CONDITIONAL USE RESOLUTION NO. CU-544

WHEREAS, Judy and Sam Everly (owner/applicant); Divine Towers International and Ferris Consulting (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 erect a 90' PCS Wireless Telephone Tower capable of accommodating up to three providers with multiple panel antennas, that will meet FAA/FCC requirements on 900 square feet zoned "SF-20" Single-Family Residential described as:

> THAT PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 27 SOUTH, RANGE 2 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE N 88 DEGREES 06'33" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1769.30 FEET; THENCE SOUTH 01 DEGREES 53'27""EAST A DISTANCE OF 2440.30 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 36 DEGREES 14'20""EAST A DISTANCE OF 30.00 FEET; THENCE SOUTH 53 DEGREES 45'40"WEST A DISTANCE OF 30 FEET; THENCE NORTH 36 DEGREES 14'20"WEST A DISTANCE OF 30 FEET; THENCE NORTH 53 DEGREES 45'40""EAST A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING. Generally located approximately ½ mile south of 21st Street North and 1/3 mile east of 135th Street West.

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 90' 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 Residential described as:

> THAT PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 27 SOUTH, RANGE 2 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE N 88 DEGREES 06'33" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1769.30 FEET; THENCE SOUTH 01 DEGREES 53'27""EAST A DISTANCE OF 2440.30 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 36 DEGREES 14'20""EAST A DISTANCE OF 30.00 FEET; THENCE SOUTH 53 DEGREES 45'40"WEST A DISTANCE OF 30 FEET; THENCE NORTH 36 DEGREES 14'20"WEST A DISTANCE OF 30 FEET; THENCE NORTH 53 DEGREES 45'40""EAST A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING. Generally located approximately ½ mile south of 21st Street North and 1/3 mile east of 135th Street West.

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. Removal of existing trees in and around the site shall be limited to the access easement and a 35-foot by 35-foot area around the monopole. All removed trees shall be replaced with a like number of new trees.

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

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

F. The monopole shall not exceed 90 feet in height.

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.

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.

