

# AGENDA ITEM REQUEST

FILE COPY

Proposed Agenda Item: ZON2002-00034- Sedgwick County zone change from "RR" Rural Residential to "LI" Limited Industrial and;  
CON2002-00029 - Sedgwick County Conditional Use for a wireless communication facility. Generally located at the southwest corner of U.S. 54 Highway and 383<sup>rd</sup> Street West. (District 3)

Presented By: Dale Miller, Chief Planner, MAPD

Recommended Action: Approve the zone change subject to platting within one year and the Conditional Use subject to the recommended conditions; direct staff to prepare the appropriate zone change resolution after the plat is approved; and authorize the Chairman to sign the Conditional Use resolution

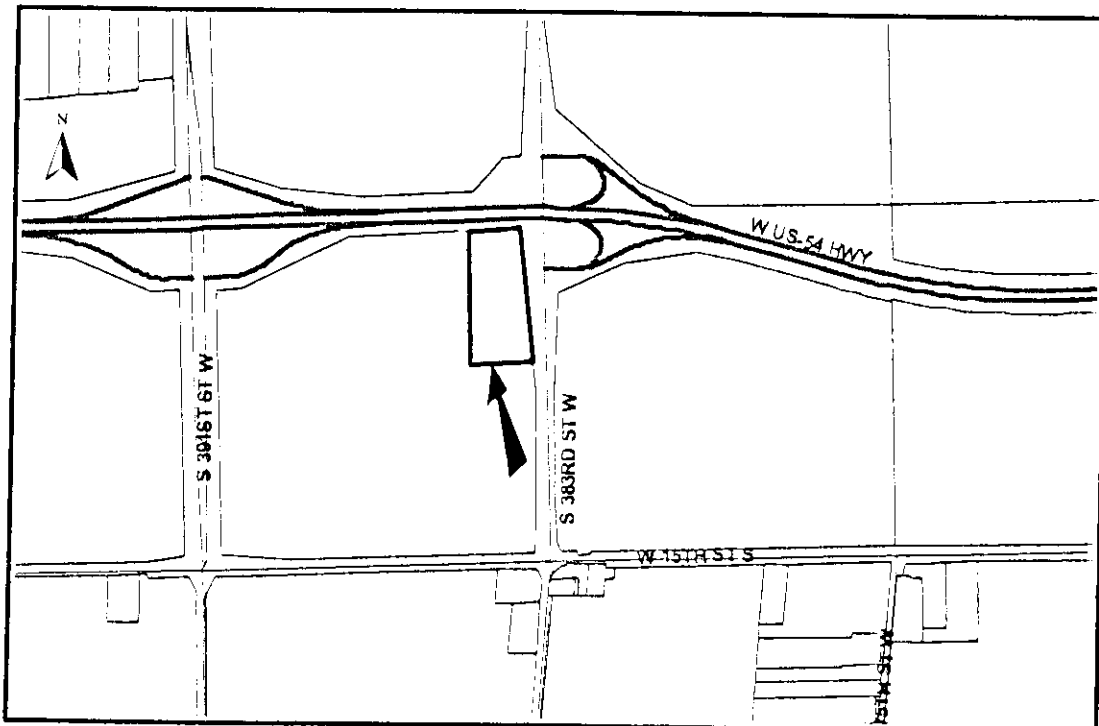
Proposed Agenda Date: September 11, 2002

Outside Attendees: Sedgwick County Electric Cooperative, %Alan L. Henning, P.O. Box 220, Cheney KS 67025

Terra Tech Land Surveying Inc., %Michele Webster, 22200 W. 63<sup>rd</sup> St. S., Viola, KS 67149

Multimedia Presentation: Power Point

Donations: Not Applicable



**Background:**

The applicant is seeking a zone change from "RR" Rural Residential to "LI" Limited Industrial and a Conditional Use to permit the construction of a 250-foot high lattice communication tower (see attached illustration). The proposed use of the subject property is for an office, warehouse, pole yard, and communication tower for the Sedgwick County Rural Electric Cooperative Association. The subject property is a 10 acre unplatted tract located at the southwest corner of U.S. 54 Highway and 383<sup>rd</sup> Street West. The applicant has submitted a plat (Sedgwick County Rural Electric Cooperative Association Addition) for the subject property that was approved by the MAPC on August 8, 2002.

