

REVISED LEGAL

CONDITIONAL USE RESOLUTION NO. CON-2001-00037

WHEREAS, John P. and Ruth A. Strunk (Owners); Verizon Wireless c/o Kent Sticha (Applicant); Selective Site Consultants, Inc., c/o Robert M. Herlihy (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 150-foot high monopole tower on 5,625 square feet zoned "SF-20" Single-Family Residential described as:

LEASE DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 27 SOUTH, RANGE 2 WEST, IN SEDWICK COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 88 DEGREES 37' 55" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 1840.00 FEET; THENCE NORTH 01 DEGREES 22' 05" WEST LEAVING SAID SOUTH LINE A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 01 DEGREES 22' 05" WEST A DISTANCE OF 100.00 FEET; THENCE NORTH 88 DEGREES 37' 55" EAST A DISTANCE OF 100.00 FEET; THENCE SOUTH 01 DEGREES 22' 05" EAST A DISTANCE OF 100.00 FEET; THENCE SOUTH 88 DEGREES 37' 55" WEST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING. CONTAINS 10,000 SQUARE FEET OR 0.23 ACRES, MORE OR LESS. END OF DESCRIPTION. Generally located north of 21st Street North and east of 151st Street West.

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 July 19, 2001, 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 a 150-foot high monopole tower on 5,625 square feet zoned "SF-20" Single-Family Residential described as:

LEASE DESCRIPTION:

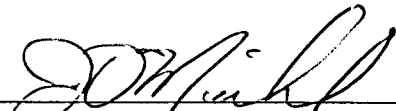
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subject to the following conditions:

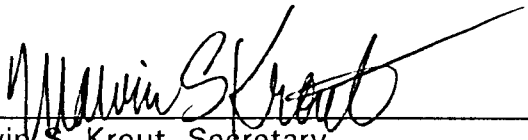
- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- C. The support structure shall be a "monopole" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The monopole shall not exceed 150 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. A landscape plan shall be submitted for approval by the Planning Director that provides 6-foot high Southwestern White Pines to be planted in accordance with the site plan submitted with the application for the Conditional Use.
- F. The applicant shall obtain FAA approval regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures" for the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the MAPD, Office of Central Inspection, and Director of Airports prior to the issuance of a building permit.
- G. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
- H. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- I. Any violation of the conditions of approval shall render the Conditional Use null and void.

Adopted this 19th of July, 2001. 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


J.D. (Jerry) Michaelis, Acting Chair MAPC

ATTEST:


Marvin S. Krout, Secretary

SITE PLAN

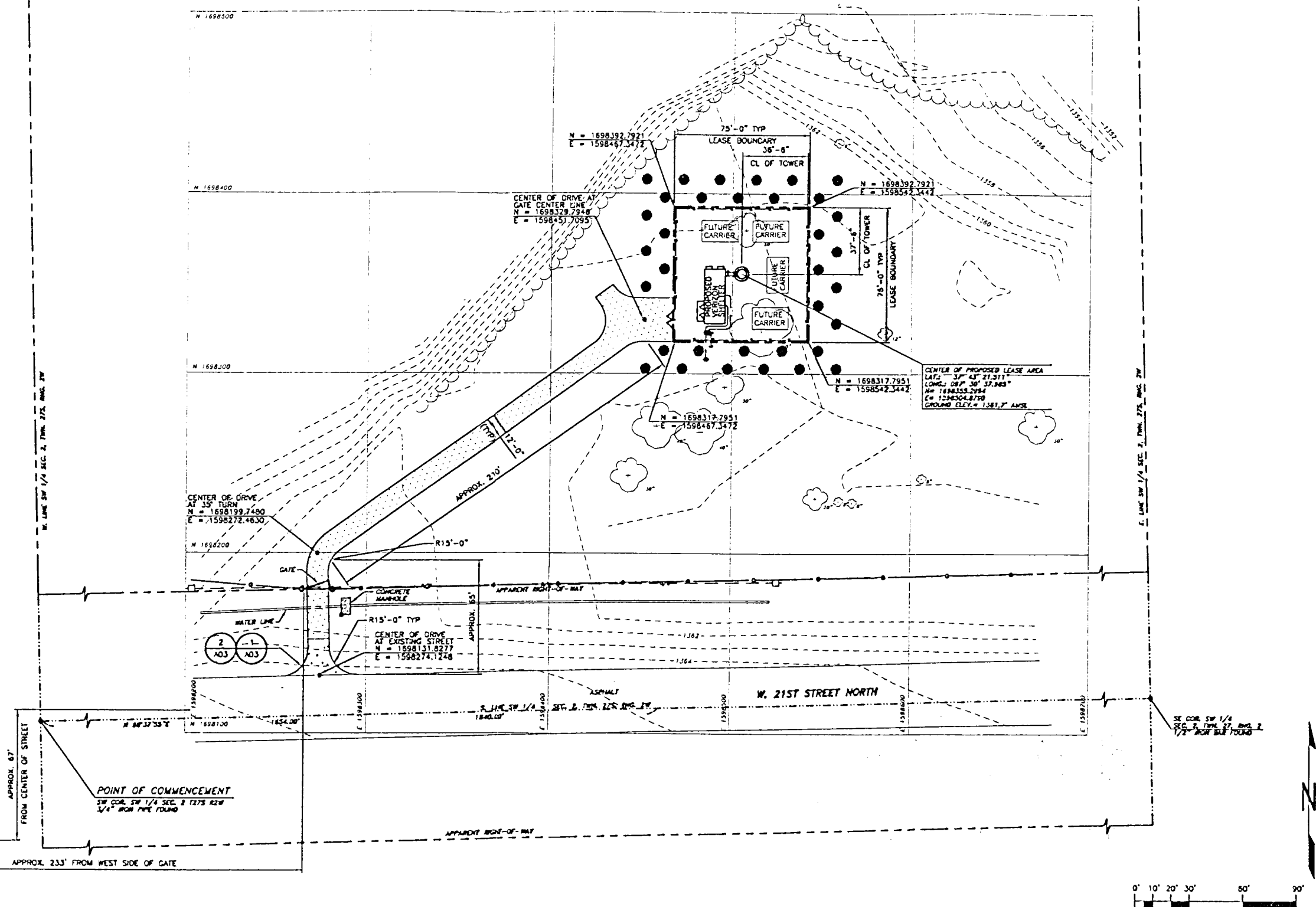
APPROVED 8-7-01 BY



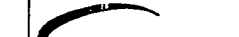
CALL BEFORE YOU
DIG - DRILL - BLAST
800-344-7233
(DIG-SAFE)
(315) 687-3753
(FAX)

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.



SITE PLAN

REV	DATE	REVISION DESCRIPTION	ISSN	NOTICE: THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE SOLE PROPERTY OF SSC, INC AND IS LENT TO THE BORROWER FOR THEIR CONFIDENTIAL USE ONLY, AND IN CONSIDERATION OF THE LOAN OF THIS DRAWING, THE BORROWER PROMISES AND AGREES TO RETURN IT UPON REQUEST AND AGREES THAT IT WILL NOT BE REPRODUCED, COPIED, LENT OR OTHERWISE DISPOSED OF DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE OTHER THAN FOR WHICH IT IS FURNISHED.	 verizon wireless	 SELECTIVE SITE CONSULTANTS, INC. A Site Acquisition, Engineering, and Construction Quality Assurance Company	PLANS PREPARED UNDER THE SUPERVISION OF:	SIGNED BY: JLB CHECKED BY: UT/RWD SUPERVISOR: UT LEAD DESIGN/ENGINEER: HAM/TWS PROJECT: _____ CLIENT: _____	WEST WICHITA VERIZON SITE 195-1 OVERALL SITE PLAN 14920 W. 21ST ST. NORTH WICHITA, KANSAS 67235	SCALE: AS SHOWN DRAWING NUMBER: 195-1 - A01 REV: B
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AGENDA ITEM NO. 13

STAFF REPORT

MAPC, July 19, 2001

CASE NUMBER: CON2001-00037

APPLICANT/AGENT: John P. and Ruth A. Strunk (Owners); Verizon Wireless c/o Kent Sticha (Applicant); Selective Site Consultants, Inc. c/o Robert M. Herlihy (Agent)