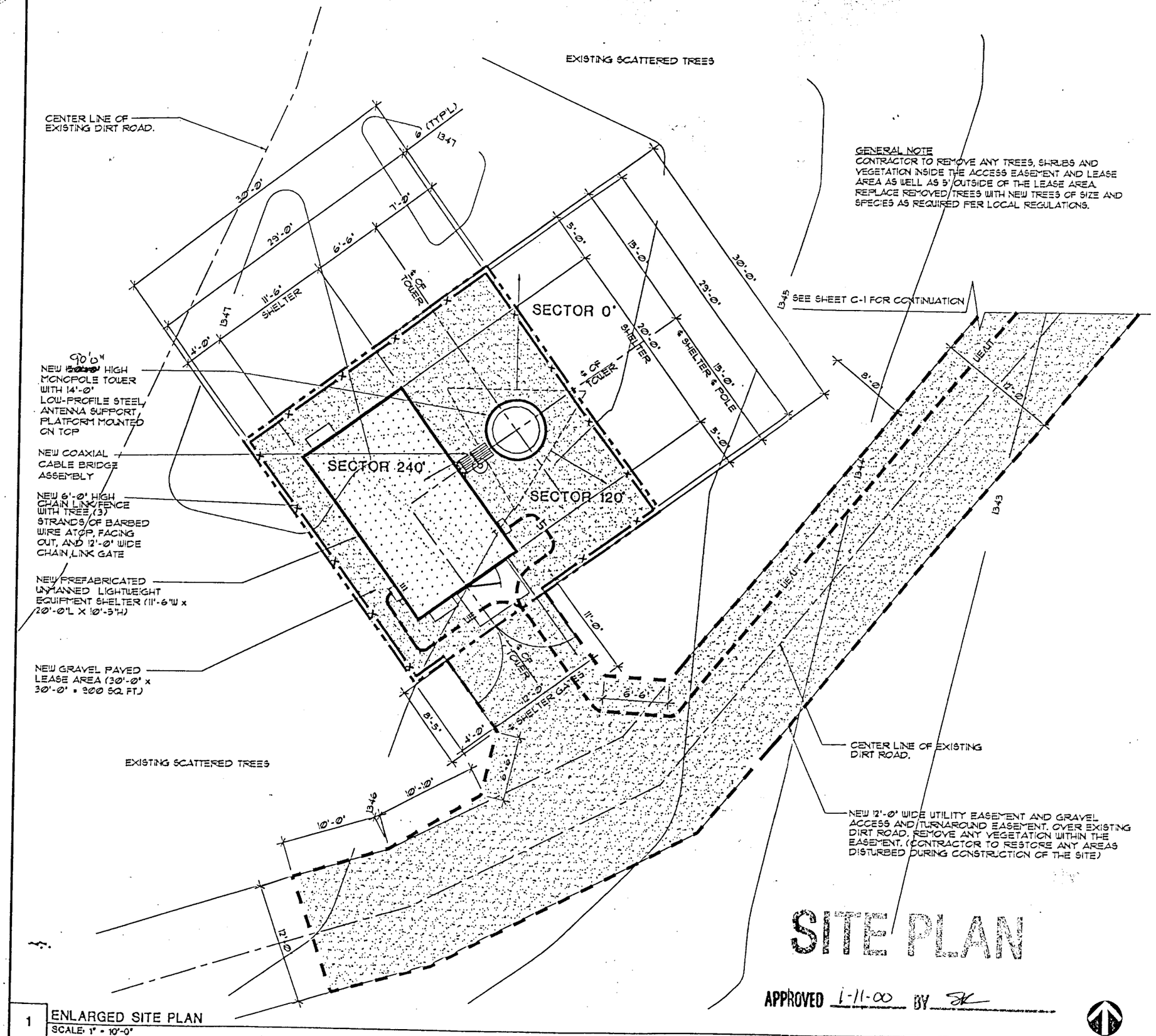
METROPOLITAN AREA PLANNING COMMISSION

Frank Garofalo, Chair

ATTEST:

Marvin S. Krout, Secretary

CU-549



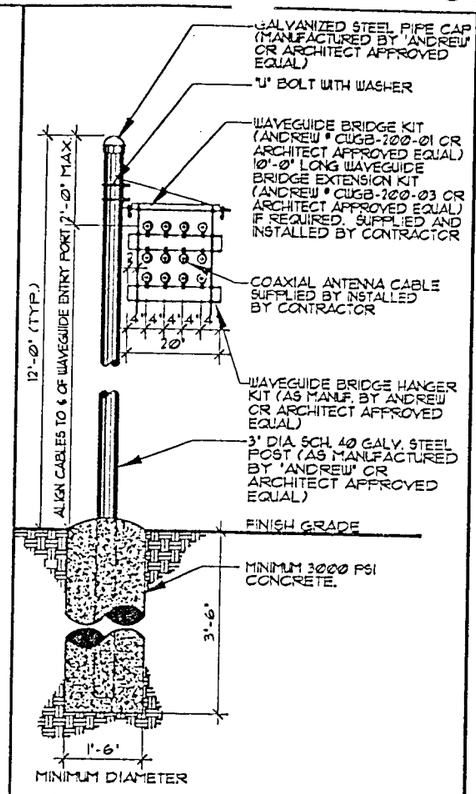
GENERAL NOTE
CONTRACTOR TO REMOVE ANY TREES, SHRUBS AND VEGETATION INSIDE THE ACCESS EASEMENT AND LEASE AREA AS WELL AS 5' OUTSIDE OF THE LEASE AREA. REPLACE REMOVED TREES WITH NEW TREES OF SIZE AND SPECIES AS REQUIRED PER LOCAL REGULATIONS.

