



Wichita-Sedgwick County Metropolitan Area Planning Department

March 16, 2001

FILE COPY

Helen L. Bergkamp
Stanley E. Bergkamp
7400 E. 53rd St. North
Kechi, KS 67067

RE: CON2000-00061 – Conditional Use for a wireless communication facility on property zoned “SF-20” Single Family Residential. Generally located approximately ¼ mile north of 53rd Street North and approximately ¼ mile west of Rock Road.

Dear Ladies and Gentlemen:

At its regular meeting on January 18, 2001, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE subject to the conditions stated in the letter dated February 5, 2001.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. Enclosed is a signed copy of the above-referenced Conditional Use Resolution. If you have any questions concerning this case, please contact our office.

Sincerely,

Scott Knebel
Senior Planner

SK/rs

cc: Ferris Consulting, %Greg Ferris, P. O. Box 573, Wichita, KS 67201
Horizon Telecommunication, 2546 S. Leonine, Wichita, KS 67217
Cricket Telecommunication, Robert C. Giguere, 6655 S. Lewis, Suite 350,
Tulsa, OK 74136

City of Bel Aire Planning Commission, 4551 N. Auburn, Wichita, KS 67220
Betsy Gwin, County Commissioner, District I, Mail Stop County Room #320
Glen Wiltse, Director, County Code Enforcement, Mail Stop, County Code
Kent and Robin Barnes, 7735 Mill Stream Road, Wichita, KS 67067
Bill and Henrietta Brown, 7325 Oak Tree Lane, Wichita, KS 67067
Kevin and Jill Case, 7320 Mill Stream Road, Wichita, KS 67067
Liz Cowman and Pat Deshler, 7520 Oak Tree Lane, Wichita, KS 67067
Carl and Barb Devereaux, 7420 Mill Stream Road, Wichita, KS 67067
Mark and Linda Day, 7425 Oak Tree Lane, Wichita, KS 67067
Kevin and Janet Dohler, 7730 Oak Tree Lane, Wichita, KS 67067
Jerry and Carla Hamilton, 7200 Oak Tree Lane, Wichita, KS 67067
Jim and Vicki Hardaway, 7625 Mill Stream Road, Wichita, KS 67067
Ryan and Amy Hendricks, 7620 Oak Tree Lane, Wichita, KS 67067
Jim and Beth Allen, 6030 Heritage Hill Lane, Wichita, KS 67067
Dean and Anne Kuckelman, 7735 Oak Tree Lane, Wichita, KS 67067
Steve and Shelly McCray, 7901 Mill Stream Road, Wichita, KS 67067
Jerry and Donnis McPhaul, 7901 Oak Tree Lane, Wichita, KS 67067
Darrell and Joan Patton, 7201 Oak Tree Lane, Wichita, KS 67067
Larry and Kathy Parke, 7200 Mill Stream Road, Wichita, KS 67067
Don and Beth Stonebrook, 7320 Oak Tree Lane, Wichita, KS 67067
Don and Naomi Strong, 7900 Oak Tree Lane, Wichita, KS 67067
Kevin and Renee Strotkamp, 7900 Mill Stream Road, Wichita, KS 67067
Dirk and Crystal Vaughn, 7525 Oak Tree Lane, Wichita, KS 67067
Brandon and Kathryn Mahoney, 7420 Oak Tree Lane, Wichita, KS 67067
Vaughn and Amy Huffman, 7730 Mill Stream Road, Wichita, KS 67067

CONDITIONAL USE RESOLUTION NO. CON-2000-00061

WHEREAS, Helen L. Bergkamp Living Trust (Owner); Horizon Telecommunication and Cricket Communications Inc. (Applicants); Ferris Consulting c/o Greg Ferris (Agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow a 190-foot high monopole tower on 4,900 square feet zoned "SF-20" Single-Family Residential described as:

The part of the SE 1/4 of Section 18, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas described as commencing at the S.E. Corner of said SE 1/4; thence N 00' E, along east line of said SE 1/4, 1540 feet; thence S 90'W, 1334 feet for a place of beginning; thence S 90'W, 70 feet; thence N 00'E, 70 feet; thence N 90'E, 70 feet; thence S 00'W, 70 feet to the place of beginning. Generally located approximately ¼ mile north of 53rd Street North and approximately ¼ mile west of Rock Road.

