CONDITIONAL USE RESOLUTION NO. CU-565

WHEREAS, Dean and Pauline Nicholson (Owner/Applicant); Divine Towers International and Ferris Consulting %Greg Ferris (Agents), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to permit a commercial communication tower on 2,500 square feet zoned "SF-20" Single-Family Residential described as:

> A tract of land in the Southwest Quarter of Section 27, Township 26 South, Range 1 West Of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the NW Corner of said SW1/4; thence S 00 degrees W for a distance of 675.00 feet; thence S 90 degrees E for a distance of 1307.41 feet; thence N 00 degrees E for a distance of 437.13 feet to the point of beginning; thence N 90 degrees W for a distance of 25 feet; thence N 00 degrees E for a distance of 50 feet; thence S 90 degrees E for a distance of 50 feet; thence S 00 degrees W for a distance of 50 feet; thence N 90 degrees W for a distance of 25 feet; to the point of beginning, Sedgwick County, Kansas. Generally located approximately 175 feet south of K-96 and ¼ mile east of Ridge.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of February 24, 2000, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a Conditional Use to permit a commercial communication tower on 2,500 square feet acres zoned "SF-20" Single-Family Residential described as:

> A tract of land in the Southwest Quarter of Section 27, Township 26 South, Range 1 West Of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the NW Corner of said SW1/4; thence S 00 degrees W for a distance of 675.00 feet; thence S 90 degrees E for a distance of 1307.41 feet; thence N 00 degrees E for a distance of 437.13 feet to the point of beginning; thence N 90 degrees W for a distance of 25 feet; thence N 00 degrees E for a distance of 50 feet; thence S 90 degrees E for a distance of 50 feet; thence S 00 degrees W for a distance of 50 feet; thence N 90 degrees W for a distance of 25 feet; to the point of beginning, Sedgwick County, Kansas. Generally located approximately 175 feet south of K-96 and ¼ mile east of Ridge.

subject to the following conditions:

A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.

B. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.

C. A landscape plan shall be submitted for approval by the Director of Planning which provides densely planted evergreen trees around the chain link enclosure to lessen the negative visual impact of the site.

D. 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.

E. There shall be no lighting of or on the monopole.

F. The monopole shall not exceed 140 feet in height.

Adopted this 24th day of February, 2000. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

Frank Garofalo

Frank Garofalo, Chair

ATTEST:

Marvin S. Krout

Marvin S. Krout, Secretary

KANSAS HIGHWAY 96

RIDGE ROAD / 71st STREET

EXISTING FENCE

ASSUMED EXISTING PROPERTY LINE

EXISTING TREELINE

EXISTING HIGHWAY ON-RAMP

EXISTING OVERHEAD POWER LINES

EXISTING OPEN FIELD

50'-0" LEASE AREA

PROPOSED PREFABRICATED UNMANNED EQUIPMENT SHELTER (11'-6"W x 20'-0"L x 9'-1"H)

PROPOSED 145'-0" HIGH MONOPOLE TOWER WITH 14'-0" LOW-PROFILE STEEL ANTENNA SUPPORT PLATFORM MOUNTED AT 150'-0" A.F.G.

LEASE AREA

℄ OF TOWER

50'-0"

PROPOSED GRAVEL PAVED LEASE AREA (50'-0" x 50'-0" = 2500 SQ. FT.)

±1307.41'

℄ OF TOWER & DRIVE

EXISTING OPEN FIELD

PROPOSED 12'-0" WIDE GRAVEL PAVED ACCESS ROAD W/ TURNAROUND. REMOVE ANY VEGETATION OR DEBRIS WITHIN THE EASEMENT (CONTRACTOR TO RESTORE ANY AREAS DISTURBED DURING CONSTRUCTION OF THE SITE)

±1312.13'

DEAD END

PROPOSED 20'-0" WIDE UTILITY AND SITE ACCESS EASEMENT

PROPOSED 8'-0" WIDE UTILITY EASEMENT FROM EXISTING UTILITY POLE

EXISTING ROAD DRAINAGE SWALE

ASSUMED EXISTING PROPERTY LINE

OE

±950'-0"

±475'-0"

EXISTING OVERHEAD POWER LINES

EXISTING ASPHALT DRIVE APRON OVER STEEL CULVERT PIPE W/ FLARED ENDS

UT

EXISTING ±20'-0" WIDE DIRT ROAD/ ACCESS TO RESIDENCES

±180'-0"

±114'-0"

EXISTING TELEPHONE PEDESTAL

EXISTING UTILITY POLE (TYP.)

