132-03

RESOLUTION NO. 132-03

A RESOLUTION APPROVING A CONDITIONAL USE FOR A WIRELESS COMMUNICATION FACILITY ON 10,000 SQAURE FEET, LOCATED APPROXIMATELY ONE-HALF MILE SOUTH OF 111TH STREET SOUTH ON THE WEST SIDE OF THE KANSAS TURNPIKE; ON PROPERTY ZONED "RR" RURAL RESIDENTIAL, LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita Sedgwick County Unified Zoning Code, a conditional use for the land legally described herein is approved as follows:

Case No. CON2003-00011

A Conditional Use permitting a wireless communication facility on property described as:

> A tract of land situated in the Northwest Quarter of Section 33, Township 29 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows: Commencing at the Southeast corner of the Northwest Quarter of said Section 33; thence North 03 degrees 54'02" West along the East line of said Northwest Quarter, a distance of 458.92 feet; thence North 90 degrees 00'00" West, a distance of 222.16 feet to the point of beginning; thence North 90 degrees 00'00" West, a distance of 100.00 feet; thence South 00 degrees 00'00" West, a distance of 100.00 feet; thence South 90 degrees 00'00 East, a distance of 100.00 feet; thence North 00 degrees 00'00" East, a distance of 10.00 feet; thence continuing North 00 degrees 00'00" East, a distance of 90.00 feet to the point of beginning. Generally located approximately one-half mile south of 111th Street South on the west side of the Kansas Turnpike.

THE CONDITIONAL USE IS SUBJECT TO THE FOLLOWING CONDITIONS:

A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met, except as otherwise provided in Item F.
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 governing body.

C. The support structure shall be a "self-support lattice" design that generally conforms to the approved elevation drawing and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
D. The support structure shall not exceed 250 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
E. 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.
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, Code Enforcement Office, and Director of Airports prior to the issuance of a building permit.
G. Revised site plans and elevation drawings indicating the approved design of the wireless communication facility shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the governing body and prior to the issuance of the Conditional Use Resolution.
H. The site shall be developed in general conformance with the approved site plans. 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. 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.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

Commissioners present and voting were:

DAVE UNRUH	aye
TIM R. NORTON	aye
THOMAS G. WINTERS	aye
CAROLYN McGINN	aye
BEN SCIORTINO	aye

DATED this 4th day of June, 2003.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

TIM R. NORTON, CHAIRMAN
Second District

CLERK OF SEDGWICK COUNTY SEDGWICK COUNTY KANSAS KANSAS

ATTEST:

DON BRACE, County Clerk

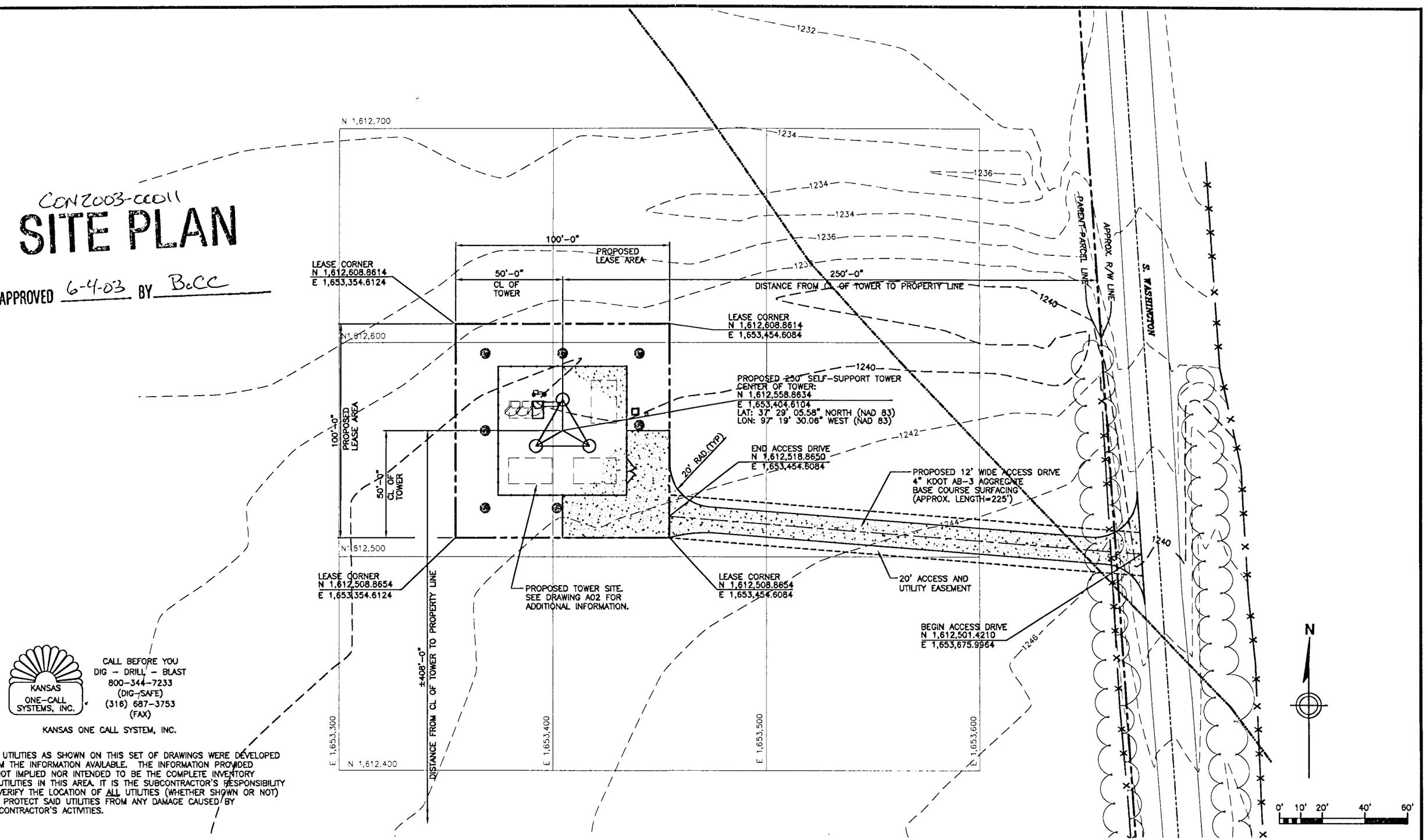
APPROVED AS TO FORM:

ROBERT W. PARNACOTT,
Assistant County Counselor

CON2003-00011

SITE PLAN

APPROVED 6-4-03 BY BoCC



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(DIG-SAFE)
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THE UTILITIES AS SHOWN ON THIS SET OF DRAWINGS WERE DEVELOPED FROM THE INFORMATION AVAILABLE. THE INFORMATION PROVIDED IS NOT IMPLIED NOR INTENDED TO BE THE COMPLETE INVENTORY OF UTILITIES