



BWR | Right in the Center

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, BWR, Planning Consultant
SUBJECT: PC 2009-06: Request for a Special Use Permit for a Wireless Communication Facility to be Located at Faith Evangelical Church, 4805 W. 67th Street
DATE: April 7, 2009 **BWR Project #2009-0024.01**

BACKGROUND INFORMATION:

The first application on this site was for a 120 feet tall monopole located in the southwest corner of the site. The Planning Commission held a Public Hearing on April 1, 2008 and recommended denial of the Special Use Permit to the City Council based on four major issues:

1. Co-location with other providers had not been adequately addressed.
2. The 120' height was a major objection of the neighbors.
3. The availability of the alternative locations was not recently confirmed and propagation maps needed to be provided for potential locations.
4. The monopole equipment compound needed to be integrated into the existing church building rather than being an island location in the parking lot. (Some thought the tower should actually be integrated into the building such as a steeple or bell tower.)

Because the action was for denial of the Special Use Permit, the Site Plan was not considered by the Planning Commission. The applicant withdrew the application June 2, 2008, at the City Council meeting and re-filed an application for a shorter monopole along with an equipment compound.

The application was re-filed for an 85 feet high monopole. The proposed monopole had four antenna locations: 80 feet; 70 feet; 60 feet; and 50 feet. T-Mobile would use the top two locations. T-Mobile had the trees surveyed in the area and they are 47 feet – 67 feet in height. This means that the bottom two locations on the monopole would have little if any coverage for additional carriers. The consequences of this were that if other carriers need to provide service in this area more towers will need to be constructed. This raised the issue of fewer taller monopoles versus more shorter monopoles. The equipment compound and monopole were relocated adjacent to the west end of the church and the compound also included an equipment area for an additional carrier.

The Planning Commission held a Public Hearing on the new application on July 1, 2008 and recommended denial based on the findings that the proposed Special Use Permit would adversely affect the welfare or convenience of the public; it would cause substantial injury to the value of other properties in the neighborhood; the architectural style and materials are not compatible with those found in the neighborhood; the location is poor because of the topography of the site; and the inability to provide collocation. Again, since the motion was for denial, the Site Plan was not considered by the Planning Commission. The City Council considered the recommendation of the Planning Commission on July 21, 2008 and denied the application.

Most of the wireless communications facility applications in Prairie Village have either been the installation of antennae and their associated equipment cabinets on buildings or water towers. There are only two towers one is located at City Hall, which is 150 feet in height and the other is at the Fire Station at 90th and Roe Avenue which is 100 feet in height. The Telecommunications Act of 1996 established some parameters when considering a wireless facility and the primary points are as follows:

- A city shall not discriminate among providers.
- A city shall not prohibit or have the effect of prohibiting the installation of wireless services.

BUCHER, WILLIS & RATLIFF CORPORATION

903 East 104th Street | Suite 900 | Kansas City, Missouri 64131-3451 | P 816.363.2696 | F 816.363.0027 |
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- An applicant must be acted on within a reasonable period of time.
- A decision to deny an applicant for wireless communications must be in writing and supported by substantial evidence.
- The Federal Communications Commission regulates the environmental efforts of radio frequency emissions and a city cannot consider this issue as approving or denying an applicant.

COMMENTS:

The Staff has reviewed the application based on the City's existing policy for wireless communication towers (a copy is attached) as well as the new wireless communications facility ordinance. It should be noted that this application was filed prior to adoption of the new ordinance so it technically is only required to be considered under the policy.

The proposed wireless communications facility is for a 145-foot monopole and equipment compound with potential for four carriers. T-Mobile is the applicant and will use the top two canisters which center at 130 feet and 140 feet. T-Mobile uses two canisters because one is for voice communication and the other is for data. AT&T has requested two lower canisters, one centered at 85 feet and the other at 95 feet. Sprint has also requested a location at 130 feet and needs only one canister. Sprint is requesting the same height T-Mobile plans to use so this will need to be worked out among the carriers. There is a possibility for a fourth carrier at the 105 feet level, but it is not known who that will be. Since AT&T is at the 85 foot height, the monopole could be reduced five feet in height and the canisters for T-Mobile and Sprint lowered five feet.

The equipment compound laid out at the base of the monopole will accommodate the T-Mobile needs only and the other users will need to add new walled compounds to accommodate their equipment needs. The proposed T-Mobile compound is 28 feet by 30 feet and includes the monopole and an emergency standby generator as well as their operating equipment.

Standby emergency generators require site plan approval by the Planning Commission so it needs to be addressed as a part of this application. There are some concerns regarding standby generators; one is noise and the other is the source of fuel. The Johnson County Fire District is concerned about multiple installations of standby generators throughout the City and has recommended that they be directly connected to a natural gas line. T-Mobile is the first carrier to submit a request for a standby generator; however, other carriers have made inquiries. It would be preferable to have one generator at a location rather than one for each carrier. This would minimize the negative aspects of a standby generator and reduce the size of the equipment compounds. The applicant has indicated that they have concerns about liability, operation and management when multiple users are involved. Those issues are probably the same with the tower owner. It would seem reasonable that whoever owns the tower would also provide the standby generator for all carriers at the location and would limit their liability by contract.

The applicant held a public information meeting for the neighbors on March 12, 2009 and a number of people attended. The neighbors asked many questions regarding the application and why this particular location was chosen. The complete summary notes are included for Planning Commission review.

Comments regarding the information submitted are as follows:

1. **Validation Study – A study comparing all potential sites within an approximate ½ mile (one mile in new ordinance) radius of the proposed application area. The study shall include the location and capacity of existing towers, potential surrounding sites, a discussion of the ability or inability of the tower site to host a communications facility and reasons why certain sites were excluded from consideration. The study must demonstrate to the City's satisfaction that alternative tower sites are not available due to a variety of constraints. It must also contain a statement explaining the need for the facility in order to maintain the system and include a map showing the service area of the proposed as well as any other existing and proposed towers.**

If the use of current towers is unavailable, a reason or reasons specifying why they are unavailable needs to be set out and may include one or more of the following: refusal by current tower owner; topographical limitations; adjacent impediments blocking transmission; site limitations to tower construction; technical limitations of the system; equipment exceeds structural capacity of facility or tower; no space on existing facility or tower; other limiting factors rendering existing facilities or towers unusable.

The applicant has requested approval of this specific location in order to provide both improved coverage and capacity for the residences and vehicular traffic in this portion of Prairie Village. A current gap exists in desired level of service in this area. Initially coverage was the primary concern for carriers, but with the increased use of wireless communications for internet, e-mail, texting, etc., capacity has also become an issue. The applicant has indicated that calls made on the T-Mobile system in this geographic area are susceptible to signal fade, with the end result that a call might be dropped. In-building coverage also is not at an acceptable level. This installation will significantly improve the coverage and capacity which will result in better service to T-Mobile customers.

This location was chosen after a "search ring" was developed and issued by T-Mobile's radio frequency engineering team. The search ring indicates a geographic area in which potential sites may be located that will effectuate the maximum amount of coverage and capacity where service is poor.

Typical considerations in siting communication installations are the ground elevations and clearance above ground clutter, such as buildings or vegetation. In addition, the communications facility must be located in the correct geographical area, to provide continuous coverage to the sites that are indicated on the propagation studies as having poor levels of service.

Typically, site acquisition specialists' first target potential co-location sites that have already been approved within the search ring. This is done in order to minimize the cost of new construction for carriers and in order to meet the spirit and intent of the local regulations that encourage co-location in order to minimize the number of towers in a jurisdiction.

Based upon these considerations, the site selection team reviewed a total of eight locations prior to selecting this location. A brief report on each site was contained in a memo from the applicant dated February 20, 2009, that is a part of this application request.

The following sites were identified by T-Mobile as candidates to meet their coverage objectives and the text was extracted from their application.

1. Woodson Avenue Bible Church (67th & Woodson) – The SSC Site Acquisition Consultant worked diligently with the Woodson Bible Church for a year negotiating a lease and working to find a suitable place on the property for a cell site. After much deliberation and many meetings, the Site Acquisition Consultant delivered executable leases to the church and was thereafter advised that the congregation was not in favor of the site and they did not want to move forward with the project. Negotiations were ended in approximately June of 2006
2. St. Michaels & All Angels (67th & Nall) – The SSC Site Acquisition Consultant approached St. Michaels church in June of 2005. There is no place on the building that would offer enough height to attach antennas inside the structure. There is not enough room around the grounds close to the structure to add a bell tower. St. Michael's representatives advised the Site Acquisition Consultant the church was not interested in negotiating a lease.
3. Nall Baptist Church (67th & Nall) – The SSC Site Acquisition Consultant approached this candidate in late 2005 and attempted to negotiate a lease. During this time period, the church was in the process of expanding their facilities. T-Mobile proposed to add additional height to a Bell tower that the church proposed to add to its facility. When the church's architect looked at the proposal, he did not think that it fit into the overall scheme of the project and the church decided not to move forward with a lease. Moreover, there was also concern with angering some

of the neighbors who were already opposed to the increased height of the proposed Bell Tower that has since been installed.

The City recently requested T-Mobile to re-look at this location for placement of a new monopole on the eastern portion of this property that would be capable of co-location instead of a facility at Faith Evangelical Church (Candidate 5 below) and was told that it would not be an acceptable candidate. Based on the City's interest for co-location, this site has been ruled out as a viable candidate.

4. 69th & Roe PV Water Tank (69th Terr. & Roe) – This was the first candidate that T-Mobile pursued in 2006. After being advised of failed negotiations between Cingular and the City of Prairie Village, T-Mobile did not believe a site at this location was feasible. Further, it was determined by Water One that it was not certain the water tank would remain on the property; it may be decommissioned. The City recently requested that T-Mobile revisit with Water One to determine when the water tank will be removed and whether that location would be suitable for a new monopole structure capable of co-location. Based on conversations with Mike Armstrong, General Manager for Water One, there is no money in the 2009 Budget to remove the water tank and it is not known when the tank may be removed. Since this is uncertain, this site was ruled out as a viable candidate by the applicant.
5. Faith Evangelical Church (67th & Roe) – This is the site that has been leased and application is for a 145-foot stealth pole. The new height is the minimum height necessary to prove for co-location for three or more carriers. See attached AT&T Mobility and Sprint co-location letters of interest.
6. Homestead Country Club (Homestead & Mission) – The Homestead Country Club was approached by SSC and a different Site Acquisition Consultant on two different occasions dating back to 2002. A flagpole was proposed at the entrance of the Club and a light standard at the tennis courts. Ultimately both proposals were rejected by Homestead Country Club. After talking to T-Mobile RF Engineer, Luke Willenbring, this site is now considered a candidate for another search ring and would not cover the intended area described in the subject SARF.
7. Village Presbyterian Church (67th & Mission) – This site is in a different coverage area for T-Mobile (to the east) and would not cover the intended area described in the subject SARF.
8. Johnson County Fire District No. 2 (63rd & Mission) – This site is in a different coverage area for T-Mobile (to the east) and would not cover the intended area described in the subject SARF.

The applicant has submitted a propagation study and coverage report that shows the existing coverage without this site and shows the proposed coverage with this site indicating how the coverage would be improved for the users in this location.

2. **Photo Simulation – A photo simulation of the proposed facility as viewed from the adjacent residential properties and public rights-of-way.**
Photo simulations have been included showing the proposed stealth tower as viewed from the north, south, west and east. The houses to the south on 68th Street are about 20 feet higher in elevation and will see that portion of the tower that extends above the tree line. The trees in this area are approximately 50 feet – 70 feet tall.

3. **Co-Location Agreement – A signed statement indicating the applicant’s intention to share space on the tower with other providers.**
The proposed installation is designed to accommodate four carriers. T-Mobile included a statement in its project description indicating that it intends to share space with other carriers. This should be a condition of approval if the location is approved. Because of the proposed height of the monopole, co-location is feasible.
4. **Copy of Lease – A copy of the lease between the applicant and the land owner containing the following provisions:**
 - a. **The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.**
 - b. **The landowner shall be responsible for the removal of the communications tower facility in the event that the leaseholder fails to remove it upon abandonment.**A copy of the lease agreement between T-Mobile and the Faith Evangelical Lutheran Church shall be submitted as a condition of approval. The agreement should contain an abandonment clause and a co-location clause.
5. **Site Plan – A site plan prepared in accordance with Chapter 19.32 Site Plan Approval.**
The Site Plan submitted generally includes all required information and a complete review is included later in this Staff Report; however, there are some general comments as follows:
 - No landscape plan has been submitted with this application. A landscape plan will need to be prepared and submitted for staff review and approval.
 - The plan needs to note that the brick veneer on the wall is to match the existing church building and the compound needs to be integrated into the existing building. Staff should review and approve the actual brick color before it is installed
 - The Site Plan submitted would be adequate for T-Mobile. Any other carriers would need to submit a Site Plan for their installation for review and approval by the Planning Commission, particularly relative to the design of the equipment compounds.
6. **Transmission Medium – Description of the transmission medium that will be used by the applicant to offer or to provide services and proof that applicant will meet all federal, state, and city regulations and laws, including but not limited to FCC regulations.**
The applicant has been allocated a radio frequency spectrum by FCC and is required to meet all state and federal regulations prior to obtaining a building permit from the City.
7. **Description of Services – Description of services that will be offered or provided by the applicant over its existing or proposed facilities including what services or facilities the applicant will offer or make available to the City and other public, educational and governmental institutions.**
T-Mobile is one of the nation's largest wireless service providers and this proposed installation will be part of their digital telephone network that will ultimately provide nationwide coverage. This particular installation is to provide adequate coverage to the local residents, and traveling public in this area. No special services are being offered or made available to the public.
8. **Relocated Items – Indication of the specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposed to temporarily or permanently remove or relocate.**
No trees will be removed, but the equipment compound will be located within a grassed area.
9. **Construction Schedule – Preliminary construction schedule including completion dates.**
T-Mobile is unable to specify a construction schedule until such time as a Special Use Permit is granted. Construction is a two to three month process.

- 10. Qualifications and Experience – Sufficient detail to establish the applicant’s technical qualifications, experience and expertise regarding communications or utility facilities and services described in the application.**

T-Mobile has many cell sites that have been installed throughout the metro area and has an approved "Radio Frequency Spectrum" from FCC. They have an existing site in Prairie Village at the Delmar Water Tower and have submitted a copy of their FCC License.

- 11. All Required Governmental Approvals – Information to establish the applicant has obtained all government approvals and permits to construct and operate communications facilities, including but not limited to approvals by the Kansas Corporation Commission.**

There is no information included with this application that indicates the existence of any other governmental approvals required, except the licensing of FCC. This tower is approximately 145 feet in height and is in location that would not require approval from FAA. As a condition of approval, T-Mobile should be required to meet all federal, state and local regulations.

- 12. Miscellaneous – Any other relevant information requested by City staff.**

Staff did not request any additional information relevant to this application.

- 13. Copies of Co-Location Letters – Copies of letters sent to other wireless communication providers notifying them of the proposed request and inquiring of their interest to co-locate.**

The application includes a letter from AT&T expressing interest to place antennas centered at 85 feet and 95 feet with a 10 feet by 16 feet equipment box. The Nall Avenue Baptist Church would not serve their needs. Sprint also expressed an interest for co-locating at 130 feet with a 10 feet x 15 feet equipment box. The Nall Avenue Baptist Church would also meet their needs. The applicant has contacted other carriers who also have expressed interest, but has not submitted other specific requests from carriers.

NEW ORDINANCE COMPARISON

The primary difference in the Policy and the Ordinance is the setback requirement.

The new ordinance would require the monopole to setback 145 feet (the height of the monopole) from the property lines unless a waiver or reduction were granted by the City Council. This monopole sets back approximately 90 feet from the west property line; 82 feet from the south property line; 164 feet from the north property line and 310 feet from the east property line.

FINDINGS OF FACT:

The Planning Commission shall make findings of fact to support its recommendation to approve, conditionally approve or disapprove the Special Use Permit. In making its decision, consideration should be given to any of the following factors that are relevant to the request:

- 1. The proposed special use complies with all applicable provisions of these regulations including intensity use regulations, yard regulations, and use limitations.**

The location of the monopole appears to meet all the setback requirements of the policy. The compounds for T-Mobile and other carriers must be 25' from the rear property line. The proposed monopole is 145 feet in height, which is less than the 150 foot maximum height set out in the City's policy and new ordinance.

