



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

December 15, 2000

C & J LLC  
%Jerry K Allen  
1025 N. Hoover  
Wichita, KS 67212

**RE: CON2000-00044 – Conditional Use for a 150-foot high wireless communication facility on property zoned “LI” Limited Industrial. Generally located between Hoover and I-235 and north of 9<sup>th</sup> Street North.**

Dear Mr. Allen:

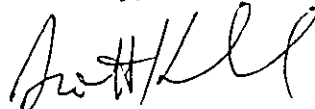
At its regular meeting on December 12, 2000, the Wichita City Council considered the above-captioned request. The action of the City Council was to APPROVE subject to the following conditions:

- 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 150 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. The monopole shall be set back at least 55 feet from property zoned “SF-6” located to the north.

- F. The existing trees located east 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.
- G. 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.
- H. 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.
- I. 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.
- J. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- K. Any violation of the conditions of approval shall render the Conditional Use null and void.

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: David Mollhagen, 3405 N. Hydraulic, Wichita, KS 67209  
Ferris Consulting, %Greg Ferris, P.O. Box 573, Wichita, KS 67201  
Cricket Communications, Inc., %Robert C. Giguere, 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. VI, Terri Dozal, Mail Stop 1-135  
Joan B. Cole, 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

RESOLUTION No. R-00-429

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO ALLOW A WIRELESS COMMUNICATION FACILITY LOCATED BETWEEN HOOVER AND I-235 AND NORTH OF 9<sup>TH</sup> STREET NORTH IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-427, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

**SECTION 1.** That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use to allow a wireless communication facility in the "LI" Limited Industrial district legally described below:

**Case No. CON2000-00044**

A Conditional Use Permit to allow a wireless communication facility in the "LI" Limited Industrial described as:

That part of Lot 1, Ray Allen Addition, Wichita, Kansas, Sedgwick County, Kansas described as commencing at the N.E. Corner of said Lot 1; thence with an assumed bearing of N 89 degrees 50 minutes 30 seconds W, along the north line of said Lot 1, 153.13 feet; thence S 03 degrees 11 minutes 17 seconds W, 17.89 feet for a place of beginning; thence S 03 degrees 11 minutes 17 seconds W, 65 feet; thence S 82 degrees 45 minutes 59 seconds W, 40 feet; thence N 00 degrees E, 60 feet, thence N 77 degrees 08 minutes 54 seconds E, 45 feet to the place of beginning.  
Generally located between Hoover and I-235 and north of 9<sup>th</sup> Street North.

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 150 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. The monopole shall be setback at least 55 feet from property zoned "SF-6" located to the north.
- F. The existing trees located east of the compound as indicated on the site plan submitted with the application shall be maintained until such time as a building permit for expansion of the existing industrial business is issued and supplemented by additional landscaping planted and maintained according to a landscape plan approved by the Planning Director.
- G. 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.
- H. 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.
- I. 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.
- J. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- K. Any violation of the conditions of approval shall render the Conditional Use null and void.

**SECTION 2.** That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**SECTION 3.** That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS,  
this date DEC 12 2000

  
\_\_\_\_\_  
Bob Knight, Mayor

ATTEST:

  
\_\_\_\_\_  
Pat Burnett, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney



## STAFF REPORT

DAB VI, November 6, 2000

MAPC, November 9, 2000

**FILE COPY**

CASE NUMBER:

CON2000-00044 *SK*

APPLICANT/AGENT:

C & J LLC c/o Jerry K. Allen (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:

"LI" Limited Industrial

SITE SIZE:

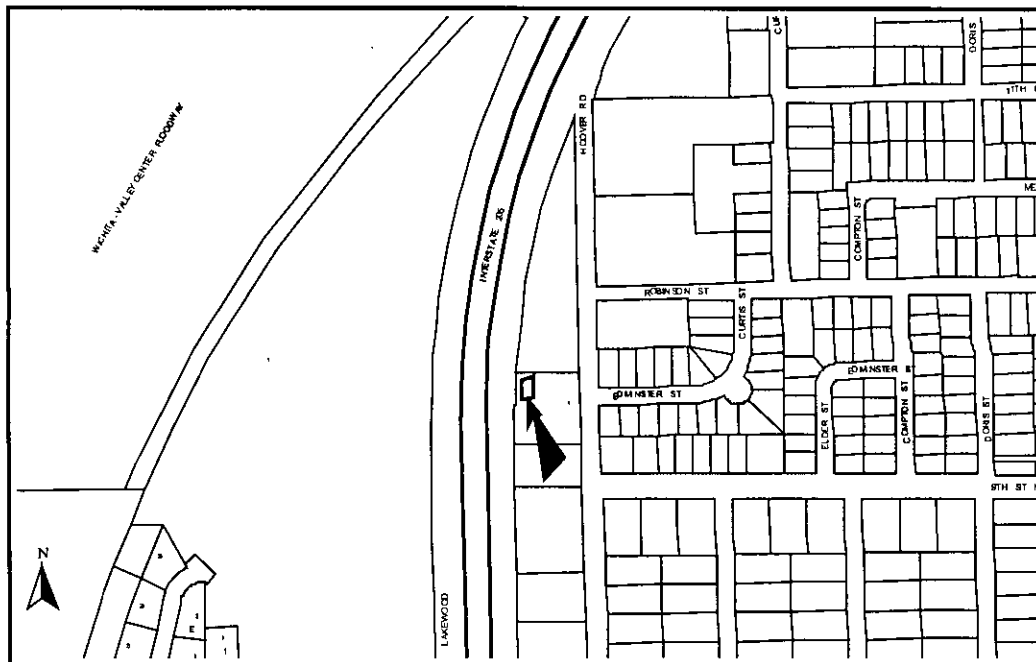
2,925 square feet

LOCATION:

Between Hoover and I-235 and north of 9<sup>th</sup> Street North

PROPOSED USE:

150-foot high monopole tower



**BACKGROUND:** The owner is seeking a Conditional Use to permit the construction of a 150-foot high monopole tower (see attached elevation rendering) by Horizon Telecommunications, Inc. for use by Cricket Communications, Inc. The proposed site is zoned "LI" Limited Industrial. The Unified Zoning Code permits Wireless Communication Facilities up to 150 feet in height in the "LI" Limited Industrial zoning district with an Administrative Permit; however, the application for a Conditional Use was filed based upon planning staff's non-support of the request due to its lack of conformance with the Wireless Communication Master Plan.

The proposed tower would be sited on a 2,925 square foot area located between I-235 and Hoover and north of 9<sup>th</sup> Street North. The site plan (attached) depicts an 65-foot by 45-foot compound with the tower located on the eastern portion of the compound and the ground-level communication equipment located in the center 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 perimeter of the compound. The site plan also shows that the tower would be partially obscured from view by existing trees on the east and a billboard on the north. The site plan shows that access would be provided to the site through an access easement to Hoover, an unpaved collector street.

The character of the surrounding area is primarily residential with a single manufacturing business on the parent tract of the subject property and significant amounts of undeveloped land between Hoover and I-235. The properties north and south of the site are zoned "SF-6" Single-Family Residential and are undeveloped. The properties east of the site are zoned "SF-6" Single-Family Residential and are developed with single-family and institutional uses. The property west of the site across I-235 is zoned "MF-18" Multi-Family Residential and is developed with townhouses.

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 monopole towers located west of the site along the Big Ditch and northwest of the site in Sedgwick County Park do not provide adequate coverage.

The application also indicates that an existing self-support lattice tower at Hadley School to the east 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 the Ray Allen Addition, which was recorded on July 5, 1973.

**ADJACENT ZONING AND LAND USE:**

|        |         |                                            |
|--------|---------|--------------------------------------------|
| NORTH: | "SF-6"  | Undeveloped                                |
| SOUTH: | "SF-6"  | Undeveloped                                |
| EAST:  | "SF-6"  | Single-family residences and institutional |
| WEST:  | "MF-18" | Townhouses                                 |

**PUBLIC SERVICES:** No municipally-supplied utility services are required. Access to the site is proposed from Hoover, an unpaved collector 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 east and west. Finally, the proposed 150-high facility does not conform to the compatibility height standard since it is proposed to be setback only 55 feet from property zoned "SF-6" located north of the site. 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:

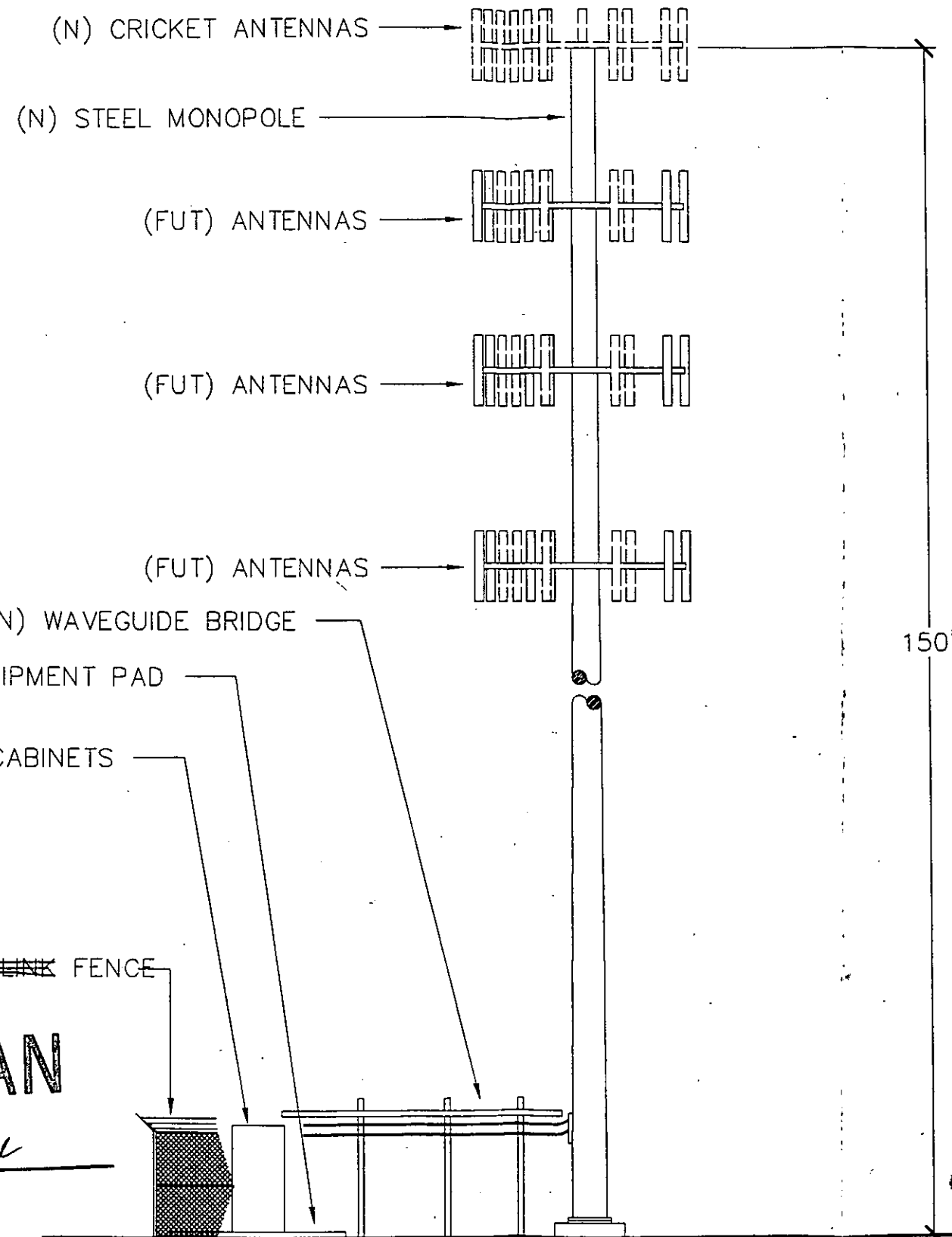
- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the 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 150 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. The monopole shall be set back at least 55 feet from property zoned "SF-6" located to the north.
- F. The existing trees located east 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 two shade trees along the east property line of Lot 1, Ray Allen Addition from the north property line to the north line of the access easement and shade trees at least every 30 feet along the entire length of the west property line of Lot 1, Ray Allen Addition. The landscape plan also shall provide for densely planted evergreen trees around the perimeter of the compound.
- G. 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.
- H. 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.
- I. 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.
- J. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- K. 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 a single manufacturing business on

the parent tract of the subject property and significant amounts of undeveloped land between Hoover and I-235. Residential property zoned "SF-6" is located within the compatibility height standard setback distance.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "LI" Limited Industrial, and has been developed with an industrial use. Wireless communication facilities up to 150 feet in height in the "LI" district may be permitted with an Administrative Permit, but must conform to the guidelines of the Wireless Communication Master Plan. A Conditional Use may be granted to permit a wireless communication facility in the "LI" district that does not conform to the guidelines of the Wireless Communication Plan; however, the facility should conform to the guidelines as much as possible.
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.
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 east and west. Finally, the proposed 150-high facility does not conform to the compatibility height standard since it is proposed to be setback only 55 feet from property zoned "SF-6" located north of the site.
5. Impact of the proposed development on community facilities: Access to the site is proposed to be from Hoover, an unpaved collector street, so no negative impacts on community facilities are anticipated.