IN THIS AREA. IT IS THE SUBCONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES (WHETHER SHOWN OR NOT) AND PROTECT SAID UTILITIES FROM ANY DAMAGE CAUSED BY SUBCONTRACTOR'S ACTIVITIES.

OVERALL SITE AND LANDSCAPE PLAN | 1

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

MULVANE
SITE NO. A-WCHTKSW-234
SOUTH WASHINGTON
PECK, KANSAS 67120

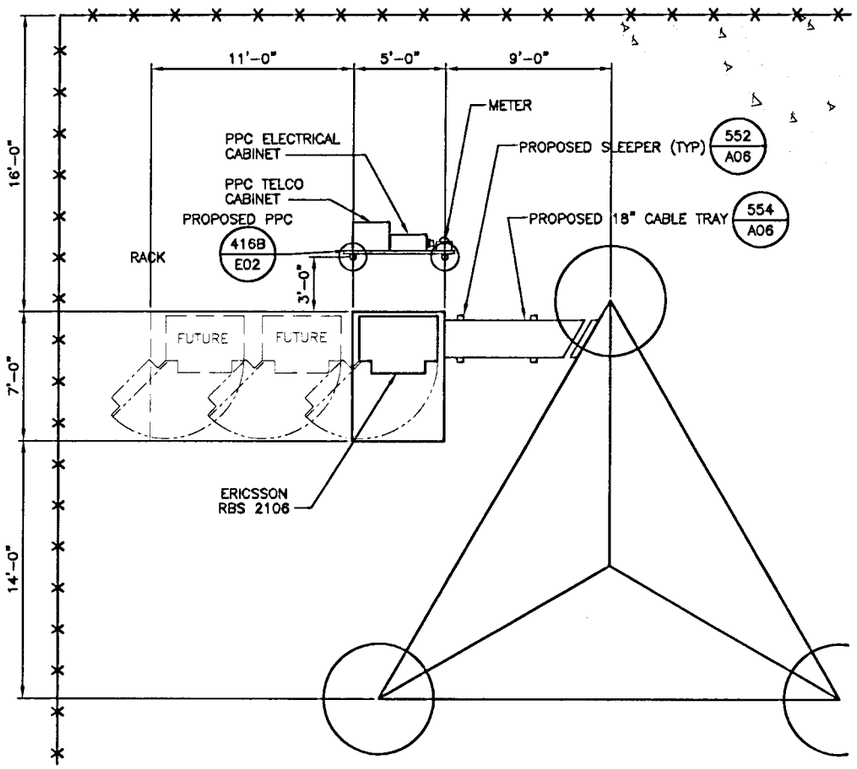
AT&T
AT&T WIRELESS SERVICES, INC.
10920 AMBASSADOR DRIVE, SUITE 200
KANSAS CITY, MISSOURI 64153

NO.	DATE	REVISIONS	BY	CHK	APP'D
0	3/21/03	ISSUED FOR ZONING APPROVAL	DDS	HAN	HAN
A	03/13/03	ISSUED FOR ZONING	DDS	HAN	HAN

SCALE: AS SHOWN | DESIGNED: DDS | DRAWN: DDS

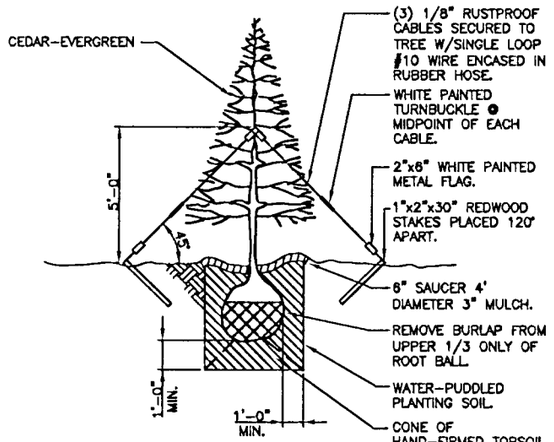
OVERALL SITE AND LANDSCAPE PLAN

JOB NO.	SITE NO.	DRAWING NO.	REV
24897-414	A-WCHTKSW-234	A01	0



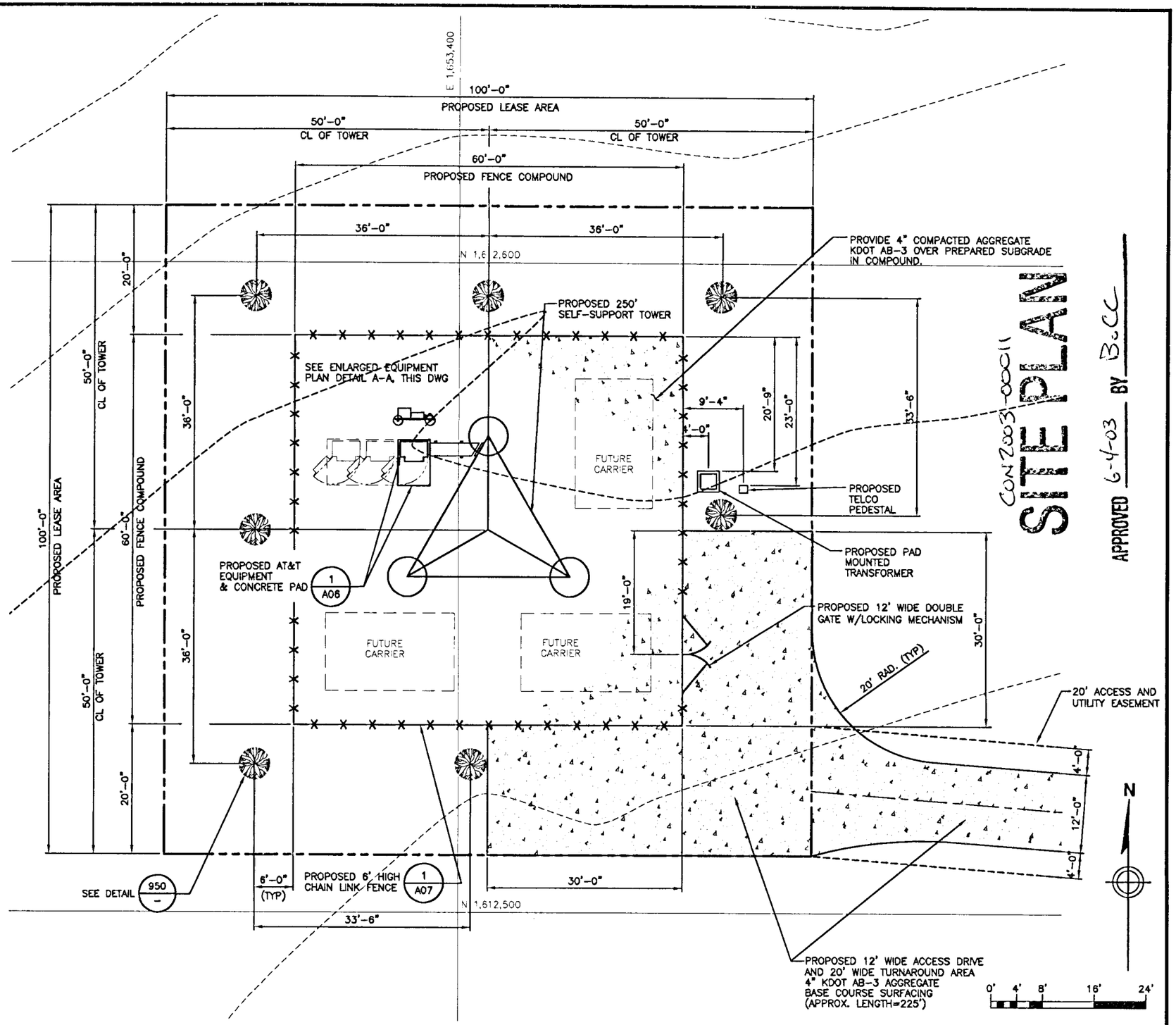
ENLARGED EQUIPMENT PLAN A-A

NOT TO SCALE



TREE PLANTING DETAIL

DETAIL 950 / NTS



CON2003-00011

SITE PLAN

APPROVED 6-4-03 BY BCC

ENLARGED SITE PLAN

1

SELECTIVE SITE CONSULTANTS, INC.
A Site Acquisition, Engineering, and Construction Quality Assurance Company
8500 W. 110th St., Suite 300
Overland Park, Kansas 66210
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SCALE: AS SHOWN | DESIGNED: DDS | DRAWN: DDS

ENLARGED SITE PLAN

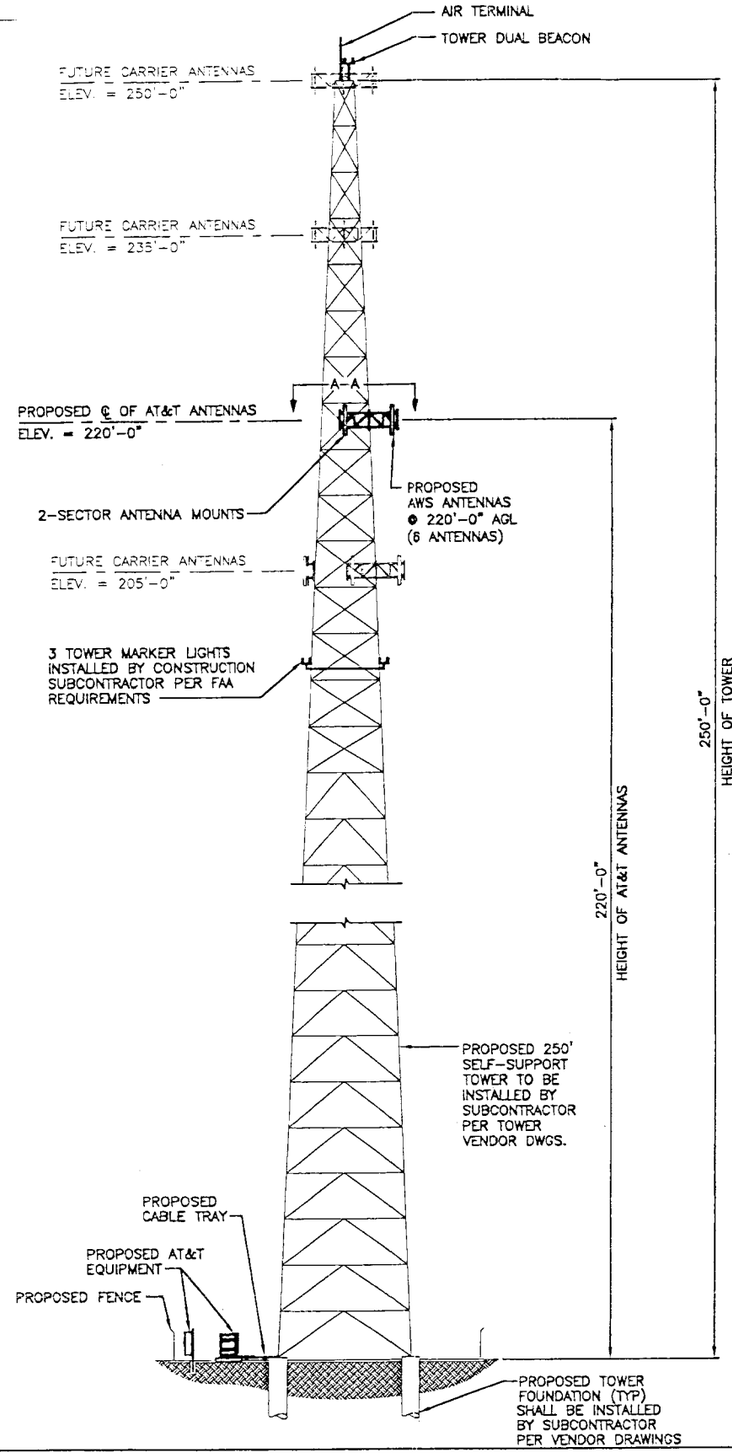
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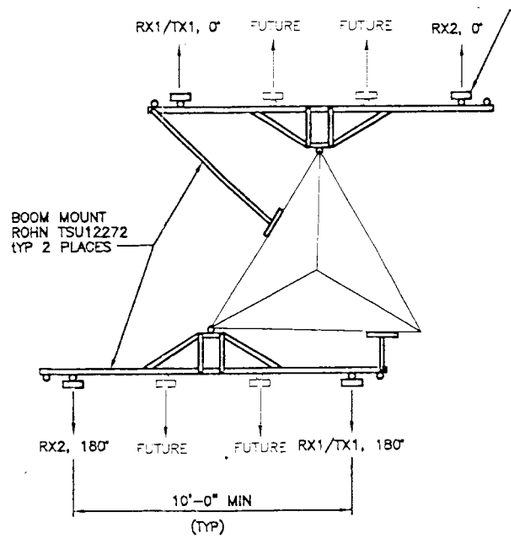
LOCATIONS OF ANTENNAS AS SHOWN HAVE BEEN APPROVED BY CLIENT AND/OR CLIENT'S RADIO FREQUENCY ENGINEERS. SSC ASSUMES NO RESPONSIBILITY FOR, NOR HAS SSC PERFORMED ANY INVESTIGATIONS OR STUDIES CONCERNING, THE COMPLIANCE OR NONCOMPLIANCE OF SAID ANTENNA LOCATIONS WITH ANY FCC RADIO FREQUENCY EXPOSURE REGULATIONS.

CON2003-00011

SITE PLAN

APPROVED 6-4-03 BY BoCC







ALL CONNECTIONS FOR HANGERS, SUPPORTS, BRACING, ETC. SHALL BE PER TOWER MANUFACTURER'S STANDARD DETAILS, OR APPROVED EQUAL.

A-A, ANTENNA CONFIGURATION
NOT TO SCALE

TOWER ELEVATION & ANTENNA CONFIGURATION

1

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

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A	03/13/03	ISSUED FOR ZONING	DDS	HAN	HAN

SCALE: AS SHOWN | DESIGNED: DDS | DRAWN: DDS

TOWER ELEVATION & ANTENNA CONFIGURATION

JOB NO.	SITE NO.	DRAWING NO.	REV
24897-414	A-WCHTKSW-234	A03	0

WICHITA–SEDGWICK COUNTY

AGENDA ITEM NO. 7

STAFF REPORT

MAPC May 8, 2003

CASE NUMBER: CON2003-00011

APPLICANT/AGENT: Forrest G. and Delva J. Butts (Owners); AT&T Wireless c/o Ronald J. Ripper (Applicant); Selective Site Consultants c/o Ron Jones (Agent)

REQUEST: Conditional Use for a wireless communication facility

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 10,000 square feet

LOCATION: Approximately one-half mile south of 111th Street South on the west side of the Kansas Turnpike (I-35)

PROPOSED USE: 250-foot high self-support lattice tower



BACKGROUND: The applicant is seeking a Conditional Use to permit the construction of a 250-foot high self-support lattice tower (see attached "Tower Elevation & Antenna Configuration") for use by AT&T Wireless. The subject property is zoned "RR" Rural Residential and is located approximately one-half mile south of 111th Street South on the west side of the Kansas Turnpike (I-35). Wireless Communication Facilities over 65 feet in height in the "RR" Rural Residential zoning district may be permitted with a Conditional Use.

