CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 14, 2011

USD No. 259, c/o Shane Schumacher
3850 N. Hydraulic Avenue
Wichita, KS, 67219

USD No. 259
201 N. Water Street
Wichita, KS, 67202

RE: CON2010-00056 - City Conditional Use request for a wireless communication tower on property zoned B Multi-Family Residential ("B"); generally located east of Washington Avenue, on the north side of Mt. Vernon Road, on the west side of Laura Avenue.

Dear Ladies and Gentlemen:

At its regular meeting on **January 20, 2011**, 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 on the attached resolution.

This action was not accompanied by valid appeals of protest petitions. Therefore, the action of the Planning Commission is **FINAL**. If you have any questions concerning this case, please contact our office.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

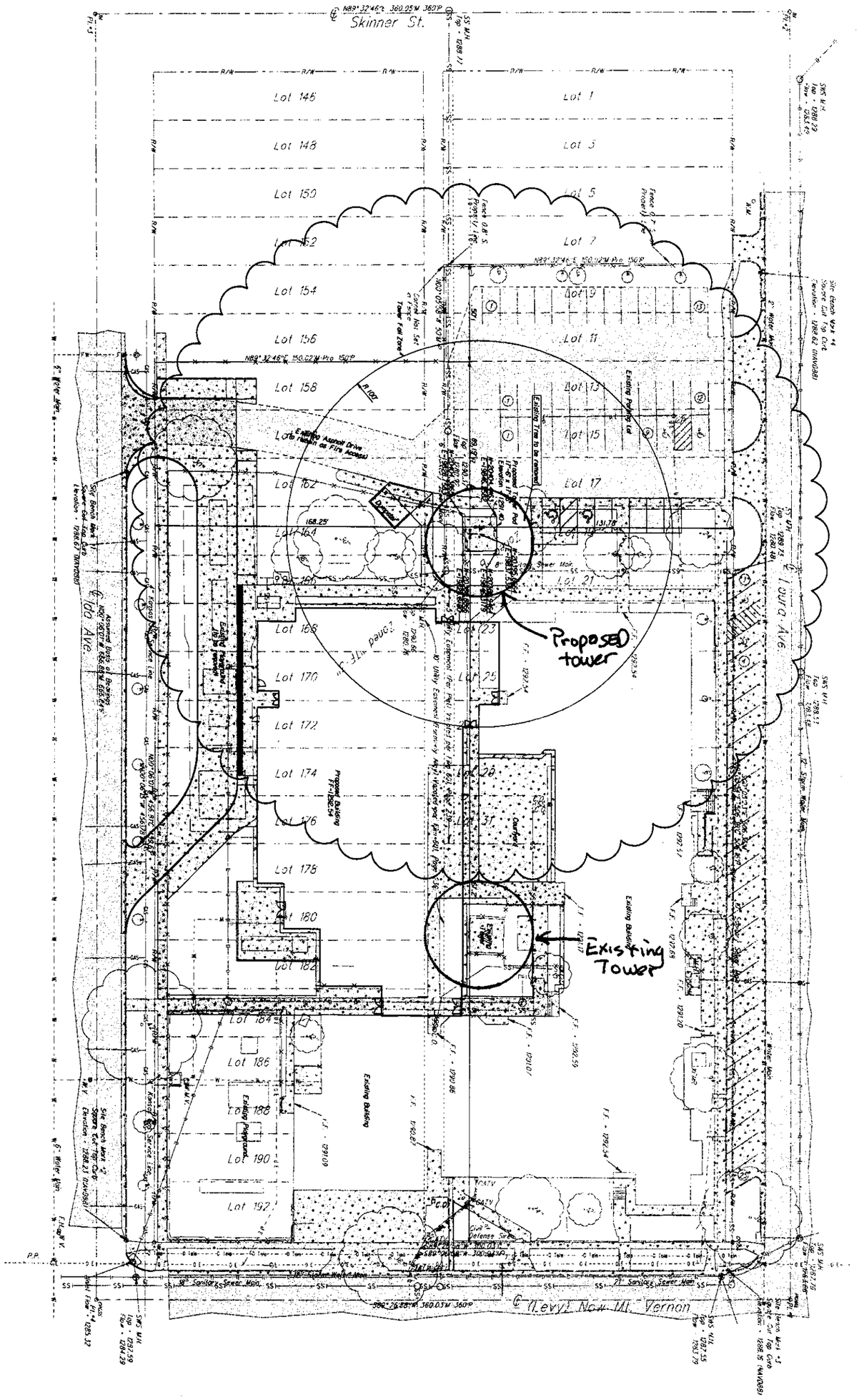
Bill Longnecker
Senior Planner
Current Plans Division

WL: mc
Enclosure

tower's galvanized surface will blend into the sky. 5) Conceal or disguise the tower as a flagpole, clock tower, or church steeple; Planning is not aware that these are options have been investigated. 6) Place towers in areas where trees and/or buildings obscure some or all of the facility; existing mature trees, the school buildings and existing solid fencing will obscure some of the facility. 7) Place towers on walls or roofs of buildings; this option does not appear to be present in this area. 8) Screen towers through landscaping, walls, and/or fencing; the applicant will need to retain all mature trees and solid fencing around the site. 9) Paint towers red and white instead of using strobe lighting; see #4 above. With respect to the Wireless Master Plan's statement favoring monopole support structures or lattice structures, the City Council has directed staff to soften the plan's policy favoring monopoles, and to be more flexible regarding the type of tower structure allowed. The application appears to meet most of these considerations.

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.

Y:\2010\487_Arch Innov_Gardiner Elementary\Sheets\Revision 3\487_CV5.0_Tower Location_R3.dgn



CONSTRUCTION DOCUMENTS
RENOVATION AND ADDITION
GARDINER ELEMENTARY

1951 S. LAURA ST.
GARDINER ELEM.

07-14-10

sheet CV5.0 TOWER LOCATION

project no. 327-0918

Architectural Innovations, LLC

ASM Engineering Consultants, LLC
12469 SW 15th Benton, KS 67017
O: 316-778-2215 F: 316-778-1204

DATE: 11/18/2010
REV. 2 12/23/2010
REV. 3 12/15/2010

CONDITIONAL USE RESOLUTION NO. CON2010-00056

WHEREAS, the United School District 259 (USD 259/Owner); 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 Wireless Communication Facility, with a lattice tower on approximately 2.75-acres zoned B Multi-Family Residential ("B") described as:

A 17.6-foot (x) 17.6-foot tower site located on the USD 259 2.75-acre Gardiner Elementary public school site, and more specifically on Lot 19, Walter Morris and Sons 5th Addition, an addition to Wichita, Sedgwick County, Kansas: generally located east of Washington Avenue, on the north side of Mt. Vernon Road, on the west side of Laura Avenue.

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 January 20, 2011, 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 MAPC that this application be approved to allow a Conditional Use for a Wireless Communication Facility, with a lattice tower on approximately 2.75-acres zoned B Multi-Family Residential ("B") described as:

A 17.6-foot (x) 17.6-foot tower site located on the USD 259 2.75-acre Gardiner Elementary public school site, and more specifically on Lot 19, Walter Morris and Sons 5th Addition, an addition to Wichita, Sedgwick County, Kansas: generally located east of Washington Avenue, on the north side of Mt. Vernon Road, on the west side of Laura Avenue.

Approved subject to the following conditions:

(1) Allow a 100-foot tall, lattice, self-supporting, microwave communication tower. The site shall be located as shown on an approved site plan, within the interior of the 2.75-acre Gardiner Elementary public school grounds, in compliance with all federal, state, and local rules and regulations.
(2) Waive the co-location requirement. All other requirements of Art. III Sec. III.D.6.g., of the Unified Zoning Code shall be met.
(3) 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.
(4) All appropriate lighting and/or markings as approved by the FAA.
(5) 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.
(6) The tower site shall be developed in general conformance with the approved site plan. 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 20th Day of January 2011

METROPOLITAN AREA PLANNING COMMISSION

Debra Miller Stevens

Debra Miller Stevens, Chair MAPC

ATTEST:

John L. Schlegel

John L. Schlegel, Secretary

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING

AGENDA ITEM NO. 12

STAFF REPORT

MAPC January 20, 2011

CASE NUMBER: CON2010-00056

OWNERS/APPLICANTS: United School District 259 c/o Shane Schumacher (owner/applicant)

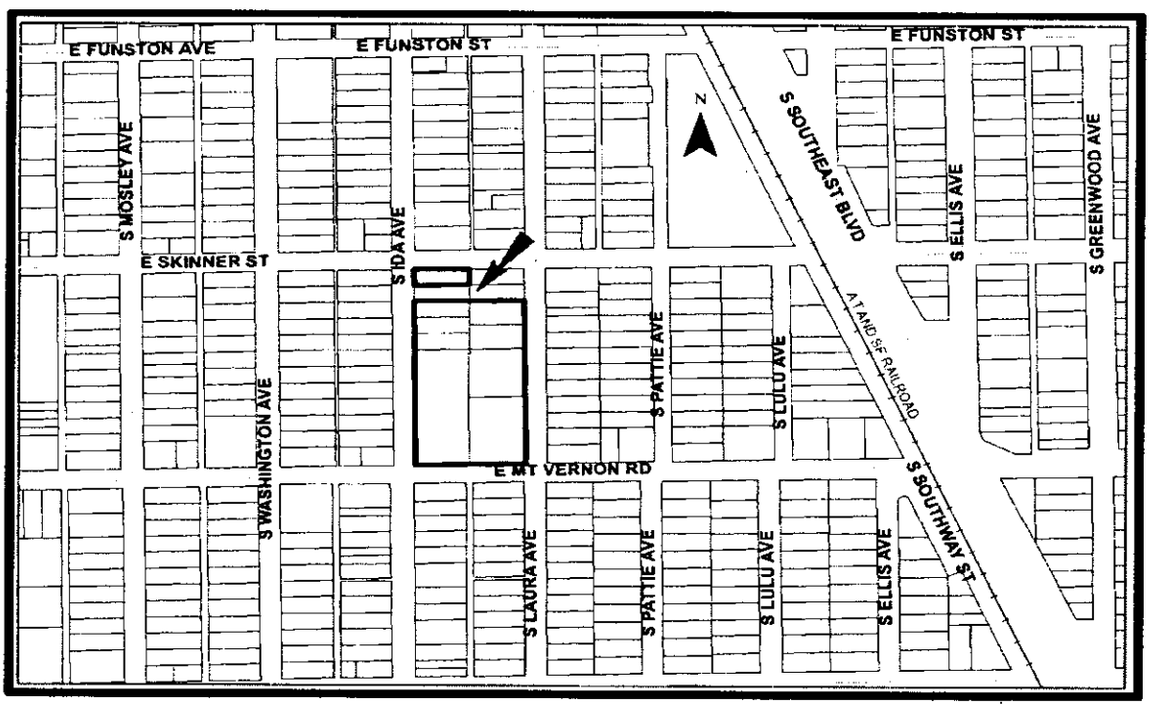
REQUEST: Conditional Use for a Wireless Communication Facility

CURRENT ZONING: B Multi-family Residential ("B")

SITE SIZE: A 17.6-foot (x) 17.6-foot tower site located within approximately a 2.75-acre elementary school site

LOCATION: Generally located east of Washington Avenue, on the north side of Mt. Vernon Road, on the west side of Laura Avenue (WCC #III0

PROPOSED USE: 100-foot self-supporting, lattice, microwave tower



BACKGROUND: United School District 259 (USD 259) is requesting a Conditional Use that would permit the construction of a 100-foot tall, galvanized steel, lattice, self-supporting, microwave communication tower. The 17.6-foot (x) 17.6-foot tower site is located in the B Multi-family Residential ("B") zoned 2.75-acre Gardiner Elementary public school site. Gardiner is located north of Mt. Vernon Road, between Laura and Ida Avenues. 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 B zoning district may be permitted with a Conditional Use.

The tower will replace the school's existing 100-foot galvanized steel, lattice, self-supporting, microwave communication tower that is being removed to allow for the expansion of the school's facilities. The proposed site is located approximately 220 feet north of the existing tower, on Lot 19, Walter Morris and Sons 5th Addition. The proposed tower is needed to provide voice, data and security alarm traffic between schools and administrative facilities as part of USD 259's microwave signal network. All microwave links in the USD 259 system are licensed and approved by the Federal Communications Commission (FCC) and are operated within the laws of the FCC.

Per the site plan the tower conforms to the compatibility height standard. The 17.6-foot (x) 17.6-foot tower site will have a chain linked fence around it. Existing trees provide screening along the west and east sides of the site. The existing school building and the additional facility/building provide screening along the south side of the site. The school parking lot is located north of the tower site. The site plan also shows a 6-foot tall wooden fence along the north side of the parking lot on school property. The site is located in a predominately single-family residential neighborhood, zoned B and TF-3 Two-Family Residential. Using GeoZone to get an idea of the age of the neighborhood, shows houses built anywhere from 1910 – 1970s, with most of them built before the 1960s.

The applicant has stated that this microwave signal requires a tower with a much lower tolerance for deflection/sway by wind or by asymmetrical solar heating, than your typical broadband signal used by cell phone services, which are typically located on (swaged or slip joint construction) monopoles. The applicant contends that the proposed 100-foot lattice tower(s) meets the reliability standard, while meeting the intent of the Wireless Plan for the design of a tower to "Minimizing the height, mass or proportion of the facility to minimize conflict with the character of its proposed surroundings." The applicant has the opinion that a 100-foot monopole used for a microwave signal (bolted-flanged construction) that would met the reliability standard presents more obtrusive mass to its surroundings than the proposed lattice tower. The proposed lattice tower will be 7 feet 9 5/8 inches wide at its base, tapering to a 3-foot 3 5/8 inch width at the its 100-foot height.

The other public entities in the City or County using a similar type of microwave technology are the City of Wichita's IT microwave lattice towers and K-DOT's microwave lattice towers. In the past and now for security reasons in regards to the students, USD #259's self-supporting lattice microwave communication towers do not have co-location capabilities. It appears that USD 259 will request a waiver of the co-location requirement, although Planning has not

received confirmation or denial of this. IT's towers have co-location capabilities with the only known exception of their microwave tower, CON2009-43, located on the City's waste water treatment plant located midway between 37th and 45th Streets North, on the east side of 135th Street West. This facility must conform to the Federal Drinking Water Security Act of 2009, which requires water treatment facilities to implement the same standards of security as chemical facilities, thus the waiver of the co-location requirement. In the past, K-DOT has been reluctant to allow co-location except for other government entities.

Previously, after much deliberation into the merits of a lattice tower as opposed to a monopole, the MAPC has recommended approval of other 150-foot to 120-foot tall microwave lattice towers: CON2009-43, CON2010-44, CON2010-29, CON2010-30 and CON2010-50. All of these are IT towers. The MAPC had recommended that USD 259 build a monopole suitable for USD 259's microwave signal for Dodge Elementary, CON2010-00017, rather than the requested 85-foot tall lattice tower. The City Council subsequently overturned the MAPC's recommendation and permitted the requested 85-foot tall lattice tower.

The proposed tower and associated communication frequencies and wattages must meet standards determined by the Federal Aviation Administration (FAA) to pose no hazard to air navigation or interfers with other radio/communication frequencies. The applicant needs to provide an FAA "Determination of No Hazard to Air Traffic" letter, prior to the issuance of any building permits. The applicant has stated that any proposed lighting of the tower, will be at the base for security purposes and temporary lighting needed for nighttime repairs. All other tower lighting will meet the FAA requirements for aircraft warning; none is required. 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."

CASE HISTORY: The B zoned site is platted as Lot 19, Walter Morris and Sons 5th Addition. The Walter Morris and Sons 5th Addition was recorded with the Sedgwick County Register of Deeds January 30, 1026. The site is part of the B and TF-3 zoned 2.75-acre Gardiner Elementary public school grounds. On December 17, 1996, BZA 30-96 permitted a variance to allow the current 100-foot tall lattice, self-supporting, microwave communication tower, which must be removed for the proposed expansion of the school's facilities/buildings.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3, B	Single-family residences
SOUTH:	TF-3, LC	Single-family residences, small retail
EAST:	B	Single-family residences
WEST:	TF-3, LC	Single-family residences, small retail

PUBLIC SERVICES: No municipally supplied public services are required. The applicant will extend all needed electrical and other service to the site. The site has access to Laura and Ida Avenues, two-lane residential streets. The 2030 Transportation Plan shows no change to the current status of these streets.

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 B zoning district may be permitted with a Conditional Use. The proposed tower is 100-foot tall, thus the Conditional use request.

The Wireless Communication Master Plan (Wireless 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 B zoning district, that comply with the compatibility setback standards; the tower is 100 feet tall, thus the Conditional Use request, and it does comply with the compatibility height standards. The Design Guidelines of the Wireless Plan indicate that new facilities should: 1) Preserve the pre-existing character of the area as much as possible; the proposed 100-foot tall, galvanized steel, lattice, self-supporting, microwave communication tower, replaces a 100-foot tall, galvanized steel, lattice, self-supporting, microwave communication tower, in place since 1996, thus there is no introduction of a new use in the area. 2) Minimize the height, mass, or proportion of the tower. 3) Minimize the tower's silhouette, with monopoles favored over lattice type structures (see paragraph below) for up to 150-feet and a preference for antennas mounted flush to the support structure over triangular "top hat" antenna arrays; in reference to Standards 2 and 3, the applicant has the opinion that a 100-foot monopole used for a microwave signal (bolted-flanged construction) that would meet the reliability standard presents more obtrusive mass to its surroundings than the proposed lattice tower. 4) Use colors, textures, and materials on the towers that blend in with the existing environment; the tower's galvanized surface will blend into the sky. 5) Conceal or disguise the tower as a flagpole, clock tower, or church steeple; Planning is not aware that these are options have been investigated. 6) Place towers in areas where trees and/or buildings obscure some or all of the facility; existing mature trees, the school buildings and existing solid fencing will obscure some of the facility. 7) Place towers on walls or roofs of buildings; this option does not appear to be present in this area. 8) Screen towers through landscaping, walls, and/or fencing; the applicant will need to retain all mature trees and solid fencing around the site. 9) Paint towers red and white instead of using strobe lighting; see #4 above. The application appears to meet most of these considerations.

With respect to the Wireless Master Plan's statement favoring monopole support structures or lattice structures, the City Council has directed staff to soften the plan's policy favoring monopoles, and to be more flexible regarding the type of tower structure allowed. The MAPC recently set a hearing date to consider a modified policy statement.

The "2030 Wichita Functional Land Use Guide" of the Wichita-Sedgwick County Comprehensive Plan identifies the application area as "Urban Residential." The Urban Residential category reflects the full diversity of residential development densities found in a large urban municipality. The range of housing types found includes: single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks and special residential accommodations for the elderly (assisted living, congregate care and nursing homes).

Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may be found in this category. The site's current B zoning is intended to accommodate high-density residential development and other complementary land uses, such as Gardiner Elementary public school site. The proposed tower is an accessory use/facility for the school, as it supports the public educational use of the site.

RECOMMENDATION: The application area currently has a 100-foot lattice tower; the request is relocate a virtually identical tower at a different spot on the school's property. The tower will maintain the school's connection to the district's microwave signal network that operates via point-to-point links between control-monitoring locations. The proposed tower is an accessory use/facility for the school, as it supports the public educational use of the site.

In light of the City Council's recent direction, staff's recommendation does not aim to circumvent the Master Plan's standard of equal accountability between a government agency/the regulatory authority and the private sector, but attempts to provide a reliable structure for a microwave signal network that operates via point-to-point links between control-monitoring locations (which requires tower structural considerations that are not required for a broadband signal, typical of cell phone providers), and whose mass and silhouette have a minimal impact (no greater than a monopole constructed to transmit this microwave signal) on the immediate area.

Based upon these factors and the information available prior to the public hearing, planning staff recommends that CON2010-00056 be APPROVED subject to the following conditions:

A. Allow a 100-foot tall, lattice, self-supporting, microwave communication tower. The site shall be located as shown on an approved site plan, within the interior of the 2.75-acre Gardiner Elementary public school grounds, in compliance with all federal, state, and local rules and regulations.
B. Waive the co-location requirement. All other requirements of Art. III Sec. III.D.6.g., of the Unified Zoning Code shall be met.
C. 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.
D. All appropriate lighting and/or markings as approved by the FAA. .
E. 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 shall be developed in general conformance with the approved site plan. 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 site is located in a predominately single-family residential neighborhood, zoned B and TF-3 Two-Family Residential. Using GeoZone to get an idea of the age of the neighborhood, shows houses built anywhere from 1910 –1970s, with most of them built before the 1960s. The site is a public elementary school.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned B and is currently part of the Gardiner Elementary public school site. The site is suitable for its continued use as a public school site. A Conditional Use may be granted to permit a wireless communication facility over 65 feet tall in the B 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 and is replacing an existing 100-foot tall lattice, self-supporting, microwave communication tower that has been in place since 1996; the proposed 100-foot tall lattice, self-supporting, microwave communication tower is not a new use of the area.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on the single-family neighborhoods and businesses in the area 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. The proposed expansion of the Gardiner Elementary public school site and its accessory tower will provide educational opportunities for the benefit of the neighborhood and the greater Wichita – Sedgwick community as well.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Wireless Communication Master Plan (Wireless 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 B zoning district, that comply with the compatibility setback standards; the tower is 100 feet tall, thus the Conditional Use request, however it does comply with the compatibility height standards. The Design Guidelines of the Wireless Plan indicate that new facilities should: 1) Preserve the pre-existing character of the area as much as possible; the proposed 100-foot tall, galvanized steel, lattice, self-supporting, microwave communication tower, replaces a 100-foot tall, galvanized steel, lattice, self-supporting, microwave communication tower, in place since 1996, thus there is no introduction of a new use in the area. 2) Minimize the height, mass, or proportion of the tower. 3) Minimize the tower's silhouette, with monopoles favored over lattice type structures for up to 150-feet and a preference for antennas mounted flush to the support structure over triangular "top hat" antenna arrays; in reference to Standards 2 and 3, the applicant has the opinion that a 100-foot monopole used for a microwave signal (bolted-flanged construction) that would meet the reliability standard presents more obtrusive mass to its surroundings than the proposed lattice tower. 4) Use colors, textures, and materials on the towers that blend in with the existing environment; the