R# 202-1996

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FILE COPY

RESOLUTION NO.

A RESOLUTION AUTHORIZING A CONDITIONAL USE ON PROPERTY ZONED "RR" RURAL RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY RESOLUTION NO. 46-1996.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. 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 Unified Zoning Code, a Conditional Use Permit to allow a Commercial Communication Tower on property zoned "RR" Rural Residential, legally described below:

Case No. CU-402

Conditional Use Permit to allow a Commercial Communication Tower, Described as:

Section 1, Township 28 South, Range 3 West of the Sixth Principal Meridian, Sedgwick County, Kansas. The NW 1/4, except the East 933.38 feet of the North 466.69 feet thereof, and except the road, and except beginning 910 feet East of the NW corner of the NW 1/4, thence East 430 feet, thence South 447 feet, thence West 430 feet, thence North 447 feet to beginning. Generally located on the Southeast corner of 231st Street West and 23rd Street South.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The tower shall be located as indicated on the approved site plan.

2. Up to three accessory buildings/cabinets, up to 400 square feet each, for

housing electronic equipment is permitted on the application area. The accessory buildings/cabinets shall not contain plumbing facilities. If and when the communications tower is removed from the site, the accessory buildings/cabinets shall also be removed. The tower shall also be removed if not in use for a continuous period of two years.

3. The tower and accessory structures shall be fenced with chainlink fence which has a minimum height of 6 feet.

4. The color of the tower shall be silver or gray or a similar unobtrusive color, unless painted otherwise to avoid the use of strobe lighting or if otherwise required by applicable governmental agencies.

5. There shall not be any nighttime lighting of or on the tower except for aircraft warning lights or similar emergency warning lights required by applicable governmental agencies. Strobe lights are not permitted unless those agencies specifically require their use.

6. No commercial advertising signs shall be allowed on the tower or accessory structures.

7. The tower shall not exceed 258 feet in height.

SECTION II. 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 III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

BETSY GWIN	Absent
PAUL W. HANCOCK	Yes
THOMAS G. WINTERS	Yes
MELODY C. MILLER	Yes
MARK F. SCHROEDER	Yes

DATED this 21st day of August, 1996.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

