



**STAFF REPORT
CITY COUNCIL
October 10, 2016**

TO: Mayor Jerry Wiley
City Council Members
Steve Chinn, City Attorney

FROM: Bill Sandy, Building Official

APPLICANT: Bob Bath on behalf of Southern Star Central Gas Pipeline

The legal description for the lot(s) is: **6006 Mission Rd.,**

Section 15-207-210 – Aerial Facilities
Section 15-584-593 – Wireless Facilities
Section 15-681-685 – Special Use Permits

1. Final Site Plan
2. Special Use Permit Application

PROPOSED USE:

The applicant, Southern Star Central Gas Pipeline, Inc., (Southern Star), is proposing a new communication pole with a 60' TUP (Tip Up Pole) at the gas measurement site at 6006 Mission Rd, behind the Hideaway Pet Shop and is located in the B-1 Neighborhood Business District. Wireless antennae and related facilities are allowed in existing business districts through the approval of a Special Use Permit.

Southern Star is updating its communications network and requires a taller pole to get the new communications network above the terrain and obstructions. This new pole will have what is known as a Yagi antenna at the very top (see attached picture of a TUP). This pole/antenna transmits the gas measurement data and SCADA information to another antenna at 75th Street and Nieman Road, which then relays the information to the Gas Control and Gas Measurement systems in Owensboro, KY. The SCADA information provided to the Gas Control is a pressure monitor system that allows Southern Star dispatch to monitor pressure along the pipeline for safety.

The current gas measurement site has an existing pole doing the same thing (see bottom insert picture). The new TUP will be taller and thicker than what exist today. The concrete base for the new TUP, is a 12" diameter drilled hole as the foundation (see attached STD-TUP-60FT).

The City's Wireless Facilities Ordinance requiring a Special Use Permit was not adopted until 1999. The proposed Special Use Permit will therefore cover one (1) antennae and related facilities. The TUP is not for use as a cell phone/communication tower but strictly for transmission of data to Southern Star.

The application is subject to general Special Use Permit Requirements set forth in Fairway City Code, Chapter 15 Section 15-584, and the Wireless Facilities Ordinances set forth in Chapter 15, Subdivision 5.

PLANNING COMMISSION RECOMMENDATION:

On September 26, 2016, the Planning Commission voted 3-2 to recommend approval to the Governing Body. The vote outcome was based on the concerns about a nearby neighbor of the facility. The majority of the concerns were not so much about the pole itself, but rather about living near a B-1 Neighborhood Business District.

STAFF RECOMMENDATION:

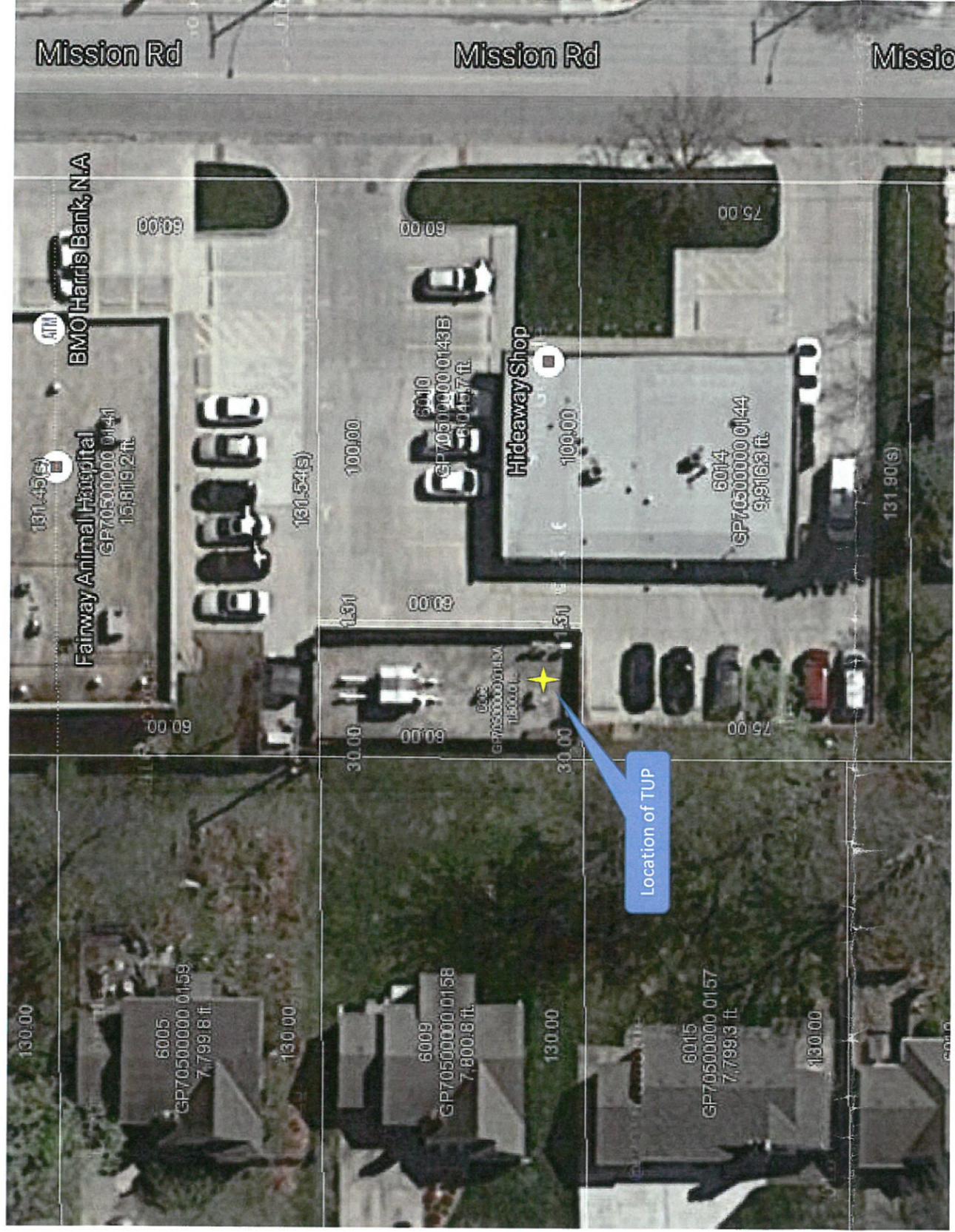
Staff recommends approval of the project subject to the conditions and stipulations set forth in the proposed Special Use Permit Ordinance with the following conditions:

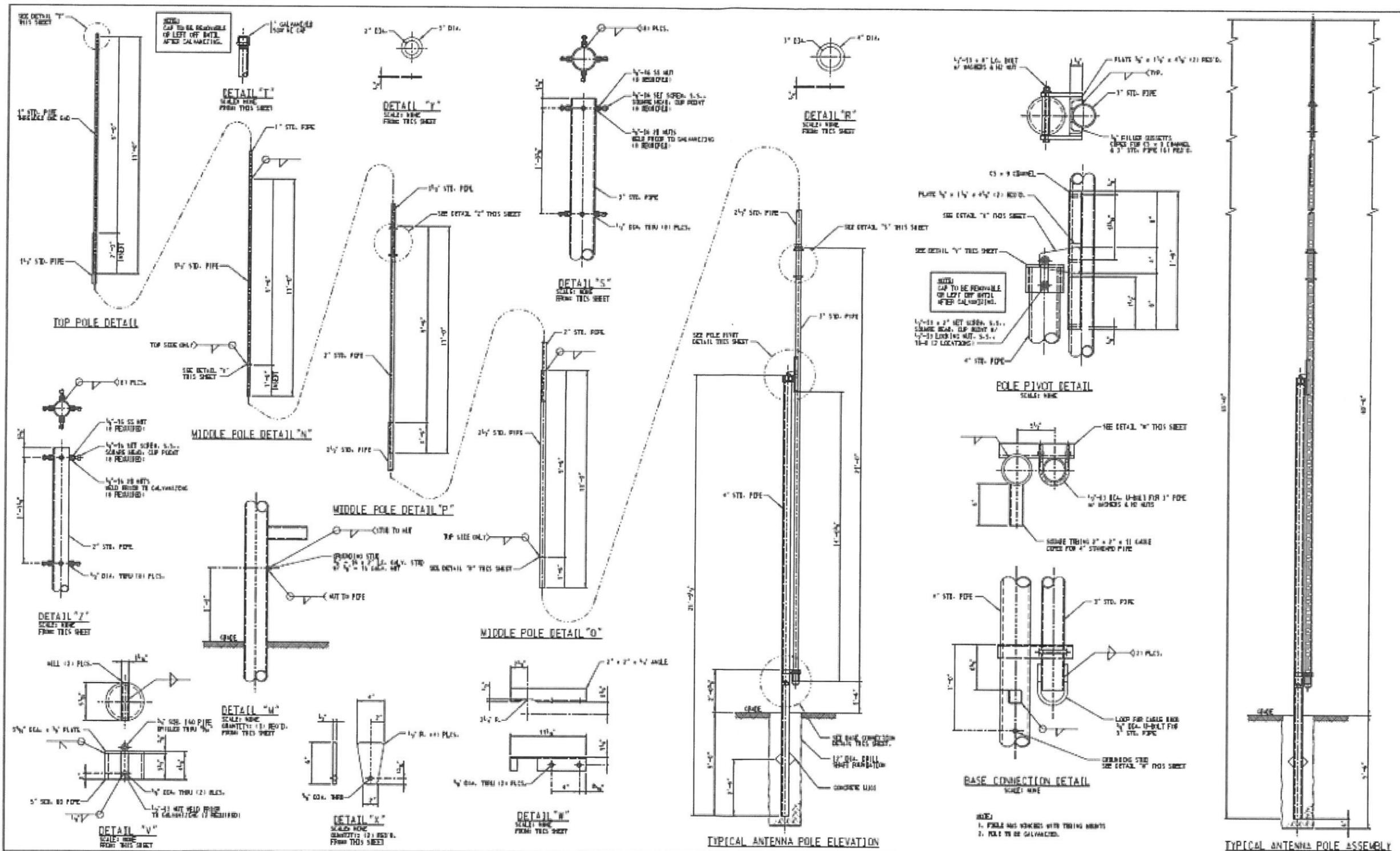
1. Four (4) complete sets of plans are submitted for plan review and approval.
2. Building permit must be obtained and fees paid, as required by City code.
3. That the project complies with all City ordinances and the 2012 International Building Code.
4. Application and approval is void if a building permit is not obtained within one year from the date of Planning Commission approval





Site Plan Information
Southern Star Central Gas Pipeline, Inc.
Special Use Permit





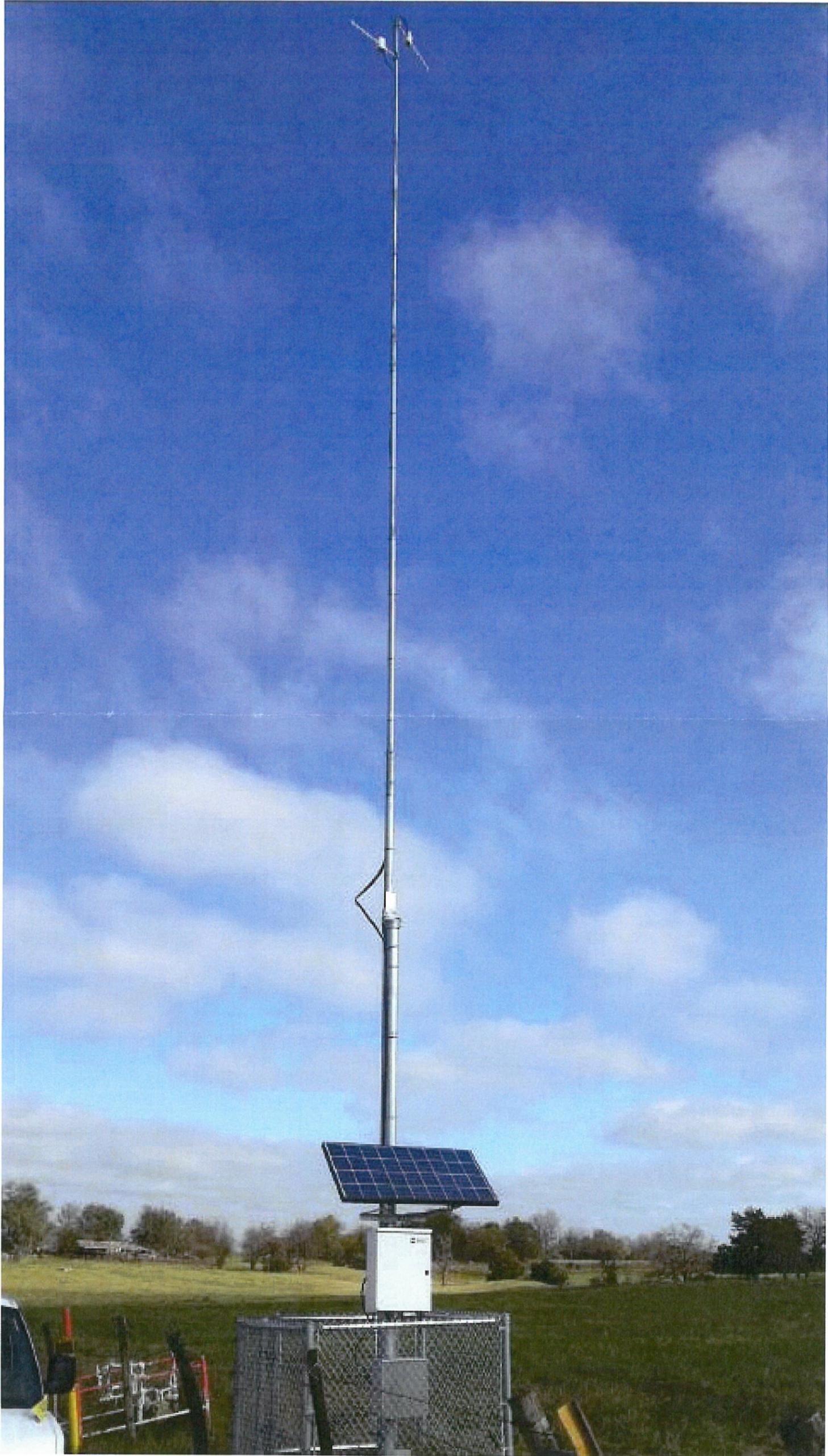
CURE REQUIREMENTS		REFERENCE DRAWINGS		REVISIONS			P.I.N.			
PART NO.	ASAC NO. (REV.)	Drawing number	Revised name	NO.	DATE	BY	DESCRIPTION	NO.	CD.	APP.
DESIGN FACTOR				0	01-26-20	BLC	SUP ORIGINAL STANDARD DRAWING ISSUE	5	DES	DES
DESIGN PRESSURE	4 TDH			1	04-22-21	FSI	REVISED EXPANDED DETAIL 'I' & POLE PIVOT DETAIL	5	DES	DES
TEST PRESSURE	8 TDH			2	06-20-21	FSI	REVISED EXPANDED DETAIL 'I', 'I', 'I' & POLE PIVOT DETAIL	5	DES	DES
STRESS RELIEF	6-4HT			3	08-13-24	FSI	REVISED EXPANDED DETAIL 'I' & 'I'	5	DES	DES/DES



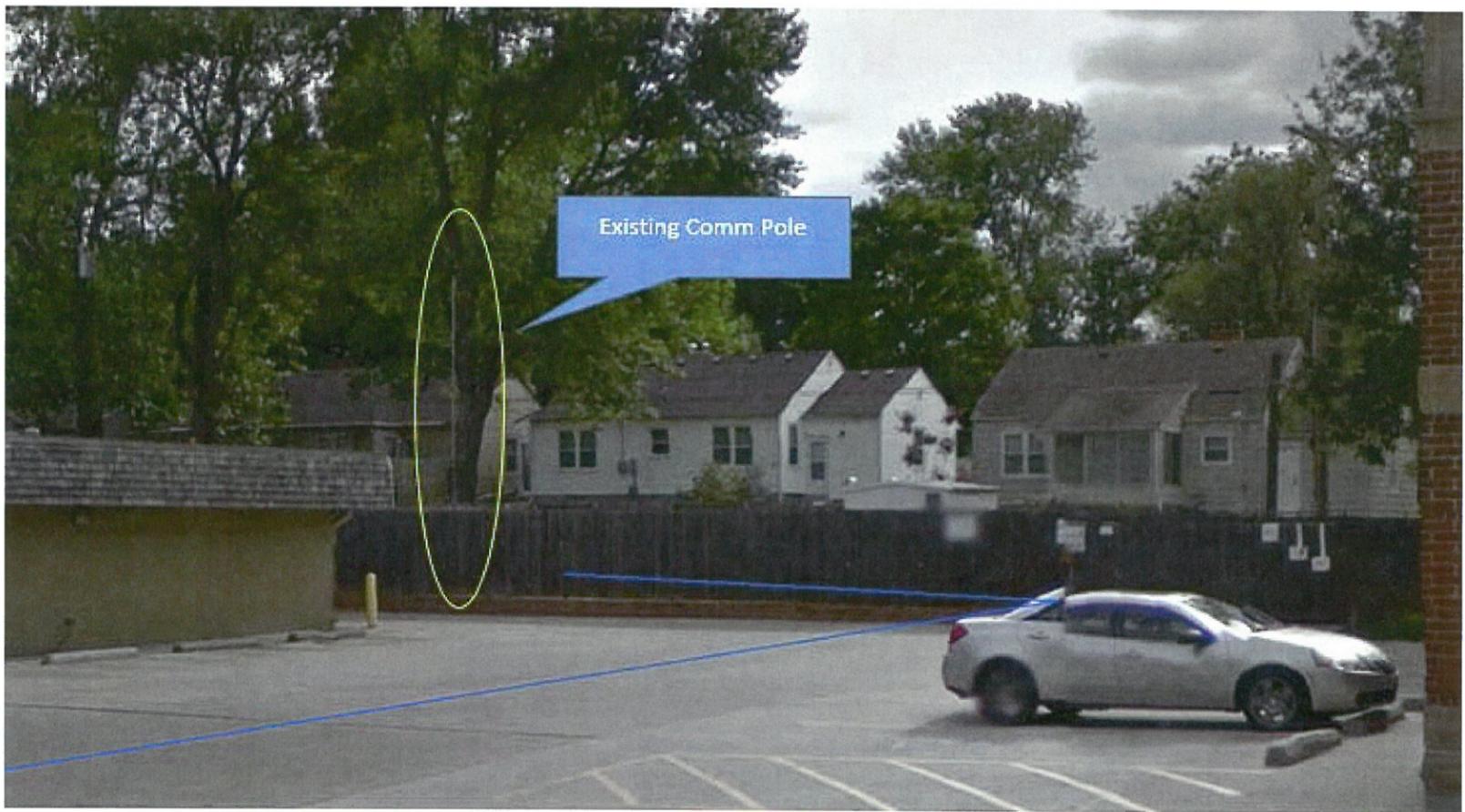
STANDARD TIP-UP POLE - 60FT.

DRAWN BY: PLS	DATE: 01-26-2020	SCALE: 1/2" = 1'-0"
CHECKED BY: [Signature]	DATE: [Signature]	PROJECT: STD-TUP-60FT
APPROVED BY: BLM	DATE: 10-09-2010	REV: [Signature]

New TUP



Existing Pole



Explanation for new TUP

Southern Star Central Gas Pipeline, Inc., (Southern Star) is needing to change out our existing communication pole to a new 60' TUP (Tip Up Pole) at our gas measurement site at 6006 Mission Rd. Southern Star is updating its communications network that is requiring a taller pole to get the new communications network above the terrain and obstructions. This new pole will have what's called a Yagi antenna at the very top (see above picture). This pole/antenna transmits our gas measurement data and SCADA information to another antenna at 75th & Nieman that then relays the information to our Gas Control and Gas Measurement systems in Owensboro, KY. The SCADA information provided to our Gas Control is a pressure monitor system that allows our dispatch to monitor pressure along the pipeline for a safety concern.

The current gas measurement site has an existing pole doing the same thing The new TUP will be taller and thicker than what exist today. The concrete base for the new TUP, is just a 12" diameter drilled hole as the foundation

ORDINANCE NO. 1633

SPECIAL USE PERMIT NO. 2016-1

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR THE LOCATION OF SIXTY FOOT (60') TIP UP POLE (TUP) WIRELESS ANTENNA AND RELATED EQUIPMENT AND FACILITIES AT 6006 MISSION ROAD.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FAIRWAY, KANSAS:

SECTION 1. SPECIAL USE PERMIT GRANTED. Pursuant to regulations set forth in Fairway City Code, Chapter XV, permission is hereby granted to use in the manner set forth in Section 2 hereafter the following described property:

All that part of MISSION HIGHLANDS W 30 FT LOT 143 FAC-5933

(Commonly known as 6006 Mission Road, Fairway, KS)

SECTION 2. ALLOWED USE. That, subject to the provisions contained in Fairway City Code, Chapter XV, Sections 15-207, 15-209, 15-210 and 15-584 through 15-593, and the conditions and stipulations set forth in Sections 15-681, 15-682, 15-684 and 15-685 hereafter, the permittee (Southern Star Central Gas Pipeline) shall be allowed to locate a sixty foot (60') wireless antenna and certain related equipment and facilities upon the above-described property. If the permittee is found to be in non-compliance with this special use permit and the conditions and stipulations thereof, this special use permit will become null and void within sixty (60) days of written notification of noncompliance, unless the noncompliance is corrected. All Zoning Ordinances and Regulations of the City of Fairway affecting the use of the above-described property which are inconsistent with this special use permit are hereby made inapplicable to the above-described property.

SECTION 3. CONDITIONS AND STIPULATIONS. The special use permit granted in Sections 1 and 2 above is contingent upon the performance and observation of following additional and supplementary regulations, stipulations, conditions and restrictions, the violation of which shall be basis for revocation in addition to those specified in Fairway City Code Section 15-686:

- a. The allowed use shall be in accordance with Exhibit "A" (containing the application, site plan, photo simulation, hazard assessment and equipment diagram), which is filed in the office of the City Clerk at City Hall, and is incorporated by reference as if set out in full herein. Under no circumstance shall the wireless antenna or the related equipment and facilities exceed the size and dimensions set forth in said exhibit, and any and all modifications or substitutions will require further City approval. Provided, the Planning Commission may approve a revised site plan for a modification or substitution of the wireless antenna and/or other facilities that are similar or smaller in size and scope to the wireless antenna and facilities set forth in Exhibit "A"; and further provided, City staff may approve a modification or substitution of any equipment or facilities that are not external or otherwise visible from the exterior of the building, unless City staff determines in its discretion that the modification or substitution should be reviewed by the Planning Commission or by both the Planning Commission and the Governing Body. Upon any modification or substitution, the permittee may be required to provide evidence of compliance with the Federal Communications Commission's radio frequency radiation emissions requirement.
- b. The allowed use shall follow and comply with all applicable federal and state codes, laws and regulations, as well as all applicable codes, regulations and standards of the City, unless specifically exempted by the Governing Body.
- c. The permittee will obtain all required building permits.
- d. All structures, antenna, equipment and facilities shall be properly maintained and shall comply with any and all appropriate federal, state or local guidelines, requirements and applicable technical or safety standards.
- e. No additional antenna or other related equipment and facilities shall be placed or

- f. maintained on the property without City approval.
- f. A performance or cash bond that meets the requirements of the Fairway City Code Section 15-584(b) must be submitted with final documents in a form approved by the City's legal counsel.
- g. Sufficient proof of insurance or self-insurance that meets the requirements of the Fairway City Code Section 15-584(b) must be submitted with final documents.
- h. Upon request, the permittee must provide to the City the twenty-four (24) month inspection report outlined in Fairway City Code Section 15-593(b).
- i. The allowed use shall not emit any unnecessary intrusive noise, and shall comply with any applicable noise ordinance promulgated by the City.
- j. A standby emergency power generator for the allowed use may be approved by the Planning Commission through an application for a revised site plan; provided, such approval shall, at minimum, establish appropriate requirements with respect to generator noise, any necessary screening, and time restrictions of any periodic testing.
- k. The permittee shall execute a written statement acknowledging it agrees to the conditions and stipulations set forth herein.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

PASSED by the Governing Body this ___ day of _____, 2016.

APPROVED by the Mayor this ___ day of _____, 2016.

Jerry Wiley, Mayor

ATTEST:

APPROVED AS TO FORM:

Kathy Axelson, City Clerk

Steve Chinn, Zoning Counsel