



Wichita-Sedgwick County Metropolitan Area Planning Department

June 3, 2003

Alan Henning
Sedgwick County Electric Cooperative Association
P.O. Box 220
Cheney, KS 67025

Re: CON2003-00018: An Administrative Adjustment to approve minor adjustments to the approved site plan and elevation rendering for CON2002-00029.

Legal Description: Lot 1, Sedgwick County Electric Cooperative Association Addition, Sedgwick County, Kansas. Located on the southwest corner of U.S. Highway 54 and 383rd Street West.

Dear Mr. Henning:

We have reviewed your request for an Administrative Adjustment to CON2002-00029. From reviewing your application, we understand that you propose to construct a 300-foot high guyed lattice tower on the property instead of the 250-foot high self-support lattice tower approved by CON2002-00029. Sec. III-D.6.g.(2)(c) of the Unified Zoning Code permits the proposed 50-foot tower height increase by right; however, Condition F of CON2002-00029 requires that the tower be constructed in accordance with an approved site plan and elevation rendering. The tower is proposed to be located in a different location than the approved site plan and is proposed to be of a different construction type than the approved tower; therefore, you have requested an Administrative Adjustment to approve minor adjustments to the approved site plan and elevation renderings.

Sec. V-D.14. of the Unified Zoning Code allows the Planning Director, with the concurrence of the Zoning Administrator, to approve minor adjustments to a Conditional Use as long as the adjustment does not have any of the negative impacts stated in Sec. V-I.6. We find that adjusting the site plan and elevation rendering as proposed meets the four conditions required by Section V-1.6 of the Unified Zoning Code as set out below:

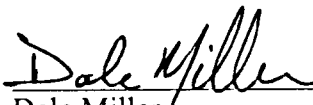
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed adjustments to the approved site plan and elevation rendering have no impact on the safety and convenience of vehicular and pedestrian circulation.
- 2) Impact on existing uses in surrounding areas: The proposed new location and guyed lattice tower design should not change the impact of the tower on surrounding areas.

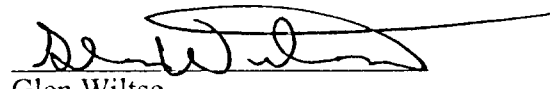
- 3) Compatibility with existing or permitted uses on abutting sites: Use of the subject property for a wireless communication has facility been found to be compatible with existing or permitted uses on abutting sites through the approval of CON2002-00029. The compatibility with existing or permitted uses on abutting sites should not be reduced by relocating the tower on the subject property and changing the tower design from a self-support lattice tower to a guyed lattice tower.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that an Administrative Adjustment to approve minor adjustments to the approved site plan and elevation rendering for CON2002-00029 on the aforementioned property is hereby granted subject to the following conditions:

- 1) The tower shall be lighted only with a dual lighting system consisting of red lights at night and medium intensity white flashing lights during the day that conforms with FAA regulations.
- 2) The site shall be developed in general conformance with the adjusted site plan and elevation rendering.
- 3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Administrative Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Administrative Adjustment is null and void.

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


Dale Miller
Acting Planning Director


Glen Wiltse
Code Enforcement Director

Enclosures

cc: Glen Wiltse, Sedgwick County Code Enforcement
Brad Murray Rentals LLC, 2540 Cedar Crest, Wichita, KS 67223
David Yearout, Baughman Company, 315 Ellis, Wichita, KS 67211



Wichita-Sedgwick County Metropolitan Area Planning Department

September 12, 2002

Donald R. Albers
Dorothy M. Albers
P O Box 730
Cheney, KS 67025

RE: ZON2002-34 (Associated with CON2002-29) – Zone change to “LI” Limited Industrial and a Conditional Use for a wireless communication facility. Generally located at the southwest corner of U.S. 54 Highway and 383rd Street West.

Dear Ladies and Gentlemen:

At its regular meeting on September 11, 2002, the Board of County Commissioners considered the above-captioned request. The action of the County Commission was to APPROVE subject to platting within one year and 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 maximum of 250 feet in height and shall not be lighted unless required by the FAA.
- D. Approval of the Conditional Use constitutes a reduction of the Compatibility Height Standard to 140 feet from both the south and west property lines for the wireless communication facility.
- E. 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, County Code Enforcement, and Director of Airports prior to the issuance of a building permit.
- F. 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.
- G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

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

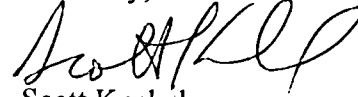
T 316.268.4421 **F** 316.268.4390

www.wichitagov.org

H. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

If you have any questions concerning this case please contact our office at 268-4421.