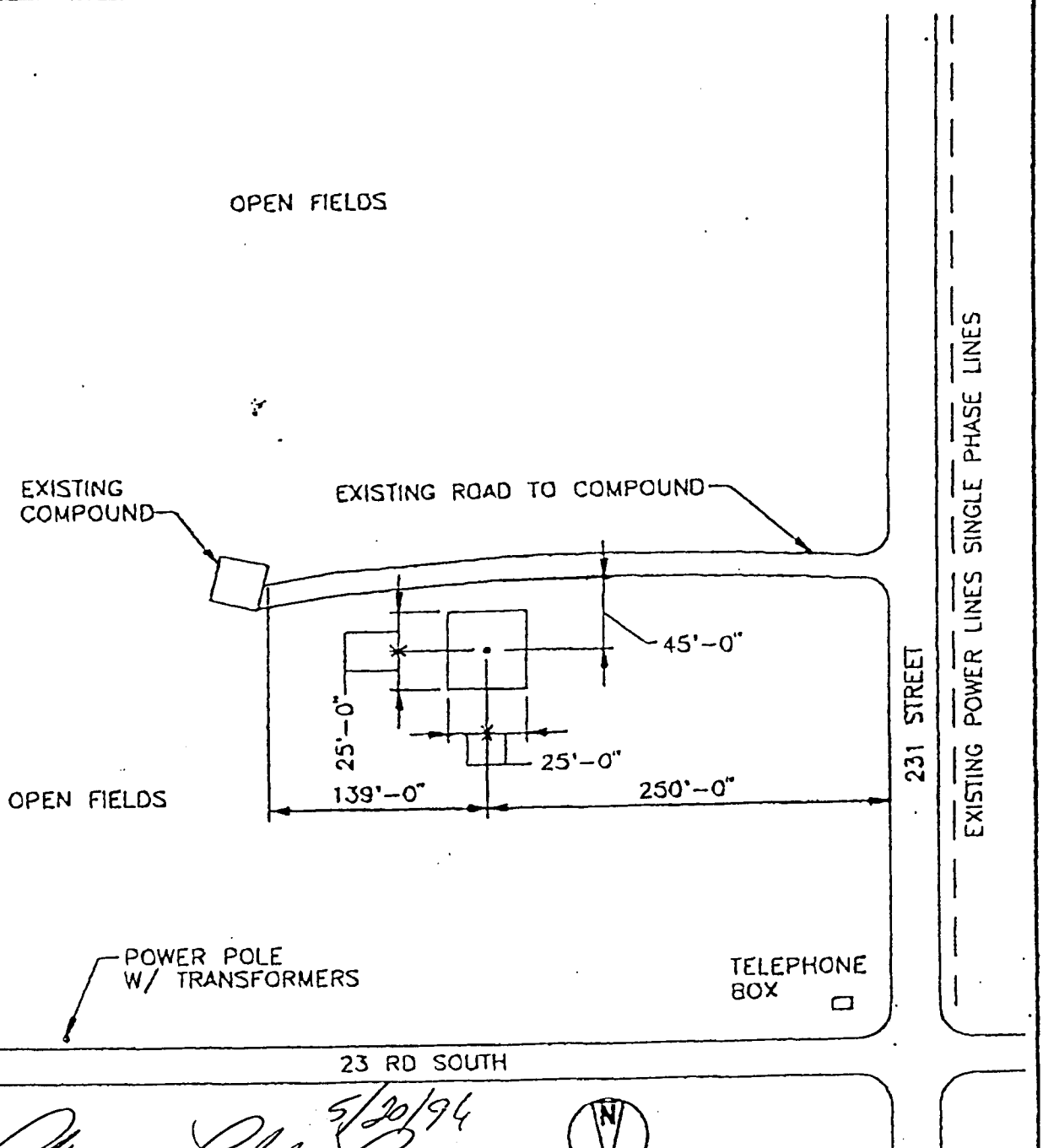
THOMAS G. WINTERS, Chairman

ATTEST:

SUSAN E. CROCKETT-SPOONS
County Clerk

APPROVED AS TO FORM ONLY:

Assistant County Counselor



5/20/94

BLACK & VEATCH

ENGINEER	DRAWN
CHECKED	DATE 05/14/96

NO	DATE	REVISIONS AND RECORD OF ISSUE	BY	CHK	APP	FLM
A	05/14/96	CONCEPT DRAWING				

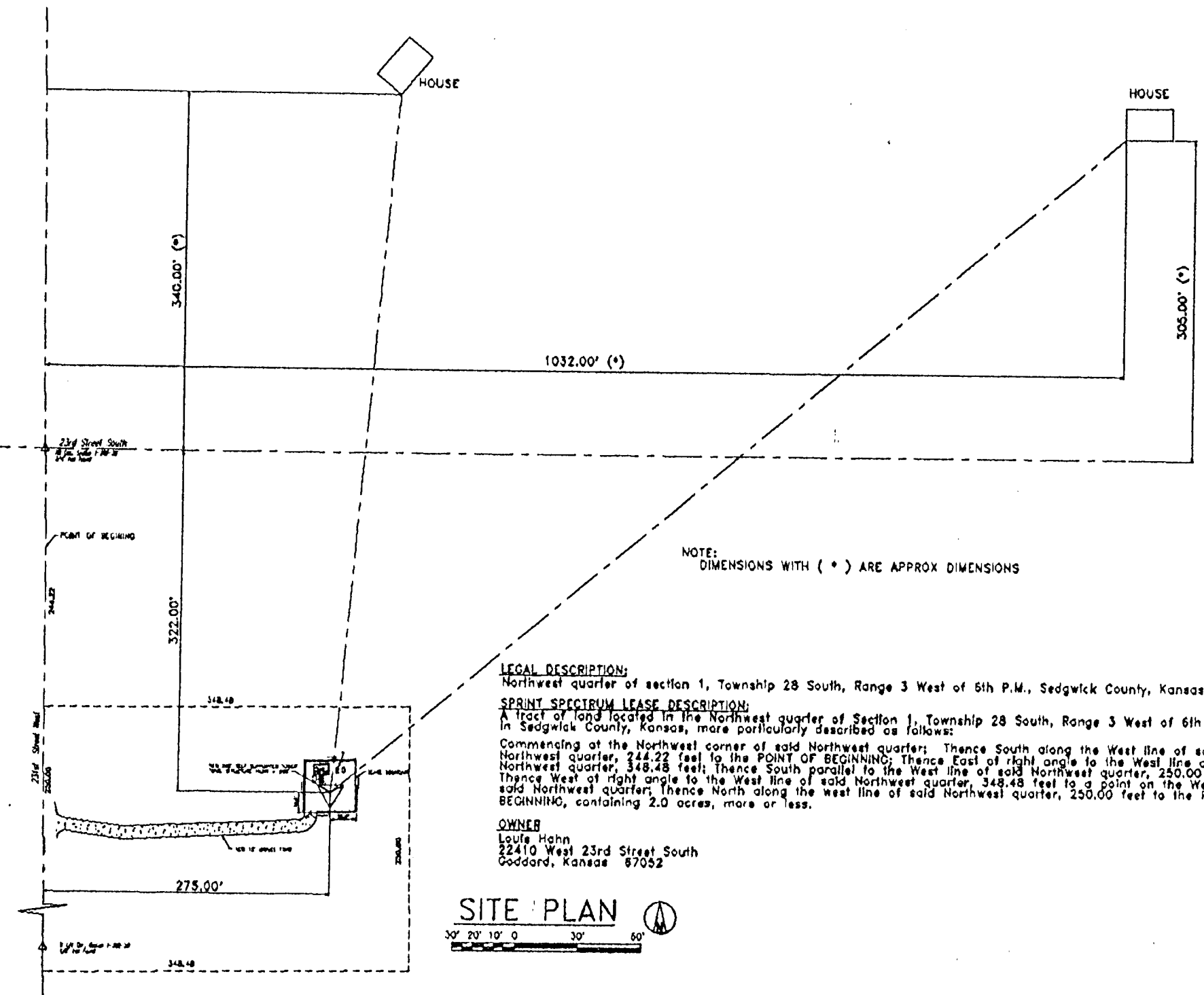
SPRINT SPECTRUM
CONCEPTUAL SITE LAYOUT

PROJECT 28660 | DRAWING NUMBER | REV A

HAHN TOWER SITE
WICHITA, KANSAS MARKET SITE 13

CODE | AREA | WI013

5/10/98 08:41:38



NOTE:
DIMENSIONS WITH (*) ARE APPROX DIMENSIONS

LEGAL DESCRIPTION:
Northwest quarter of section 1, Township 28 South, Range 3 West of 6th P.M., Sedgwick County, Kansas.