19.67'-0"

20'-0"

PROPOSED 20'-0" WIDE UTILITY AND SITE ACCESS EASEMENT

EXISTING TREELINE

EXISTING ONE STORY MASONRY RESIDENCE

SITE PLAN

APPROVED 2-24-00 BY SJC

1 SITE PLAN
SCALE: 1" = 100'-0"

NORTH

AT&T Wireless Services
7277 164th AVENUE N.E.
REDMOND WA. 98052
(425) 580-5870
Fax: (425) 580-8018

DIVINE TOWER INTERNATIONAL CORPORATION
2546 S. LEONINE STREET
WICHITA, KS 67217
(316) 945-4562
Fax: (316) 945-4593

SITE WI-021-04
NICHOLSON

4108 N. RIDGE ROAD
WICHITA
SEDGWICK COUNTY
KANSAS 67205

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PROJECT MANAGER: RCC

PREPARED BY: RCC

APPROVED BY: AJA

	1-11-00	ISSUED FOR ZONING REVIEW
	11-24-99	LEASE EXHIBIT

NESTOR POPOWYCH LICENSED 4525 REGISTERED ENGINEER

SHEET NAME
LEASE SITE PLAN

SHEET NUMBER
C-1

PAL PROJECT NUMBER
99399-0079

AGENDA ITEM NO. 8

STAFF REPORT

MAPC, February 24, 2000

CASE NUMBER: CU-565

APPLICANT/AGENT: Dean and Pauline Nicholson (Owner/Applicant); Divine Towers International and Ferris Consulting c/o Greg Ferris (Agents)

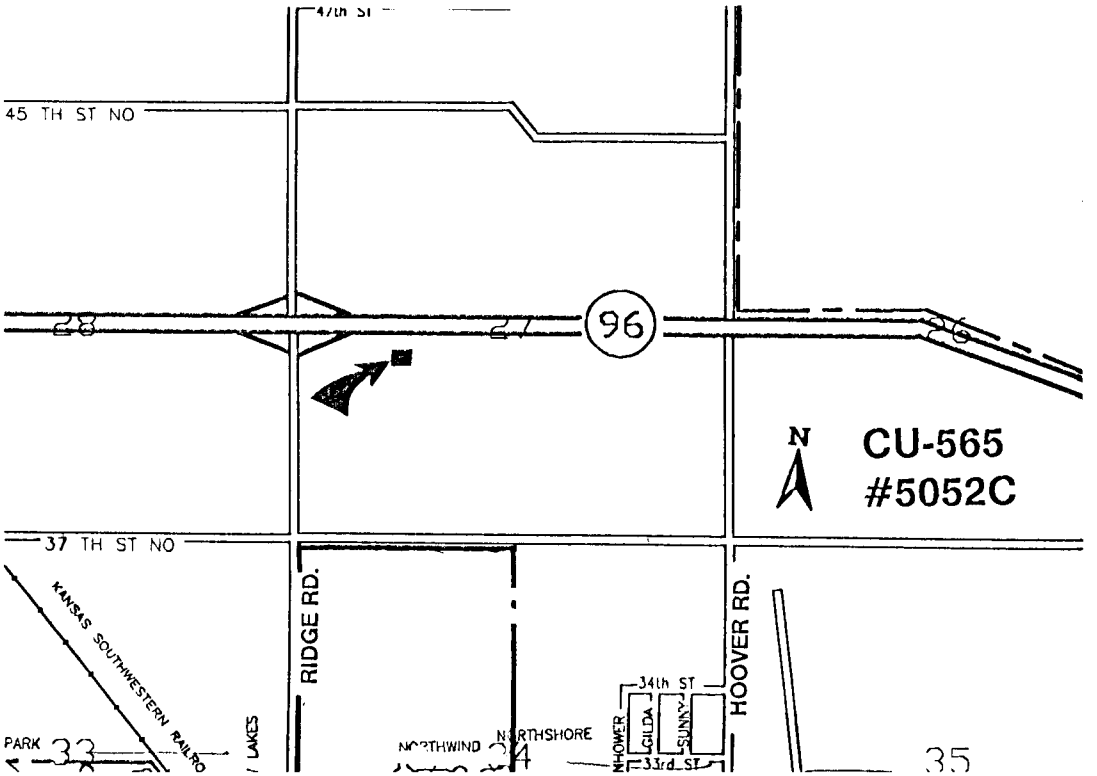
REQUEST: Conditional Use to permit a commercial communication tower

CURRENT ZONING: SF-20, Single-family Residential

SITE SIZE: 2,500 square feet

LOCATION: Approximately 175 feet south of K-96 and ¼ mile east of Ridge

PROPOSED USE: Commercial communication tower



BACKGROUND: The applicant is seeking a Conditional Use to permit the construction of a 140-foot commercial communications monopole for use by AT&T Wireless Services. The monopole will be sited on a 2,500 square foot area located approximately 175 feet south of K-96 and ¼ mile east of Ridge. Access to the site is to be from Ridge. The applicant's site plan (attached) depicts a 50-foot by 50-foot compound enclosed by a chain link fence. Within the enclosure would be the monopole and an equipment shelter. The monopole would be constructed so as to be able to accommodate up to three carriers.