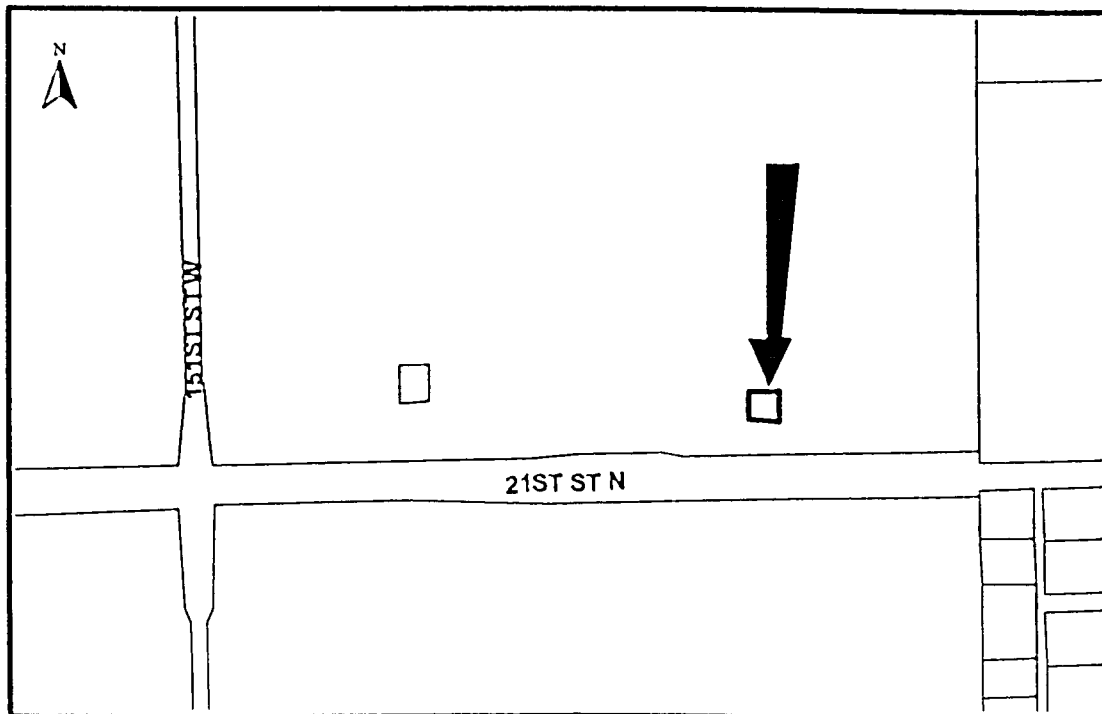
REQUEST: Conditional Use for a wireless communication facility

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

SITE SIZE: 5,625 square feet

LOCATION: North of 21st Street North and east of 151st Street West

PROPOSED USE: 150-foot high monopole tower



BACKGROUND: The applicant is seeking a Conditional Use to permit the construction of a 150-foot high monopole tower (see attached "Tower Elevation") for use by Verizon Wireless. The proposed site is zoned "SF-20" Single-Family Residential. Wireless Communication Facilities over 65 feet in height in the "SF-20" Single-Family Residential zoning district may be permitted with a Conditional Use.

Slides → The character of the surrounding area is agricultural. The nearest properties not owned by the applicant that are developed with residential uses are located approximately 800 feet east of the site. The properties surrounding the site in all directions are zoned "SF-20" Single-Family Residential and are used for agricultural purposes. The site is shown on the Wichita Land Use Guide as being located approximately one-quarter mile outside the 10 year Urban Service Area for Wichita. The site also is shown on the Wichita Land Use Guide as being located within the future corridor for the Northwest Bypass.

The proposed tower would be sited on a 5,625 square foot area located north of 21st Street North and east of 151st Street West on pasture land bordered on the north, east, and west by a wooded creek bed. Access to the site is proposed to be via an existing field access drive to 21st Street North. The applicant's site plan (attached) depicts a 75-foot by 75-foot compound with the tower located in the center of the compound. The initial ground-level equipment is shown to be located in the western portion of the compound, with sites for additional ground-level equipment shown in the eastern and northern portions of the compound. The compound is shown as being enclosed by a six-foot high chain link fence. The site plan shows two rows of staggered six-foot high white pines around the outside of the compound.