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 January 18, 2001, 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 permit a conditional use to allow a 190-foot high monopole tower on 4,900 square feet zoned "SF-20" Single-Family Residential described as:

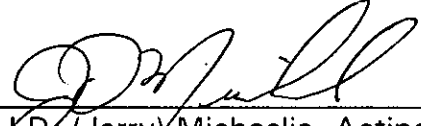
The part of the SE 1/4 of Section 18, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas described as commencing at the S.E. Corner of said SE 1/4; thence N 00' E, along east line of said SE 1/4, 1540 feet; thence S 90'W, 1334 feet for a place of beginning; thence S 90'W, 70 feet; thence N 00'E, 70 feet; thence N 90'E, 70 feet; thence S 00'W, 70 feet to the place of beginning. Generally located approximately ¼ mile north of 53rd Street North and approximately ¼ mile west of Rock Road.

subject to the following conditions:

- A. Approval is subject to the agreement in writing by the property owner that Conditional Use CON2000-00031 is null and void.
- B. All requirements of Section 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 "monopole" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- E. The monopole shall not exceed 190 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- F. An Airport Hazard Zoning Permit for Area C shall be acquired by the applicant prior to the issuance of a building permit for the wireless communication facility.
- G. The applicant shall obtain FAA approval of the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the Director of Airports for the City of Wichita.
- H. If required by the FAA, the monopole shall be constructed with a red aircraft warning light. No strobe lights shall be used unless approved by a variance. There shall be no lighting of or on the monopole if it is not required by the FAA.
- I. Revised site plans and elevation drawings indicating the approved location and design of the wireless communication facility shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
- J. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
- K. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- L. Any violation of the conditions of approval shall render the Conditional Use null and void.

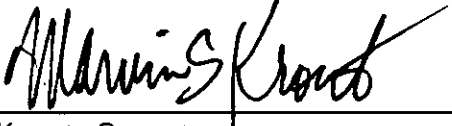
Adopted this 18th day of January, 2001. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

