



Wichita-Sedgwick County Metropolitan Area Planning Department

November 3, 2008

City Wichita
Attn: Property Mgt
455 N. Main
Wichita, KS 67202

T-Mobile Wireless
C/O George Wyrick
4533 Enterprise Dr.
Oklahoma City, OK 73128

RE: CON2008-00037 - City Conditional Use for 120' wireless communication facility on property zoned SF-5 Single-family Residential, generally located on the southwest corner of Pawnee and Glenn.

Dear Ladies and Gentlemen:

At its regular meeting on **September 25, 2008**, the Wichita - Sedgwick County 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 application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale Miller'.

Dale Miller
Current Plans Director
Current Plans Division

DLM:mc
Enclosure

Copies to: Ferris Consulting, C/O Greg Ferris, PO Box 573, Wichita, KS 67201
Riverside Township, Dale V Kuhn, 6051 Southeast Blvd, Derby, KS 67037
Southwest Village, Dick Kovich, 3150 S. Gow Circle, Wichita, KS 67217

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

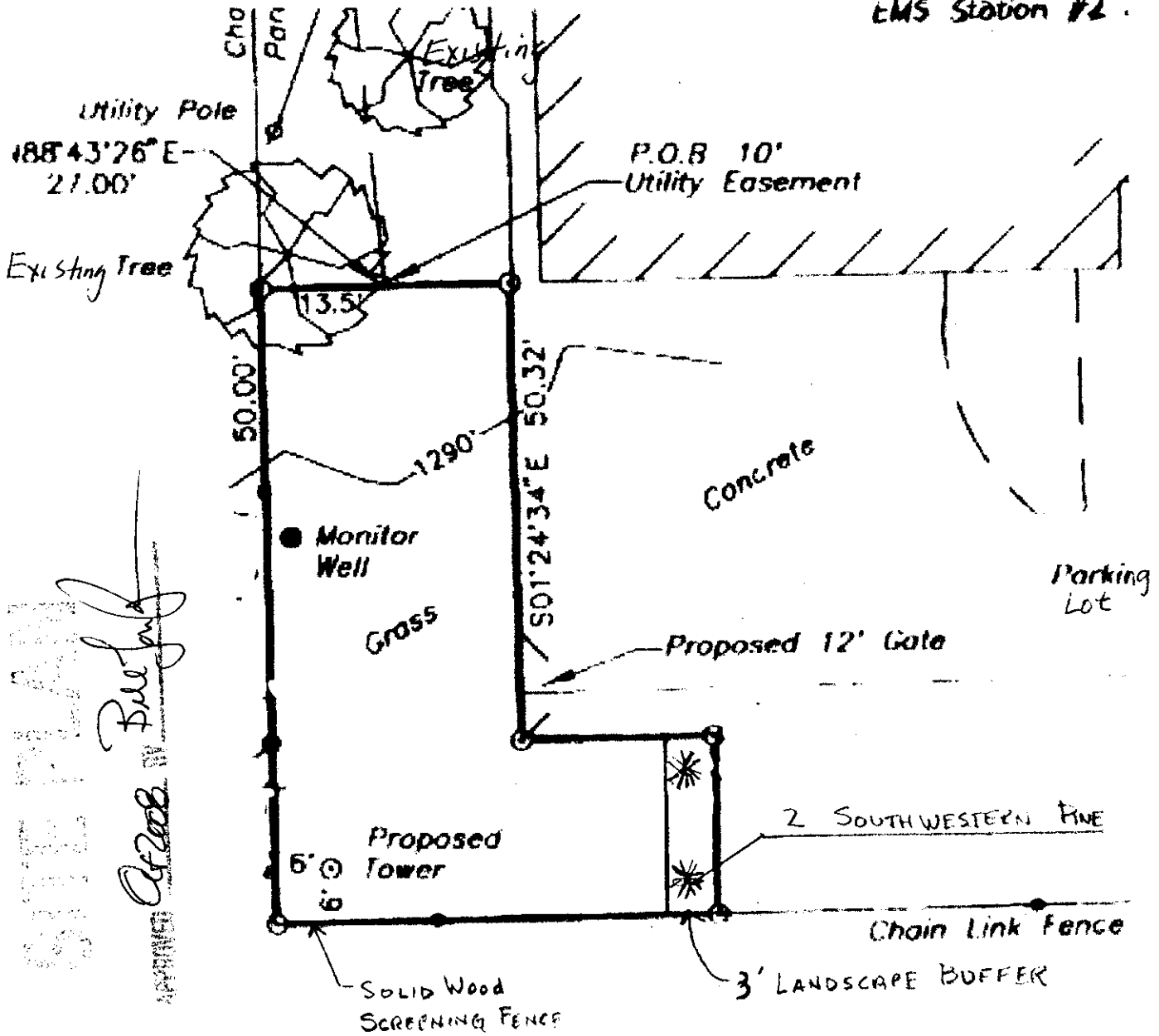
T 316.268.4421 F 316.268.4390

www.wichita.gov

5. Impact of the proposed development on community facilities: FAA approval should ensure that the proposed tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies.

CON2008-00037 LANDSCAPE PLAN

EMS Station #2.



QTY	BOTANICAL NAME	COMMON NAME	SIZE
2	PINUS STRABIFORMIS	SOUTHWESTERN PINE	MIN 4'

CON2008-37

IRRIGATION - WATER FOR ESTABLISHMENT & MAINTENANCE OF PLANT MATERIALS WILL BE BY HOSE OR WATER TRUCK

1903 W. PAWNEE

CONDITIONAL USE RESOLUTION NO. CON2008-00037

WHEREAS, the City of Wichita and T-Mobile Wireless (applicant/owner); 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 120-foot wireless communication facility on approximately .053-acre zoned "SF-5" Single-family Residential described as:

A tract of land lying in and being a part of Lot 2 and the North 20 feet of the East 173.07 feet of Lot 1, Block 9, Glenn Village Addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows: Beginning at the Southwest Corner of said Lot 2; thence North 01 degrees 24'34" West, along the West line of Lot 2, a distance of 50.00 feet; thence North 88 degrees 43'26" East, a distance of 27.00 feet; thence South 01 degrees 24'34" East, parallel with said West line, a distance of 50.32 