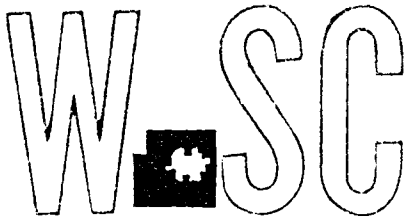


WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT --

CITY HALL -- TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4421  
FAX (316) 268-4390

June 19, 1997

Edward T. & Rita A. Neville  
9625 W. Maple  
Wichita, KS 67209

**RE: CU-434 - Conditional use to construct a 158-foot communications tower on property zoned "SF-20" Single-Family Residential and generally located east of 167th Street West, one-half mile north of Kellogg**

Dear Mr. and Mrs. Neville:

At its regular meeting on May 29, 1997, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to conditions stated in the letter dated June 3, 1997.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Russ Ewy  
Associate Planner

RE/sh

cc: Omnipoint Communications Enterprises, Inc., 1930 E. Industrial Dr., Wichita, KS 67216  
JM Consulting Group, Inc., 3180 E. 31st Street South, Wichita, KS 67216  
Glen Wiltse, Sedgwick County Code Enforcement





## STAFF REPORT

Goddard PC - May 27, 1997  
MAPC - May 29, 1997

**CASE NUMBER:** CU-434

**APPLICANT/AGENT:** Edward T. and Rita A. Neville (property owners); Omnipoint Communications Enterprises, Inc. (applicant); JM Consulting, Inc. (agent)

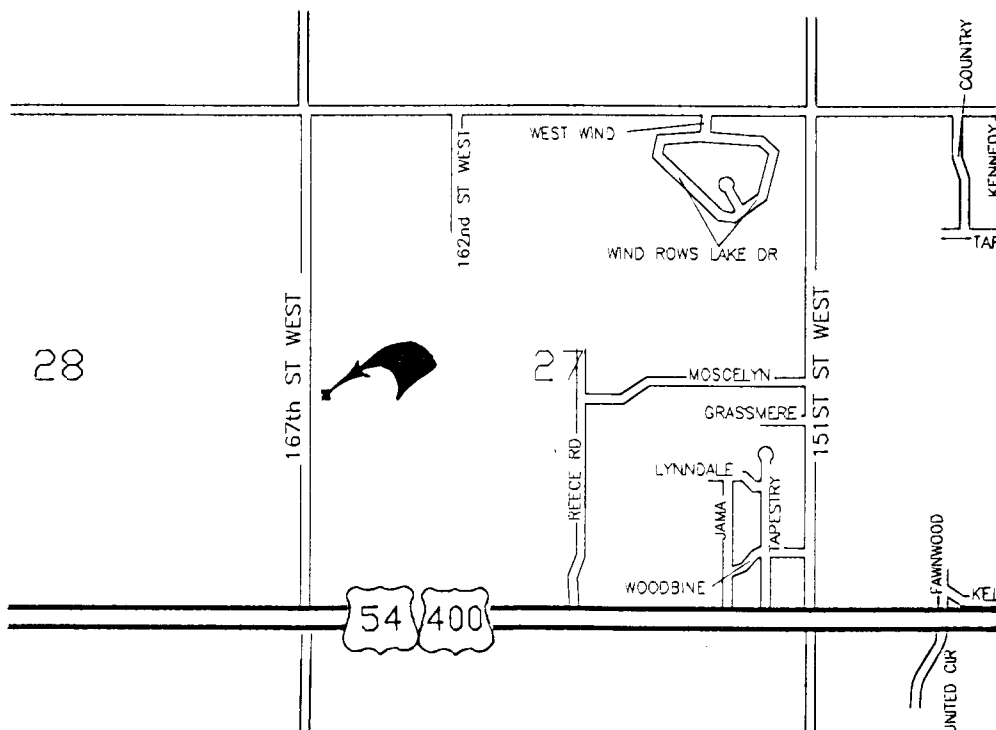
**REQUEST:** Conditional Use to permit the construction of a 158 foot commercial communications tower

**CURRENT ZONING:** "SF-20" Single-Family Residential

**SITE SIZE:** 0.04 acres

**LOCATION:** East of 167th Street West, one-half mile north of Kellogg

**PROPOSED USE:** Commercial Communication Tower



**BACKGROUND:** The applicant requests approval of a conditional use to allow the construction of a 158 foot commercial communication tower on a 0.04 acre site zoned "SF-20" Single-Family Residential, located east of 167th Street West, one-half mile north of Kellogg. The tower is to be used by Omnipoint Communications Enterprises, Inc. to provide wireless communication services to customers as part of a larger personal communications service (PCS) network.

The zoning code allows commercial communication towers in the "SF-20" Single-Family Residential district only as a conditional use. The application area is located approximately 100 feet south of an existing Rural Water District #4 water tower, and 120 feet east of 167th Street. All of the land adjacent to the application area is being used for agricultural purposes, with the land located immediately south, east, and north of the application area zoned "SF-20" Single-Family Residential. Property across 167th Street is property zoned "RR" Rural Residential. The nearest residence is located approximately 2,000 feet northeast of the tower site.

