CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

May 28, 2003

Diana M. Kidd
Via Christi Property Services
1035 N. Emporia Ste. 195
Wichita, KS 67214

RE: **CON2003-13 – Conditional Use for a wireless communication facility on property zoned "GO" General Office. Generally located north of 25th Street North and east of Amidon. (District VI)**

Dear Ladies and Gentlemen:

At its regular meeting on **May 22, 2003**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to **DENY** the request.

NOTICE: The public hearing on planning items is conducted by the MAPC under provisions of State Law. Adopted policy is that the City Council will not take additional testimony on zoning-related applications and other issues for which the MAPC has held a public hearing. However, interested parties may file a written statement with the City Clerk by 5:00 p.m. on the Wednesday preceding this meeting, providing new facts on the issue or alleging an unfair hearing. The Council will determine from such statements whether to return the issue to the MAPC for reconsideration or to reverse their recommendation.

Property owners may also file written protest petitions on zoning-related items heard by the MAPC. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing. Such petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area within 200 feet of the perimeter of the application area, unless the Council overrides such a protest and approves the application by a vote of 6 of its members.

If there are no valid appeals or protest petitions filed opposing this action by **June 5, 2003**, the action of the MAPC will be considered final. If appeals or protest petitions are filed, you will be advised of the date your application will be forwarded to the Governing Body for review and final action.

