



Wichita-Sedgwick County Metropolitan Area Planning Department

December 6, 2000

FILE COPY

World Impact, Inc.
%Al Ewert
3701 E. 13th
Wichita, KS 67208

RE: CON2000-00046 – Conditional Use for a 125-foot high wireless communication facility on property zoned “B” Multi-Family Residential. Generally located south of 17th Street North on the east side of I-135.

Dear Ms. Ewert:

At its regular meeting on November 9, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE subject to the following conditions:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. 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.
- C. 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.
- D. The monopole shall not exceed 125 feet in height and shall be designed and constructed to accommodate communication equipment for at least three wireless service providers.
- E. The monopole and its foundation shall be designed and constructed in such a manner that permits future height extensions of up to 25% of the structure height and future loading expansions to accommodate communication equipment for at least four wireless service providers.

cc: Ferris Consulting, %Greg Ferris, P.O. Box 573, Wichita, KS 67201
Cricket Communications, Inc., %Robert C. Giguiere, 6655 S. Lewis Ave., Suite 350,
Tulsa, OK 74136
Horizon Telecommunication, Inc., %Robert J. Appino, 10307 Pacific Center County,
San Diego, CA 92121
D.A.B. I, Heidi Drew, Mail Stop 1-135
George Rogers, City Council Member, Mail Stop 1-13
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J. R. Cox, Office of Central Inspection, Mail Stop 1-72

CONDITIONAL USE RESOLUTION NO. CON-2000-00046

WHEREAS, World Impact, Inc., c/o Al Ewert (Owner) Horizon Telecommunications, Inc., 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 125 foot high monopole tower on 3,600 square feet zoned "B" Mutli-Family Residential described as:

That part of Lot C, Walnut Grove Addition to Wichita, Kansas, Sedgwick County, Kansas, described as commencing at the intersection of the north line of the SE 1/4 of Sec. 9, Twp. 27S, R-1-E of the 6th P.M., Sedgwick County, Kansas and the west line of Mathewson Avenue as established in the plat of Replat of part of Lots C and D, Walnut Grove Addition to the City of Wichita, Sedgwick County, Kansas; thence west, along the north line of said SE 1/4, 150 feet; thence south, parallel with the west line of said Mathewson Avenue, 90 feet for a place of beginning; thence continuing south, along the last described line, 60 feet; thence west, parallel with the north line of said SE 1/4, 60 feet; thence north, parallel with the west line of said Mathewson Avenue, 60 feet; thence east parallel with the north line of said SE 1/4, 60 feet to the place of beginning. Generally located south of 17th Street North on the east side of 1-135.

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 November 9, 2000, 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 125-foot high monopole tower on 3,600 square feet zoned "B" Multi-Family Residential described as:

That part of Lot C, Walnut Grove Addition to Wichita, Kansas, Sedgwick County, Kansas, described as commencing at the intersection of the north line of the SE 1/4 of Sec. 9, Twp. 27S, R-1-E of the 6th P.M., Sedgwick County, Kansas and the west line of Mathewson Avenue as established in the plat of Replat of part of Lots C and D, Walnut Grove Addition to the City of Wichita, Sedgwick County, Kansas; thence west, along the north line of said SE 1/4, 150 feet; thence south, parallel with the west line of said Mathewson Avenue, 90 feet for a place of beginning; thence continuing south, along the last described line, 60 feet; thence west, parallel with the north line of said SE 1/4,

60 feet; thence north, parallel with the west line of said Mathewson Avenue, 60 feet; thence east parallel with the north line of said SE 1/4, 60 feet to the place of beginning. Generally located south of 17th Street North on the east side of 1-135.

Subject to the following conditions:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. 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.
- C. 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.
- D. The monopole shall not exceed 125 feet in height and shall be designed and constructed to accommodate communication equipment for at least three wireless service providers.
- E. The monopole and its foundation shall be designed and constructed in such a manner that permits future height extensions of up to 25% of the structure height and future loading expansions to accommodate communication equipment for at least four wireless service providers.
- F. The monopole shall be located in the northern portion of the compound and shall be setback at least 60 feet from property zoned "SF-6" located to the south.
- G. The existing trees located south of the compound as indicated on the site plan submitted with the application shall be maintained and supplemented by additional landscaping planted and maintained according to a landscape plan approved by the Planning Director. The landscape plan shall provide shade trees (including existing trees) at least every 30 feet along the entire length of the south and east property lines of Lot C, Walnut Grove Addition. The landscape plan also shall provide for densely planted evergreen trees around the entire perimeter of the compound.
- H. 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.
- I. 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.