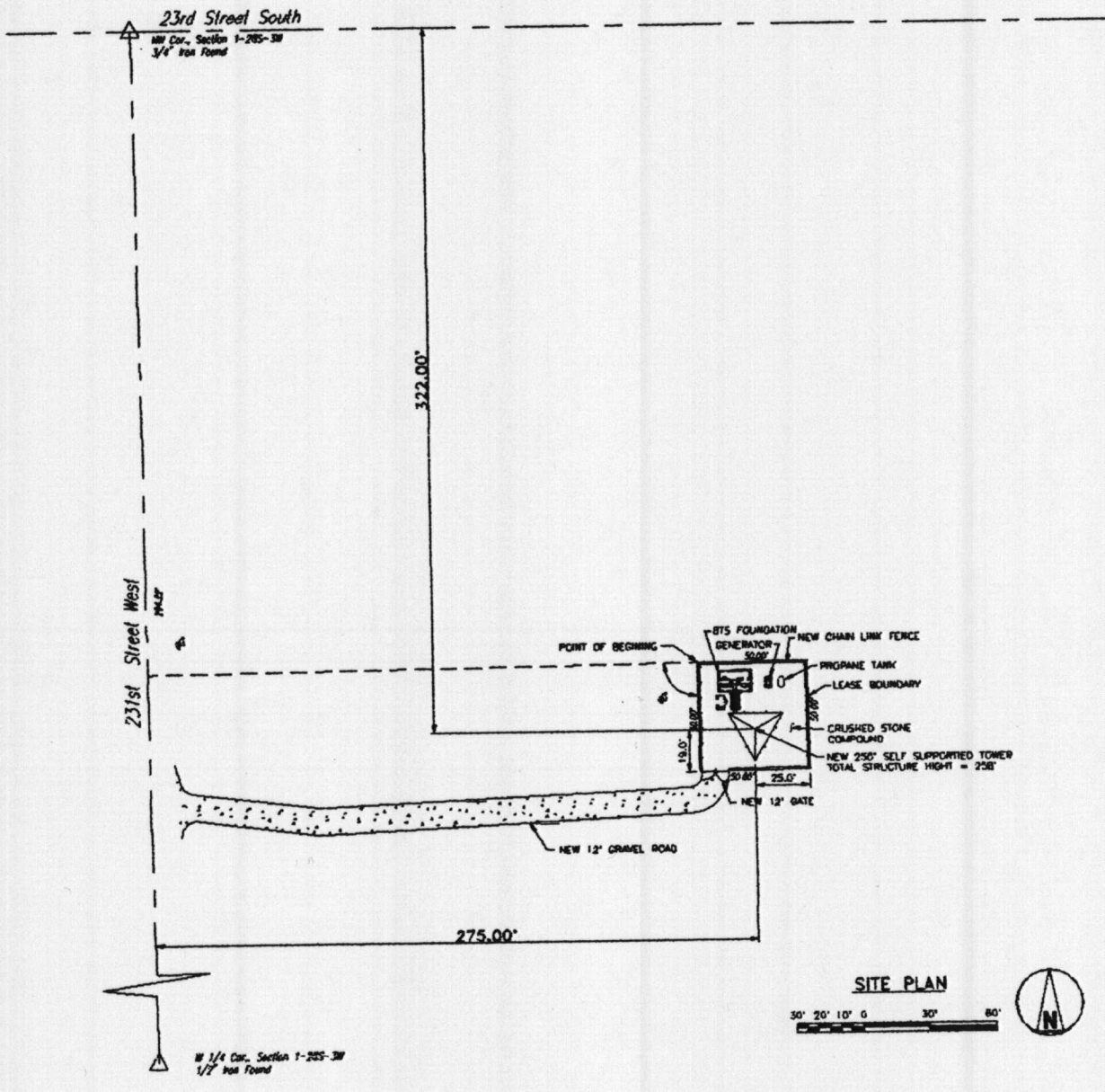
SPRINT SPECTRUM LEASE DESCRIPTION:
A tract of land located in the Northwest quarter of Section 1, Township 28 South, Range 3 West of 6th P.M. in Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of said Northwest quarter; Thence South along the West line of said Northwest quarter, 244.22 feet to the POINT OF BEGINNING; Thence East at right angle to the West line of said Northwest quarter, 348.48 feet; Thence South parallel to the West line of said Northwest quarter, 250.00 feet; Thence West at right angle to the West line of said Northwest quarter, 348.48 feet to a point on the West line of said Northwest quarter; Thence North along the west line of said Northwest quarter, 250.00 feet to the POINT OF BEGINNING, containing 2.0 acres, more or less.

OWNER
Louis Hahn
22410 West 23rd Street South
Goddard, Kansas 67052

SITE PLAN

30' 20' 10' 0 30' 60'


23rd Street South
NW Cor., Section 1-28S-3W
3/4" Iron Found
322.00'
231st Street West
POINT OF BEGINNING
BTS FOUNDATION
GENERATOR
50.00'
NEW CHAIN LINK FENCE
PROPANE TANK
LEASE BOUNDARY
50.00'
CRUSHED STONE
COMPOUND
NEW 250' SELF SUPPORTED TOWER
TOTAL STRUCTURE HIGHT = 258'
19.0'
50.00'
25.0'
NEW 12' GATE
NEW 12' GRAVEL ROAD
275.00'
W 1/4 Cor., Section 1-28S-3W
1/2" Iron Found
SITE PLAN
30' 20' 10' 0 30' 60'
N