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

Sincerely,

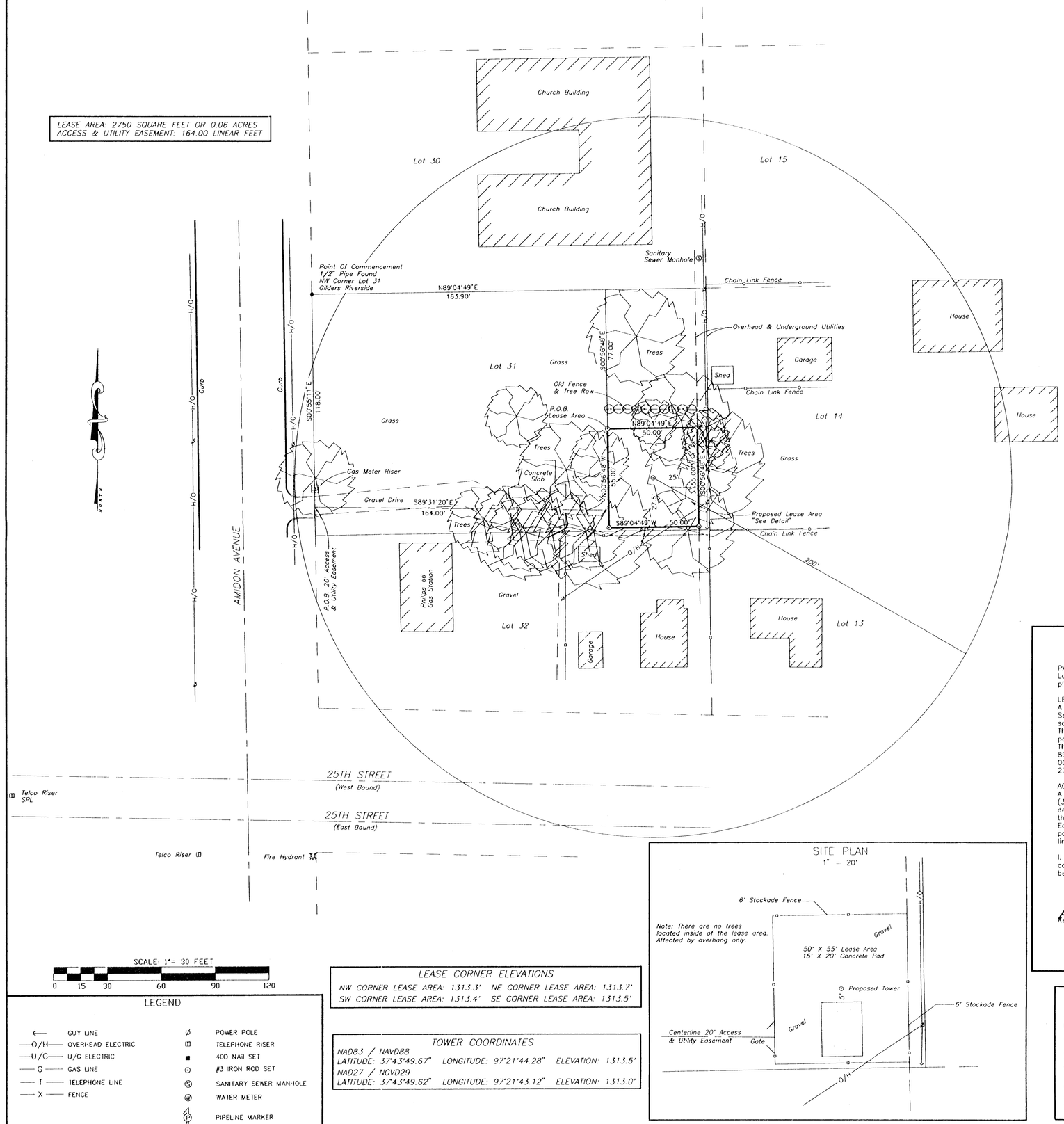
Scott Knebel
Senior Planner

SK/rs

Cc: Kenny Jorgensen, RF Engineer, T-Mobile Wireless, 4533 Enterprises Dr., Oklahoma City, OK 73128
Gregg Ferris, Ferris Consulting, P O Box 573, Wichita, KS 67201
Billy G. Baker, Dorothy E. Baker, 2600 N. Amidon, Wichita, KS 67204
AM Consulting, c/o Tim Austin, 142 N. Emporia, Wichita, KS 67202
Lester K. McGuire, 2926 Porter, Wichita, KS 67204
Tim Devine, 2543 Bullinger, Wichita, KS 67204
Mark Clark, Assistant Chief Deputy Appraiser, Mail Stop, County Room 227
Sharon Fearey, City Council Member, District VI, Mail Stop 1-13
Terri Dozal, N.A. VI, Mail Stop 1-135
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

A PROPOSED LEASE AREA IN PART OF LOT 31, GILDERS RIVERSIDE ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

LEASE AREA: 2750 SQUARE FEET OR 0.06 ACRES
ACCESS & UTILITY EASEMENT: 164.00 LINEAR FEET



SCALE: 1"= 30 FEET
0 15 30 60 90 120

LEGEND

←— GUY LINE	Ø POWER POLE
—O/H— OVERHEAD ELECTRIC	T TELEPHONE RISER
—U/G— U/G ELECTRIC	■ 40D NAIL SET
— G — GAS LINE	⊙ #3 IRON ROD SET
— T — TELEPHONE LINE	Ⓢ SANITARY SEWER MANHOLE
— X — FENCE	Ⓦ WATER METER
	Ⓟ PIPELINE MARKER

LEASE CORNER ELEVATIONS

NW CORNER LEASE AREA: 1313.3' NE CORNER LEASE AREA: 1313.7'
SW CORNER LEASE AREA: 1313.4' SE CORNER LEASE AREA: 1313.5'