- J. 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 Airport Engineering for the City of Wichita.
- K. Prior to the issuance of a building permit, the applicant shall demonstrate to the Zoning Administrator that another tower approved or constructed in the vicinity cannot be used.
- 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.

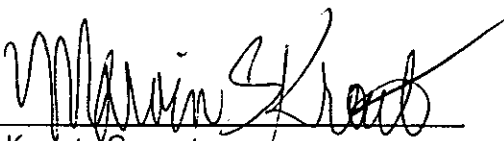
Adopted this 27th day of November, 2000. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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



Chris Carraker, Chair MAPC

ATTEST:



Marvin S. Krout, Secretary

STAFF REPORT

DAB I, November 6, 2000

MAPC, November 9, 2000

FILE COPY

CASE NUMBER:

CON2000-00046 *JK*

APPLICANT/AGENT:

World Impact, Inc. c/o Al Ewert (Owner); Horizon Telecommunications, Inc. and Cricket Communications, Inc. (Applicants); Ferris Consulting c/o Greg Ferris (Agent)

REQUEST:

Conditional Use for a wireless communication facility

CURRENT ZONING:

"B" Multi-Family Residential

SITE SIZE:

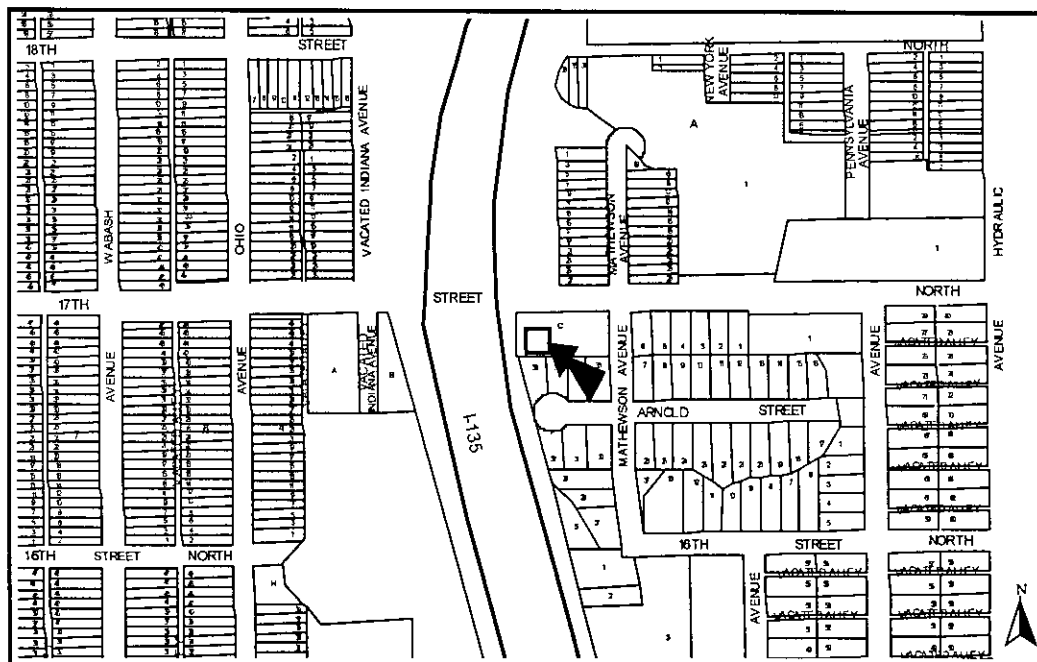
3,600 square feet

LOCATION:

South of 17th Street North on the east side of I-135

PROPOSED USE:

125-foot high monopole tower



BACKGROUND: The owner is seeking a Conditional Use to permit the construction of a 125-foot high monopole tower (see attached elevation rendering) by Horizon Telecommunications, Inc. for use by Cricket Communications, Inc. The proposed site is zoned "B" Multi-Family Residential. The Unified Zoning Code requires a Conditional Use for Wireless Communication Facilities over 65 feet in height in the "B" Multi-Family Residential zoning district.

The proposed tower would be sited on a 3,600 square foot area located south of 17th Street North on the east side of I-135. The site plan (attached) depicts an 60-foot by 60-foot compound with the tower located in the center of the compound and the ground-level communication equipment located in the eastern portion of the compound (see attached renderings of ground-level equipment). The site plan depicts an 8-foot high chain link fence with barbed wire around the entire compound. The site plan indicates that the ground-level equipment would be screened by evergreen trees around the north, east, and west sides of the compound. The site plan also shows that the tower would be partially obscured from view by existing trees on the south and a nonconforming billboard on the north. The site plan shows that access would be provided to the site through an access easement to 17th Street North, a four-lane arterial street.

