



City of Bonner Springs

KANSAS

Tuesday, November 19, 2024
200 East Third Street, Bonner Springs, KS 66012

The meeting is open to the public.

BOARD OF ZONING APPEALS MEETING -7:00 P.M.

CALL TO ORDER - ROLL CALL

CONSENT AGENDA

OLD BUSINESS

NEW BUSINESS

- 1. PUBLIC HEARING - VARIANCE REQUEST - BZA-07-24 - Consider a request for variances from the requirements of the Unified Development Ordinance of Bonner Springs. The requested variance is allow for the construction of a monopole communication tower in excess of the allowed height of 120 feet, the request is for an antenna to extend to 137 +/- feet.**

Action Make a motion to approve, amend or deny the requested variance with staff stipulations.

Recommendation Staff recommends the requested variance be approved with the stated staff stipulations.

Documents:

1. Complete Agenda Item BZA-07-24 Evergy Monopole Height

ADJOURNMENT

Memorandum

Date: November 19, 2024
To: Mayor and City Council
From: Mark Lee

Subject: PUBLIC HEARING - VARIANCE REQUEST - BZA-07-24 - Consider a request for variances from the requirements of the Unified Development Ordinance of Bonner Springs. The requested variance is allow for the construction of a monopole communication tower in excess of the allowed height of 120 feet, the request is for an antenna to extend to 137 +/- feet.

Recommendation: Staff recommends the requested variance be approved with the stated staff stipulations.

Action: Make a motion to approve, amend or deny the requested variance with staff stipulations.

Background: The applicant is requesting a variance from the requirements as written in the Unified Development Ordinance; that variance being an allowed height beyond that which is stated in the Unified Development Ordinance.

Evergy is requesting the height variance in an effort to reach as great of distance around the facility as possible and ping off other towers as part of their internal communication system. This tower will be a part of Evergys' Land Mobile Radio two-way communication system. The tower will aid in communication with Evergys' field staff and will provide greater work efficiency and safety of their staff and the public during emergencies or other daily work activities.

Discussion: The Conditional Development Standards located within the Unified Development Ordinance define criteria that must be met in order to be issued a Special Use Permit. In this instance one of the requirements is –

(b) Telecommunication tower height shall be restricted to the distance to the nearest property line, but shall not exceed 120 feet in height from Grade.

In this instance the request is to construct a tower that will exceed this maximum by sixteen feet seven inches (16' 7") for a total height including all appurtenances of one hundred and thirty-six feet seven inches (136' 7").

The parcel in question is owned by Evergy and has been for years. With public infrastructure Evergy supplies, they have requested a Special Use Permit for the installation of a monopole telecommunication tower in order to communicate with field crews. With the sensitive and critical nature of the power grid, Evergy and the United States government require strict security.

Per the applicant – “As such, deploying its network infrastructure on sites they do not own and control and are accessible by others than Evergy personnel is generally not acceptable. Thus, sites in its network are mostly deployed on its current assets, either existing tower sites or new sites located on real property it owns.”

There was discussion back and forth between staff and a representative from SSC on what constitutes a tower versus an appurtenance. It is staff's opinion that every portion of any tower be considered a part of that tower and not an appurtenance to said tower, as these are typically the most visually impactful portion of the telecommunication system.

Financial Impact:

City of Bonner Springs
Board of Zoning Appeals
Agenda Item Cover Sheet

Agenda Item No. 4

BZA-07-24
VARIANCE REQUEST

Topic: PUBLIC HEARING - Variance Request – BZA-07-24 – Evergy – Monopole Communication Tower.

Consider a request for variances from the allowed height of one hundred and twenty (120') feet. The monopole tower will be constructed to a height of one hundred and fifteen (115') feet with the antenna being an additional twenty-one feet seven inches (21' 7") higher. The request is to allow for the extension of an antenna to a height of one hundred and thirty-six feet seven inches (136'7").

Narrative:

The applicant is requesting a variance from the requirements as written in the Unified Development Ordinance; that variance being, an allowed height beyond that which is stated in the Unified Development Ordinance.

Evergy is requesting the height variance in an effort to reach as great of distance around the facility as possible and ping off other towers as part of their internal communication system. This tower will be a part of Evergys' Land Mobile Radio system two-way communication system. The tower will aid in communication with Evergys' field staff and will provide greater work efficiency and safety of their staff and the public during emergencies or other daily work activities.

Presented by: Mark Lee – Community Development Director

Staff Recommendation: Staff recommends the variance be approved with the stated stipulations.

