and size of the special use, the nature and intensity of the operation involved in or conduction in connection with it, and the location of the site with respect to the streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and the use of neighboring property in accordance with the applicable zoning district regulations. In making this determination, consideration has been given to location, nature and height of the buildings, structures, walls and fences on the site and the nature and extent of landscaping and screening of the site."

3. **Fencing:** As required by the Platte County Planning Commission, the subject tower fencing is 6' tall topped with strands of barb wire, consisting of chain link on the north, east & south sides & wood on the west side (the I-435 side). There is also a security camera system within the compound.

4. **FAA:** In 2001 an air study was done for a 250' tower at this location. The findings were that while the site "underlies the airspace protected for the intermediate segment of the BPS Runway 1R, NDB or GPS Runway 1L, Localizer Runway 1R, VOR/DME A TACAN Runway 1L and Localizer Runway 1L instrument approach procedures to the Kansas City International Airport, the 250' height is 1124' below the height allowable without affecting the procedures."

Study Summary:

"Based on this study, it is feasible to propose a 250' AGL/1025' AMSL structure at this site without exceeding obstruction criteria. Notice to the FAA is required. Obstruction Marking and Lighting will also be required.

The maximum height allowable without requiring notice to the FAA would be 200' AGL/975' AMSL."

Applicant Request:

For this CUP application, Applicant requests the following:

1. That the Parkville Planning Commission adopt the Platte County Planning Commission decision to allow a 230' self-support tower, consisting of an original construction of 160' with expansion to 230' as collocation opportunities present themselves.

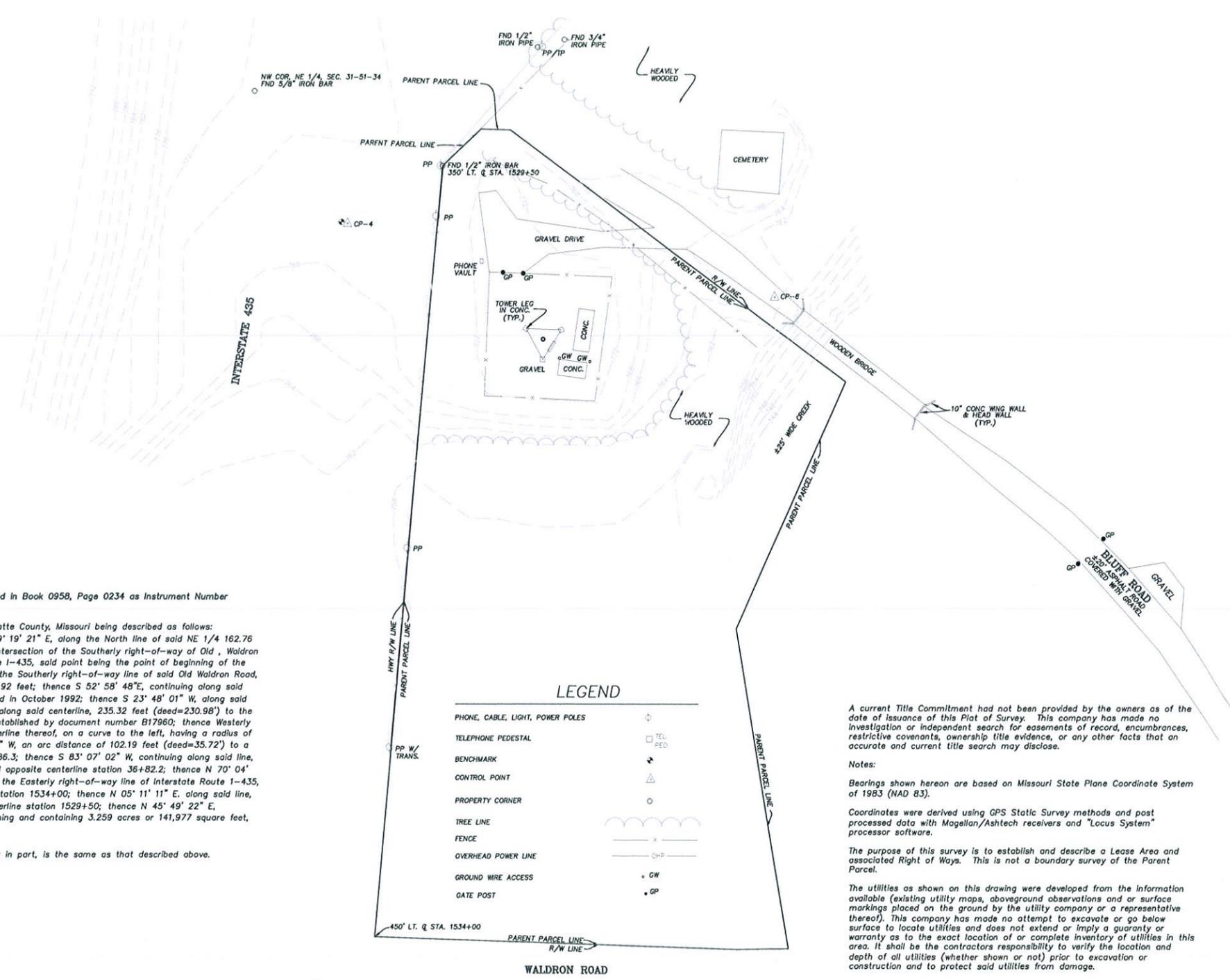
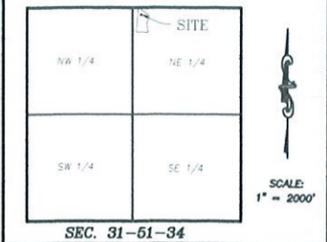
Applicant Reasoning:

1. The subject property & subject tower were annexed by Parkville *after* the tower was constructed. If Parkville were to "grandfather" the tower & tower height, the circumstances

surrounding the CUP approval would be unique and would not open Parkville up to having to allow future towers taller than their ordinance allows.

2. The subject tower exists and was designed to support up to nine (9) carriers up to 230'. Such a design comports with the spirit of the Parkville ordinance in that it will support multiple future collocations. If the tower were allowed to be constructed up to 230' for future collocations, any new tower application in the immediate area would need justification on why collocation on the subject tower would not be feasible.

FF HWY & I-435 SST
PART OF THE NE 1/4, SECTION 31, T51N, R34W,
IN PLATTE COUNTY, MISSOURI



PROPERTY DESCRIPTION: Parent Parcel as Provided (Per Deed in Book 0958, Page 0234 as Instrument Number 0020561)

All that part of the NE 1/4 of Section 31, T. 51, R. 34, Platte County, Missouri being described as follows:
Commencing at the NW corner of said NE 1/4; thence S 89° 19' 21" E, along the North line of said NE 1/4 162.76 feet; thence S 00° 40' 39" W, 26.06 feet to the Point of Intersection of the Southerly right-of-way of Old , Waldron Road with the Easterly right-of-way line of Interstate Route 1-435, said point being the point of beginning of the tract to be described herein; thence S 88° 14' 48" E, along the Southerly right-of-way line of said Old Waldron Road, 25.00 feet from and parallel with the centerline thereof, 20.92 feet; thence S 52° 58' 48" E, continuing along said line, 297.56 feet to the centerline of Brush Creek as located in October 1992; thence S 23° 48' 01" W, along said centerline, 192.84 feet; thence S 09° 05' 10" E, continuing along said centerline, 235.32 feet (dead=230.98') to the Northerly right-of-way line of relocated Waldron Road as established by document number B17960; thence Westerly along said line, 100.00 feet from and parallel with the centerline thereof, on a curve to the left, having a radius of 1054.93 feet and an initial tangent bearing of S 88° 40' 03" W, an arc distance of 102.19 feet (dead=35.72') to a point 100.00 feet from and opposite centerline station 37+86.3; thence S 83° 07' 02" W, continuing along said line, 140.10 feet (dead=170.25') to a point 100.00 feet from and opposite centerline station 38+82.2; thence N 70° 04' 56" W, continuing along said line, 95.20 feet to a point on the Easterly right-of-way line of Interstate Route 1-435, said point being 450.00 feet from and opposite centerline station 1534+00; thence N 05° 11' 11" E, along said line, 552.00 feet to a point 350.00 feet from and opposite centerline station 1529+50; thence N 45° 49' 22" E, continuing along said line, 37.65 feet to the point of beginning and containing 3.259 acres or 141,977 square feet, more or less.

NOTE: The parent parcel graphically shown hereon, in full or in part, is the same as that described above.

LEGEND

PHONE, CABLE, LIGHT, POWER POLES	⊕
TELEPHONE PEDESTAL	⊕ TEL. PED.
BENCHMARK	⊕
CONTROL POINT	△
PROPERTY CORNER	○
TREE LINE	⌒
FENCE	—x—
OVERHEAD POWER LINE	—CHP—
GROUND WIRE ACCESS	• GW
GATE POST	• GP

A current Title Commitment had not been provided by the owners as of the date of issuance of this Plot of Survey. This company has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

Notes:
Bearings shown hereon are based on Missouri State Plane Coordinate System of 1983 (NAD 83).
Coordinates were derived using GPS Static Survey methods and post processed data with Magellan/Ashtech receivers and "Locus System" processor software.

The purpose of this survey is to establish and describe a Lease Area and associated Right of Ways. This is not a boundary survey of the Parent Parcel.

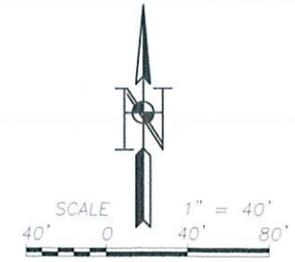
The utilities as shown on this drawing were developed from the information available (existing utility maps, aboveground observations and or surface markings placed on the ground by the utility company or a representative thereof). This company has made no attempt to excavate or go below surface to locate utilities and does not extend or imply a guaranty or warranty as to the exact location of or complete inventory of utilities in this area. It shall be the contractors responsibility to verify the location and depth of all utilities (whether shown or not) prior to excavation or construction and to protect said utilities from damage.

LA LOVELACE & ASSOCIATES
Land Surveying - Land Planning
Telecommunications Surveys
929 SE 3rd Street Lee's Summit, Missouri 64063
Phone: (816) 347-9997 Fax: (816) 347-9979

SURVEY COORDINATED BY:
LOVELACE AND ASSOCIATES, LLC
P.O. BOX 68,
LEE'S SUMMIT, MO 64063
TELEPHONE: 816-347-9997
FAX: 816-347-9979

SURVEY PROVIDED BY:
LOVELACE AND ASSOCIATES, LLC
P.O. BOX 68,
LEE'S SUMMIT, MO 64063
TELEPHONE: 816-347-9997
FAX: 816-347-9979

SURVEY PROVIDED FOR:
MW TOWERS, LLC
3564 WEST 75TH ST.,
PRAIRIE VILLAGE, KS 66208
TELEPHONE: 913-449-4774



FLOOD NOTE:
According to my interpretations of Community Panel No. 290475 0165 A of the Flood Insurance Rate Map for Platte County, Missouri, dated 12-18-79, the subject property is in Flood Zone "A15", i.e. "Areas of 100 year flood; base flood elevations and flood hazard factors determined". Base Flood Elevation = 765ft

CALL BEFORE YOU DIG - DRILL - BLAST
1-800-344-7483
(TOLL FREE)
MISSOURI ONE CALL SYSTEM, INC.

SITE I.D.: NA
SITE NAME: FF HWY & I-435 SST
SITE LOCATION:
WEAVERS BEND,
PLATTE COUNTY, MO
LA PROJECT NO.: NA
DRAWN BY: A.C.T.
CHECKED BY: J.B.L.
DATE: 01-05-15
FIELDWORK DATE: APRIL OF 2002

SHEET NUMBER
1 OF 1

Platte County Planning & Zoning Department

415 Third Street
Platte City, Missouri 64079-9364
(816) 858-3338
Fax: (816) 858-3369
www.co.platte.mo.us

Planning & Zoning * Zoning Enforcement * Parks & Recreation * Building Inspections * Flood Plain Management

April 12, 2001

Telecom Realty, LLC
Attn: Paul Wrablica
7330 Rosewood
Prairie Village, KS 66208

RE: Request for a Special Use Permit for a Telecommunications Tower.

Dear Paul:

Your request for a Special Use Permit for a telecommunications tower was approved by a vote of eleven to zero by the Planning and Zoning Commission on April 10, 2001. Included are the Findings of Facts approving your Special Uses Permit. If you have any questions please contact the Planning and Zoning Department at 858 – 3338.

Sincerely,



Daniel Erickson
Planner

PROPERTY DESCRIPTION: Parent Parcel as Provided (Per Deed in Book 0958, Page 0234 as Instrument Number 0020561)

All that part of the NE 1/4 of Section 31, T. 51, R. 34, Platte County, Missouri being described as follows: Commencing at the NW corner of said NE 1/4; thence S 89° 19' 21" E, along the North line of said NE 1/4 162.76 feet; thence S 00° 40' 39" W, 26.06 feet to the Point of intersection of the Southerly right-of-way of Old , Waldron Road with the Easterly right-of-way line of Interstate Route I-435, said point being the point of beginning of the tract to be described herein; thence S 88°14' 48" E, along the Southerly right-of-way line of said Old Waldron Road, 25.00 feet from and parallel with the centerline thereof, 20.92 feet; thence S 52° 58' 48"E, continuing along said line, 297.56 feet to the centerline of Brush Creek as located in October 1992; thence S 23° 48' 01" W, along said centerline, 192.84 feet; thence S 09° 05' 10" E, continuing along said centerline, 235.32 feet (deed=230.98') to the Northerly right-of-way line of relocated Waldron Road as established by document number B17960; thence Westerly along said line, 100.00 feet from and parallel with the centerline thereof, on a curve to the left, having a radius of 1054.93 feet and an initial tangent bearing of S 88° 40' 03" W, an arc distance of 102.19 feet (deed=35.72') to a point 100.00 feet from and opposite centerline station 37+86.3; thence S 83° 07' 02" W, continuing along said line, 140.10 feet (deed=170.25') to a point 100.00 feet from and opposite centerline station 36+82.2; thence N 70° 04' 56" W, continuing along said line, 95.20 feet to a point on the Easterly right-of-way line of Interstate Route 1-435, said point being 450.00 feet from and opposite centerline station 1534+00; thence N 05° 11' 11" E. along said line, 552.00 feet to a point 350.00 feet from and opposite centerline station 1529+50; thence N 45° 49' 22" E, continuing along said line, 37.65 feet to the point of beginning and containing 3.259 acres or 141,977 square feet, more or less.