The applicant is proposing to construct a self-supporting tower 150 feet tall with an 8 foot lightning suppressor. The site plan shows the tower compound, measuring 40 feet by 40 feet, with the perimeter of the application area fenced with a 6 foot chain link fence with extension posts for three strands of barbed wire. The interior surface area of the compound will be graveled. The tower would be aligned north to south with the centerline of the existing water tower. The plan also shows a 12 foot by 12 foot equipment area next to the 25 foot triangular base of the tower. There is a 12 foot wide access road leading to the tower site from 95th Street. Self-supporting towers are designed to collapse in on themselves should there be a structural failure.

Omnipoint Communications Enterprises, Inc. is developing a nationwide personal communication service system, including approximately 44 sites in the Sedgwick County trading area. By co-locating their antennae on existing towers or roof top locations, they have been able to minimize the new construction to 13 on sites where permitted towers "by right" in Wichita, with another three in unincorporated areas requiring a conditional use permit.

Staff's tower data base indicates that the nearest communication tower, a 310 foot guyed tower, is located one-half mile north of Maple, west of 167th Street (approximately 1 mile from the proposed tower site). According to our records, this tower is filled to its capacity and would not be able to accommodate Omnipoint's antennae. The agent for the applicant has verbally explained to staff why the adjacent water tower cannot meet their needs, but will provide the MAPC with a letter further explaining their inability to locate their antennae on the water tower.

**CASE HISTORY:** None

**ADJACENT ZONING AND LAND USE:**

|        |         |                           |
|--------|---------|---------------------------|
| NORTH: | "SF-20" | Undeveloped; Agricultural |
| SOUTH: | "SF-20" | Undeveloped; Agricultural |
| EAST:  | "SF-20" | Undeveloped; Agricultural |
| WEST:  | "RR"    | Undeveloped; Agriculture  |

**PUBLIC SERVICES:** Except for telephone and electrical service, no public services are required. The property has access to 167th Street West, a 2-lane paved section-line road, with existing traffic volume of approximately 2,673 average daily trips (ADT) from Maple to Kellogg. The 2020 Transportation Plan projects traffic along 167th Street to increase to approximately 3,640 ADT for this segment. 167th Street is also projected by the 2020 Transportation Plan to remain a 2-lane roadway.

**CONFORMANCE TO PLANS/POLICIES:** The Sedgwick County Development Guide of the Comprehensive Plan identifies this area as being located within the urban reserve, a category defining areas of rapid growth. 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. The zoning code lists five conditions towers are subject to: unobtrusive paint scheme, no nighttime lighting of the tower except for aircraft warning lighting, no advertising, demonstrate an effort has been made to co-located on an existing tower and willingness to provide space for other communication towers.

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

1. The tower shall be located as indicated on the approved site plan.
2. The tower shall be fenced with chain link fence which has a minimum height of 6 feet with an additional 3 strands of barbed wire extended above the chain link fence.
3. The color of the tower shall be silver or gray or a similar unobtrusive color unless otherwise required by applicable agencies, or in order to avoid strobe lighting that would otherwise be required by those agencies.
4. There shall not be any nighttime lighting of or on the tower except for aircraft warning lights or similar emergency warning lights required by applicable agencies. No strobe lights shall be used.
5. No commercial advertising signs shall be allowed on the tower or fence.

6. The tower shall not exceed 158 feet in height.
7. The owner of the tower shall agree in writing at the time of the issuance of a building permit that: (1) the tower is designed to accommodate at least two additional communication companies and that reasonable accommodations will be made to lease space on the tower to other communication companies so as to avoid having a proliferation of towers which are not fully utilized, and (2) the owner of the tower will make available in the future the opportunity for another communication company to rebuild the tower to support additional communication equipment where physically and fiscally feasible.
8. The communication tower if unused for a period of 24 consecutive months shall be considered abandoned and shall be removed by the owner no later than 90 days following the mailing of written notice that removal is required. If two or more communication companies use the tower, then the period of non-use under this provision shall be measured from the cessation of operation at that location of such tower or related equipment by all such providers.
9. This proposed communication tower shall be in compliance with all conditions approval by the MAPC, and/or the Governing Body, as specified above, or this conditional use shall be considered null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All of the land adjacent to the application area is zoned "SF-20" Single-Family Residential, and is predominately used for agricultural purposes. The overall character of the area is rural with the nearest home located approximately 2,000 feet northeast of the proposed tower.
2. The suitability of the subject property for the uses to which it has been restricted: The zoning code allows commercial communication towers in the "SF-20" Single-Family Residential district only as a conditional use. However, the property could continue to be used for agricultural uses or other uses permitted "by right" as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Based on information on hand at the time this report was prepared, this request should not have a detrimental impact on the water tower property adjacent to the site. The existing water tower already dominates the general area visually. Constructing a tower nearby, which is partially obscured by the tower from other nearby properties, should not have a significant additional impact.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: If the applicant cannot build a new tower in this vicinity, there will potentially be gaps in the service in the Wichita area. These gaps would result in an inconvenience to Omnipoint customers. The location of a tower at this site should pose a minimal risk to the safety of the public.
5. Conformance of the requested change to adopted or recognized Plans/Policies: The plan does not speak specifically to communication towers, but does generally indicate a need to provide the highest quality utilities at a reasonable cost, provided the location of the structure has a minimal impact on the surrounding area.
6. Impact of the proposed development on community facilities: No municipal water or sewer service is required, traffic generation is minimal, and no other negative impact on community facilities has been identified.