CONDITIONAL USE RESOLUTION NO. CON-2001-00066

WHEREAS, Bob and Anna Haley (Owners); Verizon Wireless LLC c/o Nancy Fulks (Applicant); Communication Equipment Specialists, Inc., c/o Teresa Edwards, 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 allow for a communication facility a 150-foot high monopole tower on 5,625 square feet zoned "RR" Rural Residential described as:

> A tract in the Southeast Quarter of Section 17, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as commencing at the Southeast corner of said Southeast Quarter; thence along the East line of said Southeast Quarter east a bearing of North 00 degrees 02'51" West, 1046.50 feet; thence South 89 degrees 57'09" West, 377.00 feet for a point of beginning; thence continuing South 89 degrees 57'09" West, 75 feet; thence North 00 degrees 02'51" West, 75 feet; thence North 89 degrees 57'09" East, 75 feet; thence South 00 degrees 02'51" East, 75 feet to the Point of Beginning. Generally located north of 101st Street North and west of Broadway.

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 January 24, 2002, 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 allow for a wireless communication facility a 150-foot high monopole tower on 5,625 square feet zoned "RR" Rural Residential described as:

> A tract in the Southeast Quarter of Section 17, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as commencing at the Southeast corner of said Southeast Quarter; thence along the East line of said Southeast Quarter east a bearing of North 00 degrees 02'51" West, 1046.50 feet; thence South 89 degrees 57'09" West, 377.00 feet for a point of beginning; thence continuing South 89 degrees 57'09" West, 75 feet; thence North 00 degrees 02'51" West, 75 feet; thence North 89 degrees 57'09" East, 75 feet; thence South 00 degrees 02'51" East, 75 feet to the Point of Beginning. Generally located north of 101st Street North and west of Broadway.

subject to the following conditions:

A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
C. 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.
D. The support structure shall be 150 feet in height and shall be designed and constructed to accommodate communication equipment for at least three wireless service providers.
E. The support structure and its foundation shall be designed and constructed in such a manner that permits future height extensions to 190 feet and future loading expansions to accommodate communication equipment for at least four wireless service providers.
F. A red, non-strobe aircraft warning light shall be mounted at the top of the support structure and shall be in operation at all times.
G. The applicant shall obtain FAA approval regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures" for the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the MAPD, Office of Central Inspection, and Director of Airports prior to the issuance of a building permit.
H. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
I. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
J. Any violation of the conditions of approval shall render the Conditional Use null and void.

