CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

January 14, 2009

City of Wichita
Property Management
455 N Main
Wichita, KS 67202

T-Mobile Wireless
C/O George Wyrick
4533 Enterprise Dr
Oklahoma City, OK 73128

RE: **CON2008-00061** - City Conditional Use for a wireless communication tower on property zoned SF-5 Single-family Residential, generally located midway between Hoover Road and West Street, on the north side of 9th Street.

Dear Ladies and Gentlemen:

At its regular meeting on **December 18, 2008**, the 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 case please contact our office at 268-4421.

Sincerely,

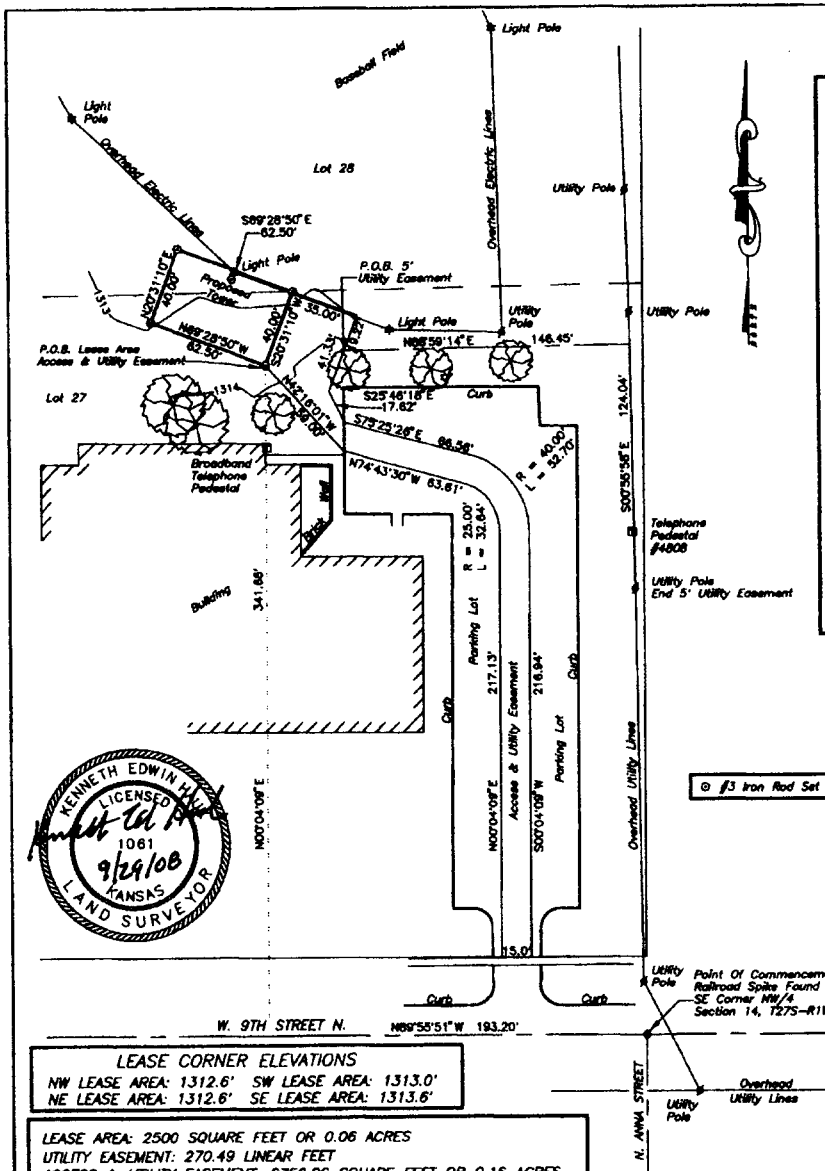
Bill Longnecker
Senior Planner
Current Plans Division

