CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

August 6, 2009

Westar Energy
Attn: Steve Ingersoll
818 S Kansas
Topeka, KS 66612

RE: **CON2009-00017** - City Conditional Use for a 300' Wireless Communication Facility on property zoned SF-5 Single-Family Residential, generally located northwest of the terminus of Seneca Street, 1/2 mile north of 40th Street North (4401 N Seneca).

Dear Ladies and Gentlemen:

At its regular meeting on **July 9, 2009**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions stated in the enclosed resolution.

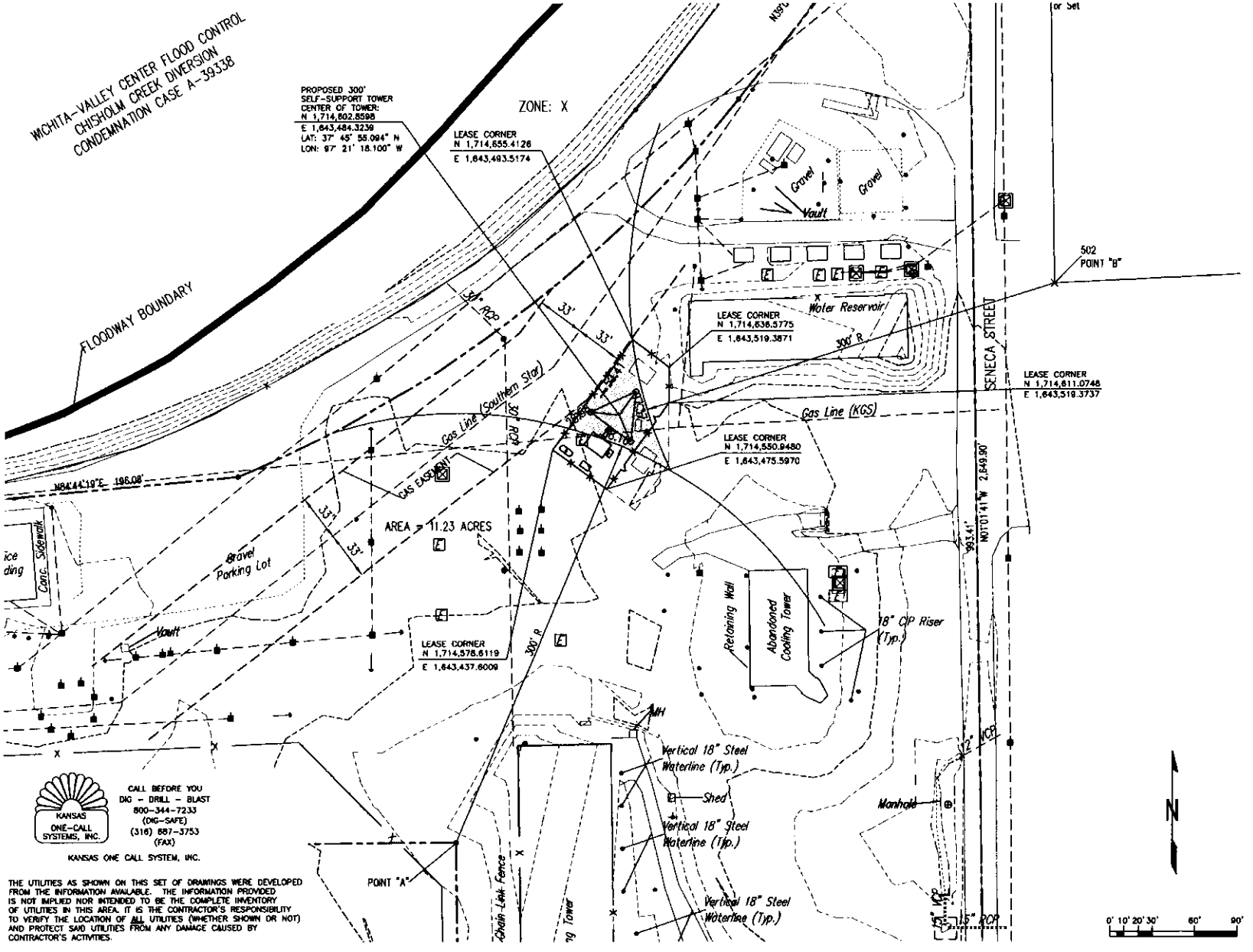
If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Jess McNeely, AICP
Senior Planner
Current Plans Division

JMC:mc
Enclosures

Copies to: PEC, PA, Attn: Rob Hartman, 303 S Topeka, Wichita, KS 67202
Kansas Gas & Electric Co., Box 208, Wichita, KS 67201
Doug Young, 122 SW 2nd St. Topeka, KS 66603
Harbor Isle (Sub-Div 1), Bernie Patrick, 2450 W. Timbercreek Ct, Wichita, KS 67204
Harbor Isle South, South Harbor LLC, 4647 N Meridian, Wichita, KS 67204



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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 CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES (WHETHER SHOWN OR NOT) AND PROTECT SAID UTILITIES FROM ANY DAMAGE CAUSED BY CONTRACTOR'S ACTIVITIES.