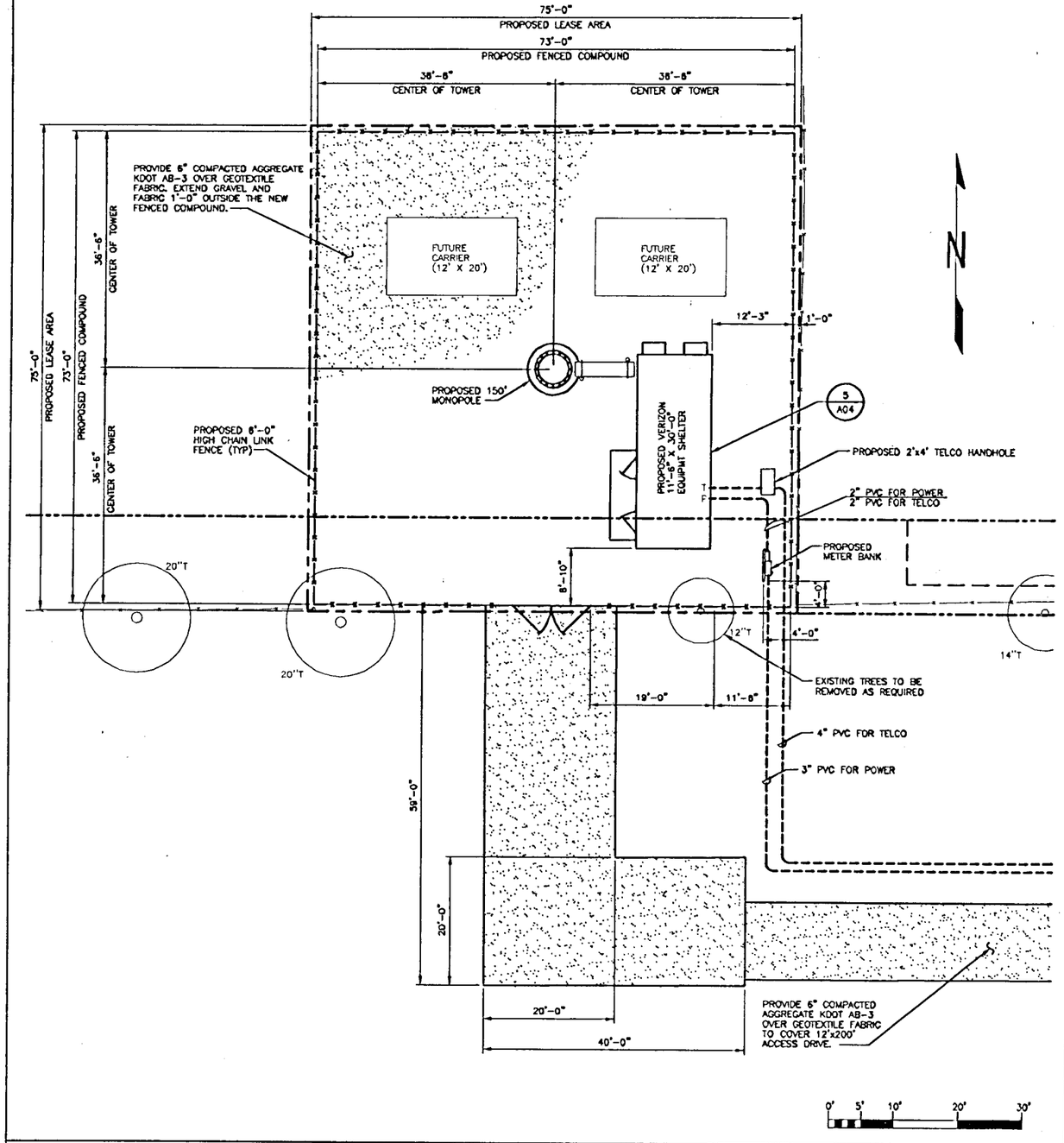
Adopted this 24th day of January, 2002. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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

J.D. (Jerry) Michaelis, Acting Chair MAPC

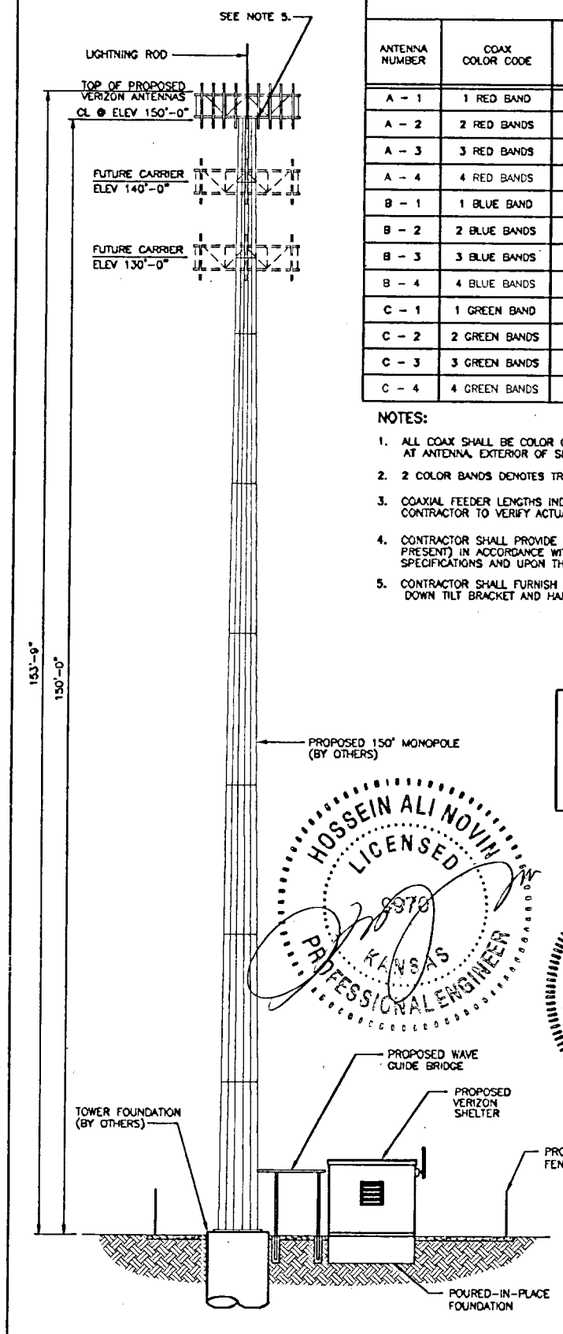
ATTEST:

Marvin S. Krout, Secretary



ENLARGED PLAN

2



TOWER ELEVATION

1

ANTENNA KEY

ANTENNA NUMBER	COAX COLOR CODE	BEAM WIDTH	ANTENNA TYPE	ANTENNA VENDOR	AZIMUTH	ELECTRICAL DOWNTILT	MECHANICAL DOWNTILT	HEIGHT TO THE CENTER OF ANTENNA FROM GROUND LEVEL	COAXIAL FEEDER	
									SIZE	LENGTH
A - 1	1 RED BAND	120°	7146.48.33.00	ALLGON	0°	0°	6°	150'-0"	1 5/8"	180'-0"
A - 2	2 RED BANDS	120°	7146.48.33.00	ALLGON	0°	0°	6°	150'-0"	1 5/8"	180'-0"
A - 3	3 RED BANDS	120°	7146.48.33.00	ALLGON	0°	0°	6°	150'-0"	1 5/8"	180'-0"
A - 4	4 RED BANDS	120°	7146.48.33.00	ALLGON	0°	0°	6°	150'-0"	1 5/8"	180'-0"
B - 1	1 BLUE BAND	120°	7146.48.33.00	ALLGON	120°	0°	6°	150'-0"	1 5/8"	180'-0"
B - 2	2 BLUE BANDS	120°	7146.48.33.00	ALLGON	120°	0°	3°	150'-0"	1 5/8"	180'-0"
B - 3	3 BLUE BANDS	120°	7146.48.33.00	ALLGON	120°	0°	3°	150'-0"	1 5/8"	180'-0"
B - 4	4 BLUE BANDS	120°	7146.48.33.00	ALLGON	120°	0°	3°	150'-0"	1 5/8"	180'-0"
C - 1	1 GREEN BAND	120°	7146.48.33.00	ALLGON	240°	0°	3°	150'-0"	1 5/8"	180'-0"
C - 2	2 GREEN BANDS	120°	7146.48.33.00	ALLGON	240°	0°	3°	150'-0"	1 5/8"	180'-0"
C - 3	3 GREEN BANDS	120°	7146.48.33.00	ALLGON	240°	0°	3°	150'-0"	1 5/8"	180'-0"
C - 4	4 GREEN BANDS	120°	7146.48.33.00	ALLGON	240°	0°	3°	150'-0"	1 5/8"	180'-0"

NOTES:

1. ALL COAX SHALL BE COLOR CODED AT THREE (3) PLACES EACH; AT ANTENNA, EXTERIOR OF SHELTER, AND THE INTERIOR OF SHELTER.
2. 2 COLOR BANDS DENOTES TRANSMIT.
3. COAXIAL FEEDER LENGTHS INDICATED ABOVE ARE APPROXIMATE. CONTRACTOR TO VERIFY ACTUAL LENGTH BEFORE ORDERING.
4. CONTRACTOR SHALL PROVIDE AN EXIT PORT (IF ONE IS NOT PRESENT) IN ACCORDANCE WITH THE TOWER MANUFACTURER'S SPECIFICATIONS AND UPON THE TOWER OWNER'S APPROVAL.
5. CONTRACTOR SHALL FURNISH AND INSTALL PLATFORM. PROVIDE DOWN TILT BRACKET AND HARDWARE FOR ALL ANTENNAS.

