



Wichita-Sedgwick County Metropolitan Area Planning Department

June 11, 2002

Bill Noland, General Manager
Mid-American Ag Network
1632 S. Maize Rd.
Wichita, KS 67209

FILE COPY

Re: **BZA2002-00003**: A Zoning Adjustment to waive the compatibility setback for a telecommunications equipment compound.

Legal Description: Lot 1, Mid-America Ag Network Addition, Wichita, Sedgwick County Kansas. Generally located south of Kellogg and east of Maize Rd. (1632 S. Maize Rd.).

Dear Mr. Noland:

We have reviewed your request for a Zoning Adjustment to waive the compatibility setback on the above-referenced property. You state in your application that you propose to construct an equipment shelter to house telecommunications equipment for antennas mounted on the communication tower located on the property. You further state in your application that you propose to expand the existing fenced compound (which is currently located within the compatibility setback) to the east as the location of the equipment shelter and that this location was selected in order to preserve existing parking spaces on the property.

In reviewing site, we have determined that the fence around the existing telecommunications equipment compound does not meet the current screening requirements of the Unified Zoning Code, as it is constructed of chain link with woven slats. Your site plan indicates that you intend to provide a fence of the same material around the expanded compound; however, this cannot be permitted under the current screening requirements of the Code. Therefore, the fence around the expanded area of the compound will need to be constructed of brick, stone, concrete, masonry, stucco, or wood. Since the new fencing material will not blend aesthetically with the existing chain link with woven slats, we are conditioning our approval of the waiver of the compatibility setback on the replacement of the fence around the entire compound with a fence that meets the current screening requirements of Sec. V-B.3.e. of the Code.

Sec. V-I.2.d. of the Code allows a Zoning Adjustment to waive the compatibility setback when the conditions required by Sec. V-I.6. of the Code are met. We find that waiving the compatibility setback for a telecommunication equipment compound on your property meets the four conditions required by Sec. V-I.6 of the Code as set out below:

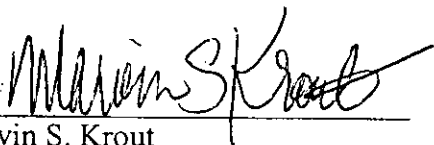
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: This request is for a waiver of the compatibility setback. Public vehicular and pedestrian circulation will not be affected.

- 2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of the waiver of the compatibility setback. The ground-level telecommunications equipment will be screened by a solid screening fence. Additionally, the nearest residential uses are separated from the site by a 100-foot wide drainage ditch.
- 3) Compatibility with existing or permitted uses on abutting sites: Waiving the compatibility setback is within allowable adjustments, and the additional ground-level equipment added to a site already containing a tower and ground-level equipment for several telecommunications providers should not detract from the existing or permitted uses on abutting sites.
- 4) Effect on public health, safety or welfare: The sanitary sewer easement within the expanded telecommunications equipment compound has been vacated through VAC2001-00026. Therefore, there will be no encroachment into public utility easements or right-of-way, and there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

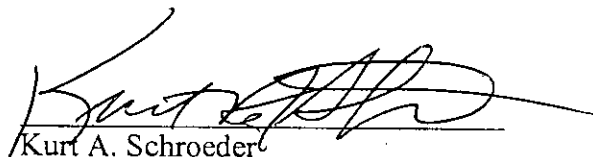
Our signatures below indicate that a Zoning Adjustment to waive the compatibility setback for a telecommunications equipment compound the aforementioned property is hereby GRANTED, subject to the following conditions:

- 1) The compatibility setback shall be waived only for the west 100 feet along the south property line and only for a telecommunications equipment compound.
- 2) The site shall be developed in general conformance with the approved site plan.
- 3) The entire telecommunications equipment compound, not just the additional compound area, shall be enclosed by a screening fence constructed of material meeting the requirements of Sec. V-B.3.e. of the Unified Zoning Code.
- 4) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, 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 Zoning Adjustment is null and void.

The zoning adjustment sign may now be removed from the property.



Marvin S. Krout
Planning Director



Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: Verizon Wireless, 10740 Nall, Suite 400, Overland Park, KS 66210
Selective Site Consultants, Inc., 8500 W. 110th St., Suite 300, Overland Park, KS 66210
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
J.R. Cox, Office of Central Inspection



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

June 19, 2002

Bill Noland, General Manager
Mid-American Ag Network
1632 S. Maize Rd.
Wichita, KS 67209

Re: **BZA2002-00003: Modification to Condition of Approval #3 for a Zoning Adjustment granted June 11, 2002 to waive the compatibility setback for a telecommunications equipment compound.**

Legal Description: Lot 1, Mid-America Ag Network Addition, Wichita, Sedgwick County Kansas. Generally located south of Kellogg and east of Maize Rd. (1632 S. Maize Rd.).

Dear Mr. Noland:

Upon receipt of our letter dated June 11, 2002, which granted a Zoning Adjustment to waive the compatibility setback for a telecommunications equipment compound the above-referenced property, we were contacted by your agent, Selective Site Consultants, asking if Condition of Approval #3 could be modified. Your agent indicated that there are a number of existing chain link gates along the north side of the compound that would be difficult and costly to replace with gates constructed of a solid screening material. Therefore, your consultant requested a modification of Condition of Approval #3 to require solid screening around only the south, east, and west sides of the compound.