Sincerely,



Scott Knebel
Senior Planner

SK/le

Cc: Sedgwick County Electric Cooperative, %Alan L. Henning, P O Box 220,
Cheney, KS 67025
Terra Tech Land Surveying Inc., %Michele Webster, 22200 W. 63rd St. South,
Viola, KS 67149
Cheney City Hall, %Ty Lasher, P O Box 1, 100 W. 1st, Cheney, KS 67025
Tom Winters, County Commissioner District III, Mail Stop, County Room 320
County Code Enforcement, %Glen Wiltse, 1144 S. Seneca, Wichita, KS 67213

2ND SURVEY

SEDGWICK COUNTY ELECTRIC COOPERATION

SEDGWICK COUNTY, KANSAS

U.S. HIGHWAY 54
(Divided Concrete Highway with Asphalt Shoulders)
S89°42'45"E 2641.52'(N)

CHENEY INTERCHANGE

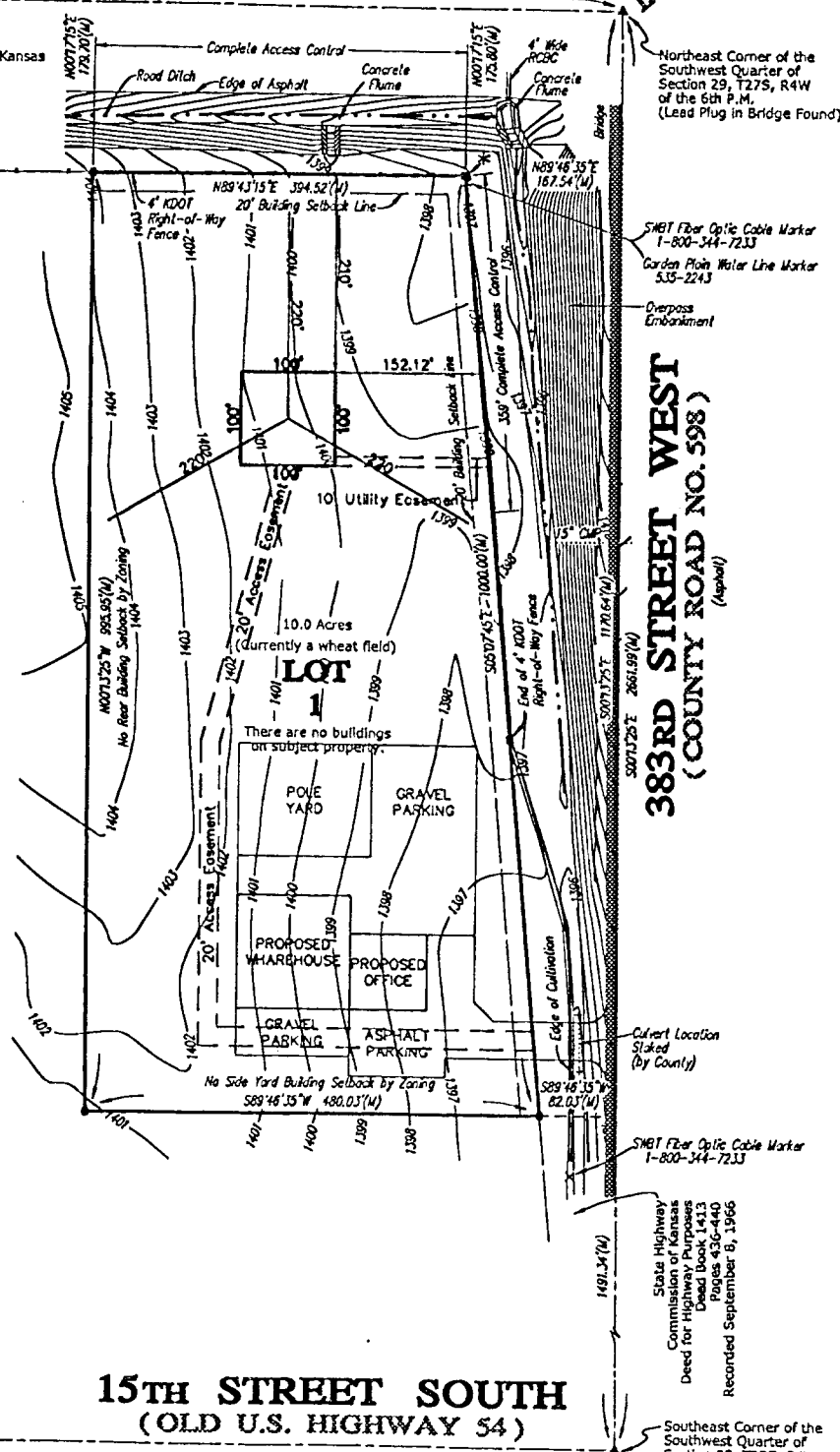
391ST STREET WEST
(HIGHWAY K-251)