EQUIPMENT

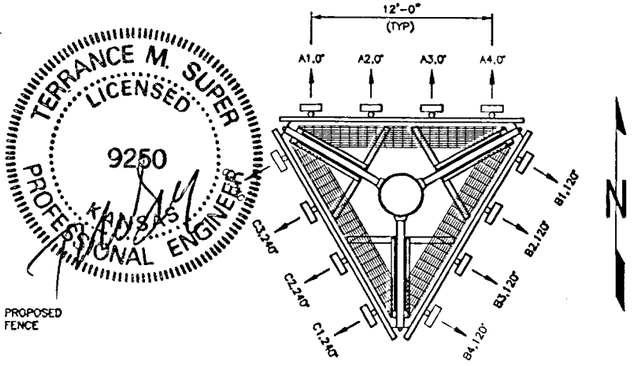
EQUIPMENT FURNISHED AND/OR INSTALLED BY:

DESCRIPTION	FURNISHED	INSTALLED
EQUIPMENT SHELTER	VERIZON	CONTRACTOR
ANTENNA	VERIZON	CONTRACTOR
COAX	VERIZON	CONTRACTOR

LOCATION OF ANTENNAS AS SHOWN HAVE BEEN APPROVED BY CLIENT AND/OR CLIENT'S RADIO FREQUENCY ENGINEERS. SSC ASSUMES NO RESPONSIBILITY FOR, NOR HAS SSC PERFORMED ANY INVESTIGATIONS OR STUDIES CONCERNING, THE COMPLIANCE OR NON-COMPLIANCE OF SAID ANTENNA LOCATIONS WITH ANY FCC RADIO FREQUENCY EXPOSURE REGULATIONS.

HOSSEIN ALI NOVIN LICENSED 9370 KANSAS PROFESSIONAL ENGINEER

TERRANCE M. SUPER LICENSED 9250 KANSAS PROFESSIONAL ENGINEER



NOTE:
ALL CONNECTIONS FOR HANGERS, SUPPORTS, BRACING, ETC. SHALL BE PER TOWER MANUFACTURER'S STANDARD DETAILS.

ANTENNA LAYOUT

NOT TO SCALE

REV	DATE	REVISION DESCRIPTION	DSGN	CHK
A	11/27/01	ISSUED FOR REVIEW	RCC	LDP

NOTICE: THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE SOLE PROPERTY OF SSC, INC AND IS LENT TO THE BORROWER FOR THEIR CONFIDENTIAL USE ONLY, AND IN CONSIDERATION OF THE LOAN OF THIS DRAWING, THE BORROWER PROMISES AND AGREES THAT IT WILL NOT BE REPRODUCED, COPIED, LENT OR OTHERWISE DISPOSED OF DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE OTHER THAN FOR WHICH IT IS FURNISHED.

verizon wireless
10740 NALL AVE., SUITE 400
OVERLAND PARK, KS 66211
PHONE: (913) 344-2800

SELECTIVE SITE CONSULTANTS, INC.
A Site Acquisition, Engineering and Construction Quality Assurance Company
8500 W. 110th Street, Suite 300
Overland Park, Kansas 66210
Phone: 913-438-7700
Fax: 913-438-7777

PLANS PREPARED UNDER THE SUPERVISION OF:

DESIGNED BY	RCC
CHECKED BY	DT/RWQ
SUPERVISOR	HAN
APPVL DATE	
LEAD DSGN/SPECIALIST	HAN/TWS
INITIALS	
PROJECT MGR	
APPVL DATE	
CLIENT	
APPVL DATE	

VALLEY CENTER
VERIZON SITE 197-2
ENLARGED SITE PLAN & TOWER ELEVATION

10343 N. BROADWAY
VALLEY CENTER, KANSAS 67147

SCALE	DRAWING NUMBER	REV
AS SHOWN	197-2 - A02	A

CADD FILE NO.: 197-2A02A .DWG

VerizonBorder.DWG

WICHITA–SEDGWICK COUNTY
W-SC

AGENDA ITEM NO. ____

STAFF REPORT

Valley Center, January 22, 2002
MAPC, January 24, 2002

CASE NUMBER: CON2001-00066

APPLICANT/AGENT: Bob and Anna Haley (Owners); Verizon Wireless LLC c/o Nancy Fulks (Applicant); Communication Equipment Specialists, Inc. c/o Teresa Edwards (Agent)

