WICHITA — SEDGWICK COUNTY

W-SC

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

April 10, 1997

Curtis M. Holland
Law Offices of Polsinelli, White, Vardeman & Shalton
Lighton Plaza III
7500 College Blvd., Ste 750
Overland Park, Ks 66210

RE: CU-421 - Request for a conditional use to permit the construction of a 150-foot monopole commercial communications tower and accessory equipment building on property generally located in the interchange area of the Kansas Turnpike and K-96 Highway (Milepost 53 Kansas Turnpike)

Dear Mr. Holland:

At its regular meeting on March 13, 1997, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to conditions stated in the letter dated March 17, 1997.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. If you have any questions concerning this case, please contact our office at 268-4421.

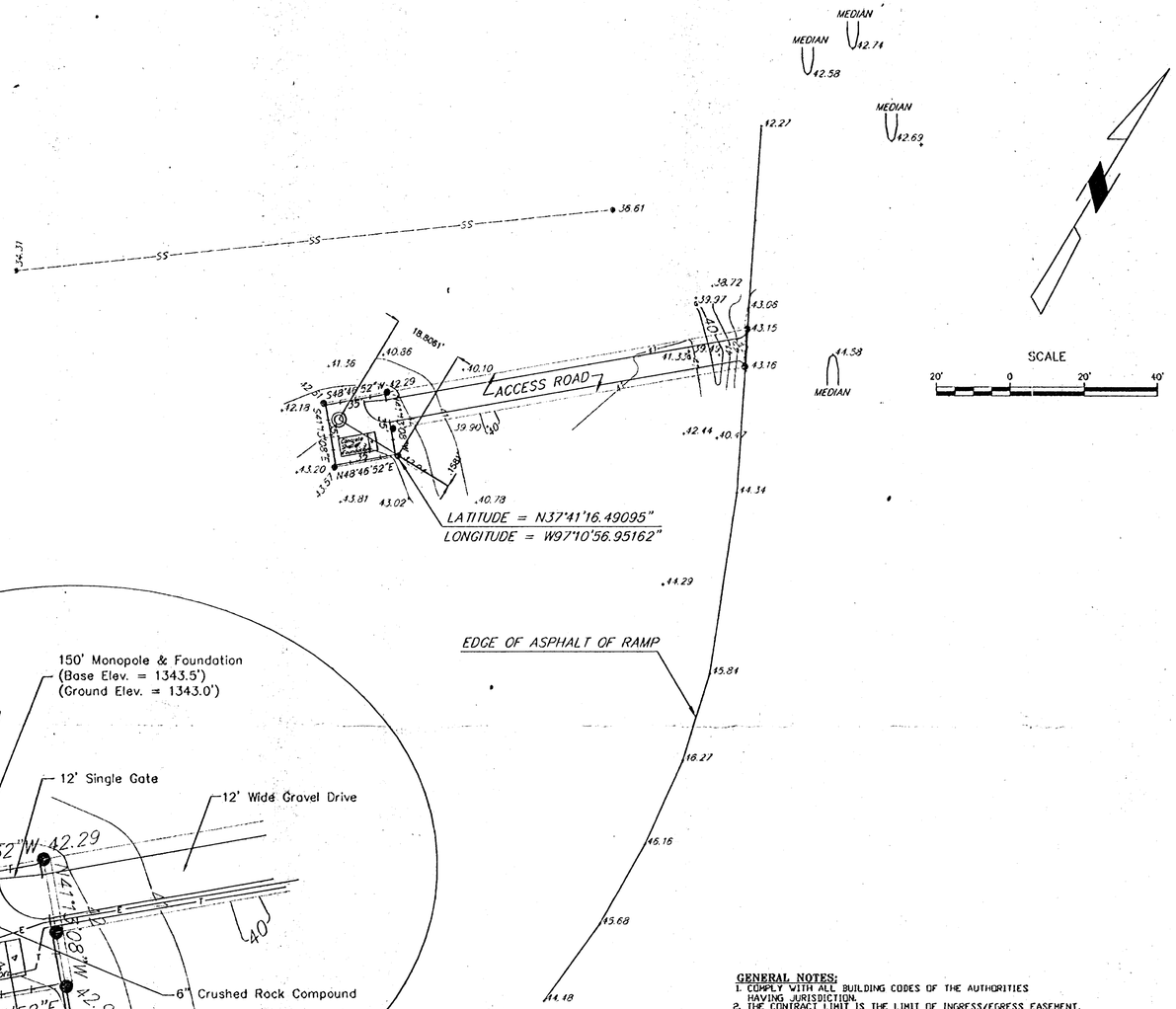
Sincerely,

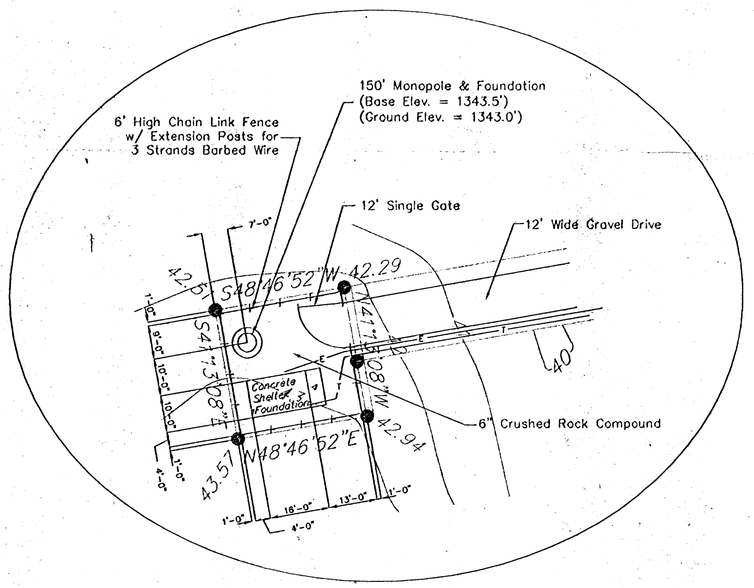
Russ Ewy
Associate Planner

RE/sh

cc: Kansas Turnpike Authority, 9401 E. Kellogg, Wichita, Ks 67207-1804
Paul Wrablica, 7801 Farley, Overland Park, Ks 66204
Larry P. Waggoner, Broadcast Technical Consultant, 1712 Valleyview Ct., Wichita, Ks 67212
Glen Wiltse, Sedgwick County Code Enforcement

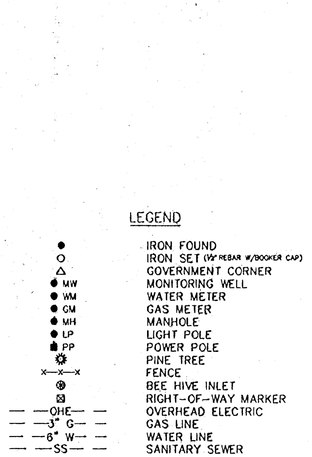
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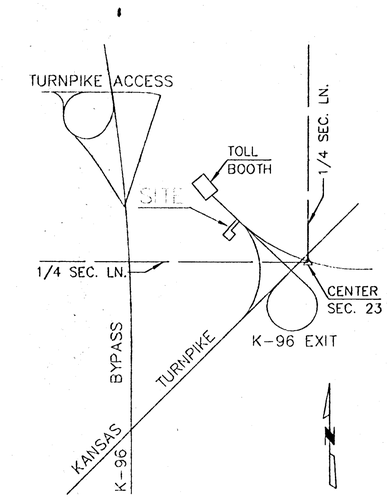




SITE DETAIL

Scale: 1"=10'





VICINITY MAP

GENERAL NOTES:

1. COMPLY WITH ALL BUILDING CODES OF THE AUTHORITIES HAVING JURISDICTION.
2. THE CONTRACT LIMIT IS THE LIMIT OF INGRESS/EGRESS EASEMENT, THE LEASED AREA, THE AREA REQUIRED FOR INSTALLATION OF UTILITIES, AND AS NOTED ON THESE DRAWINGS. CONFINE OPERATIONS TO AREAS WITHIN THE LIMITS INDICATED.
3. PROVIDE FOR NEW TELEPHONE AND ELECTRICAL SERVICE FROM THE NEW BUILDING TO THE EXISTING SERVICES AS REQUIRED. COORDINATE WITH OWNER AND AUTHORITIES HAVING JURISDICTION.
4. CONTRACTOR IS TO VERIFY THE MONOPOLE ORIENTATION OF 4° TRUE NORTH FOR THE MONOPOLE INSTALLER. COORDINATE WITH OWNER.
5. CONTRACTOR IS TO VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES.
6. REVIEW THE SOIL REPORT ATTACHED.
7. REMOVE TOP SOIL AS REQUIRED TO ACHIEVE SUBGRADES NECESSARY TO PROVIDE FOR FINISHED GRADES.
8. PROVIDE FILL MATERIAL PER SPECIFICATIONS AS REQUIRED TO ACHEIVE PROPER SUBGRADES.
9. STOCKPILE TOP SOIL FOR REUSE AS REQUIRED. COORDINATE THE SPREADING OF REMAINING TOPSOIL AND THE STOCKPILE LOCATION WITH THE OWNER.
10. PROVIDE GRASS SEED AT ALL UNPAVED AREAS DISTURBED BY CONSTRUCTION. HATCH THE EXISTING GRASS TYPE AT THE SITE. PROVIDE TEMPORARY FENCING TO PROTECT SEEDED AREAS UNTIL GRASS IS WELL ESTABLISHED.
11. THE CONTRACTOR IS TO LIMIT THE USE OF PREMISES TO CONSTRUCTION ACTIVITIES IN AREAS INDICATED.
12. REPAIR ANY DAMAGE CAUSED BY CONSTRUCTION OPERATIONS. TAKE PRECAUTIONS NECESSARY TO PROTECT ADJACENT AREAS AND STRUCTURES DURING CONSTRUCTION.
13. INSTALL SITE GROUNDING IN ACCORDANCE WITH DRAWINGS GRDMP AND GRDEXP.

INGRESS AND EGRESS EASEMENT:

A tract of land located in the Northwest Quarter of Section 23, T27S, R2E 6th P.M. in Sedgwick County, Kansas, more precisely described as follows:

Commencing at the Southwest corner of said Northwest Quarter; thence N88°44'32"E along the South line of said Northwest Quarter a distance of 1,516.27 feet, thence N53°05'30"E a distance of 656.48 feet, thence N41°13'08"W a distance of a distance of 15 feet, to the point of beginning; thence N41°13'08"W a distance of 20 feet, thence N48°46'52"E a distance of 198.70 feet, thence S26°04'01"E a distance of 20.04 feet, thence S48°46'53"W a distance of 193.80 feet to the point of beginning, said tract containing 0.09 acres more or less.

State of Kansas
County of Sedgwick } *S.S.*

I, Norman L. Roelfs, a Registered Land Surveyor in the aforesaid county and state, do hereby certify that I did, on the 21th day of June, 1996, survey a tract of land located in the Northwest Quarter of Section 23, T27S, R2E of the 6th P.M. in Sedgwick County, Kansas, more precisely described as follows:

Commencing at the Southwest corner of said Northwest Quarter; thence N88°44'32"E along the South line of said Northwest Quarter a distance of 1,516.27 feet, thence N53° 05'30"E a distance of 656.48 feet to the point of beginning; thence N41°13'08"W a distance of 35 feet, thence S48°46'52"W a distance of 35 feet, thence S41°13'08"E a distance of 35 feet, thence N48°46'52"E a distance of 35 feet to the point of beginning, said tract containing 0.028 acres more or less.

BENCH MARKS:

B.M. #1 1345.71 – Top of N.W. bolt in light pole base E. of site

Ref. B.M. 1336.81 – Top of S.E. bolt in concrete base at 127th Street E. exit sign (N. bound on K-96 Hwy.)

NOTES:

1. *Underground Utilities Are Based On Information Furnished By Utility Companies.*

EQUIPMENT & TOLERANCE

Latitude & Longitude: NAD 83
Sokia GPS – S100
Equipment Tolerance: 1 – 3 Meters
Point Accuracy: 1 Meter
Elevation:
Zeiss Level ±0.1 foot

Southwestern Bell Mobile Systems
7801 Farley
Overland Park, KS 66204
Phone: (913) 383-4300
Fax: (913) 383-4360

ISSUE	REVISIONS	DWN	APPR	DATE
A	RELEASED	DHK	DHK	9/24/96

TITLE: CELLULAR SITE PLAN

FOR:

SITE: K96 — DRAWING NUMBER: RR_7034_01

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3

STAFF REPORT

March 13, 1997

CASE NUMBER: CU-421

APPLICANT/AGENT: Kansas Turnpike Authority (applicants/property owners); Southwestern Bell Mobile Systems (applicant); Curtis Holland (agent)

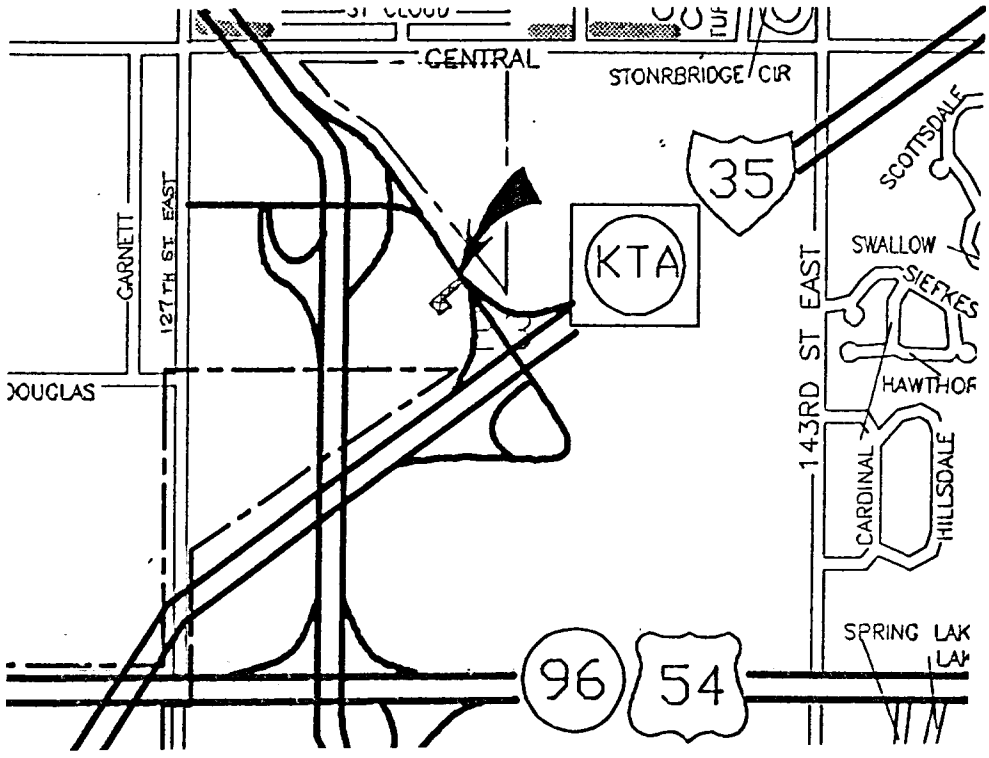
REQUEST: Conditional Use to permit the construction of a 150 foot monopole commercial communications tower and accessory equipment building

CURRENT ZONING: "SF-20" Single-Family Residential

SITE SIZE: 0.28 acres

LOCATION: In the interchange area of the Kansas Turnpike and K-96 Highway (Milepost #53 of the Kansas Turnpike)

PROPOSED USE: Commercial Communication Tower



BACKGROUND: The applicant requests approval of a conditional use to allow the construction of a 150 foot monopole commercial communication tower on a 0.28 acre site zoned "SF-20" Single Family Residential. The tower is to be located within the Kansas Turnpike and K-96 interchange area to provide wireless communication services to customers using K-96 and the Turnpike.

The zoning code allows commercial communication towers in the "SF-20" district only as a conditional use. The application area is located approximately 275 feet southeast of the Kansas Turnpike/K-96 toll booth on the west side of the road (near milepost #53). All of the land adjacent to the application area is zoned "SF-20", with land within 500 feet of the proposed tower controlled by KTA. Approximately 2,000 feet east of the application area is a large estate. The property north of the tower and north of the interchange ramp was recently annexed to the City, with the zoning converting to "SF-6", and a preliminary plat for the 43 acre Bridgefield Addition has been submitted showing 79 residential lots, and will be heard by the Subdivision Committee on March 20, 1997.

