CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

December 15, 2000

Discount, Inc.
%James Aboud
6416 E. Central
Wichita, KS 67206

RE: CON2000-00042 – Conditional Use for a 190-foot high wireless communication facility on property zoned "LC" Limited Commercial. Generally located south of the Big Ditch on the west side of Amidon.

Dear Mr. Aboud:

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 nobtrusive color with a matte finish to minimize glare.

D. The monopole shall not exceed 170 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 located in the northeastern corner of the compound and shall be setback at least 130 feet from property zoned "SF-6" located to the west.

F. Access to the compound for the purpose of constructing the monopole shall be from the commercial property to the east utilizing an existing opening on Amidon.

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-00-428

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO ALLOW A WIRELESS COMMUNICATION FACILITY LOCATED SOUTH OF THE BIG DITCH AND WEST OF AMIDON ON PROPERTY ZONED 'LC' LIMITED COMMERCIAL 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 "LC" Limited Commercial district legally described below:

Case No. CON2000-00042

A Conditional Use Permit to allow a wireless communication facility on property described as:

> That part of the NW 1/4 Sec. 31, Twp. 26-S, R-1-E of the 6th P.M. Sedgwick County, Kansas, described as commencing at the S.E. corner of said NW 1/4; thence west, along the South line of said NW 1/4, 630 feet; thence north, parallel with the East line of said NW 1/4, 250 feet for a place of beginning; thence continuing north, along the last described line, 80 feet; thence east, at right angles, 80 feet; thence south, at right angles, 80 feet; thence west, at right angles, 80 feet to the place of beginning. Generally located south of the Big Ditch on the west side of Amidon.

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.

FILE COPY

D. The monopole shall not exceed 170 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 located in the northeastern corner of the compound and shall be setback at least 130 feet from property zoned "SF-6" located to the west:
F. Access to the compound for the purpose of constructing the monopole shall be from the commercial property to the east utilizing an existing opening on Amidon.
G. Existing trees 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 Womer/Amidon frontage north of the existing parking lot. The landscape plan shall provide shade trees at least every 30 feet along the west property line in the gap between the existing hedge rows. The landscape plan shall provide for densely planted evergreen trees around the north, south, and east 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.

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 CITYOF WICHITA, KANSAS, this date DEC 12 2000

Bob Knight, Mayor

ATTEST:

Pat Burnett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney

AGENDA ITEM NO. _____

STAFF REPORT

DAB VI, November 6, 2000
MAPC, November 9, 2000

FILE COPY

CASE NUMBER: CON2000-00042

APPLICANT/AGENT: Discount, Inc. c/o James Aboud (Owner); Horizon Telecommunications, Inc. and Cricket Communications, Inc. (Applicants); Ferris Consulting c/o Greg Ferris (Agent)

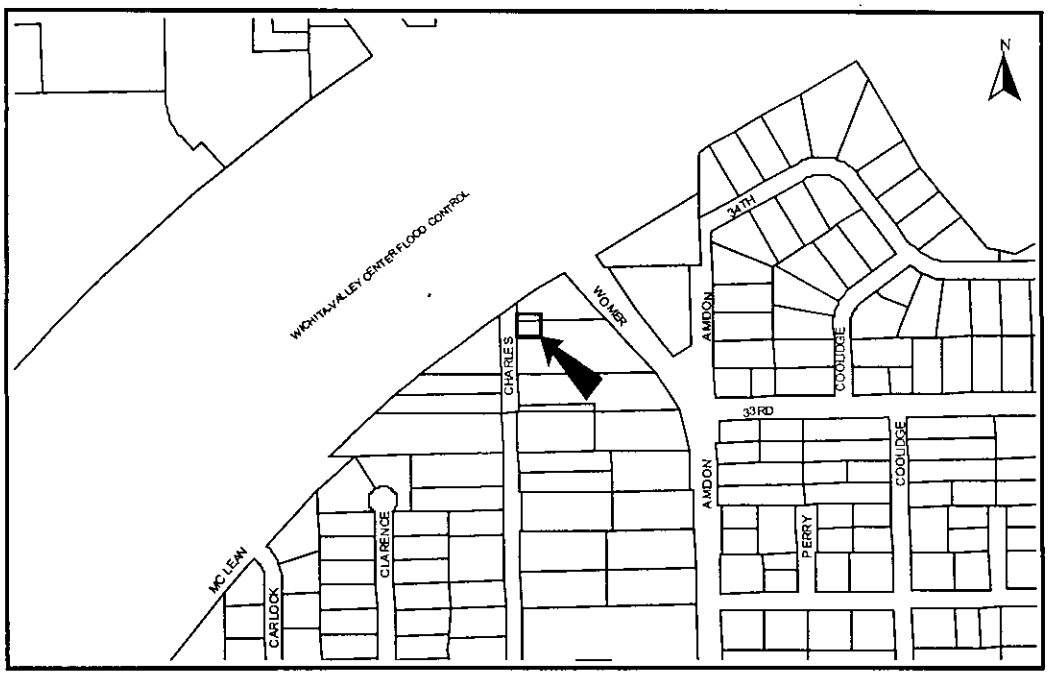
REQUEST: Conditional Use for a wireless communication facility