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. ____

STAFF REPORT

July 11, 1996 MAPC
June 25, 1996 Goddard

CASE NUMBER: CU-402

APPLICANT/AGENT: Louis & Louise Hahn (property owners) / M & P Rentals, tower owner / Sprint Spectrum L.P. (leasee) / SBA, Inc., Robert Herlihy (agent)

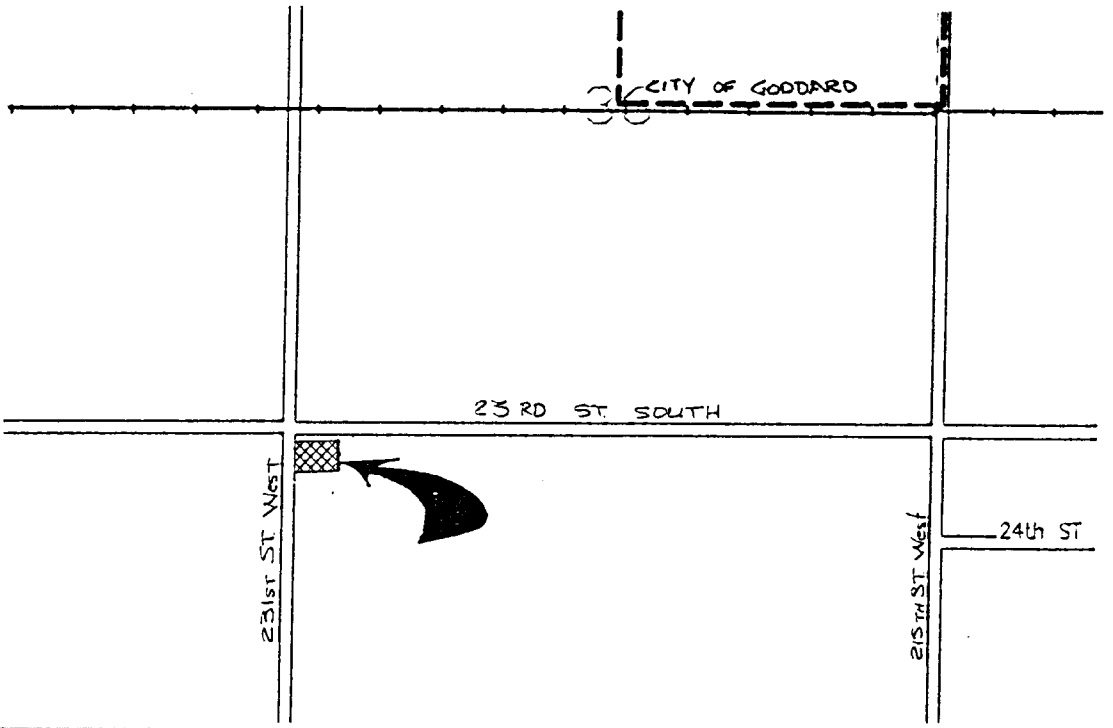
REQUEST: Conditional Use to permit the construction of a commercial communications tower

CURRENT ZONING: RR, Rural Residential

SITE SIZE: 2 acres

LOCATION: Southeast corner of 231st. Street West and 23rd. Street South

PROPOSED USE: Commercial Communication Tower



BACKGROUND: The applicant requests approval of a "conditional use" to permit the construction of a commercial communication tower, three pair of antennae and related accessory buildings on a 2 acre site zoned RR, Rural Residential. The zoning code allows commercial communication towers in the RR district only as a conditional use. The application area is southeast of the intersection of 231st. Street West and 23rd. Street South. All of the land adjacent to the application area is zoned RR, and is being used for residential or agricultural purposes, except for an existing 500 foot tall M & P communication tower (CU-235). (The M & P tower is located approximately 250 feet south of 23rd. and 400 feet east of 231st.) There is one home located east (approximately 500 feet) of the application area. Another three homes are located north of the site (approximately 1300 feet). Both section line roads are unimproved.

