City of Leawood

4800 Town Center Drive
Leawood, KS

WIRELESS COMMUNICATION FACILITIES

Co-locations and Modifications of Existing Tower or Base Stations

In accord with various Federal and State civil rights legislation, the City of Leawood does not discriminate against individuals regardless of race, ethnicity, color, religion, gender, national origin, age, marital status, medical condition or disability.

Application Eligibility

Wireless Communication Facilities
Co-locations or Modifications of an Existing Tower or Base Station
In Compliance with Section 6409(a)
Middle Class Tax Relief and Job Creation Act of 2012

This application shall only be used for applications dealing with the co-location of wireless transmission equipment, or modification of an existing tower or base station that does not constitute a substantial change to the physical dimensions of eligible wireless support structures meeting the requirements of Section 6409(a) Middle Class Tax Relief and Job Creation Act of 2012. If the application does not meet the requirements of Section 6409(a) please fill out an application for a Special Use Permit for Wireless Communication Facilities Co-location with Substantial Change to Support Structure, or a Special Use Permit for Wireless Communication Facilities – New Tower/Alternative Tower Structure.

Eligible Facilities Request

- ☐ Application is for a co-location on an existing wireless communication structure.
  - ☐ The application is for co-location of new transmission equipment.
  - ☐ Removal of transmission equipment.
  - ☐ Replacement of transmission equipment.

Application Does Not Constitute a Substantial Change to an Eligible Wireless Support Structure

- ☐ Cellular towers other than towers in the public right-of-way.
  - ☐ Applicant asserts in writing that the request for modification is covered by [Section 6409 (a)] of the Middle Class Tax Relief and Job Creation Act of 2012.
  - ☐ Does not increase the height of the tower by more than 10% or 20 feet, whichever is greater. (Changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances.)
  - ☐ Adding appurtenances to the body of the tower that will not protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
  - ☐ It does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four cabinets.
  - ☐ It does not entail any excavation or deployment outside of the current site.
  - ☐ It does not defeat the concealment elements of the eligible support structure.

- ☐ Other support structures.
  - ☐ Applicant asserts in writing that request for modification is covered by [Section 6409 (a)].
  - ☐ Complies with the conditions associated with the siting all of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.
  - ☐ Does not increase the height of the structure by more than 10% or more than 10 feet, whichever is greater. (Changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances.)
  - ☐ Adding appurtenances to the body of the structure that would protrude from the edge of the structure by not more than 6 feet.
  - ☐ It does not entail any excavation or deployment outside of the current site.
  - ☐ It does not defeat the concealment elements of the eligible support structure.

- ☐ Towers in the Public Right-Of-Way and Base Stations.

- ☐ Complies with the conditions associated with the siding all of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.
- ☐ It does not involve installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or does not involve installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.
- ☐ It does not entail any excavation or deployment outside of the current site.
- ☐ It does not defeat the concealment elements of the eligible support structure.

Signature of Applicant: _____, Date: _____

CITY OF LEAWOOD, KANSAS

2024 Fee Schedule

PLANNING & DEVELOPMENT

Rezoning		
Department	**Description**	**Fee**
	Residential Rezoning [RP-A5, R-1, RP-1, RP-2, RP-3, RP-4]	
Planning	Tract size 0 – 5 acres	$400.00
	Tract size >5 acres - 10 acres	$500.00
	Tract size >10 acres	$600.00
	Commercial Rezoning [SD-NCR, SD-NCR2, SD-CR, SD-O, BP]	
Planning	Tract size 0 – 5 acres	$900.00
	Tract size >5 acres – 10 acres	$1,100.00
	Tract size >10 acres	$1,300.00
	Recreation [REC] Rezoning	
Planning	Any tract size	$600.00
	Mixed Use [MXD] Rezoning	
Planning	Tract size 0 – 5 acres	$1,000.00
	Tract size >5 acres – 10 acres	$1,200.00
	Tract size >10 acres	$1,500.00
	Mixed Rezoning [Combination of 2 or more districts]	
Planning	Tract size 0 – 10 acres	$1,000.00
	Tract size >10 acres	$1,500.00