TOWER NOTE:  
TOWER & TOWER FOUNDATION  
DESIGNED BY TOWER MFR.

# SITE PLAN

APPROVED 12-15-00 BY SK

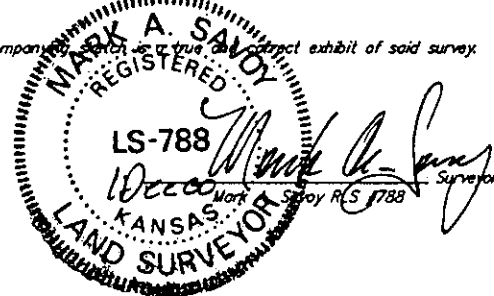
State of Kansas)  
Sedgwick County)

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 1, Ray Allen Addition, Wichita, Kansas, Sedgwick County, Kansas, described as commencing at the N.E. Corner of said Lot 1; thence with an assumed bearing of N89°50'30"W, along the north line of said Lot 1, 155.34 feet; thence S00°W, 22.78 feet for a place of beginning; thence S00°W, 54 feet; thence S90°W, 40 feet; thence N00°E, 54 feet; thence N90°E, 40 feet to the place of beginning.

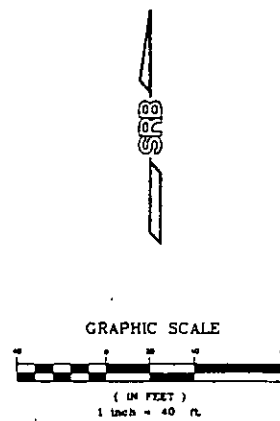
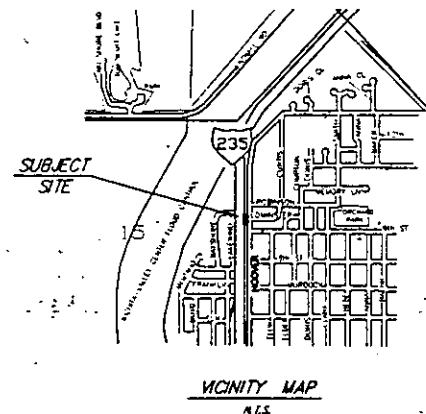
There are no buildings on said parcel. There are no encroachments on said parcel by buildings on the adjacent parcels.

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 0020 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.