feet; thence North 88 degrees 43'26" East, a distance of 21.00 feet; thence South 01 degrees 24'34" East, parallel with said West line, a distance of 19.67 feet to the South line of said North 20 feet of the East 173.07 feet of Lot 1, Block 9, Glenn Village Addition; thence South 88 degrees 43'26" West, along said South line, a distance of 48.00 feet to the Southwest Corner of said North 20 feet of the East 173.07 feet of Lot 1, Block 9, Glenn Village Addition; thence North 01 degrees 24'34" West, along the West line of said North 20 feet of the East 173.07 feet of Lot 1, Block 9, Glenn Village Addition, a distance of 20.00 feet to the point of beginning. Generally located on the southwest corner of Pawnee and Glenn, Wichita, Sedgwick County, Kansas.

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 September 25, 2008, consider said application.

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 for a 120-foot wireless communication facility located on approximately 053-acre zoned "SF-5" Single-family Residential described as:

A tract of land lying in and being a part of Lot 2 and the North 20 feet of the East 173.07 feet of Lot 1, Block 9, Glenn Village Addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows: Beginning at the Southwest Corner of said Lot 2; thence North 01 degrees 24'34" West, along the West line of Lot 2, a distance of 50.00 feet; thence North 88 degrees 43'26" East, a distance of 27.00 feet; thence South 01 degrees 24'34" East, parallel with said West line, a distance of 50.32 feet; thence North 88 degrees 43'26" East, a distance of 21.00 feet; thence South 01 degrees 24'34" East, parallel with said West line, a distance of 19.67 feet to the South line of said North 20 feet of the East 173.07 feet of Lot 1, Block 9, Glenn Village Addition; thence South 88 degrees 43'26" West, along said South line, a distance of 48.00 feet to the Southwest Corner of said North 20 feet of the East 173.07 feet of Lot 1, Block 9, Glenn Village Addition; thence North 01 degrees 24'34" West, along the West line of said North 20 feet of the East 173.07 feet of Lot 1, Block 9, Glenn Village Addition, a distance of 20.00 feet to the point of beginning. Generally located on the north side of 61st Street North and east of 263rd Street West, Sedgwick County, Kansas.