Northwest Corner of the Southwest Quarter of Section 29, T27S, R4W of the 6th P.M., (3/4" Iron Pipe Found)

State Highway Commission of Kansas
Deed Book 1413
Pages 436-440
Recorded September 8, 1966

Northwest Corner of the Southwest Quarter of Section 29, T27S, R4W of the 6th P.M., (Lead Plug in Bridge Found)

383RD STREET WEST
(COUNTY ROAD NO. 598)
(Asphalt)



15TH STREET SOUTH
(OLD U.S. HIGHWAY 54)

SITE DATA

Owner: Donald R. and Dorothy M. Albers
Address: P.O. Box 730
Cheney, Kansas 67025
Latitude: N 37°40'04.9"
Longitude: W 097°46'52.3"
Elevation: 1400.00 MSL
Location: SW 1/4, SEC.29, T27S, R4W

BENCHMARK

Brass Disk, Stamped B 313 1956,
Set in Top of Round Concrete
Monument, 222' S. of Centerline of
15th St. S., 25' East of
Centerline of 383rd St. W.,
South Quarter Corner of
Section 29, T27S, R4W
of the 6th P.M.

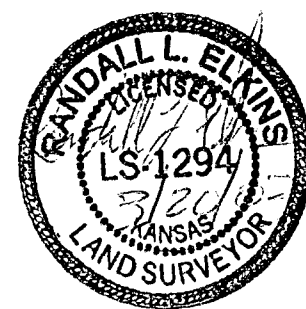
Elevation: 1388.89 NAVD88

NOTES

1. Utility information is per Kansas One-Call and or field locations or City Records.
2. This does not constitute a boundary survey.

CERTIFICATION

I, Randall L. Elkins, a licensed land surveyor in said county and state, certify that the results of fieldwork to determine site data as shown hereon, are true to the best of my knowledge; that the Latitude and the Longitude as shown are accurate to within 50 feet ± horizontally and that the site elevation as shown is accurate to within 2 feet ± vertically. The horizontal datum (coordinates) is in terms of the North American Datum of 1983 (NAD 83) and are expressed in degrees, minutes, and seconds, to the nearest tenth of a second. The vertical datum (heights) is in terms of the National Geodetic Vertical Datum of 1929 and is determined to the nearest foot. Latitude and Longitude were determined by averaging over a period of 5 minutes, using a Garmin GPS V unit. Elevations were determined using a USGS benchmark.



CON 2003-00018
SITE PLAN

APPROVED 6-3-03 BY *SL*
Levined Site Plan for CON 2003-00029

Randall L. Elkins, L.S. No.1294
Not original unless signed in blue ink

LEASE AREA DESCRIPTION

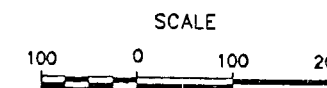
A tract of land located in the Southwest 1/4, Section 29, Township 27 South, Range 4 West of the 6th Principal Meridian, Sedgwick County, Kansas being more particularly described as follows: Commencing at the Northeast corner of the Sedgwick County Electric Cooperative Association Addition, Sedgwick County, Kansas;
Thence South along the East line of said addition on a platted bearing of S 05°07'45" E for a distance of 210.75 feet;
Thence S 89°43'15" W for a distance of 152.12 feet to the Point of Beginning;
Thence S 00°16'45" E for a distance of 100 feet;
Thence S 89°43'15" W for a distance of 100.00 feet;
Thence N 00°16'45" W for a distance of 100 feet;
Thence N 89°43'15" E for a distance of 100 feet to the Point of Beginning.