OVERALL SITE PLAN

Hayden
TOWER SERVICE, INC.
2936 N.W. Hwy 24
Topeka, KS 66618
Phone: (785) 232-1840
Fax: (785) 232-1877

WESTAR ENERGY

SSC
8500 W. 110th Street, Suite 300
Overland Park, Kansas 66210
Phone: 913-438-7700 Fax: 913-438-7777

DESIGNER:	H. SEAN
LEAD EE:	S.D. KEISLING
LEAD CE/SE:	M.L. OWENS

SUBMITTALS

NO.	DATE	DESCRIPTION	BY
A	05/28/09	ISSUED FOR ZONING	HS

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO WESTAR ENERGY IS STRICTLY PROHIBITED.

SITE NAME
RIPLEY POWER PLANT

SITE NUMBER

SITE ADDRESS
4401 NORTH SENECA STREET
WICHITA , KS 67204

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
A-1

Harbor Isle Third, 4647 N. Meridian, Wichita, KS 67204
Kechi Township, James W Mckenney, 502 E 69th St North, Wichita, KS 67219
WCC VI, Janet Miller, Mail Stop 1-13
N.A. VI, Terri Dozal, Mail Stop 1-135
Julianne Kallman, Engineering, Mail Stop 1-71
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
J. R. Cox, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72

CONDITIONAL USE RESOLUTION NO. CON2009-17

WHEREAS, Westar Energy, c/o Steve Ingersoll, (Owner(s)); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a for a 300' Wireless Communication Facility, on .92 acres zoned SF-5 Single-family Residential ("SF-5") described as:

Commencing at the Northeast corner of the Northeast Quarter; thence South 01 degrees 01'41" East along the East line of said Northeast Quarter, a distance of 498.87 feet; thence South 88 degrees 58'19" West, a distance of 241.13 feet to the point of beginning; thence South 36 degrees 05'39" West, a distance of 94.00 feet; thence South 53 degrees 54'21" East, a distance of 67.00 feet; thence North 36 degrees 05'39" East, a distance of 40.00 feet; thence North 03 degrees 08'41" East, a distance of 64.35 feet; thence North 53 degrees 54'21" West, a distance of 32.00 feet to the point of beginning; generally located northwest of the terminus of Seneca Street, 1/2 mile north of 40th Street North (4401 N Seneca).

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 July 9, 2009, 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 allow a 300' Wireless Communication Facility, on .92 acres zoned SF-5 Single-family Residential ("SF-5") described as:

> Commencing at the Northeast corner of the Northeast Quarter; thence South 01 degrees 01'41" East along the East line of said Northeast Quarter, a distance of 498.87 feet; thence South 88 degrees 58'19" West, a distance of 241.13 feet to the point of beginning; thence South 36 degrees 05'39" West, a distance of 94.00 feet; thence South 53 degrees 54'21" East, a distance of 67.00 feet; thence North 36 degrees 05'39" East, a distance of 40.00 feet; thence North 03 degrees 08'41" East, a distance of 64.35 feet; thence North 53 degrees 54'21" West, a distance of 32.00 feet to the point of beginning; generally located northwest of the terminus of Seneca Street, 1/2 mile north of 40th Street North (4401 N Seneca).

Approved subject to the following conditions:

A. All requirements of Art. III Sec. 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 design that generally conforms to the approved elevation 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 300 feet in height and shall be designed and constructed to accommodate communication equipment for at least three (3) wireless service providers.

E. The tower shall conform to FAA regulations in regards to analysis of airspace in the area, which includes conformation that the height of the tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.

F. The tower site located within the Ripley site shall be developed in general conformance with the approved site plan.

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.