- 2. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.**

The installation of the tower should be a benefit to the community in that it would improve coverage and capacity for users in immediate neighborhood as well as the travelling public. Several e-mails from area residents have been submitted supporting the installation. On the other hand, immediate neighbors have expressed opposition in that the installation would adversely affect their welfare because it would negatively affect the aesthetics and character of the neighborhood. Several letters are attached from area residents requesting denial of the application.
- 3. The proposed special use will not cause substantial injury to the value of other properties in the neighborhood in which it is to be located.**

Those opposing the cell tower have stated in their letters that the monopole would adversely impact property values. No expert testimony to that issue has been submitted. In order to find that the facility would cause substantial injury, there needs to be technical or expert documentation.
- 4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to: (a) the location, size and nature of the height of building structures, walls and fences on the site; and (b) the nature and extent of landscaping and screening on the site.**

The Faith Evangelical Lutheran Church is on a site of approximately three acres. It also should be pointed out that the neighborhood is totally developed; the closest residence which is located to the west is approximately 116 feet away from the proposed monopole and therefore, not immediately adjacent to the installation itself. The monopole, however, is 90 feet from the west property line. There is a significant amount of vegetation on the site that screens the facility from the south, but additional plant materials may need to be added as part of this application. The compound is attached to the church building which helps to integrate it into the existing development. The proposed monopole is 145 feet in height which obviously will be the tallest structure in the area.
- 5. Off-street parking and loading areas will be provided with standards set forth in these regulations, and areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.**

Additional off-street parking will not be necessary for this particular use because there will be no permanent staff on the site. Service people will be available on site periodically to maintain the equipment, and of course, when installation occurs. The existing church parking lot that is provided on the site will be adequate for this need.
- 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.**

Water, sewer and power services to this site should be adequate because there will be no permanent occupancy by people. There will be a need for a gas line if the standby generator is approved. It should be noted however that the proposed installation may have additional impervious surface and that a storm drainage master plan will need to be prepared and submitted to Public Works for their review and approval.
- 7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent hazards and to minimize traffic congestion in public streets and alleys.**

Existing church parking lot will be used for access will be more than adequate to handle the traffic generated by this use.

8. **Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing process, obnoxious odors, or unnecessary intrusive noises.**

The proposed tower and equipment installation will not have any hazardous or toxic materials, obnoxious odors, or intrusive noises that will affect the general public. The proposed generator shall provide adequate sound attenuation.

9. **Architectural style and exterior materials are compatible with such style and materials used in the neighborhood in which the proposed structure is to be built or located.**

The architectural style and materials are typical of those used for utility type electrical poles and monopoles that are frequently found in urban neighborhoods. This monopole will have more of the appearance of a flagpole and no antennas will be visible from the exterior. The screening wall surrounding the equipment compound at the base of the tower will be brick and the brick will match the building on the site. Having the compound attached to the church will improve the appearance of the site and present a more compatible site plan. The applicant also has indicated they are willing to cover the equipment compounds with a roof or roofs to that they will appear more as additions to the existing structure. This will help screen the equipment compounds from the residents on 68th Terrace. The proposed monopole is a bronze color and the Planning Commission has indicated a preference for a hot dipped galvanized finish.

RECOMMENDATION:

After a review of the proposed application in relation to the nine factors previously outlined, the Planning Commission shall make findings of fact and may either recommend approval of the Special Use Permit with or without conditions, recommend denial, or continue it to another meeting. In granting this Special Use Permit, however, the Planning Commission may impose such conditions, safeguards, and restrictions upon the premises benefited by the approval of the Special Use Permit as may be necessary to reduce or mitigate any potentially injurious effect on other property in the neighborhood. If the Planning Commission recommends approval of the Special Use Permit to the City Council, it is suggested that the following conditions be included:

- 1) The initial approval of the Special Use Permit shall be for a maximum of five years. At the end of the five year period, the applicant shall resubmit the application to the Planning Commission and shall demonstrate to the satisfaction of the Planning Commission that a good faith effort has been made to cooperate with other providers to establish co-location at the tower site, that a need still exists for the tower and that all the conditions of approval have been met. The application may then be extended for an additional ten years.
- 2) This Special Use Permit will be approved for four carriers and each carrier will be required to submit a Site Plan to the Planning Commission for their installation.
- 3) The monopole shall maintain a hot dipped galvanized finish and be reduced to 140 feet in height.
- 4) The tower shall not be lit, but security lighting around the base of the tower may be installed provided that no light is directed toward an adjacent residential property.
- 5) The maximum height for this communication tower shall be 145 feet plus a lighting rod not exceeding four feet.
- 6) If the tower is not operated for a continuous period of 12 months it shall be considered abandoned and the owner of such tower shall remove the same within 90 days after receiving notice from the City. If the tower is not removed within that 90 day period, the governing body may order the tower removed and may authorize the removal of such tower at the owner's expense.

- 7) The construction plans for the tower shall be prepared and sealed by a structural engineer licensed in the State of Kansas. Construction observation shall be provided by the design engineer provided that said engineer is not an employee of the tower's owner or the tenant. If the design engineer is an employee of the owner and independent engineer will be required to perform construction observation.
- 8) Adequate screening of the equipment cabinets located at the tower base shall be provided by an eight foot solid brick wall attached to the church and a roofed structure. The brick shall match the brick of existing church building. All equipment cabinets shall be adequately secured to prevent access by other than authorized personnel.
- 9) The applicant shall submit a Stormwater Management Plan for review and approval of Public Works.
- 10) The applicant shall have a structural inspection of the tower performed by a licensed professional engineer prior to every renewal and submit it as a part of the renewal application.
- 11) Any wireless communication facility, tower or antenna which is not structurally maintained to a suitable degree of safety and appearance (as determined by the City and any applicable law, statute, ordinance, regulation or standard) and which is found not to be in compliance with the terms of the Special Use Permit will become null and void within 90 days of notification of noncompliance unless the noncompliance is corrected. If the Special Use Permit becomes null and void, the applicant will remove the facility tower antenna and all appurtenances and restore the site to its original condition.
- 12) The permittee shall keep the property well maintained including maintenance and replacement of landscape materials; free of leaves, trash and other debris; and either regularly cleaning up bird droppings or installing anti-perch devices that prevent birds from perching on the installation.
- 13) In the future should the levels of radio frequency radiation emitted be determined to be a threat to human health or safety, the wireless communication facility, tower or antenna shall be rectified or removed as provided for herein. This finding must be either mandated by any applicable law, by federal legislative action, or based upon regulatory guidelines established by the FCC.
- 14) In order to ensure structural integrity, all wireless communication facilities, towers and antennae shall be constructed and maintained in compliance with all applicable local building codes and the applicable standards for such facilities, towers and antennae that are published by the Electronic Industries Alliance.
- 15) All wireless communication facilities, towers and antennae shall meet or exceed all minimum structural and operational standards and regulations as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then all facilities, towers, and antennae shall be brought into compliance within six (6) months of the effective date of the new standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
- 16) It shall be the responsibility of any permit holder to promptly resolve any electromagnetic interference problems in accordance with any applicable law or FCC regulation.
- 17) A copy of the lease between the applicant and the landowner containing the following provisions:
 1. The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.
 2. The landowner shall be responsible for the removal of the communications tower facility in the event that the leaseholder fails to remove it upon abandonment.

- 18) Information to establish the applicant has obtained all other government approvals and permits to construct and operate communications facilities, including but not limited to approvals by the Kansas Corporation Commission.

SITE PLAN

If the Planning Commission recommends favorably on the Special Use Permit, then it must also review and approve the Site Plan.

The Planning Commission shall give consideration to the following criteria in approving or disapproving the site plan:

- A. The site is capable of accommodating the buildings, parking area, and drives for the appropriate open space and landscape.**
The site is approximately three acres in area with 410 feet of frontage on 67th Street and 365 feet of frontage on Roe Avenue. The site is not a rectangle, however, because the south property line has an irregular alignment. The site adequately provides for the church buildings, parking and circulation. The footprint proposed equipment compounds is approximately 2,000 square feet which can easily be accommodated on the site. The south end of the lot has natural tree cover that will provide screening from the south.
- B. Utilities are available with adequate capacity to serve the proposed development.**
The property is currently served with all utilities and the proposed improvements will not create the demand for additional utilities. No additional needs are contemplated for water and sewer services.
- C. The Plan provides for adequate management of stormwater runoff.**
The site sheet drains from north to a ditch along the south property line. The proposed project will create additional impervious areas and a Stormwater Management Plan that shows how stormwater will be handled will need to be prepared and submitted to Public Works for review and approval.
- D. The plan provides for safe and easy ingress, egress, and internal traffic circulation.**
The existing church parking lot will be used for access to the proposed wireless communications installation and it is more than adequate to handle the traffic generated by this use.
- E. The plan is consistent with good planning and site engineering design principles.**
The Site Plan appears to be well thought out and the proposed project has been integrated into the existing building on the site. The parking and circulation on the site are not affected and the walls surrounding the equipment compounds will be a matching brick with the existing building.
- F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building and the surrounding neighborhood.**
There really are two parts of this use: the monopole and the equipment compounds. The monopole will have the architectural style of a utility pole that are frequently found throughout the area however it will be much taller at 145 feet. It will be a hot dipped galvanized finish that will blend somewhat with the sky. All equipment compounds will be screened by a brick wall that matches the brick of the church and will be covered by a roof so that they appear more as additions to the building. These roofed equipment compounds will help screen from the higher properties to the south.
- G. The plan represents an overall development pattern that is consistent with the comprehensive plan (Village Vision) and other adopted planning policies.**
The Village Vision does not address wireless communication facilities or other utilities in specific terms. However, the overall strategy of Village Vision is to improve the quality of life in Prairie Village. It can be argued that wireless communications facilities detract from the quality of life

because of their appearance while on the other hand some would argue that in today's world, telecommunications is a necessity and must be provided in order to meet the needs of the residents. The Village Vision also encourages a variety of housing choices to attract young people to move into the City. This younger generation does not use landlines and one of the factors that are needed to attract them is high quality communication.

RECOMMENDATIONS:

It is the recommendation of the Staff that if the Planning Commission approves the Special Use Permit that it also approve the Site Plan subject to the following conditions:

1. The applicant shall comply with all the conditions of approval for the Special Use Permit.
2. That the applicant shall provide plans and elevations to Staff for the structures that will enclose the equipment compounds for review and approval of design and materials.
3. That the applicant provide a landscape plan for staff review and approval.
4. That the applicant propose Stormwater Management Plan to be submitted to and approved by Public Works.
5. That Site Plan approval by the Planning Commission be required for all additional carriers.



6201 College Boulevard, Suite 500
Overland Park, KS 66211
(913) 451-8788
Facsimile: (913) 451-6205
www.polsinelli.com

Curtis M. Holland
(913) 234-7411
cholland@polsinelli.com

February 27, 2009

City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Re: Special Use Permit Application for 145' T-Mobile wireless facility at Faith Evangelical Lutheran Church located at 4805 W. 67th Street.

Dear City:

Enclosed, please find the revised application for Special Use Permit for the above-referenced site ("Application"). The Application is being submitted for the purposes of settling the lawsuit filed by T-Mobile against the City for its August 4, 2008 denial of T-Mobile's application for an 85' tall stealth pole at this same location (**Case No.: 08-CV-2400-DJW**).

T-Mobile's need for a new wireless facility to improve its wireless services in this area is well documented. The Application is the third application submitted to the City for a new facility at this location. The first application, submitted on January 31, 2008, was for a 120' tall stealth pole, and was situated near the southern property line of the subject property. This application was withdrawn by T-Mobile following complaints from area residents that the proposed structure was too close to residential homes located to the south. The second application, submitted on June 4, 2008, was for an 85' tall stealth pole, and was relocated north on the property and situated near the main church building. As mentioned, the City denied this application on August 4, 2008, and this denial is now the subject of a pending appeal filed by T-Mobile against the City. As a result of the earlier proceedings on these applications, there exists an extensive record documenting T-Mobile's needs for improved service in this area and the site selection process. This record has now been certified to the U.S. District Court for the District of Kansas in the pending appeal (the "Certified Record"). Pursuant to agreement with the City's Special Counsel, Steve Horner and William Mallory, the Certified Record is hereby incorporated by reference and shall be made part of record in the Application. **See attached CD labeled Record on Appeal (1st and 2nd Application).**

It has also been agreed between the parties that the Application shall be governed by the City's existing regulations and policies governing the approval of wireless communication towers, and shall not be subject to the Proposed Amendments for Wireless Communication Facilities now being considered by the City Planning Commission and Governing Body. Much of the required

information for applications for new communication facilities is contained within the Certified Record. The parties have agreed it would be burdensome and unnecessary to copy and resubmit documents already contained in the Certified Record, and have agreed to an abbreviated submission of additional documents to further support the Application.

Based on the foregoing, please find enclosed the completed Application. The parties have agreed that the Application is to be considered by the Planning Commission at its meeting on April 7, 2009, by the Committee of the Whole at its meeting on April 20, 2009 and by the City Council at its meeting on May 4, 2009.

Sincerely,

POLSINELLI SHUGHART PC

A handwritten signature in black ink that reads "Curtis M. Holland". The signature is written in a cursive style with a large, looped "O" at the end.

Curtis M. Holland

SPECIAL USE PERMIT APPLICATION

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: PC 2009-06
Filing Fees: 900
Deposit: 1500
Date Advertised: 3/12/09
Date Notices Sent: _____
Public Hearing Date: 4/7/09

APPLICANT: T-Mobile, represented by Polsinelli Shughart (Curtis M. Holland)

PHONE (913) 451-8788

ADDRESS: 6201 College Boulevard, Suite 500, Overland Park, KS ZIP: 66211

OWNER: Faith Lutheran Evangelical Church PHONE: (913) 722-3515

ADDRESS: 4505 W. 67th Street ZIP: 66208

LOCATION OF PROPERTY: 4805 W. 67th Street

LEGAL DESCRIPTION: See Attached Legal Description

ADJACENT LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Residential</u>	<u>R-1A</u>
South	<u>Residential</u>	<u>R-1A</u>
East	<u>Residential</u>	<u>R-1A</u>
West	<u>Residential</u>	<u>R-1A</u>

Present Use of Property: Residential/Church

Proposed Use of Property: Existing use and addition of a 145' low-profile communications facility and associated ground equipment

Please complete both pages of the form and return to:
Planning Commission Secretary
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Does the proposed special use meet the following standards? If yes, attach a separate Sheet explaining why.

- | | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 1. Is deemed necessary for the public convenience at that location. | <u>X</u> | _____ |
| 2. Is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected. | <u>X</u> | _____ |
| 3. Is found to be generally compatible with the neighborhood in which it is proposed. | <u>X</u> | _____ |
| 4. Will comply with the height and area regulations of the district in which it is proposed. | <u>X</u> | _____ |
| 5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect. | <u>X</u> | _____ |
| 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided. | <u>X</u> | _____ |

Should this special use be valid only for a specific time period? Yes _____ No X

If Yes, what length of time? _____

SIGNATURE: Garth Adcock

DATE: 27 February 2009

BY: Garth Adcock

TITLE: Site Development Manager / ASDM14

Attachments Required:

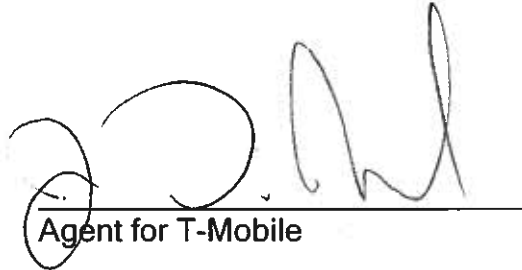
- Site plan showing existing and proposed structures on the parent parcel, and adjacent property, off-street parking, driveways, and other information.
- Certified list of property owners

AFFIDAVIT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

J. Trevor Wood, being duly sworn upon his oath, disposes and states:

That he is the agent of lessor for the tract of land for which the application was filed. That in accordance with Section 19.28.025 of the Prairie Village Zoning Regulations, the applicant placed and maintained a sign, furnished by the City, on that tract of land. Said sign was a minimum of two feet above the ground line and within five feet of the street right-of-way line in a central position of the tract of land and had no visual obstruction thereto.


Agent for T-Mobile

Subscribed and sworn to before me this 3rd day of April, 2009.

MEGAN BROWN
Notary Public - State of Kansas
My Appt. Expires 7/16/2012


Notary Public or Planning Commission

Secretary

Application No. PC2009-06

J. Trevor Wood, being duly sworn upon his oath, deposes and states:

1. I am the attorney for the property described in the attached notice upon which an application has been filed before the Planning Commission of the City of Prairie Village, Kansas.
2. On the 12th day of March, 2009, a public information meeting was held pursuant to the Citizen Participation Policy adopted on June 6, 2000, by the Planning Commission
3. On the 16th day of March, 2009, I did comply with notification requirements to landowners as stated in Section 19.28.020, of the Prairie Village Zoning Regulations and notified in letter by certified mail all owners of land located within 200 feet of the described real property. Notice was mailed to the following:

Name

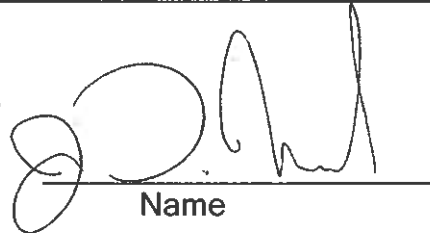
Address

Please see attached list certified by First American Title Corporation on February 17, 2009

I certify that the foregoing is true and correct.