TOWER COORDINATES

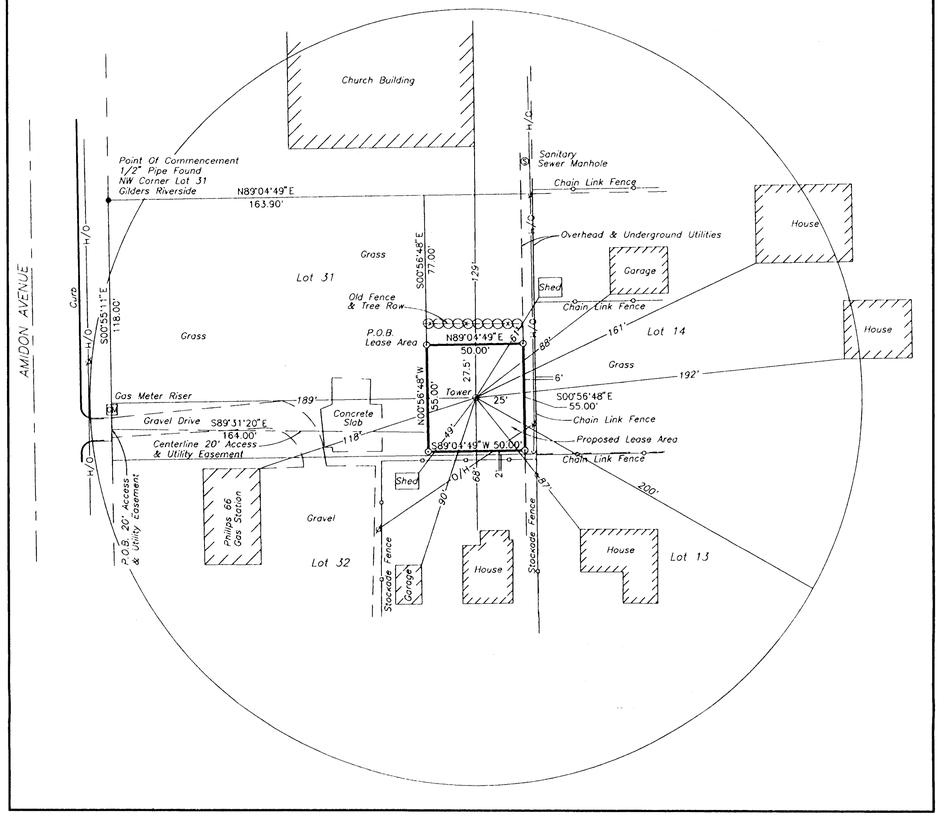
NAD83 / NAVD88
LATITUDE: 37°43'49.67" LONGITUDE: 97°21'44.28" ELEVATION: 1313.5'
NAD27 / NGVD29
LATITUDE: 37°43'49.62" LONGITUDE: 97°21'43.12" ELEVATION: 1313.0'

SITE PLAN

1" = 20'

LEASE AREA DETAIL

1" = 40'



LEGAL DESCRIPTIONS

PARENT TRACT DESCRIPTION
Lot Thirty-one (31), Gilders Riverside Addition to Wichita, Sedgwick County, Kansas, according to the recorded plat thereof.

LEASE AREA DESCRIPTION
A tract of land lying in and being a part of Lot Thirty-one (31), Gilders Riverside Addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Northwest corner of said Lot 31; Thence North 89°04'49" East, along the North line of said Lot 31, a distance of 163.90 feet; Thence South 00°56'48" East, parallel with the East line of said Lot 31, a distance of 77.00 feet to the point of beginning; Thence North 89°04'49" East, parallel with said North line, a distance of 50.00 feet; Thence South 00°56'48" East, parallel with said East line, a distance of 55.00 feet; Thence South 89°04'49" West, parallel with the South line of said Lot 31, a distance of 50.00 feet; Thence North 00°56'48" West, parallel with said East line, a distance of 55.00 feet to the point of beginning. Containing 2750 square feet or 0.06 acres, more or less.

ACCESS & UTILITY EASEMENT DESCRIPTION
A Twenty feet (20') wide easement for ingress, egress and utility purposes crossing a part of Lot Thirty-one (31), Gilders Riverside Addition to Wichita, Sedgwick County, Kansas, the centerline being more particularly described as follows: Commencing at the Northwest corner of said Lot 31; Thence South 00°55'11" East, along the West line of said Lot 31, a distance of 118.00 feet to the point of beginning; Thence South 89°31'20" East a distance of 164.00 feet to an ending point on the West line of the above described lease area, said point being 10.00 feet North 00°56'48" West of the Southwest corner of said lease area. Consisting of 164.00 linear feet.