The applicant submitted the attached site plan that illustrates the proposed use of the subject property. At the present time, the applicant is proposing to develop the southern 4.5 acres of the property. The applicant proposes to develop a 6,400 square foot office building with an attached 14,400 square foot warehouse building. The buildings would be constructed of prefabricated metal with a brick faced on the lower portion of the south and east sides of the office building. The applicant proposes a 16,800 square foot pole yard. Since the pole yard is located within 150 feet of the street right-of-way, the Unified Zoning Code requires that the pole yard be screened; however, no screening of the pole yard is indicated on the site plan. The applicant proposes to locate the 250-foot high lattice communication tower immediately west of the warehouse building within a 20-foot by 20-foot compound enclosed with a chain link fence. The ground level communication equipment would be located within the proposed buildings. The access drive to 383<sup>rd</sup> Street West is proposed to be located 60 feet north of the south property line, which is 660 feet from the interchange with U.S. 54 Highway. The Access Management Policy indicates that a driveway at this location should be limited to right-in/out movements. The applicant proposes 27 parking spaces paved with asphalt; however, the parking requirements of the Unified Zoning Code require 40 parking spaces for the square footage and uses proposed. The applicant proposes to screen the property from adjacent farm land to the south and west that is zoned "RR" Rural Residential with a solid hedge of evergreen vegetation. Such a screening method is permitted by the Unified Zoning Code if the vegetation is planted and maintained according to an approved landscape plan.

The applicant indicates that the proposed wireless communication facility is needed for use by the Sedgwick County Rural Electric Cooperative Association and the Kansas Electric Power Cooperative. The Sedgwick County Rural Electric Cooperative Association would mount two antennas to the tower to support the mobile communications system used by their business. The Kansas Electric Power Cooperative would mount one antenna to the tower to support the mobile communications system used by their business.

The character of the surrounding area is rural. The properties surrounding the subject property in all directions are zoned "RR" Rural Residential and are used for agriculture. The subject property is located at the intersection of a U.S. highway and the main road to the City of Cheney.

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**Analysis:**

The subject property is located within the zoning area of influence for the City of Cheney, which was to have considered the zone change and Conditional Use requests on August 5, 2002, but did not have quorum. At the MAPC hearing on August 8, 2002, no speakers other than the applicant appeared either in favor of or in opposition to the request. The MAPC voted 13-0 to approve the zone change request subject to platting the property within one year and the Conditional Use request 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 maximum of 250 feet in height and shall not be lighted unless required by the FAA.
- D. Approval of the Conditional Use constitutes a reduction of the Compatibility Height Standard to 140 feet from both the south and west property lines for the wireless communication facility.
- E. 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, County Code Enforcement, and Director of Airports prior to the issuance of a building permit.
- F. 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.
- 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.

**Alternatives:**

- 1. Concur with the findings of the MAPC, approve the zone change subject to platting within one year and the Conditional Use subject to the recommended conditions; direct staff to prepare the appropriate zone change resolution after the plat is approved, and authorize the Chairman to sign the Conditional Use resolution.
- 2. Return the application to the MAPC for reconsideration.
- 3. An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.

**Financial Considerations:** Not applicable.

**Policy Considerations:** Not applicable.

**Legal Considerations:**   <sup>MAP</sup> *Approved as to form and signed by County Counselor's Office*

The zone change and Conditional Use resolutions have been reviewed and approved as to form by the County Counselor's Office.