Megan Brown

MEGAN BROWN
Notary Public - State of Kansas
My Appt. Expires 7/6/2010


Name

8500 W. 110th St. Ste. 300
OPKS Address 66210

(913) 438-7700
Phone

C E R T I F I C A T E

First American Title Kansas Agency, Inc. hereby certifies that, according to the Johnson County Department of Records and Tax Administration, the owner(s) of the below shown property(ies) (OF251216-2011 [Situs address: 6700 Roe Avenue]) is: Faith Evangelical Lutheran Church, 4805 W 67th Street, Prairie Village, KS 66208. The ownership of the properties within 200 feet of the following legal description listed is correctly set forth attached hereto:

ALL OF THE PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 12, RANGE 25 IN JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 390 FEET; THENCE SOUTH 90 DEGREES WEST A DISTANCE OF 275.54 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 153.27 FEET; THENCE SOUTH 50 DEGREES 10 MINUTES 30 SECONDS WEST A DISTANCE OF 203.79 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 335 FEET TO THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 450.60 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART USED OR DEDICATED FOR STREETS, ROADS, OR HIGHWAYS.

This Certificate No. 944552-U2 is made upon the mutual understanding that First American Title Kansas Agency, Inc. has not examined all instruments and proceedings in the chain of title to the ownerships attached hereto; that such certificate is not a guarantee of title and that First American Title Kansas Agency, Inc. shall not be liable for defects in the title to said described real estate.

Dated February 17, 2009 in Olathe, Kansas at 8:00 A.M.

First American Title Kansas Agency, Inc.

By 

Jeffrey Reese
Kansas Title Production Manager

1. PARCEL ID: OF251216-2012

OWNER: Harold D. Neptune, Trustee
Harold D. Neptune Trust

ADDRESS: 4722 W 68th Street
Prairie Village, KS 66208
2. PARCEL ID: OF251216-2013

OWNER: Christopher G. Wooldridge and Jane H. Wooldridge

ADDRESS: 4810 W 68th Street
Prairie Village, KS 66208
3. PARCEL ID: OF251216-2014

OWNER: Jay P. Julian

ADDRESS: 6740 Roe Avenue
Prairie Village, KS 66208
4. PARCEL ID: OF251216-2015

OWNER: John S. Faerber
Katherine N. Faerber
George L. Peterson

ADDRESS: 4806 W 68th Street
Prairie Village, KS 66208
5. PARCEL ID: OF251216-2016

OWNER: Aleta J. Cress

ADDRESS: c/o 13516 Spinning Wheel Drive
Germantown MD 20874-2821
6. PARCEL ID: OF251216-2023

OWNER: Que #3, LLC

ADDRESS: c/o 8008 Floyd Street
Overland Park KS 66204
7. PARCEL ID: OF251216-2024

OWNER: Curtis R. Catenhauser
ADDRESS: 4821 W 67th Street
Prairie Village KS 66208

8. PARCEL ID: OF251216-2025
OWNER: Loredana B. Molteni, Trustee
Loredana B. Molteni Rev Trust
ADDRESS: c/o 4808 W 81st Street
Prairie Village KS 66208

9. PARCEL ID: OF251216-2031
OWNER: Michael A. Robinson and Gina M. Robinson
ADDRESS: 4820 W 68th Street
Prairie Village KS 66208

10. PARCEL ID: OP07500001 0009
OWNER: Ravi Dasari
ADDRESS: 4700 W 67th Street
Prairie Village KS 66208

11. PARCEL ID: OP07500001 0010
OWNER: Michael D. Dunn and Terri J. Dunn
ADDRESS: 4708 W 67th Street
Prairie Village KS 66208

12. PARCEL ID: OP07500001 0011
OWNER: Leo R. Goertz, Trustee
Leo R. Goertz Trust
ADDRESS: 4716 W 67th Street
Prairie Village KS 66208

13. PARCEL ID: OP07500001 0012
OWNER: Patrick H. Ink

ADDRESS: 4800 W 67th Street
Prairie Village KS 66208

14. PARCEL ID: OP07500001 0013

OWNER: William F. Tiernan and Bette B. Tiernan

ADDRESS: 4806 W 67th Street
Prairie Village KS 66208

15. PARCEL ID: OP07500001 0014

OWNER: Catherine Chrichton-Reed
Ronald L. Reed

ADDRESS: 4810 W 67th Street
Prairie Village KS 66208

16. PARCEL ID: OP07500001 0015

OWNER: Deborah Shouse, Trustee
Deborah Shouse Trust

ADDRESS: 6619 Hodges Drive
Prairie Village KS 66208

17. PARCEL ID: OP13000002 0014

OWNER: Carolyn E. Novinger

ADDRESS: 4608 W 67th Street
Prairie Village KS 66208

18. PARCEL ID: OP55000010 0018A

OWNER: Larry D. Kamin

ADDRESS: 6701 Roe Avenue
Prairie Village KS 66208

19. PARCEL ID: OP55000010 0018B

OWNER: Brian D. Egan and Jennifer L. Egan

ADDRESS: 6705 Roe Avenue
Prairie Village KS 66208

20. PARCEL ID: OP55000010 0019

OWNER: Mary Rogers

ADDRESS: 6711 Roe Avenue
Prairie Village KS 66208

21. PARCEL ID: OP55000010 0020

OWNER: Cynthia Anderson, Trustee
Cynthia Anderson Rev Trust

ADDRESS: c/o 6118 Reinhardt Drive
Fairway KS 66205

22. PARCEL ID: OP55000010 0021

OWNER: Karen L. Miller

ADDRESS: 6725 Roe Avenue
Prairie Village KS 66208

23. PARCEL ID: OP55000010 0022

OWNER: Christopher D. Gray

ADDRESS: 6731 Roe Avenue
Prairie Village KS 66208

24. PARCEL ID: OP55000010 0023

OWNER: Thompson Real Estate, LLC

ADDRESS: 6735 Roe Avenue
Prairie Village KS 66208

25. PARCEL ID: OP55000010 0024A

OWNER: Karen Rutherford

ADDRESS: 6739 Roe Avenue
Prairie Village, KS 66208

26. PARCEL ID: OP55000010 0024B

OWNER: Tina M. Brennan

ADDRESS: c/o 12850 Pembroke Circle
Leawood KS 66209

TO: All property owners within 200' of 4805 W. 67th Street

There will be a neighborhood meeting in the Multi-purpose Room of the Prairie Village, Kansas Municipal Building, 7700 Mission Road, Prairie Village, Kansas 66208 at 6:00 p.m. on March 12, 2009.

The purpose of the meeting is to discuss a proposed wireless facility on the above-referenced property (City of Prairie Village Application PC 2009-06), as depicted on the plans enclosed herewith.

The Planning Commission of the City of Prairie Village, Kansas will hold a Public Hearing at their regular meeting on Tuesday, April 7th, 2009 at 7:00 p.m. in the Council Chamber of the Municipal Building, 7700 Mission Road, Prairie Village, Kansas, to discuss the project. You will receive a separate notice of that hearing.

**Applicant: Selective Site Consultants, Inc., Agent for T-Mobile
Zoning: R-1A**

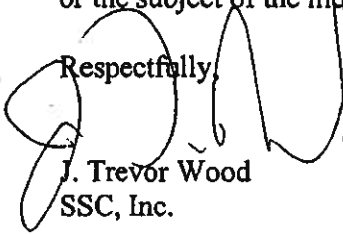
Legal Description of Property

All of the part of the Southwest Quarter of Section 16, Township 12, Range 25 in Johnson County, Kansas, described as follows:

Beginning at the Northeast corner of said Southwest Quarter ; thence South along the East line of said Southwest Quarter a distance of 390 feet; thence South 90 Degrees West a distance of 275.54 feet; thence North parallel to the East line of said Southwest Quarter a distance of 153.27 feet; thence South 50 Degrees 10 Minutes 30 Seconds West a distance of 203.79 feet; thence North and parallel to the East line of said Southwest Quarter a distance of 335 feet to the North line of said Southwest Quarter; thence East along the North line of said Southwest Quarter a distance of 450.60 feet to the point of beginning.

Please contact me should you have any questions regarding the location of the meeting place or the subject of the meeting. My number is (913) 438-7700.

Respectfully,


J. Trevor Wood
SSC, Inc.

T-Mobile – PC 2009-06

Notes of Neighborhood meeting 3-12-2009 (6:00 p.m. Multi-purpose Room)

Attending, for T-Mobile:

Garth Adcock, T-Mobile Real Estate Manager

Curtis M. Holland, Polsinelli Shughart

Trevor Wood, SSC, Inc.

Attending, for City:

Dennis J. Enslinger, Assistant City Administrator

Attending for Lessor:

Pastor Peter, Faith Evangelical Lutheran Church

Attending, from the neighborhood:

Please see attached list.

NOTES:

Mr. Holland started the meeting at 6:05 p.m.

Mr. Holland explained the chronology of T-Mobile's efforts to obtain improved coverage in Prairie Village. Mr. Holland explained that a prior application made on this same parcel is presently under litigation. Mr. Holland explained that T-Mobile is attempting to present the shortest pole that will accommodate the greatest number of carriers, and to minimize the intrusion of the ground equipment.

Mr. Holland explained T-Mobile has been in the process of attempting to implement a site in this coverage area for four (4) years. Mr. Holland indicated that several applications have been made to attempt to implement service in the area.

Mr. Holland explained that other carriers have a need in this area, and have expressed a willingness to collocate on this site subject to obtaining certain heights above ground level. Accommodating those carriers has driven the need for the additional height at this facility.

Mr. Holland explained the antennas on the pole are proposed to be flush-mounted to the pole so it will not look like the pole at City Hall, with exposed antennas.

Mr. Adcock explained that there is large demand for improved wireless service in Prairie Village, and that this demand is driving the need for the site, not just for T-Mobile, but for other providers.

Mr. Holland explained that, whatever height the pole might be approved at, T-Mobile will be at the top of the pole, having made the application.

Some neighbors asked about the coverage area of T-Mobile based upon the newly proposed height. Mr. Adcock confirmed the project would have an improved footprint with antennas at the top of a 145' pole versus a lower pole, but that the coverage area would fluctuate based upon leaves on trees.

Mr. Holland noted that citizens live with many visible forms of infrastructure, as a trade-off to receiving the service from, e.g., water tanks, power lines, phone lines. Cell service is no different and customers are demanding improved service that allows wireless phones to do more than just allow phone calls. Mr. Adcock reiterated that in the next 3-5 years, it is expected that data usage will overtake voice usage on wireless networks, where right now, voice accounts for the great majority of facilities. Mr. Adcock advised the citizens in the audience that 2 of every 3 T-Mobile cell sites are collocations.

Some neighbors asked additional questions regarding the following topics:

1. Why could T-Mobile not place the site at another Church to the West where the ground is higher? Mr. Holland and Mr. Adcock responded the area of coverage concern is in the area where the application is proposed.
2. Why could T-Mobile not use the fire station to the East, on Mission Road? Mr. Adcock explained an additional site in that area (along Mission) will likely be presented in the future, as that area represents a separate coverage need.
3. What would happen to the pole when this technology is no longer needed? Mr. Holland and Mr. Adcock advised that cell sites will be needed for the foreseeable future, but that if the pole is ever no longer needed, T-Mobile will be obligated, pursuant to the lease, to remove the pole.
4. Why not propose numerous, shorter poles? Mr. Adcock and Mr. Holland stated that such a concept would lead to a greater number of applications for wireless facilities in the City, all with likely the same opposition regardless of height. It was noted that when an 85' pole was proposed at the same location there was also significant opposition, so height does not appear to play as large a role as one might believe.
5. Why not build something architecturally compatible with and integrated in to the Church? Mr. Adcock and Mr. Holland stressed that it would be difficult to construct an element architecturally compatible with the church when the height of the structure would be around twice the height of the church.
6. Will the church gain financially from other carriers collocating on the site? It was explained future carriers will need to negotiate a ground lease with the Church to collocate on the site, so the church would derive additional revenue from such collocation.

7. Why not use repeaters to repeat the signal from further away sites? Mr. Adcock explained that repeaters have very limited use and are largely incompatible with T-Mobile's data service/3G platform.
8. Why not place the tower in the court yard, directly at the corner of 67th and Roe? It was explained the site chosen appears to be the best for integrating the site in to the church architecturally, reducing its prominence and adhering to the demands of the lessor, Faith Lutheran Church.
9. Why not look at other sites? Mr. Holland explained that over four (4) years, T-Mobile has considered all sites in the area and this is the best site for the tower.

The meeting was cordial. Mr. Holland thanked the neighbors for coming to the meeting and expressing their concerns. The meeting was concluded at approximately 7:10 p.m. Mr. Enslinger reminded the neighbors that the Planning Commission would consider the matter at its regular meeting on April 7, 2009.



6201 College Boulevard, Suite 500
Overland Park, KS 66211
(913) 451-8788
Facsimile: (913) 451-6205
www.polsinelli.com

Curtis M. Holland
(913) 234-7411
cholland@polsinelli.com

February 27, 2009

City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Re: Special Use Permit Application for 145' T-Mobile wireless facility at Faith Evangelical Lutheran Church located at 4805 W. 67th Street.

Dear City:

Enclosed, please find the revised application for Special Use Permit for the above-referenced site ("Application"). The Application is being submitted for the purposes of settling the lawsuit filed by T-Mobile against the City for its August 4, 2008 denial of T-Mobile's application for an 85' tall stealth pole at this same location (**Case No.: 08-CV-2400-DJW**).

T-Mobile's need for a new wireless facility to improve its wireless services in this area is well documented. The Application is the third application submitted to the City for a new facility at this location. The first application, submitted on January 31, 2008, was for a 120' tall stealth pole, and was situated near the southern property line of the subject property. This application was withdrawn by T-Mobile following complaints from area residents that the proposed structure was too close to residential homes located to the south. The second application, submitted on June 4, 2008, was for an 85' tall stealth pole, and was relocated north on the property and situated near the main church building. As mentioned, the City denied this application on August 4, 2008, and this denial is now the subject of a pending appeal filed by T-Mobile against the City. As a result of the earlier proceedings on these applications, there exists an extensive record documenting T-Mobile's needs for improved service in this area and the site selection process. This record has now been certified to the U.S. District Court for the District of Kansas in the pending appeal (the "Certified Record"). Pursuant to agreement with the City's Special Counsel, Steve Horner and William Mallory, the Certified Record is hereby incorporated by reference and shall be made part of record in the Application. **See attached CD labeled Record on Appeal (1st and 2nd Application).**

It has also been agreed between the parties that the Application shall be governed by the City's existing regulations and policies governing the approval of wireless communication towers, and shall not be subject to the Proposed Amendments for Wireless Communication Facilities now being considered by the City Planning Commission and Governing Body. Much of the required

information for applications for new communication facilities is contained within the Certified Record. The parties have agreed it would be burdensome and unnecessary to copy and resubmit documents already contained in the Certified Record, and have agreed to an abbreviated submission of additional documents to further support the Application.

Based on the foregoing, please find enclosed the completed Application. The parties have agreed that the Application is to be considered by the Planning Commission at its meeting on April 7, 2009, by the Committee of the Whole at its meeting on April 20, 2009 and by the City Council at its meeting on May 4, 2009.

Sincerely,

POLSINELLI SHUGHART PC

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Curtis M. Holland

TABLE OF ATTACHMENTS

Attachment A – Update of Comparison of Host Sites and update of RF coverage and capacity maps

Attachment B – Revised Photosimulations

Attachment C – Intent to allow collocation

Attachment D – Revised Site Plans

Attachment E – Compliance Statements

Attachment F – Construction Schedule

Attachment G – FCC License

Attachment H – Collocation Letters From Other Carriers

Attachment I – Local Government Compliance

Attachment J – Application Fees and Attachments

**TAB A – Update of Comparison of Host Sites and
update of RF coverage and capacity maps**

(Please see attached Reports)

Elimination Map for T-Mobile Site A5D0114

February 26, 2009

The attached map depicts the parcels for which every property owner has been approached within the T-Mobile-presently issued search ring (site A5D0114) for this area of Prairie Village, KS. The candidates on the attached map are discussed in numeric order as they appear from West to East.

The Search Area Request Form (SARF) for the area was established by T-Mobile's RF engineering team and denotes the geographic region in which a cell site could be placed to achieve T-Mobile's network engineering objectives. While the SARF initially encompassed property as far East as the Mission Road corridor, T-Mobile's RF engineers have determined this site needs to be located further West because a single cell site cannot alleviate all of T-Mobile's coverage deficiencies in this region of Northeast Johnson County. T-Mobile's RF engineering group has determined that an additional site to the East will eventually be required to alleviate coverage deficiencies in this region.

The entire search area is R-1 or equivalent zoning with a mix of churches, single-family homes and other utility structures. None of the churches is more than fifty-five feet in height (most are no more than two stories), nor do they have steeples or bell towers that would be appropriate for a wireless facility without a great deal of renovation.