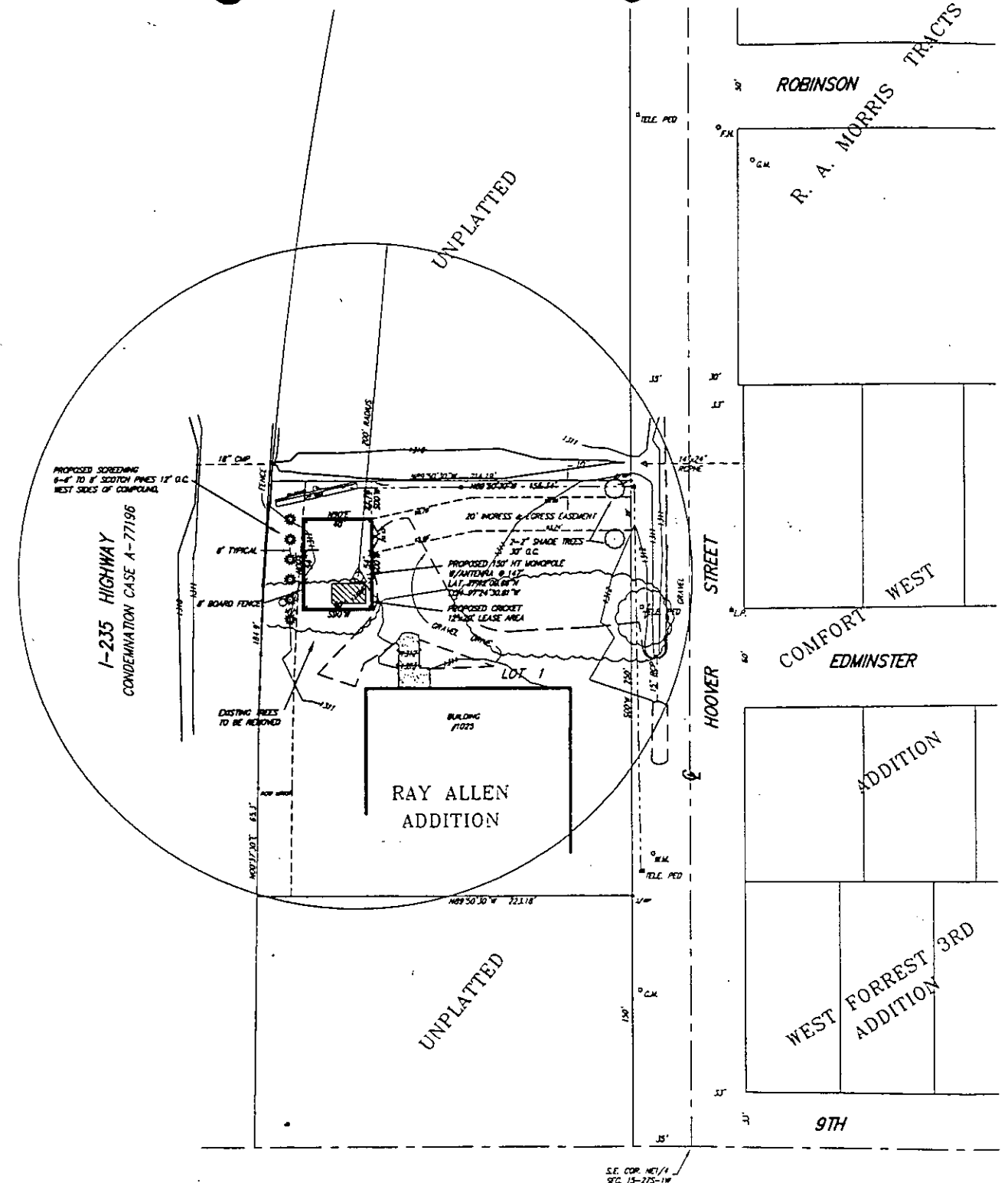
BENCHMARK: TOP OF 1/4" IRON PIPE  
N.E. COR. LOT 1, RAY ALLEN ADDITION  
ELEV. = 1311.85 M.G.V.D.

#### LEGEND

- 1/4" = 1/4" IRON PIPE (FOUND)  
ROW MARK = RIGHT-OF-WAY MARKER (FOUND)  
SRB = 1/2" REBAR W/SIDE CAP (SET)

#### 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.P. .... POWER POLE  
J.L.P. .... JOCK LINE POLE  
A. .... DUTY ANCHOR  
S.C. .... SIGN  
G.P. .... GUARD POST  
S.W.M. .... STORM WATER SEWER MANHOLE  
S.S.M. .... SANITARY SEWER MANHOLE



# SITE PLAN

APPROVED 12-15-00 BY *SRB*

| MILLSWORK SITE                                         |                                                                                                                  |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| CRICKET KANSAS PROPERTY COMPANY<br>WICHITA, KANSAS     |                                                                                                                  |
| <b>SRB</b>                                             | 824 NORTH MAIN<br>WICHITA, KANSAS 67203<br>Phone: (316) 264-8000<br>Fax: (316) 264-4421<br>E-mail: srub@srub.com |
| SAVOY, RUGGLES & BOHM, P.A.<br>ENGINEERING & SURVEYING |                                                                                                                  |
| PROJECT NUMBER<br>0001767A                             |                                                                                                                  |
| DESIGN                                                 | DATE 9 OCT 00                                                                                                    |
| REVISION                                               | REVISION 1 DEC 00                                                                                                |
| UTILITY                                                | UTILITY                                                                                                          |
| W.A.S.                                                 | W.A.S.                                                                                                           |

DWG FILE: 01767A-R.C.  
PROJECT NO. 0001767A