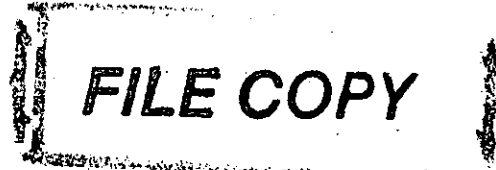




Wichita-Sedgwick County Metropolitan Area Planning Department

November 9, 2000

Gary and Karen Woods
5960 S. 135th W.
Clearwater, KS 67026



RE: CON2000-00032 – Sedgwick County Conditional Use for a 190 foot high commercial communication tower for Cricket Communications in “SF-20” Single Family Residential zoning. Generally located approximately ¼ mile west of Ridge Road on the south side of 47th Street South, Wichita, KS.

Dear Mr. and Mrs. Woods:

At its regular meeting on August 31, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE subject to the following conditions:

- A. Within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable, the applicant shall submit an application for a variance or a zoning adjustment, as applicable, to permit a tower setback distance of 70 feet from the east property line. The Conditional Use shall not become effective unless the variance or zoning adjustment is granted.
- B. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- C. Within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable, the applicant shall submit a site plan complying with the MAPC's Site Plan Guidelines for approval by the Planning Director. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
- D. A landscape plan shall be submitted for approval by the Planning Director that provides densely planted evergreen trees to be planted and maintained around the enclosure.

CONDITIONAL USE RESOLUTION NO. CON-2000-00032

WHEREAS, Gary and Karen Woods (Owners); Horizon Telecommunication and Cricket Communications Inc. (Applicants); Ferris Consulting c/o Greg Ferris (Agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow 190 foot high commercial communication tower on 10,000 square feet zoned "SF-20" Single-Family Residential described as:

LEASE AREA DESCRIPTION

A proposed lease area lying in and being part of the West Half (W/2) of the Northeast Quarter (NE/4) of Section Twenty-one (21), Township Twenty-eight (28) South, Range One (1) West, of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Northwest corner of said W/2 NE/4; Thence N 88 degrees 30'08"E, along the North line of said W/2 NE/4, a distance of 1200.87 feet; Thence S01degrees 29'52"E a distance of 145.20 feet to the point of beginning; The N 88 degrees 30'08"E, parallel with said North line, a distance of 100.00 feet; Thence S01degrees 29'52"E a distance of 100.00 feet; Thence S88degrees 30'08"W, parallel with said North line, a distance of 100.00 feet; Thence N 01 degrees 29'52"W a distance of 100.00 feet to the point of beginning. Containing 10,000 square feet or 0.230 acres, more or less. Generally located approximately 145 feet south of 47th Street South and approximately ¼ mile west of Ridge Road.

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 August 31, 2000, 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 conditional use to allow 190 foot high commercial communication tower on 10,000 square feet zoned "SF-20" Single-Family Residential described as:

LEASE AREA DESCRIPTION

A proposed lease area lying in and being part of the West Half (W/2) of the Northeast Quarter (NE/4) of Section Twenty-one (21), Township Twenty-eight (28) South, Range One (1) West, of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Northwest corner of said W/2 NE/4; Thence N 88 degrees 30'08"E, along

the North line of said W/2 NE/4, a distance of 1200.87 feet; Thence S01degrees 29'52"E a distance of 145.20 feet to the point of beginning; The N 88 degrees 30'08"E, parallel with said North line, a distance of 100.00 feet; Thence S01degrees 29'52"E a distance of 100.00 feet; Thence S88degrees 30'08"W, parallel with said North line, a distance of 100.00 feet; Thence N 01 degrees 29'52"W a distance of 100.00 feet to the point of beginning. Containing 10,000 square feet or 0.230 acres, more or less. Generally located approximately 145 feet south of 47th Street South and approximately ¼ mile west of Ridge Road.