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 6,400 square feet

LOCATION: South of the Big Ditch on the west side Amidon

PROPOSED USE: 190-foot high monopole tower



BACKGROUND: The owner is seeking a Conditional Use to permit the construction of a 190-foot high monopole tower (see attached elevation renderings) by Horizon Telecommunications, Inc. for use by Cricket Communications, Inc. The proposed site is zoned "LC" Limited Commercial. The Unified Zoning Code requires a Conditional Use for Wireless Communication Facilities over 85 feet in height in the "LC" Limited Commercial zoning district.

The proposed tower would be sited on a 6,400 square foot area located south of the Big Ditch on the west side of Amidon. The site plan (attached) depicts an 80-foot by 80-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, south, and east sides of the compound. The site plan also shows that the tower would be partially obscured from view by existing trees on the south, west, and east sides of the property. The site plan shows that access would be provided to the site from Charles, an unpaved residential street.

The character of the surrounding area is commercial to the east with residential to the south and west and the Big Ditch to the north. The property north of the site is public right-of-way used for the Big Ditch. The properties east of the site are zoned "LC" Limited Commercial and "GO" General Office and are developed with a retail business and a medical office. The properties south and west of the site are zoned "SF-6" Single-Family Residential and are developed with a single-family residences.

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 existing monopole towers located north of the site near I-235 and Meridian and west of the site near 29th and West do not provide adequate coverage at the heights available and would be significantly more expensive than a new tower to rebuild or modify to provide sufficient height. Additionally, the attached RF engineering evaluation indicates that insufficient coverage will be provided to residential areas north and west of I-235 and Meridian even with a lower tower height (150 feet); therefore, it is likely that an additional tower request will be submitted in the future to provide service to that area.

The application also indicates that an existing self-support lattice tower at Pleasant Valley School to the southwest 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 unplatted. A use exception (BZA 45-94) request for trailer and vehicle rental on the larger tract on which the compound is located was denied by the BZA on January 24, 1995.

ADJACENT ZONING AND LAND USE:

NORTH:	Right-of-way	Wichita-Valley Center Flood Control (Big Ditch)
SOUTH:	"SF-6"	Single-family residence
EAST:	"LC & GO"	Retail and medical office
WEST:	"SF-6"	Single-family residence

PUBLIC SERVICES: No municipally-supplied utility services are required. Access to the site is proposed from Charles, an unpaved residential 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 adjacent residential property to the west and the residential area located east of

