



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

March 17, 2025

Harshad Bhakta
8401 W. Kellogg Dr.
Wichita, KS 67209

James Cardinal
5511 W. 79th Street
Indianapolis, IN 46268

Verizon Wireless
500 Technology Dr., C2
Weldon Spring, MO 63304

Re: CON2025-00027: Administrative Permit in the City to permit a 105-foot Wireless Communications Facility on property zoned LI Limited Industrial District, located on the south side of West Kellogg Drive and within one-quarter mile east of South Tyler Road (8401 W. Kellogg Dr.).

Legal Description: Lot 18, EXC NW 1/2 ST HWY CCA 38302 & EXC W 135 FT LY S HWY 54 & LOT 19 EXC West 135 feet, Fairlawn Acres Addition.

Dear Applicants:

We have reviewed your request for an Administrative Permit for a 105-foot Wireless Communication Facility (monopole on property zoned LI Limited Industrial District (LI) located on the south side of West Kellogg Drive and within one-quarter mile east of South Tyler Road (8401 West Kellogg Drive). You have stated that the facility is needed to provide additional wireless coverage in the area.

The Wireless Communication Master Plan (and Section III-D.6.g.3 of the Unified Zoning Code) states that new ground-mounted Wireless Communication Facilities up to 150 feet in height in the LI District shall be approved by Administrative Permit if they conform to the Compatibility Height Standards of Section IV-C.5.b of the Wichita-Sedgwick County Unified Zoning Code (UZC) and the Location/Design Guidelines of the Wireless Communication Master Plan.

Compatibility Height Standards, Section IV-C.5.b of the Unified Zoning Code

The Compatibility Height Standards require the proposed 105-foot tall tower be located no closer than 105 feet from the lot line of property zoned TF-3 Two-Family Residential District (TF-3) or more restrictive. The nearest property zoned TF-3 or more restrictive is approximately one-quarter of a mile to the northwest. Therefore, we find that the request conforms to the Compatibility Height Standards of Section IV-C.5.b of the Unified Zoning Code.

Location/Design Guidelines of the Wireless Communication Master Plan

In reviewing the request's conformance to the Location/Design Guidelines of the Wireless Communication Mater Plan, we find the following:

1. Preserving the pre-existing character of the area as much as possible.
 - a. *Staff review: the pre-existing character of the area is heavy commercial and industrial. The nearest residential use area is approximately one-quarter of a mile to the northwest, with commercial and/or industrial uses and the West Kellogg freeway in between. Locating a tower in this area will not detract from the pre-existing character.*
2. Minimizing the height, mass or proportion of the facility to minimize conflict with the character of its proposed surroundings.
 - a. *Staff Review: The proposed height of 105 feet is the shorter than the permitted 150-foot height that can be considered by Administrative Permit in the LI District. An Administrative Permit for a tower of this height can be approved if the tower conforms to the Compatibility Height Standards of the UZC and the Location/Design Guidelines of the Wireless Communication Master Plan. The proposed tower would minimize the mass by utilizing a monopole structure.*
3. Minimizing the silhouette presented by new support structures and antenna arrays. Lattice-type support structures are generally appropriate in areas outside the "Urban Growth Areas" identified in the Wichita-Sedgwick County Comprehensive Plan. Lattice-type support structures inside the Urban Growth Area boundaries generally should be limited to installations that have antennas mounted flush to the support structure with cables attached to the main support arms rather than the girders. When an antenna array that protrudes from the wireless communication facility is used on a support structure inside the Urban Growth Area boundaries, the support structure generally should be a monopole.
 - a. *Staff Review: The proposed tower would utilize a monopole structure, which would minimize the silhouette presented by the support structure.*
4. Using colors, textures and materials that blend in with the existing environment and minimize reflection; under some circumstances, surfaces should be painted, or otherwise treated, to match or complement existing background structures or utility poles, as appropriate.
 - a. *Staff Review: The proposed tower would utilize galvanized steel, which generally minimizes the visual impact of the tower.*
5. Concealing facilities within potential space in or on existing structures, or disguised to look like another type of facility, like a flagpole, clock tower, or church steeple.
 - a. *Staff Review: Not applicable at this location.*
6. Placing facilities in areas where trees and/or buildings obscure some or all the facility from view and installing new plantings/screening around the site where visible from major streets or residential areas.
 - a. *Staff Review: If approved, Section IV-B of the UZC would not require any screening of the lease area because the abutting properties are zoned LI. The base of the tower is obscured from view of major streets and residential areas by buildings. The height of the tower would be obscured from view of the residential areas by mature trees and the elevated portion of the highway over South Tyler Road.*
7. Placing facilities on existing walls, flush-mounted, or on roofs buildings (excluding single-family and duplex) and structures, up to 20 feet above the existing structure, as opposed

to building new ground-mounted support structures. Facilities on rooftops generally should be set back from roof edges or screened from view.