After reviewing the requested modification, we find that a modification to Condition of Approval #3 as requested is reasonable. Therefore, our signatures below indicate that Condition of Approval #3 for Zoning Adjustment BZA2002-00003 as granted on June 11, 2002 is hereby modified as follows:

- 3) The south, east, and west sides of the entire telecommunications equipment compound, not just the additional compound area, shall be enclosed by a screening fence constructed of material meeting the requirements of Sec. V-B.3.e. of the Unified Zoning Code.

All other conditions of approval as stated in our letter dated June 11, 2002 shall be met.

Marvin S. Krout
Planning Director

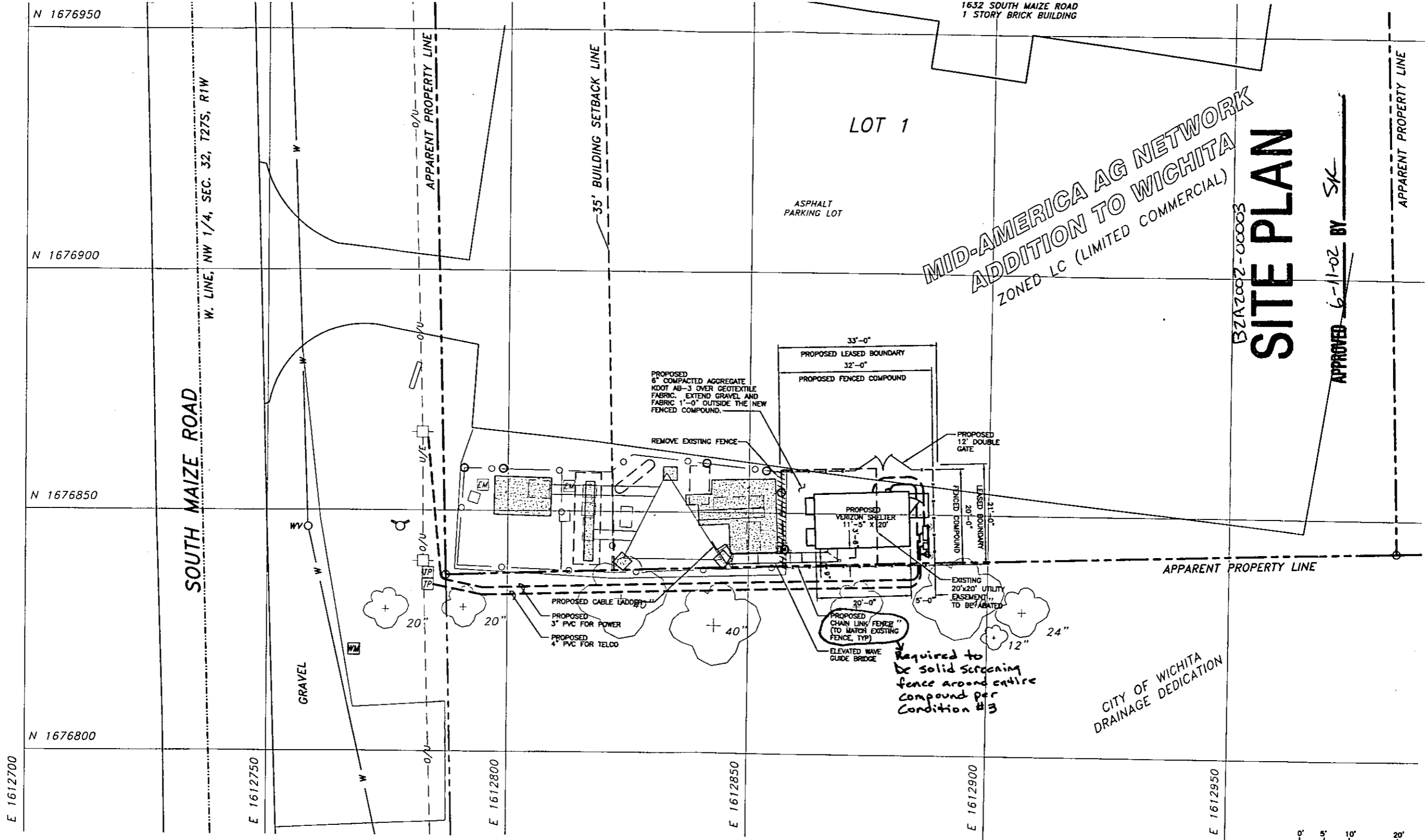
Kurt A. Schroeder
Superintendent of Central Inspection

cc: Verizon Wireless, 10740 Nall, Suite 400, Overland Park, KS 66210
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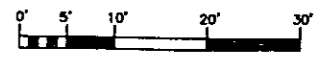
MID-AMERICA AG NETWORK
 ADDITION TO WICHITA
 ZONED LC (LIMITED COMMERCIAL)

SITE PLAN

APPROVED 6-11-02 BY SK

BZA 2002-00003

OVERALL SITE PLAN



REV	DATE	REVISION DESCRIPTION
A	01/09/01	ISSUED FOR ADMINISTRATIVE REVIEW

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DESIGNED BY JRH	
CHECKED BY DT/RWQ	
DATE DT	APPL. DATE
LEAD ENGR/APPROVAL HAN/TMS	DATE
PROJECT	APPL. DATE

SOUTH MAIZE ROAD (TYLER)
 VERIZON SITE 195-3,4
 ENLARGED SITE PLAN
 1632 S. MAIZE ROAD
 WICHITA, KANSAS 67209