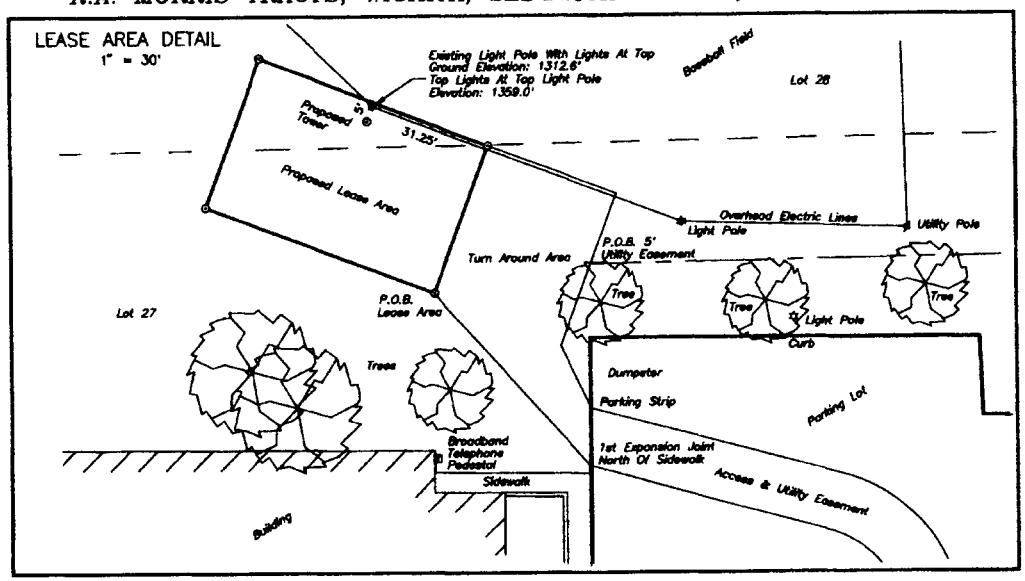
WL/mc
Enclosure

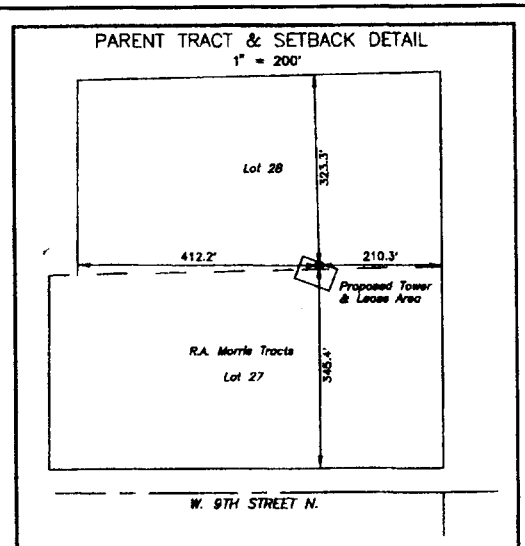
5. Impact of the proposed development on community facilities: FAA approval should ensure that the proposed tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies.

Exhibit #3

A PROPOSED LEASE AREA IN PART OF LOTS 27 & 28, R.A. MORRIS TRACTS, WICHITA, SEDGWICK COUNTY, KANSAS







KENNETH EDWIN HACK LICENSED 1061 9/29/08 KANSAS LAND SURVEYOR

LEASE CORNER ELEVATIONS

NW LEASE AREA: 1312.6' SW LEASE AREA: 1313.0'
NE LEASE AREA: 1312.6' SE LEASE AREA: 1313.6'

LEASE AREA: 2500 SQUARE FEET OR 0.06 ACRES
UTILITY EASEMENT: 270.49 LINEAR FEET
ACCESS & UTILITY EASEMENT: 6758.06 SQUARE FEET OR 0.16 ACRES

FLOOD NOTE

By graphically plotting the proposed lease area is affected by Flood Zone "X" (Shaded) per the National Flood Insurance Rate Map, Community Panel Number 200328 335E, Map Number 20173C0335E, Effective Date: February 2, 2007.