PLANNING & DEVELOPMENT

Preliminary Plan		
Department	**Description**	**Fee**
	Residential Preliminary Plan [RP-A5, R-1, RP-1, RP-2, RP-3, RP-4]	
Planning	Tract size 0 – 5 acres	$400.00
	Tract size >5 acres -10 acres	$500.00
	Tract size >10 acres	$600.00
	Non-Agricultural/Non-Residential Preliminary Plan [AG]	
Planning	Tract size 0 – 5 acres	$700.00
	Tract size >5 acres – 10 acres	$800.00
	Tract size >10 acres	$1,000.00
	Commercial Preliminary Plan [SD-NCR, SD-NCR2, SD-CR, SD-O, BP]	
Planning	Tract size 0 – 5 acres	$700.00
	Tract size >5 acres – 10 acres	$800.00
	Tract size >10 acres	$1,000.00
	Recreation [REC] Preliminary Plan	
Planning	Any tract size	$600.00
	Mixed Use [MXD] Preliminary Plan	
Planning	Tract size 0 – 5 acres	$700.00
	Tract size >5 acres – 10 acres	$800.00
	Tract size >10 acres	$1,000.00
	Mixed Preliminary Plan [Combination of 2 or more districts]	
Planning	Tract size 0 – 10 acres	$700.00
	Tract size >10 acres	$1,000.00

PLANNING & DEVELOPMENT

Final Plan		
Applicant is responsible for the cost of publishing the Notice of Hearing for any rezoning, preliminary plan, preliminary plat or special use permit. Applicant is also responsible for the cost of recording plats.		
Department	**Description**	**Fee**
	Residential Final Plan [RP-A5, R-1, RP-1, RP-2, RP-3, RP-4]	
Planning	All tract sizes	$400.00
	Non-Agricultural/Non-Residential Final Plan [AG]	
Planning	Tract size 0 – 5 acres	$600.00
	Tract size >5 acres – 10 acres	$700.00
	Tract size >10 acres	$900.00
	Commercial Final Plan [SD-NCR, SD-NCR-2, SD-CR, SD-O, BP]	
Planning	Tract size 0 – 5 acres	$600.00
	Tract size >5 acres – 10 acres	$700.00
	Tract size >10 acres	$900.00
	Recreation [REC] Final Plan	
Planning	Any tract size	$400.00
	Mixed Use [MXD] Final Plan	
Planning	Tract size 0 – 5 acres	$600.00
	Tract size >5 acres – 10 acres	$700.00
	Tract size >10 acres	$900.00
	Mixed Final Plan [Combination of 2 or more districts]	
Planning	Tract size 0 – 10 acres	$600.00
	Tract size >10 acres	$900.00

PLANNING & DEVELOPMENT

Department	Description	Fee
	SUBDIVISION REGULATION PROCEDURES	
Planning	Preliminary Plat Submission	$800.00 minimum + $2.00 per lot/tract
	Final Plat Submission	$400.00 minimum + $2.00 per lot/tract
	Cost to Develop Arterial Streets	
Planning	When a designated arterial street abuts the property owner's land, the property owner shall pay at least 50% of the cost to develop said street to the standards prescribed for a major collector, unless the property owner has paid the 135th Street Corridor Impact Fee for the property. These funds are used to pay for future improvements of the street or to reimburse the City for its costs for a street which has already been improved. The cost to construct a major collector shall be established at $783.00 per foot. The resulting fee shall be 50% of $783.00, or $391.50, per foot of arterial street frontage. Fee shall not be applicable for a single residential lot split if lot owner has dedicated any required right-of-way for street improvement and dedication approved by Governing Body.	$391.50 per foot of arterial street frontage. Fee shall be collected at time of platting.
	SPECIAL USE PERMITS [SUP]	
Planning	Tract Size 0 – 5 acres	$300.00 each
	Tract size >5 – 10 acres	$400.00 each
	Tract size >10 acres	$500.00 each
	Temporary Use Permit	$50.00 each
	Seasonal Sales	$50.00 each

	OTHER PLAN APPROVALS	
Planning	Hardscape Plan, Landscape Plan, Sign Plan	$200.00 each
	Sport Court Application	$75.00 each
	Roofing Material & Color Application	$75.00 each
	Modification of Stipulations	$200.00 per application
	Final Plan for Changes to Building Façade/Elevations Application	$300.00 per application
	Final Plan Re-Inspection Fee	$75.00 each
	Wireless Communication Facilities Co-locations and Modifications to Existing Tower or Base Station	$300.00 each
	Administrative Review of Electric Car Charging Stations	$100.00 each
	Administrative Review of Ground Mounted Utility Box	$100.00 each
	Administrative Review of DAS/SCF Facility	$125.00 each
	Administrative Review of WiFi Antennae Systems	$200.00 each

SIGNS & BANNERS		
Planning	Monument Sign/Structures - All sizes *[Additional electrical permit required]*	$200.00
	Permanent Sign - All sizes *[Additional electrical permit required]* ▪ Wall Sign ▪ Canopy Sign ▪ Awning Sign ▪ Blade Sign ▪ Building Identification Symbols ▪ Directional Sign ▪ Directory Sign ▪ Signage on Architectural Structures	$4.00 per sq. ft. [min. $25.00]

Light Pole Banners **as permitted by the Leawood Development Ordinance [LDO]**		
Department	**Description**	**Fee**
Planning	1 to 10 Banners	$5.00 per banner
	11 to 20 Banners	$10.00 per banner
	21 to 30 Banners	$15.00 per banner
	31 to 40 Banners	$20.00 per banner
	41 to 50 Banners	$25.00 per banner
	51 Banners or More	$40.00 per banner

16-4-12.3A Modifications and Co-locations

(A) DEFINITIONS. For purposes of this Section 16-4-12.3A, the terms used have the following meanings:

(1) Base Station shall mean a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:

(a) Equipment associated with wireless communications services such as private and broadcast services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(b) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration [including Distributed Antenna Systems and small-cell networks].

(c) Any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described above, that has been reviewed and approved under the applicable zoning process.

The term Base Station does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described above.

(2) Collocation shall mean the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(3) Eligible Facilities Request shall mean any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

(a) Collocation of new transmission equipment;

(b) Removal of transmission equipment; or

(c) Replacement of transmission equipment.

(4) Eligible support structure shall mean any tower or base station provided that it is existing with appropriate permits and zoning at the time the relevant application is filed with the City under this section.

(5) Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process.

(6) Site shall mean, for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and for other eligible support structures, shall be further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

(7) Substantial Change shall mean a modification changing the physical dimensions of an eligible support structure in such a way to meet any of the following criteria:

(a) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(b) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(c) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(d) It entails any excavation or deployment outside the current site;

(e) It would defeat the concealment elements of the eligible support structure; or

(f) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (a)-(d) of this section (7).

(8) Tower shall mean any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including but not

limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(9) Transmission Equipment means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(B) APPLICATION AND REVIEW

(1) The Planning Services Department shall prepare and make available an Eligible Facilities Permit application form limited to the information necessary for the City to consider whether the application is an Eligible Facilities Request. The application shall require the applicant to schedule a meeting with the planning staff to submit the application and shall require the following:

(a) Sealed building plans [wet sealed or embossed];

(b) Sealed certifications [wet sealed or embossed];

(c) Site Plan and Photo Simulations. The applicant must provide a detailed site plan of the proposed project. This properly scaled site plan will include one page (including ground contours) that portrays the layout of the site, as well as proposed and existing structures within 150 feet of the tower base. Access to and from the site, as well as dimensioned proposed and existing drives, must be included on this plan. Detailed exterior elevations (from all views) of the tower, screening wall, and all proposed buildings must also be submitted. Finally, a landscape plan detailing location, size, number and species of plant materials must be included for review by Planning and Development;

(d) Operational Standards. Wireless communication facilities shall meet or exceed all minimum structural and operational standards as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then all wireless communication facilities, towers and antennae shall be brought into compliance with the revised standards and regulations within six (6) months of the effective date of the standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring wireless communication facilities, towers and antennae into compliance with any revised standards and regulations shall constitute grounds for the removal of the facility, tower or antenna at the owner or provider's expense.

(e) Radiation Certification. The applicant shall provide an engineer's certification that anticipated levels of electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the FCC. The cumulative effect of all antennae and related facilities on a site will also comply with the radio frequency radiation emission guidelines established by the FCC. An antenna radiation pattern shall be included for each antenna, along with directional data concerning the pointing of any directive antenna.

(f) Color and Finish. Antennae and related facilities shall be of materials and color that are consistent with the tower or alternative tower structure and surrounding elements so as to blend architecturally with said tower or structure. The antennae and related facilities shall be of a neutral color that is identical to, or closely compatible with, the color of the tower or alternative tower structure so as to make the antennae and related facilities as visually unobtrusive as possible. Antennae mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen.

(g) Parking Areas. All parking areas and drives associated with the application shall comply with applicable provisions for such facilities in each zoning district, except that the City, in the permit process, may waive the requirements for curbing and guttering when they are not needed for drainage purposes.