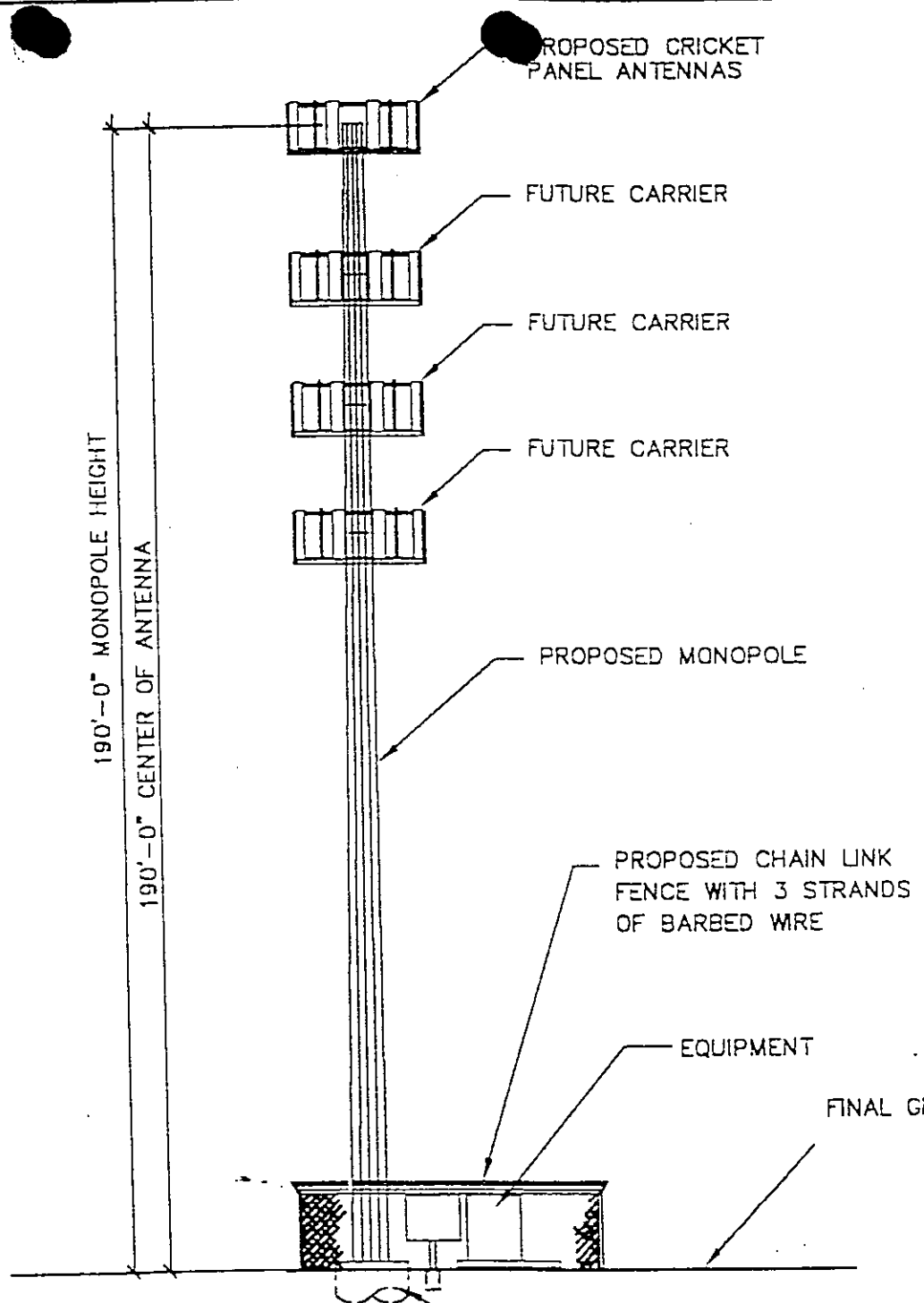


J.D. (Jerry) Michaelis, Acting Chair MAPC

ATTEST:



Marvin S. Krout, Secretary



CON 2000-00061
SITE PLAN

APPROVED 3-12-01 BY SK

MONOPOLE SCHEMATIC
NOT TO SCALE

SITE ELEVATIONS - NOT SITE SPECIFIC

STAFF REPORT

Bel Aire, January 8, 2001

MAPC, January 18, 2001

CASE NUMBER: CON2000-00061

APPLICANT/AGENT: Helen L. Bergkamp Living Trust (Owner); Horizon Telecommunication and Cricket Communications Inc. (Applicants); Ferris Consulting c/o Greg Ferris (Agent)

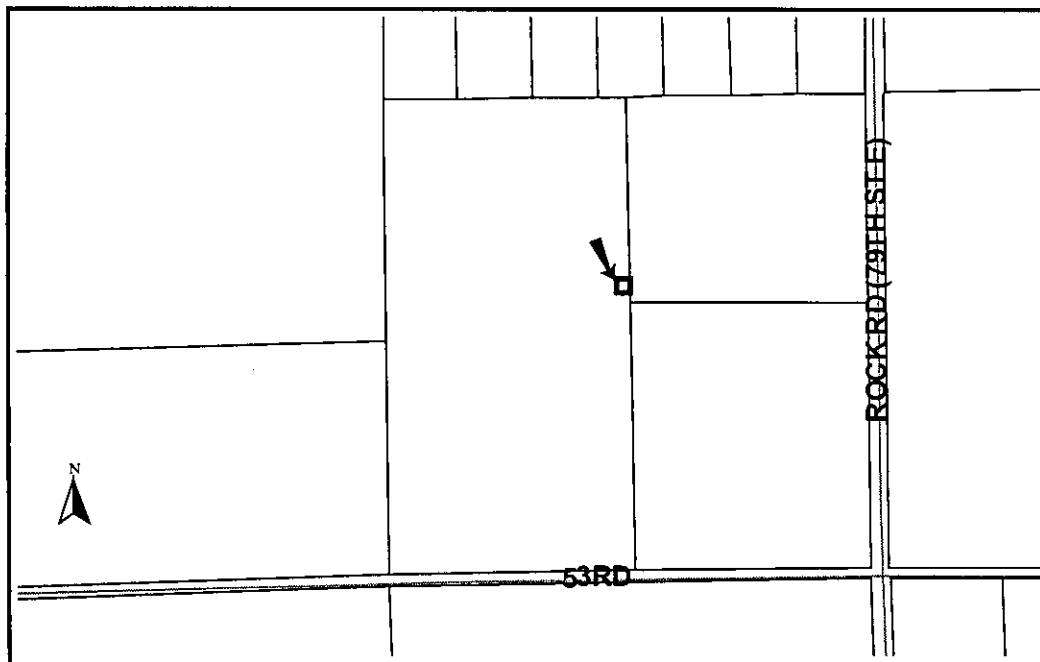
REQUEST: Conditional Use for a wireless communication facility

CURRENT ZONING: "SF-20" Single-Family Residential

SITE SIZE: 4,900 square feet

LOCATION: Approximately ¼ mile north of 53rd Street North and approximately ¼ mile west of Rock Road

PROPOSED USE: 190-foot high monopole tower



BACKGROUND: A Conditional Use (CON2000-00031) to permit the construction of a 190-foot monopole tower on property located approximately ½ mile north of 53rd Street North and approximately 900 east of Rock Road was approved by the Bel Aire Planning Commission on August 14, 2000 and by the Metropolitan Area Planning Commission on August 31, 2000. One of the conditions of approval for that tower was that it be developed in compliance with all federal, state, and local rules and regulations. Since the applicant was unable to receive approval from the Federal Aviation Administration (FAA) for a 190-foot tower at the approved location (see attached correspondence), the applicant is requesting a Conditional use to permit the construction of a 190-foot monopole tower at an alternate location.