I, Kenneth E. Hauk, Kansas Registered Land Surveyor No. 1061, do hereby state that this survey represents a careful survey made by me or under my supervision and is true and correct to the best of my knowledge and belief.

Kenneth E. Hauk 4/7/03
Kenneth E. Hauk, LS#1061

KENNETH EDWIN HAUK LICENSED 1061 KANSAS LAND SURVEYOR

NOTES

1: Surveyor was not provided with a Title Commitment Policy or Title Report, therefore not all easements of record may be shown hereon. Surveyor provided no additional research regarding easements and no liability is extended herein.

2: Bearings shown hereon are based on the Kansas State Plane Coordinate System, South Zone, NAD83 Datum.

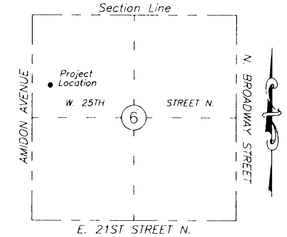
3: The latitude and longitude shown hereon are based on NAD83 Datum and are accurate to within ten feet horizontally; the elevations shown hereon are based on NAVD88 and are accurate to within one foot vertical. This information was established and determined by GPS Observations on 3/24/03.

4: This survey does not provide any determination concerning wetlands, fault lines, toxic waste or any other environmental issues. Such matters should be directed to an expert consultant.

5: There may be additional buried or underground utilities in the area which the surveyor is unaware of and no liability for such is assumed herein.

R 1 E

T 27 S



LOCATION MAP
SCALE: 1" = 2000'

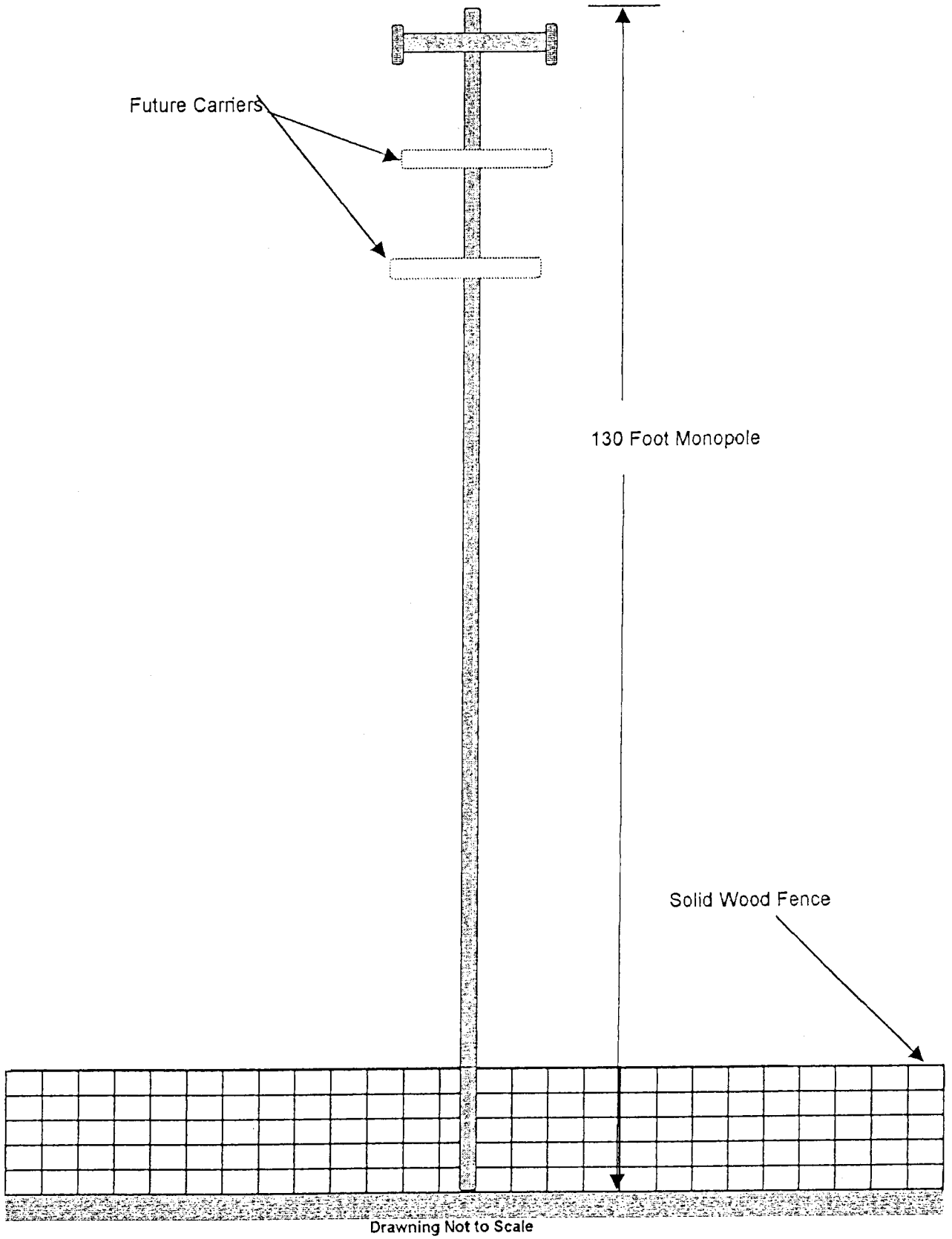
WI2325 COLUMBINE

NO.	REVISION	DATE	BY
1	ADD HOUSES	4/4/03	KEH

T-MOBILE USA, INC.
OKLAHOMA CITY, OKLAHOMA

Prepared By:
JACK Professional Land Survey, P.C.
713 S. 8th Street Yukon, OK 73099 (405)-354-8272

SURVEYED BY: KEH	SCALE: 1"=30'	FIELD BOOK: 17
DRAWN BY: KEH	DATE: 3/27/03	PAGE #: 17
APPROVED BY: KEH	JOB #: 1077	SHEET 1 OF 1


Future Carriers
130 Foot Monopole
Solid Wood Fence
Drawning Not to Scale

AGENDA ITEM NO. 11

WICHITA–SEDGWICK COUNTY

STAFF REPORT

DAB VI, May 21, 2003
MAPC, May 22, 2003

CASE NUMBER: CON2003-00013

APPLICANT/AGENT: Via Christi Property Services c/o Diana M. Kidd (Owner); T-Mobile c/o George Wyrick (Applicant); Ferris Consulting c/o Greg Ferris (Agent)