a. *Staff Review: Not applicable at this location.*

8. Screening equipment shelters and cabinets through landscaping, walls and/or fencing, as appropriate to the surroundings. In most cases, ground level equipment should respect the setbacks for accessory uses in the applicable zoning district and be enclosed by 6-8 foot high security fencing, of a material compatible with its surroundings. Equipment should be encouraged indoors if space is available nearby. Burying equipment in an underground vault, to keep most of the equipment out of sight, may be necessary in right-of-way and in some other visually/environmentally sensitive locations, such as tourist attractions, historic landmarks/districts, museum district, river corridor, and other locations of civic importance or architectural significance. Ground level shelters/equipment, appropriately screened and generally landscaped with trees and/or shrubs, should be permitted on lots adjacent to right-of-way, to facilitate the use or reconstruction of utility poles in those right-of-way.

a. *Staff Review: If approved, Section IV-B of the UZC does not require screening of the lease area because the abutting properties are zoned LI. The placement of the lease area is obscured from the view of nearby streets by buildings.*

9. Permitting lighting on facilities only if required by Federal regulations.

a. *Staff Review: The Planning Department cannot regulate the lighting of the proposed tower if lighting is required by Federal Regulations.*

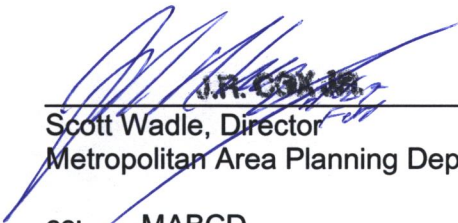
Furthermore, the Planning Department and the Wichita Airport Authority Staff were provided the attached Determination of No Hazard from the FAA, which states that the "structure does not exceed obstruction standards and would not be a hazard to air navigation..."

Based on compliance with the Compatibility Height Standards of the UZC and compliance with the Location/Design Guidelines of the Wireless Communication Mater Plan, our signatures below indicate that an Administrative Permit for a Wireless Communication Facility is hereby **GRANTED** for the above-referenced property, subject to the following conditions:

1. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
2. The applicant shall obtain all local, state and federal permits necessary to construct the wireless communication facility.
3. The applicant shall obtain from the FAA and provide to MAPD a Determination of No Hazard for any obstruction proposed under this application. This FAA determination shall be based upon coordinates and elevations taken by a licensed and qualified land surveyor and conform to FAA's most precise, current accuracy tolerance standards. The applicant shall demonstrate to the MAPD, with concurrence of the Wichita Airport Authority, that any obstructions proposed under this application would not adversely affect or alter any precision or non-precision instrument approaches.
4. All required FAA documents shall be provided to MABCD upon submittal of project plans.
5. The wireless communication facility shall be built within one year of approval of the Administrative Permit or it will be declared null and void.
6. Wichita-Sedgwick County Airport Hazard Zoning Code, Title 28.08 shall be met.
7. The site for the Wireless Communication Facility and its 105-foot tall self-support galvanized steel, monopole shall be developed in general conformance with the approved site plan and elevation drawing. The site shall be located on the LI-zoned subject property, as described in the attached legal description and the approved site plan. All

- improvements shall be completed before the facility becomes operational.
8. The support structure shall be a monopole design and shall be silver or gray or a similar unobtrusive color with a matte finish to minimize glare. Flush mount antennae are encouraged per the Wireless Communication Master Plan.
 9. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
 10. If the Zoning Administrator finds that there is a violation of any of the conditions of the Administrative Permit, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Administrative Permit is null and void.

The "Development Application" sign should now be removed from the property.