SITE PLAN

APPROVED 1-11-00 BY SK

1 ENLARGED SITE PLAN
SCALE: 1" = 10'-0"

NORTH



2 COAX. CABLE BRIDGE ASSEMBLY
NOT TO SCALE

LEGEND

EXISTING		NEW
—SAS—	SANITARY SEWER	—SAS—
—STS—	STORM SEWER	—STS—
—W—	WATER MAIN	—W—
RIM INV	SANITARY MANHOLE ELEVATIONS	RIM INV
RIM INV	STORM STRUCTURE ELEVATIONS	RIM INV
	PROPERTY LINE & R.O.W.	
	SURFACE DRAINAGE	
O	LIGHT STANDARD	●
O—o	STREET LIGHT	●—
672.75 +	SPOT ELEVATION	672.32
672	CONTOUR	672
—G—G—	GAS MAIN	—G—G—
◎	MANHOLE	⊙
○	CATCH BASIN	●
℧	FIRE HYDRANT	●
	EASEMENT LINE	
	FENCE	
---UE/UT---	BURIED UTILITY LINE	---UE/UT---
ø	UTILITY POLE	●
—OE/OT—	OVERHEAD UTILITY LINE	—OE/OT—
	BUILDING	

3 SITE NOTES

AT&T Wireless Services

DYNE TOWER INTERNATIONAL CORPORATION
2310 REFUGEE ROAD
COLUMBUS, OHIO 43207
(614) 883-0566
Fax: (614) 883-0791

SITE WI-019-01
EBERLY FARM

13111 W. 21st. STREET
WICHITA
SEDGWICK COUNTY
KANSAS 67235

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PROJECT MANAGER: RC
PREPARED BY: JA
APPROVED BY: NTP

	9-24-99	ISSUED FOR PERMIT
	9-20-99	ISSUED FOR ZONING REVIEW

BRETT GITSKIN LICENSED 14535 KANSAS PROFESSIONAL ENGINEER

SHEET NAME
ENLARGED SITE PLAN

SHEET NUMBER
C-2

PAL PROJECT NUMBER
99580

AGENDA ITEM NO. 25

STAFF REPORT

MAPC, 12/16/99

CASE NUMBER: CU-544

APPLICANT/AGENT: Judy and Sam Eberly (owner/applicant); Divine Towers International and Ferris Consulting (agents)

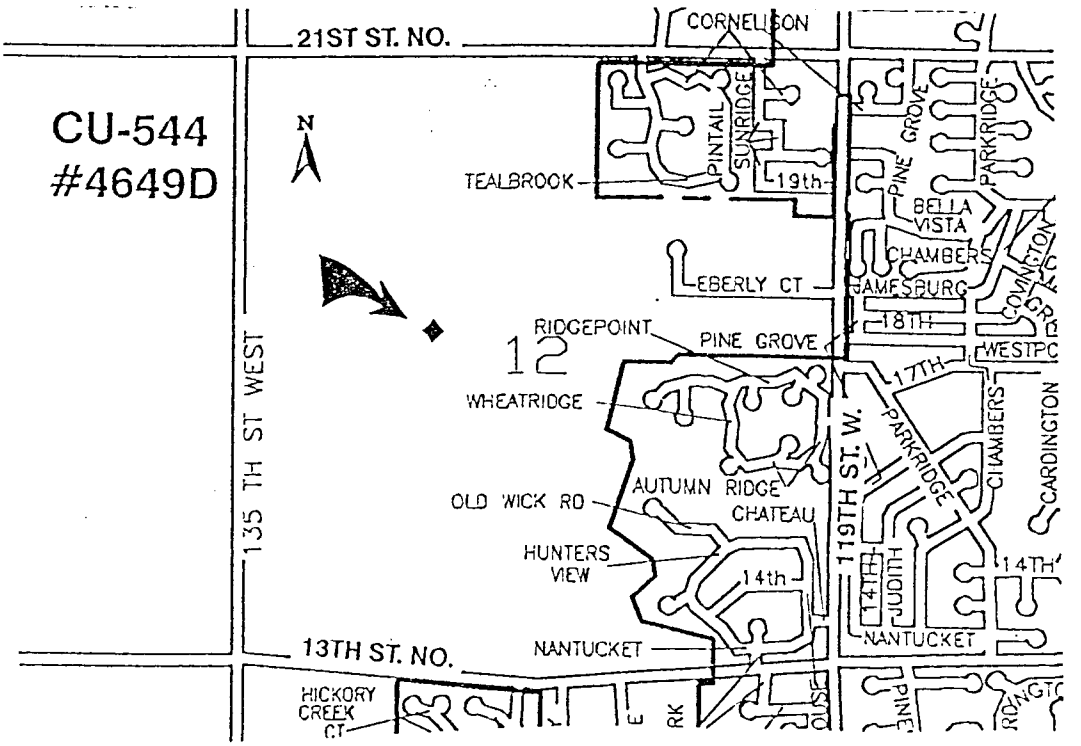
REQUEST: Conditional Use to permit a commercial communication tower

