

1. The zoning, uses and character of the neighborhood: The properties surrounding the application area are zoned RR Rural Residential and primarily used for agricultural purposes, with residential and sports field uses across 87th Street South from the site. The character of the area is rural, although it is within the Derby 2030 Growth Area, and approximately ¼ mile from the Derby City Limit and residential development. The existing electric substation, immediately north of the site, has already established a utility-type use and character in this 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 could continue to be used for agricultural uses or for large-lot residential uses permitted by the RR district or other uses permitted by right in that zoning district. However, the application area may not be desirable for residential development due to its proximity to a large electrical substation.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed tower should have no visual affect on surrounding agriculture property. It could have an affect on the existing residence north of the site, the proposed sports fields north of the site, and any future surrounding residential development. However, the existing electric substation has already established a large utility visual presence at this location.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: According to the applicant, approval would improve wireless services specifically for Sprint customers and for other public carriers needing to improve service in the area who could utilize the proposed wireless facilities. Denial would presumably cause the property owner a loss of income and potentially limit wireless service in the area identified as being deficient in service.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide of the *Wichita-Sedgwick County Comprehensive Plan* places this site within the Derby 2030 Growth Area. The Unified Zoning Code requires wireless facilities to be setback one foot for each foot of structure height from adjoining properties zoned "TF-3" or more restrictive. The application appears to comply adopted policies.
6. Impact of the proposed development on community facilities: FAA approval should ensure that the proposed facility does not detrimentally impact community facilities.

STAFF REPORT

Derby PC 10-20-05

MAPC 11-03-05

CASE NUMBER: CON2005-45

APPLICANT/AGENT: Shirley Farber Hulke (applicant); Sprint PCS c/o Debbie LaDuke (agent)

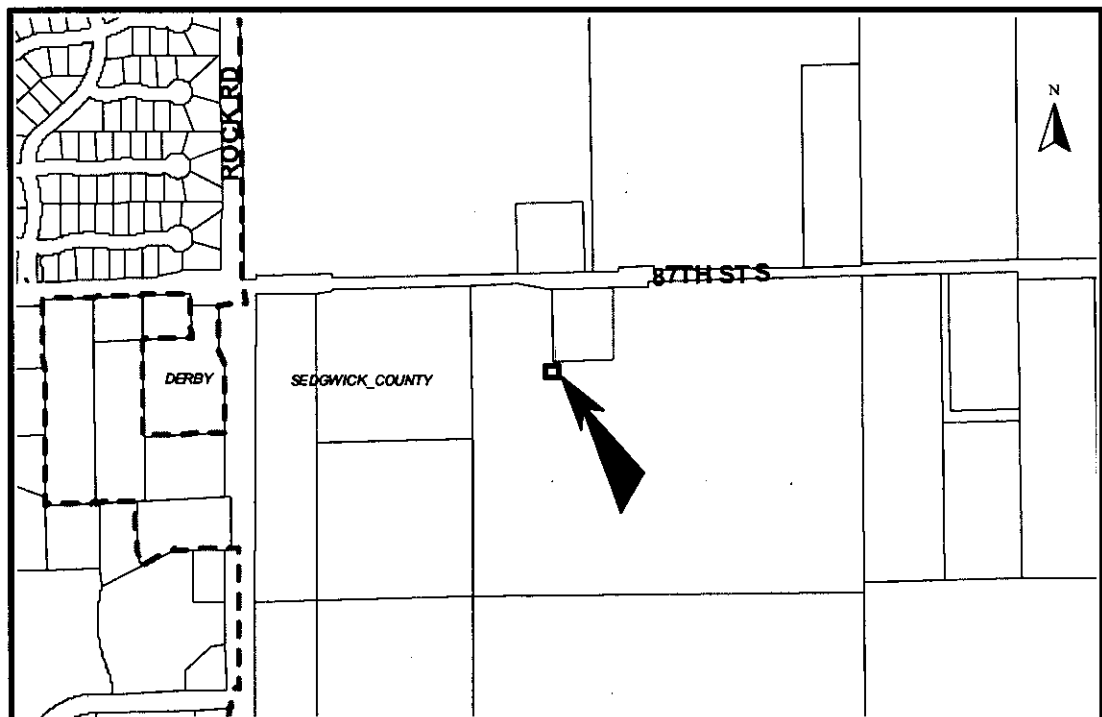
REQUEST: Conditional Use to permit a 150' monopole Wireless Communication Facility