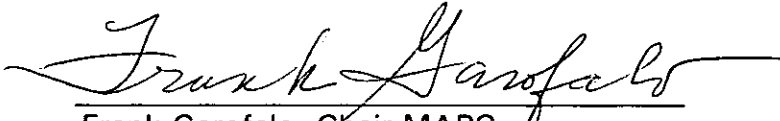
subject to the following conditions:

- A. Within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable, the applicant shall submit an application for a variance or a zoning adjustment, as applicable, to permit a tower setback distance of 70 feet from the east property line. The Conditional Use shall not become effective unless the variance or zoning adjustment is granted.
- B. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- C. Within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable, the applicant shall submit a site plan complying with the MAPC's Site Plan Guidelines for approval by the Planning Director. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
- D. A landscape plan shall be submitted for approval by the Planning Director that provides densely planted evergreen trees to be planted and maintained around the enclosure.
- E. The support structure shall be a "monopole" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- F. The monopole shall not exceed 190 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- G. If required, an Airport Hazard Zoning Permit for Area C shall be acquired by the applicant prior to commencing construction of the monopole.
- H. If required by the FAA, the monopole shall be constructed with a flashing red aircraft warning light. No strobe lights shall be used unless approved by a variance. There shall be no lighting of or on the monopole if it is not required by the FAA.

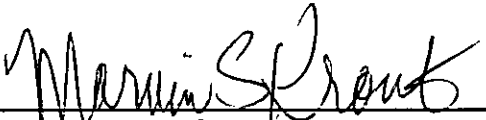
- I. Prior to the issuance of a building permit, the applicant shall demonstrate to the zoning administrator that antennas for the deployment a cellular phone system by Cricket Communications, Inc. are required at the approved site at a height of 190 feet.
- J. The site shall be developed in compliance with all federal, state, and local rules and regulations.
- K. Any violation of the conditions of approval shall render the Conditional Use null and void.

Adopted this 31st day of August, 2000. 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


Frank Garofalo, Chair MAPC

ATTEST:


Marvin S. Krout, Secretary

STAFF REPORT

MAPC, August 31, 2000

CASE NUMBER: CON2000-00032

APPLICANT/AGENT: Gary and Karen Woods (Owners); Horizon Telecommunication and Cricket Communications Inc. (Applicants); Ferris Consulting c/o Greg Ferris (Agent)

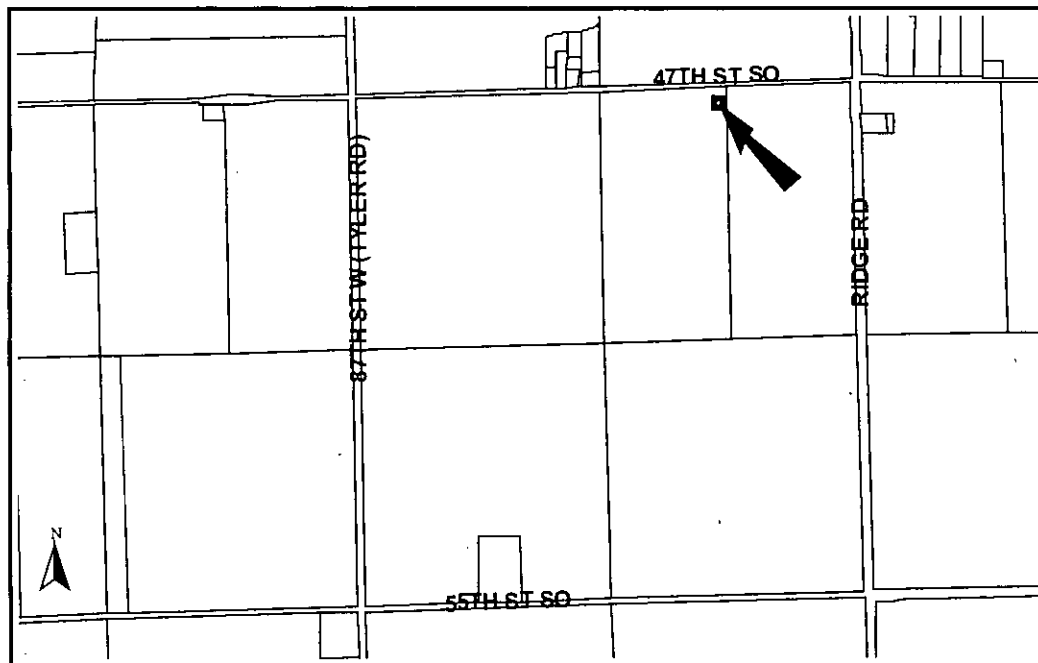
REQUEST: Conditional Use for a commercial communication tower

CURRENT ZONING: "SF-20" Single Family Residential

SITE SIZE: 10,000 square feet

LOCATION: Approximately 145 feet south of 47th Street South and approximately ¼ mile west of Ridge Road

PROPOSED USE: 190 foot high commercial communication tower



BACKGROUND: The applicant is seeking a Conditional Use to permit the construction of a 190 foot high commercial communication tower for use by Cricket Communications, Inc. The proposed site is zoned "SF-20" Single Family Residential. The Unified Zoning Code permits commercial communication towers in the "SF-20" Single Family Residential district with a Conditional Use.

The proposed tower would be sited on a 10,000 square foot area located approximately 145 feet south of 47th Street South and approximately ¼ mile west of Ridge Road. Access to the site would be from 47th Street South via a 20 foot wide access and utility easement. The applicant's site plan (attached) depicts a 100-foot by 100-foot compound. The site plan depicts a hedge row along the north and east property lines of the proposed site. Since the site plan does not indicate the nature or location of all improvements to the site, planning staff recommends a condition of approval requiring final approval of a more detailed site plan by the Planning Director before the Conditional Use becomes effective.

The character of the surrounding area is rural, with no residences within ¼ mile of the site. The property surrounding the site is zoned "SF-20" Single Family Residential and is used for agriculture.

Due to the site's location under the approach to Mid-Continent Airport, planning staff contacted the administration at Mid-Continent, who indicated that the proposed site could impact the GPS instrument approach to Runway 32 and should be reviewed by the Federal Aviation Administration (FAA). If required by the FAA, the tower would need to be constructed with a flashing red aircraft warning light. Also, the site is located within Area C of the Wichita-Sedgwick County Airport Hazard Zoning Map, which requires a permit exemption for structures (such as the proposed 190 foot high tower) that exceed 150 feet in height. However, the proposed tower appears to lie beneath the ceiling established on the more detailed topographic maps.

The applicant indicates that the proposed commercial communication tower is part of a planned initial build-out of a cellular phone system for Sedgwick and Butler counties by Cricket Communications, Inc. (see attached "Horizon Site Plan"). The applicant's justification for the request (attached) indicates that this site is necessary for Cricket Communications, Inc. to provide cellular phone coverage to the heavily-traveled area south of Mid-Continent Airport in the Highway K-42 corridor. At the request of planning staff, the applicant reviewed the alternatives of locating the proposed tower further to the south and east as well as utilizing two shorter towers, with one located further south and east and the other located further north and west in areas where industrial zoning exists. The applicant's response (attached) indicates that the first alternative proposed by planning staff does not provide adequate coverage to the Highway K-42 corridor, and the second alternative would require two 150 foot high towers rather than a single 190 foot high tower.

As proposed, the 190 foot high commercial communication tower is located 70 feet west of the adjoining property to the east. Such a location does not comply with the compatibility height standard of the Unified Zoning Code which requires a 190 foot high structure to be located no closer than 515 feet from property zoned "TF-3" or more restrictive. At the time this staff report was prepared, the Wichita City Council and Sedgwick County Commission were scheduled to consider a "Wireless Communication Master Plan" and associated amendments to the Unified Zoning Code on August 22 and 23, 2000. The proposed amendments include a revision to the compatibility height standard that would require a 190 foot structure to be located no closer than 190 feet from property zoned "TF-3" or more restrictive. Therefore, the application does not conform to either the current or the proposed compatibility height standard, and either a variance (under the current standard) or a zoning adjustment (under the proposed standard) would be required to be approved before a Conditional Use for the tower located as proposed can become effective.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Agriculture
SOUTH:	"SF-20"	Agriculture
EAST:	"SF-20"	Agriculture
WEST:	"SF-20"	Agriculture

PUBLIC SERVICES: No municipally supplied public services are required. The site has access to 47th Street South, an unpaved section line road with no traffic volumes available.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Rural" development. The plan does not speak specifically to telephone or cellular phone service, however there is a statement indicating the need to provide the highest quality utility services to the public at a reasonable cost. Section III.D.6.g of the Unified Zoning Code lists five conditions that commercial communication towers are subject to meeting: unobtrusive paint scheme, no nighttime lighting of the tower except for aircraft warning lighting, no advertising, demonstrating that an effort has been made to co-locate on an existing tower, and willingness to provide space for two other wireless communication providers on the tower.

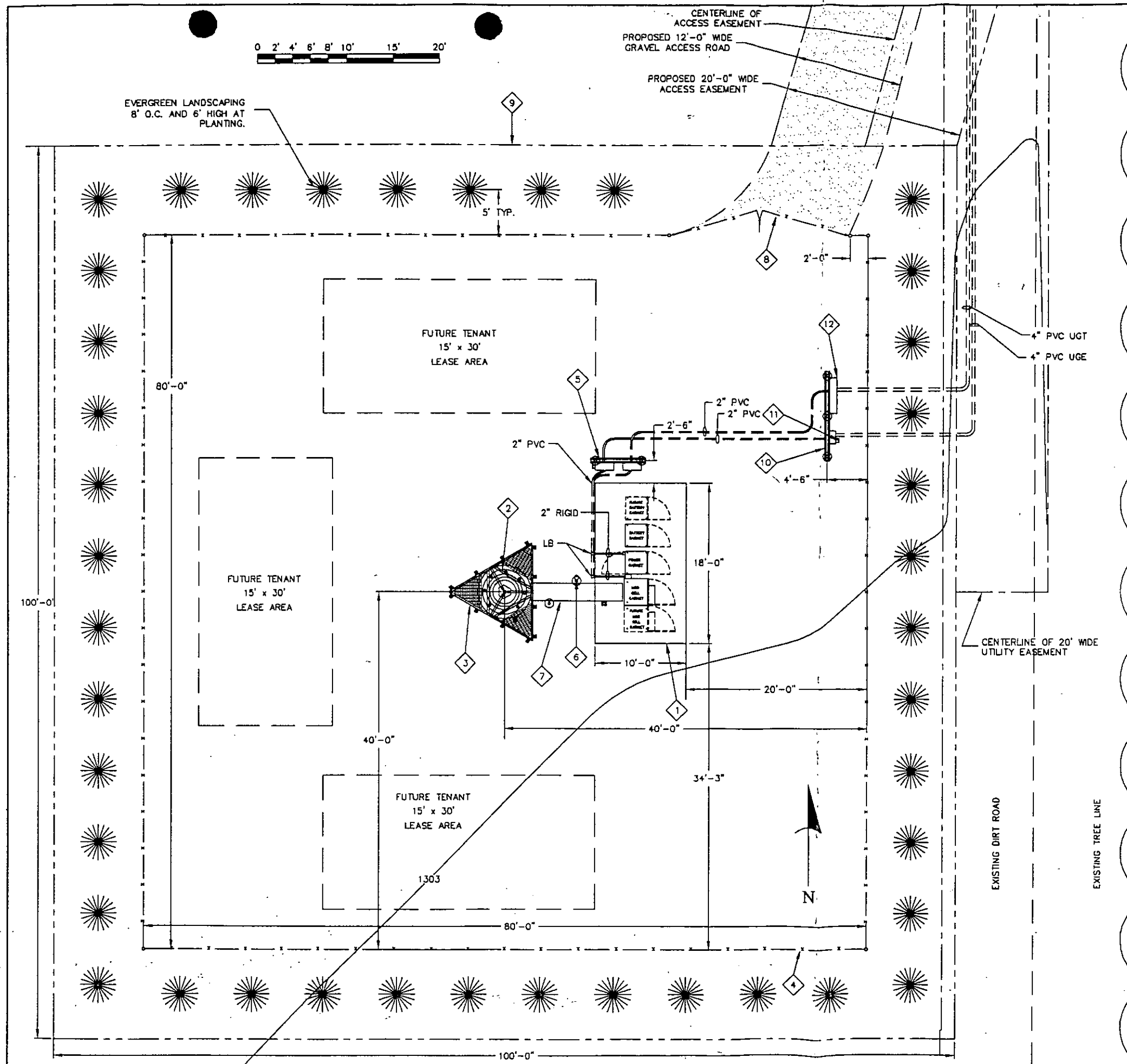
RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

- A. Within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable, the applicant shall submit an application for a variance or a zoning adjustment, as applicable, to permit a tower setback distance of 70 feet from the east property line. The Conditional Use shall not become effective unless the variance or zoning adjustment is granted.
- B. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- C. Within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable, the applicant shall submit a site plan complying with the MAPC's Site Plan Guidelines for approval by the Planning Director. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
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- E. The support structure shall be a "monopole" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- F. The monopole shall not exceed 190 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- G. An Airport Hazard Zoning Permit for Area C shall be acquired by the applicant prior to commencing construction of the monopole.
- H. If required by the FAA, the monopole shall be constructed with a flashing red aircraft warning light. No strobe lights shall be used unless approved by a variance. There shall be no lighting of or on the monopole if it is not required by the FAA.
- I. Prior to the issuance of a building permit, the applicant shall demonstrate to the zoning administrator that antennas for the deployment a cellular phone system by Cricket Communications, Inc. are required at the approved site at a height of 190 feet.
- J. The site shall be developed in compliance with all federal, state, and local rules and regulations.
- K. Any violation of the conditions of approval shall render the Conditional Use 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 rural, with the no residences within ¼ mile of the site. The property surrounding the site is zoned "SF-20" Single Family Residential and is used for agriculture.
- 2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-20" Single Family Residential. Commercial communication towers are permitted with a Conditional Use in the "SF-20" Single Family Residential district.

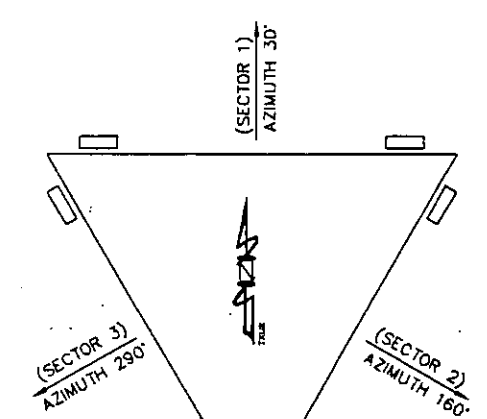
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site is currently undeveloped. The closest properties developed with non-agricultural uses are located more than ¼ mile away. The only impact to be noted at the time this report was prepared is the visual impact of a tower.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Rural" development. The plan does not speak specifically to telephone or cellular phone service, however there is a statement indicating the need to provide the highest quality utility services to the public at a reasonable cost. Section III.D.6.g of the Unified Zoning Code lists five conditions that commercial communication towers are subject to meeting: unobtrusive paint scheme, no nighttime lighting of the tower except for aircraft warning lighting, no advertising, demonstrating that an effort has been made to co-locate on an existing tower, and willingness to provide space for two other wireless communication providers on the tower.
5. Impact of the proposed development on community facilities: No impacts have been identified as municipally supplied services are not required.



- 1 OUTDOOR RADIO EQUIPMENT MOUNTED ON 10' X 18' CONCRETE SLAB
- 2 PROPOSED 190' MONOPOLE
- 3 ANTENNA PLATFORM ASSEMBLY
- 4 PROPOSED CHAIN-LINK FENCE WITH 3 STRANDS OF BARBED WIRE ON TOP
- 5 PROPOSED CRICKET PPC RACK
- 6 G.P.S. ANTENNA
- 7 24\"/>

GENERAL NOTES

- REFER TO SURVEY FOR MORE SITE INFORMATION
- REFER TO SHEET A-2 AND A-3 FOR SITE / CONSTRUCTION DETAILS
- CONTRACTOR TO REFER TO EQUIPMENT CABINET SHOP DRAWINGS FOR MORE INFORMATION



SITE PLAN

APPROVED 11-7-00 BY SK
CON2000-00032 Copy 1 of 2
ANTENNA ALIGNMENT

NOTE: REFER TO CRICKET SPECIFICATIONS FOR COLOR CODING.

Dynatek

TELECOMMUNICATIONS SERVICES

3170 Belmont Avenue
Youngstown, Ohio 44505
Phone: 800-838-3224
Fax: (330) 759-8471

DYNATEK PROJECT No. 1505	
SITE NAME: WOODS	
SITE NUMBER: ICT-038 KS-02	
SITE ADDRESS: 8010 47th ST. WICHITA, KS 67215	
DESIGN TYPE: RAW-LAND	
DRAWING TITLE: ARCHITECTURAL SITE PLAN	
DATE: OCT. 11, 2000	DATE: OCT. 11, 2000
BY: SK	BY: D.C.B.
CHECKED BY: D.C.B.	CHECKED BY: D.C.B.
APPROVED BY: SK	APPROVED BY: SK
DRAWING NO. A-1	REV. NO. 3