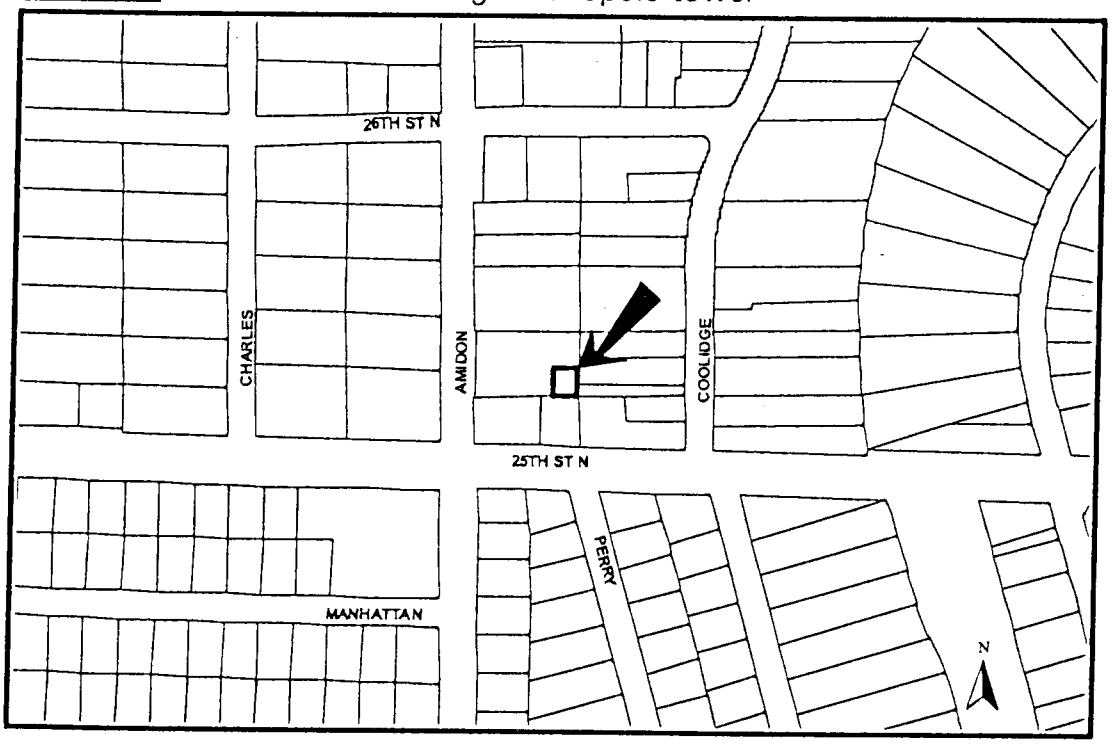
REQUEST: Conditional Use for a wireless communication facility

CURRENT ZONING: "GO" General Office

SITE SIZE: 2,750 square feet

LOCATION: North of 25th Street North and east of Amidon

PROPOSED USE: 130-foot high monopole tower



BACKGROUND: The applicant is seeking a Conditional Use to permit the construction of a 130-foot high monopole tower (see attached elevation rendering and photograph) for use by T-Mobile. The proposed site is zoned "GO" General Office. Wireless Communication Facilities over 65 feet in height in the "GO" General Office zoning district may be permitted with a Conditional Use.

The character of the surrounding area is primarily residential with some neighborhood serving commercial uses in the vicinity. The properties north, south, and east of the subject property are zoned "SF-5" Single-Family Residential. The properties to the south and east are developed single family residences. The closest residence is located 70 feet south of the base of the proposed tower and a total of four residences are located within a 200-foot radius of the proposed tower. The property to the north is developed with a church, which also is located within a 200-foot radius of the proposed tower. The property to the west is zoned "LC" Limited Commercial and is developed with a service station.

The proposed tower would be sited on a 2,750 square foot area located north of 25th Street North and east of Amidon on a 0.66 acre vacant office lot. The site plan (attached) depicts an 55-foot by 50-foot compound with the tower located in the center of the compound. The proposed tower would be located only 30 feet from the south and east property lines. Since the properties to the south and east are zoned "SF-5" Single Family, the Compatibility Height Standard of the Unified Zoning Code requires the tower to be set back 130 feet from both property lines unless the setback requirement is reduced through approval of the Conditional Use request. The site plan depicts a 6-foot high stockade fence around the entire compound, which meets the screening requirement of the Unified Zoning Code. The site plan shows that existing trees north of the equipment compound will be maintained; however, existing trees south and east of the equipment compound are not proposed to be maintained. The Landscape Ordinance requires buffer shade trees along the south and east property lines where the proposed tower shares a common property line with residential development, and the existing shade trees would meet this requirement were they to be maintained. Absent the maintenance of the existing trees, new shade trees would be required along the south and east sides of the equipment compound in order to comply with the Landscape Ordinance.