Scott Wadle, Director
Metropolitan Area Planning Department



John R. Cox, Jr., Zoning Administrator
Metropolitan Area Planning Department

cc: MABCD
Dalton Glasscock, CM District IV
Brooke Kauchak, CSR District IV

Administrative Permit Map from Zoning Code





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2024-ACE-6920-OE

Issued Date: 01/23/2025

Network Regulatory
Cellco Partnership
5055 North Point Pkwy
NP2NE Network Engineering
Alpharetta, GA 30022

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Monopole FREEDOM RD
Location:	Wichita, KS
Latitude:	37-40-15.11N NAD 83
Longitude:	97-26-23.48W
Heights:	1328 feet site elevation (SE) 110 feet above ground level (AGL) 1438 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Emissions from this site must be in compliance with the parameters set by collaboration between the FAA and telecommunications companies and reflected in the FAA 5G C band compatibility evaluation process (such as power, frequencies, and tilt angle). Operational use of this frequency band is not objectionable provided the Wireless Providers (WP) obtain and adhere to the parameters established by the FAA 5G C band compatibility evaluation process. **Failure to comply with this condition will void this determination of no hazard.**

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☐ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M Change 1.

This determination expires on 07/23/2026 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination of No Hazard is granted provided the following conditional statement is included in the proponent's construction permit or license to radiate:

Upon receipt of notification from the Federal Communications Commission that harmful interference is being caused by the licensee's (permittee's) transmitter, the licensee (permittee) shall either immediately reduce the power to the point of no interference, cease operation, or take such immediate corrective action as is necessary to eliminate the harmful interference. This condition expires after 1 year of interference-free operation.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 222-5323, or Marla.Duchatellier@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-ACE-6920-OE.

Signature Control No: 642743762-645126123

(DNE)

Marla Duchatellier

Technician

Attachment(s)

Additional Information

Frequency Data

Map(s)

cc: FCC

BASIS FOR DECISION

Part 77 authorizes the FAA to evaluate a structure or object's potential electromagnetic effects on air navigation, communication facilities, and other surveillance systems. It also authorizes study of impact on arrival, departure, and en route procedures for aircraft operating under visual or instrument flight rules, as well as the impact on airport traffic capacity at existing public use airports. Broadcast in the 3.7 to 3.98 GHz frequency (5G C band) currently causes errors in certain aircraft radio altimeters and the FAA has determined they cannot be relied upon to perform their intended function when experiencing interference from wireless broadband operations in the 5G C band. The FAA has adopted Airworthiness Directives for all transport and commuter category aircraft equipped with radio altimeters that prohibit certain operations when in the presence of 5G C band.

This determination of no hazard is based upon those mitigations implemented by the FAA and operators of transport and commuter category aircraft, and helicopters operating in the vicinity of your proposed location. It is also based on telecommunication industry and FAA collaboration on acceptable power levels and other parameters as reflected in the FAA 5G C band evaluation process.

The FAA 5G C band compatibility evaluation is a data analytics system used by FAA to evaluate operational hazards related to aircraft design. The FAA 5G C band compatibility evaluation process refers to the process in which the telecommunication companies and the FAA have set parameters, such as power output, locations, frequencies, and tilt angles for antenna that mitigate the hazard to aviation. As the telecommunication companies and FAA refine the tools and methodology, the allowable frequencies and power levels may change in the FAA 5G C band compatibility evaluation process. Therefore, your proposal will not have a substantial adverse effect on the safe and efficient use of the navigable airspace by aircraft provided the equipment and emissions are in compliance with the parameters established through the FAA 5G C band compatibility evaluation process.

Any future changes that are not consistent with the parameters listed in the FAA 5G C band compatibility evaluation process will void this determination of no hazard.

Frequency Data for ASN 2024-ACE-6920-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	2000	W
614	698	MHz	1000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W
3700	3980	MHz	1640	W