Approved subject to the following conditions:

A. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met.

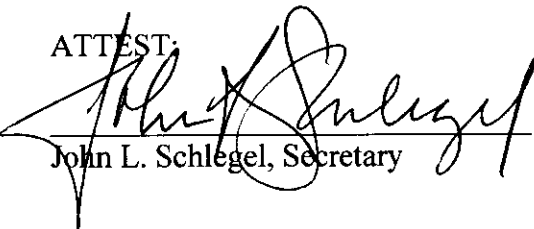
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- C. The support structure shall be a "monopole" design that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The support structure shall not exceed 120 feet in height and shall be designed and constructed to accommodate communication equipment for at least three (3) wireless service providers.
- E. The tower shall conform to FAA regulations in regards to analysis of airspace in the area, which includes conformation that the height of the tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.
- F. The 0.053-acre tower site shall be developed in general conformance with the approved revised site and landscape plan. These plans must show the solid fencing around the site, parking, all light poles, lights, power poles, cabinets, equipment or buildings within the fenced- in site or in the immediate area if it is to be used by the site. The plan must identify existing and/or proposed trees and shrubs, give their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. All improvements shall be completed within a year and before the facility becomes operational.
- G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- H. If the Zoning Administrator finds that there is a violation of 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 that the Conditional Use is null and void.

Adopted this 25th day of September, 2008.

METROPOLITAN AREA PLANNING COMMISSION


Darrel Downing, Chair MAPC

ATTEST:


John L. Schlegel, Secretary



AGENDA ITEM NO. 8

STAFF REPORT

MAPC September 25, 2008

DAB IV October 1, 2008

CASE NUMBER: CON2008-00037

OWNERS/APPLICANTS: City of Wichita (owner), T-Mobile Central LLC, c/o George Wyrick (applicant), Ferris Consulting, c/o Greg Ferris (agent)

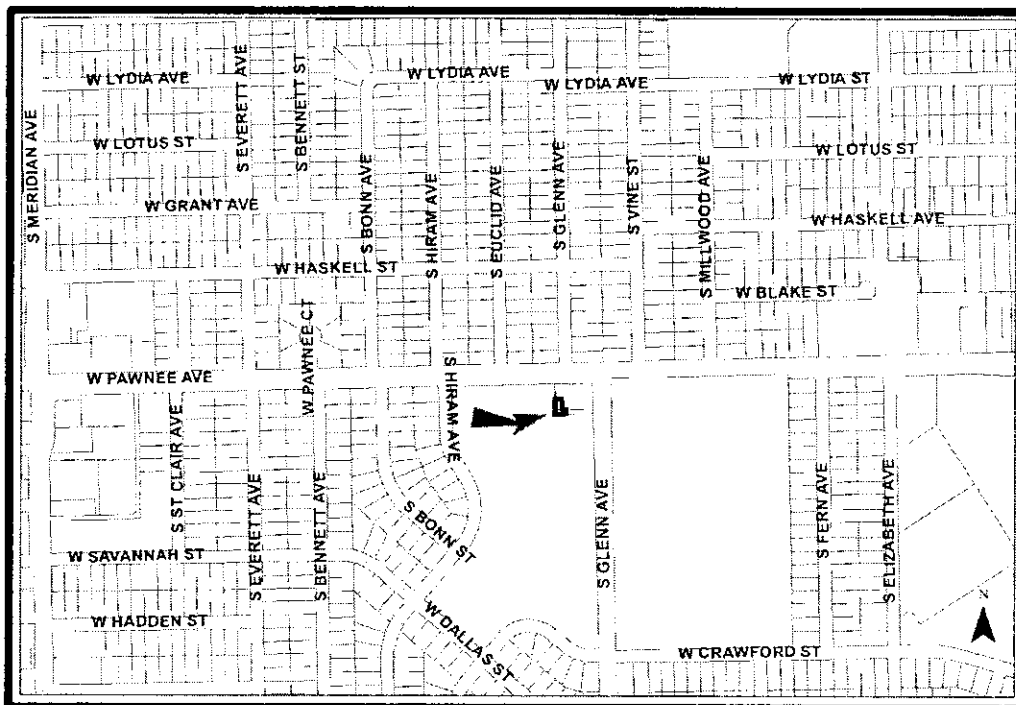
REQUEST: Conditional Use for a wireless communication facility