CURRENT ZONING: SF-20, Single-family Residential

SITE SIZE: 900 square feet

LOCATION: Approximately ½ mile south of 21st Street North and 1/3 mile east of 135th Street West

PROPOSED USE: Commercial communications tower



BACKGROUND: The applicant is seeking a Conditional Use to permit the construction of a 90-foot commercial communications monopole for use by AT&T Wireless Services. The monopole will be sited on a 900 square foot area located approximately ½ mile south of 21st Street North and 1/3 mile east of 135th Street West. The site is west of the Cowskin Creek flood plain. Access to the site is to be from 21st Street North. The applicant's site plan (attached) depicts a 30-foot by 30-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 other carriers.

The applicant's justification for the request (attached) indicates this site is necessary for AT&T Wireless Services to provide continuous coverage west of the city. The closest existing towers are 2.2 miles and 2.5 miles away, and AT&T Wireless Services is also 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 90-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.

slides →

The site is entirely surrounded by undeveloped property. The nearest developed properties are large-lot residential properties located approximately ¼ mile to the west. Eberly Farm, a recreational facility owned by the applicant, is located approximately ¼ mile to the north. Residentially developed properties to the east and south are over ¼ mile away and are buffered by dense tree cover along the banks of the Cowskin Creek. All properties in the vicinity of the site are zoned "SF-20" Single Family Residential.

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. 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. This application was reviewed by a professional radio frequency engineer consulting with planning staff, and the engineer recommended approval of the application based radio frequency engineering considerations (report attached).

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Agriculture and recreational facility
SOUTH:	"SF-20"	Agriculture and large-lot residential properties
EAST:	"SF-20"	Agriculture and large-lot residential properties
WEST:	"SF-20"	Agriculture and large-lot residential properties

PUBLIC SERVICES: No municipally supplied public services are required. The site has access to 21st Street North, a two-lane arterial that carried, in 1996, approximately 4,000 vehicles per day.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as "Low Density Residential." 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: Because of the location of this monopole, distant from any major streets or other development, and in the trees, it should have little visual impact. However, this area is in the path of growth and will be more visible in the future. Therefore, planning staff recommends: (1) the use of a less visible antenna array, which our radio frequency engineer indicates in most cases should be workable, and (2) a time period for this approval, so that in the future, if and when there is a need for more facilities to meet "capacity" needs in this area, there can be consideration to reducing the height of this structure. Also, to keep all options open, planning staff is recommending that the monopole be designed and built to easily extend another 30 feet in height for some prospective user(s). Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

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. Removal of existing trees in and around the site shall be limited to the access easement and a 35-foot by 35-foot area around the monopole. All removed trees shall be replaced with a like number of new trees.
F. The color of the monopole shall be silver or gray or a similar unobtrusive color.
G. There shall be no lighting of or on the monopole.
H. The monopole shall not exceed 90 feet in height.

I. The antenna shall be placed as close as possible to the monopole, utilizing the "dual polarization" or similar method.

J. 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: In the staff report

1. The zoning, uses and character of the neighborhood: All of the land adjacent to the site is currently undeveloped and zoned SF-20. The character of the land is primarily rural, but with urban development approaching from the south and east.

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.

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 ¼ mile west and north of the site. 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 changes nearby property will experience when this site begins development. The only impact to be noted at the time this report was prepared is the visual impact of a 90-foot monopole.

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.

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