CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

December 22, 2000

Mr. and Mrs. Max and Irene Miller
%Suburban Equipment
12345 E. Kellogg
Wichita, KS 67207

RE: CON2000-00054 – Conditional Use for a wireless communication facility on property zoned "GC" General Commercial. Generally located south of Kellogg and west of 127th Street East.

Dear Ladies and Gentlemen:

At its regular meeting on December 7, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE 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 two shade trees to be planted and maintained adjacent to the south side of the compound.

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 applicant shall obtain FAA approval of 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 Director of Airport Engineering for the City of Wichita.

H. If Unified School District 259, or its representative, has met all of the following three conditions this Conditional Use Application shall be considered void. 1) The District, or its representative, has received a building permit for the reconstruction of the existing tower at the former Seltzer Elementary School site by December 21, 2000. 2) The District, or its representative, has provided to Cricket Communications a lease, comparable to existing leases in the Wichita area, for collocation on this tower at a lease rate competitive with existing Cricket Communications lease rates in the Wichita area by December 21, 2000. 3) The District, or its representative, will guarantee that the tower will be available for installation of all Cricket Communications and Lucent Technologies equipment by January 20, 2001.

I. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

J. Any violation of the conditions of approval shall render the Conditional Use null and void.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. When a revised site plan is submitted to our office, we will prepare and mail the Conditional Use Resolution.

If you have any questions concerning this case, please contact our office.

Sincerely,

Scott Knebel
Senior Planner

SK/rs

cc: Ferris Consulting, %Greg Ferris, P. O. Box 573, Wichita, KS 67201
Horizon Telecommunication, 2546 S. Leonine, Wichita, KS 67217
Cricket Telecommunication, Robert C. Giguiere, 6655 S. Lewis, Suite 350, Tulsa, OK 74136
D.A.B. II, Donte Martin, Mail Stop 1-135
Joe Pisciotte, City Council Member IV, Mail Stop 1-13
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J. R. Cox, Office of Central Inspection, Mail Stop 1-72

CONDITIONAL USE RESOLUTION NO. CON-2000-00054

WHEREAS, Irene and Max Miller (Owners); Horizon Telecommunications, Inc. and Cricket Communications, Inc. (Applicants); Ferris Consulting c/o Greg Ferris (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 a 150-foot high monopole tower on 3,000 square feet zoned "GC" General Commercial described as:

LEASE AREA DESCRIPTION:

A proposed lease area lying in and being a part of the Northeast Quarter (NE/4) of Section Twenty-Seven (27), Township Twenty-Seven (27) South, Range Two (2) East of the 6th P.M., Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of said NE/4; Thence S 89 degrees 03'22"W, along the North line of said NE/4, a distance of 1529.64 feet; Thence S 01 degrees 17'48"E a distance of 409.99 feet to the point of beginning; Thence continuing S01 degrees 17'48"E a distance of 50.00 feet; Thence S 89 degrees 01'19"W a distance of 60.00 feet; Thence 01degrees 17'48"W a distance of 50.00 feet; thence N89 degrees 01'19"E a distance of 60.00 feet to the point of beginning. Containing 3000 square feet or 0.069 acres, more or less. Generally located south of Kellogg and west of 127th Street East.

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 December 7, 2000, 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 3,000 square feet zoned "GC" General Commercial described as:

LEASE AREA DESCRIPTION:

A proposed lease area lying in and being a part of the Northeast Quarter (NE/4) of Section Twenty-Seven (27), Township Twenty-Seven (27) South, Range Two (2) East of the 6th P.M., Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of said NE/4; Thence S 89 degrees 03'22"W, along the North line of said NE/4, a distance of 1529.64 feet; Thence S 01 degrees 17'48"E a distance of 409.99 feet to the

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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 two shade trees to be planted and maintained adjacent to the south side of the compound.

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 applicant shall obtain FAA approval of 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 Director of Airport Engineering for the City of Wichita.

H. If Unified School District 259, or its representative, has met all of the following three conditions this Conditional Use Application shall be considered void. 1) The District, or its representative, has received a building permit for the reconstruction of the existing tower at the former Seltzer Elementary School site by December 21, 2000. 2) The District, or its representative, has provided to Cricket Communications a lease, comparable to existing leases in the Wichita area, for collocation on this tower at a lease rate competitive with existing Cricket Communications lease rates in the Wichita area by December 21, 2000. 3) The District, or its representative, will guarantee that the tower will be available for installation of all Cricket Communications and Lucent Technologies equipment by January 20, 2001.

I. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

J. Any violation of the conditions of approval shall render the Conditional Use null and void.

Adopted this 7th day of December, 2000. 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

Chris Carraher, Chair MAPC

ATTEST:

Marvin S. Krout, Secretary

AGENDA ITEM NO. 10

STAFF REPORT

DAB II, December 4, 2000
MAPC, December 7, 2000

CASE NUMBER: CON2000-00054

APPLICANT/AGENT: Irene and Max Miller (Owners); Horizon Telecommunications, Inc. and Cricket Communications, Inc. (Applicants); Ferris Consulting c/o Greg Ferris (Agent)

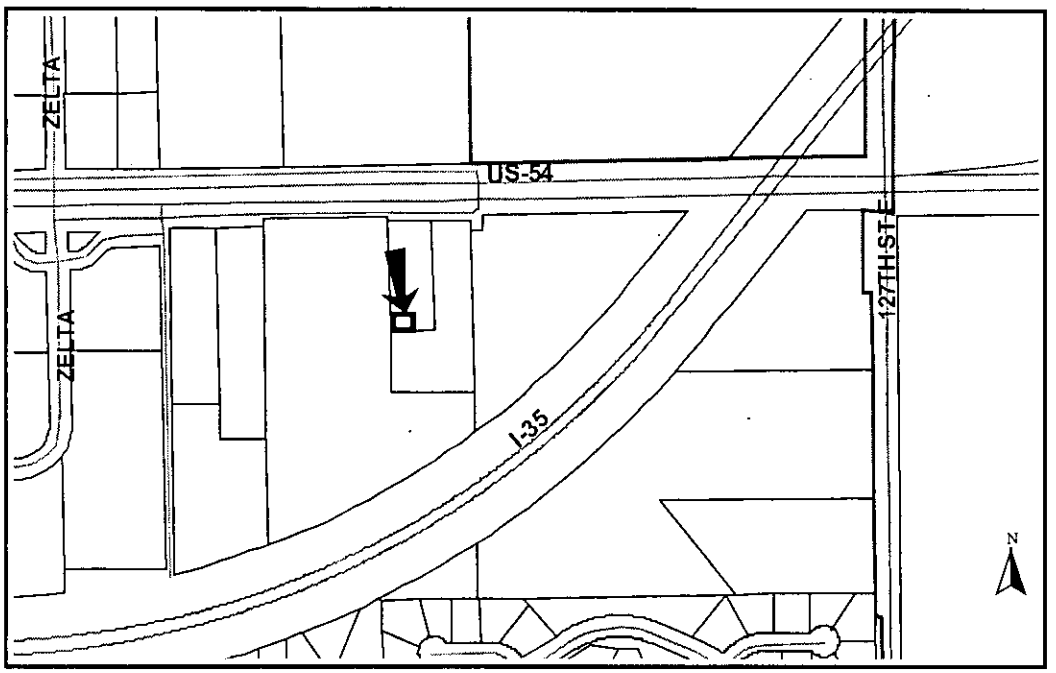
REQUEST: Conditional Use for a wireless communication facility

CURRENT ZONING: "GC" General Commercial

SITE SIZE: 3,000 square feet

LOCATION: South of Kellogg and west of 127th Street East

PROPOSED USE: 150-foot high monopole tower



BACKGROUND: The owner is seeking a Conditional Use to permit the construction of a 150-foot high monopole tower (see attached elevation rendering) by Horizon Telecommunications, Inc. for use by Cricket Communications, Inc. The proposed site is zoned "GC" General Commercial. The Unified Zoning Code permits Wireless Communication Facilities up to 150 feet in height in the "GC" General Commercial zoning district with an Administrative Permit; however, the request for an Administrative Permit at this location was denied due to its lack of conformance with the Wireless Communication Master Plan. Therefore, the applicant is appealing that decision to the MAPC through this request for a Conditional Use.