Attachments:

Staff Report (5pgs)
Aerial image (included in report)
Response by applicant to BZA questions (2pgs)
Applicants site plan 11x17 (5pgs)

STAFF REPORT

Meeting Date: November 19, 2024
Report Date: November 14, 2024

Subject:

The applicant is requesting a variance from the requirements as written in the Unified Development Ordinance; that variance being, an allowed height beyond that which is stated in the Unified Development Ordinance.

Evergy is requesting the height variance in an effort to reach as great of distance around the facility as possible and ping off other towers as part of their internal communication system. This tower will be a part of Evergys’ Land Mobile Radio system two-way communication system. The tower will aid in communication with Evergys’ field staff and will provide greater work efficiency and safety of their staff and the public during emergencies or other daily work activities.

File Number: BZA-07-24

GENERAL INFORMATION

Applicant: SSC on behalf of Evergy
Address: 7171 W. 95th Street; Suite 600
Overland Park KS 66212

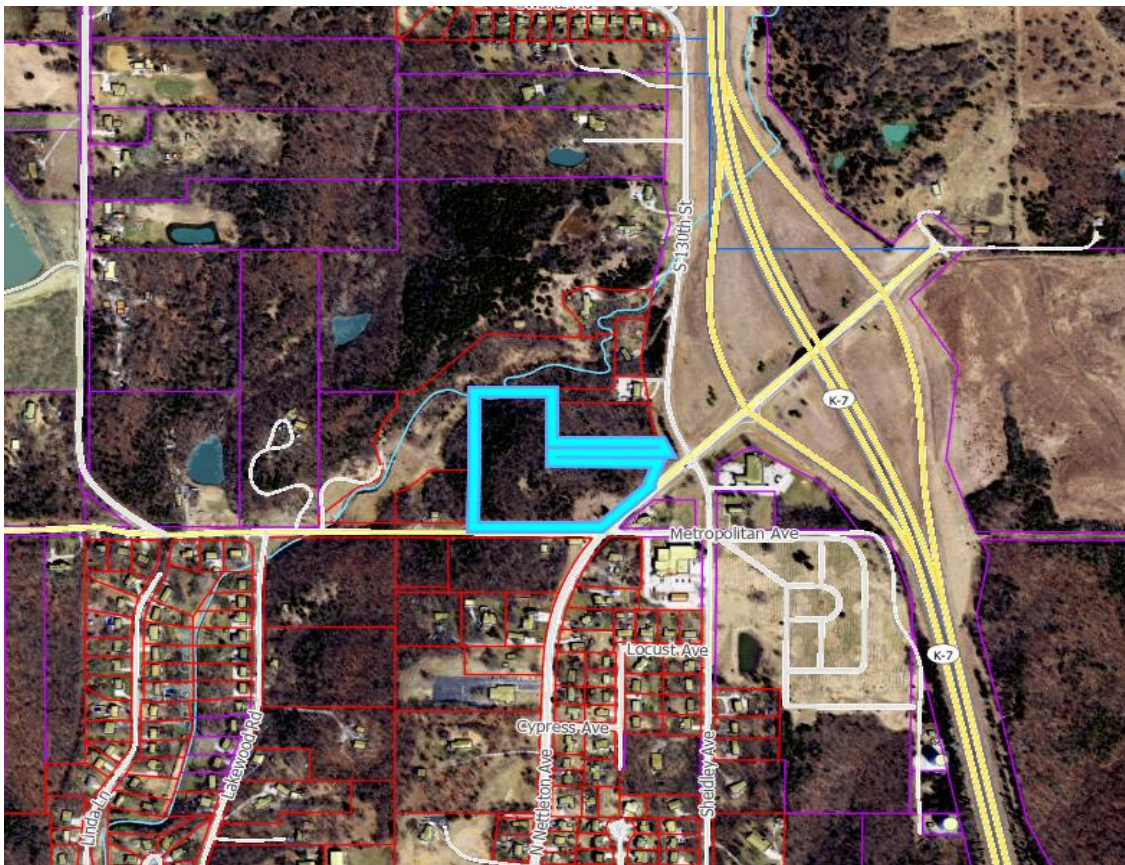
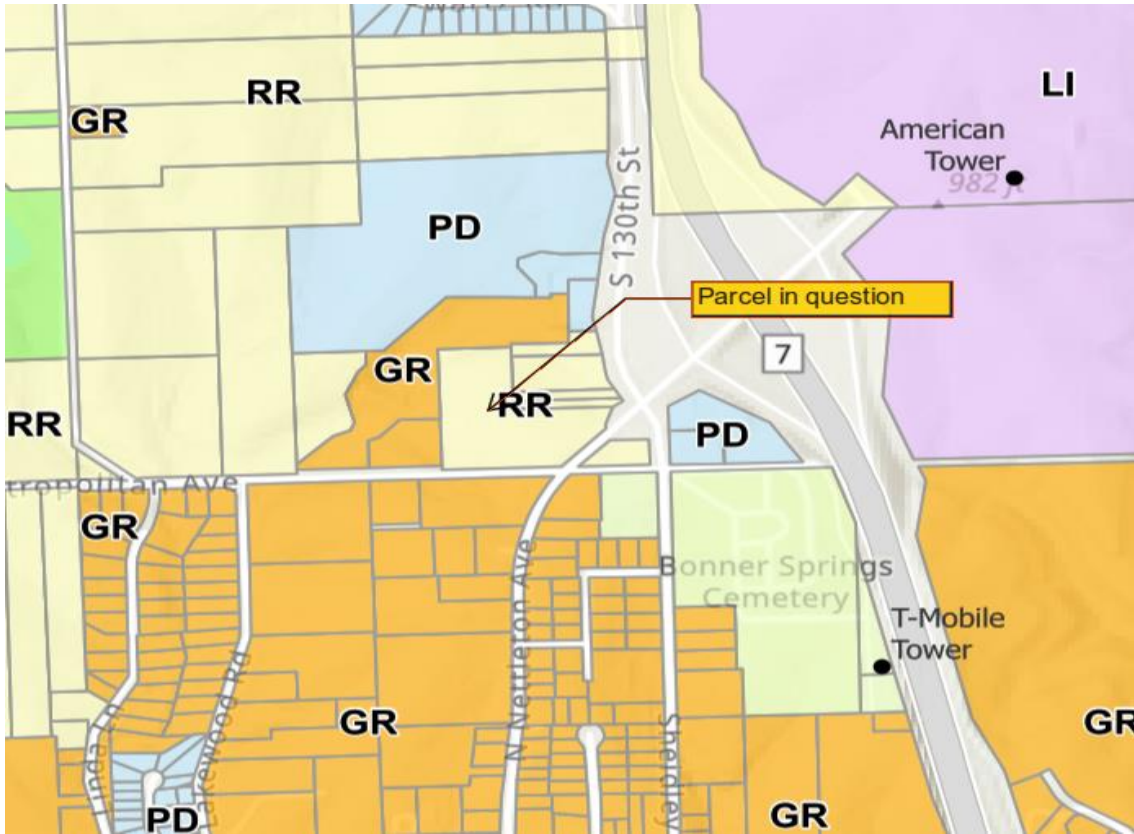
STAFF ANALYSIS