The character of the surrounding area is primarily residential with industrial uses located to the northwest and separated by a major barrier (I-135). The properties surrounding the site in all directions are zoned "B" Multi-Family Residential. The properties to the north are developed with duplexes. The properties to the east and south are developed with single-family residences. The property to the west is McAdams Park.

The application indicates that the proposed tower is needed for part of a planned initial build-out of a wireless phone system by Cricket Communications, Inc. (see attached RF engineering evaluation). The justification for the request (attached) indicates that existing towers along I-135 are located too far to the north or south and do not provide adequate coverage. The justification also indicates that an existing AM radio tower located north of the site is impractical for use (see attached letter on AM radio towers).

The application also indicates that an existing self-support lattice tower at Little School to the northeast had not been made available to be rebuilt as of the date of application. Correspondence with school district staff (see attached) indicates that the school district is in the process of making their towers available for reconstruction. Additionally, temporary structures such as "cellular on wheels" could be used in the interim to provide limited service to the area while issues involving the availability of the school tower are resolved.

CASE HISTORY: The site is platted as part of the Walnut Grove Addition, which was recorded on February 5, 1890.

ADJACENT ZONING AND LAND USE:

NORTH:	"B"	Duplexes
SOUTH:	"B"	Single-family residences
EAST:	"B"	Single-family residences
WEST:	"B"	McAdams Park

PUBLIC SERVICES: No municipally-supplied utility services are required. Access to the site is proposed from 17th Street North, an four-lane arterial street.

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: Planning staff finds that the proposed wireless communication facility does not conform to several of the guidelines of the Wireless Communication Master Plan. First, the proposed facility does not utilize existing towers in the area. The school district has indicated that it is in the process of making its towers available for reconstruction, and approving a new tower to be constructed at the proposed location would lead to an unnecessary proliferation of towers in the area, especially when interim solutions such as "cellular on wheels" are available. Second, no additional landscaping is proposed to further obscure the tower from view from the residential areas to the south and east. Finally, the proposed tower does not preserve the pre-existing character of the area. The proposed 125-foot high tower would be located only 60 feet from the nearest residential structure, and a total of four residential units would be located within 200 feet of the proposed tower. Such an encroachment would change the character of the area and would decrease the

desirability of residential units in an area that is identified as a Re-establishment Area by the Comprehensive Plan. Based upon these factors and the information available prior to the public hearings, planning staff recommends that the request be DENIED; however, if the MAPC finds the request appropriate, planning staff recommends that the MAPC make appropriate findings and that approval be subject to the following conditions:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. 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.
- C. 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.
- D. The monopole shall not exceed 125 feet in height and shall be designed and constructed to accommodate communication equipment for at least three wireless service providers.
- E. The monopole and its foundation shall be designed and constructed in such a manner that permits future height extensions of up to 25% of the structure height and future loading expansions to accommodate communication equipment for at least four wireless service providers.
- F. The monopole shall be located in the northern portion of the compound and shall be setback at least 60 feet from property zoned "SF-6" located to the south.
- G. The existing trees located south of the compound as indicated on the site plan submitted with the application shall be maintained and supplemented by additional landscaping planted and maintained according to a landscape plan approved by the Planning Director. The landscape plan shall provide shade trees (including existing trees) at least every 30 feet along the entire length of the south and east property lines of Lot C, Walnut Grove Addition. The landscape plan also shall provide for densely planted evergreen trees around the entire perimeter of the compound.
- H. 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.
- I. 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.
- J. 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 Airport Engineering for the City of Wichita.
- 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.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is primarily residential with industrial uses located to the northwest and separated by a major barrier (I-135). The properties surrounding the site in all directions are zoned "B" Multi-Family Residential. The proposed 125-foot high tower would be located only 60 feet from the nearest residential structure, and a total of four residential units would be located within 200 feet of the proposed tower.
2. The suitability of the subject property for the uses to which it has been restricted: The proposed site is zoned "B" Multi-Family Residential and could be developed with a residential use. Wireless communication facilities in excess of 65 feet in height in the "B" district may be permitted as a Conditional Use, but typically should conform to the guidelines of the Wireless Communication Master Plan.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Existing landscaping on the site would only partially obscure the view of the proposed tower, which would lead to a negative visual impact from the tower on nearby residential properties, especially given the proposed tower location within 60 feet of a residential structure. Such an encroachment would decrease the desirability of nearby residential units.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed wireless communication facility does not conform to several of the guidelines of the Wireless Communication Master Plan. First, the proposed facility does not utilize existing towers in the area. The school district has indicated that it is in the process of making its towers available for reconstruction, and approving a new tower to be constructed at the proposed location would lead to an unnecessary proliferation of towers in the area, especially when interim solutions such as "cellular on wheels" are available. Second, no additional landscaping is proposed to further obscure the tower from view from the residential areas to the south and east. Finally, the proposed tower does not preserve the pre-existing character of the area. The proposed 125-foot high tower would be located only 60 feet from the nearest residential structure, and a total of four residential units would be located within 200 feet of the proposed tower. Such an encroachment would change the character of the area and would decrease the desirability of residential units in an area that is identified as a Re-establishment Area by the Comprehensive Plan.
5. Impact of the proposed development on community facilities: Access to the site is proposed to be from 17th Street North, an four-lane arterial street, so no negative impacts on community facilities are anticipated.