The applicant is seeking a Conditional Use to permit the construction of a 190-foot high monopole tower (see attached elevation rendering) by Horizon Telecommunications, Inc. for use by Cricket Communications, Inc. The proposed site is zoned "SF-20" Single-Family Residential. Wireless Communication Facilities over 65 feet in height in the "SF-20" Single-Family Residential zoning district may be permitted with a Conditional Use.

The proposed tower would be sited on a 4,900 square foot area located approximately ¼ mile north of 53rd Street North and approximately ¼ mile west of Rock Road. Access to the site would be from Rock Road via a 25-foot wide access and utility easement. The applicant's site plan (attached) depicts a 70-foot by 70-foot compound with the tower located in the center of the compound and the ground-level equipment located in the eastern portion of the compound. The compound is shown as being enclosed by an 8-foot high chain link fence with barbed wire. The site plan shows screening of the compound with densely planted evergreen trees around the entire compound. The site plan also shows three trees north of the compound to provide screening for the tower from residential properties to the north.

The applicant indicates that the proposed wireless communication is part of a planned initial build-out of a cellular phone system for Sedgwick and Butler counties by Cricket Communications, Inc. The applicant's justification for the request (attached) indicates that this site is necessary for Cricket Communications, Inc. to provide cellular phone coverage along Highway K-254 east from Wichita and that no tall buildings or other structures in the vicinity can accommodate the applicant's communication needs.

The character of the surrounding area is rural, with the nearest residential development being single-family residences on 5 acre lots in the Heritage Hill Estates Addition located approximately ¼ mile to the north. There is also a farm-related, single-family residence located approximately 1/8 mile south of the site. The properties immediately surrounding the site are zoned "SF-20" Single-Family Residential and are used for agriculture.

Due to the site's location in proximity to Jabara Airport, planning staff contacted the administration at Jabara, who indicated that the site could possibly interfere with the flight pattern of a proposed runway at Jabara; however, the airport staff will not be certain of any negative impacts on the operations of Jabara until the FAA has reviewed the location of the requested monopole. Therefore, the airport staff requested to review the FAA's decision regarding this monopole prior to the issuance of a building permit so that the airport staff may have the FAA modify their decision if the airport staff feels the FAA has reached their decision in error.

The site also is located within Area C of the Wichita-Sedgwick County Airport Hazard Zoning Map, which requires a permit exemption for structures (such as the proposed 190-foot high monopole) that exceed 150 feet in height. However, the proposed monopole appears to lie beneath the ceiling established on the more detailed topographic maps associated with the Airport Hazard Zoning Map.

CASE HISTORY: The site is unplatted. The proposed wireless communication facility is an alternate to the 190-foot high monopole tower approved as a Conditional Use (CON2000-00031) in August 2000.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Agriculture
SOUTH:	"SF-20"	Agriculture
EAST:	"SF-20"	Agriculture
WEST:	"SF-20"	Agriculture

PUBLIC SERVICES: No municipally supplied public services are required. The site has access to Rock Road, a two-lane paved section line road with 1997 traffic volumes of approximately 550 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on Rock Road will increase to approximately 3,900 vehicles per day.

CONFORMANCE TO PLANS/POLICIES: The Wireless Communication Master Plan is an element of the Comprehensive Plan that outlines the guidelines for locating wireless communication facilities. The Location Guidelines of the Wireless Communication Master Plan indicate that new facilities should be located: 1) on multi-story buildings or other structures; 2) on existing poles in street rights-of-way, parking lots, or athletic fields; 3) on existing towers for personal wireless services, AM/FM radio, television, school district microwave antennas, and private dispatch systems; 4) in wooded areas; 5) on identified city and county properties; or 6) on highway light standards, sign structures, and electrical support structures. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: 1) preserve the pre-existing character of the area; 2) minimize the height, mass, or proportion; 3) minimize the silhouette; 4) use colors, textures, and materials that blend in with the existing environment; 5) be concealed or disguised as a flagpole, clock tower, or church

steeple; 6) be placed in areas where trees and/or buildings obscure some or all of the facility; 7) be placed on walls or roofs of buildings; 8) be screened through landscaping, walls, and/or fencing; and 9) not use strobe lighting. The Unified Zoning Code requires wireless communication facilities to comply with a compatibility height standard of one foot of setback for each foot of structure height from adjoining properties zoned "TF-3" or more restrictive. This compatibility height standard can be reduced or waived through a Conditional Use or a Zoning Adjustment.