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: Approximately .057 acre

LOCATION: Approximately ¼ mile east of Rock Road and 300 feet south of 87th Street South

PROPOSED USE: Wireless Communication Facility (Tower)



BACKGROUND: The applicant seeks a Conditional Use to permit a 150-foot tall monopole wireless communications facility. The unplatted application area is zoned "RR" Rural Residential, is 50 square feet square in size, and is located approximately ¼ mile east of Rock Road and 300 feet south of 87th Street South. The property owner also owns the 48 acres surrounding the site; this property is used for agriculture. The 50 square foot site is proposed to be fenced and contain the 150-foot monopole tower and accessory equipment. Access to the site is via a gravel road located on the south side of 87th Street South.

The application area sits immediately south, or behind, the KGE owned Farber electric substation. North of 87th Street South is an RR zoned single-family residence on two acres, and a 25-acre church owned parcel, approved for a sports field Conditional Use (CON2005-08). Remaining surrounding land is zoned RR and used for agriculture. Rock Road, ¼ mile to the west, is the current Derby City Limit, with residential development immediately west of Rock. This application area is within the Derby Zoning Area of Influence, and will be heard by the Derby Planning Commission for a recommendation.

The applicant indicates they need a tower in this general area in order to improve customer service for Sprint PCS, primarily for Derby and the surrounding area, specifically the residential and business areas surrounding 87th and Rock. The proposed site will also improve coverage to the east and northeast of 79th and Rock. One residence is the only structure within 1,000 feet of the proposed facilities. The applicant indicates that the closest existing tower is located approximately one and a half miles to the northwest of the application area, with another existing tower located over three miles to the northwest. Neither one of these structures are located in the target service area in a way that will effectively address the company's service delivery objectives.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: RR Rural Residential; single family, proposed sports fields, agriculture
SOUTH: RR Rural Residential; agriculture
EAST: RR Rural Residential; agriculture
WEST: RR Rural Residential; agriculture

PUBLIC SERVICES: The site does not have access to sewer or water services, nor does the use need them. Access to the site is via a gravel road.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the *Wichita-Sedgwick County Comprehensive Plan* places this site within the Derby 2030 Growth Area. *The Wichita-Sedgwick County Unified Zoning Code* requires

wireless facilities to be setback one foot for each foot of structure height from adjoining properties zoned "TF-3" or more restrictive. The *Wireless Communication Master Plan* contains location and height guidelines, design guidelines and co-location requirements that have been incorporated in *The Wichita-Sedgwick County Unified Zoning Code* as Supplemental Use Regulation G. In general, the Wireless Plan promotes a wireless system that minimizes the height and number of support structures necessary to provided effective services.

RECOMMENDATION: The main focus of the "Wireless Communication Master Plan" is to encourage effective wireless service while minimizing the number and height of support towers, and the visibility of the equipment needed to provide the service. The plan includes design guidelines that indicate: co-location is preferred to new construction; the character of the area should be preserved as much as possible; minimize the height, mass or proportion of the facilities and minimize the silhouette presented by the support structures and antenna arrays. To that end a monopole support structure has generally been found to be consistent with the plan's recommendations. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following Conditional Use restrictions:

- A. All requirements of Section III.D.6g. 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 with a maximum of 150 feet in height and shall not be lighted unless required by the FAA.
- D. The applicant shall obtain FAA approval regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures" for the proposed facility, and shall comply with all FAA conditions of approval. The applicant shall submit a copy of FAA approval to the MAPC and County Code Enforcement prior to the issuance of a building permit.
- E. The site shall be developed in general conformance with the approved site plan and elevation drawings. All improvements shall be completed before operational.
- F. The site shall be developed and operated in compliance with all federal, state and local rules and regulations.
- G. If the Zoning Administrator finds that there is a violation for 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 the Conditional Use null and void.

This recommendation is based on the following findings:



LCC
The knowledge that gives the edge.

LCC International, Inc.
12205 WEST 80TH STREET
LENEXA, KS 66215
TEL 913-894-6200 FAX 913-894-6210



Fullerton Engineering Consultants, Inc.
4745 W. 136TH STREET, #2
LEAWOOD, KS 66224
TEL: 913-407-6092
FAX: 913-407-6093

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IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

CHECKED BY:	SHJ
APPROVED BY:	HTM

#	DATE	DESCRIPTION	INITIALS
	01/25/05	CLIENT REVIEW	5

DATE SIGNED: _____

SITE NAME

HUKLE RAW LAND

SITE NUMBER

WT62XC300-F

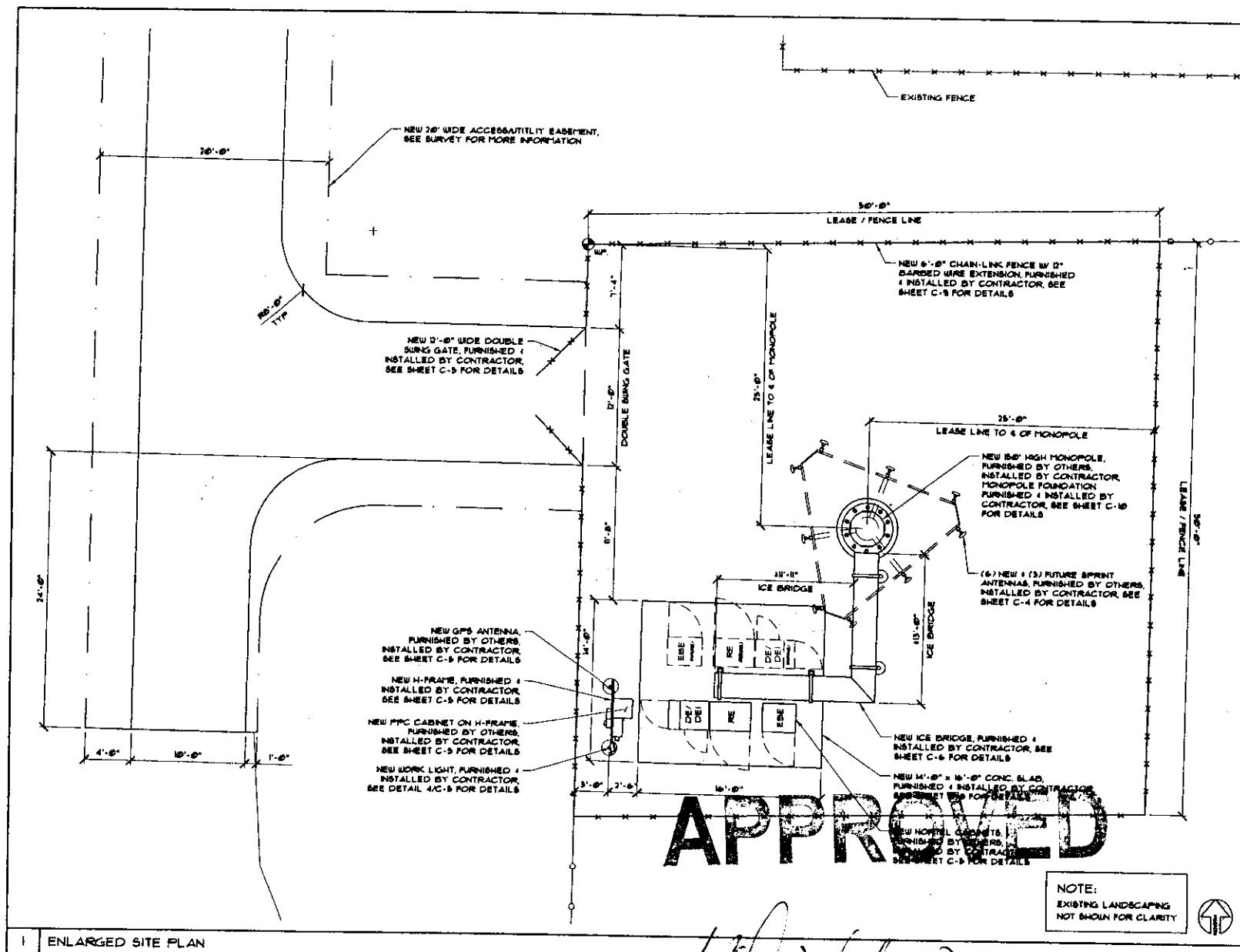
SITE ADDRESS
E. 87TH ST S.
DERBY, KS 67037

SHEET NAME

ENLARGED
SITE PLAN

SHEET NUMBER

C-2



Date: 11-30-05

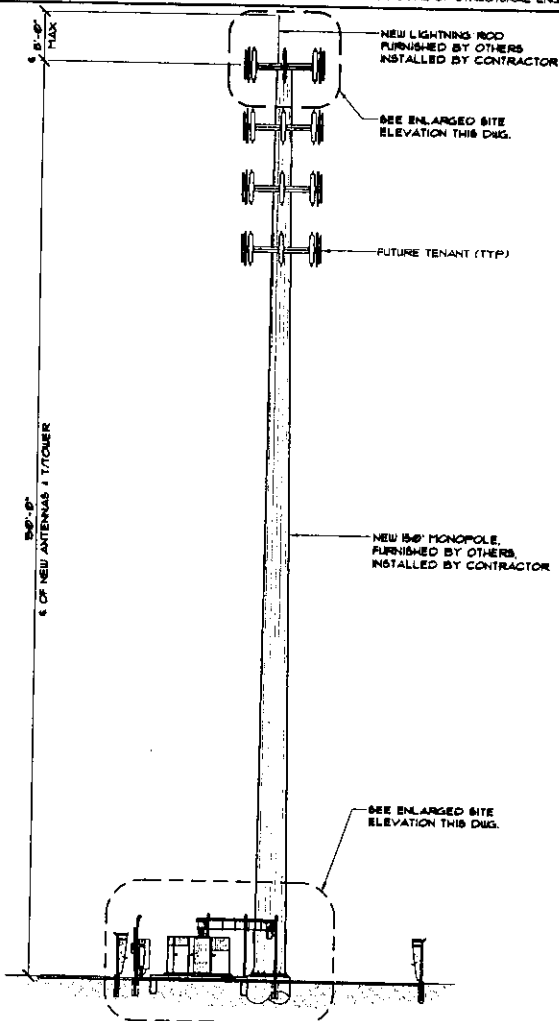
CEN 2005-45 SITE PLAN

ANTENNA NOTES:

1. THE SIZE, HEIGHT, AND DIRECTION OF THE ANTENNA SHALL BE ADJUSTED TO MEET SYSTEM REQUIREMENTS.
2. CONTRACTOR SHALL VERIFY HEIGHT OF ANTENNA WITH SPRINT PROJECT MANAGER.
3. ALL ANTENNA AZIMUTHS TO BE FROM TRUE NORTH.

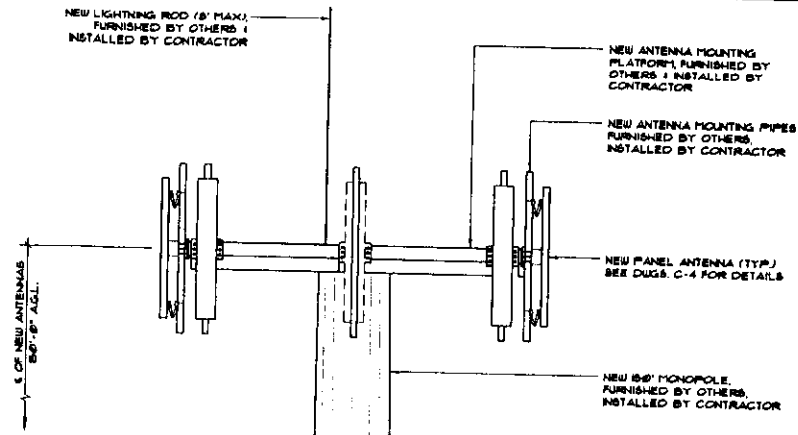
STRUCTURAL NOTES:

1. STRUCTURAL CALCULATION PREPARED BY OTHERS. CONTRACTOR TO VERIFY WITH SPRINT PROJECT MANAGER TO OBTAIN A COPY.
2. CONTRACTOR TO REFER TO TOWER STRUCTURAL CALCULATIONS FOR ADDITIONAL LOADS. NO ERECTION OR MODIFICATION OF TOWER SHALL BE MADE WITHOUT APPROVAL OF STRUCTURAL ENGINEER.



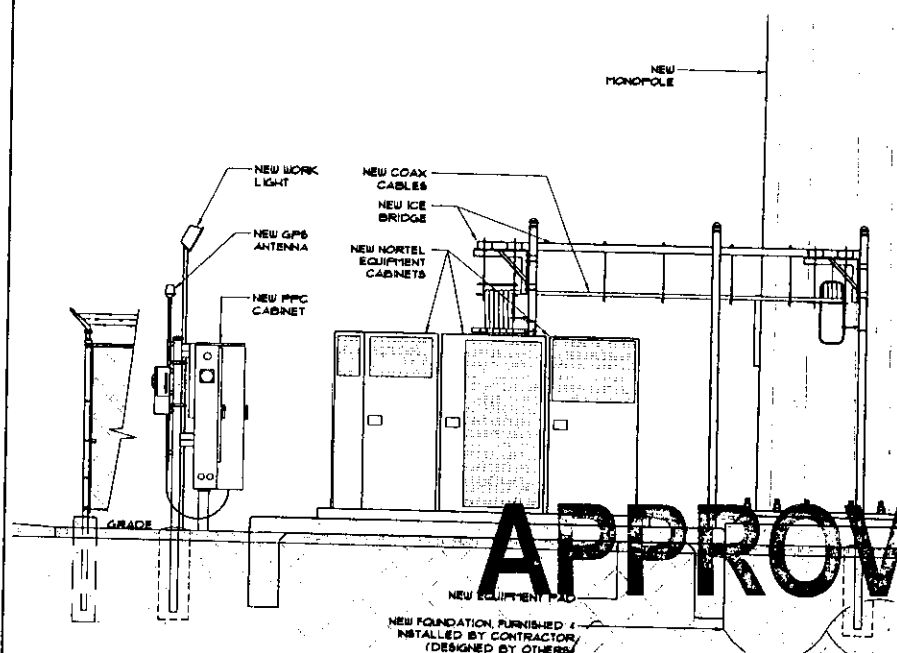
1 ELEVATION VIEW

SCALE: NONE



2 ENLARGED ELEVATION VIEW • NEW ANTENNAS

SCALE: 1/4"=1'-0"



3 ENLARGED ELEVATION VIEW • BASE OF MONOPOLE

SCALE: 1/4"=1'-0"

Sprint
4580 SPRINT PARKWAY
OVERLAND PARK, KS 66151

LCC
LOC International, Inc.
2295 WEST 80TH STREET
LENEXA, KS 66226
TEL: 913-894-6100 FAX: 913-894-6120

Fullerton Engineering Consultants, Inc.
4145 W. 126TH STREET, #2
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CHECKED BY: BJ			
APPROVED BY: JED			
#	DATE	DESCRIPTION	INIT.
1	01/25/05	CLIENT REVIEW	BJ

DATE SIGNED: _____

SITE NAME
HUKLE RAW LAND
SITE NUMBER
WT62XC300-F

SITE ADDRESS
**E. 81TH ST S.
DERBY, KS 67031**

SHEET NAME
SITE ELEVATIONS

SHEET NUMBER
C-3

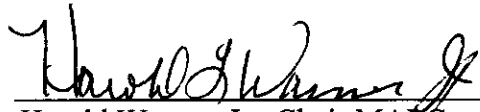
APPROVED

Date: 11-30-05

CON 2005-45 ELEVATION

Adopted this 3RD DAY of NOVEMBER, 2005. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION



Harold Warner, Jr., Chair MAPC

ATTEST:



John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2005-00045

WHEREAS, Shirley Farber Hulke (applicant); Sprint PCS c/o Debbie LaDuke (agent); 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 150' monopole Wireless Communication Facility on approximately .057 acre zoned "RR" Rural Residential described as:

LEGAL DESCRIPTION LEASE SITE

COMMENCING AT THE NORTHWEST CORNER SECTION 17; THENCE N 89 DEGREES 23'47"E ALONG THE NORTH SAID SECTION 17, A DISTANCE OF 1301.59 FEET; THENCE S 00 DEGREES 36' 13"E, A DISTANCE OF 349.30 FEET TO THE POINT OF BEGINNING; THENCE N 88 DEGREES 53'03" E, A DISTANCE OF 50.00 FEET; THENCE S 00 DEGREES 51'42"W, A DISTANCE OF 50.00 FEET; THENCE S 88 DEGREES 53'03"W, A DISTANCE OF 50.00 FEET; THENCE N 00 DEGREES 51'42"E, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2500 SQUARE FEET, MORE OR LESS. Generally located approximately 1/4 mile east of Rock Road and 300 feet south of 87th Street South.

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 November 3, 2005, 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 permit a 150' monopole Wireless Communication Facility on .057 acre zoned "RR" Rural Residential described as:

LEGAL DESCRIPTION LEASE SITE

COMMENCING AT THE NORTHWEST CORNER SECTION 17; THENCE N 89 DEGREES 23'47"E ALONG THE NORTH SAID SECTION 17, A DISTANCE OF 1301.59 FEET; THENCE S 00 DEGREES 36' 13"E, A DISTANCE OF 349.30 FEET TO THE POINT OF BEGINNING; THENCE N 88 DEGREES 53'03" E, A DISTANCE OF 50.00 FEET; THENCE S 00 DEGREES 51'42"W, A DISTANCE OF 50.00 FEET; THENCE S 88 DEGREES 53'03"W, A DISTANCE OF 50.00 FEET; THENCE N 00 DEGREES 51'42"E, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2500 SQUARE FEET, MORE OR LESS. Generally located approximately 1/4 mile east of Rock Road and 300 feet south of 87th Street South.

APPROVED, subject to the following conditions:

- A. All requirements of Section III.D.6g. 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 with a maximum of 150 feet in height and shall not be lighted unless required by the FAA.
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- G. If the Zoning Administrator finds that there is a violation for 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 the Conditional Use null and void.



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

December 8, 2005

Shirley K. Huckle
2 Stanford
Fulton MS 38843

RE: CON2005-45 - Sedgwick County Conditional Use for a 150' monopole wireless communication tower on property zoned "RR" Rural Residential. Generally located approximately 1/4 mile east of Rock Road and 300 feet south of 87th Street South. (District V)

Dear Ladies and Gentlemen:

At its regular meeting on November 3, 2005, 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,


Jess McNeely, Senior Planner
Current Plans Division

JMC/rms

Cc:

Shirley K. Huckle, 2 Stanford, Fulton, MS 38843
Christina F. Kuehl, Sprint PCS, 6550 Sprint Pkwy, Overland Park, KS 66251
Debbie LaDuke, LCC International, 12205 W. 88th Street, Lenexa, KS 66215
Ben Sciortino, BOCC V, Mail Stop, County Room 320
Bob Parnacott, County Law Dept, Mail Stop, County Room 359
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213
Mark Clark, 525 N. Main Rm 227, Wichita, KS 67203
Don Losew, Derby City Hall, 611 Mulberry, Derby, KS 67037-3533