The character of the surrounding area is agricultural (see attached "Vicinity Map"). All surrounding property is zoned "RR" Rural Residential and is used for agriculture. The nearest residence is located approximately 650 feet south of the proposed tower. The view of the tower from the residence will be partially obstructed by a mature hedge row and by agricultural out buildings located between the residence and the proposed tower.

The tower is proposed to be located within a 10,000 square foot lease area as shown on the attached "Overall Site Plan." Access to the site is proposed via a 20-foot wide access and utility easement to Washington. The tower is proposed to be located in the center of a 75-foot by 75-foot equipment compound enclosed by a five-foot high chain link fence. The equipment compound is proposed to have building and/or equipment pads for four telecommunication providers. Since the equipment compound is located more than 150 feet from all property lines, screening of the equipment compound is not required. The proposed tower location conforms to all setback requirements of the Compatibility Height Standard.

The applicant indicates (see attached "Site Justification" and "AT&T Wireless 2003 Wichita Build") that the proposed wireless communication facility is needed for AT&T Wireless to provide wireless communication services along the Kansas Turnpike south of Haysville, to the cities of Mulvane and Haysville, and along K-15 and Rock Road between Derby and Mulvane. The applicant indicates that there are no towers or other structures in the area to meet their communication needs.

AT&T Wireless indicates that it needs to mount its antennas at a height of 220 feet; however, the applicant has requested to construct a 250-foot high tower, which is contrary to the Unified Zoning Code (UZC) requirement to remove unused portions of towers. Therefore, planning staff recommends that an intitial tower height of 220 feet be approved and that the tower be designed for future extensions in height at such time as a wireless service provider demonstrates a need to install antennas at a height exceeding 220 feet.

Since the proposed tower will exceed 200 feet in height, the Federal Aviation Administration (FAA) will require aircraft warning lights to be installed on the tower. The applicant proposes to use the FAA's dual lighting option consisting of red lights at night and medium intensity flashing white lights during the day. The FAA regulations pertaining

to the dual lighting system are attached. The UZC prohibits strobe lighting such as the flashing white lights proposed by the applicant; however, the UZC allows the Board of County Commissioners to modify Supplementary Use Regulations (such as the strobe lighting prohibition) upon receiving a favorable recommendation from the planning commission. Planning staff recommends that the Board of County Commissioners modify the lighting requirement to comply with the FAA mandated aircraft warning lights.

CASE HISTORY: The subject property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Agriculture
SOUTH:	"RR"	Agriculture, farm-related residence
EAST:	"RR"	Agriculture
WEST:	"RR"	Agriculture

PUBLIC SERVICES: No municipally-supplied public services are required. The applicant will extend electrical and phone service to the site. The site has access to Washington, an unpaved township road.

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) painting towers red and white instead of using strobe lighting. Since the time the Wireless Communication Master Plan was adopted, the FAA changed their regulations to require day-time strobe lighting; whereas, when the plan was adopted, the FAA allowed painting towers red and white instead of using 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 APPROVED subject to the following conditions:

A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met, except as otherwise provided in Item F.
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 governing body.
C. The support structure shall be a "self-support lattice" design that generally conforms to the approved elevation drawing and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
D. The support structure shall be 220 feet in height and shall be designed and constructed to accommodate communication equipment for at least four 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 275 feet and future loading expansion to accommodate communication equipment for at least six wireless service providers.
F. 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.
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, Code Enforcement Office, and Director of Airports prior to the issuance of a building permit.
H. Revised site plans and elevation drawings indicating the approved design of the wireless communication facility shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the governing body and prior to the issuance of the Conditional Use Resolution.
I. The site shall be developed in general conformance with the approved site plans. 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.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is agricultural. The properties surrounding the subject property in all directions are zoned "RR" Rural Residential and are used for agriculture. The

proposed wireless communication facility is consistent with the zoning, uses, and character 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 currently used for agriculture. The site is apparently suitable for continued agricultural use. A Conditional Use may be granted to permit a wireless communication facility in the "RR" Rural Residential zoning district; however, the facility should conform to the guidelines of the Wireless Communication Plan as much as possible. The proposed facility conforms to most of the plan's guidelines.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on 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 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 can 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, and proportion of the facility by utilizing an unobtrusive color with a matte finish to minimize glare and by being placed in an area where existing vegetation obscures some of the facility from view. 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. The proposed tower conforms to all setback requirements of the Compatibility Height Standard.

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