

FILE NO.: Z-8570-B

NAME: Verizon Wireless – Tower Use Permit

LOCATION: 20001 Kanis Road

OWNER/APPLICANT: John Bale/James Curley

PROPOSAL: A tower use permit is requested to allow for the addition of 20 feet to the height of this existing 150 foot tall cell tower.

1. SITE LOCATION:

The site is located outside the city limits, within the City's Zoning jurisdiction. The WCF site is located 500± feet south of Kanis Road, west of Chenal Downs.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The existing WCF site consists of a tower and equipment within a fenced, 50 ft. X 50 ft. lease area in a 200± acre tract. This portion of the parent tract is heavily wooded. The parent tract extends for several hundred feet to the south and west. Properties to the north and extending west are wooded and undeveloped. The Chenal Downs neighborhood, consisting of larger homes on 5+ acre tracts, is located to the east. The WCF site is 150 ft. from the common property line between the 200± acre parent tract and Chenal Downs. The center of the tower is 185 ft. from that property line. The tower itself is a stealth design with the antennae not extending out.

Notice of the public hearing was sent to all owners of properties located within 200 feet of the boundary of the 200± acre parent tract. There is no neighborhood association in the area that is registered with the City.

3. ON SITE DRIVES AND PARKING:

A gravel driveway within a 30 foot access easement provides access to the WCF site off of Kanis Road. A gate is located across the driveway at Kanis. A concrete driveway apron will be installed as required by Public Works.

4. SCREENING AND BUFFERS:

1. The site is to contain a permanent six foot landscape strip parallel with all sides of the primary use area and outside of the opaque fence but within the lease area.

2. An eight foot opaque fence, finished side facing cut, is to be located around the entirety of the primary use area.
3. The landscape strip on each side of the primary use area is to contain two trees, of a two inch caliper which will grow to a spacing of 15 feet and a height of 20 feet. Each landscape strip is to also contain evergreen shrubs of 30 inches in height at planting, with a maximum spacing of 48 inches and which will grow to a minimum height of 60 inches.

5. PUBLIC WORKS COMMENTS:

1. Kanis Road is classified on the Master Street Plan as a minor arterial. A dedication of right-of-way 45 feet from centerline will be required.
2. The driveway should be constructed with a concrete apron per City Ordinance.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Outside service boundary, no comment.

Entergy: No objection. Contact Entergy in advance since no distribution lines exist within a long distance from this site.

Centerpoint Energy: No comment received.

AT&T: No comment received.

Water: No objection.

Fire Department: Maintain access.

Building Codes: Outside city limits, no comments.

County Planning: Submit plans to Pulaski County Planning for review and approval. Contact Jim Cranor at (501) 340-8260 with any questions.

CATA: Site located outside of CATA service area.

SUBDIVISION COMMITTEE COMMENT:

(NOVEMBER 5, 2014)

The applicant was present. Staff presented the item and requested the applicant provide an as-built landscape and screening plan to confirm that landscaping and screening are in compliance with the previous approval to allow the existing WCF development. Staff noted the previous approval indicated the tower was built to accommodate five centerlines of antenna and there was currently only one

carrier on the tower. Staff asked the applicant to provide justification for requesting the proposed increase in tower height.

Public Works Comments were noted.

The applicant was advised to respond to staff issues by November 12, 2014. The Committee forwarded the item to the full Commission.

STAFF ANALYSIS:

A Wireless Communication Facility (WCF) is located within a 50 ft. X 50 ft. lease area on the 200± acre tract at 20001 Kanis Road. The property is outside of the city limits but within the City's zoning jurisdiction. The property is zoned AF. The WCF was approved at staff level on June 24, 2010. The proposed WCF complied with all ordinance standards, allowing the staff level approval. The WCF is comprised of the 50 ft. X 50 ft. lease area containing a 150 ft. tall, stealth-style, monopole tower and an equipment shelter for the one wireless carrier currently occupying the site. The compound is enclosed by a screening fence and landscaping.

A second carrier, Verizon Wireless, is proposed to locate on the WCF site. In addition to placing an equipment shelter and generator in the compound, Verizon is proposing to extend the tower height by 20 feet; from 150 feet to 170 feet. The proposed tower height extension above 150 feet requires approval from the Planning Commission through the Tower Use Permit process. Verizon has submitted the following justification in support of the request to increase the tower height:

Verizon is currently attempting to improve its coverage in and around the Chenal Down subdivision. The current coverage in the area is relatively weak, which results in drop calls, slow data speeds, and in extreme cases not being able to make or receive calls. This site will greatly improve outdoor coverage and provide good in-building coverage for the Chenal Downs area.

Verizon Wireless desires to deploy LTE and XLTE service in the Sellette area off of Kanis Road in West Little Rock. The existing tower, while in an adequate location, currently is not tall enough to provide sufficient in-building coverage to the home in the area. Therefore, Verizon Wireless is requesting to extend the tower to meet this need. In addition, we must have 10' of separation, tip to tip, between the antennas of the different carriers. With the top tip of the AT&T antenna being at 150', the bottom tip of the Verizon antenna would have to be at 160'. The antennas are 10' in length so the top tip of the Verizon antenna would be at 170'. Thus the 20' extension to the existing 150' tower.

The tower will have setbacks from the boundaries of the parent tract of 185'5" East, 1,421'8" West, 527'11" North and 783'1" South. The lease area and WCF compound will not be enlarged. Access to the site off of Kanis Road will remain where it is. A concrete driveway apron will be installed and right-of-way for Kanis Road will be dedicated as noted in Public Works Comments.

The original staff level approval for the existing WCF was granted based on plans and documentation that showed full compliance with the WCF standards of the Zoning Ordinance, including landscaping. The applicant is preparing an as-built survey-plan to show compliance. If any of the required landscape elements are missing, they must be installed to comply with Code.

To staff's knowledge, there are no other issues. There is no bill of assurance for this acreage tract.

STAFF RECOMMENDATION:

Staff recommends approval of the requested Tower Use Permit subject to compliance with the following conditions:

1. Compliance with the comments and conditions outlined in Sections 4, 5 and 6 of the agenda staff report.
 2. The site is to be landscaped to comply with Section 36-593 (c) of the Zoning Ordinance and any missing required plant materials are to be replaced or installed.
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PLANNING COMMISSION ACTION:

(DECEMBER 4, 2014)

The applicant was present. There was one objector present. A letter of objection from the Chenal Downs P.O.A. had been forwarded to the Commissioners. Staff presented the item and recommendation of approval as outlined in the "staff recommendation" above.

Jim Curley of BTE Management Group, the applicant, explained the need for added height to accommodate Verizon's antennae and to maintain separation from AT & T's antennae. He stated the additional height was needed to provide required service to their customers.

Keith Harper, of 20 Sellette Court, spoke in opposition. He stated he moved into his home in 2007 and the cell tower went up in 2011. He stated he had not been notified of the original tower being erected and showed photos of the tower from his property; including an enhanced photo showing the addition onto the tower. He stated he thought it was suspicious that they built the tower and now are coming in to request additional height.

Jim Curley responded that no notice was required for the original tower construction since it complied with Code. He stated Verizon was obligated to provide "in building" coverage and this was the only way to do so.

In response to a question from Chairman Fountain, Planning Staff member Dana Carney explained the review process for various types of WCF.

Commissioner Berry stated he was on the Commission when the WCF regulations were adopted. He stated he agreed with staff that in light of Federal regulations, this was a reasonable request.

Commissioner Cox referenced the letter from the Chenal Downs P. O. A. and stated the concerns of the nearby residents should be taken into consideration. He questioned if this site was the best site when the tower was first constructed. He said the problem should not be compounded by increasing the tower height. Commissioner Finney asked if staff could approve another tower in the area if this application were denied. Dana Carney stated yes and explained the process of review and approval. He quoted from the Code where the applicant for another tower in the area would have to show that a good faith effort had been made to co-locate on an existing tower and had failed. Mr. Carney stated coverage maps had been provided by the applicant showing the need for increased height to provide needed coverage. He said the Commission's denial of the TUP could show that a good faith effort to co-locate had failed, thus justifying the need for an additional tower in the area.

A motion was made to approve the application, including all staff comments and conditions. The vote was 4 ayes, 4 noes and 3 absent. The motion failed.