





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

March 21, 2014

127 PAW, LLC  
8111 E. 32nd Street North, Ste. 101  
Wichita, KS, 67226

SSC  
Justin Anderson  
900 W. 109th St.  
Overland Park, KS, 66210

CUP2014-00003 - City Amendment to the Sierra Pointe Community Unit Plan DP-322 to allow a wireless communication facility with 150-ft. tall wireless wireless, galvanized steel, monopole cell tower and to reconfigure Parcel 11 on LC Limited Commercial zoned property generally located west of 127th Street East on the south side of Pawnee Road.

Dear Applicant

At its regular meeting on March 20, 2014, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to APPROVE the request, subject to the following conditions:

- A. This request must have the approval by the FAA in determining the proposed wireless communication facility with its 150-foot tall galvanized steel, monopole tower carrying AT&T's 4G LTE poses no hazard to air navigation or interferes with other radio/communication frequencies. The applicant shall submit a current copy of FAA approval to the MAPD and the MABCD prior to the issuance of a building permit.
- B. Waive the compatibility height standard, contingent upon no protest to the waiver by USD 259.
- C. No building permits shall be issued until SUB2010-00032 is approved by the City Council and subsequently recorded with the Sedgwick County Register of Deeds.
- D. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met.
- E. 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.
- F. The support structure shall be a monopole design, as shown on the elevation and 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.
- G. The support structure shall not exceed 150 feet in height and shall be designed and constructed to accommodate communication equipment for at least three (3) wireless service providers.
- H. The tower site shall be developed in general conformance with the approved revised site and a landscape plan. These plans must show the type and size of 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. If evergreens are planted they must be a minimum size of 5-foot at the time of their planting (but be

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taller than 5-foot when mature) and planted on 10-foot centers. The site plan must identify the all utility and or access easements. The proposed access/utility easement must be recorded and its surface approved by MABCD and Fire. All improvements and construction of the facility/tower shall be completed within a year and before the facility becomes operational.

- I. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations. Provide the Stormwater Engineer with any required plans for review and approval of the site.
- J. Approve the proposed amendments to DP-322 in the creation of Parcel 12, limiting the uses of Parcel 12 to a wireless communication facility with its 150-foot tall galvanized steel, monopole tower, and; Provision 9, that Parcel 12 shall have no building setbacks, and; add Provision 6.D., establishing the landscaping requirements for Parcel 12 to provide evergreens to be planted at the time of construction at the rate of one evergreen every 10 feet (center to center) around the perimeter of the site with the exception of a space for access onto the site, and; add provision 8.F addressing screening around Parcel 12, and; change a portion of provision 7.D. to allow light poles, including their base, to be 25-foot tall (rather 30-foot tall) and that in this 'instance a school is not considered a residential use.'
- K. 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.

Property owners may file written protest petitions on zoning related items heard by the MAPC. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing, by April 3, 2014, at 5 PM. If there are no valid protests or appeals the recommendation of the MAPC on an Amendment to a CUP request is final.

Valid protest petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area located within 200 feet of the perimeter of the application area, unless the City Council overrides such a protest and approves the application by a vote of six (6) of its members. If there are valid protests, or appeals, this case will be scheduled for final action by the City Council at their May 6, 2014 meeting as a non-consent item.

This is a reminder that the zoning notification signs should now be removed from the property. This is also a reminder that District Advisory Board II (DAB) will consider this case at their meeting to be held at 6:30 p.m., Monday, April 1, 2014, at Fire Station #20, 2255 S. Greenwich Rd., Wichita, KS. It is advised that the applicant And/or their agent attend this meeting. Additional information regarding the DAB meeting may be obtained by calling the Neighborhood Assistant, Alana Haynes at 268-4531, or ahaynes@wichita.gov.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

  
Bill Longnecker  
Senior Planner - Current Plans Division

BL/mc

Copies to: Christian Strella, 1642 Timothy, Wichita, KS 67212  
MKEC Engineering Consultants, Inc., c/o Brian Lindebak, 411 N. Webb Rd., Wichita, KS, 67206  
Black & Veatch, c/o Matt Wells, Telecom Division, 10950 Grandview Road Bldg #34, Overland Park, KS, 66210  
Sierra Hills, PO Box 780224, Wichita, KS, 67278  
Casa Bella, PO Box 781974, Wichita, KS, 67278  
Pete Meitzner, WCC II, Mail Stop 1-13