Site Characteristics

Location: 13100 Metropolitan Avenue
Area of Property: 7.8792ac / 343,217.952sqft.
Zoning: RR; Rural Residential District
Future Land Use Map: Low-Density Residential

Adjacent Property:

The majority of zoning within the immediate area is residential in nature, with a small portion to the east zoned as a Planned Development District (commercial building along K-7 and Nettleton Ave)



Narrative/Background

The Conditional Development Standards located within the Unified Development Ordinance define criteria that must be met in order to be issued a Special Use Permit. In this instance one of the requirements is –

- (b) Telecommunication tower height shall be restricted to the distance to the nearest property line, but shall not exceed 120 feet in height from Grade.

In this instance the request is to construct a tower that will exceed this maximum by sixteen feet seven inches (16’ 7”) for a total height including all appurtenances of one hundred and thirty-six feet seven inches (136’ 7”).

The parcel in question is owned by Evergy and has been for years. With public infrastructure Evergy supplies, they have requested a Special Use Permit for the installation of a monopole telecommunication tower in order to communicate with field crews. With the sensitive and critical nature of the power grid, Evergy and the United States government require strict security.

Per the applicant – “As such, deploying its network infrastructure on sites they do not own and control and are accessible by others than Evergy personnel is generally not acceptable. Thus, sites in its network are mostly deployed on its current assets, either existing tower sites or new sites located on real property it owns.”

There was discussion back and forth between staff and a representative from SSC on what constitutes a tower versus an appurtenance. It is staff’s opinion that every portion of any tower be considered a part of that tower and not an appurtenance to said tower, as these are typically the most visually impactful portion of the telecommunication system.