AGENDA ITEM NO. \_\_\_\_\_

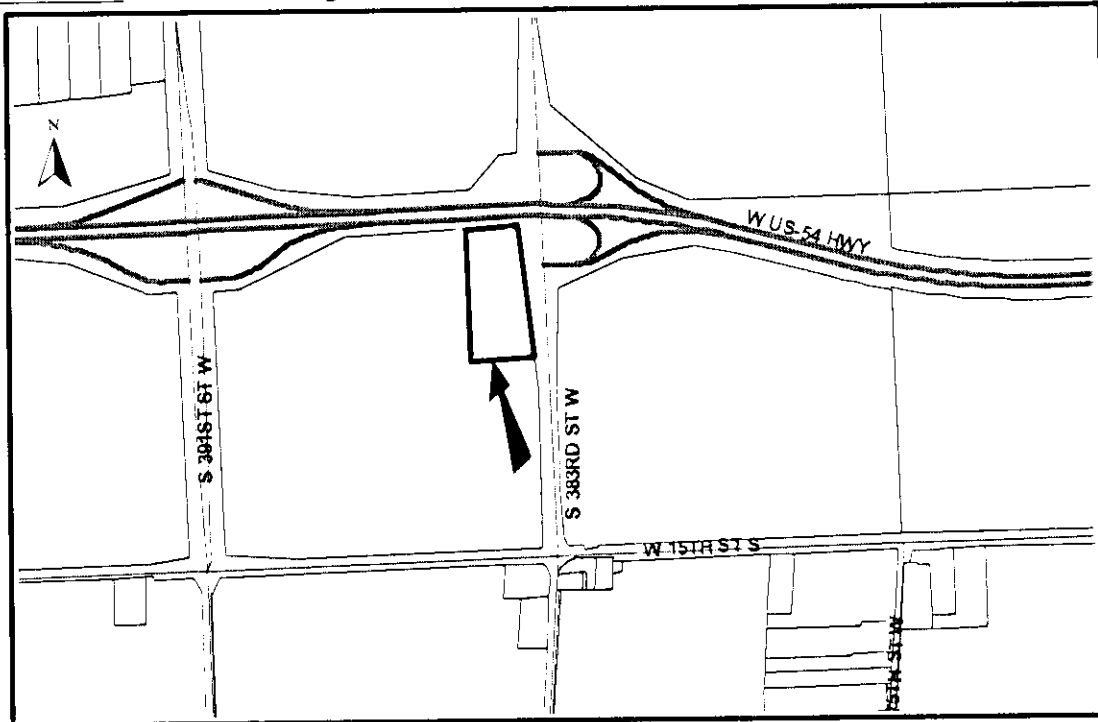
15/A  
15/B

## STAFF REPORT

Cheney, August 5, 2002

MAPC, August 8, 2002

- CASE NUMBER: ZON2002-00034 associated with CON2002-00029
- APPLICANT/AGENT: Donald R. and Dorothy M. Albers (Owners); Sedgwick County Electric Cooperative Association, Inc. c/o Alan L. Henning (Applicant); Terra Tech Land Surveying, Inc. c/o Michele Webster (Agent)
- REQUEST: Zone change to "LI" Limited Industrial and a Conditional Use for a wireless communication facility
- CURRENT ZONING: "RR" Rural Residential
- SITE SIZE: 10 acres
- LOCATION: Southwest corner of U.S. 54 Highway and 383<sup>rd</sup> Street West
- PROPOSED USE: Sedgwick County Rural Electric Cooperative Association



**BACKGROUND:** The applicant is seeking a zone change from "RR" Rural Residential to "LI" Limited Industrial and a Conditional Use to permit the construction of a 250-foot high lattice communication tower (see attached illustration). The proposed use of the subject property is for an office, warehouse, pole yard, and communication tower for the Sedgwick County Rural Electric Cooperative Association.

The subject property is a 10 acre unplatted tract located at the southwest corner of U.S. 54 Highway and 383<sup>rd</sup> Street West. The applicant has submitted a plat (Sedgwick County Rural Electric Cooperative Association Addition) for the subject property that was approved by the Subdivision Committee on June 13, 2002 and will be considered by the MAPC on August 8, 2002. The subject property is located within the zoning area of influence for the City of Cheney, which will consider the zone change and Conditional Use requests on August 5, 2002.

The applicant submitted the attached site plan that illustrates the proposed use of the subject property. At the present time, the applicant is proposing to develop the southern 4.5 acres of the property. The applicant proposes to develop a 6,400 square foot office building with an attached 14,400 square foot warehouse building. The buildings would be constructed of prefabricated metal with a brick faced on the lower portion of the south and east sides of the office building. The applicant proposes a 16,800 square foot pole yard. Since the pole yard is located within 150 feet of the street right-of-way, the Unified Zoning Code requires that the pole yard be screened; however, no screening of the pole yard is indicated on the site plan. The applicant proposes to locate the 250-foot high lattice communication tower immediately west of the warehouse building within a 20-foot by 20-foot compound enclosed with a chain link fence. The ground level communication equipment would be located within the proposed buildings. The access drive to 383<sup>rd</sup> Street West is proposed to be located 60 feet north of the south property line, which is 660 feet from the interchange with U.S. 54 Highway. The proposed Access Management Policy indicates that a driveway at this location should be limited to right-in/out movements. The applicant proposes 27 parking spaces paved with asphalt; however, the parking requirements of the Unified Zoning Code require 40 parking spaces for the square footage and uses proposed. The applicant proposes to screen the property from adjacent farm land to the south and west that is zoned "RR" Rural Residential with a solid hedge of evergreen vegetation. Such a screening method is permitted by the Unified Zoning Code if the vegetation is planted and maintained according to an approved landscape plan.