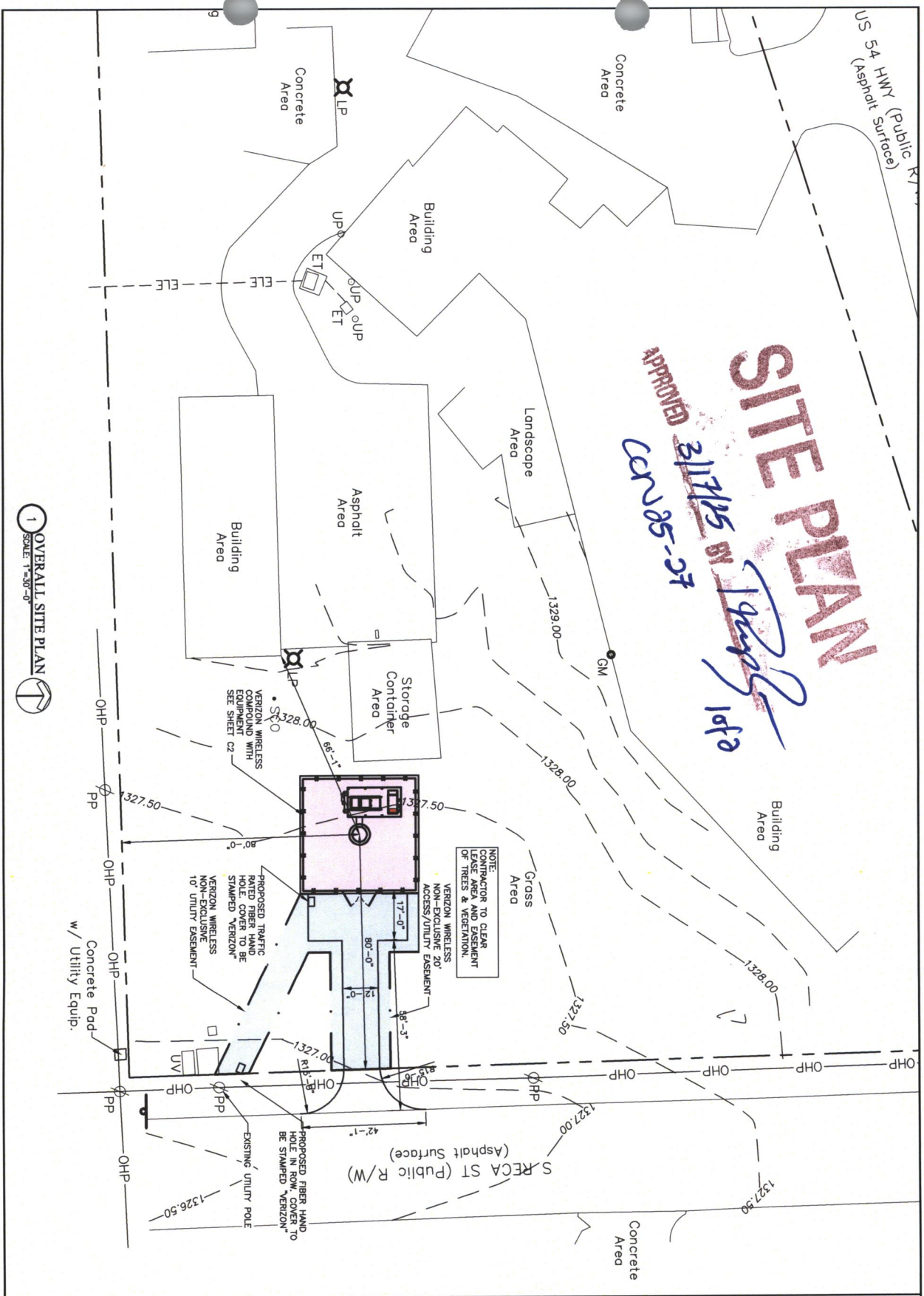
Verified Map for ASN 2024-ACE-6920-OE





US 54 HWY (Public Asphalt Surface)

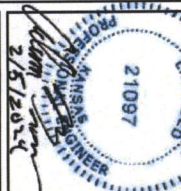
SITE PLAN
APPROVED
3/17/15 BY [Signature]
C-105-37
10/10



1 OVERALL SITE PLAN
SCALE 1"=50'-0"



FORTUNE
WIRELESS INC.
5011 WEST 79TH STREET
OVERLAND PARK, KS 66204
(913) 558-0074



DESIGNED BY: GMP
DATE: 12/05/23
REVIEW CD: 0
02/05/24 FINAL CD

NO. DATE SCALE
A 12/05/23 REVIEW CD
0 02/05/24 FINAL CD

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WICC FREEDOM ROAD
LOCATION #: 500088474
FUZE PROJECT #:
17191600
0.22 MI E OF S. TYER RD.
255' S OF US ROUTE 400
WICHITA, KS 67209
SEDGWICK COUNTY

SHEET NUMBER
C-1
OVERALL SITE PLAN

DO NOT SCALE DRAWINGS