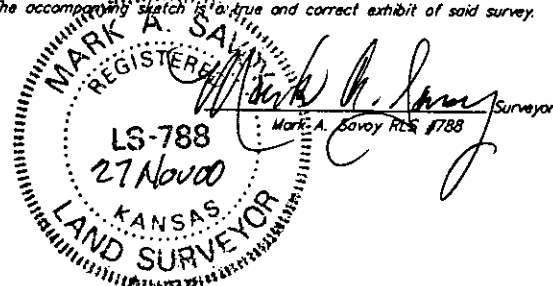
State of Kansas)
Sedgwick County)

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 9th day of October, 2000, perform a survey of the following described property:

That part of Lot C, Walnut Grove Addition to Wichita, Kansas, Sedgwick County, Kansas, described as commencing at the intersection of the north line of the SE1/4 of Sec. 9, Twp. 27-S, R-1-E of the 6th P.M., Sedgwick County, Kansas and the west line of Mathewson Avenue as established in the plat of Replat of part of Lots C and D, Walnut Grove Addition to the City of Wichita, Sedgwick County, Kansas; thence west, along the north line of said SE1/4, 150 feet; thence south, parallel with the west line of said Mathewson Avenue, 90 feet for a place of beginning; thence continuing south, along the last described line, 60 feet; thence west, parallel with the north line of said SE1/4, 60 feet; thence north, parallel with the west line of said Mathewson Avenue, 60 feet; thence east, parallel with the north line of said SE1/4, 60 feet to the place of beginning.

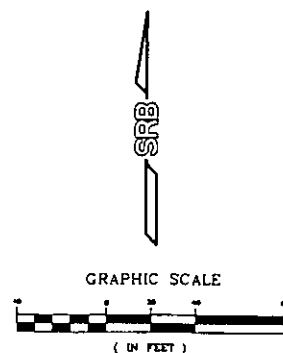
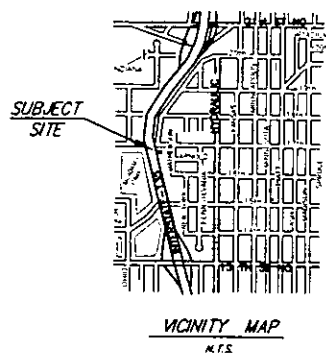
There are no buildings on said parcel. There are no encroachments on said parcel by buildings on the adjacent parcels.

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 0035 B, effective May 15, 1986, the property shown hereon is located in Zone B, an area between limits of the 100-year flood and 500-year flood.



BENCHMARK: CITY OF WICHITA STD. DISC.
ON TOP OF CORRAL RAIL S.E. COR. OF BRIDGE
@ 17TH ST. N. & I-135 HIGHWAY
ELEV. = 1,111.82 N.G.V.D.