The applicant indicates (see attached letters) that the proposed wireless communication facility is needed for use by the Sedgwick County Rural Electric Cooperative Association and the Kansas Electric Power Cooperative. The Sedgwick County Rural Electric Cooperative Association would mount two antennas to the tower to support the mobile communications system used by their business. The Kansas Electric Power Cooperative would mount one antenna to the tower to support the mobile communications system used by their business.

The character of the surrounding area is rural. The properties surrounding the subject property in all directions are zoned "RR" Rural Residential and are used for agriculture. The subject property is located at the intersection of a U.S. highway and the main road to the City of Cheney.

**CASE HISTORY:** The subject property is unplatted.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"RR"	Agriculture
SOUTH:	"RR"	Agriculture
EAST:	"RR"	Agriculture
WEST:	"RR"	Agriculture

**PUBLIC SERVICES:** The site has access to 383<sup>rd</sup> Street West, a two-lane paved county road with current traffic volumes of approximately 1,700 vehicles per day. The 2030 Transportation Plan does not address anticipated future traffic volumes on this street. No municipally-supplied public services are available to serve the site. On-site water and sanitary sewer systems have been approved by County Code Enforcement through the platting process.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guides for the Wichita-Sedgwick County and Cheney comprehensive plans do not specifically address the subject property other than to indicate that the subject property is located within Cheney's zoning area of influence. The Cheney comprehensive plan provides locational guidelines that indicate that industrial uses should be located south of the railroad tracks within the City of Cheney or, if this location is not desirable, then industrial uses should be located outside the City of Cheney but away from existing or proposed future development. The Wireless Communication Master Plan is an element of the Wichita-Sedgwick County Comprehensive Plan that outlines the guidelines for locating wireless communication facilities. The Wireless Communication Master Plan indicates that the proposed wireless communication facility is a "private dispatch system" that should be considered accessory to the on-site user it supports and should be used as a future co-location site for other wireless communication providers. 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 the information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to platting the subject property within one year and subject to the following Conditional Use restrictions:

- 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 maximum of 250 feet in height and shall not be lighted unless required by the FAA.
- D. Approval of the Conditional Use constitutes a reduction of the Compatibility Height Standard to 140 feet from both the south and west property lines for the wireless communication facility.
- E. 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, County Code Enforcement, and Director of Airports prior to the issuance of a building permit.
- F. 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.
- 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.

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. The properties surrounding the subject property in all directions are zoned "RR" Rural Residential and are used for agriculture. The nature of the proposed electric cooperative business is compatible with the zoning, uses, and character of the neighborhood since it will be located at the intersection of a U.S. highway and the main road to the City of Cheney.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential and is currently used for agriculture. The site is apparently suitable for continued agricultural use but the proposed electric cooperative business should be no more offensive than normal agricultural operations.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on remaining residentially-zoned properties in the area

should be minimized by the screening, lighting, and compatibility 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 Land Use Guides for the Wichita-Sedgwick County and Cheney comprehensive plans do not specifically address the subject property. The Cheney comprehensive plan provides locational guidelines that indicate that industrial uses should be located south of the railroad tracks within the City of Cheney or, if this location is not desirable, then industrial uses should be located outside the City of Cheney but away from existing or proposed future development. The subject property is located away from existing or proposed future development. The Wireless Communication Master Plan is an element of the Wichita-Sedgwick County Comprehensive Plan that outlines the guidelines for locating wireless communication facilities. The Wireless Communication Master Plan indicates that the proposed wireless communication facility is a "private dispatch system" that should be considered accessory to the on-site user it supports and should be used as a future co-location site for other wireless communication providers. The recommended conditions of approval require that the wireless communication facility be suitable for co-location by at least three wireless service providers. 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. This Conditional Use reduces the compatibility height standard to 140 feet since the adjacent property is used for agriculture.
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.