(2) Upon receipt of an application for an Eligible Facilities Permit, planning staff shall review such application to determine whether it qualifies.

(3) If the application qualifies, then the planning staff shall place the item on the next available Governing Body agenda.

(4) If, at any time within 30 days of the filing of the application, the City determines that the application is not an Eligible Facilities Request or is otherwise incomplete, then the planning staff shall immediately inform the applicant in writing and shall advise the applicant of all missing documents or information and the applicable section of the LDO or Application Instructions. If additional information or documents are provided, the planning staff shall advise the applicant within 10 days of receipt of the information if the application remains incomplete.

(5) The City shall approve an Eligible Facilities Request within sixty (60) days.

(6) In the event the City fails to approve or deny an Eligible Facilities Request within the timeframe for review [including tolling of time if applicable], then the request shall be deemed granted.

The applicant is responsible for meeting all applicable City, County, State and Federal codes in their submission. Incomplete submissions shall be rejected. It is the applicant's responsibility to ensure that all of the required documents have been submitted to staff.

APPLICATION CHECKLIST

Wireless Communication Facilities Co-locations and Modifications of Existing Tower or Base Station In Compliance with Section 6409(a) of Middle Class Tax Relief and Job Creation Act of 2012

At a minimum, all applications must include the following to be accepted. See the information within the application package for details about each item listed below.

- ❑ Please note that per Section 16-4-12.3 (A), the application shall require the applicant to schedule a meeting with the planning staff to submit the application.
- ❑ Appropriate application fee.
- ❑ A completed application with the signature of the property owner on which the project is proposed to be located.
- ❑ Sealed building plans (wet sealed or embossed)
- ❑ Sealed certifications (wet sealed or embossed) fire code, electrical code, etc.
- ❑ Detailed site plan of the proposed project.
- ❑ Dimensioned elevation plans showing that the proposed project is in compliance with Section 6409(a).
- ❑ Antenna specifications.
- ❑ Photo Simulation of the tower as it is proposed to look like with this application. Simulations should be provided as viewed from all adjacent public right-of way.
- ❑ Letter stating the facility shall operate within the standards outlined by the FCC.
- ❑ Radiation Certification
- ❑ Color and finish of all proposed equipment including antennae and associated equipment
- ❑ Letter confirming that that all parking areas and drives associated with the application comply with applicable provisions for such facilities in each zoning district, except that the City, in the permit process may wave the requirements for curbing and guttering when they are not needed for drainage purposes.

Signature of Applicant: _____, Date: _____

Proof of Ownership Affidavit

STATE OF _____

COUNTY OF _____

_____, being duly sworn upon his/her oath, deposes and states as follows:

1. That _____ is/are the legal owner(s) of the property affected by Case # _____; or

2. That _____, a

_____, is the holder of a contract to purchase the property

affected by Case # _____ from the owner(s), and is therefore "landowner" within the meaning of K.S.A.12-726, and any amendments thereto; and

3. That he/she is the _____ of said _____ (contract holder) and was duly authorized to file the application for Case # _____ on its behalf.

_____
Signature

Subscribed and sworn to me this _____ day of _____, 20__.

_____
Notary Public

My appointment expires:

_____

APPLICATION
FOR WIRELESS COMMUNICATION FACILITIES CO-LOCATIONS OR MODIFICATIONS OF AN EXISTING TOWER OR BASE STATION IN COMPLIANCE WITH SECTION 6409(a) MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

Please read the application fully before completing. This application cannot be processed unless complete with all the required documents attached. If you need any assistance in completing the form, please call the Planning Services Department at (913) 339-6700 x 160. Fax: (913) 339-6736

Case # _____

Name of Project _____

Location/Address _____

Proposed Use of Property _____

Description of Improvements _____

_____

_____

I hereby verify that the proposed project meets the requirements of a co-location or modification of an existing tower or base station and is compliance with Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012

Signature _____ Date _____

APPLICANT/CONTACT PERSON

Name _____

Address _____

City/State _____ Zip _____

Phone _____ Fax _____

Email _____

OWNER OF RECORD

Name _____

Address _____

City/State _____ Zip _____

Phone _____ Fax _____

Email _____

_____ _____

Applicant's Signature *Owner's Signature*

A representative must be at the meeting to represent this application

FOR OFFICE USE ONLY

Date Filed: _____ Accepted by: _____ Fee Collected: _____

Case Number: _____ Publication Date: _____

Planning Commission Recommendation: _____

City Council: _____