Conformance with the Zoning Ordinance

Section 2.03.D.2.b states: *The purpose of this Section 2.03.D is to provide a process for reviewing and approving zoning relief applications from the requirements of this Chapter 2 Zoning Regulations.*

(2) The purpose of a zoning relief application is to:

- (a) Provide a process for property owners to seek relief from the minimum Lot Area, setbacks, and other dimensional and Building requirements of this chapter;*
- (b) Offer the City a method of considering alternative compliance metrics for unique or encumbered lots where strict compliance with this Chapter 2 Zoning Regulations would result in undue hardship to a property owner; and*
- (c) Ensure the granting of relief from the zoning standards will not adversely affect surrounding property owners, and will not jeopardize further compliance with the subdivision and Development Standards outlined in these regulations.*

The questions listed below are required by K.S.A. 12-759; this Statute goes on to state: A request for a variance may be granted in such case, upon a finding by the board that all of the following conditions have been met.

The questions below, in **bold type**, are required by State Statute when hearing variance requests; the applicant’s responses are below them in *italics*, with any Staff comments following.

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district; and is not created by an action or actions of the property owner or the applicant.

The property is uniquely situated due to its topography and distance from other communication infrastructure. These factors create a unique challenge in providing adequate coverage for the area, which cannot be easily solved by alternative locations or methods. This condition is specific to the location and does not arise from any action taken by the property owner.

This condition is not unique to the property in question but is unique in the facilities need to reach greater distances. The monopole itself measures a height of one hundred and fifteen (115') feet. The extension of the communication omni antenna takes the overall height above that which is allowed. This creates the necessity for a variance request for the additional sixteen feet seven inches (16' 7") or a total height of 136' 7".

2. The granting of the variance request will or will not adversely affect the rights of the adjacent property owners or residents.

The tower is designed to blend with its surroundings and will be equipped with proper safety features, ensuring it will not negatively affect neighboring properties. Furthermore, the structure will not obstruct views, cause noise, or disrupt the daily activities of nearby property owners.

The granting of this variance should not adversely affect the rights of the adjacent property owners. From staff's determination the monopole base will be approximately 8' in diameter and taper as it increases in height, taking up significantly less space than other towers. The setbacks are such that it will be required to be at least 137' from the nearest property line as well. This tower is needed to ensure that there will in fact be no adverse impacts, by allowing Evergy the ability to communicate to its field crews in times of emergency as well as on a daily basis.

3. That the strict application of the provisions of the Zoning Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

Without the variance, strict adherence to the zoning regulations would prevent the installation of the tower, significantly limiting the ability to provide necessary communication services in the area. This would create an unnecessary hardship as the property owner would be unable to fully utilize the land. Granting the variance will alleviate this hardship while still maintaining the spirit of the zoning code.

Staff agrees that there would be unnecessary hardship placed upon the property owner in this instance. The need for a major utility provider to communicate to its field crews is of vital importance. The height requested will enable their signal to travel greater distances.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, the general welfare or the harmonious development of the city.

The installation of the tower will enhance public safety by improving communication services, particularly for the local utility provider. Reliable communication infrastructure is crucial for public safety, and the tower will contribute to that without compromising the health, safety, or welfare of the community. All safety regulations and guidelines will be strictly adhered to, ensuring the tower's safe operation.

The requested variance will have no adverse effect on the public health, safety, morals, order, etc.

5. That granting of the variance desired will not be opposed to the general spirit and intent of the Unified Development Ordinance.

While the request seeks a variance from specific zoning restrictions, it aligns with the overall goals and intent of the zoning ordinance. The tower's placement will support the city's infrastructure development and provide services that are in the public interest. The variance will allow the property to be used in a manner consistent with the broader community goals while addressing the specific limitations of the site.

The requested variance is not opposed to the general spirit and intent of the Unified Development Ordinance. The regulations in place, are there to ensure development is harmonious with its surroundings and similar in nature to other like structures. We currently have several telecom towers that exceed the height of 136' 7".

Conformance with the Future Land Use Plan:

The Future Land Use Plan identifies this area as “low density residential”. The Future Land Use Plan does address telecommunication towers. Towers can be located throughout all zoning districts if they adhere to the regulations listed in the Unified Development Ordinance or achieve a successful variance request.

Traffic Impact:

The proposed variance request, whether approved or denied, will have no impact on the current street network.

Drainage Impact:

The proposed variance request, whether approved or denied, will have no impact on drainage.

STAFF RECOMMENDATION

Staff recommends the requested variance be approved with the stated staff stipulations.

1. The structure shall be no taller than that which is listed on the submitted plans (136’ 7”).
2. A building permit shall be required
3. The driveway approach that extends from Metropolitan Avenue shall meet the requirements of a hard surface drive. The remainder of the driveway can be gravel as allowed by the Unified Development Ordinance.
4. All ground equipment shall be screened as required by the Unified Development Ordinance
5. In addition to the stipulations in this report, the applicant/property owner agrees to abide by all regulations contained in the Bonner Springs Unified Development Ordinance.

BOARD OPTIONS

1. **Approve the variance request, with or without conditions/changes.**
2. **Deny the variance request**
3. **Continue the Public Hearing to another date, date, time, and/or place**



October 16, 2024

City of Bonner Springs
Board of Zoning Appeals
200 E 3rd Street
Bonner Springs, KS 66012

RE: Application for Height Variance for Evergy Tower
13100 Metropolitan Ave., Bonner Springs, KS 66012

To Whom It May Concern:

I am writing to request a variance from the zoning ordinance to allow the installation of a tower on the property located at 13100 Metropolitan Ave., Bonner Springs, KS 66012. The proposed tower will provide essential communications infrastructure for Evergy's operations. Evergy is currently building a network primarily to support the thousands of sensors needed to provide grid modernization.

The Bonner Springs UDO allows a maximum height of 120' for Telecommunications Facilities. The proposed tower will be 115' monopole with a 20' omni antenna attached at the top of the tower, bringing the overall height of the structure with appurtenances to approximately 135'. The omni antenna on top is necessary for Evergy's Land Mobile Radio (LMR) system, which is their two-way radio system. This system is a critical communications link to Evergy's field staff, both for work efficiency, and for the safety of that staff and the public.

We are requesting a height variance to allow this tower as proposed with the omni antenna on top to exceed the height limits. This request meets the five criteria required for the variance, as explained below:

1. Condition Unique To Property:

The property is uniquely situated due to its topography and distance from other communication infrastructure. These factors create a unique challenge in providing adequate coverage for the area, which cannot be easily solved by alternative locations or methods. This condition is specific to the location and does not arise from any action taken by the property owner.

2. No Adverse Effects:

The tower is designed to blend with its surroundings and will be equipped with proper safety features, ensuring it will not negatively affect neighboring properties. Furthermore, the structure will not obstruct views, cause noise, or disrupt the daily activities of nearby property owners.

3. Unnecessary Hardship:

Without the variance, strict adherence to the zoning regulations would prevent the installation of the tower, significantly limiting the ability to provide

necessary communication services in the area. This would create an unnecessary hardship as the property owner would be unable to fully utilize the land. Granting the variance will alleviate this hardship while still maintaining the spirit of the zoning code.

4. Public Health, Safety and Welfare:

The installation of the tower will enhance public safety by improving communication services, particularly for the local utility provider. Reliable communication infrastructure is crucial for public safety, and the tower will contribute to that without compromising the health, safety, or welfare of the community. All safety regulations and guidelines will be strictly adhered to, ensuring the tower's safe operation.

5. Ordinance Intent:

While the request seeks a variance from specific zoning restrictions, it aligns with the overall goals and intent of the zoning ordinance. The tower's placement will support the city's infrastructure development and provide services that are in the public interest. The variance will allow the property to be used in a manner consistent with the broader community goals while addressing the specific limitations of the site.

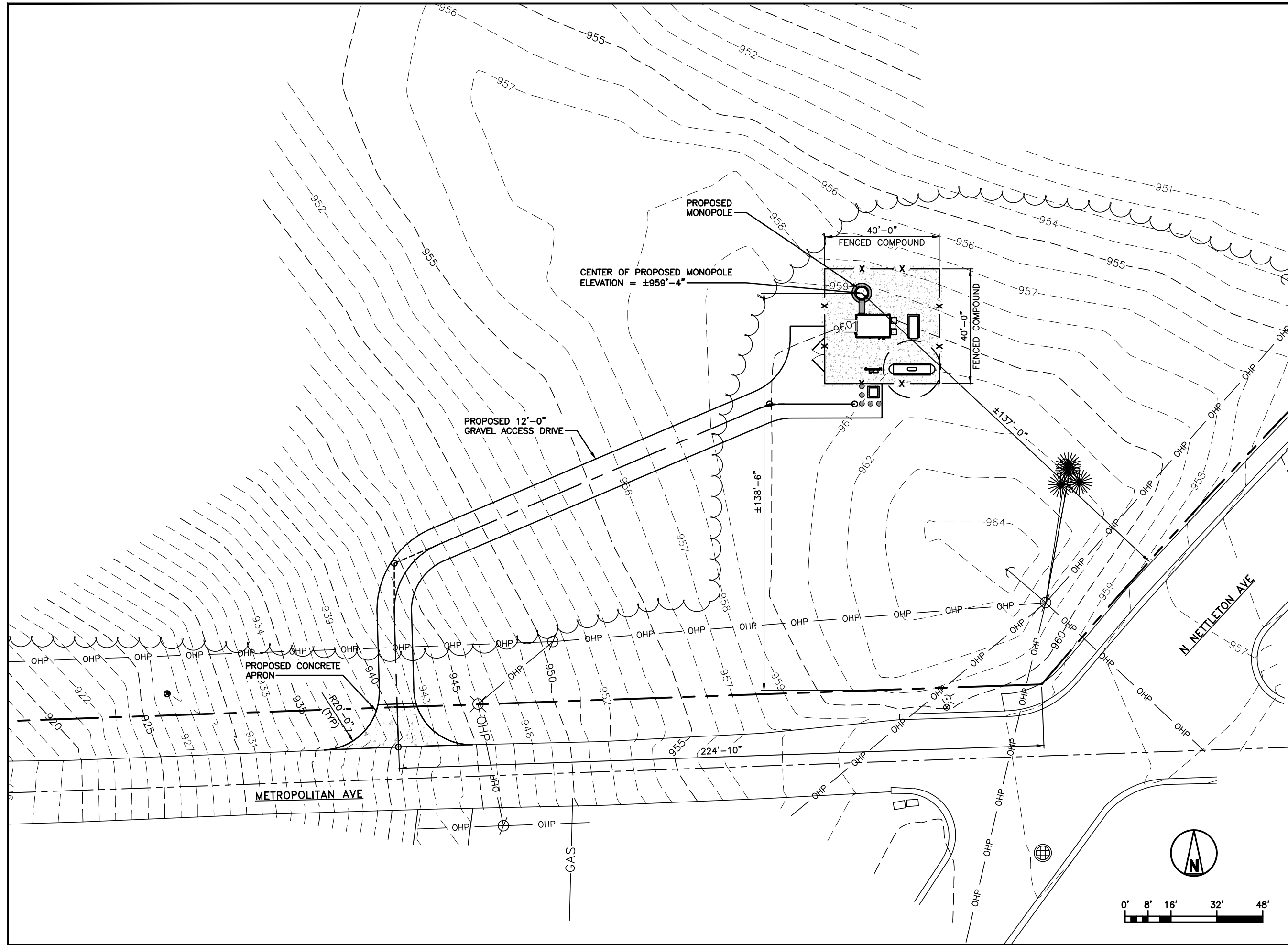
I respectfully request the Board to approve this variance based on the unique conditions and demonstrated benefits to the community.

Thank you for your time and consideration.

Sincerely,



Emily Roseberry
Permitting Coordinator
SSC, Inc.
7171 W. 95th Street, Suite 600
Overland Park, KS 66212
O: 913-438-7700 ext. 2272
eroseberry@ssc.us.com



OVERALL SITE PLAN

1

STAMP:

ENGINEERING LICENSE:
 STATE OF KANSAS
 PE CERTIFICATE OF AUTHORIZATION # E-571
 ENGINEER: KMV KEVIN M. VANMAELE 22105 CIVIL CCC
 REJ ROBERT E. JENSEN 16096 CIVIL CCC
 CG CHRISTOPHER GIANNOTTI 28673 CIVIL CCC
 SDK SHELTON D. KEISLING 13654 ELECTRICAL E
 TMS TERRANCE M. SUPER 9250 ELECTRICAL E

PLANS PREPARED FOR:



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SUBMITTALS:

DESCRIPTION	DATE	BY	REV
ISSUED FOR REVIEW	08/09/24	DSL	A
REVISED MONOPOLE HEIGHT	09/06/24	DSL	B

APPLICANT SITE NAME:
BONNER SPRINGS

APPLICANT SITE NUMBER:
TBD

SITE ADDRESS:
**13100 METROPOLITAN AVE
 BONNER SPRING, KS 66012**

SHEET DESCRIPTION: **OVERALL SITE PLAN**
 SHEET #: **A-1.0**