The applicant indicates that the proposed tower is needed for T-Mobile to provide coverage along I-235 and the residential areas north of 29th Street North and south to 21st Street North (see attached letter dated April 11, 2003 and radio frequency engineering evaluation and propagation plots). The applicant indicates that two existing towers in the area were evaluated for potential co-location rather than proposing the construction of a new tower and that neither tower meets the applicant's communication needs. One of the existing towers evaluated by the applicant is located at Twin Lakes Shopping Center, three-quarter miles southeast of

the proposed tower. The other tower evaluated by the applicant is located near Amidon and the Big Ditch, three-quarter miles northwest of the proposed tower.

The applicant also indicates that locating on both existing towers rather than constructing a new tower was considered even though locating on two towers instead of one is significantly more expensive (see attached cost comparison). The applicant's letter indicates that even in combination the two existing towers do not provide the needed coverage; however, the applicant did not provide a radio frequency propagation plot showing the coverage of the two existing towers in combination for review by planning staff. Planning staff contacted the applicant regarding this issue, and the applicant indicated that a specific analysis of the two existing towers in combination had not been performed because of the significant cost difference between using two towers instead of one. The applicant did reiterate the claim that using the two existing towers in combination will not meet their communication needs, but no documentation of that claim has been submitted.

While planning staff concedes that the Unified Zoning Code does not require locating antennas on multiple towers if it is more expensive than constructing a new tower, it is the opinion of planning staff that locating a tall structure such as the proposed 130-foot high tower in such close proximity to residences would have significant detrimental impacts on residential properties in the area. The proposed tower location is very similar to the infamous College Hill tower proposal in that the proposed tower would be located right on the border between residential and non-residential properties and very close to existing residences. The College Hill tower proposal led to a moratorium on tower construction to allow for the development of a Wireless Communication Master Plan to guide the location of new towers, and the proposed tower location does not meet the spirit or intent of the Wireless Communication Master Plan. Therefore, planning staff cannot support the Conditional Use request and recommends that the applicant pursue other options, up to and including locating antennas on both existing towers in the vicinity.

Planning staff requested that the applicant provide documentation as to whether or not a shorter tower with flush mounted antennas such as the tower the applicant developed on the northwest corner of Central and Rock would work at the proposed tower location. Like the intersection of Central and Rock, the intersection of 25th Street North and Amidon has tall poles for electric transmission lines and a shorter tower with flush mounted antennas would blend in with these other tall poles and significantly reduce the detrimental impacts on residential properties in the area. The applicant did not provide the documentation planning staff requested regarding this option.

Another option planning staff recommends that the applicant pursue is to attempt to locate the proposed tower on a parcel of land in the vicinity where the proposed tower would not be located in such close proximity to existing residences. One possibility

would be to locate the proposed tower behind the service station at the shopping center located one block north of the subject property. Such a location would comply with the Unified Zone Code setback requirements for towers and the Wireless Communication Master Plan design guideline that towers be situated such that existing buildings partially block the tower from view from nearby residential areas. Such an alternative site option also could be combined with the option for a shorter tower with flush mounted antennas to further reduce the detrimental impacts of the proposed tower.

CASE HISTORY: The subject property is platted as a part of Lot 31, Gilders Riverside Addition, which was recorded on July 25, 1930

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Church
SOUTH:	"SF-5"	Single Family
EAST:	"SF-5"	Single Family
WEST:	"LC"	Service station

PUBLIC SERVICES: No municipally-supplied utility services are required. Access to the site is proposed through an existing gravel drive to Amidon, a four lane 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 the information available prior to the public hearings, planning staff recommends that the request be DENIED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is primarily residential with some neighborhood serving commercial uses in the vicinity. With the exception of the property to the west, all of the properties surrounding the site are zoned "SF-5" Single-Family Residential, and they are primarily developed with single family residences. The proposed tower is not compatible with the residential zoning, uses, and character that are predominate in the neighborhood.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "GO" General Office and is suitable for development with a office uses. A wireless communication facility in excess of 65 feet in height in the "GO" General Office zoning district may be permitted as a Conditional Use, but it should conform to the guidelines of the Wireless Communication Master Plan. The proposed wireless community facility does not conform to the guidelines of the Wireless Communication Master Plan and, therefore, is not suitable for the subject property.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed wireless communication facility would be located in close proximity to single-family residences. The visual impact on the surrounding neighborhood would have significant detrimental impacts on the nearby properties. No low-density residential neighborhood in the community has a commercial tower located in such close proximity to residences due to the detrimental affects of the visual impact of towers.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed 130-foot high monopole does not conform to the guidelines of the Wireless Communication Master Plan or the requirements of the Unified Zoning Code.