Adopted this 6th Day of August 2009

METROPOLITAN AREA PLANNING COMMISSION

Darrell Downing

Darrell Downing, Chair MAPC

ATTEST:

John L. Schlegel

John L. Schlegel, Secretary

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING

AGENDA ITEM NO. _____

STAFF REPORT

MAPC July 9, 2009
DAB VI July 6, 2009

CASE NUMBER: CON2009-17

OWNERS/APPLICANTS: Westar Energy, c/o Steve Ingersoll (owner); PEC, PA, c/o Rob Hartman (agent)

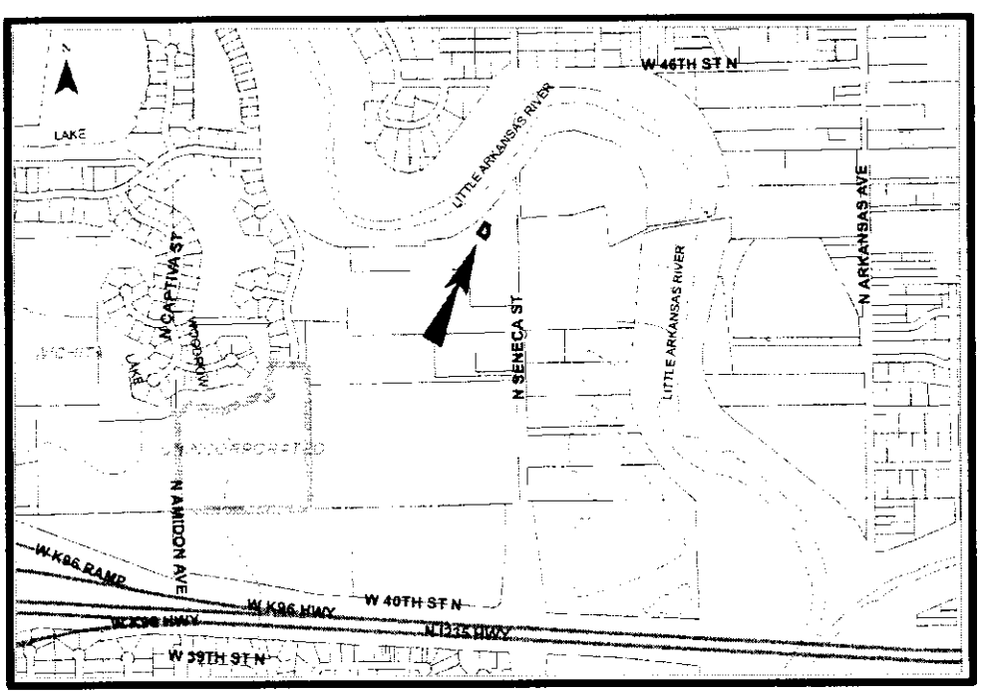
REQUEST: Conditional Use for a wireless communication facility

CURRENT ZONING: SF-5 Single-family Residential ("SF-5")

SITE SIZE: 0.12-acres

LOCATION: Generally located northwest of the terminus of Seneca Street, 1/2 mile north of 40th Street North (4401 N Seneca)

PROPOSED USE: 300-foot wireless communication tower



BACKGROUND: The applicant, Westar Energy, seeks a Conditional Use to permit the construction of a 300-foot high, galvanized steel, lattice, wireless communication tower. The tower site is located in the SF-5 Single-family Residential ("SF-5") zoned 52-acre Ripley Power Plant site. The Ripley site is no longer used as a power plant, as it was for decades. The site still has power plant infrastructure, and is now used as a Westar training facility. In building this tower, Westar will dismantle their existing tower at 1900 East Central. Per the amended Wireless Communication Facility Ordinance (adopted by the City Council on April 8, 2008), new wireless communication facilities over 65-feet in height in the SF-5 zoning district may be permitted with a Conditional Use.

The 52-acre Ripley site is north of the terminus of Seneca, just south of the Little Arkansas River, and north of I-235. This site is zoned SF-5, but was home to a power plant for decades. North of the river are SF-5 zoned single-family residences. South of the site is LI Limited Industrial ("LI") zoning, developed with a residence and an office/warehouse combination. Also south of the site is an SF-5 zoned technical college, and SF-5 residences built along a retired sand pit. East of the site, across the river, is an SF-5 zoned park and school. West of the site is a platted SF-5 residential subdivision (the South Harbor Addition). The eastern most lots in this addition, those nearest the Ripley site, are not yet built. The residences north of the site, across the river, are over 600 feet from the proposed tower, with significant vegetation buffering along the river. Residences south of the site are over 800 feet from the proposed tower. The park east of the site, across the river, is over 1,800 feet from the site, with significant vegetation buffering along the river. The residential lots west of the site are over 1,400 feet from the proposed tower.

The applicant's letter (see attached) states that the proposed facility is needed for a private radio system, for microwave radio, and for a data acquisition function. The tower will also accommodate other wireless functions in the future if necessary. Westar found this tower necessary, as the existing Westar East Central tower, and other towers in the area, do not accommodate necessary coverage, and/or will not meet structural requirements.

