

Wichita-Sedgwick County Metropolitan Area Planning Department

December 7, 2001

Gary Gehrer
2020 E. Douglas
Wichita, KS 67214-4308

Re: CON2001-00065 – Administrative Permit for a wireless communication facility on property zoned “LI” Limited Industrial.

Legal Description: The south 42.5 feet of Lots 24,26, 28, 30, 32, & 34 on Second St., Mosbacher’s Addition, Wichita, Sedgwick County, Kansas. Generally located south of 2nd Street North and west of F-135 (245 N. Kansas).

Dear Mr. Gehrer:

We have reviewed your request for an Administrative Permit for a 130-foot high monopole tower for use by Cricket Communications on property zoned “LI” Limited Industrial. Section III.D.6.g.(3)(d) of the Wichita-Sedgwick County Unified Zoning Code states that new ground-mounted wireless communication facilities up to 150 feet in height in the “LI” Limited Industrial zoning district shall be approved by Administrative Permit if they conform to the Compatibility Height Standards of Section IV-C.5 of the Unified Zoning Code and the Location/Design Guidelines of the Wireless Communication Master Plan.

The Compatibility Height Standards require the proposed 130-foot high monopole to be located no closer than 130 feet from the lot line of property zoned “TF-3” Two-Family Residential or more restrictive. The proposed 130-foot high monopole is located approximately ½ mile from the nearest property zoned “TF-3” or more restrictive. Therefore, we find that your request conforms to the Compatibility Height Standards.

In reviewing your request’s conformance to the Location/Design Guidelines of the Wireless Communication Master Plan, we find the following:

1. The applicant has demonstrated that there is no available space on existing or approved wireless communication facilities or other structures and there is no other economically or technically feasible opportunity to rebuild or modify existing structures in order to meet the applicant’s communication needs. An existing tower located approximately ½ mile northwest of the subject property does not meet the applicant’s communication needs because it does not provide sufficient capacity relief along Kellogg. Additionally, this tower is located too close to another tower in Cricket Communications system and would provide unnecessary overlaps in coverage. Another existing tower located approximately ½ southwest of the subject property does not meet the applicant’s communications needs because it does not provide sufficient capacity relief along Central. Additionally, this tower is only 120 feet high and contains limited ground space, so the tower would need to be reconstructed and additional ground space would need to be leased.
2. The proposed wireless communication facility is compatible with the character of the area, which is developed with a variety of industrial uses.

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

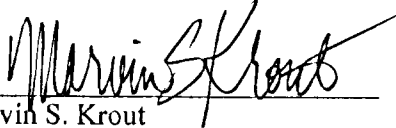
www.wichitagov.org

3. The proposed wireless communication facility is not located in manner that would cause a potential hazard to flight safety as long as the facility is approved by the FAA and complies with all conditions of FAA approval.
4. The proposed wireless communication facility minimizes the silhouette of the facility by its monopole design and uses materials and colors that minimize glare.
5. The proposed wireless communication facility is placed where trees and buildings obscure some of the facility from view.

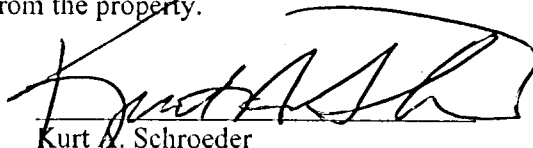
Based on these findings of conformance with the Compatibility Height Standards of the Unified Zoning Code and the Location/Design Guidelines of the Wireless Communication Master Plan, our signatures below indicate that an Administrative Permit for a wireless communication facility is hereby GRANTED for the above-referenced property, subject to the following conditions:

1. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
2. 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 the issuance of this Administrative Permit.
3. The site shall be developed in general conformance with the approved site plan and elevation drawing. All improvements shall be completed before the facility becomes operational.
4. The support structure shall be a "monopole" design and shall be silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
5. The monopole shall be 130 feet in height and shall be designed and constructed to accommodate communication equipment for at least three wireless service providers.
6. The monopole and its foundation shall be designed and constructed in such a manner that permits future height extensions to 160 feet in height and future loading expansions to accommodate communication equipment for at least four wireless service providers.
7. 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.
8. A 10-foot utility easement shall be dedicated by separate instrument along the entire southern boundary of the subject property prior to the issuance of a building permit.
9. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
10. Any violation of the conditions of approval shall render this Administrative Permit null and void.

The zoning adjustment sign should now be removed from the property.



Marvin S. Krout
Planning Director



Kurt A. Schroeder
Superintendent of Central Inspection

cc: Greg Ferris, Ferris Consulting, P.O. Box 573, Wichita, KS 67201
Ray Brandt, Horizon Telecommunications, 2310 Refugee Rd., Columbus, OH 43207
Doug Smith, Cricket Communications, 6655 S. Lewis Ave., Ste. 200, Tulsa, OK 74136
Mark Clark, Appraiser's Office
John Oswald, Wichita Airports
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
J.R. Cox, Office of Central Inspection

KANSAS MILDRED TOWER SITE

SEDGWICK COUNTY, KANSAS

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED:

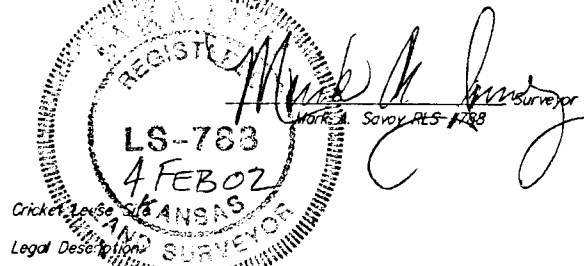
Cricket Kansas Property Company, a Delaware Corporation
Nardylke Ventures, L.L.C.

LEGAL DESCRIPTION:

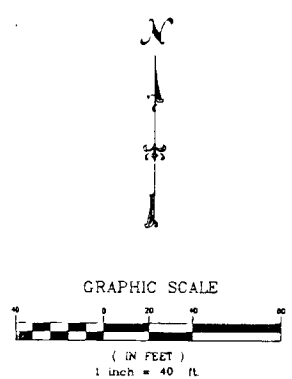
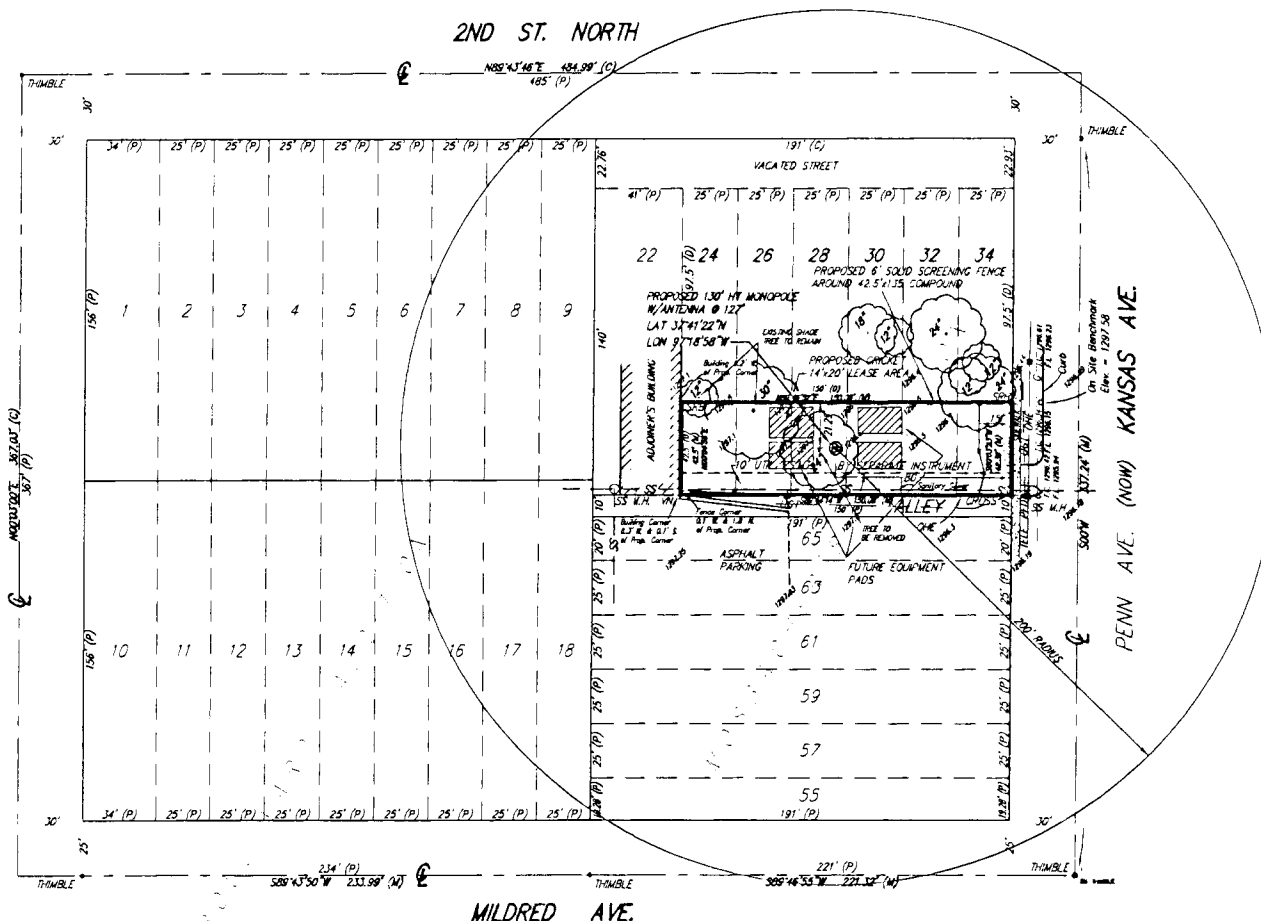
Lease Area Description:
The south 42.5 feet of Lots 24, 26, 28, 30, 32 and 34 on Second St., Mosbacher's Addition to Wichita, Kansas, Sedgwick County, Kansas.

State of Kansas)
Sedgwick County) SS

We, Savoy Company, P.A., Surveyors in aforesaid county and state, do hereby certify that we did on this 7th day of November, 2001, survey the above described property and the accompanying plot of survey on which it is based is made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," as adopted by American Land Title Association, American Congress on Surveying & Mapping and National Society of Professional Surveyors in 1999 and includes items 1, 2, 3, 4, 5, 8, 10 and 11a of Table "A" thereof, and pursuant to the Accuracy Standards (as adopted by ALTA and ACSM in effect on the date of this certification) of an Urban Survey.



That part of Lots 26 and 28 on Second Street, Mosbacher's Addition to Wichita, Kansas, Sedgwick County, Kansas, described as being the east 10 feet of the north 14 feet of the south 40 feet of said Lot 26, and the west 10 feet of the north 14 feet of the south 40 feet of said Lot 28.



- LEGEND**
- G = Gas Line
 - SS = Sanitary Sewer
 - OHE = Overhead Electric
 - UGE = Under Ground Electric
 - UGT = Under Ground Telephone
- TELE. PED. TELEPHONE PEDISTAL
- POWER POLE POWER POLE
- SS M.H. SANITARY SEWER MANHOLE
- SURVEY MARKER LEGEND**
- P = Platted
 - D = Described
 - M = Measured
 - C = Calculated
- THIMBLE CITY OF WICHITA (FOUND)
 - CROSS CHISELED CROSS (FOUND)
 - S/RB 1/2" REBAR W/SRB CAP (FOUND)
 - 1/2RB 1/2" REBAR (SET)
 - IN CHISELED "V" NOTCH (SET)

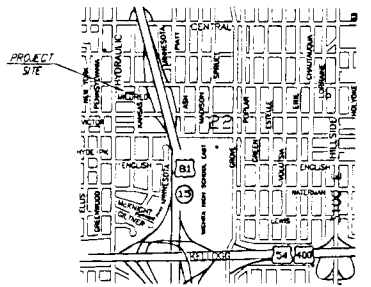
NOTES:

- 1) SURVEY DATE: November 7, 2001.
- 2) RECORD INFORMATION: No Title Commitment provided
- 3) FLOOD ZONE DESIGNATION: According to the FEMA/FIRM Community Panel No. 200328 0025 B, effective May 15, 1986; the property shown hereon is located in Zone B, an area between the limits of the 100 year and 500 year flood.
- 4) AREA: (GROSS); 6,384 sq.ft.±

NOTE:

Location of all utilities shown on this drawing, reflect the best information available, consisting of both field observation and information from the records of the various utility companies. Before completing any final design or beginning any excavation on this site, contact the appropriate utility companies for verification of the utility locations.

Kansas One-Call 687-2470



CON 2001-00065
SITE PLAN

APPROVED 2-6-02 BY *SK*

TABLE "A" OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS as per Minimum Standard Detail Requirements for ALTA/ACSM LAND TITLE SURVEYS as adopted by American Land Title Association American Congress on Surveying & Mapping National Society of Professional Surveyors 1999	
1. Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the property, unless already marked or referenced by an existing monument or witness to the corner.	10. Indication of access to public ways such as curb cuts, alleyways.
2. Vicinity map showing the property surveyed in reference to nearby highways (if any) or major street intersections.	11. Location of utilities (representative examples of which are shown below) existing on or serving the surveyed property as determined by: (a) Observed evidence (b) Observed evidence together with plans and markings provided by client, utility companies, and other appropriate sources (with reference to the source of information) (c) Official traces and markings (d) Monuments, catch basins, manhole vaults or other surface indication of underground utility lines and structures (e) Plans and codes (including their function) crossing the surveyed premises, and the dimensions of all crossings or crossings affecting the surveyed premises, and utility company installations on the surveyed premises.
3. Flood zone designation (with proper annotation based on Federal Flood Insurance Rate Maps or the State or local equivalent, by scaled map location and graphic plotting only).	12. Governmental Agency survey-related requirements as specified by the client.
4. Land area as specified by the client.	13. Names of adjoining owners of platted lands.
5. Contours and the datum of the elevations.	14. Observable evidence of earth moving work, building construction or building additions within recent months.
6. Identify and show (if possible, setback, height and bulk restrictions) of record or disclosed by applicable zoning or building codes (in addition to those recorded in subdivision maps), if none, so stated.	15. Any changes in street right of way lines either completed or proposed, and available from the controlling jurisdiction. Observable evidence of recent street or sidewalk construction or repairs.
7. (a) Exterior dimensions of all buildings at ground level (b) Square footings at: (1) exterior footprints of all buildings, or gross floor area of all buildings, at ground level (2) other areas to be defined by the client (c) Height of all buildings above grade at a defined location.	16. Observable evidence of site use as a solid waste dump, burn or sanitary landfill.
8. Substantial, visible improvements (in addition to buildings), such as signs, parking areas or structures, swimming pools, etc.	
9. Parking areas and, if depicted, the striping and the type (e.g., handicapped, motorcycle, repair, etc.) and number of parking spaces.	