The proposed tower would be sited on a 3,000 square foot area located south of Kellogg and west of 127th Street East in the rear yard of Suburban Equipment (see attached vicinity plan). The site plan (attached) depicts an 60-foot by 50-foot compound with the tower located in the center of the compound and the ground-level communication equipment located in the western portion of the compound. The site plan depicts a chain link fence around the entire compound. The site plan shows that access would be provided to the site through an access easement to Kellogg Drive, an unpaved access road.

The character of the surrounding area is a developing commercial/industrial area along the Kellogg expressway with developed residential properties located to the south and separated by a major barrier (I-35). The properties to the north, east, and west of the site are zoned "GC" General Commercial, "LC" Limited Commercial, "SF-20" Single-Family Residential and are primarily undeveloped, with the developed properties being a self-storage warehouse to the west and an outdoor equipment sales business to north on the parent tract of the subject property. The property immediately south of the site is zoned "SF-6" Single-Family Residential and is undeveloped. The properties further to south across I-35 are zoned "SF-6" Single-Family Residential and are under development with single-family uses.

The application indicates that the proposed tower is needed for part of a planned initial build-out of a wireless phone system by Cricket Communications, Inc. (see attached RF engineering evaluation). The justification for the request (attached) indicates that existing commercial towers located east and west of the site along the Kellogg do not provide adequate coverage at the heights available; however, this is not substantiated by radio frequency analyses. The justification also indicates that reconstructing the existing commercial towers would cost significantly more than constructing a new tower; however, the cost comparisons provided are not site specific.

The application also indicates that an existing self-support lattice tower at the former Seltzer School site to the southeast had not been made available to be rebuilt as of the date of application (see attached correspondence). Correspondence with school district staff (see attached) indicates that the school district is in the process of making their towers available for reconstruction. Additionally, temporary structures

such as "cellular on wheels" could be used in the interim to provide limited service to the area while issues involving the availability of the school tower are resolved.

CASE HISTORY: The site is platted as the Suburban Equipment Addition, which was recorded on November 14, 1978.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC", "LC" & "SF-20"	Undeveloped & Outdoor Equipment Sales
SOUTH:	"SF-6"	Undeveloped & Singe-Family
EAST:	"GC"	Undeveloped
WEST:	"GC" & "LC"	Undeveloped & Self-Storage Warehouse

PUBLIC SERVICES: No municipally-supplied utility services are required. Access to the site is proposed through an access easement to Kellogg Drive, an unpaved access road.

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: Planning staff finds that the proposed wireless communication facility does not conform to the guidelines of the Wireless Communication Master Plan. First, the proposed facility does not utilize existing towers in the area. No site specific radio frequency analyses have been provided to substantiate that the existing commercial towers are not feasible. Additionally, the school district has indicated that it is in the process of making its towers available for reconstruction, and approving a new tower to be constructed at the proposed location would lead to an unnecessary

proliferation of towers in the area, especially when interim solutions such as "cellular on wheels" are available. Second, no landscaping is proposed to partially obscure the tower from view from the residential area to the south. Based upon these factors and the information available prior to the public hearings, planning staff recommends that the request be DENIED; however, if the MAPC finds the request appropriate, planning staff recommends that the MAPC make appropriate findings and that approval be 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 appicable.
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 two shade trees to be planted and maintained adjacent to the south side of the compound.
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 applicant shall obtain FAA approval of 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 Director of Airport Engineering for the City of Wichita.
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 a developing commercial/industrial area along the Kellogg expressway with developed residential properties located to the south and separated by a major barrier (I-35). The properties to the north, east, and west of the site are zoned "GC" General Commercial, "LC" Limited Commercial, "SF-20" Single-Family Residential and are primarily undeveloped, with the developed properties being a self-storage warehouse to the west and an outdoor equipment sales business to north on the parent tract of the subject property. The property immediately south of the site is zoned "SF-6" Single-Family Residential and is

