CITY OF WICHITA

**Wichita-Sedgwick County Metropolitan Area Planning Department**

January 23, 2017

Kansas-Nebraska Association of
Seventh Day Adventists, Inc.
4558 N. Hydraulic
Wichita, KS 67219

**RE: CON2015-00020** – City Conditional Use to permit a wireless communication facility, specifically an FM broadcast station, with a 100-foot self-supporting lattice tower on property located the southeast corner of 45th Street North and Hydraulic Avenue

Dear Application:

At its regular meeting on June 18, 2015, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to APPROVE of the request subject to the following conditions:

A. This request must have the approval by the FAA in determining the proposed wireless communication facility with its 100-foot tall monopole tower pose no hazard to air navigation or interferes with other radio/communication frequencies; Form FAA 7460-1 Notice of Proposed Construction or Alteration. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.
B. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met.
C. The applicant shall obtain all permits necessary to construct the wireless communication facility and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
D. The support structure shall be a lattice tower design, as shown on the elevation and that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
E. The support structure shall not exceed 100 feet in height and shall be designed and constructed to accommodate communication equipment for at least two (2) wireless service providers.
F. The tower site shall be developed in general conformance with the approved revised site and a landscape plan. These plans must show the type and size of fencing around the site, parking, all light poles, lights, power poles, cabinets, equipment or buildings within the fenced in site or in the immediate area if it is to be used by the site. The plan must identify existing and/or

proposed trees and shrubs, give their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. Evergreens will be planted a minimum size of 5-foot at the time of their planting, but be taller than 5-foot when mature and planted on 15-foot centers. The site plan must identify the all utility and or access easements. If it is proposed it must be recorded. If a surface is needed for the drive/access easement, it must be approved by the Zoning Administrator. All improvements and construction of the facility/tower shall be completed within a year and before the facility becomes operational.

G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations. Provide Public Works and the MABCD with any required plans for review and approval of the site.

H. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

A copy of the resolution reflecting the MAPC approval is attached for your records. Note that prior to the issuance of a building permit, the documentation required by Conditions A, D, and F must be submitted the Planning Department.

Sincerely,

Scott Knebel, AICP
Planning Manager

SK: mc
Copies to:
Ray Royal, 435 W. 125th St. N., Sedgwick, KS 67135
Bill Johnson, Evans Building Company, 9801 W. York, Wichita, KS 67215
Matt Lee, MABCD
Lavonta Williams, WCC I, Mail Stop 1-13
Kameelah Alexander, Community Liaison, Mail Stop 1-135

## CONDITIONAL USE RESOLUTION NO. CON2015-00020

**WHEREAS**, Kansas-Nebraska Association of Seventh Day Adventists, Inc. (owner) and Three Angels Seventh-Day Adventist Church (applicants); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a "wireless communication facility", specifically a FM radio broadcast system with a 100-foot lattice tower and equipment located within the LC Limited Commercial ("LC") zoned western portion of the approximately 9.78-aces, described as:

Lot 1, Three Angels Addition, Wichita, Sedgwick County, Kansas, located on the southeast corner of 45th Street North and Hydraulic Avenue.

**WHEREAS**, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

**WHEREAS**, the MAPC did, at the meeting of June 18, 2015, consider said application; and

**WHEREAS**, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for a "wireless communication facility", specifically a FM radio broadcast system with a 100-foot lattice tower and equipment located within the LC Limited Commercial ("LC") zoned western portion of the approximately 9.78-aces,described as:

Lot 1, Three Angels Addition, Wichita, Sedgwick County, Kansas, located on the southeast corner of 45th Street North and Hydraulic Avenue.

Approved subject to the following conditions:

A. This request must have the approval by the FAA in determining the proposed wireless communication facility with its 100-foot tall monopole tower pose no hazard to air navigation or interferes with other radio/communication frequencies; Form FAA 7460-1 Notice of Proposed Construction or Alteration. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.
B. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met.
C. The applicant shall obtain all permits necessary to construct the wireless communication facility and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
D. The support structure shall be a lattice tower design, as shown on the elevation and that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
E. The support structure shall not exceed 100 feet in height and shall be designed and constructed to accommodate communication equipment for at least two (2) wireless service providers.

F. The tower site shall be developed in general conformance with the approved revised site and a landscape plan. These plans must show the type and size of fencing around the site, parking, all light poles, lights, power poles, cabinets, equipment or buildings within the fenced in site or in the immediate area if it is to be used by the site. The plan must identify existing and/or proposed trees and shrubs, give their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. Evergreens will be planted a minimum size of 5-foot at the time of their planting, but be taller than 5-foot when mature and planted on 15-foot centers. The site plan must identify the all utility and or access easements. If it is proposed it must be recorded. If a surface is needed for the drive/access easement, it must be approved by the Zoning Administrator. All improvements and construction of the facility/tower shall be completed within a year and before the facility becomes operational.

G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations. Provide Public Works and the MABCD with any required plans for review and approval of the site.

H. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 18th day of June 2015.

METROPOLITAN AREA PLANNING COMMISSION

David W. Foster, Chair MAPC

ATTEST:

Dale Miller, Secretary

WICHITA–SEDGWICK COUNTY

AGENDA ITEM NO. 4

# STAFF REPORT

MAPC June 18, 2015
DAB I July 6, 2015

**CASE NUMBER:** CON2015-00020

**OWNER/APPLICANT:** Three Angels Seventh-Day Adventist Church (owner/applicant)

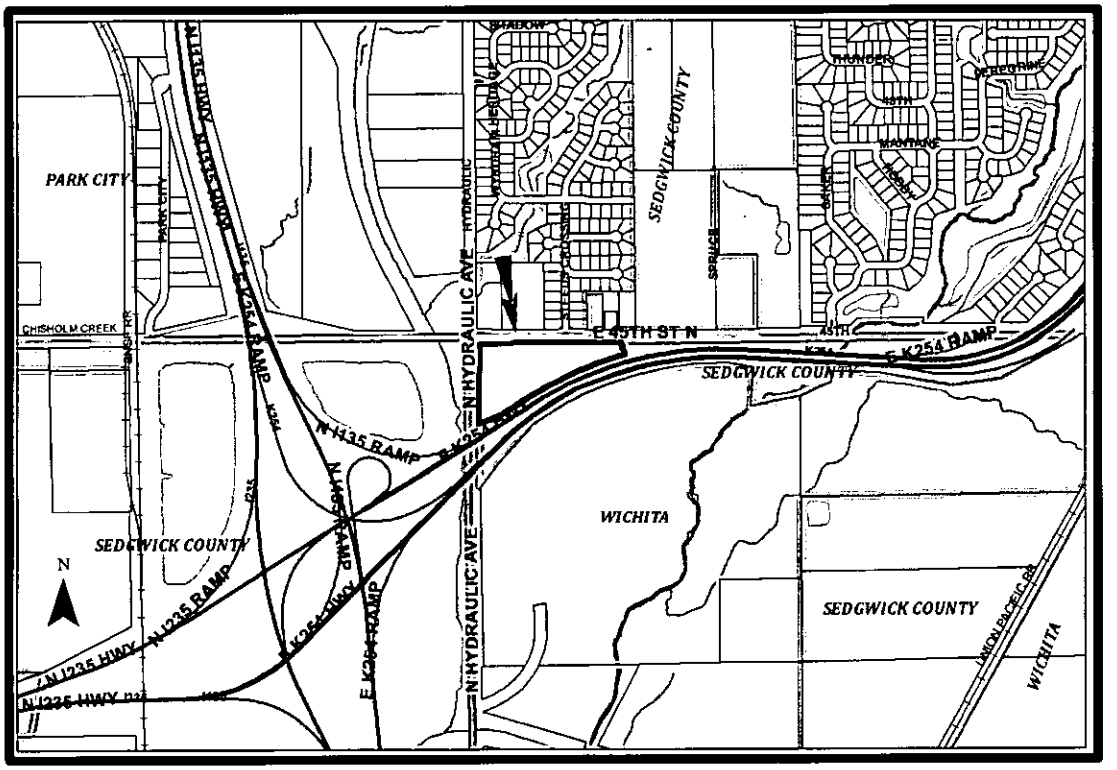
**REQUEST:** Conditional Use for a FM radio broadcast system

**CURRENT ZONING:** LC Limited Commercial and SF-5 Single-Family Residential

**SITE SIZE:** The site is located within approximately 9.78-aces

**LOCATION:** Generally located on the southeast corner of 45th Street North and Hydraulic Avenue

**PROPOSED USE:** A 100-foot lattice tower and equipment



**BACKGROUND:** The applicant, Three Angels Seventh-Day Adventist Church, is seeking a Conditional Use to permit the construction of a 100-foot tall, lattice tower and equipment for a FM radio broadcast system on the LC Limited Commercial zoned west portion of their 9.78-acre property; Lot 1, Three Angels Addition. The "Wireless Communication Master Plan" (WCMP) defines a FM/AM radio broadcast system as a wireless communication facility. The WCMP allows administrative permits on LC zoned properties for new undisguised ground-mounted wireless communication facilities of up to 120 feet in height that comply with the compatibility height standards of the "Unified Zoning Code" (UZC) and are designated on the "Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map." The applicant's site plan shows the facility to comply with the UZC's compatibility height standards. Because the site is not shown on the Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map, a Conditional Use request is required. The site is not located within an "Airport Hazard Zone Area." However the property located on the northwest corner of 45th Street North and Hydraulic Avenue is located within Airport Hazard Zone D, which allows a 300-foot maximum height for new undisguised ground-mounted wireless communication facilities. This close proximity to an Airport Hazard Zone D area would seem to indicate that the proposed 100-foot height of the lattice tower is not going to be a problem.

The LC zoned portion of the site is located on the southeast corner of Hydraulic Avenue and 45th Street North. The applicant's site plan shows the LC zoned portion of the applicant's site developed with two existing stand-alone buildings used for a private/parochial school, a church/multi –purpose area, and a sanctuary. The site plan also shows existing paved parking and an outdoor playground and basketball court. The site plan shows the proposed FM/AM facility located on the southeast side of their existing multi-purpose building and sanctuary. This location will place the facility approximately 365 feet south of 45th Street North, and approximately 121 feet north of Kansas State Highway 254 (K-254). The applicant's site has access onto 45th Street North. Access to the facility is through the site's paved parking and internal circulation. The SF-5 zoned portion of the site is not developed.

The K-254 – I-135 interchange dominates the area west of the site, with a narrow strip of undeveloped LI Limited Industrial (LI) zoned land located between the interchange and Hydraulic Avenue. A two-story apartment complex (built 2003), a single-family residential subdivision (built 2008-2015), three large lot/tract single-family residences (built 1965, 1976 and1998) and undeveloped land are located north of the site, across 45th Street North, in Park City. SF-20 Single-Family Residential (SF-20) and SF-5 zoned large tract/lot residences (built 1919, 1074 and 1986) and farm land are located northeast of the site, across 45th Street North. A partially developed SF-5 zoned single-family subdivision is also located northeast of the site, across 45th Street North. K-254 separates the south side of the site from SF-5 zoned farmland (residence built 1920) and GI General Industrial (GI) zoned land developed with oil/gas storage tanks and equipment. K-254 and SF-5 zoned farmland are located east of the site.

The applicants has provided a map showing three towers within a one-mile radius of the site and another tower (the Journal Broadcasting tower) located just over a mile southwest of the site. The applicant has also provided a letter stating that lattice guy-wired American tower (more or less 300-feet tall) located less than a half-mile north of the site (west side of Hydraulic Avenue and in Park City) has not responded to the applicant's co-location inquires. The K-DOT lattice tower located approximately one-mile east-northeast of the site has told the applicant that they are primarily a tower for state and local

government agencies to use. The response from K-DOT is consistent with the information K-DOT provided in the past to staff. The applicant has not provided information about the monopole tower located less than a mile south of the site, off of 37th Street North and Hydraulic Avenue. The applicant has identified the three lattice guy-wired towers located over a mile west of the site, off of Old Lawrence Road and north of 37th Street North and I-235. The applicant did not identify two USD 259 towers located a mile straight south of the site. Staff found no case history on any of these towers. Even with co-location on these towers the applicant would still need to build a tower and equipment on their site to receive and broadcast from their site; the site is the origin of the broadcast.

Wireless communication providers are particularly encouraged to seek large park areas (but not limited to) for the new locations for new facilities. The Public Bridgeport soccer fields are located over a mile and a quarter from the site and is not considered an option by the applicant, as they would still need to build a tower and equipment on their site to receive and broadcast from their site

The proposed tower and associated communication frequencies and wattages must meet standards determined by the Federal Aviation Administration (FAA) to insure it poses no hazard to air navigation or interfers with other radio/communication frequencies; this must be provided to staff prior to building permits being issued. Tower lighting must meet the FAA requirements for aircraft warning. The proposed galvanized surface of the tower will blend into the sky more readily than a red or white paint, which meets the intent of the "Design Guidelines" of the "Wireless Communication Master Plan." The proposed 100-foot tower will be designed for co-location for at least two (2) other providers.