Sprint Spectrum Limited Partnership is developing a nationwide personal communication service system, including cellular phones. Currently, Sprint anticipates the need for 30 sites in the Wichita trading area. By co-locating their antennae on existing towers or roof top locations, they have been able to minimize the need to build new towers. At this point, they anticipate the need to construct four new towers. This application is one of three pending requests. If approved, this tower would provide antennae platform space for Sprint's overall system.

The applicant is proposing to construct a self supported tower 258 feet tall, including the lightning suppressor. This tower is designed to collapse in on itself should there be a structural failure. Per the site plan, the tower would be located west of the existing tower, on a site 60 feet by 60 feet enclosed by a fence. Within the fence would also be two accessory structures to house electronic equipment. This tower would provide coverage for a five mile radius. The applicant's agent indicates they investigated the possiblility of co-locating on the existing M & P tower. Even though only half of the tower's capacity is being used, this tower's structural integrity does not meet Sprint's wind loading standards and is not designed to carry the number of antennae Sprint projects it will ultimately need.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	RR, Rural Residential; Residences
SOUTH:	RR, Rural Residential; Agriculture
EAST:	RR, Rural Residential; Residence, Agriculture
WEST:	RR, Rural Residential; Agriculture

PUBLIC SERVICES: Except for telephone and electrical service, no public services are required.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as "Agriculture." The plan does not speak specifically to telephone or cellular phone service, however there is a statement indicating the need to provide the highest quality utility services to the public at a reasonable cost. The zoning code lists five conditions towers are subject to: unobtrusive paint scheme, no nighttime lighting of the tower except for aircraft warning lighting, no advertising, demonstrate an effort has been made to co-locate on an existing tower and willingness to provide space for other communication towers.

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

1. The tower shall be located as indicated on the approved site plan.

2. The tower placed on the site shall be designed such that if it collapses, it will fall within the 5 acre application area on which the tower is located.

3. Up to three accessory buildings/cabinets, up to 400 square feet each, for housing electronic equipment is permitted on the application area. The accessory buildings/cabinets shall not contain plumbing facilities. If and when the communications tower is removed from the site, the accessory buildings/cabinets shall also be removed. The tower shall also be removed if not in use for a continuous period of two years.

4. The tower and accessory structures shall be fenced with chainlink fence which has a minimum height of 6 feet.

5. The color of the tower shall be silver or gray or a similar unobtrusive color, unless painted otherwise to avoid the use of strobe lighting or if otherwise required by applicable governmental agencies.

6. There shall not be any nighttime lighting of or on the tower except for aircraft warning lights or similar emergency warning lights required by applicable governmental agencies. Strobe lights are not permitted unless those agencies specifically require their use.

7. No commercial advertising signs shall be allowed on the tower or accessory structures.

8. The tower shall not exceed 258 feet in height.

9. In order to minimize the proliferation of towers, this tower shall be designed and constructed to accommodate at least one additional platform for at least

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All of the land adjacent to the application area is zoned RR, Rural Residential, and is used for agriculture or residential purposes, except for the existing communication tower. There are homes located south and west of the proposed tower site. There is an abondoned railroad right-of-way separating the tower site from the homes. The overall character is an even mix of agriculture and large-lot residences. An existing communication tower is located approximately 1,000 feet southwest of the application area.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR, Rural Residential, which permits commmunication towers as a conditional use. Given the existence of the mix of large lot homes and agricultural uses, the property is properly zoned and the allowed uses are appropriate. The proposed tower is a suitable use at this location provided it complies with code required conditions.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: A tower already exists within 1,000 feet of the application area. Based on information on hand at the time this report was prepared, staff has not been able to identify any detrimental impact this request might have on nearby property other than the visual impact of a second tower in this area. The applicant's indicate their signal does not interfere with radio or television reception.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: If the applicant cannot find enough space to co-locate on an existing tower in an area that meets their location objectives, and cannot build a new tower, then Sprint would have gaps in their Wichita service area. These gaps would result in an inconvenience to Sprint cellular phone customers and a potential loss of competitiveness for the company.

6. Conformance of the requested change to adopted or recognized Plans/Policies: The plan does not speak specifically to cellular towers, but does generally indicate a need to provide the highest quality utilities at reasonable cost.

7. Impact of the proposed development on community facilities: No negative impact on community facilities identified.