ACCESS EASEMENT

A centerline of a 20.00 foot wide access easement located in the Southwest 1/4, Section 29, Township 27 South, Range 4 West of the 6th Principal Meridian, Sedgwick County, Kansas being more particularly described as follows: Commencing at the Southeast corner of the Sedgwick County Electric Cooperative Association Addition, Sedgwick County, Kansas;
Thence North along the East line of said addition on a platted bearing of N 05°07'45" W for a distance of 79.07 feet to the Point of Beginning;
Thence S 90°00'00" W for a distance of 343.39 feet;
Thence N 00°00'00" E for a distance of 312.30 feet;
Thence S 14°15'20" E for a distance of 304.19 feet to the South line of previously described lease area.

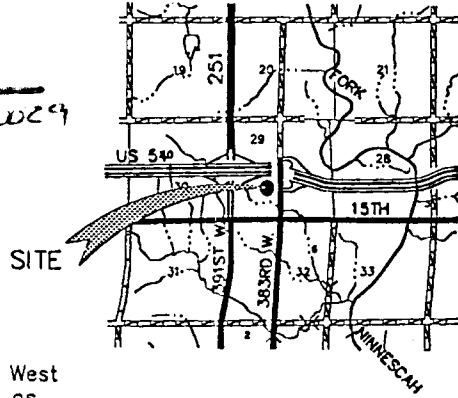
UTILITY EASEMENT

A centerline of a 10.00 foot wide utility easement located in the Southwest 1/4, Section 29, Township 27 South, Range 4 West of the 6th Principal Meridian, Sedgwick County, Kansas being more particularly described as follows: Commencing at the Northeast corner of the Sedgwick County Electric Cooperative Association Addition, Sedgwick County, Kansas;
Thence South along the East line of said addition on a platted bearing of S 05°07'45" E for a distance of 306.10 feet to the Point of Beginning;
Thence S 89°43'15" E for a distance of 160.19 feet to the East line of previously described lease area.



LEGEND

- △ = Section Corner Found as noted
- * = KDOT Right-of-Way Marker Found
- * = #4 Rebar Set with I.D. Cap TTLSI CLS22"
- * = #4 Rebar with I.D. Cap "TTLSI CLS22" Set 0.54' North and 0.61' East of KDOT Right-of-Way Marker
- ≡ = Measured



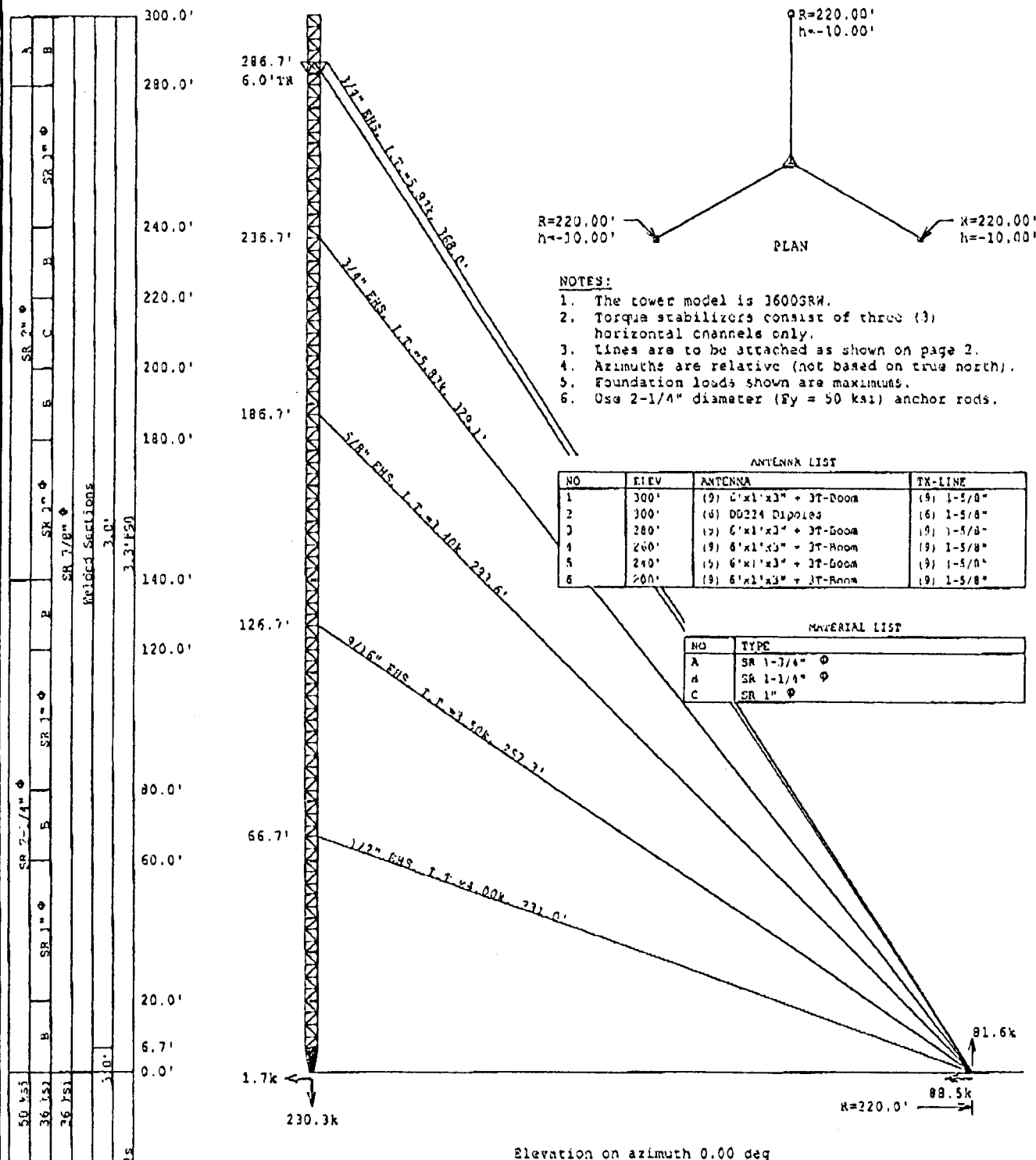
VICINITY MAP

FILENAME: 03019-2c



AM CONSULTING, Inc.
ENGINEERING SERVICES
142 N. Emporia Wichita, KS 67202
316/265-2878 Fax 316/265-2838

DRAWING Version 1.2 (c) Guy Mast Inc. 1997 Phone: (416) 736-7453



Elevation on azimuth 0.00 deg



2101 Murray St., Sioux City, IA 51111

Tel: (712) 258-6690
Fax: (712) 258-0250

Client: Brad Murray Rennals, L.L.C.

Job No: 03-4169-VEW

Date: 27 mar 2003

Location: Cheney, KS

Tower Height: 300.00'

Standard: ANSI/TIA/EIA 222-F 1996

Design Wind & Ice: 90 mph + 1/2" ice

Project: c:\guymast\3600\03-416-1.10d

Sheet 1

SITE PLAN

APPROVED 6-3-03 BY SK
Revised Elevation Rendering for CON 2003-00029



AGENDA ITEM NO. 15A/15B

STAFF REPORT

Cheney, August 5, 2002

MAPC, August 8, 2002

CASE NUMBER: ZON2002-00034 associated with CON2002-00029

APPLICANT/AGENT: Donald R. and Dorothy M. Albers (Owners); Sedgwick County Electric Cooperative Association, Inc. c/o Alan L. Henning (Applicant); Terra Tech Land Surveying, Inc. c/o Michele Webster (Agent)

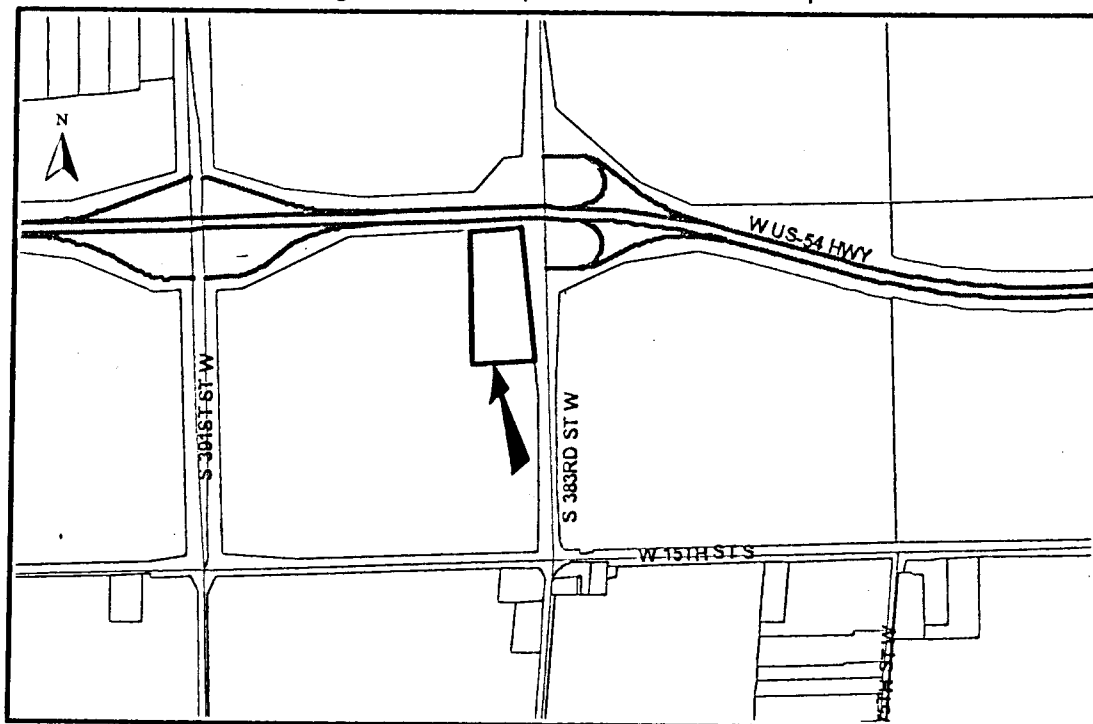
REQUEST: Zone change to "LI" Limited Industrial and a Conditional Use for a wireless communication facility

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 10 acres

LOCATION: Southwest corner of U.S. 54 Highway and 383rd Street West

PROPOSED USE: Sedgwick County Rural Electric Cooperative Association



BACKGROUND: The applicant is seeking a zone change from "RR" Rural Residential to "LI" Limited Industrial and a Conditional Use to permit the construction of a 250-foot high lattice communication tower (see attached illustration). The proposed use of the subject property is for an office, warehouse, pole yard, and communication tower for the Sedgwick County Rural Electric Cooperative Association.

The subject property is a 10 acre unplatted tract located at the southwest corner of U.S. 54 Highway and 383rd Street West. The applicant has submitted a plat (Sedgwick County Rural Electric Cooperative Association Addition) for the subject property that was approved by the Subdivision Committee on June 13, 2002 and will be considered by the MAPC on August 8, 2002. The subject property is located within the zoning area of influence for the City of Cheney, which will consider the zone change and Conditional Use requests on August 5, 2002.

The applicant submitted the attached site plan that illustrates the proposed use of the subject property. At the present time, the applicant is proposing to develop the southern 4.5 acres of the property. The applicant proposes to develop a 6,400 square foot office building with an attached 14,400 square foot warehouse building. The buildings would be constructed of prefabricated metal with a brick faced on the lower portion of the south and east sides of the office building. The applicant proposes a 16,800 square foot pole yard. Since the pole yard is located within 150 feet of the street right-of-way, the Unified Zoning Code requires that the pole yard be screened; however, no screening of the pole yard is indicated on the site plan. The applicant proposes to locate the 250-foot high lattice communication tower immediately west of the warehouse building within a 20-foot by 20-foot compound enclosed with a chain link fence. The ground level communication equipment would be located within the proposed buildings. The access drive to 383rd Street West is proposed to be located 60 feet north of the south property line, which is 660 feet from the interchange with U.S. 54 Highway. The proposed Access Management Policy indicates that a driveway at this location should be limited to right-in/out movements. The applicant proposes 27 parking spaces paved with asphalt; however, the parking requirements of the Unified Zoning Code require 40 parking spaces for the square footage and uses proposed. The applicant proposes to screen the property from adjacent farm land to the south and west that is zoned "RR" Rural Residential with a solid hedge of evergreen vegetation. Such a screening method is permitted by the Unified Zoning Code if the vegetation is planted and maintained according to an approved landscape plan.

The applicant indicates (see attached letters) that the proposed wireless communication facility is needed for use by the Sedgwick County Rural Electric Cooperative Association and the Kansas Electric Power Cooperative. The Sedgwick County Rural Electric Cooperative Association would mount two antennas to the tower to support the mobile communications system used by their business. The Kansas Electric Power Cooperative would mount one antenna to the tower to support the mobile communications system used by their business.

The character of the surrounding area is rural. The properties surrounding the subject property in all directions are zoned "RR" Rural Residential and are used for agriculture. The subject property is located at the intersection of a U.S. highway and the main road to the City of Cheney.

CASE HISTORY: The subject property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Agriculture
SOUTH:	"RR"	Agriculture
EAST:	"RR"	Agriculture
WEST:	"RR"	Agriculture

PUBLIC SERVICES: The site has access to 383^d Street West, a two-lane paved county road with current traffic volumes of approximately 1,700 vehicles per day. The 2030 Transportation Plan does not address anticipated future traffic volumes on this street. No municipally-supplied public services are available to serve the site. On-site water and sanitary sewer systems have been approved by County Code Enforcement through the platting process.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guides for the Wichita-Sedgwick County and Cheney comprehensive plans do not specifically address the subject property other than to indicate that the subject property is located within Cheney's zoning area of influence. The Cheney comprehensive plan provides locational guidelines that indicate that industrial uses should be located south of the railroad tracks within the City of Cheney or, if this location is not desirable, then industrial uses should be located outside the City of Cheney but away from existing or proposed future development. The Wireless Communication Master Plan is an element of the Wichita-Sedgwick County Comprehensive Plan that outlines the guidelines for locating wireless communication facilities. The Wireless Communication Master Plan indicates that the proposed wireless communication facility is a "private dispatch system" that should be considered accessory to the on-site user it supports and should be used as a future co-location site for other wireless communication providers. 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 the information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to platting the subject property within one year and subject to the following Conditional Use restrictions:

- 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 maximum of 250 feet in height and shall not be lighted unless required by the FAA.
- D. Approval of the Conditional Use constitutes a reduction of the Compatibility Height Standard to 140 feet from both the south and west property lines for the wireless communication facility.
- E. 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, County Code Enforcement, and Director of Airports prior to the issuance of a building permit.
- F. 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.
- G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- H. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is 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. The properties surrounding the subject property in all directions are zoned "RR" Rural Residential and are used for agriculture. The nature of the proposed electric cooperative business is compatible with the zoning, uses, and character of the neighborhood since it will be located at the intersection of a U.S. highway and the main road to the City of Cheney.
- 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 currently used for agriculture. The site is apparently suitable for continued agricultural use but the proposed electric cooperative business should be no more offensive than normal agricultural operations.
- 3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on remaining residentially-zoned properties in the area

should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code, which should limit noise, lighting, and other activity from adversely impacting these properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Land Use Guides for the Wichita-Sedgwick County and Cheney comprehensive plans do not specifically address the subject property. The Cheney comprehensive plan provides locational guidelines that indicate that industrial uses should be located south of the railroad tracks within the City of Cheney or, if this location is not desirable, then industrial uses should be located outside the City of Cheney but away from existing or proposed future development. The subject property is located away from existing or proposed future development. The Wireless Communication Master Plan is an element of the Wichita-Sedgwick County Comprehensive Plan that outlines the guidelines for locating wireless communication facilities. The Wireless Communication Master Plan indicates that the proposed wireless communication facility is a "private dispatch system" that should be considered accessory to the on-site user it supports and should be used as a future co-location site for other wireless communication providers. The recommended conditions of approval require that the wireless communication facility be suitable for co-location by at least three wireless service providers. 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. This Conditional Use reduces the compatibility height standard to 140 feet since the adjacent property is used for agriculture.
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.