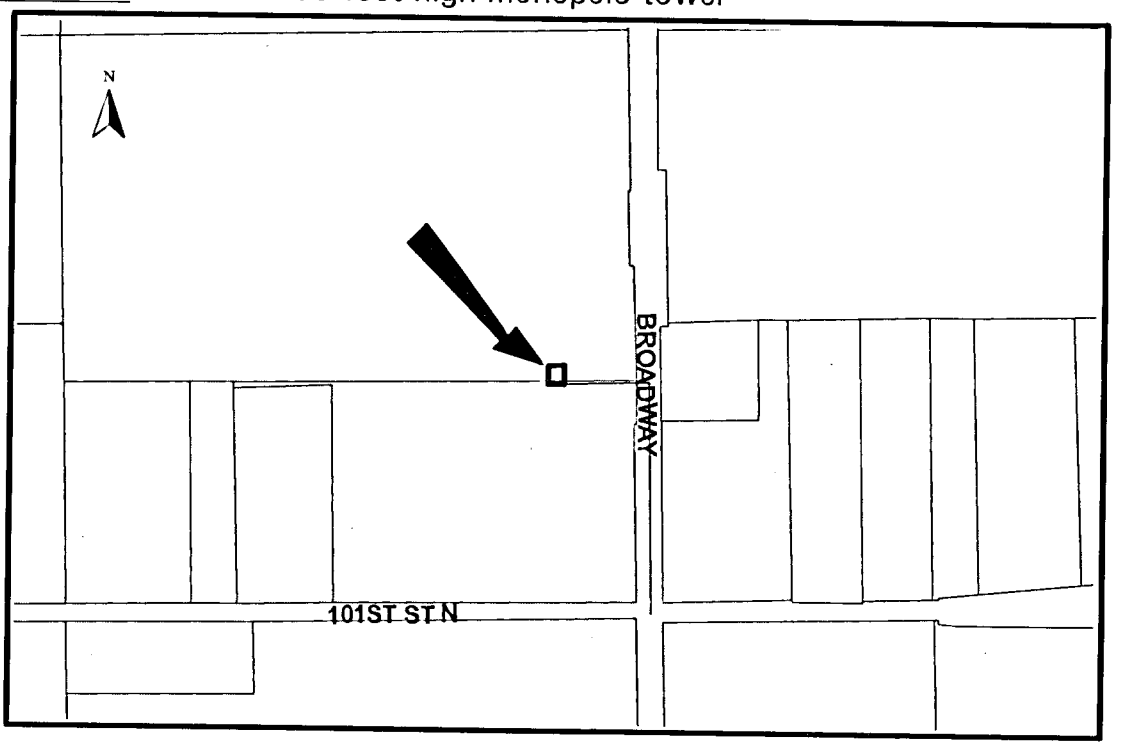
REQUEST: Conditional Use for a wireless communication facility

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 5,625 square feet

LOCATION: North of 101st Street North and west of Broadway

PROPOSED USE: 150-foot high monopole tower



BACKGROUND: The applicant is seeking a Conditional Use to permit the construction of a 150-foot high monopole tower (see attached "Tower Elevation") for use by Verizon Wireless LLC. The proposed site is zoned "RR" Rural Residential. Wireless Communication Facilities over 65 feet in height in the "RR" Rural Residential zoning district may be permitted with a Conditional Use.

The proposed tower would be sited on a 5,625 square foot area located 1,000 feet north of 101st Street North and 310 feet west of Broadway. Access to the site is proposed via an existing gravel drive. The applicant's site plan (see attached "Overall Site Plan") depicts a 73-foot by 73-foot fenced compound with the tower shown in the center of the compound and the initial ground-level equipment shown in the eastern portion of the compound. The compound is shown as being enclosed by a six-foot high chain link fence. Screening of the equipment compound is not required by the Unified Zoning Code since the equipment compound is located more than 150 feet from the property lines.

The applicant indicates (see attached memo and propogation plots) that the proposed wireless communication is needed for Verizon Wireless to provide improved wireless telephone coverage in Valley Center and along I-135. The applicant indicates they attempted to locate their antennas on a water tower located approximately one mile to the east; however, Rural Water District #2 would not grant permission to locate the antennas on the water tower.

The character of the surrounding area is rural, with most of the property in the vicinity used for agriculture. The owner's house and farm buildings are located to the east on the parent tract of the subject property. With the exception of a mobile home park located approximately 1/3 of a mile to the west that is zoned "GC" General Commercial, all property surrounding the site is zoned "RR" Rural Residential. The nearest residence not owned by the applicant is located approximately 500 feet southeast of the site across Broadway. The owner of this residence has indicated in writing (see attached letter) that he has no objections to the proposed location of the tower.