Southwestern Bell Mobile Systems (SBMS) is proposing to construct the 150 foot monopole tower within a 35 foot by 35 foot fenced compound that will also contain a 11 foot by 26 foot equipment building. The site plan shows the application area fenced with a 6 foot chainlink fence with extension posts for three strands of barbed wire. The plan also shows a 12 foot wide access road leading to the tower site, approximately 190 feet from the KTA road.

Staff's tower data base indicates that the nearest communication tower, owned by Sprint Spectrum, is located at the southwest corner of 127th Street East and Kellogg next to the turnpike, approximately 1/2 mile from the proposed tower site. The agent for the applicant has indicated that this existing tower, which was recently constructed and has excess capacity according to Sprint's local property manager, may suit SBMS's needs in the area, and have deferred their request three times in order to evaluate this other tower.

On March 3, 1997, the applicants submitted the results of their engineering study demonstrating the inability to co-locate on the existing Sprint tower. In that letter (attached) they state that the existing tower failed to propagate to the desired level needed by SBMS and is oriented toward the southwest as opposed to the northeast as needed by SBMS. The study concluded that co-locating on the Sprint tower would not lessen the likelihood that another tower would need to built in the general vicinity at some point in the near future.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6"	KTA/K-96 Interchange
SOUTH:	"SF-20"	KTA/K-96 Interchange
EAST:	"SF-20"	KTA/K-96 Interchange; Residence
WEST:	"SF-20"	KTA/K-96 Interchange

PUBLIC SERVICES: Except for telephone and electrical service, no public services are required. The site will have access to the KTA interchange. The Turnpike has a projected volume of 7,820 average daily trips in this vicinity.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as "Agricultural." 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-located on an existing tower and willingness to provide space for other communication towers.

RECOMMENDATION: This appears to be an excellent site for a tower because of its location at the intersection of three highways and the distance to the nearest existing homes. However, staff was not initially in support of this request, on the basis that another new tower, with excess capacity, was located within one mile of the application site. The zoning code requires this applicant to demonstrate that it is not feasible to locate on an existing tower or other structure. However, after reviewing this request with the SBMS Real Estate Manager, and in light of their engineering study, we feel there will be a future need for another tower site in this general vicinity in order to provide adequate facilities, not only for this provider, but for future communications carriers, along these three major traffic routes. We will make an attempt to verify the study's conclusion with an independent third party, before the MAPC hearing. If the study cannot be verified, then the applicant may need to also seek a variance from the County Board of Zoning Appeals in order to build this tower.

The tower site is nearly 1/2 mile from existing residential uses (a plat has been submitted for single-family lots just across the freeway ramp to the north), and the siting of the tower at this location at this time, with the understanding that it should accommodate the needs of other carriers wanting to establish service in this area, seems appropriate.

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 shall be fenced with chainlink fence which has a minimum height of 6 feet with an additional 3 strands of barbed wire extended above the chainlink fence.

3. The color of the tower shall be silver or gray or a similar unobtrusive color.

4. There shall not be any nighttime lighting of or on the tower.

5. No commercial advertising signs shall be allowed on the tower or fence.

6. The tower shall not exceed 150 feet in height.

7. In order to minimize the proliferation of towers, this tower shall be designed and constructed to accommodate at least two platforms for a least two additional communication companies to be able to lease. The owner of the tower shall agree in writing at the time of the issuance of a building permit that reasonable accommodations will be made to lease space on the tower to other communication companies so as to avoid having a proliferation of towers which are not fully utilized.

8. The communication tower if unused for a period of 24 consecutive months shall be considered abandoned and shall be removed by the owner no later than 90 days following the end of the 24-month period.

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 "SF-20", with land within 500 feet of the proposed tower controlled by KTA. The overall character is developing suburban and urban residential within one-half mile west and north of this site, with a large estate located approximately 2,000 feet east of the application site.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned for single-family uses and is located within a major interchange area that is obviously not suitable for such uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff has not been able to identify any detrimental impact this request might have on nearby property, other than the visual impact of a tower in this area. The monopole design, color, and prohibition of lighting should limit this impact.

4. 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 a reasonable cost.

5. Impact of the proposed development on community facilities: No municipal water or sewer service is required, traffic generation is minimal, and no other negative impact on community facilities has been identified.