CURRENT ZONING: SF-5 Single-family Residential ("SF-5")

SITE SIZE: 0.053-acres

LOCATION: Generally located midway between Meridian Avenue and Seneca Street, on the southwest corner of Pawnee and Glenn Avenues (WCC #IV)

PROPOSED USE: 120-foot monopole, wireless cell phone tower



BACKGROUND: The applicant, T-Mobile Central, LLC, is seeking a Conditional Use to permit the construction of a 120-foot high, galvanized steel, monopole cell phone tower. The 0.053-acre tower site is located on portions of the SF-5 Single-family Residential ("SF-5") zoned Lots 1 and 2, Block 9, Glenn Village Addition. The site is owned by the City and the building on it was used as a fire station, however it is currently being used by County Emergency Medical Services (EMS) and by a Police Bomb Unit. Considerations for location of the tower on the site include verification that there is no interference with the existing uses on the site. The Wireless Communication Facility Ordinance (adopted by the WCC 4-08-08 & BoCC 4-9-08), encourages the location of wireless facilities on certain City or County owned properties, which have been identified and marketed as available, and this site appears to qualify for consideration for a wireless facility. The applicant also solicited public input prior to the application. To staff's knowledge the only response has been from USD 259 and they have indicated that they had no major issues with the proposed tower. Per the amended Wireless Communication Facility Ordinance, new wireless communication facilities over 65-feet in height in the SF-5 zoning district may be permitted with a Conditional Use.

The applicant's RF Engineer has provided (see attached letter #1) a letter that states that the proposed facility is needed to both provide, extend and improve phone service in this section of Wichita. The RF Engineer has also stated that the proposed tower will provide capacity relief for existing T-Mobile Towers in the area. The RF Engineer states that there are no towers or structures in the immediate 1-mile area that would allow co-location opportunities to meet their communication needs and has stated that the high volume of use has caused the area to experience frequent failed access. The wireless facilities map (#2) provided by the applicant shows existing facilities in the area, from I-235 – Kellogg/US 54 – I-135 – I-235. This map is in general agreement with the case map generated by City IT, however it does not show the approved (but not constructed) 150-foot T-Mobile tower located in Linwood Park; CON2008-25. T-Mobile is shown to have six (6) facilities on the map, which the RF Engineer has stated are at full capacity. Two of these six facilities are within the one-mile service radius, as shown on the facilities map. The applicant has provided current and desired coverage (#3) maps.

The area consists primarily of established single-family residential neighborhoods, with an elementary school and a middle school located (south side of Pawnee Avenue) mid-mile, abutting and adjacent to the site. All of these developments are zoned SF-5. The corners of the area along the Seneca Street and Meridian Avenue intersections with Pawnee are developed as small retail strips, free standing retail, a large retail strip, fast food restaurants, restaurants, office and apartments. These developments are zoned LC Limited Commercial ("LC"), GO General Office ("GO"), and B Multi-family Residential. There are also some MF-29 Multi-family Residential ("MF-29") and TF-3, Duplex ("TF-3") zoned single-family residences abutting these developments.

The site plan (#4) shows the 120-foot tower site located in the southwest corner of the City's ownership. As previously noted this site was used as a fire station, but it is currently being used by County EMS and by a Police Bomb Unit. The 120-foot tower does not meet the

Unified Zoning Code's (UZC, Art. IV, Sec. IV-C, 5(b)) compatibility height standard of one foot of setback for every foot of height, however all single-family residences and school buildings are located outside the 120-foot compatibility height standard for the tower. An elementary school playground abuts the south and west sides of the site. The applicant plans to request that the compatibility height standard be waived or reduced by making an application for a Zoning Adjustment.

The site plan depicts chain link fencing put up by USD 259 that is located around the south and west sides of the tower site. The site plan also shows existing trees on the site, as well as the EMS building, the parking lot, the entrance to the site off of Glenn Avenue, the gated entrance to the site, and a platted 10-foot wide access/utility easement running through the site to Glenn. The site plan shows no light poles, power poles, cabinets, equipment or buildings located within the fenced-in area. The existing trees around the tower site provide sufficient screening between the facility and the adjacent, northern SF-5 zoned properties. A landscape buffer is required when a tower site is abutting or adjacent to SF-5 zoning, however, the applicant intends to request a waiver of the landscaping standard. The applicant has stated (#5) the site will have a 6-8-foot solid fence around it, and contends that this fencing, coupled with the EMS building and the site's existing trees provide adequate screening.

The proposed tower and associated communication frequencies and wattages must meet standards determined by the Federal Aviation Administration (FAA) to pose no hazard to air navigation or interferes with other radio/communication frequencies. The applicant has not provided an analysis of airspace in the area, which must be provided to staff prior to building permits being issued. The applicant has stated (#6) that any lighting on the tower will be as required by the FAA for aircraft and that it will not have strobes. Additional lighting (#6) will also be needed for security purposes. The proposed galvanized surface of the tower will blend into the sky more readily than a red and white paint scheme, which meets the intent of the "Design Guidelines" of the "Wireless Communication Master Plan." The proposed tower must allow co-location for two (2) other providers. The applicant has indicated the tower will have a triangular "top hat" antenna array. The UZC recommends antennas mounted flush to the support structure over triangular "top hat" antenna arrays, but recognizes that the top hat arrays provide a larger coverage area, which potentially reduces the number of towers.

CASE HISTORY: The SF-5 zoned site is Lots 1 and 2, Block 9, Glenn Village Addition, which was recorded with the Register of Deeds January 26, 1963. The site is owned by the City and the building on it was used as a fire station, however it is currently being used by County Emergency Medical Services (EMS) and by a Police Bomb Unit. BZA 2003-72 allowed parking in the platted setback, which runs parallel to Glenn Avenue.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	SF-5	Public school (elementary)
EAST:	SF-5	Public school (middle)
WEST:	SF-5	Public school (elementary), single-family residences

PUBLIC SERVICES: No municipally supplied public services are required. The applicant will extend electrical and phone service to the site. The site has access to Glenn Avenue, a paved two-lane residential street. The 2030 Transportation Plan shows no change to the current status of this road.

CONFORMANCE TO PLANS/POLICIES: Per the amended Wireless Communication Facility Ordinance (adopted by the WCC 4-08-08 & BoCC 4-9-08), new wireless communication facilities over 65-feet in height in the SF-5 zoning district may be permitted with a Conditional Use. The Wireless Communication Facility Ordinance (adopted by the WCC 4-08-08 & BoCC 4-9-08), encourages the location of wireless facilities on certain City or County owned properties, which have been identified and marketed as available, and this site appears to qualify for consideration for a wireless facility.

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 requires a Conditional Use for new undisguised ground mounted facilities over 65-feet in height in the SF-5 zoning district and that they comply with the compatibility setback standards. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: 1) preserve the pre-existing character of the area as much as possible; 2) minimize the height, mass, or proportion; 3) minimize the silhouette; monopoles are favored over lattice type structures for up to 150-feet and antennas mounted flush to the support structure are preferred over triangular "top hat" antenna arrays; 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) towers should be painted red and white instead of using strobe lighting. Since the time the Wireless Communication Master Plan was adopted, the FAA changed their regulations to require daytime strobe lighting; whereas, when the plan was adopted, the FAA allowed painted towers red and white instead of using strobe lighting. The application appears to meet most of these considerations.

The 2030 Functional Land Use Guide classifies the site, as "major institutional." This land use classification is meant to accommodate such uses as: government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical facilities. A wireless communication facility is a commercial use. The County EMS facility on the site is a government facility and the Wireless Communication Facility Ordinance (adopted by the WCC 4-08-08 & BoCC 4-9-08), encourages the location of wireless facilities on certain City or County owned properties, which have been identified and marketed as available. This site appears to qualify for consideration for a wireless facility, as noted by the WCC's approving the leasing of the site for a tower, contingent on approval of the Conditional Use. The facilities' maps generated by the applicant and City IT/GIS services show the existing facilities in the area, some of which are in residential areas, thus the proposed site is not introducing a new use to the larger area.

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

- A. All requirements of Art. III Sec. 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 generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The support structure shall not exceed 120 feet in height and shall be designed and constructed to accommodate communication equipment for at least three (3) wireless service providers.
- E. The tower shall conform to FAA regulations in regards to analysis of airspace in the area, which includes conformation that the height of the tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.
- F. The 0.053-acre tower site shall be developed in general conformance with the approved revised site and landscape plan. These plans must show the solid fencing around the site, parking, all light poles, lights, power poles, cabinets, equipment or buildings within the fenced in site or in the immediate area if it is to be used by the site. The plan must identify existing and/or proposed trees and shrubs, give their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZO) Art. IV, Sec. IV-B.3.b.1. All improvements shall be completed within a year and before the facility becomes operational.
- G. As needed the applicant shall apply for a Zoning Adjustment to waive or reduce the compatibility height standard and the landscape standard.
- H. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- I. If the Zoning Administrator finds that there is a violation of 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 that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area consists primarily of established single-family residential neighborhoods, with an elementary school and a middle school located (south side of Pawnee Avenue) mid-mile, abutting and adjacent to the site. All of these developments are zoned SF-5. The corners of the area along the Seneca Street and Meridian Avenue intersections with Pawnee are developed as

small retail strips, free standing retail, a large retail strip, fast food restaurants, restaurants, office and apartments. These developments are zoned LC Limited Commercial ("LC"), GO General Office ("GO"), and B Multi-family Residential. There are also some MF-29 Multi-family Residential ("MF-29") and TF-3, Duplex ("TF-3") zoned single-family residences abutting these developments.

2. The suitability of the subject property for the uses to which it has been restricted: The site is owned by the City and the building on the site was used as a fire station, however it is currently being used by County Emergency Medical Services (EMS) and by a Police Bomb Unit. Considerations for location of the tower on the site include verification that there is no interference with the existing uses on the site. The site could continue to be used by the County EMS and the Police Bomb Unit, with or without the tower. The Wireless Communication Facility Ordinance (adopted by the WCC 4-08-08 & BoCC 4-9-08), encourages the location of wireless facilities on certain City or County owned properties, which have been identified and marketed as available, and this site appears to qualify for consideration for a wireless facility. The proposed facility conforms to most of the plan's guidelines.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on the single-family neighborhoods and businesses in the area should be minimized to a degree by the Conditional Use standards of the Unified Zoning Code, which should limit noise, lighting, and other activity from adversely impacting these properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed wireless communication facility appears to conform to the Location Guidelines of the Wireless Communication Master Plan since there appears to be no other towers or tall structures in the vicinity of the site which can accommodate the communication needs of the applicant. It is always possible that other facilities may be presented as alternative/co-location sites during the public hearing, in which case the applicant will need to address those claims/opportunities for possible co-location. The proposed wireless communication facility mostly 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; and by being placed on City owned property that is adjacent and abutting USD 259 property, which act as stable institutional uses that have, in some locations, their own towers located on school yards. The 120-foot tower does not meet the Unified Zoning Code's (UZO, Art. IV, Sec. IV-C, 5(b)) compatibility height standard, however all single-family residences and school buildings are located outside the 120-foot compatibility height standard for the tower. An elementary school playground abuts the south and west sides of the site. The applicant will request that the compatibility height standard be waived; the applicant must make an application for a Zoning Adjustment to waive or reduce the compatibility height standard.