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

- A. Approval is subject to the agreement in writing by the property owner that Conditional Use CON2000-00031 is null and void.
- B. All requirements of Section 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 "monopole" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- E. The monopole shall not exceed 190 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- F. A landscape plan shall be submitted for approval by the Planning Director that maintains the existing trees east of the compound on the parent tract and provides shade trees to be planted and maintained every 30 feet parallel to the north, south, and west boundaries of the compound and densely planted evergreens to be planted and maintained around the entire compound.
- G. An Airport Hazard Zoning Permit for Area C shall be acquired by the applicant prior to the issuance of a building permit for the wireless communication facility.
- H. The applicant shall obtain FAA approval of the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the Director of Airports for the City of Wichita, who shall concur with the conditions of FAA approval prior to the issuance of a building permit.
- I. If required by the FAA, the monopole shall be constructed with a red aircraft warning light. No strobe lights shall be used unless approved by a variance. There shall be no lighting of or on the monopole if it is not required by the FAA.
- J. Revised site plans and elevation drawings indicating the approved location and design of the wireless communication facility shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.

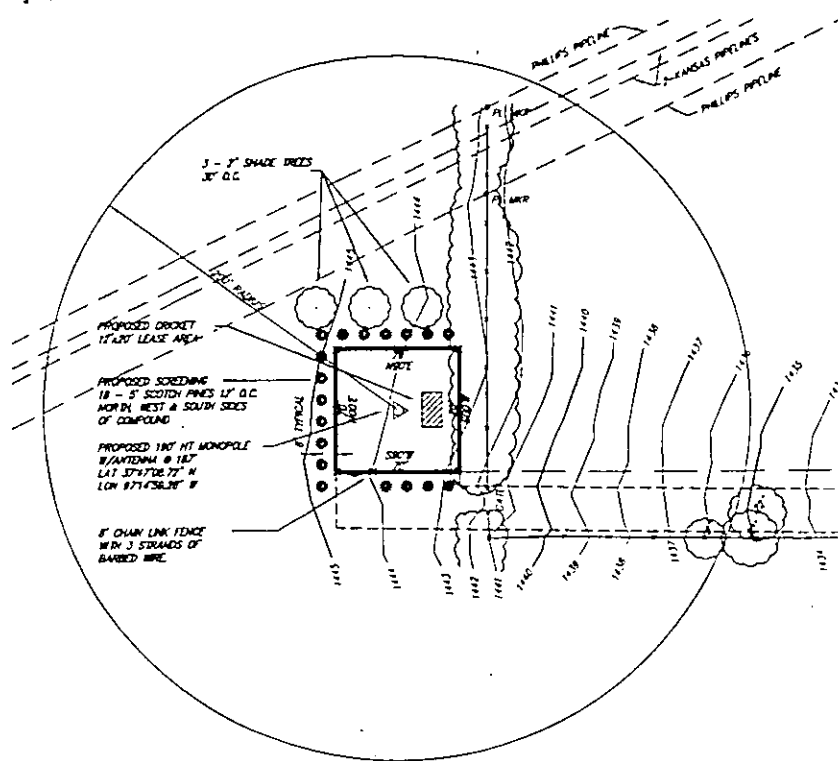
- K. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
- L. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- M. Any violation of the conditions of approval shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is rural, with the nearest residential development being single-family residences on 5 acre lots in the Heritage Hill Estates Addition located approximately ¼ mile to the north. There is also a farm-related, single-family residence located approximately 1/8 mile south of the site. The properties immediately surrounding the site are zoned "SF-20" Single-Family Residential and are used for agriculture, which is typically a compatible use with wireless communication facilities.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-20" Single-Family Residential and is currently used for agriculture. Wireless communication facilities in excess of 65 feet in height in the "SF-20" Single-Family Residential zoning district may be permitted as a Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site is currently used for agriculture. The closest properties developed with non-agricultural uses are single-family residences on 5 acre lots located approximately ¼ mile feet to the north. The only impact to be noted at the time this report was prepared is the visual impact of a tower, and the visual impact should be reduced distance separating the residential uses and the proposed wireless communication facility and by the landscaping required by the conditions of approval.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed wireless communication facility conforms to the Location Guidelines of the Wireless Communication Master Plan since there are no other towers or tall structures in the vicinity of the site which can accommodate the communication needs of the applicant. The proposed wireless communication facility conforms to the Design Guidelines of the Wireless Communication Master Plan by minimizing the height, mass, proportion, and silhouette of the facility through its monopole design; by utilizing an unobtrusive color with a matte finish to minimize glare; by being placed in an area where trees obscure some of the facility; and by being screened through

landscaping. The proposed wireless communication facility complies with the compatibility height standard of the Uniform Zoning Code since it is located more than 190 feet from the nearest lot line of property zoned "TF-3" or more restrictive.

5. Impact of the proposed development on community facilities: FAA approval with the concurrence of the Director of Airports for the City of Wichita should ensure that the proposed monopole does not detrimentally impact the operations of Jabara Airport.



UNPLATTED

UNPLATTED

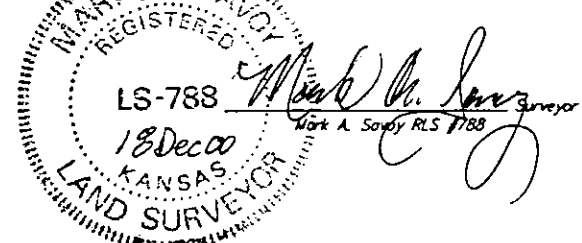
State of Kansas)
Sedgwick County)

We, Savoy, Ruggles & Bohm, P.A., Surveyors in aforesaid county and state do hereby certify that, under the supervision of the undersigned, we did on this 11th day of December, 2000, perform a survey of the following described property:

That part of the SE1/4 of Section 18, Twp. 26-S, R-2-E of the 6th P.M., Sedgwick County, Kansas described as commencing at the S.E. Corner of said SE1/4; thence N00E, along the east line of said SE1/4, 1540 feet; thence S90W, 1334 feet for a place of beginning; thence S90W, 70 feet; thence N00E, 70 feet; thence N90E, 70 feet; thence S00W, 70 feet to the place of beginning.

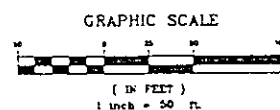
There are no buildings on said parcel. There are no encroachments on said parcel by buildings on the adjacent parcels.

The accompanying sketch is a true and correct exhibit of said survey.



NOTES:

- 1) FLOOD ZONE DESIGNATION: According to the FEMA/FIRM Community Panel No. 200328 0010 B, effective May 15, 1986; the property shown hereon is located in Zone C, an area of minimal flooding.

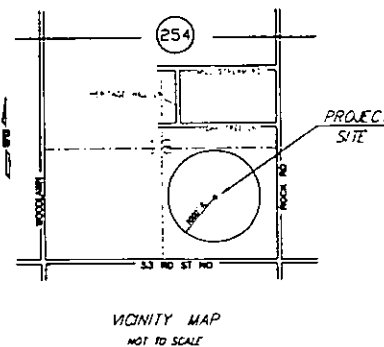


BENCH MARK: BENT GOV. HALL IN CORNER POST
50' W. OF N.E. COR. SEC. 18-26S-2E
(ELEV=1473.34 (N.G.V.D.))

ON SITE BM: RAILROAD SPIKE IN POWER POLE
N. SIDE CRANES DRIVE 345' S. OF N.E. COR.
SEC. 18-26S-2E
(ELEV=1477.73 (N.G.V.D.))

LEGEND

- POWER POLE
- PIPELINE MARKER



CON 2000-00061 SITE PLAN

APPROVED 3-12-01 BY SK

S.E. COR. SEC. 18-26S-2E

BERGKAMP SITE

CRICKET COMMUNICATIONS, INC.
WICHITA, KANSAS

SRB 824 NORTH MAIN
WICHITA, KANSAS 67203
316-264-8008
FAX 316-264-8821
E-mail: srbsurvey@earthlink.net

SAVOY, RUGGLES & BOHM, P.A.
ENGINEERING & SURVEYING

DWG FILE: DIB244-RC
PROJECT NO. 0010244

DESIGN: R.C. UTILITY: REVIEW: M.A.S. DATE: 11 DEC 00 REVISED: 18 DEC 00