Art. IV Sec. IV-C.5.b. of the Unified Zoning Code (UZC) requires a setback equal to the height of the communication tower from abutting properties. The attached site plan demonstrate that the 300-foot tower meets compatibility setback requirements. The proposed tower and its associated communication frequencies and wattages must meet standards determined by the Federal Aviation Administration (FAA) not to pose a hazard to air navigation or interfer with other radio/communication frequencies. The applicant has not provided an analysis of airspace in the area, which must be provided to staff prior to building permits being issued. The applicant has stated that lighting will be provide for aircraft warning (an FAA requirement), including daytime white and nighttime red lighting. The proposed galvanized surface of the tower will blend into the sky more readily than a red or white paint, which meets the intent of the Design Guidelines of the Wireless Communication Master Plan. The proposed tower must allow co-location for three (3) other providers.

CASE HISTORY: The site is located on a portion of Government Lot 3 in the Northeast Quarter of Section 30, Township 26 South, Range 1 East of the 6th P.M.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Little Arkansas River, single-family residences
SOUTH:	LI, LC, SF-5	Warehousing and office, technical college, single-family residences
EAST:	SF-5	Little Arkansas River, park, school
WEST:	SF-5	Vacant single-family residential lots

PUBLIC SERVICES: The site has access to Seneca, classified as a local street at this location. Seneca is a paved two-lane street with a 70-foot right of way at this location.

CONFORMANCE TO PLANS/POLICIES: Per the amended Wireless Communication Facility Ordinance (adopted by the City Council on April 8, 2008), new wireless communication facilities over 65-feet in height in the SF-5 zoning district may be permitted with a Conditional Use.

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 requires a Conditional Use for new undisguised ground mounted facilities over 65-feet in height in the SF-5 zoning district; and requires compliance with the compatibility setback standards. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: preserve the pre-existing character of the area as much as possible; minimize height, mass, or proportion; minimize the silhouette; use colors, textures, and materials that blend in with the existing environment; be concealed or disguised as a flagpole, clock tower, or church steeple; be placed in areas where trees and/or buildings obscure some or all of the facility; be placed on walls or roofs of buildings; be screened through landscaping, walls, and/or fencing; and, be painted red and white instead of using strobe lighting. The site was a power plant for decades, and still retains an industrial character with smoke stacks, buildings, and cooling towers. The tower will have a galvanized surface, which will blend into the sky more readily than red or white paint. There are existing mature trees around the site, screening the site from surrounding residential uses.

The 2030 Functional Land Use Guide classifies the Ripley site as "Major Utility / Transportation." It defines "Major Utility / Transportation" as encompassing utility and transportation facilities and includes a range of such uses as airports, landing strips, landfills, waste transfer stations, water treatment and sanitary sewer plant facilities.

RECOMMENDATION: Based upon these factors and 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 Art. III Sec. 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 design that generally conforms to the approved elevation 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 300 feet in height and shall be designed and constructed to accommodate communication equipment for at least three (3) wireless service providers.
E. The tower shall conform to FAA regulations in regards to analysis of airspace in the area, which includes conformation that the height of the tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.
F. The tower site located within the Ripley site shall be developed in general conformance with the approved site plan.
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: This site is zoned SF-5, but was home to a power plant for decades. North of the river is SF-5 zoned single-family residences. South of the site is LI zoning, developed with a residence and an office/warehouse combination. Also south of the site is an SF-5 zoned technical college, and SF-5 residences built along a retired sand pit. East of the site, across the river, is an SF-5 zoned park and school. West of the site is a platted SF-5 residential subdivision (the South Harbor Addition).

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned SF-5, was used as a power plant for decades, and is now used as a Westar training facility. The site is suitable for its continued use as a training facility. A Conditional Use may be granted to permit a wireless communication tower in the SF-5 zoning district; however, the facility should conform to the guidelines of the Wireless Communication Plan as much as possible. The Locational Guidelines of the Wireless Communication Master Plan recommends industrial areas as possible/preferred sites for towers. The proposed facility conforms to most of the plan's guidelines.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed tower and its lighting will be visible from some nearby residences. However, this site, with large smoke stacks and cooling towers, already had an industrial character. The site is well screened from all surrounding residences with existing vegetation. Likewise, proposed aircraft warning lighting is designed to have minimal visibility from ground level. Given the existing industrial nature of site, the proposed tower should have minimal affect on nearby property.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The 2030 Functional Land Use Guide classifies the Ripley site as "Major Utility / Transportation." It defines "Major Utility / Transportation" as encompassing utility and transportation facilities and includes a range of such uses as airports, landing strips, landfills, waste transfer stations, water treatment and sanitary sewer plant facilities. The proposed wireless communication facility mostly conforms to the Design Guidelines of the Wireless Communication Master Plan. The site meets the UZC compatibility setback requirement from private property.

5. Impact of the proposed development on community facilities: FAA approval should ensure that the proposed tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies.