



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

November 18, 2005

Marsha Meyersick
M & L Land Co., LLC
15901 E. 77th
Benton, KS 67017

RE: CON2005-43 – Sedgwick County Conditional Use to permit a Wireless Communication Facility on property zoned “RR” Rural Residential. Generally located approximately 450 feet north of Highway 254 and east of 127th Street East approximately 1,530 feet. (District I)

Dear Ladies and Gentlemen:

At its regular meeting on October 20, 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,

Dale Miller, Manager
Current Plans Division

DLM/rms

Cc: Curtis Holland, Cingular Wireless, 6201 College Blvd Ste 500, Overland Park KS 66211
Mark Clark, 525 N. Main, Room 227, Wichita, KS 67203
Dave Unruh, County Commissioner District I, Mail Stop, County Room 320
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

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 195 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.

CONDITIONAL USE RESOLUTION NO. CON2005-00043

WHEREAS, M & L Land Company (Marsha Meyersick) and Cingular Wireless (Curtis Holland); 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 Wireless Communication Facility on approximately 1/2 acre zoned "RR" Rural Residential described as:

A 100 foot by 100 foot tract of land situated in the East Half of the Southwest Quarter of Section 11, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Section 11, said point bears South 01 degrees 17'07" East, a distance of 2643.20 feet from the Northwest corner of the Southwest Quarter of said Section 11; thence North 69 degrees 38'07" East, a distance of 1571.52 feet to the POINT OF BEGINNING of said 100 foot by 100 foot tract; thence North 90 degrees 00'00" East, a distance of 100.00 feet; thence South 00 degrees 00'00" East, a distance of 100.00 feet; thence South 90 degrees 00'00" West, a distance of 100.00 feet; thence North 00 degrees 00'00" West, a distance of 100.00 feet to the POINT OF BEGINNING. Generally located approximately 450 feet north of Highway 254 and east of 127th Street East approximately 1,530 feet.

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 October 20, 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.

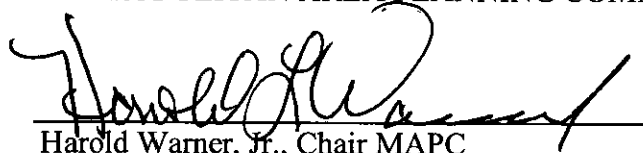
NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a Wireless Communication Facility on property zoned "LC" Limited Commercial described as:

A 100 foot by 100 foot tract of land situated in the East Half of the Southwest Quarter of Section 11, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows:

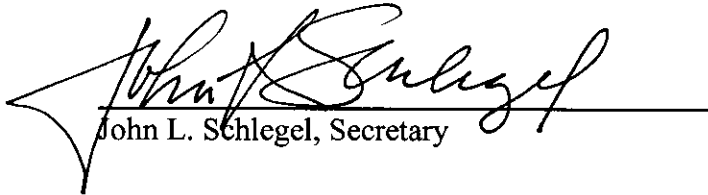
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Adopted this 20TH DAY of OCTOBER, 2005. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any 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

STAFF REPORT

MAPC 10-20-05

CASE NUMBER: CON2005-00043

APPLICANT/AGENT: M&L Land Company (Marsha Meyersick) and Cingular Wireless (Curtis Holland)

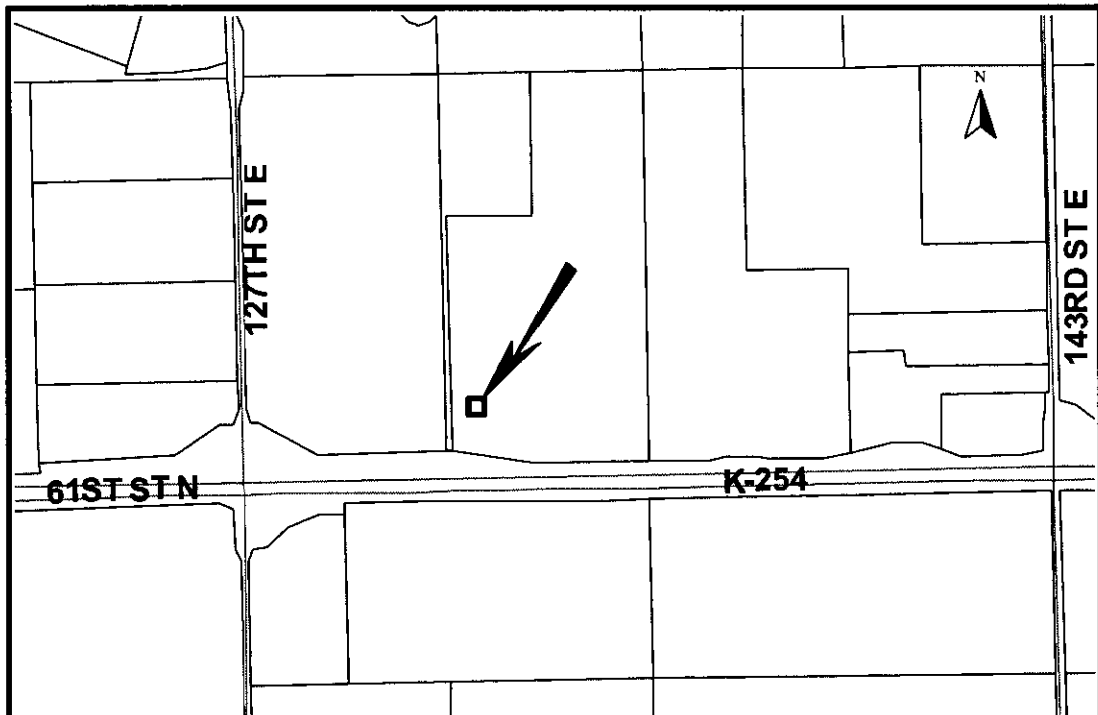
REQUEST: Conditional Use to permit a Wireless Communication Facility

CURRENT ZONING: RR Rural Residential

SITE SIZE: Approximately ½ acre

LOCATION: Approximately 450 feet north of Highway 254 and east of 127th Street East approximately 1,530 feet.

PROPOSED USE: Wireless Communication Facility



BACKGROUND: The applicant's are seeking a Conditional Use to permit a 195-foot tall lattice wireless communications facility. The application area is zoned RR Rural Residential, is 100 feet by 100 feet square in size and is located approximately 450 feet north of Highway 254 and 1,530 feet east of 127th Street East. The property owners' own the 62 acres surrounding the application area. The application area is unplatted. Within the 100 by 100 square-foot application area the applicant proposes to construct a 60-foot by 60-foot fenced compound that would contain the self-support tower, equipment shelter and accessory equipment. Access to the site is via a gravel frontage road located on the north side of Highway.

The applicant indicates they need a tower in this general area in order to improve customer service for Cingular Wireless, specifically in building coverage between Greenwich and 159th streets, and between 77th and 45th streets north. There are not any structures located within 1,000 feet of the proposed facilities. The applicant indicates that closest existing tower is located approximately three miles to the southwest of the application area with another existing tower located over four miles to the east. 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; 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 frontage road.

CONFORMANCE TO PLANS/POLICIES: The *2030 Wichita-Sedgwick County Comprehensive Plan* depicts this site as appropriate for "rural" uses. The rural category is intended for those lands located outside of the 2030 urban growth areas for the incorporated cities of located within Sedgwick County. Recommended uses include agriculture and rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County. *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 Mater 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 more consistent with the plan’s recommendations than a lattice tower. The plan states that monopoles are favored over lattice-type structures to a height of at least 150 feet. 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 195 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:

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. The character of the area is rural with increasing development pressure due to its proximity to Highway 254 and growth pressure from the cities of Wichita, Bel Aire and Kechi.

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.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on properties in the area should be minimized by the recommended conditions of approval.
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 Cingular 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-Sedgwick County Comprehensive Plan depicts this site as appropriate for "rural" uses. The rural category is intended for those lands located outside of the 2030 urban growth areas for the incorporated cities of located within Sedgwick County. Recommended uses include agriculture and rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County. 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.



CALL BEFORE YOU
DIG - DRILL - BLAST
800-344-7233
(TOLL-FREE)
(316) 887-3753
(FAX)

KANSAS ONE CALL SYSTEM, INC.

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.

TOWER BASE:

LATITUDE: 37° 47' 50.150" N
LONGITUDE: 97° 11' 04.812" W
(PER NORTH AMERICAN DATUM OF 1983)

ELEVATION: 1358'±
(PER NATIONAL GEODETIC VERTICAL DATUM OF 1929)

GEOGRAPHIC COORDINATES FOR CENTER OF TOWER

NAD 83 State Plane	N: 1726830.7850
	E: 1692307.3478
NAD 83 Geographic	37° 47' 50.150"
	97° 11' 04.812"

PROPERTY OWNER INFORMATION:

MARSHA & DARRYL MEYERSICK
(M & L LAND COMPANY)
15801 EAST 77TH STREET NORTH
BENTON, KANSAS 67017
(316) 778-1037

LEGEND:

---	PROPERTY LINE
---	SETBACK LINE
---	EXISTING INDEX CONTOURS
---	EXISTING INTERMEDIATE CONTOURS
---	EDGE OF BIT. ASPHALT PAVEMENT
---	EDGE OF GRAVEL DRIVEWAY
---	FENCE LINE
---	TOP/TOE OF SLOPES
---	CENTERLINE OF DITCH
---	CULVERTS
---	UTILITY/ POWER LINE
---	RAILROAD SPUR
---	PROPOSED FINISHED GRADE
---	PROPOSED UNDERGROUND POWER LINE
---	PROPOSED UNDERGROUND TELEPHONE LINE

NOTES:

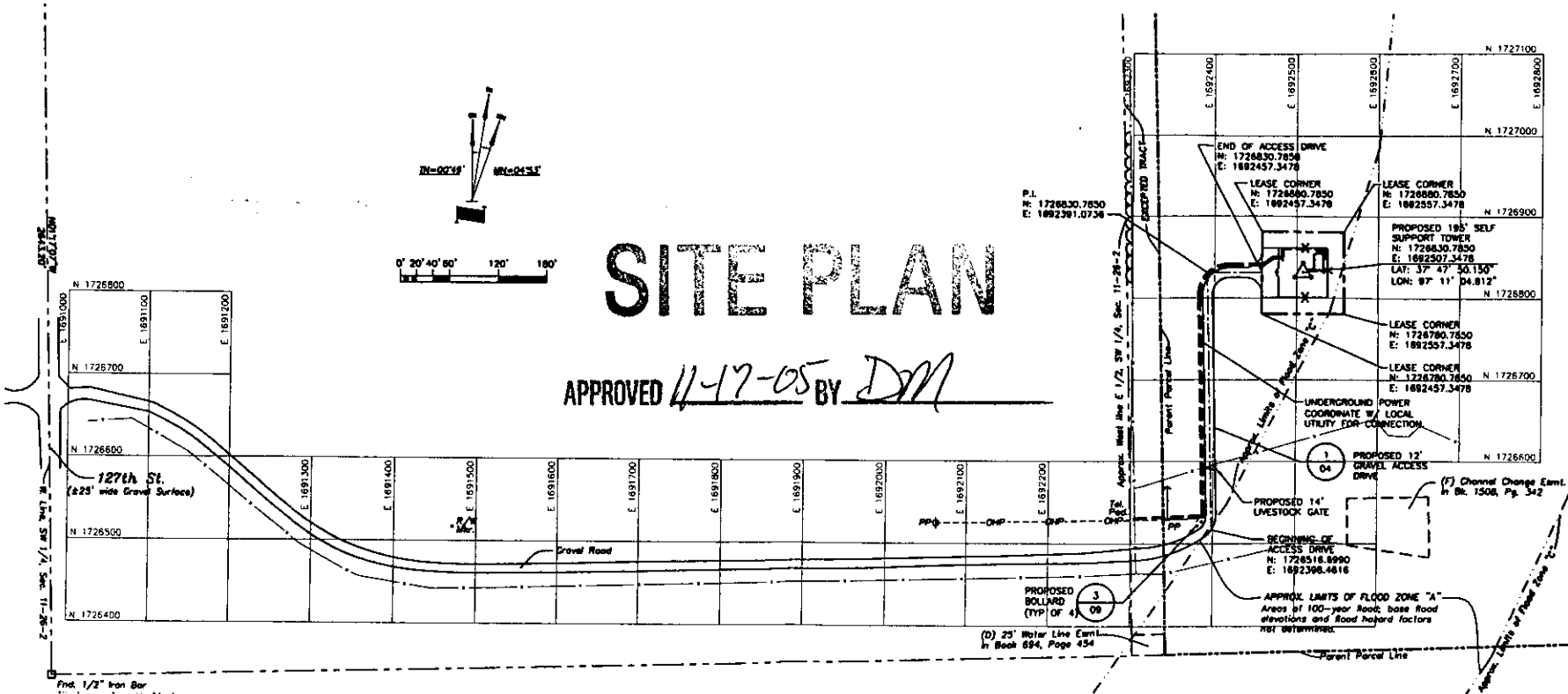
- EXISTING STRUCTURE, BOUNDARY, TRUE NORTH, AND TOPOGRAPHIC INFORMATION WERE TAKEN FROM SURVEY.
- ALL TOWER INFORMATION SHOWN IS FOR ILLUSTRATION PURPOSES ONLY AND MAY DIFFER FROM THE FINAL DESIGN PROVIDED BY THE TOWER MANUFACTURER. THE CONTRACTOR SHALL CONSTRUCT THE TOWER, FOOTINGS, AND ALL OTHER RELATED COMPONENTS IN ACCORDANCE WITH THE TOWER MANUFACTURER'S DRAWINGS AND SPECIFICATIONS.

NOTES

1

SITE PLAN

APPROVED 11-17-05 BY DM



SITE PLAN

2



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

TURTLE CREEK
KS-4684

TBD
WICHITA, KANSAS 67228

cingular
WIRELESS

NO.	DATE	REVISIONS	BY	CHK	APP'D
A	05/08/05	ISSUED FOR REVIEW	JMB	HAN	HAN
SCALE:	AS SHOWN	DESIGNED:	JMB	DRAWN:	JMB

CINGULAR WIRELESS

OVERALL SITE PLAN

DRAWING NO.	REV
KS-4684-02	A