**CASE HISTORY:** The Three Angels Addition was recorded with the Register of Deeds August 14, 2001.

**ADJACENT ZONING AND LAND USE:**

| | |
|---|---|
| NORTH: Park City, SF-20, SF-5 | Undeveloped land, two-story apartment complex, single-family residences |
| SOUTH: K-254, SF-5, GI | State highway, farm land, oil/gas storage and equipment |
| EAST: LI, K-254 – I-135 | Undeveloped land, state highway – interstate highway interchange |
| WEST: K-254, | State highway, farmland |

**PUBLIC SERVICES:** No municipally supplied public services are required. The applicant will extend electrical service to the site. The site has paved access to 45th Street North, a paved two-lane arterial street at this location. The proposed wireless communication facility and its 100-foot tall tower will generate less traffic onto 45th Street North than any of the non-residential and residential uses in the area.

**CONFORMANCE TO PLANS/POLICIES:** The "2013 Land Use Guide of the Comprehensive Plan" (Plan) identifies the LC zoned site as "major institutional." The major institutional category includes institutional uses of a significant size and scale of operation and includes such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospitals and medical facilities. The site's LC zoning is appropriate for the major institutional category. The UZC considers a wireless communication facility a commercial type of use.

The WCMP allows administrative permits on LC zoned properties for new undisguised ground-mounted wireless communication facilities of up to 120 feet in height that comply with the compatibility height standards of the UZC and are designated on the Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map. The applicant's site plan shows the facility to comply with the UZC's compatibility height standards. Because the site is not shown on the Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map, a Conditional Use request is required. The site is not located within an Airport Hazard Zone Area.

The Wireless Communication Master Plan is an element of the Comprehensive Plan that outlines the guidelines for locating wireless communication facilities. It states that all towers comply with the compatibility setback standards. The applicant's site plan shows the tower meeting the compatibility setback standards. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: 1) preserve the pre-existing character of the area as much as possible. The proposed 100-foot lattice tower is not the first tower in the general area, as there are +/- 300-foot tall lattice guy-wired towers, a K-DOT lattice tower, and a monopole tower located approximately a mile from the site as well as another+/- 300-foot tall lattice guy-wired tower located approximately one-half mile north of the site; 2) Minimize the height, mass, or proportion. As shown on the applicant's photographs of a similar tower, the proposed 100-foot tower provides a slimmer, less obtrusive profile than the area's other towers; 3) Minimize the silhouette. Monopoles and certain lattice type structures (think City microwave towers) are recommended for up to 150-feet, with antennas mounted flush to the support structure over triangular antenna arrays. The applicant's proposed tower more closely resembles City microwave lattice towers; 4) Use colors, textures, and materials that blend in with the existing environment. The lattice tower will have a galvanized surface, which will blend into the sky more readily than red or white paint; 5) Be concealed or disguised as a flagpole, clock tower, or church steeple. A church steeple or cross disguises were mentioned to the application; 6) Be placed in areas where trees and/or buildings obscure some or all of the facility. The site has existing trees along the south side of the site and it's placement on the southeast corner of the existing buildings provide some cover for the 100-foot tall lattice tower. Planting large evergreens and solid screening could provide cover from the ground up to 20-40 feet; 7) Be placed on walls or roofs of buildings. The proposed tower is placed behind existing buildings, which provides additional screening for the nearest residences located approximately 460 feet north of the proposed facility/tower ; and 9) Painting towers red and white instead of using strobe lighting. The applicant has stated that there will be no strobes and that it will be a galvanized steel finish. NOTE: Since the time the Wireless Communication Master Plan was first adopted, the FAA changed their regulations to require daytime strobe lighting; whereas, when the plan was adopted, the FAA allowed painted towers red and white instead of using strobe lighting.

**RECOMMENDATION:** Based on the information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to the following conditions:

A. This request must have the approval by the FAA in determining the proposed wireless communication facility with its 100-foot tall lattice tower pose no hazard to air navigation or interferes with other radio/communication frequencies; Form FAA 7460-1 Notice of Proposed Construction or Alteration. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.
B. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met.

C. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
D. The support structure shall be a lattice tower design, as shown on the elevation and that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
E. The support structure shall not exceed 100 feet in height and shall be designed and constructed to accommodate communication equipment for at least four (2) wireless service providers.
F. The tower site shall be developed in general conformance with the approved revised site and a landscape plan. These plans must show the type and size of fencing around the site, parking, all light poles, lights, power poles, cabinets, equipment or buildings within the fenced in site or in the immediate area if it is to be used by the site. The plan must identify existing and/or proposed trees and shrubs, give their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. Evergreens will be planted a minimum size of 5-foot at the time of their planting, but be taller than 5-foot when mature and planted on 15-foot centers. The site plan must identify the all utility and or access easements. If it is proposed it must be recorded. If a surface is needed for the drive/access easement, it must be approved by the Zoning Administrator. All improvements and construction of the facility/tower shall be completed within a year and before the facility becomes operational.
G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations. Provide Public Works and the MABCD with any required plans for review and approval of the site.
H. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The LC zoned portion of the site is located on the southeast corner of Hydraulic Avenue and 45th Street North. The K-254 – I-135 interchange dominates the area west of the site, with a narrow strip of undeveloped LI Limited Industrial (LI) zoned land located between the interchange and Hydraulic Avenue. A two-story apartment complex (built 2003), a single-family residential subdivision (built 2008-2015), three large lot/tract single-family residences (built 1965, 1976 and1998) and undeveloped land are located north of the site, across 45th Street North, in Park City. SF-20 Single-Family Residential (SF-20) and SF-5 zoned large tract/lot residences (built 1919, 1074 and 1986) and farm land are located northeast of the site, across 45th Street North. A partially developed SF-5 zoned single-family subdivision is also located northeast of the site, across 45th Street North. K-254 separates the south side of the site from SF-5 zoned farmland (residence built 1920) and GI General Industrial (GI) zoned land developed with oil/gas storage tanks and equipment. K-254 and SF-5 zoned farmland are located east of the site. There are three towers within a one-mile radius of the site and another tower (the Journal Broadcasting tower) located just over a mile southwest of the site. Most of these towers are +/- 300-foot lattice guy-wired towers that have been in the area for some time; staff could find no case history on this towers. Even with co-location on these towers

the applicant would still need to build a tower and equipment on their site to receive and broadcast from their site; the site is the origin of the broadcast.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC and SF-5. The LC portion of the site is currently developed with two existing stand-alone buildings used for a private/parochial school, a church/multi –purpose area, and a sanctuary. The site also has existing paved parking and an outdoor playground and basketball court. The SF-5 zoned portion of the site is not developed. The site could be developed for many commercial uses by right or continue to be used, by right, as a religious-educational complex.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed 100-foot tall, wireless, galvanized steel, lattice tower would not be the first in the general area of a radius of one-mile. Its visual impact is undeniable, however the conditions of approval will add landscaping around the site, to help minimize the eye level visual impact. The proposed 100-foot tall lattice tower does not resemble the area's existing +/- 300-foot tall lattice guy-wired towers, but more closely resembles the City of Wichita's lattice towers, especially those placed along-side the City's fire stations.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The 2013 Land Use Guide of the Comprehensive Plan identifies the LC zoned site as major institutional. The major institutional category includes institutional uses of a significant size and scale of operation and includes such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospitals and medical facilities. The site's LC zoning is appropriate for the major institutional category, as it allows by right most of the types of uses listed above. The UZC considers a wireless communication facility a commercial type of use.

   The WCMP allows administrative permits on LC zoned properties for new undisguised ground-mounted wireless communication facilities of up to 120 feet in height that comply with the compatibility height standards of the UZC and are designated on the Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map. The applicant's site plan shows the facility to comply with the UZC's compatibility height standards. Because the site is not shown on the Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map, a Conditional Use request is required. The site is not located within an Airport Hazard Zone Area.

5. Impact of the proposed development on community facilities: FAA approval should ensure that the proposed tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies.




CON2015-20 COND. F

# SITE PLAN

APPROVED 1-30-17 BY SK

1 **PROPOSED SITE PLAN**
1" = 100'-0"

1/30/2017 10:23:52 AM G:\20163 angels\3 angels tower.rvt

EVANS

EVANS BUILDING CO. INC.
9801 W. YORK WICHITA, KANSAS 67277

THREE ANGELS
WIRELESS TOWER
WICHITA, KS

4558 N HYDRAULIC

PROPERTY OF EVANS BUILDING COMPANY, INC. UNLAWFUL TO REPRODUCE

Wichita City License No. 26
Sedgwick Co. License No. 00046

| REVISIONS | | |
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| NO. | DATE | DOMI |
| | | |

DATE: 01/30/17
DR. BY: AC
CK. BY: --

PROJECT NO.
17--

SHEET
SITE