   First, the proposed facility does not utilize existing towers or other tall structures in the area. Insufficient documentation has been provided to substantiate that co-location on existing towers or other tall structures is not feasible. Approving a new tower to be constructed at the proposed location would lead to an unnecessary proliferation of towers in the area.

   Second, the proposed facility does not preserve the pre-existing character of the area, which is predominately low-density residential with some neighborhood serving commercial uses in the vicinity. Planning staff reviewed the locations of

existing towers in the community and could not locate another tower that is located as close to the property line of property zoned "SF-5" Single Family as the 30 feet proposed in this request. Most towers in the community are located completely outside residential neighborhoods, and if they are located on the edge of residential neighborhoods, they are set back significantly more from residential properties than proposed in this request. Approving a new tower to be constructed at the proposed location would detrimentally affect the existing character of the surrounding residential neighborhood.

Third, the proposed facility does not minimize the height, mass, or proportion of the facility. The Wireless Communication Master Plan indicates that in some cases one taller support structure may present a greater visual impact than several shorter support structures. Locating the proposed 130-foot high tower in such close proximity to residences will have a significant visual impact on the neighborhood that could be avoided by constructing a shorter tower with flush mounted antennas. A shorter tower with flush mounted antennas could be used in combination with co-location on existing towers or other tall structures in the area if the shorter tower alone does not meet the applicant's communication needs. The applicant has not submitted requested documentation that a shorter tower will not meet their communication needs.

Fourth, the proposed facility is not placed in an areas where trees and/or buildings adequately obscure some or all of the facility from view from nearby residences. The applicant indicates that an office building is proposed to be constructed on the subject property that would obscure some of the tower from view, but there is no guarantee that this building will ever be constructed. The applicant does not propose to maintain existing mature shade trees located between the proposed tower and existing residences located to the south and east. The Landscape Ordinance requires that shade trees be planted along the property line where non-residential development abuts residentially-zoned property. The applicant's request does not conform to the Landscape Ordinance's buffer tree requirements.

Finally, the proposed 130-foot high facility does not conform to the compatibility height standard since it is proposed to be set back only 30 feet from property zoned "SF-5" Single Family located south and east of the subject property. While the applicant states that the tower is proposed to be located in the corner of the parent tract to preserve the remainder of the property for office development, the fact that the proposal does not meet the compatibility height standard is a strong indication that the subject property is inappropriate for a tower at the height requested.

If, after closing the public hearing, the planning commission finds that the should be approved, the planning commission motion to approve will need to include findings of

fact regarding the Unified Zoning Code Review Criteria that support approval and planning staff recommends that approval should be 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 130 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 extension to 160 feet and future loading expansion to accommodate communication equipment for at least four wireless service providers.
F. A revised site plan shall be submitted within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable, and prior to the release of the Conditional Use resolution. The revised site plan shall provide for the continuous maintenance of the existing trees on the parent tract that are located immediately north, south, and east of the equipment compound. Said trees shall remain even if the remainder of the parent tract is developed.
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. Approval of the Conditional Use constitutes a reduction of the Compatibility Height Standard to 30 feet from the south and east property lines for the wireless communication facility.
I. The site shall be developed in general conformance with the approved site plan and elevation drawings. All improvements shall be completed before the facility becomes operational.
J. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
K. 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.