CONDITIONAL USE RESOLUTION NO. CU-547

WHEREAS, Mr. and Mrs. Betty and Bernard Novick, 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 erect a 150' PCS Wireless Telephone Tower capable of accommodating up to three providers with multiple panel antennas, that will meet FAA/FCC requirements on under one acre zoned "SF-20" Single-Family described as:

> A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 28 SOUTH, RANGE 2 EAST OF THE 6TH P.M., SEDGWICK COUNTY KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 04'57" WEST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1510.26 FEET; THENCE SOUTH 00 DEGREES 55'03" EAST A DISTANCE OF 214.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 55'03" EAST A DISTANCE OF 75 FFET; THENCE SOUTH 89 DEGREES 04'57" WEST, PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 75 FEET, THENCE NORTH 00 DEGREES 55'03" WEST A DISTANCE OF 75 FEET; THENCE NORTH 89 DEGREES 04'57" EAST, PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING. Generally located south of Pawnee and west of Webb intersection.

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 December 16, 1999, 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 Conditional Use application be approved to erect a 150' PCS Wireless Telephone Tower capable of accommodating up to three providers with multiple panel antennas, that will meet FAA/FCC requirements on under one acre zoned "SF-20" Single-Family described as:

> A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 28 SOUTH, RANGE 2 EAST OF THE 6TH P.M., SEDGWICK COUNTY KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 04'57" WEST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1510.26 FEET; THENCE SOUTH 00 DEGREES 55'03" EAST A DISTANCE OF 214.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 55'03" EAST A DISTANCE OF 75 FFET; THENCE SOUTH 89 DEGREES 04'57" WEST, PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 75 FEET, THENCE NORTH 00 DEGREES 55'03" WEST A DISTANCE OF 75 FEET; THENCE NORTH 89 DEGREES 04'57" EAST, PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING. Generally located south of Pawnee and west of Webb intersection.

subject to the following conditions:

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

B. The support structure shall be a "monopole" design, and the monopole shall be located as indicated on the site plan

C. The color of the monopole shall be silver or gray or a similar unobtrusive color.

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

E. The monopole shall not exceed *120* feet in height to lessen its negative visual impact.

F. 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 monopole.

Adopted this 16th day of December, 1999. 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.

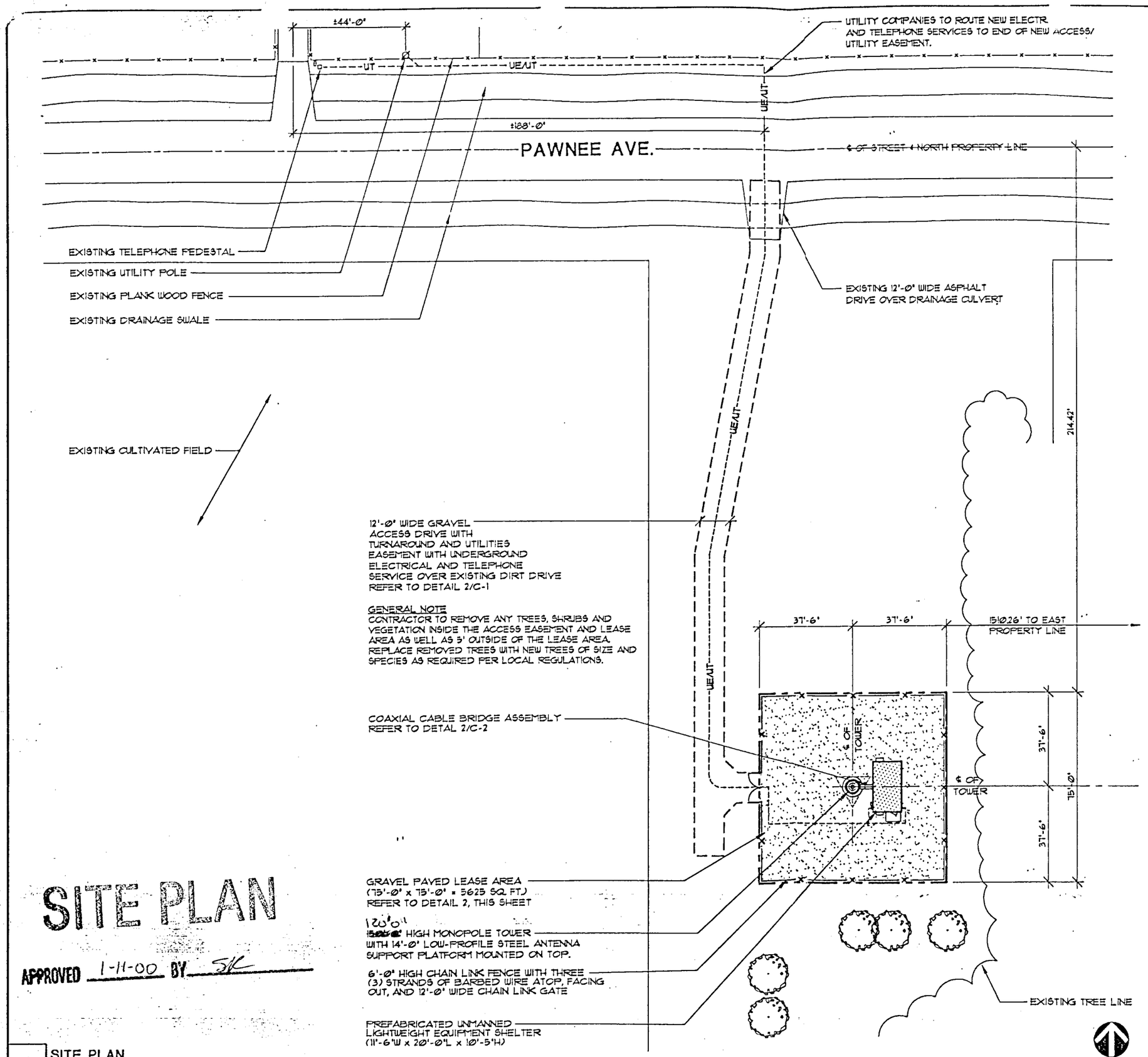
METROPOLITAN AREA PLANNING COMMISSION

Frank Garofalo, Chair

ATTEST:

Marvin S. Krout, Secretary

CU-547

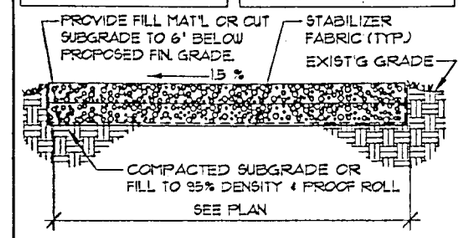


SITE PLAN

APPROVED 1-11-00 BY SK

1 SITE PLAN
SCALE: 1" = 40'-0"

LEASE AREA	AC DRIVE
BASE COURSE: 4" MIN. OF COMPACTED GRAVEL PER KDOT.	FIRST LIFT: 4" MIN. OF COMPACTED GRAVEL PER KDOT.
TOP COURSE: 2" MIN. OF CRUSHED 3/4" LIMESTONE LIMESTONE (NO FINES)	SECOND LIFT: 4" MIN. OF COMPACTED GRAVEL PER KDOT.



2 GRAVEL PAVING DETAIL
NOT TO SCALE

1. ELEVATIONS ARE ABOVE MEAN SEA LEVEL
2. DO NOT SCALE DIMENSIONS FROM THIS DRAWING.
3. ALL EXISTING RECORDED EASEMENTS ARE INDICATED ON THIS DRAWING TO THE BEST OF THE ARCHITECTS KNOWLEDGE PER VISUAL INSPECTION, SURVEY DRAWINGS, AND INFORMATION RECEIVED FROM AT&T/LUCENT. CONTRACTOR SHALL CALL 'KANSAS UTILITIES PROTECTION SERVICE AT 1-888-BE4-UDIG 48 HOURS PRIOR TO START OF CONSTRUCTION TO HAVE UNDERGROUND UTILITIES LOCATED AND MARKED.
4. NO SINGLE FAMILY PRIMARY RESIDENCE ON AN ADJACENT PROPERTY IS WITHIN 250'-0" OF THE MONOPOLE TOWER.
5. ANY EXISTING SEPTIC FIELD, TANK, OR WELL IS NOT WITHIN 50'-0" OF THE LEASE AREA.
6. ALL CONSTRUCTION SHALL CONFORM TO THE 1997 UNIFORM BLDG. CODE, NEC CODE, AND PER SEDGWICK COUNTY REQUIREMENTS

3 CONSTRUCTION NOTES

LEGEND

EXISTING		NEW
—SAS—	SANITARY SEWER	—SAS—
—STS—	STORM SEWER	—STS—
—W—	WATER MAIN	—W—
SAN MH INV	SANITARY MANHOLE ELEVATIONS	SAN MH INV
STM MH INV	STORM STRUCTURE ELEVATIONS	STM MH INV
— — — —	PROPERTY LINE & R.O.W.	— — — —
	SURFACE DRAINAGE	
	LIGHT STANDARD	
	STREET LIGHT	
672.75	SPOT ELEVATION	672.75
672	CONTOUR	672
—G—G—	GAS MAIN	—G—G—
	MANHOLE	
	CATCH BASIN	
	FIRE HYDRANT	
— — — —	EASEMENT LINE	— — — —
	FENCE	
---UE/UT---	BURIED UTILITY LINE	---UE/UT---
	UTILITY POLE	
—OE/OT—	OVERHEAD UTILITY LINE	—OE/OT—
	BUILDING	

4 SITE NOTES

AT&T Wireless Services

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

SITE WI-040-03
NOVICK PROPERTY

6/10 MILE EAST OF WEBB ON PAWNEE
WICHITA
SEDGWICK COUNTY
KANSAS 67230

PAL TELECOM GROUP
PROJECT MANAGEMENT
ARCHITECTURE
ENGINEERING
CONSTRUCTION
PAL TELECOM GROUP, INC.
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PROJECT MANAGER: RCC

PREPARED BY: RLB

APPROVED BY: AJA

	10-18-99	ISSUED FOR ZONING REVIEW

BRETT GITSKIN LICENSED 14535 KANSAS PROFESSIONAL ENGINEER

SHEET NAME
SITE PLAN

SHEET NUMBER
C-1

PAL PROJECT NUMBER
99659

AGENDA ITEM NO. 23

STAFF REPORT

MAPC, 12/16/99

CASE NUMBER: CU-547

APPLICANT/AGENT: Bernard and Betty Novick (owner/applicant); Divine Towers International and Ferris Consulting (agents)

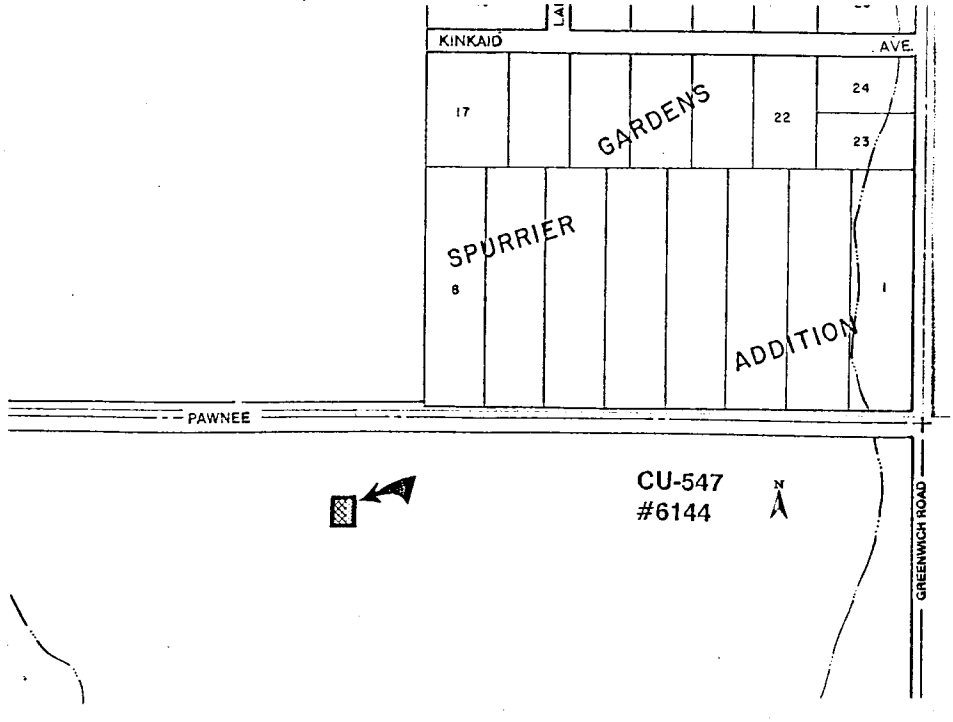
REQUEST: Conditional Use to permit a commercial communication tower

CURRENT ZONING: SF-20, Single-family Residential

SITE SIZE: 5,625 square feet

LOCATION: Approximately ¼ mile west of Greenwich and 215 feet south of Pawnee

PROPOSED USE: Commercial communications tower



BACKGROUND: The applicant is seeking a Conditional Use to permit the construction of a 150-foot commercial communications monopole for use by AT&T Wireless Services. The monopole will be sited on a 5,625 square foot area located approximately ¼ mile west of Greenwich and 215 feet south of Pawnee. Access to the site is to be from Pawnee. The applicant's site plan (attached) depicts a 75-foot by 75-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 applicant's justification for the request (attached) indicates this site is necessary for AT&T Wireless Services to provide continuous coverage for areas east and northeast of McConnell Airforce Base. Since this is a developing area, there are not any buildings of sufficient height which might provide alternative support structures on which to locate antennas. 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.

The closest existing towers are 0.9 miles to the southwest and 1.1 miles to the southeast. AT&T Wireless Services indicated that they are willing to rebuild the tower located 0.9 miles to the southwest but that the owner (Southwestern Bell) would not allow for reconstruction of the tower. Planning staff subsequently contacted Southwestern Bell, and they indicated a willingness to reconsider allowing AT&T Wireless Services to reconstruct the tower and co-locate at their site.

The nearest developed properties are numerous single family residences located approximately 300 feet to the north on property zoned "SF-20" and platted as the Spurrier Gardens Addition. Approximately 800 feet west of the site is a single family residence on an agricultural lot on property zoned "SF-20". Property to the east and south of the site is zoned "SF-20" and is primarily undeveloped and used for agriculture with a few single family residences on large lots to the south and numerous single family residences across Greenwich over ¼ mile to the east.

There currently is a commercial communication tower study ongoing by the city and county. That study is focusing on possible alternatives to the construction of new tower structures. When complete, the study will likely recommend consideration of alternatives to constructing a 150 foot tower in a developing residential area as the applicant has proposed. These alternatives likely will include constructing greater numbers of shorter structures to provide wireless phone service in residential areas. This application was reviewed by a professional radio frequency engineer consulting with planning staff, and the engineer recommended that AT&T Wireless Services demonstrate why they cannot co-locate their antennas on either of the existing towers located 0.9 miles to the southwest or 1.1 miles to the southeast rather than construct a new monopole (report attached). While not noted in the engineer's report, the tower

owned by Southwestern Bell is located at the center of the applicant's search ring. Also not noted in the engineer's report, are two radio frequency plots submitted by the applicant, one for a 100 foot monopole and the other for a 150 foot monopole. Based on these two plots, a 120 foot monopole would seem to provide adequate coverage.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Single family residences
SOUTH:	"SF-20"	Agriculture and large-lot residential
EAST:	"SF-20"	Agriculture and single family residences
WEST:	"SF-20"	Agriculture and large-lot residential

PUBLIC SERVICES: No municipally supplied public services are required. The site has access to Pawnee, a two-lane arterial that carried, in 1996, approximately 2,155 vehicles per day.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Suburban" (1 acre minimum lot size) development; however, the update for the Plan, now in progress, shows this area as appropriate for urbanization in the next 10 years. 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: Given the location of the monopole within approximately 300 feet of existing residential properties and the 150 foot height of monopole, the monopole will have a negative visual impact on neighboring properties and hinder the development of surrounding property for residential purposes. In addition, options for co-location rather than new tower construction are apparently available, and according to planning staff's radio frequency engineering consultant, the applicant has not successfully demonstrated that these co-location options have been fully explored, as required by Section III.D.6.g. of the Unified Zoning Code. Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED. However, if in the opinion of the Planning Commission the application should be approved, planning staff recommends that the approval be subject to the following conditions which are intended to preserve the option to either raise or lower the height of the monopole in the future, and to minimize the visual impact.

A. The Conditional Use shall be in effect for 5 years from the date of final approval. The applicant shall submit an application for extension of the Conditional Use if the use needs to be extended beyond the 5 year period.
B. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
C. The support structure shall be a "monopole" design, and the monopole shall be located as indicated on the site plan
D. The monopole placed on the site shall be designed and constructed, and certified by a registered engineer, such that if it collapses, it will fall within the area on which the tower is located.
E. The color of the monopole shall be silver or gray or a similar unobtrusive color.
F. There shall be no lighting of or on the monopole.
G. The monopole shall not exceed *120* feet in height to lessen its negative visual impact.
H. The antenna shall be placed as close as possible to the monopole, utilizing the "dual polarization" or similar method.
I. The monopole and its foundation shall be designed and constructed in such a manner that permits future height extensions of up to 30 feet.
J. 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 monopole.

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 zoned SF-20. The character of the land is primarily suburban, with single family residences located as close as 300 feet to the north of the site and hundreds of existing residences within sight distance of the proposed structure. Urban development of single family residences is rapidly approaching from the north and west. Commercial communications towers of 150 feet in height do not fit within the character of a residential neighborhood, and substantial residential development is likely to occur around this site within the next 10 years, as indicated by the update for the Comprhensive Plan, now in progress.

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 if a commercial communications tower is not constructed, and constructing the tower likely will hinder the development of single family residences in and around the site due to the negative visual impact of the tower.

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 300 feet north of the site, with hundreds of existing

residences within sight distance of the proposed structure. A 150 foot monopole constructed this close to existing residences could negatively impact property values due to the negative visual impact of the tower. In addition, much of the land around the site is undeveloped but in the path of rapid urban development. The negative visual impact of the monopole could detrimentally affect the suitability of surrounding property for future development.

4. Conformance of the requested change to the adopted or recognized 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. In this case, options are apparently available to provide cellular phone service to this area at a reasonable cost by co-locating at one of two existing tower sites. The applicant has not successfully demonstrated that these co-location options have been fully explored as required by Section III.D.6.g. of the Unified Zoning Code.

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