The applicant indicates that the proposed wireless communication facility is needed by Verizon Wireless to expand the capacity of its wireless phone system in the northwestern edge of the city (see attached letter dated June 4, 2001). The applicant indicates that in the surrounding two-mile area there is a 90-foot high monopole tower that the owner of the tower indicates is designed to be extended in height only to 110 feet (see attached affidavit dated July 21, 2000 and letter dated May 2, 2001). The applicant indicates (see attached affidavit dated June 1, 2001 and propagation plots) that a height of 150 feet is needed to meet their communications needs.

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 21st Street North, a two-lane arterial street.

CONFORMANCE TO PLANS/POLICIES: The Wireless Communication Master Plan is an element of the Comprehensive Plan that outlines the guidelines for locating wireless communication facilities. The Location Guidelines of the Wireless Communication Master Plan indicate that new facilities should be located: 1) on multi-story buildings or other structures; 2) on existing poles in street rights-of-way, parking lots, or athletic fields; 3) on existing towers for personal wireless services, AM/FM radio, television, school district microwave antennas, and private dispatch systems; 4) in wooded areas; 5) on identified city and county properties; or 6) on highway light standards, sign structures, and electrical support structures. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: 1) preserve the pre-existing character of the area; 2) minimize the height, mass, or proportion; 3) minimize the silhouette; 4) use colors, textures, and materials that blend in with the existing environment; 5) be concealed or disguised as a flagpole, clock tower, or church steeple; 6) be placed in areas where trees and/or buildings obscure some or all of the facility; 7) be placed on walls or roofs of buildings; 8) be screened through landscaping, walls, and/or fencing; and 9) not use strobe lighting. The Unified Zoning Code requires wireless communication facilities to comply with a compatibility height standard of one foot of setback for each foot of structure height from adjoining properties zoned "TF-3" or more restrictive. This compatibility height standard can be reduced or waived through a Conditional Use or a Zoning Adjustment.

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

- A. All requirements of Section III.D.6.g. 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" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The monopole shall not exceed 150 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. A landscape plan shall be submitted for approval by the Planning Director that provides 6-foot high Southwestern White Pines to be planted in accordance with the site plan submitted with the application for the Conditional Use.
- F. The applicant shall obtain FAA approval regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures" for the proposed wireless communication facility and shall comply with all conditions of FAA

- approval. The applicant shall submit a copy of FAA approval to the MAPD, Office of Central Inspection, and Director of Airports prior to the issuance of a building permit.
- G. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
 - H. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
 - I. 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 agricultural, with all properties surrounding the site zoned "SF-20" Single-Family Residential. The nearest properties not owned by the applicant that are developed with residential uses are located approximately 800 feet east of the site. The proposed wireless communication facility is consistent with the agriculture character and uses of the neighborhood.
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 and is used as pastureland. The site is separated from the remainder of the owner's property by a creek bed, thus limiting its usefulness as pasture land due to its limited size. Wireless communication facilities in excess of 65 feet in height in the "SF-20" Single-Family Residential zoning district may be permitted as a Conditional Use, if they conform to the guidelines of the Wireless Communication Master Plan.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The closest properties that are developed with residential uses are single-family residences located approximately 800 feet to the east. The only impact to be noted at the time this report was prepared is the visual impact of a tower, and the visual impact should be reduced by existing mature shade trees planted in hedge rows that partially obscure the proposed tower from view from the residences. Additionally, the residences nearest the site are oriented such that the back of the residential structures face to the west, with the proposed tower to be located northwest of the residences. Finally, the evergreen landscaping proposed by the applicant should reach a mature height of 40-60 feet and further screen the facility from nearby properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed wireless communication facility conforms to the Location Guidelines of the Wireless Communication Master Plan since there

are no other towers or tall structures in the vicinity of the site which can accommodate the communication needs of the applicant. The proposed wireless communication facility conforms to the Design Guidelines of the Wireless Communication Master Plan by minimizing the height, mass, proportion, and silhouette of the facility through its monopole design; by utilizing an unobtrusive color with a matte finish to minimize glare; by being placed in an area where trees obscure some of the facility; and by being screened through proposed new evergreen landscaping. The proposed wireless communication facility complies with the compatibility height standard of the Uniform Zoning Code since it is located more than 150 feet from the nearest lot line of property zoned "TF-3" or more restrictive.

5. Impact of the proposed development on community facilities: FAA approval should ensure that the proposed monopole does not detrimentally impact the operation of airports in the vicinity.