CASE HISTORY: The Valley Center Planning Commission approved a request for a 150-foot high monopole tower located further south and east on the parent tract on June 18, 2001. The MAPC approved the same request on June 21, 2001. The owner of the residence across Broadway filed a protest petition, and the applicant subsequently withdrew the application. The applicant worked with the owner of the residence across Broadway to select a more suitable location for the tower and has filed an new application for a location further north and west on the parent tract.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Agriculture
SOUTH:	"RR"	Agriculture

EAST:	"RR"	Farm-related residence
WEST:	"RR"	Agriculture

PUBLIC SERVICES: No municipally supplied public services are required. The site has access to Broadway, a four-lane County arterial street.

CONFORMANCE TO PLANS/POLICIES: The Wireless Communication Master Plan is an element of the Comprehensive Plan that outlines the guidelines for locating wireless communication facilities. The Location Guidelines of the Wireless Communication Master Plan indicate that new facilities should be located: 1) on multi-story buildings or other structures; 2) on existing poles in street rights-of-way, parking lots, or athletic fields; 3) on existing towers for personal wireless services, AM/FM radio, television, school district microwave antennas, and private dispatch systems; 4) in wooded areas; 5) on identified city and county properties; or 6) on highway light standards, sign structures, and electrical support structures. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: 1) preserve the pre-existing character of the area; 2) minimize the height, mass, or proportion; 3) minimize the silhouette; 4) use colors, textures, and materials that blend in with the existing environment; 5) be concealed or disguised as a flagpole, clock tower, or church steeple; 6) be placed in areas where trees and/or buildings obscure some or all of the facility; 7) be placed on walls or roofs of buildings; 8) be screened through landscaping, walls, and/or fencing; and 9) not use strobe lighting. The Unified Zoning Code requires wireless communication facilities to comply with a compatibility height standard of one foot of setback for each foot of structure height from adjoining properties zoned "TF-3" or more restrictive. This compatibility height standard can be reduced or waived through a Conditional Use or a Zoning Adjustment.

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 applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
C. 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.
D. The support structure shall be 150 feet in height and shall be designed and constructed to accommodate communication equipment for at least three wireless service providers.
E. The support structure and its foundation shall be designed and constructed in such a manner that permits future height extensions to 190 feet and future loading

expansions to accommodate communication equipment for at least four wireless service providers.

F. The applicant shall obtain FAA approval regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures" for the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the MAPD, Office of Central Inspection, and Director of Airports prior to the issuance of a building permit.

G. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.

H. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

I. Any violation of the conditions of approval shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is rural, with most of the property in the vicinity used for agriculture. With the exception of a mobile home park located approximately 1/3 of a mile to the west that is zoned "GC" General Commercial, all property surrounding the site is zoned "RR" Rural Residential. The proposed wireless communication facility is consistent with the agriculture character and uses of the area.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential and is used for agriculture. Wireless communication facilities in excess of 65 feet in height in the "RR" Rural Residential zoning district may be permitted as a Conditional Use, which should be subject to conditions of approval that maintain conformance with the Location/Design Guidelines of the Wireless Communication Master Plan.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site is currently developed with a farm-related residence and associated farm buildings. The closest developed property not owned by the applicant is a single-family residence located approximately 500 feet to the southeast across Broadway. The only impact to be noted at the time this report was prepared is the visual impact of a tower, and the visual impact should be reduced by locating the tower behind the applicant's residence, which will partially screen the tower from view from the neigbhoring property to the southeast.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed wireless communication facility conforms to the Location Guidelines of the Wireless Communication Master Plan since there are no other

towers or tall structures in the vicinity of the site which are available to accommodate the communication needs of the applicant. The proposed wireless communication facility conforms to the Design Guidelines of the Wireless Communication Master Plan by minimizing the height, mass, proportion, and silhouette of the facility through its monopole design; by utilizing an unobtrusive color with a matte finish to minimize glare; and by being partially screen the tower from view by existing buildings. The proposed wireless communication facility complies with the compatibility height standard of the Uniform Zoning Code since it is located more than 150 feet from the nearest lot line of property zoned "TF-3" or more restrictive.

5. Impact of the proposed development on community facilities: FAA approval should ensure that the proposed monopole does not detrimentally impact the operation of airports in the vicinity.