

January 26, 2001

Steve Clark
Security Storage Properties
Building E, Suite 200
1223 North Rock Road
Wichita, Kansas 67206

Re: CON2001-00003 – Administrative Permit for a temporary 106-foot high wireless communication facility on property zoned “GC” General Commercial. Generally located south of the Burlington Northern Railroad and west of Rock Road (1777 N. Rock) on Parcel 3 of the C.C.R. Commercial CUP (DP-215).

Dear Mr. Clark:

We have reviewed your request for an Administrative Permit for a temporary 106-foot high wireless communication facility on property zoned “GC” General Commercial. Your application indicates that the temporary “cellular on wheels” (C.O.W.) is needed to provide coverage for the Cricket sales office at Bradley Fair until approval of a permanent wireless communication facility on your property is received and the facility is constructed. You estimate it will take at least 16 weeks until a permanent wireless communication facility can be operational on your property.

Section III-D.6.g.(3)(c) of the Wichita-Sedgwick County Unified Zoning Code states that new ground-mounted wireless communication facilities up to 150 feet in height in the “GC” General Commercial zoning district shall be approved by Administrative Permit if they conform to the Location/Design Guidelines of the Wireless Communication Master Plan and the Compatibility Height Standards of Section IV-C.5 of the Unified Zoning Code.

In reviewing your request’s conformance to the Location/Design Guidelines of the Wireless Communication Master Plan, we find that the Location/Design Guidelines provide policy guidance regarding the placement of permanent wireless communication facilities and do not specifically address the placement of temporary facilities such as a C.O.W. We find that the impact of the facility on surrounding properties will be limited due to the short time period for which 106-foot high C.O.W. will be located on your property; therefore, we find that the request conforms to the Location/Design Guidelines of the Wireless Communication Master Plan

The Compatibility Height Standards require the proposed 106-foot high C.O.W. to be located no closer than 106 feet from the lot line of property zoned “TF-3” Two-Family Residential or more restrictive. The proposed 106-foot high C.O.W., as shown on the site plan submitted with this application, is located only 75 feet from property to the west zoned “SF-6”, and does not conform to the Compatibility Height Standards. However, the Unified Zoning Code allows the Planning Director, with the concurrence of the Zoning Administrator, to reduce or waive the Compatibility Height Standards as long as the adjustment does not have any of the negative impacts stated in Section V-I.6. We find that reducing the setback required by the Compatibility Height Standards from 106 feet to 75 feet meets the four conditions required by Section V-1.6 of the Unified Zoning Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: Reducing the required setback from the C.O.W. to abutting residential property to the west will have no impact on the safety and convenience of vehicular and pedestrian circulation.
- 2) Impact on existing uses in surrounding areas: The visual impact from the C.O.W. on surrounding areas should not be increased by reducing the setback from abutting residential property to west since the property to the west is an open school yard and is not developed with residential uses.
- 3) Compatibility with existing or permitted uses on abutting sites: The incompatibility of the C.O.W. with existing or permitted uses on abutting sites should not be increased by reducing the setback from abutting residential property to west since the property to the west is an open school yard and is not developed with residential uses.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way, therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that an Administrative Permit for a temporary 106-foot high wireless communication facility on the aforementioned property is hereby GRANTED, subject to the following conditions:

1. The temporary wireless communication facility approved for placement on the site is a 106-foot high cellular on wheels, which shall be removed from the site no later than June 1, 2001.
2. The site and the temporary wireless communication facility shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
3. The site and the temporary wireless communication facility shall be developed and operated in compliance with all federal, state, and local rules and regulations.
4. Any violation of the conditions of approval shall render this Administrative Permit null and void.

The zoning adjustment sign may now be removed from the property.

Marvin S. Krout
Planning Director

Kurt A. Schroeder
Superintendent of Central Inspection

cc: Kim Edgington, Austin Miller P.A., 355 N. Waco, Suite 200, Wichita, KS 67202
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