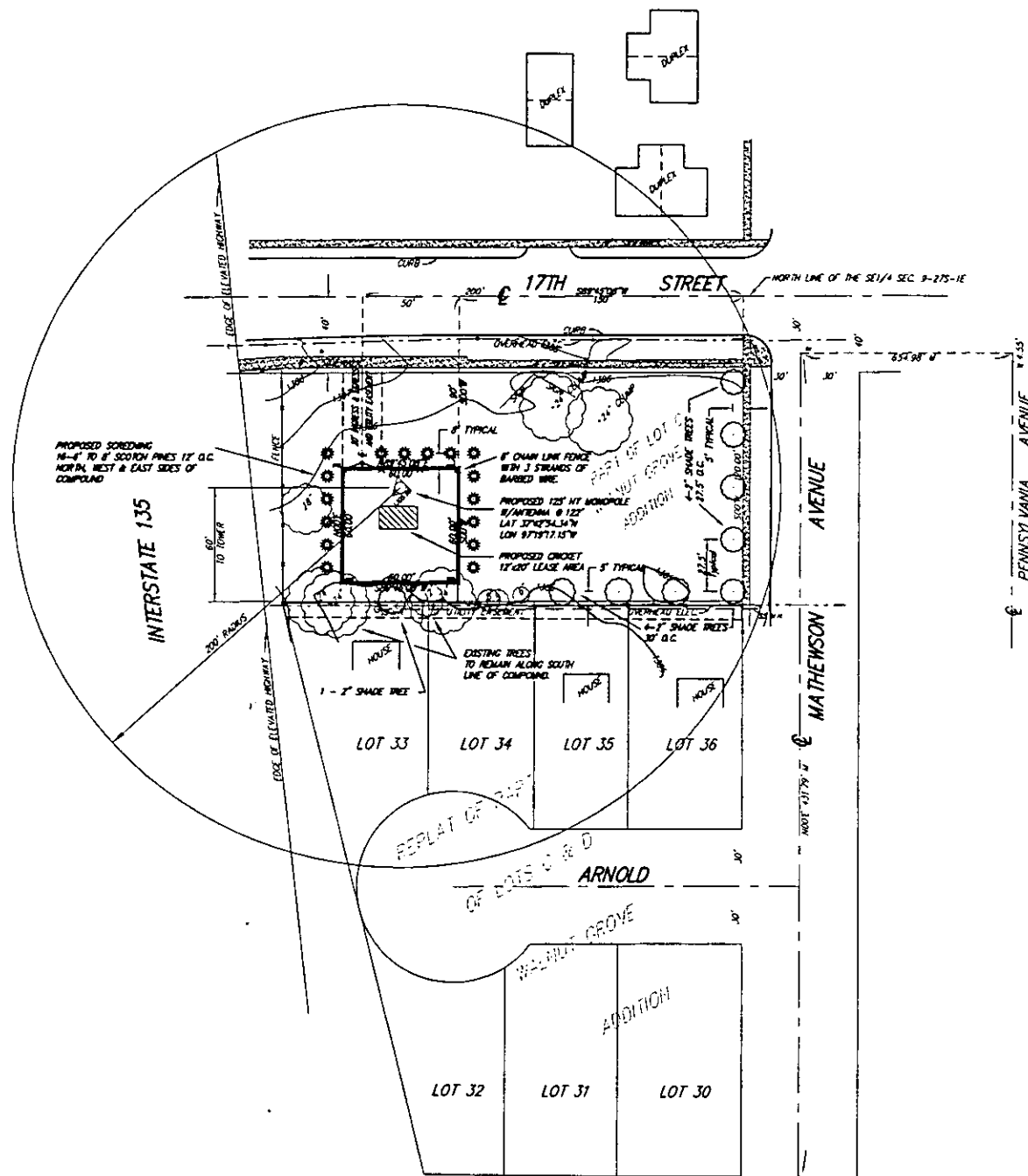
PROPERTY CORNER LEGEND:

D = DUTY
M = MASTHEAD

1" = CITY OF WICHITA CONTROL
1/2" = REBAR W/ 1000 CIP (30')

LEGEND

- TELE PED TELEPHONE PEDESTAL
- E.B. ELECTRIC BOX
- G.M. GAS METER
- W.M. WATER METER
- W.V. WATER VALVE
- F.H. FIRE HYDRANT
- M.W. MONITOR WELL
- C.O. CLEAN OUT
- L.P. LIGHT POLE
- P. POWER POLE
- H.L.P. HIGH LINE POLE
- A. DUTY ANCHOR
- S. SIGN
- G.P. GUARD POST
- SWS M.H. STORM WATER SEWER MANHOLE
- SS M.H. SANITARY SEWER MANHOLE



SITE PLAN

APPROVED 11-29-00 BY JK

OWN FILE: 017884 BNS
PROJECT NO. 0001786A

CRICKET COMMUNICATIONS, INC. WICHITA, KANSAS			
SRB 824 NORTH MAIN WICHITA, KANSAS 67203 316-264-8008 FAX 264-4821			
SAVOY, RUGGLES & BOHM, P.A. ENGINEERING & SURVEYING			
PROJECT NUMBER 0001786A			
DESIGN	DRAWN	UTILITY	REVIEW
R.C./B.S.	M.A.S.	DATE 9 OCT 00	REVISED 27 NOV 00