Amidon. Third, the proposed 190-foot high tower does not minimize the tower height. Since another tower would be needed north of the proposed tower to provide service to established residential areas, a lower tower (150 feet) could be provided on the subject property without increasing the total number of towers needed to serve the area. Finally, the proposed 190-high facility does not conform to the compatibility height standard since it is proposed to be setback only 100 feet from property zoned "SF-6" located west 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 appicable.
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 located in the northeastern corner of the compound and shall be setback at least 130 feet from property zoned "SF-6" located to the west.
F. Access to the compound shall be from the commercial property to the east utilizing an existing opening on Amidon.
G. Existing trees 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 Womer/Amidon frontage north of the existing parking lot. The landscape plan shall provide shade trees at least every 30 feet along the west property line in the gap between the existing hedge rows. The landscape plan shall provide for densly planted evergreen trees around the north, south, and east 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 appicable.
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:

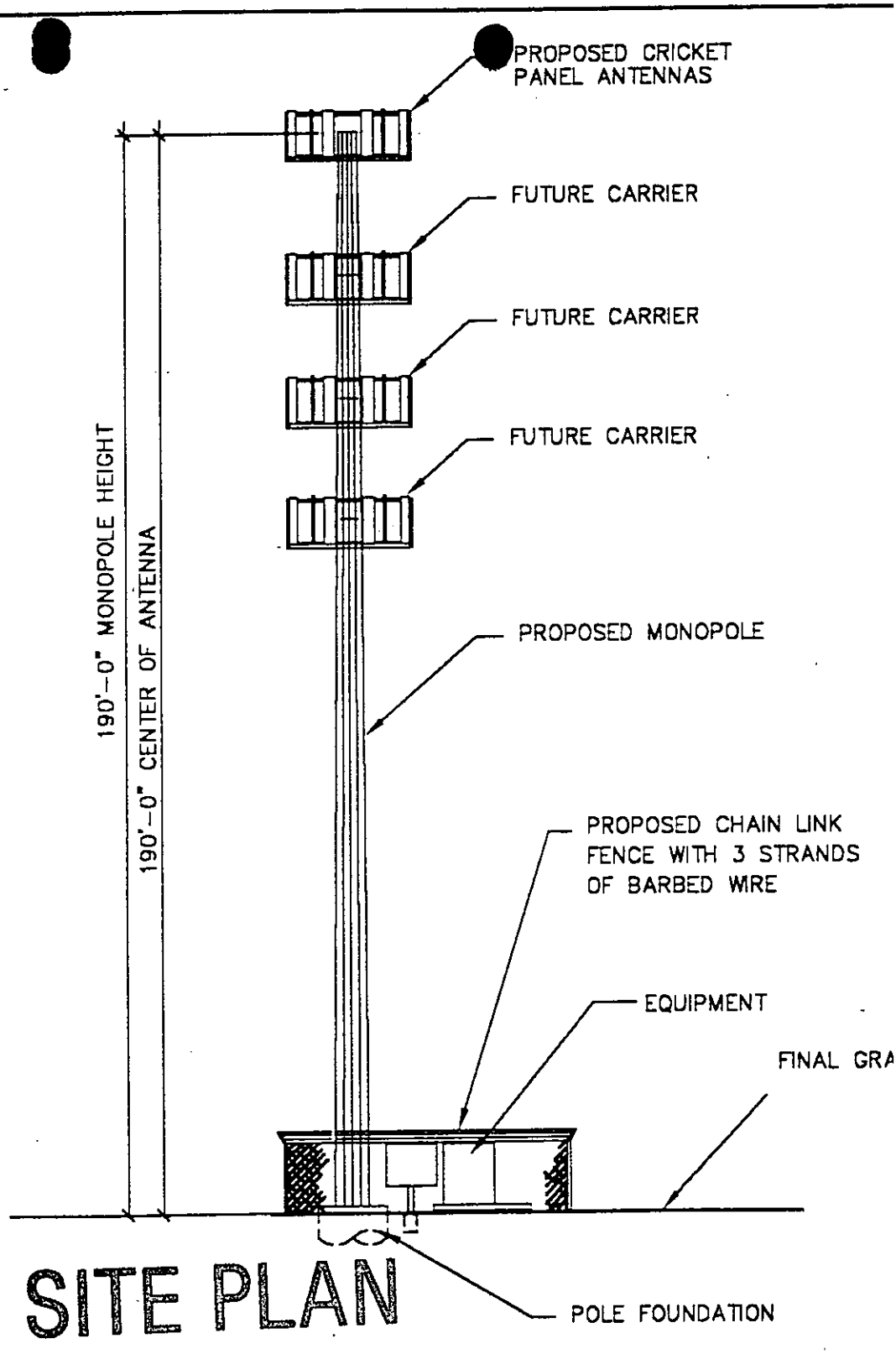
1. The zoning, uses and character of the neighborhood: The character of the surrounding area is commercial to the east with residential to the south and west and the Big Ditch to the north. Residential properties zoned "SF-6" are located within the compatibility height standard setback distance.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "LC" Limited Commercial, and could be developed with other commercial uses permitted by the zoning district. Wireless communication facilities in excess of 85 feet in height in the "LC" 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.

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 adjacent residential property to the west and the residential area located east of Amidon. Finally, the proposed 190-high facility does not conform to the compatibility height standard since it is proposed to be setback only 100 feet from property zoned "SF-6" located west of the site.

5. Impact of the proposed development on community facilities: Access to the site is proposed to be from Charles, an unpaved residential street, which would lead to an increase in commercial traffic on a residential street.



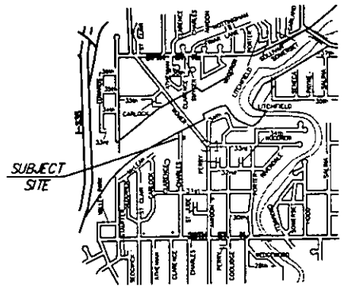
SITE PLAN

APPROVED 12-15-00 BY SK

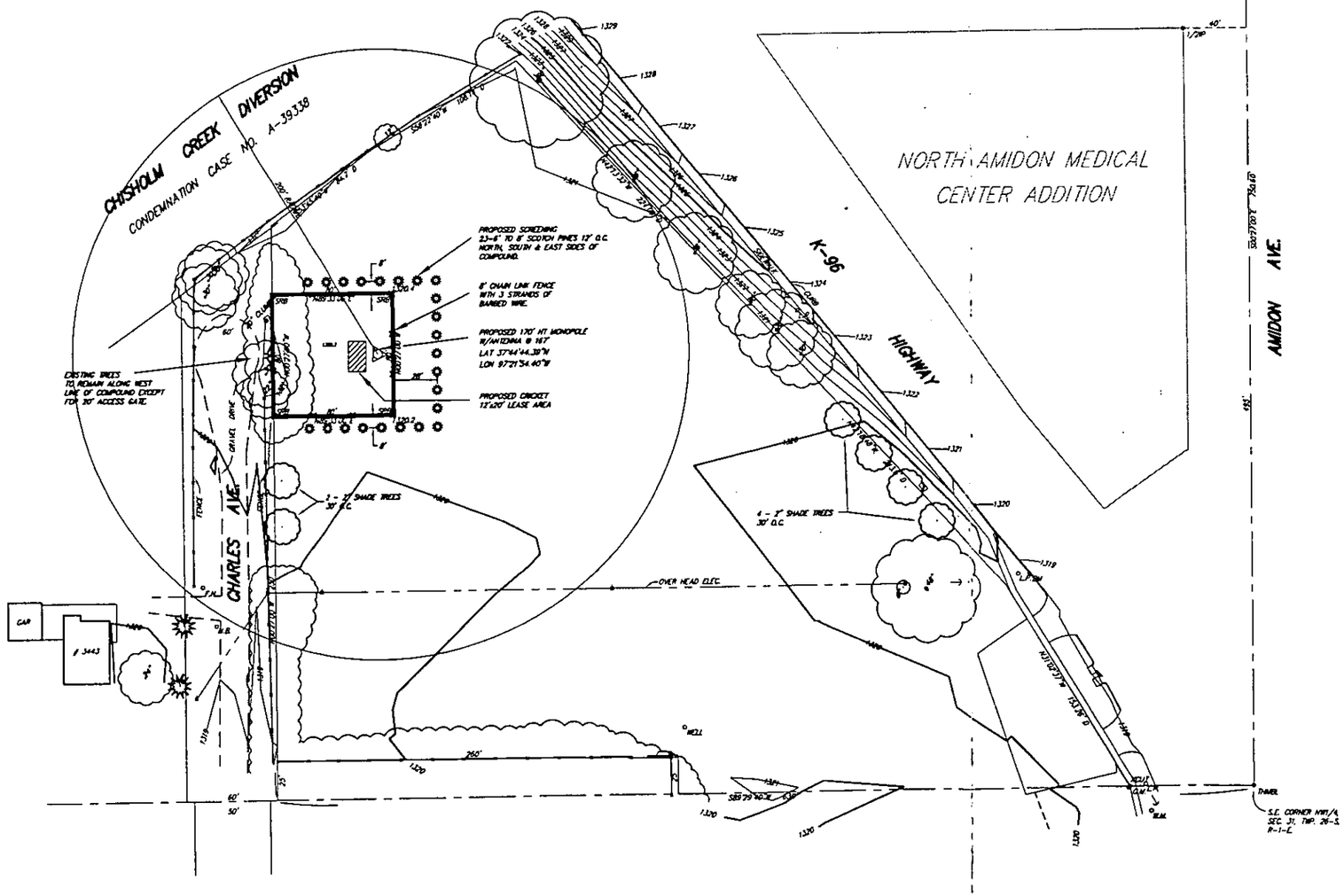
MONOPOLE SCHEMATIC

NOT TO SCALE

SITE ELEVATIONS - NOT SITE SPECIFIC



VICINITY MAP
N.T.S.



GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

BENCH MARK: CITY OF WICHITA STD. DISC S. END OF METAL HUBGUARD @ S.E. CORNER OF BRIDGE ON AMIDON OVER CHISHOLM CREEK DIVERSION
ELEV.=1333.83 (N.G.V.D.)

ON SITE B.M.: "O" CUT ON TOP OF CURB APPROX. P.C. OF WEST CURB OF AMIDON TURN OFF (K-96 NWF)
ELEV.=1319.34 (N.G.V.D.)

LEGEND

- TEL. 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
- ..... POWER POLE
- ..... HIGH LINE POLE
- ..... GUY ANCHOR
- ..... SIGN
- G.P. ..... GUARD POST
- SWS M.H. ..... STORM WATER SEWER MANHOLE
- SS M.H. ..... SANITARY SEWER MANHOLE

State of Kansas)
) SS
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 6th day of October, 2000, perform a survey of the following described property:

That part of the NW1/4 of Sec. 31, Twp. 26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, described as commencing at the S.E. Corner of said NW1/4; thence west, along the south line of said NW1/4, 630 feet; thence north, parallel with the east line of said NW1/4, 250 feet for a place of beginning; thence continuing north, along the last described line, 80 feet; thence east, at right angles, 80 feet; thence south, at right angles, 80 feet; thence west, at right angles, 80 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.

MARK A. SAVOY REGISTERED LS-788 14 Dec 00 KANSAS LAND SURVEYOR

Mark A. Savoy RLS #788 Surveyor

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 B, an area between limits of the 100-year flood and 500-year flood.

SITE PLAN

APPROVED 12-15-00 BY SK

ABOUD SITE

CRICKET KANSAS PROPERTY COMPANY
WICHITA, KANSAS

SRB 534 NORTH MAIN WICHITA, KANSAS 67203 http://www.srb1.com 316-264-8003 FAX 264-4821 E-mail: srb@srb1.com

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

PROJECT NUMBER 00017634

DESIGN	DRAWN	UTILITY	REVIEW	DATE	REVISED
	R.C./B.K.S.		M.A.S.	6 OCT 00	13 DEC 00

DWG FILE: 017634-R.C.
SHEET 1 OF 1

DWG FILE: 017634-R.C.
PROJECT NO. 00017634