WI02434
McCLEAN

NO.	REVISION	DATE	BY

T-MOBILE CENTRAL LLC
OKLAHOMA CITY, OKLAHOMA

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

SURVEYED BY: AEH	SCALE: 1"=60'	FIELD BOOK: 21
DRAWN BY: KEH	DATE: 9/22/08	PAGE #: 8
APPROVED BY: KEH	JOB #: 1791	SHEET 1 OF 2

CONDITIONAL USE RESOLUTION NO. CON2008-00061

WHEREAS, the City of Wichita and T-Mobile Wireless (applicant/owner); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to permit a 120-foot wireless communication facility on approximately 0.06-acre zoned SF-5 Single-family Residential ("SF-5") described as:

A tract of land lying in and being a part of Lots 27 and 28, R.A. Morris Tracts, Wichita, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Southeast corner of the Northwest Quarter of Section 14, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence North 89 degrees 55'51" West a distance of 193.20 feet; thence North 00 degrees 04'09" East a distance of 341.68 feet to the point of beginning; thence North 69 degrees 28'50" West a distance of 62.50 feet; thence North 20 degrees 31'10" East a distance of 40.00 feet; thence South 69 degrees 28'50" East a distance of 62.50 feet; thence South 20 degrees 31'10" West a distance of 40.00 feet to the point of beginning. Generally located midway between Hoover Road and West Street, on the north side of 9thStreet, Wichita, Sedgwick County, Kansas.

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 December 18, 2008, consider said application.

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 permit a Conditional Use for a 120-foot wireless communication facility located on approximately 0.06-acre zoned SF-5 Single-family Residential ("SF-5") described as:

A tract of land lying in and being a part of Lots 27 and 28, R.A. Morris Tracts, Wichita, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Southeast corner of the Northwest Quarter of Section 14, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence North 89 degrees 55'51" West a distance of 193.20 feet; thence North 00 degrees 04'09" East a distance of 341.68 feet to the point of beginning; thence North 69 degrees 28'50" West a distance of 62.50 feet; thence North 20 degrees 31'10" East a distance of 40.00 feet; thence South 69 degrees 28'50" East a distance of 62.50 feet; thence South 20 degrees 31'10" West a distance of 40.00 feet to the point of beginning. Generally located midway between Hoover Road and West Street, on the north side of 9thStreet, Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

A. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code (UZC) 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 generally conforms to the approved site 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 120 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 0.06-acre tower site located within the 14.5-acre Orchard Park shall be developed in general conformance with the approved revised site and landscape plan. These plans must show the type and size of fencing around the site, parking, all light poles, lights, power poles, cabinets, equipment or buildings within the fenced in site or in the immediate area if it is to be used by the site. The plan must identify existing and/or proposed trees and shrubs, give their total numbers and their general size to determine if it meets screening requirements of the UZC, Art. IV, Sec. IV-B.3.b.1. If a surface is needed for the drive/access, it must be approved by the Zoning Administrator. All improvements and construction of the facility/tower shall be completed within a year and before the facility becomes operational.

G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations. Provide all utilities, including Storm Water Engineer, with any required plans for review and approval of the site.

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 UZC, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 18th day of December, 2008.

METROPOLITAN AREA PLANNING COMMISSION

Darrel Downing, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING

AGENDA ITEM NO. 9

STAFF REPORT

MAPC December 18, 2008
DAB VI December 17, 2008

CASE NUMBER: CON2008-00061

OWNERS/APPLICANTS: City of Wichita (owner), T-Mobile Central LLC, c/o George Wyrick (applicants), Ferris Consulting, c/o Greg Ferris (agent)

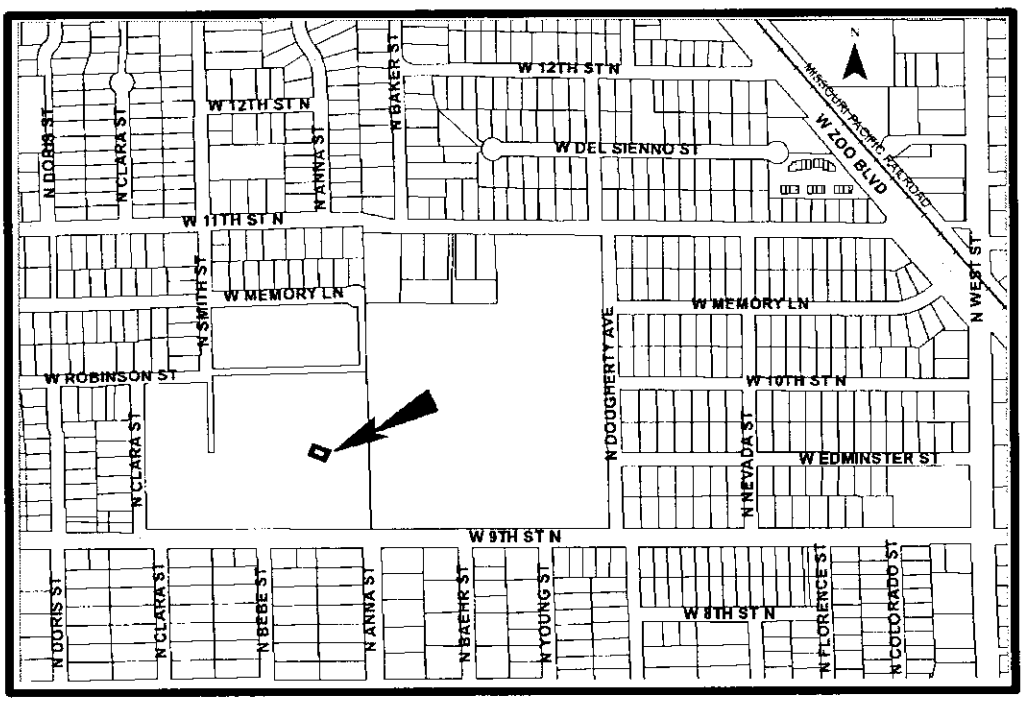
REQUEST: Conditional Use for a wireless communication facility

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

SITE SIZE: 0.06-acres

LOCATION: Generally located in Orchard Park, midway between West Street and Hoover Road, on the north side of 9th Street North (WCC #VI)

PROPOSED USE: 120-foot wireless, monopole cell phone tower



BACKGROUND: The applicant, T-Mobile Central, LLC, is seeking a Conditional Use to permit the construction of a 120-foot high, galvanized steel, monopole, cell phone tower. The tower site is located in the SF-5 Single-family Residential ("SF-5") zoned 14.5-acre Orchard Park. The proposed tower will also have lights placed on its lower portion, which will be used to light the center field of an existing baseball field. The public park is located midway between West Street (east), Hoover Road (west), on the north side of 9th Street North. The park has a Recreation/Resource center, a swimming pool, playgrounds, tennis/basketball courts, soccer and baseball fields. Per the amended Wireless Communication Facility Ordinance (adopted by the WCC 4-08-08 & BoCC 4-9-08), new wireless communication facilities over 65-feet in height in the SF-5 zoning district may be permitted with a Conditional Use. The site is located in an area where an Administrative Permit (per the above sited amended ordinance) would allow a tower, if it did not exceed the allowed height. The proposed tower is 120 feet tall, thus the Conditional Use application.

The 25.68-acre USD 259 property abuts the east side of the park. The USD property is zoned SF-5. This property contains Hadley Middle School and Bryant Elementary School and their playgrounds and playing fields. The schools and the abutting Orchard Park (where the site is located) are located in the center of a single-family residential neighborhood, bound by 13th Street – I-235 – Central Avenue – West Street/Zoo Boulevard. This neighborhood is zoned mostly SF-5, with scattered TF-3, Two-family Residential ("TF-3") zoning and LC Limited Commercial ("LC") zoning along West and Central, which are both arterial streets.

The applicant's RF Engineer has provided (exhibit #1) a letter that states that the proposed facility is needed to both provide, extend and improve phone service in this section of Wichita. The RF Engineer has also stated that the proposed tower will provide capacity relief for existing T-Mobile Towers in the area. The RF Engineer states that there is one tower (the 140-foot Global Signal tower; exhibit #2, the wireless facilities map) in the immediate 1-mile area that would allow co-location opportunities. However, the RF Engineer states that the Global tower is located to far west to provide the desired coverage in the areas along West Street, and north of Central and Zoo Boulevard. The wireless facilities map also shows the existing facilities in the area, from Ridge Road (west) – north of 13th Street – McLean Boulevard (east) – Douglas Avenue (south). This map is in general agreement with the case map generated by City IT. T-Mobile is shown to have four (4) facilities on the map, which the RF Engineer has stated are at full capacity. The applicant has provided current and desired coverage maps; Exhibit #1a. The facility map does not show the 150-foot tower located on the eastern abutting USD 259 property, next to Hadley Middle School. USD 259 has indicated that there are no co-location opportunities on this tower.

The site plan (exhibit #3) shows the tower site located within the park, just to the north of the Recreation and Resource center. It also shows the already mentioned baseball field, some existing trees, some utilities, and an access/utility easement running from the site and through the center's parking lot to 9th Street. The parking lot is paved, but the site plan does not show if the portion of the access/utility easement outside of it has any type of all weather surface on it. The site plan shows no fencing around the site, although a concept photo (exhibit #4) does show a solid wooden fence around the site. The site plan shows no light poles, power poles, cabinets, equipment or buildings located within the site. The use of the park's existing trees

must be determined if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. Art. IV Sec. IV-C.5.b. of the UZC requires a setback equal to the height of the communication tower from the abutting properties; the site exceeds this standard (exhibit #5).

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(FAA requirement), for security purposes at the base of the facility, and any needed for night time repair. No strobes will be allowed. 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. The applicant has indicated that the tower will have a triangular "top hat" antenna array, the UZC recommends antennas mounted flush to the support structure over triangular "top hat" antenna arrays. However it also recognizes that the triangular "top hat" antenna's signal travels further than the flush mounted antennas, therefore reducing the number of needed towers.

CASE HISTORY: The site is located on a portion of Lots 27 and 28, R. A. Morris Tracts subdivision, which was recorded with the Register of Deeds October 16, 1928. The Wichita Board of Park Commissioners has approved leasing this site to the applicant. The Orchard Park Neighborhood/Homeowners Association was presented this request for their consideration and did not object to it.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Park and its playing fields, tennis/basketball courts
SOUTH:	SF-5	Park and its Resource/Recreation center, parking lot
EAST:	SF-5	Park, public schools
WEST:	SF-5	Park and its parking lot, play ground, swimming pool

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 9th Street, a paved two-lane urban collector street. The 2030 Transportation Plan shows no change to the current status of this road.

CONFORMANCE TO PLANS/POLICIES: Per the amended Wireless Communication Facility Ordinance (adopted by the WCC 4-08-08 & BoCC 4-9-08), new wireless communication facilities over 65-feet in height in the SF-5 zoning district may be permitted with a Conditional Use. The site is located in an area where an Administrative Permit (per the above sited amended ordinance) would allow a tower, if it did not exceed the allowed height. The proposed tower is 120 feet tall, thus the Conditional Use application.

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 that they comply with the compatibility setback standards; the site exceeds those setback standards. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: 1) preserve the pre-existing character of the area as much as possible. The tower will replace an existing light pole for a public park baseball field, providing light for the ball field while providing extended and improved phone service in this section of Wichita. There is an existing 150-foot tall tower located on the eastern abutting USD 259 property. USD 259 has indicated that there are no co-location opportunities on this tower. 2) Minimize the height, mass, or proportion. The tower is similar in height, mass and proportion to other T-Mobile towers in the area, unlike the 150-foot tall lattice tower on the USD property. 3) Minimize the silhouette; monopoles are favored over lattice type structures for up to 150-feet and antennas mounted flush to the support structure over triangular "top hat" antenna arrays. The 120-foot tower is a monopole, but uses triangular "top hat" antenna arrays. The triangular "top hat" antenna's signal travels further than the flush mounted antennas, therefore reducing the number of needed towers. 4) Use colors, textures, and materials that blend in with the existing environment. The monopole tower will have a galvanized surface, which will blend into the sky more readily than red or white paint. 5) Be concealed or disguised as a flagpole, clock tower, or church steeple. The tower will replace an existing light pole for a public park baseball field, providing light for the ball field while providing extended and improved phone service in this section of Wichita. 6) Be placed in areas where trees and/or buildings obscure some or all of the facility. There are existing mature trees around the site, plus ball fields and a public Resource/Recreation center, all which will help to "hide" the site. 7) Be placed on walls or roofs of buildings. The application doesn't do this. 8) Be screened through landscaping, walls, and/or fencing. Existing trees provide landscaping, and a concept photo shows a solid wooden fence. At the very least some type of fence will probably be put up for security. 9) Painting towers red and white instead of using strobe lighting. The applicant has stated that there will be no strobes and that it will be a galvanized steel finish.

The 2030 Functional Land Use Guide classifies the site, Orchard Park, as "park and open space." It defines "park and open space" as land meant to accommodate parks, golf courses, public open space, private development reserves and recreational facilities/corridors (including natural drainage channels, easements, abandoned railway corridors, etc.,). A wireless communication facility is a commercial use. Entry into residential areas is typically the final part of the business plan of most personal wireless providers. The existing USD 259 150-foot tall lattice tower is located approximately 1,000 feet from the proposed site, thus the proposed site is not introducing a new use to the large area. The Locational Guidelines of the Wireless Communication Master Plan recommends large park areas as possible/preferred sites for towers. The proposed location of the site is within a public park, which will affect the fewest number of people with its presences while providing an opportunity to improve communication services to this portion of the community.

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 "monopole" design that generally conforms to the approved site 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 120 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 0.06-acre tower site located within the 14.5-acre Orchard Park shall be developed in general conformance with the approved revised site and landscape plan. These plans must show the type and size of fencing around the site, parking, all light poles, lights, power poles, cabinets, equipment or buildings within the fenced in site or in the immediate area if it is to be used by the site. The plan must identify existing and/or proposed trees and shrubs, give their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. The site plan must identify the utility access easement as being current or proposed. If it is proposed it must be recorded. If a surface is needed for the drive/access easement, it must be approved by the Zoning Administrator. All improvements and construction of the facility/tower shall be completed within a year and before the facility becomes operational.
G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations. Provide all utilities, including Storm Water Engineer, with any required plans for review and approval of the site.
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 a public park, Orchard Park, developed with baseball and soccer fields, playgrounds, outdoor tennis/basketball courts, a public Resource/Recreation center and a swimming pool. A public elementary and middle school (USD 259) abuts the east side of the park. The existing USD 259 150-foot tall lattice tower is located

approximately 1,000 feet east from the proposed site, thus the proposed site is not introducing a new use to the large area. An established single-family residential neighborhood surrounds the park and schools, with the nearest homes located approximately 350 feet south from the site, separated by park land, the public Resource/Recreation center and 9th Street. The park, the USD property and the surrounding single-family residential neighborhoods are almost entirely zoned SF-5.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned SF-5 and is currently used as a public park. The park has a Recreation/Resource center, a swimming pool, playgrounds, tennis/basketball courts soccer and baseball and soccer fields. The site is suitable for its continued use as a public park. A Conditional Use may be granted to permit a wireless communication facility 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 large park 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: Detrimental effects on the area's single-family neighborhood should be minimized to a degree by the Conditional Use standards of the Unified Zoning Code, which should limit noise, lighting, and other activity from adversely impacting these properties, all which are no closer than 350 feet from the site. The location of the site on parkland ensures future development around the site will occur outside the 14.5-acre Orchard Park, thus continuing the minimization of detrimental effects on the existing development and any future development outside of the park.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed wireless communication facility appears to conform to the Location Guidelines of the Wireless Communication Master Plan since there appears to be no other towers or tall structures in the vicinity of the site which can accommodate the communication needs of the applicant. It is always possible that other facilities may be presented as alternative/co-location sites during the public hearing, in which case the applicant will need to address those claims/opportunities for possible co-location. The proposed wireless communication facility mostly conforms to the Design Guidelines of the Wireless Communication Master Plan by minimizing the height, mass, proportion, and silhouette of the facility through its monopole design; by utilizing an unobtrusive color with a matte finish to minimize glare; and by being placed in a park where existing vegetation, park facilities and the size of the park obscures some of the proposed tower facility from view. The proposed tower will also serve as a light pole for the baseball field it abuts, which meets the intent of the Master Plan's standard of using rebuilt athletic field/stadium light standards for communication towers. 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 SF-5 or more restrictive. The site appears to exceed that standard.