The following sites were identified as candidates to meet the coverage objectives of RF:

1. Woodson Avenue Bible Church (67th & Woodson) – The SSC Site Acquisition Consultant worked diligently with the Woodson Bible Church for a year negotiating a lease and working to find a suitable place on the property for a cell site. After much deliberation and many meetings, the Site Acquisition Consultant delivered executable leases to the church and was thereafter advised that the congregation was not in favor of the site and they did not want to move forward with the project. Negotiations were ended in approximately June of 2006.
2. St. Michaels & All Angels (67th & Nall) – The SSC Site Acquisition Consultant approached St. Michaels church in June of 2005. There is no place on the building that would offer enough height to attach antennas inside the structure. There is not enough room around the grounds close to the structure to add a bell tower. St. Michaels representatives advised the Site Acquisition Consultant the church was not interested in negotiating a lease.
3. Nall Baptist Church (67th & Nall) – The SSC Site Acquisition Consultant approached this candidate in late 2005 and attempted to negotiate a lease. During this time period, the church was in the process of expanding their facilities. T-Mobile proposed to add additional height to a Bell Tower that the church proposed to add to its facility. When the church's architect looked at the proposal, he did not think that it fit into the overall scheme of the project and the church decided not to move forward with a lease. Moreover, there was also concern with angering some of the neighbors who were already opposed to the increased height of the proposed Bell Tower that has since been installed.

The City recently requested T-Mobile to re-look at this location for placement of a new stealth tower on the eastern portion of this property that would be capable of co-location. It presented this proposal to AT&T Mobility who is interested in co-locating at a facility at Faith Evangelical Church (Candidate 5 below) and was told that due it would not be an acceptable candidate. Based on the City's interest for co-location, this site has been ruled out as a viable candidate.

4. 69th & Roe PV Water Tank (69th Terr. & Roe) – This was the first candidate that T-Mobile pursued in 2006. After being advised of failed negotiations between Cingular and the City of Prairie Village, T-Mobile did not believe a site at this location was feasible. Further, it was determined by Water One that it was not certain the water tank would remain on the property; it may be decommissioned. The City recently requested that T-Mobile revisit with Water One to determine when the water tank will be removed and whether that location would be suitable for a new monopole structure capable of co-location. Based on conversations with Mike Armstrong, General Manager for Water One, there is no money in the 2009 Budget to remove the water tank and it is not known when the tank may be removed. Since this is uncertain, this site has been ruled out as a viable candidate.
5. Faith Evangelical Church (67th & Roe) – This is the site that has been leased and application is for a 145' stealth pole. The new height is the minimum height necessary to provide for co-location for 3 or more carriers. See attached AT&T Mobility co-location letter of interest.
6. Homestead Country Club (Homestead & Mission) – The Homestead Country Club was approached by SSC and a different Site Acquisition Consultant on two different occasions dating back to 2002. A flagpole was proposed at the entrance of the Club and a light standard at the tennis courts. Ultimately both proposals were rejected by Homestead Country Club. After talking to T-Mobile RF Engineer, Luke Willenbring, this site is now considered a candidate for another search ring and would not cover the intended area described in the subject SARF.
7. Village Presbyterian Church (67th & Mission) – This site is in a different coverage area for T-Mobile (to the east) and would not cover the intended area described in the subject SARF.
8. Johnson County Fire District No. 2 (63rd & Mission) – This site is in a different coverage area for T-Mobile (to the east) and would not cover the intended area described in the subject SARF.

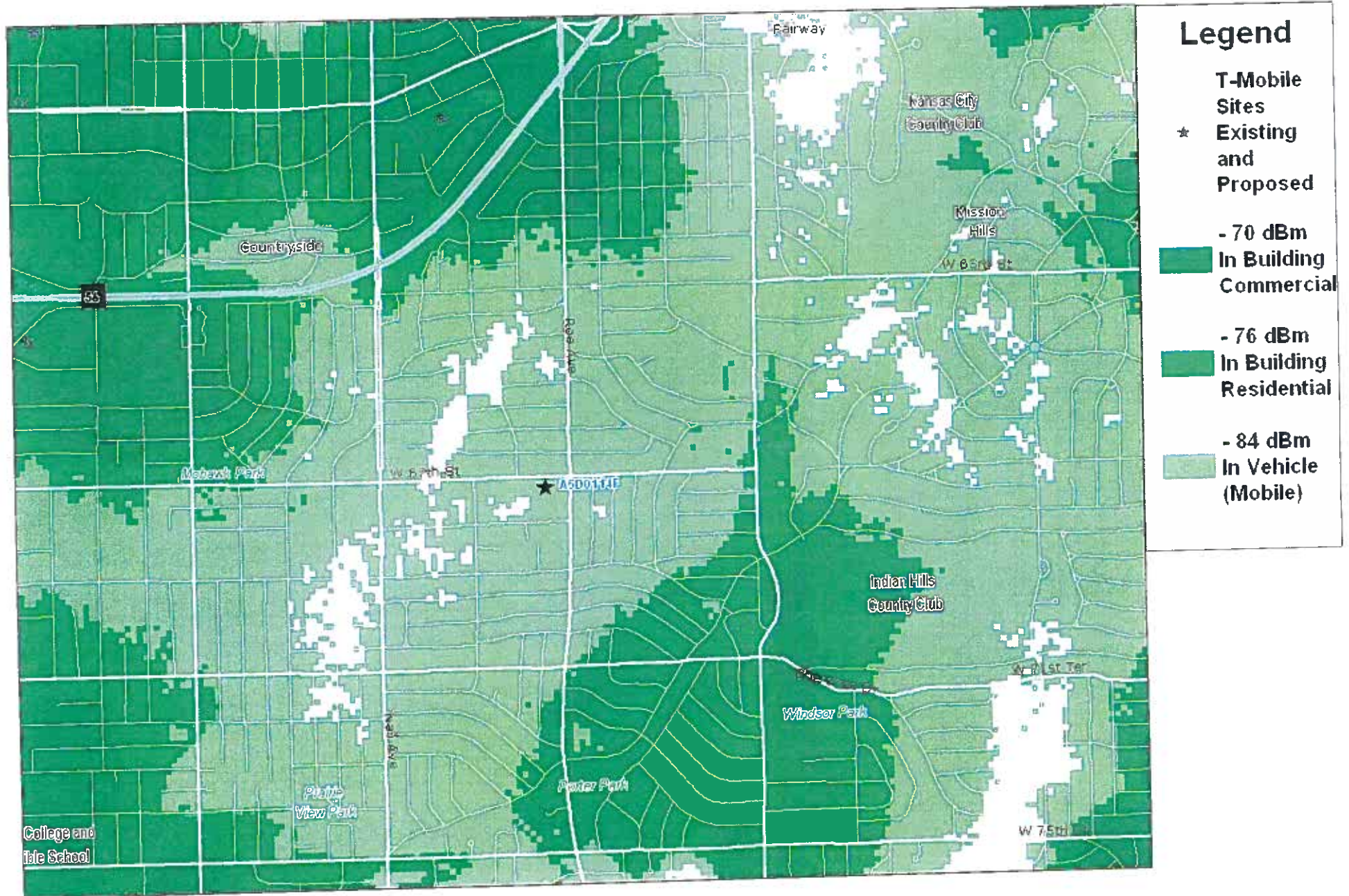


Pointer 39°00'23.33" N 94°38'42.74" W

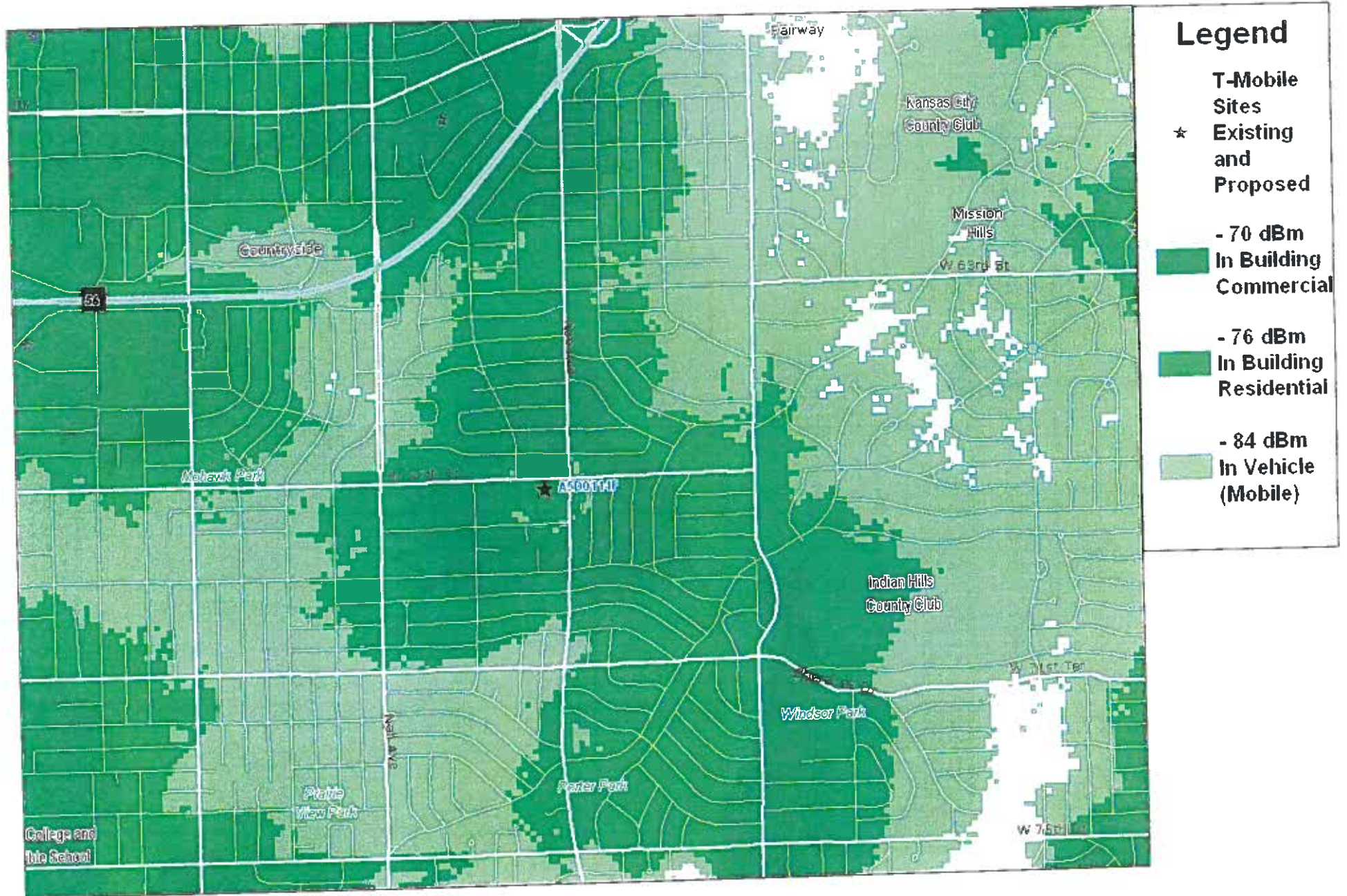
Streaming 100%

Eye alt 10736 ft

T-Mobile
Existing Coverage Without Faith Evangelical Church
Site A5D0114F



T-Mobile
Proposed Coverage With Faith Evangelical Church
Site A5D0114F (130' ACL)



T-Mobile
Site: A5D0114
67th & Nail
Prairie Village, Kansas
8500 W. 146th St Overland Park KS 66204
913-438-7260

Looking West/Northwest



TAB B – Revised Photosimulations

(Please see attached and accompanying duplicates)

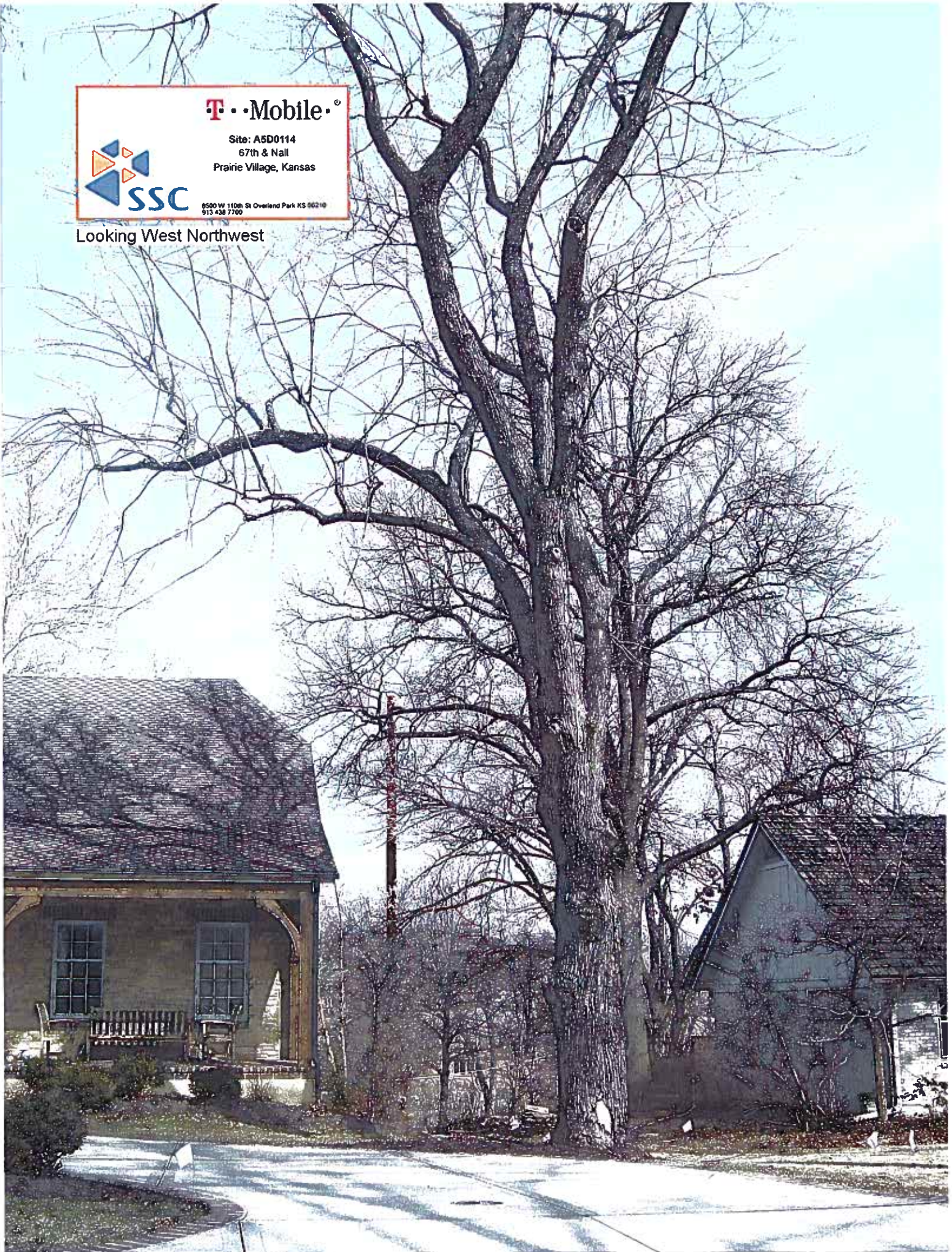


Site: A5D0114
67th & Nall
Prairie Village, Kansas



6500 W 110th St Overland Park KS 66210
913 438 7700

Looking West Northwest





T-Mobile®

Site: A5D0114
67th & Nall
Prairie Village, Kansas

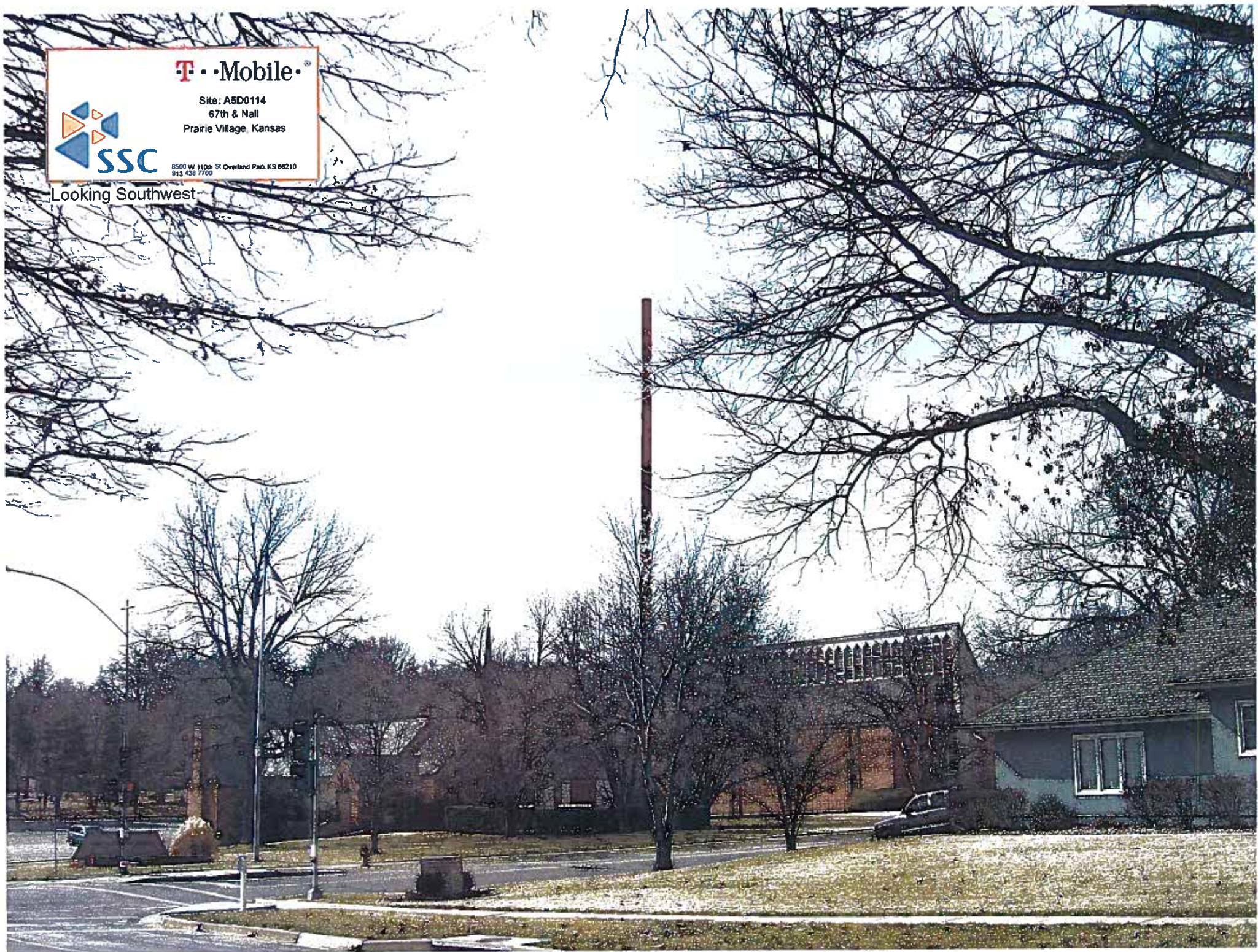
8500 W 110th St Overland Park KS 66210
913 438 7700

Looking East



T-Mobile
Site: A5D0114
67th & Nall
Prairie Village, Kansas
SSC
8500 W 110th St Overland Park KS 66210
913 438 7700

Looking Southwest



T-Mobile
Site: ASD0114
57th & Nall
Prairie Village, Kansas
SSC
2550 W 112th St Overland Park, KS 66210
913.436.7700

Looking Southwest



TAB C – Intent to allow collocation

(Please see attached Affidavit)

DATED this 27 day of February 2009.

Garth Adcock
Garth Adcock
Real Estate and Zoning Manager
T-Mobile Central LLC d/b/a T-Mobile

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

Subscribed and sworn to before me on this 27 day of February 2009, by Garth Adcock.

Stephanie McGranahan
Notary Public
My commission expires: 1/24/13

(SEAL)
Stephanie McGranahan
Notary Public
State of Kansas
My appointment expires 1/24/13

TAB D – Revised Site Plans

(Please see attached and accompanying duplicates)



FINAL ENGINEERING APPROVALS

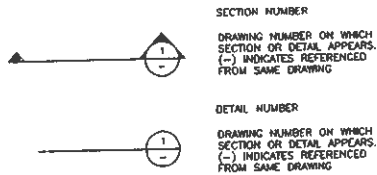
	INITIALS	DATE
SSC	_____	_____
RF	_____	_____
TELCO	_____	_____
T-MOBILE	_____	_____
OPERATIONS	_____	_____
REAL ESTATE	_____	_____

PROJECT INFORMATION

CELL SITE NUMBER: ASD 0114
 PROPERTY OWNER: FAITH EVANGELICAL LUTHERAN CHURCH
 4805 WEST 67TH STREET
 PRAIRIE VILLAGE, KANSAS 66208
 CONTACT: MERIE BROCKHOFF
 PHONE: (913)-722-3515

TOWER INFORMATION:
 LATITUDE: 39° 00' 25.82" N (NAD 83)
 LONGITUDE: 94° 38' 27.78" W (NAD 83)
 GROUND ELEV: 953' AMSL
 TOWER HT: 145' AGL
 ANTENNA CENTERLINE: 140'-0" AND 130'-0" AGL

SYMBOLS



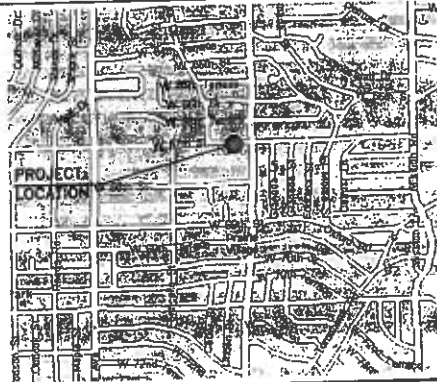
DRAWING INDEX

DWG NUMBER	TITLE	REVISION	RESPONSIBLE ENGINEER
A500114 - T01	PROJECT INFORMATION & GENERAL NOTES	F	MLO/SDK
A500114 - A01	SURVEY	F	MLO
A500114 - A02	OVERALL SITE PLAN	F	MLO
A500114 - A03	ENLARGED SITE PLAN TOWER ELEVATION & ANTENNA DETAILS	F	MLO

GENERAL NOTES

- THE CONTRACTOR SHALL SUPERVISE AND DIRECT ALL WORK USING HIS BEST SKILL AND ATTENTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, PROCEDURES AND SEQUENCES FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THE CONTRACT.
- THE CONTRACTOR SHALL VISIT THE JOB SITE TO REVIEW THE SCOPE OF WORK AND EXISTING CONDITIONS INCLUDING, BUT NOT LIMITED TO ELECTRICAL SERVICE AND OVERALL COORDINATION CONDITIONS.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO SUBMITTING HIS BID. ANY DISCREPANCIES, CONFLICTS OR OMISSIONS, ETC. SHALL BE REPORTED TO SSC, INC. BEFORE PROCEEDING WITH THE WORK.
- THE CONTRACTOR SHALL PROTECT ALL AREAS FROM DAMAGE WHICH MAY OCCUR DURING CONSTRUCTION. ANY DAMAGE TO NEW AND EXISTING CONSTRUCTION, STRUCTURE, OR EQUIPMENT SHALL BE IMMEDIATELY REPAIRED OR REPLACED TO THE SATISFACTION OF SSC, INC., AT THE EXPENSE OF THE CONTRACTOR.
- THE CONTRACTOR SHALL SAFEGUARD THE OWNER'S PROPERTY DURING CONSTRUCTION AND SHALL REPLACE ANY DAMAGED PROPERTY OF THE OWNER TO ORIGINAL CONDITION.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE ALL EXISTING UTILITIES WHETHER SHOWN HEREON OR NOT, AND TO PROTECT THEM FROM DAMAGE. THE CONTRACTOR SHALL BEAR ALL EXPENSES FOR REPAIR OR REPLACEMENT OF UTILITIES OR OTHER PROPERTY DAMAGED IN CONNECTION WITH THE EXECUTION OF WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COMPLETE SECURITY OF THE SITE WHILE THE JOB IS IN PROGRESS AND UNTIL THE JOB IS COMPLETE.
- ALL CONSTRUCTION WORK SHALL CONFORM TO THE I.B.C. 2003 AND ALL APPLICABLE LOCAL REGULATIONS, ORDINANCES, STATUTES & CODES.
- T-MOBILE SHALL OBTAIN THE CONSTRUCTION PERMIT. THE CONTRACTOR SHALL OBTAIN AND PAY FOR ADDITIONAL PERMITS, LICENSES AND INSPECTIONS NECESSARY FOR PERFORMANCE OF THE WORK AND INCLUDE THOSE IN THE COST OF THE WORK TO THE OWNER.
- CITY APPROVED PLANS SHALL BE KEPT IN A PLAN BOX AND SHALL NOT BE USED BY WORKMEN. ALL CONSTRUCTION SETS SHALL REFLECT SAME INFORMATION. THE CONTRACTOR SHALL ALSO MAINTAIN IN GOOD CONDITION ONE COMPLETE SET OF PLANS WITH ALL REVISIONS, ADDENDA AND CHANGE ORDERS ON THE PREMISES AT ALL TIMES. THESE ARE TO BE UNDER THE CARE OF JOB SUPERINTENDENT.
- THE CONTRACTOR SHALL PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2-A OR 2-A10-B1C WITHIN 75 FEET OF TRAVEL DISTANCE TO ALL PORTIONS OF THE BUILD OUT AREA DURING CONSTRUCTION.
- ANY CONNECTION FEES FOR ELECTRICAL SERVICE SHALL BE PAID BY THE CONTRACTOR.
- PROPOSED STEALTH POLE SHALL BE PAINTED BRONZE
- THE BASE OF THE STEALTH POLE WILL BE A MINIMUM OF 36" AND A MAXIMUM OF 42" IN DIAMETER.

AREA MAP



ABBREVIATIONS

AGL	ABOVE GRADE LINE	HT	HEIGHT
AMP	AMPERE	LF	LINEAR FEET
ARCH	ARCHITECT	MH	MISCELLANEOUS
BLDG	BUILDING	MISC	MISCELLANEOUS
BBU	BATTERY BACKUP UNIT	N/C	NOT IN CONTRACT
BTS	BASE TRANSCIVER STATION	N/S	NOT TO SCALE
CL	CENTER LINE	OC	ON CENTER
CONC	CONCRETE	PL	PLATE
CONSTR	CONSTRUCTION	PP	POWER POLE
CONTR	CONTRACTOR	PPC	POWER PROTECTION CABINET
DET	DETAIL	RED'D	REQUIRED
DIA	DIAMETER	SF	SQUARE FEET
DIAG	DIAGONAL	SHT	SHEET
DN	DIMENSION	SIM	SIMILAR
DN	DOWN	SIMS	SIMILAR
DWG	DRAWING	SPECS	SPECIFICATIONS
EA	EACH	STD	STANDARD
ELEC	ELECTRICAL	STL	STEEL
ELEV	ELEVATOR, ELEVATION	STRUCT	STRUCTURAL
EQ	EQUAL	TO	TOP OF CURB
EQUIP	EQUIPMENT	TOC	TOP OF CONCRETE
EXIST	EXISTING	TOP	TOP OF PAVING
FND	FOUNDATION	TOS	TOP OF STEEL
FTG	FOOTING	TYP	TYPICAL
GA	GAUGE		
GALV	GALVANIZED		
GND	GROUND		

EQUIPMENT

EQUIPMENT FURNISHED AND/OR INSTALLED BY:

DESCRIPTION	FURNISHED	INSTALLED
ANTENNAS	T-MOBILE	CONTRACTOR
ULTRASITE/PURCELL	T-MOBILE	T-MOBILE
COAX	T-MOBILE	CONTRACTOR
PPC	CONTRACTOR	CONTRACTOR
COAX HANGERS	CONTRACTOR	CONTRACTOR
CONNECTORS	T-MOBILE	CONTRACTOR
LDA ANTENNA JUMPER	CONTRACTOR	CONTRACTOR

REV	DATE	REVISION DESCRIPTION	BY	NOTES
A	08/20/07	ISSUED FOR LEASE EXHIBIT	DCP	NOTICE: THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE SOLE PROPERTY OF SSC, INC. AND IS LOANED TO THE BORROWER FOR THEIR CONFIDENTIAL USE ONLY, AND IN CONSIDERATION OF THE LOAN OF THIS DRAWING, THE BORROWER AGREES AND AGREES TO RETURN IT UPON REQUEST AND AGREES THAT IT WILL NOT BE REPRODUCED, COPIED, LOAN OR OTHERWISE DISPOSED OF DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE OTHER THAN FOR WHICH IT IS FURNISHED.
B	02/26/08	REVISED LEASE EXHIBIT	DCP	
C	05/17/08	REVISED TOWER HEIGHT	DCP	
D	06/19/08	REVISED FOR LEASE EXHIBIT	DCP	
E	02/10/09	REVISED TOWER HEIGHT	DCP	
F	02/25/09	REVISED TOWER HEIGHT	DCP	



SELECTIVE SITE CONSULTANTS, INC.
 8500 W. 110th Street, Suite 300
 Overland Park, Kansas 66210
 Phone 913-438-7700
 Fax 913-438-7777

LAWYER APPROVAL

DATE:

DESIGNED BY
D.C. PELLAND

CHECKED BY
M.L. OWENS

SUPERVISOR
M.L. OWENS

LOAD INCH/SPEC/INLET
S.O. KEISLING

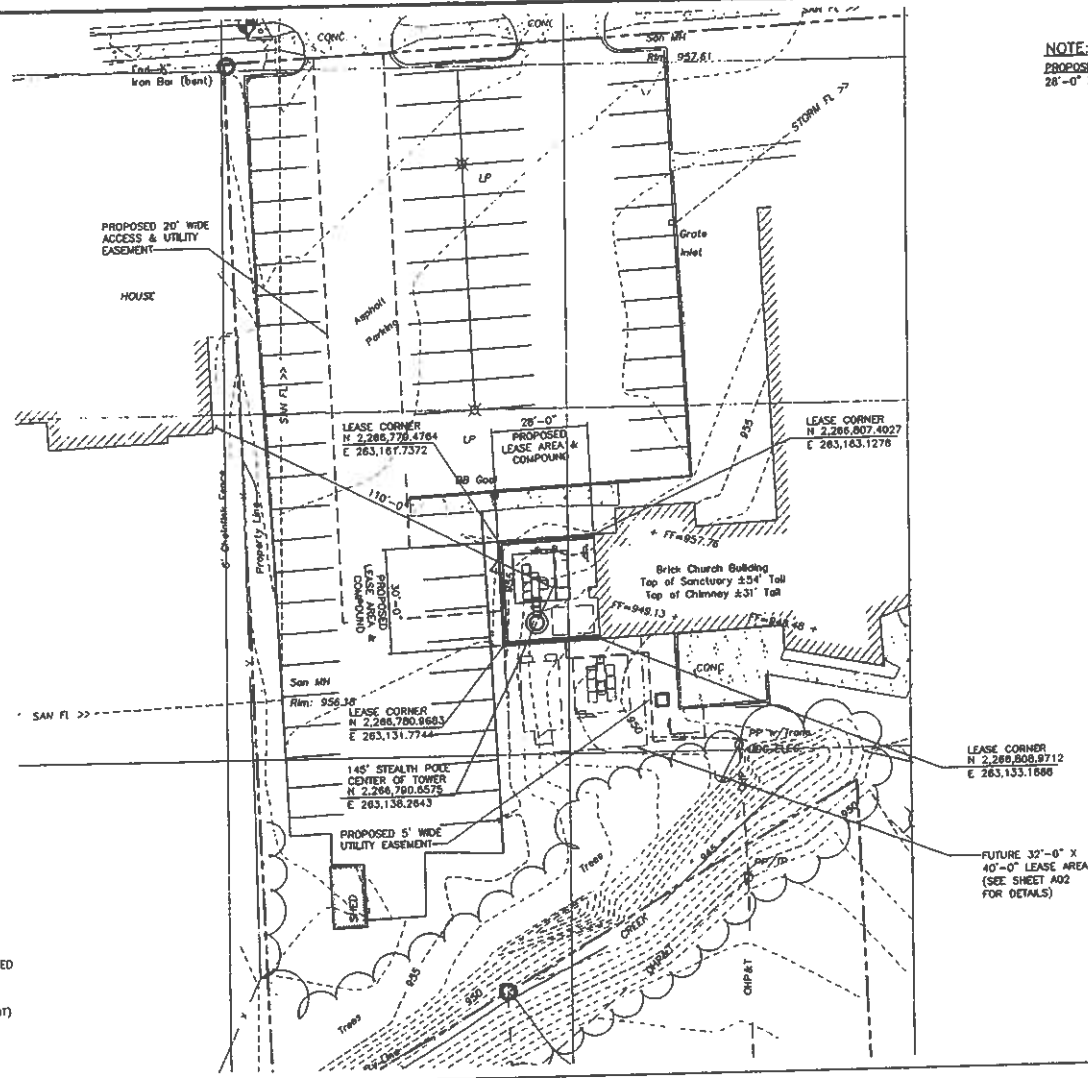
67TH & ROE
 CELL SITE ASD 0114
 PROJECT INFORMATION & GENERAL NOTES

4805 WEST 67TH STREET
 PRAIRIE VILLAGE, KANSAS

DRAWING NUMBER
ASD0114 - T01

REV
F

NOTE:
PROPOSED CLEAR & GRUB REMOVAL LIMITS:
 28'-0" X 30'-0" LEASE BOUNDARY



CALL BEFORE YOU
 DIG - DRILL - BLAST
 800-344-7233
 (DG-SAFE)
 (316) 687-3753
 (FAX)

KANSAS ONE CALL SYSTEM, INC.

THE UTILITIES AS SHOWN ON THIS SET OF DRAWINGS WERE DEVELOPED FROM THE INFORMATION AVAILABLE. THE INFORMATION PROVIDED IS NOT IMPLIED NOR INTENDED TO BE THE COMPLETE INVENTORY OF UTILITIES IN THIS AREA. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES (WHETHER SHOWN OR NOT) AND PROTECT SAID UTILITIES FROM ANY DAMAGE CAUSED BY CONTRACTOR'S ACTIVITIES.

OVERALL SITE PLAN

REV	DATE	REVISION DESCRIPTION	DCP#
A	09/20/07	ISSUED FOR LEASE EXHIBIT	DCP
B	02/26/08	REVISED LEASE EXHIBIT	DCP
C	05/17/08	REVISED TOWER HEIGHT	DCP
D	06/19/08	REISSUED FOR LEASE EXHIBIT	DCP
E	02/10/09	REVISED TOWER HEIGHT	DCP
F	02/25/09	REVISED TOWER HEIGHT	DCP

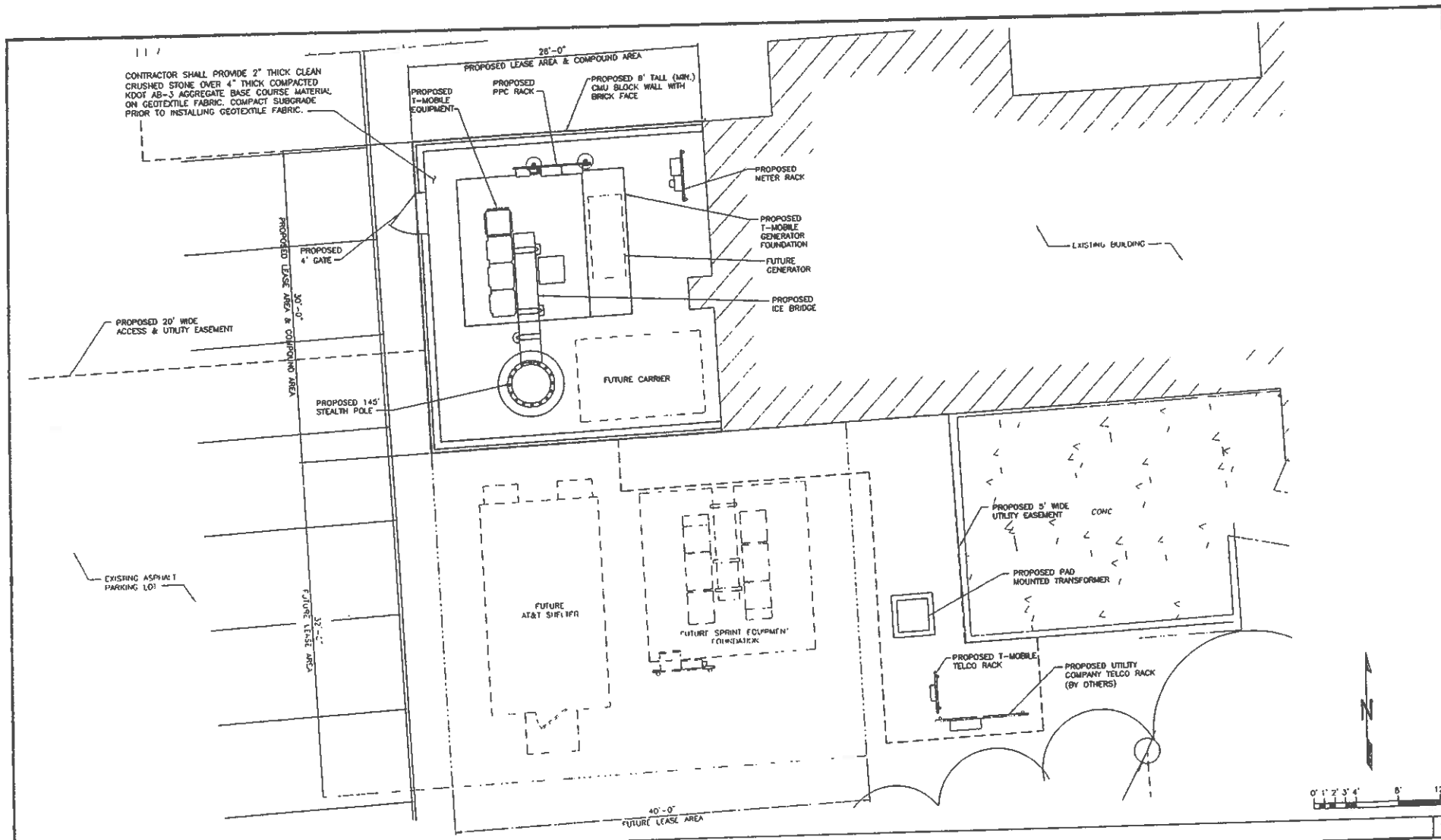
NOTICE: THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE SOLE PROPERTY OF SSC, INC. AND IS LOANED TO THE BORROWER FOR THEIR CONFIDENTIAL USE ONLY. AND IN COOPERATION OF THE LOAN OF THIS DRAWING, THE BORROWER AGREES TO RETURN IT UPON REQUEST AND AGREES THAT IT WILL NOT BE REPRODUCED, COPIED, LOAN OR OTHERWISE DISPOSED OF DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE OTHER THAN FOR WHICH IT IS FURNISHED.



SELECTIVE SITE CONSULTANTS, INC.
 A Subsidiary Company of Consolidated Quality Assurance Company
 6500 W 110th Street, Suite 200
 Overland Park, Kansas 66210
 Phone: 913-438-7700
 Fax: 913-438-7777

DATE:	DESIGNED BY:	CHECKED BY:	SUPERVISOR:	LEAD DRAIN/SPECIALIST:
	D.C. PELLAND	M.L. OWENS	M.L. OWENS	S.D. NEDSLING

67TH & ROE
 CELL SITE ASD 0114
 OVERALL SITE PLAN
 4805 WEST 67TH STREET
 PRAIRIE VILLAGE, KANSAS
 DRAWING NUMBER: ASD0114 - A01
 REV: F



ENLARGED SITE PLAN

REV	DATE	REVISION DESCRIPTION	DCP
A	09/20/07	ISSUED FOR LEASE EXHIBIT	DCP
B	02/28/08	REVISED LEASE EXHIBIT	DCP
C	05/17/08	REVISED TOWER HEIGHT	DCP
D	06/19/08	REVISED FOR LEASE EXHIBIT	DCP
E	02/10/09	REVISED TOWER HEIGHT	DCP
F	02/25/09	REVISED TOWER HEIGHT	DCP

T-Mobile
USA, INC.

SELECTIVE SITE CONSULTANTS, INC.
8500 W. 110th Street, Suite 300
Overland Park, Kansas 66210
Phone 913-438-7700
Fax 913-438-7777

LANDLORD APPROVAL:	

DATE:	
DESIGNED BY:	D.G. PELLAND
CHECKED BY:	M.L. OWENS
SUPERVISOR:	M.L. OWENS
LEAD ENGINEER/SPECIALIST:	S.D. HEDSLING
DRAWING NUMBER:	A5D0114 - A02
REV	F



30'-0" PROPOSED 20' WIDE ACCESS & UTILITY EASEMENT
 32'-0" FUTURE LEASE AREA

CONTRACTOR SHALL PROVIDE 2" THICK CLEAN CRUSHED STONE OVER 4" THICK COMPACTED #DOT AB-3 AGGREGATE BASE COURSE MATERIAL ON GEOTEXTILE FABRIC. COMPACT SUBGRADE PRIOR TO INSTALLING GEOTEXTILE FABRIC.

EXISTING BUILDING

PROPOSED 20' WIDE ACCESS & UTILITY EASEMENT

PROPOSED 145' STEALTH POLE

26'-0" PROPOSED LEASE AREA & COMPOUND AREA

PROPOSED T-MOBILE EQUIPMENT

PROPOSED PPC RACK

PROPOSED 8' TALL (MIN.) CMU BLOCK WALL WITH BRICK FACE

PROPOSED METER RACK

PROPOSED T-MOBILE GENERATOR FOUNDATION

FUTURE GENERATOR

PROPOSED ICE BRIDGE

FUTURE CARRIER

FUTURE AT&T SITE

FUTURE SPRINT EQUIPMENT FOUNDATION

PROPOSED 5' WIDE UTILITY EASEMENT

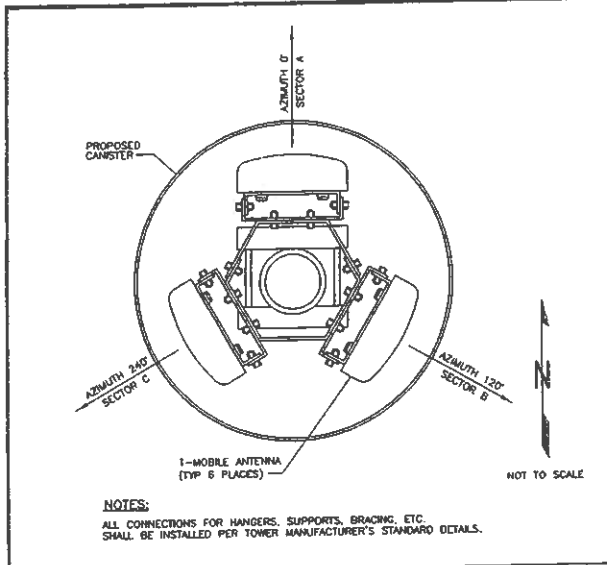
COMC

PROPOSED PAD MOUNTED TRANSFORMER

PROPOSED T-MOBILE TELCO RACK

PROPOSED UTILITY COMPANY TELCO RACK (BY OTHERS)

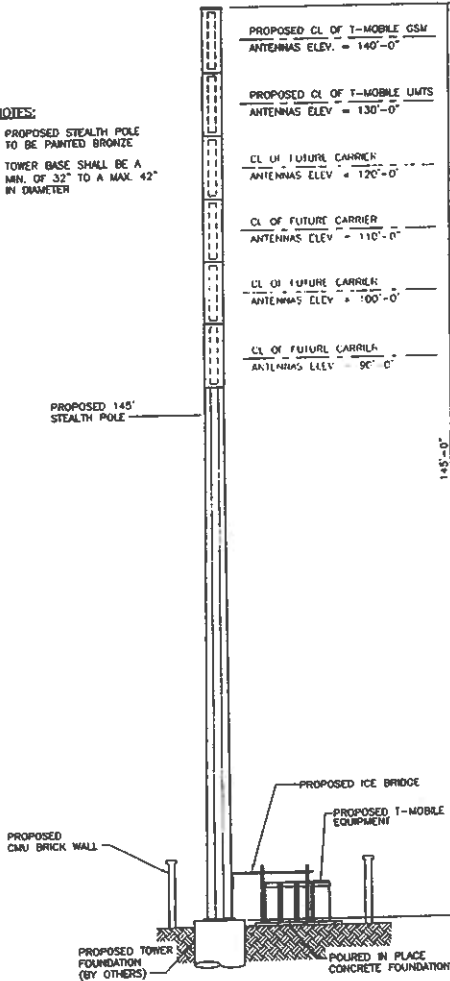
40'-0" FUTURE LEASE AREA



NOTES:
ALL CONNECTIONS FOR HANGERS, SUPPORTS, BRACING, ETC. SHALL BE INSTALLED PER TOWER MANUFACTURER'S STANDARD DETAILS.

ANTENNA LAYOUT @ ELEVATIONS 140'-0" & 130'-0" 2

NOTES:
1. PROPOSED STEALTH POLE TO BE PAINTED BRONZE
2. TOWER BASE SHALL BE A MIN. OF 32" TO A MAX. 42" IN DIAMETER



TOWER ELEVATION 1 145'-0" PROPOSED HEIGHT OF STEALTH POLE

PCS ANTENNA KEY

ANTENNA NUMBER	COAX COLOR CODE	BEAM WIDTH	ANTENNA VENDOR	MODEL NO.	AZIMUTH	ELECTRICAL DOWNTILT	MECHANICAL DOWNTILT	HEIGHT TO THE CENTER OF ANTENNA FROM GROUND LEVEL	COAXIAL FEEDER SIZE	COAXIAL FEEDER LENGTH
A-1 GSM	RED 1 STRIPE	65°	ANDREW	*	0°	3	0	140'-0"	7/8"	160'
	RED 3 STRIPES								7/8"	160'
	RED 2 STRIPES								7/8"	160'
A-2 UMTS	RED 4 STRIPES	65°	ANDREW	**	0°	3	0	130'-0"	7/8"	150'
	RED 5 STRIPES								7/8"	150'
	RED 6 STRIPES								7/8"	150'
B-1 GSM	YELLOW 1 STRIPE	65°	ANDREW	*	120°	4	0	140'-0"	7/8"	160'
	YELLOW 2 STRIPES								7/8"	160'
	YELLOW 3 STRIPES								7/8"	160'
B-2 UMTS	YELLOW 4 STRIPES	65°	ANDREW	**	120°	4	0	130'-0"	7/8"	150'
	YELLOW 5 STRIPES								7/8"	150'
	YELLOW 6 STRIPES								7/8"	150'
C-1 GSM	BLUE 1 STRIPE	65°	ANDREW	*	240°	3	0	140'-0"	7/8"	160'
	BLUE 2 STRIPES								7/8"	160'
	BLUE 3 STRIPES								7/8"	160'
	BLUE 4 STRIPES								7/8"	160'
C-2 UMTS	BLUE 5 STRIPES	65°	ANDREW	**	240°	3	0	130'-0"	7/8"	150'
	BLUE 6 STRIPES								7/8"	150'

ANDREW TMA/LNA MODEL #
* ENT160VS12UB
** STW00VS12UB

ANDREW ANTENNA MODEL #
* TMBX-6516-R2M
** TMBX-6516-R2M

MINIMUM RF REQUIREMENTS

ANTENNA NUMBER	ANTENNA DIRECTION	MINIMUM ANTENNA HEIGHT	MINIMUM SEPARATION
A-1	0°	140'-0"	N/A
B-1	120°	140'-0"	N/A
C-1	240°	140'-0"	N/A
A-2	0°	130'-0"	N/A
B-2	120°	130'-0"	N/A
C-2	240°	130'-0"	N/A

NOTES:
1. ANTENNA CONTRACTOR SHALL INSURE ALL ANTENNA MOUNTING PIPES ARE PLUMB
2. COAXIAL FEEDER LENGTHS INDICATED ABOVE ARE APPROXIMATE. CONTRACTOR TO VERIFY ACTUAL LENGTH BEFORE ORDERING
3. COLOR CODING: USE 1 STRIPE FOR MAIN LINE AND 2 STRIPES FOR DIVERSITY LINE. SUBSEQUENT EXPANSION COAX RUNS SHOULD BE LABELED 3 STRIPES, 4 STRIPES, ETC...
4. IN ADDITION TO THE COAX COLOR CODE SHOWN IN THE TABLE, ALL UMTS COAX CABLES SHALL BE MARKED WITH AN ADDITIONAL SINGLE GREEN AND WHITE CHECKER STRIPE.
5. LINES 1 & 2 TO HAVE LNA's, MOUNTED ON PIPE BEHIND ANTENNAS.
6. MULTI PORT ANTENNAS: TERMINATE UNUSED ANTENNA PORTS WITH CONNECTOR CAP & WEATHERPROOF THOROUGHLY. JUMPS FROM LNAs MUST TERMINATE TO OPPOSITE POLARIZATIONS IN EACH SECTOR
7. CONTRACTOR MUST FOLLOW ALL MANUFACTURER'S RECOMMENDATIONS REGARDING THE INSTALLATION OF COAXIAL CABLES, CONNECTORS, AND ANTENNAS.
MINIMUM BEND RADII:
LDF4-50A (1/2" HARD LINE) = 5'
FSJ4-50B (1/2" SUPER FLEX) = 1-1/4'
LDF5-50A (7/8" HARD LINE) = 10'
LDF7-50A (1-5/8" HARD LINE) = 20'
8. CONTRACTOR SHALL RECORD THE SERIAL #, SECTOR, AND POSITION OF EACH ACTUATOR INSTALLED AT THE ANTENNAS AND GIVE THE INFORMATION TO T-MOBILE.
9. WEATHERPROOF ALL ANTENNA CONNECTORS WITH SELF AMALGAMATING TAPE.
10. ANTENNA CONTRACTOR SHALL PERFORM A "TAPE DROP" MEASUREMENT TO CONFIRM/AJUDGE ANTENNA CENTER LINE (ACL) HEIGHT. CONTRACTOR SHALL SUBMIT A COMPLETED HEIGHT VERIFICATION FORM TO THE CONSTRUCTION MANAGER.

LOCATIONS OF ANTENNAS AS SHOWN HAVE BEEN APPROVED BY CLIENT AND/OR CLIENT'S RADIO FREQUENCY ENGINEERS. SSC ASSUMES NO RESPONSIBILITY FOR ANY INVESTIGATIONS OR STUDIES CONCERNING THE COMPLIANCE OR NONCOMPLIANCE OF SAID ANTENNA LOCATIONS WITH ANY FCC RADIO FREQUENCY EXPOSURE REGULATIONS.

REV	DATE	REVISION DESCRIPTION	DCSN
A	09/20/07	ISSUED FOR LEASE EXHIBIT	DCP
B	02/26/08	REVISED LEASE EXHIBIT	DCP
C	05/17/08	REVISED TOWER HEIGHT	DCP
D	06/19/08	REVISED FOR LEASE EXHIBIT	DCP
E	02/10/09	REVISED TOWER HEIGHT	DCP
F	02/25/09	REVISED TOWER HEIGHT	DCP

3

SELECTIVE SITE CONSULTANTS, INC.
8500 W. 110th Street, Suite 300
Overland Park, Kansas 66210
Phone: 913-438-7700
Fax: 913-438-7777

67TH & ROE
CELL SITE ASD 0114
TOWER ELEVATION & ANTENNA DETAILS
4805 WEST 67TH STREET
PRAIRIE VILLAGE, KANSAS

APPROVED APPROVAL: _____ DATE: _____
DESIGNED BY: D.C. PELLAND
CHECKED BY: M.L. OWENS
SUPERVISOR: M.L. OWENS
LEAD DRAFTER/PRODUCER: S.D. KESLING

REVISION NUMBER: ASD0114 - A03 REV: F

TAB E – Compliance Statements

(Please see attached Affidavit)

AFFIDAVIT



STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

I, Luke Willenbring, being of lawful age and duly sworn upon oath, depose and state as follows:

1. I am an RF Engineering Manager for T-Mobile Central LLC d/b/a T-Mobile (“T-Mobile”) in select Kansas and Missouri markets, including the Kansas City metropolitan area markets.
2. This Affidavit is intended to support an application for Special Use permit filed in the City of Prairie Village, Kansas, to construct, operate, and maintain a wireless communication facility consisting of a one hundred forty-five foot (145’), six (6) canister low-profile tower and associated ground equipment on real property located at 4805 West 67th Street, Prairie Village, Johnson County, Kansas.
3. T-Mobile will meet all valid federal, state and city regulations and laws, including but not limited to FCC regulations, in the construction and operation of this project.
4. T-Mobile is federally licensed by the FCC to operate a wireless communication network in this market within specifically assigned bandwidths. The anticipated levels of electromagnetic radiation (effective radiated power) to be cumulatively generated by wireless facilities at this site will be within applicable guidelines established by the FCC.
5. T-Mobile and its predecessor entities (VoiceStream Kansas City, Inc., and APT Kansas City, Inc.) have operated a federally licensed wireless PCS network in the Kansas City metropolitan and outlying area for more than ten years. This network consists of several hundred cell sites. T-Mobile employs several full-time RF engineers to maintain its Kansas City metropolitan area and outlying PCS networks. Nationally, T-Mobile operates thousands of wireless facilities. A copy of T-Mobile’s FCC license to operate a PCS network in this region is attached hereto and incorporated herein by reference.
6. Specification sheets for T-Mobile’s proposed antennas at this facility, including an antenna radiation pattern, are attached hereto and incorporated herein by reference.
7. The above and foregoing statements are based on my personal knowledge and belief and I reasonably believe said statements to be accurate and true.

T-Mobile

FURTHER AFFIANT SAITH NOT.

DATED this 27 day of February, 2009.

Luke Willenbring
Luke Willenbring
RF Engineering Manager
T-Mobile Central LLC d/b/a T-Mobile

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

Subscribed and sworn to before me on this 27 day of February 2009, by ~~August, 2008~~, by
Stephanie McGranahan.

Stephanie McGranahan
Notary Public
My commission expires 1/24/13

(SEAL)
Stephanie McGranahan
Notary Public
State of Kansas
My appointment expires 1/24/13



TMBX-6516-R2M

±45° Diversity Panel Antenna

Decibel®

Base Station Antennas

- Patented cross dipole and feed system
- Rugged, reliable design with excellent PIM suppression
- Includes factory installed AISG RET actuator
- Fully compatible with Andrew Teletilt® remote control antenna system

ELECTRICAL

Frequency Range (MHz):	1710–2155
Characteristic Impedance (Ohms):	50
Azimuth BW (Deg):	65 ± 6
Elevation BW (Deg):	7.2 ± 1.1
Gain (dBi) :	17.5 ± 0.7
Polarization:	±45°
Front-to-Back Ratio (dB)	0° 2° 4° 6° 8° 10°
Copol, 180° ± 30°	>25 >25 >25 >24 >24 >24
Total Power, 180° ± 30°	>24 >24 >24 >24 >24 >22
Upper Sidelobe (dB)	0° 2° 4° 6° 8° 10°
Main Beam to +20°	>18 >18 >17 >17 >15 >12
VSWR / Return Loss (dB):	1.35 / 16.5
Port-to-Port Isolation (dB):	>30
Electrical Tilt Range (Deg)*:	0–10
Electrical Downtilt Accuracy (Deg):	± 0.6
Cross-pol (dB)	0° 2° 4° 6° 8° 10°
3 dB Beamwidth	>15 >15 >15 >15 >15 >14
Intermodulation Products (dBc)	
3rd Order, 2 x 20 Watts	155
Max. Input Power (Watts):	250
Lightning Protection:	DC Ground

PERFORMANCE TRACKING

Gain Variation (dB) (between UL and DL frequency pair):	1.3
Electrical Tilt Accuracy (Deg) (between UL and DL frequency pair within 0.5°):	<0.5
Azimuth HPBW (Deg) (between UL and DL frequency pair):	9

MECHANICAL

Net Weight (kg / lbs):	5.1 / 11.2
Dimensions–LxWxD: (with actuator)	1499 x 168 x 84 mm 59 x 6.6 x 3.3 inch
Max. Wind Area (m² / ft²):	0.11 / 1.2
Max. Wind Load (N / lbf):	298.0 / 67.0
Max. Wind Speed (km/h / mph):	241 / 150
Hardware Material:	Hot Dip Galvanized
Connector Type:	7-16 DIN, Female (2)
Color:	Off White
Standard Mounting Hardware:	TM602030A



*Specifications may vary when using 0° or 1° electrical tilt.

Andrew Corporation
2601 Telecom Parkway
Richardson, Texas U.S.A. 755082-3521
Tel: 214.631.0310

Fax: 214.688.0089
Toll Free Tel: 1.800.676.5342
Fax: 1.800.229.4706
www.andrew.com

2/2/2007
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TMBX-6516-R2M

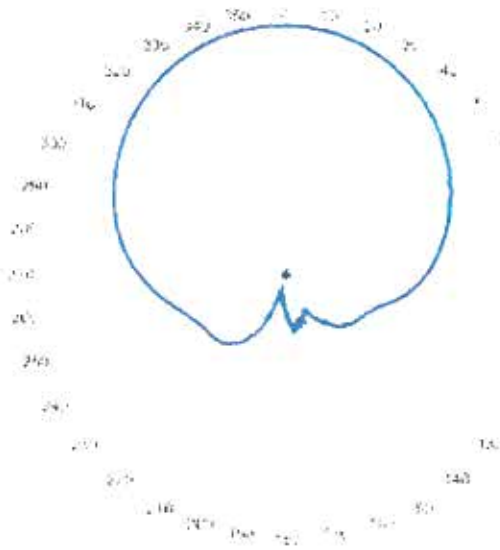
±45° Diversity Panel Antenna

Decibel®

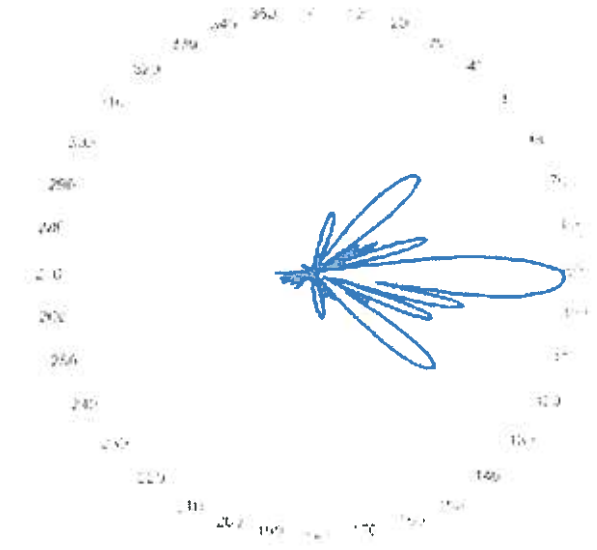
Base Station Antennas

AZIMUTH PATTERN

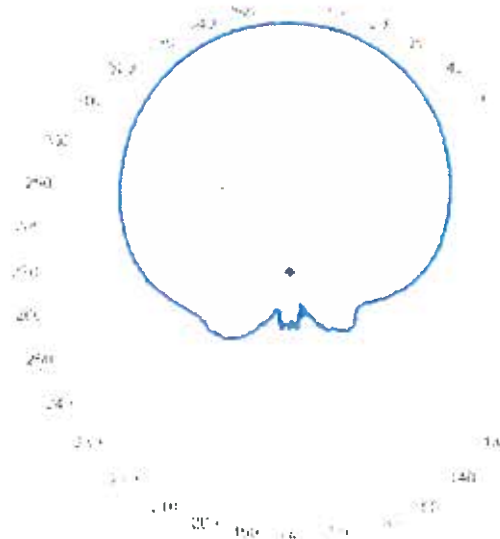
ELEVATION PATTERN



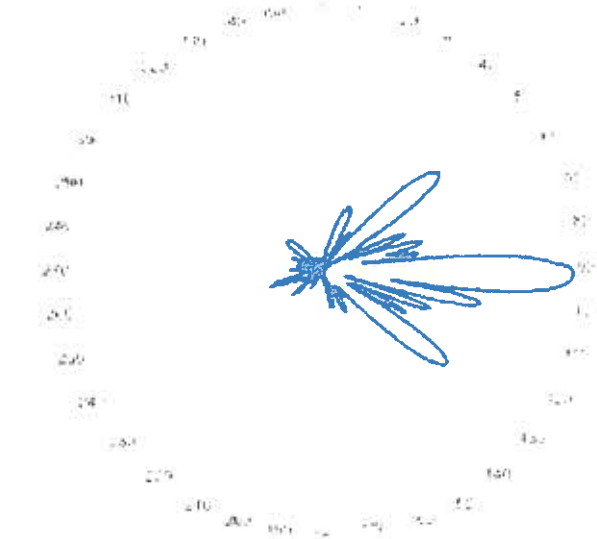
1732 MHz, Tilt: 2°



1732 MHz, Tilt: 2°



1880 MHz, Tilt: 2°



1880 MHz, Tilt: 2°

Note: Scale 5 dB per division.

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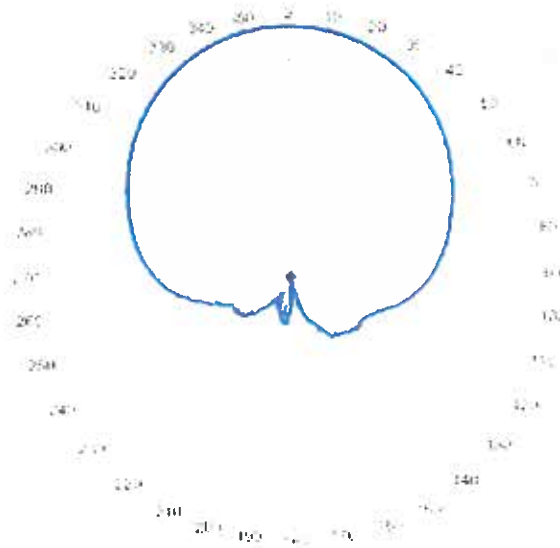
TMBX-6516-R2M

±45° Diversity Panel Antenna

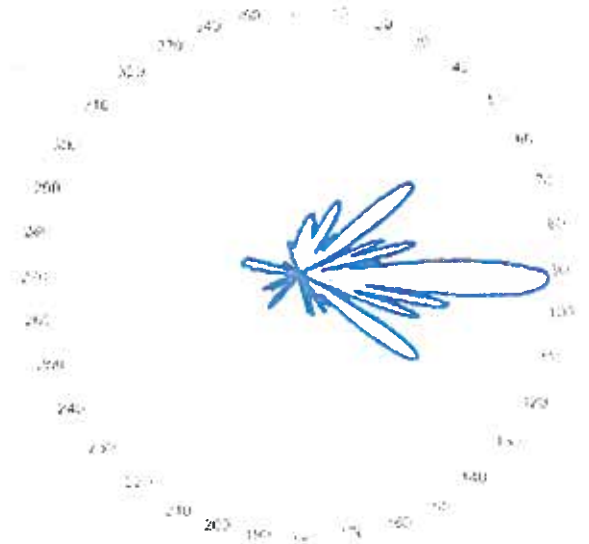
Decibel®
Base Station Antennas

AZIMUTH PATTERN

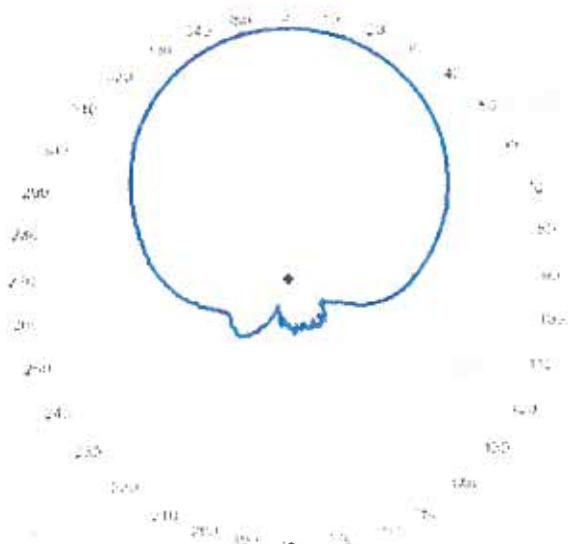
ELEVATION PATTERN



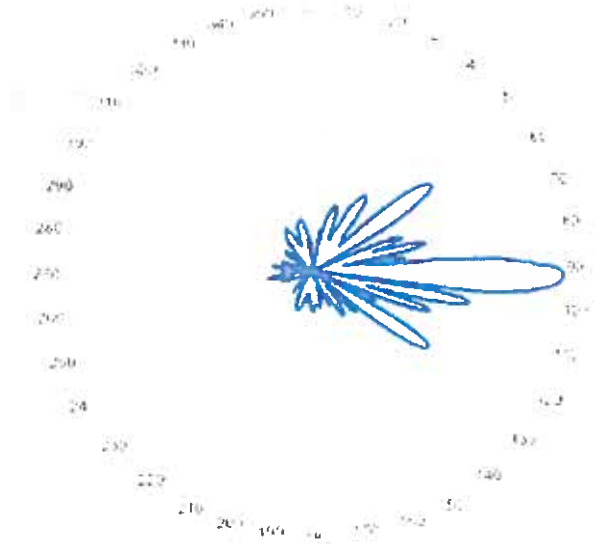
1960 MHz, Tilt: 2°



1960 MHz, Tilt: 2°



2132 MHz, Tilt: 2°



2132 MHz, Tilt: 2°

Note: Scale 5 dB per division

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TMBXX-6516-R2M

±45° Diversity, Quad Antenna

Decibel®

Base Station Antennas

- Patented cross dipole and feed system
- Rugged, reliable design with excellent PIM suppression
- Includes factory installed AISG RET actuator
- Fully compatible with Andrew Teletilt® remote control antenna system

ELECTRICAL

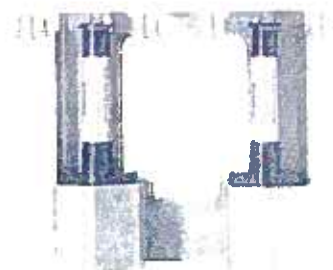
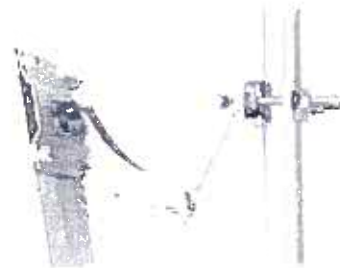
Frequency Range (MHz):	1710–2155
Characteristic Impedance (Ohms):	50
Azimuth BW (Deg):	64.5 ± 8
Elevation BW (Deg):	7.2 ± 1.2
Gain (dBi) :	17.5 ± 0.8
Polarization:	±45°
Front-to-Back Ratio (dB)	0° 2° 4° 6° 8° 10°
Copol, 180° ± 30°	>24 >24 >24 >24 >24 >24
Total Power, 180° ± 30°	>24 >24 >23 >22 >23 >23
Upper Sidelobe (dB)	0° 2° 4° 6° 8° 10°
Main Beam to +20°	>18 >18 >17 >15 >14 >11
VSWR / Return Loss (dB):	1.35:1 / 16.5
Port-to-Port Isolation (dB):	>30
Electrical Tilt Range (Deg)*:	0–10
Electrical Downtilt Accuracy (Deg):	± 0.9
Cross-pol (dB)	0° 2° 4° 6° 8° 10°
3 dB Beamwidth:	>13 >13 >13 >12 >12 >12
Intermodulation Products (dBc)	
3rd Order, 2 x 20 Watts:	155
Max. Input Power (Watts):	250
Lightning Protection:	DC Ground

PERFORMANCE TRACKING

Gain Variation (dB) (between UL and DL frequency pair):	1.3
Electrical Tilt Accuracy (Deg) (between UL and DL frequency pair within 0.5°):	<0.55
Azimuth HPBW (Deg) (between UL and DL frequency pair):	11.5

MECHANICAL

Net Weight (kg / lbs):	15.7 / 34.6
Dimensions—LxWxD:	1499 x 302 x 160 mm
(with actuator)	59 x 11.9 x 6.3 inch
Max. Wind Area (m² / ft²):	0.27 / 2.9
Max. Wind Load (N / lbf):	729.4 / 164
Max. Wind Speed (km/h / mph):	241 / 150
Hardware Material:	Hot Dip Galvanized
Connector Type:	7-16 DIN, Female (4)
Color:	Off White
Standard Mounting Hardware:	TM600899A-2



*Specifications may vary when using 0° or 1° electrical tilt.

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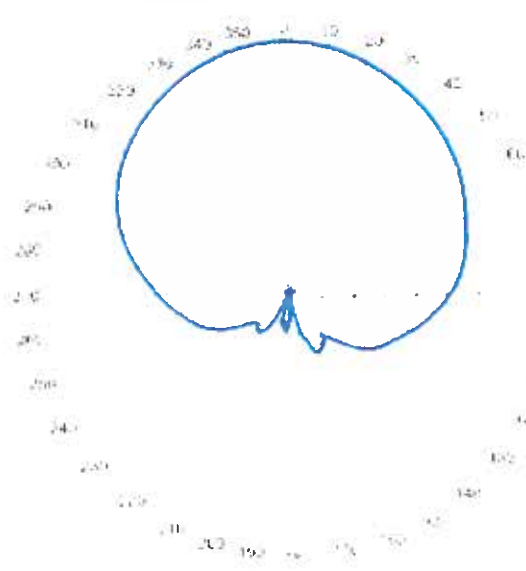


TMBXX-6516-R2M
 ±45° Diversity, Quad Antenna

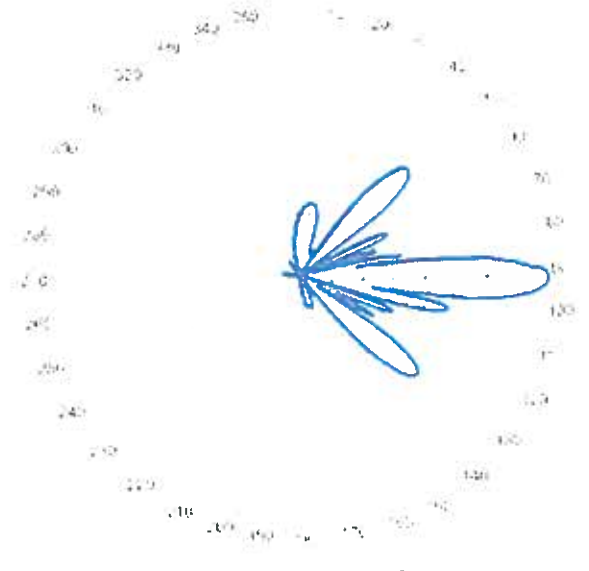
Decibel®
 Base Station Antennas

AZIMUTH PATTERN

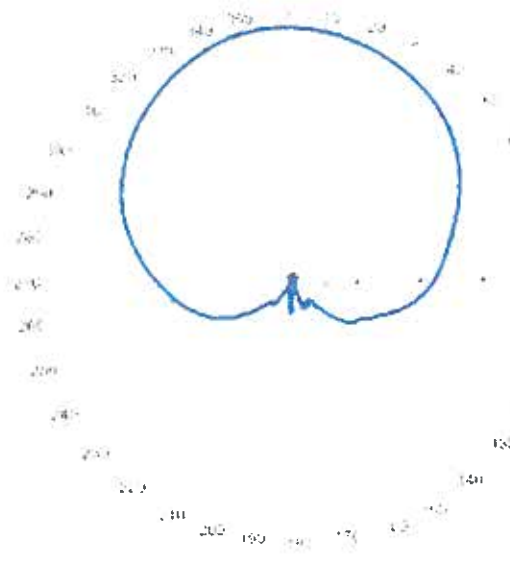
ELEVATION PATTERN



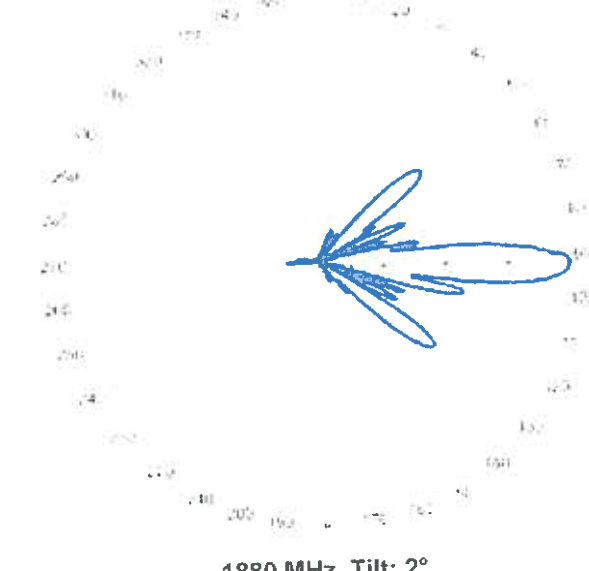
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Note: Scale 5 dB per division.

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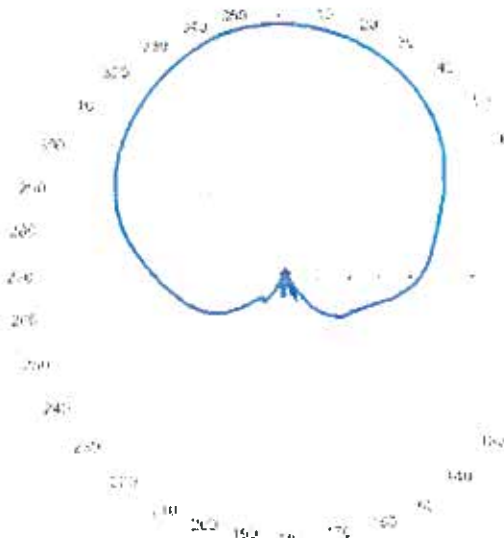
TMBXX-6516-R2M

±45° Diversity, Quad Antenna

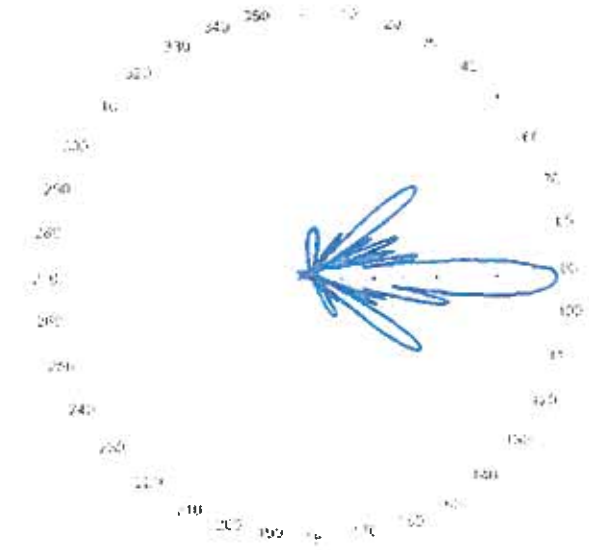
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AZIMUTH PATTERN

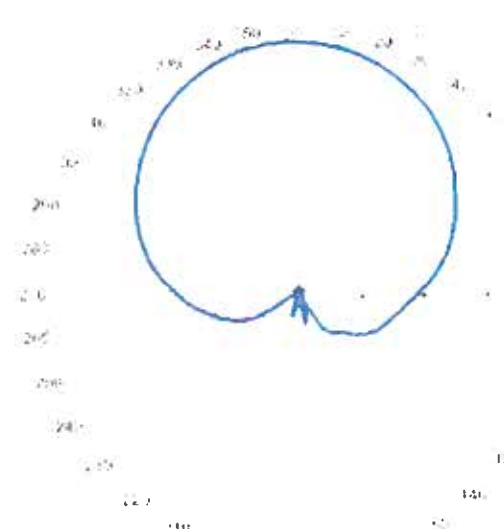
ELEVATION PATTERN



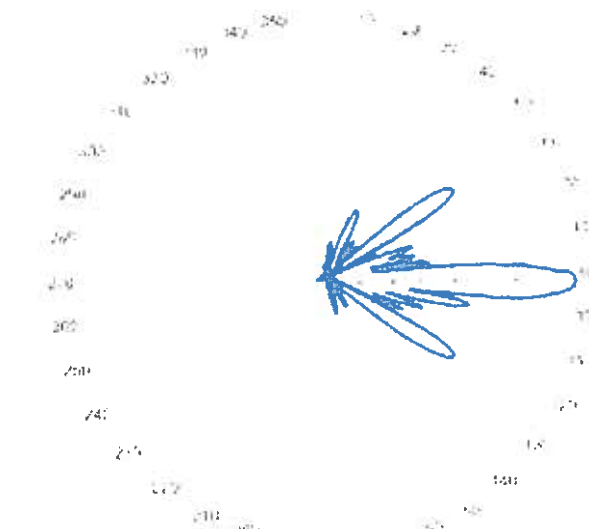
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TAB F – Construction Schedule

T-Mobile is unable to announce a construction schedule until government permits have been obtained. That said, typically, construction of a wireless facility from commencement of construction to completion of construction is a two to three month process.

TAB G – FCC License

(Please see attached)

**ULS License
PCS Broadband License - KNLF268 - VoiceStream Kansas City,
Inc.**

Call Sign	KNLF268	Radio Service	CW - PCS Broadband
Status	Active	Auth Type	Regular
Market		Channel Block	B
Market	MTA034 - Kansas City	Associated Frequencies (MHz)	001870.00000000- 001885.00000000- 001950.00000000- 001965.00000000
Submarket	3		

Dates		Expiration	06/23/2015
Grant	06/30/2005	Cancellation	
Effective	06/30/2005		
Buildout Deadlines		2nd	06/23/2005
1st	06/23/2000		
Notification Dates		2nd	05/04/2005
1st	06/22/2000		

Licensee		Type	Corporation
FRN	0002837318		

Licensee		P:	(425)378-4000
VoiceStream Kansas City, Inc.		F:	(425)378-4040
12920 SE 38th Street		E:	dan.menser@t-mobile.com
Bellevue, WA 98006			
ATTN Dan Menser			

Contact		P:	(425)378-4000
T-Mobile USA, Inc.		F:	(425)378-4040
Dan Menser Esq		E:	dan.menser@t-mobile.com
12920 SE 38th Street			
Bellevue, WA 98006			

Ownership and Qualifications

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership

Is the applicant a foreign government or the representative of any foreign government?	No
Is the applicant an alien or the representative of an alien?	No
Is the applicant a corporation organized under the laws of any foreign government?	No

Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? No

Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? Yes

If the answer to the above question is 'Yes', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application?

Basic Qualifications

Has the applicant or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license or construction permit denied by the Commission? Yes

Has the applicant or any party to this application, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court? No

Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition? No

Demographics

Race

Ethnicity

Gender

TAB H – Collocation Letters From Other Carriers

(Please see attached)



at&t

February 18, 2009

Garth Adcock
Real Estate & Zoning Manager
T-Mobile-USA, Inc.
12980 Foster Street
Suite 200
Overland Park, KS 66213
United States of America

**Re: T-Mobile Wireless Facility at Faith Lutheran Evangelical Church at
4805 W. 67th Street, Prairie Village, KS**

Dear Garth:

You have requested whether AT&T Mobility would be interested in co-locating its antennas on a new support structure to be constructed at the address listed above. As part of this consideration, you have also asked what are the minimum center line heights needed for our antennas (2 sets of canister type antennas) and what is the minimum footprint needed for our ground equipment. It is our understanding that T-Mobile is considering 2 alternate locations at this site.

1. Location along south property line:

Latitude 39° 00' 25.82" N (NAD 83)
Longitude 94° 38' 27.78" W (NAD83)

2. Location adjacent to church building:

Latitude 39° 00' 26.2" N (NAD 83)
Longitude 94° 38' 26.98" W (NAD83)

As you may know, several years ago our company looked at co-locating its antennas on the water tank at McCrum Park approximately 4 blocks south of this location at 69th Terrace and Roe. Due to the significant opposition to a site there, we did not move forward with that project. But I can confirm that our needs for improving service to this area is still great and that a support structure at either of the 2 alternate sites you provided would serve our purposes as long as the antennas were placed at 95' and 85' radial centerlines. The minimum footprint of the ground equipment would be 10' x 16'.

In addition you requested whether a similar facility if placed at Nail Baptist Church at 67th & Nail would also serve our purposes. Unfortunately, our immediate coverage issues are located to the east of that area, and therefore that location would not be a good candidate for our facilities.

In summary, on behalf of AT&T Mobility, we would be interested in co-locating on a new structure to be placed at Faith Lutheran Evangelical Church, at the above-stated antenna heights, subject to appropriate leasing terms. Please advise when the zoning entitlements have been obtained.

Thanks.

A handwritten signature in cursive script that reads "Sean D. Wyrick".

Sean D. Wyrick
Engineer III, RF
AT&T Mobility



Sprint Nextel
6240 Sprint Parkway
Overland Park, KS 66251
913-794-5649

Michael Reed
Regional Site Development Manager

Garth Adcock
Real Estate & Zoning Manager
T-Mobile-USA, Inc.
12980 Foster Street
Suite 200
Overland Park, KS 66213
United States of America

Re: T-Mobile Facility at 4805 W. 67th Street (Faith Evangelical Lutheran Church)

Dear Garth:

It is our understanding that T-Mobile has filed a new application in Prairie Village to construct a new 145' tall stealth communications tower at 4805 W. 67th Street. As you will recall, Sprint had previously indicated its interest in collocating on a similar facility at this location, depending on the height of the new structure. At that time, the proposed location was near the south property line. You indicated that the new proposal would place the structure north on the property near the church. We have analyzed this new location and determined that Sprint would be interested in collocating our antennas on this new structure at the 130' level. For the ground equipment, our minimum footprint necessary would be 10' x 15'. Please let us know when you have obtained final zoning approval for this facility.

In our discussion, you also mentioned the possibility of a new facility at 67th & Nall (Nall Baptist Church). We have determined that a site at that location could also serve Sprint's needs, depending on available antenna heights, but understand that site is not under consideration at this time.

Michael Reed
Sprint-Nextel Manager-Site Development , Plains Area

TAB I – Local Government Compliance

T-Mobile and its representatives will conduct neighborhood meetings, post a sign on the property, and comply with other applicable local government procedures in conjunction with this application.

T-Mobile does not believe any waivers would be necessary for this project under the City's proposed wireless ordinance. T-Mobile believes this project is a stealth wireless facility that must only meet the setbacks of a principle structure on the property. Section 19.33.035.A.2.

TAB J – Application Fees and Attachments

Copies of the application form and check are attached hereto. The original application form and check accompanies the cover letter for the application.

SPECIAL USE PERMIT APPLICATION

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: _____
Filing Fees: _____
Deposit: _____
Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: _____

APPLICANT: T-Mobile, represented by Polsinelli Shughart (Curtis M. Holland)

PHONE (913) 451-8788

ADDRESS: 6201 College Boulevard, Suite 500, Overland Park, KS ZIP: 66211

OWNER: Faith Lutheran Evangelical Church PHONE: (913) 722-3515

ADDRESS: 4505 W. 67th Street ZIP: 66208

LOCATION OF PROPERTY: 4805 W. 67th Street

LEGAL DESCRIPTION: See Attached Legal Description

ADJACENT LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Residential</u>	<u>R-1A</u>
South	<u>Residential</u>	<u>R-1A</u>
East	<u>Residential</u>	<u>R-1A</u>
West	<u>Residential</u>	<u>R-1A</u>

Present Use of Property: Residential/Church

Proposed Use of Property: Existing use and addition of a 145' low-profile communications facility and associated ground equipment

Please complete both pages of the form and return to:
Planning Commission Secretary
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

SC

SELECTIVE SITE CONSULTANTS, INC.
8500 WEST 110TH STREET, SUITE 300
OVERLAND PARK, KS 66210
(913) 438-7700

FIRST NATIONAL BANK OF OLATHE
OLATHE, KS 66061
83-172/1010

31122

02/26/2009

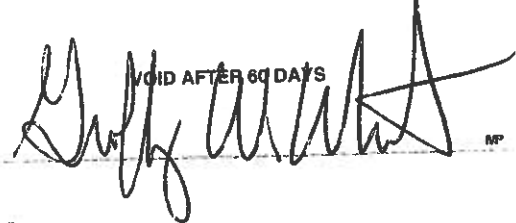
City of Prairie Village

\$ **600.00

ed and 00/100*****

DOLLARS  

City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

VOID AFTER 60 DAYS

MP

Mobile KC Site No. A5D0114 (SUP Application Fee)

⑈031122⑈ ⑆101001720⑆ ⑈016 250 7⑈

ITE CONSULTANTS, INC.

y of Prairie Village
CQUISITION:Zoning Costs

02/26/2009

31122
600.00

Special Use Permit Application Fee