The site is entirely surrounded by undeveloped property. The nearest developed properties are agriculture-related residential properties located approximately 700 feet to the east, 400 feet to the south, and ¼ mile to the west. All properties in the vicinity of the site are zoned "SF-20" Single Family Residential.

The applicant's justification for the request (attached) indicates this site is necessary for AT&T Wireless Services to provide continuous coverage northwest of the city around K-96 and Ridge. The closest existing towers are 2.3 miles and 2.0 miles away, and AT&T Wireless Services is co-locating on those towers. Since this is a largely undeveloped area, there are not any buildings of sufficient height which might provide alternative support structures on which to locate antennas. The applicant states that the 140-foot height is needed to achieve coverage targets. According to a letter from an aviation consultant, this site complies with the Federal Aviation Administration hazard standards, and should not be a hazard for aircraft.

There currently is a commercial communication tower study ongoing by the city and county. The study is focusing on possible alternatives to the construction of new tower structures. Due to the undeveloped nature of the property in the vicinity of this site, none of the study's alternatives to new towers is likely to be applicable in this case. The study also proposes design guidelines for new commercial communication towers, and staff's recommended conditions of approval regarding landscaping, glare reduction, and lighting are intended to bring the proposed new tower into general compliance with the proposed design guidelines.

In addition, staff recommends approving the tower for only 120 feet to lessen its negative visual impact. Coverage plots submitted by the applicant (attached) apparently indicate that 120 feet will provide sufficient coverage to currently developed areas. Even with a 140 foot tower, additional towers likely will be needed to the west and southwest of the site in the future to provide coverage to properties in the area as they develop. To preserve future options for additional users at this site, however, staff also recommends that the tower be designed and constructed to permit future height extensions of up to 30 feet.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Agriculture
SOUTH:	"SF-20"	Agriculture
EAST:	"SF-20"	Agriculture
WEST:	"SF-20"	Agriculture

PUBLIC SERVICES: No municipally supplied public services are required. The site has access to Ridge, a four-lane arterial with 1997 traffic volumes of approximately 9,400 vehicles per day. The proposed 2030 Transportation Plan estimates that traffic volumes on Ridge will increase to 14,000 vehicles per day.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Agricultural" development. However, the proposed update to the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development and identifies property immediately to the west as appropriate for "Commercial" development and property immediately to the east as appropriate for "Industrial" development. Given the updated indications of appropriate future development, this site generally conforms to the updated Land Use Guide of the Comprehensive Plan. 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. Section III.D.6.g of the zoning code lists five conditions that commercial communications towers are subject to meeting: unobtrusive paint scheme, no nighttime lighting of the tower except for aircraft warning lighting, no advertising, demonstrate that 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:

A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
B. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
C. A landscape plan shall be submitted for approval by the Director of Planning which provides densely planted evergreen trees around the chain link enclosure to lessen the negative visual impact of the site.
D. 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.
E. There shall be no lighting of or on the monopole.
F. The monopole shall not exceed *120* feet in height to lessen its negative visual impact.
G. The monopole and its foundation shall be designed and constructed in such a manner that permits future height extensions of up to 30 feet.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All of the land adjacent to the site is currently developed agriculture-related single family residential uses and is zoned "SF-20" Single Family Residential. The character of the land is agricultural, with urban development approaching from the south.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-20" Single-family Residential. Commercial communication towers are uses that may be permitted, subject to conditions, in this district. The site could be developed with single family residences (at very low density due to the current lack of public water and sewer service) if a commercial communications tower is not constructed.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site is currently undeveloped. The closest developed properties are located approximately 700 feet to the east, 400 feet to the south, and ¼ mile to the west. No evidence has been presented to date that the construction of a monopole will detrimentally affect nearby property to a greater degree than will the development of nearby property with commercial and industrial uses, which is indicated by the Comprehensive Plan as being the likely future development in the area. The only impact to be noted at the time this report was prepared is the visual impact of a monopole.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Agricultural" development. However, the proposed update to the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development and identifies property immediately to the west as appropriate for "Commercial" development and property immediately to the east as appropriate for "Industrial" development. Given the updated indications of appropriate future development, this site generally conforms to the updated Land Use Guide of the Comprehensive Plan. 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.

5. Impact of the proposed development on community facilities: No impacts have been identified as municipally supplied services are not required.