undeveloped. The properties further to south across I-35 are zoned "SF-6" Single-Family Residential and are under development with single-family uses.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "GC" General Commercial, and has been developed with an commercial use. Wireless communication facilities up to 150 feet in height in the "GC" district may be permitted with an Administrative Permit, but must conform to the guidelines of the Wireless Communication Master Plan. A Conditional Use may be granted to permit a wireless communication facility in the "GC" district that does not conform to the guidelines of the Wireless Communication Plan; however, the facility should conform to the guidelines as much as possible.

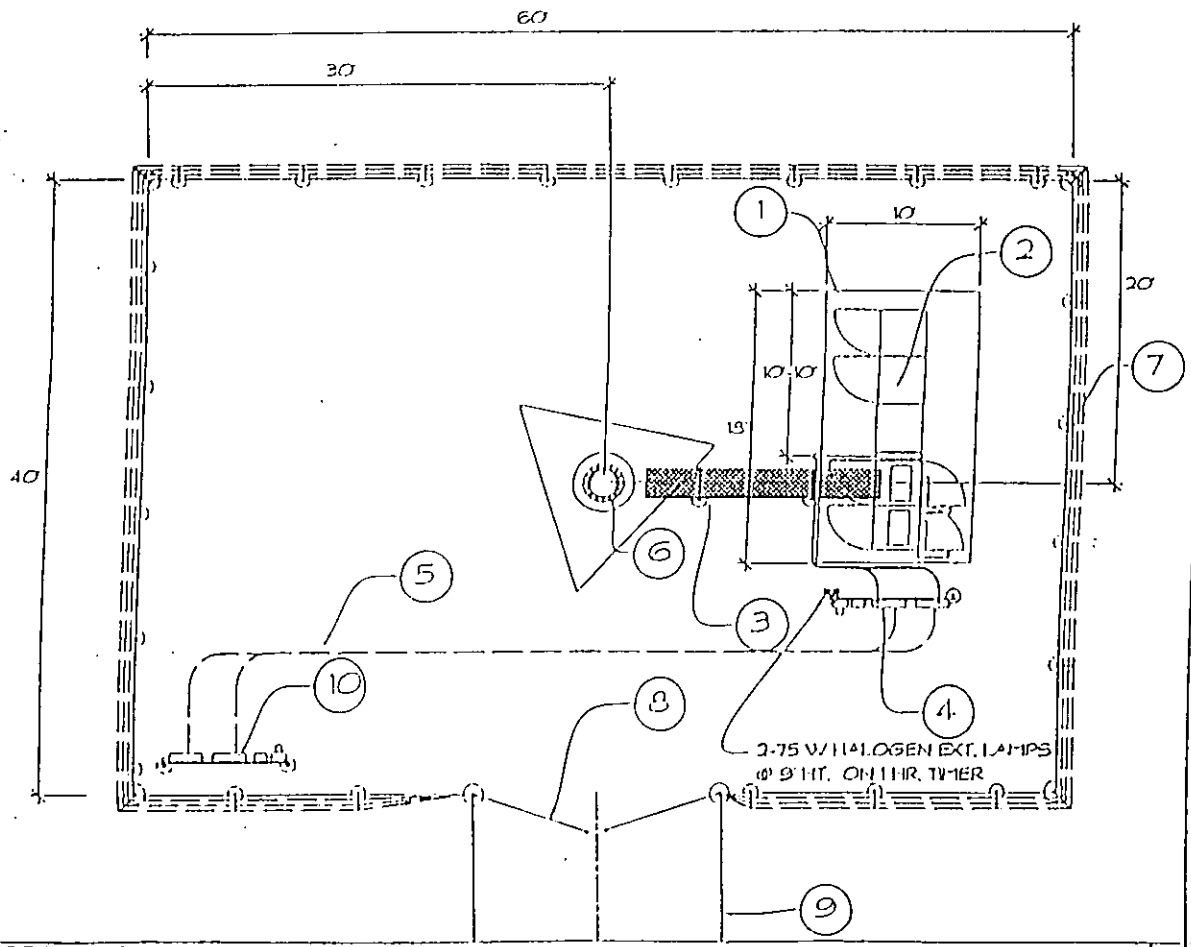
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Existing landscaping on the site does not adequately obscure the view of the proposed tower, which would lead to a negative visual impact from the tower on nearby residential properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed wireless communication facility does not conform to the guidelines of the Wireless Communication Master Plan. First, the proposed facility does not utilize existing towers in the area. No site specific radio frequency analyses have been provided to substantiate that the existing commercial towers are not feasible. Additionally, the school district has indicated that it is in the process of making its towers available for reconstruction, and approving a new tower to be constructed at the proposed location would lead to an unnecessary proliferation of towers in the area, especially when interim solutions such as "cellular on wheels" are available. Second, no landscaping is proposed to partially obscure the tower from view from the residential area to the south.

5. Impact of the proposed development on community facilities: Access to the site is proposed to be from Hoover, an unpaved collector street, so no negative impacts on community facilities are anticipated.

SITE PLAN

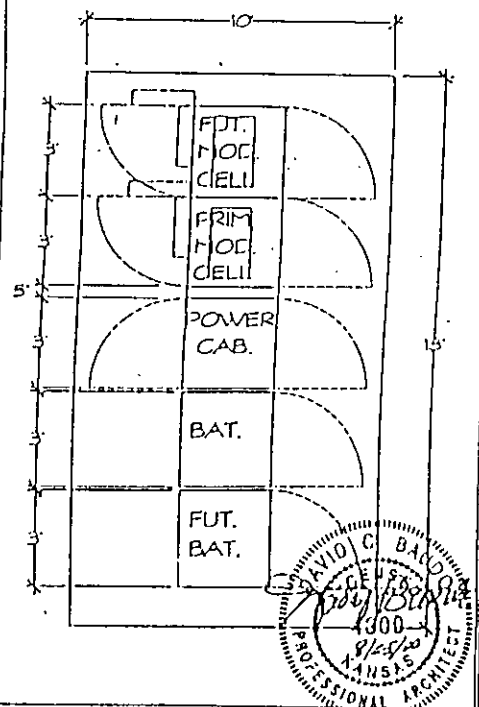
APPROVED 1-2-01 BY SK



1/8"

1 (N) CONC EQUIPMENT PAD
2 (N) EQUIPMENT CABINETS
3 (N) WAVEGUIDE BRIDGE
4 (N) UTILITY FRAME W/ UTILITY PANELS
5 (N) UNDERGROUND UTILITY SERVICE POWER/TELCO
6 (N) 150' MONOPOLE
7 (N) CHAIN LINK FENCE
8 (N) 20' DBL GATE
9 (N) ACCESS EASEMENT
10 (N) MAIN POWER & TELCO

LEGEND



CABINET LAYOUT 1/4"

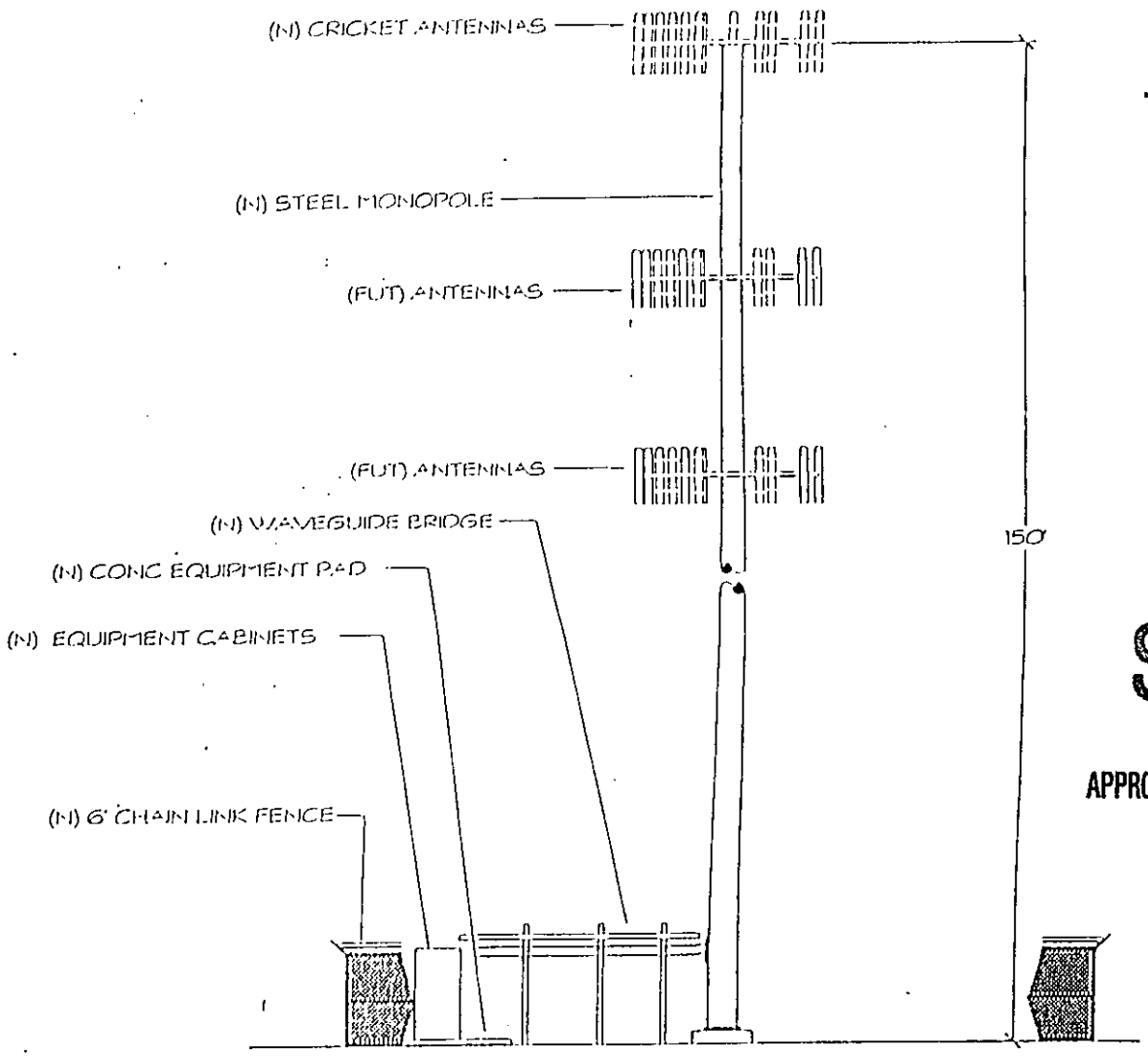
Dynatek
Telecommunication Services

PROJECT:
SUBURBAN EQUIPMENT
PROJECT NO.:
ICT020
DRAWING
SITE PLAN
DATE: 8/23/00
SCALE: AS NOTED
DRAWN BY: RWG

cricket communications

LUCENT TECHNOLOGIES

A1



SITE PLAN

APPROVED 1-2-01 BY SK

DAVID C. BAUDOIN
LICENSED
4309
KANSAS
PROFESSIONAL ARCHITECT

Dynatek
Telecommunication Services

PROJECT:
SUBURBAN EQUIPMENT
PROJECT NO.:
ICT020
DRAWING
ELEVATION
DATE: 8/24/00
SCALE: 1/8"
DRAWN BY: R.W.G.

cricket communications

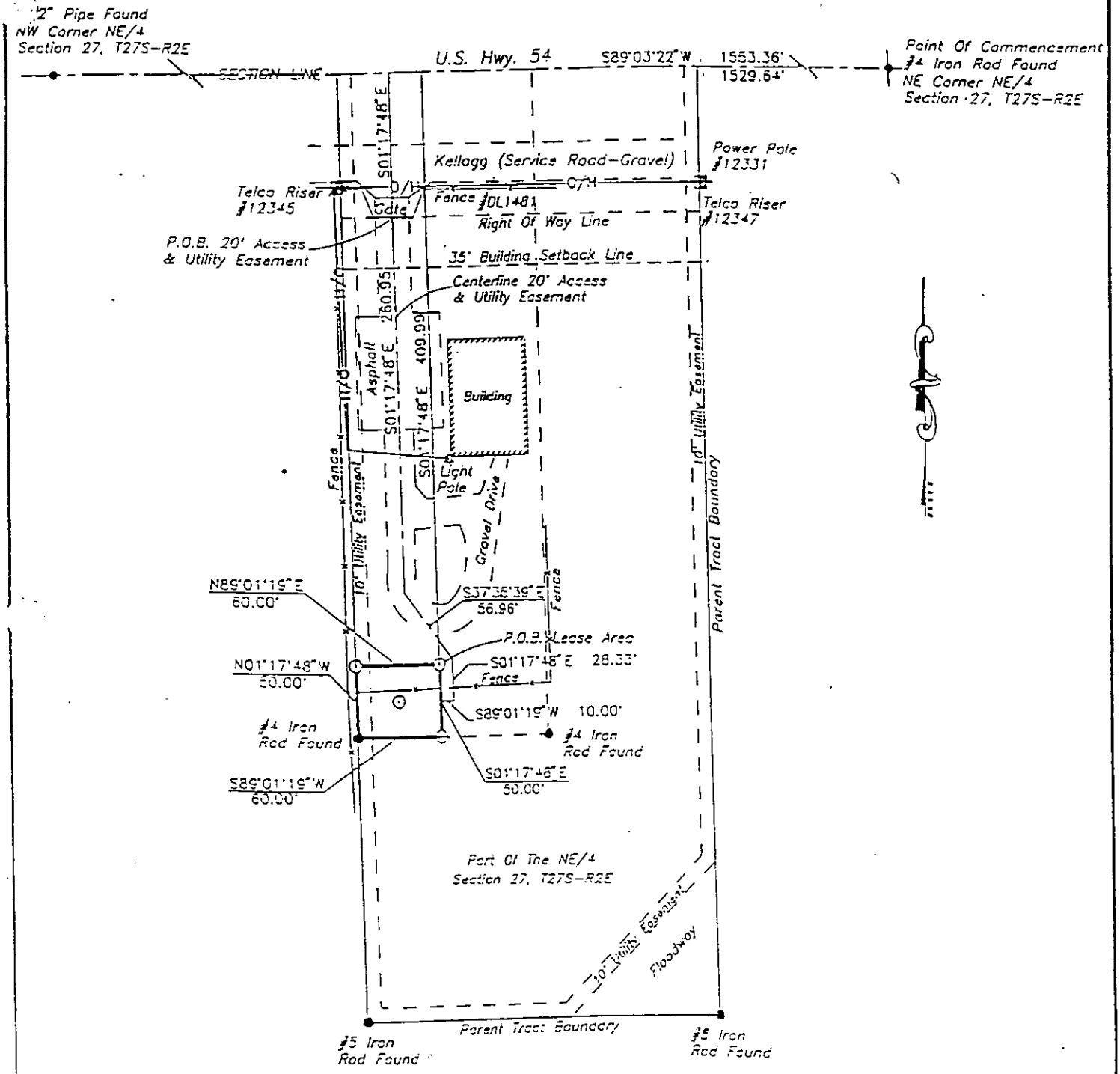
LUCENT TECHNOLOGIES

A2

ELEVATION 1/8"

A PROPOSED LEASE AREA IN PART OF THE NE/4 OF SECTION 27, T27S–R2E, SEDGWICK COUNTY, KANSAS

SITE KS06B SUBURBAN EQUIPMENT



⊙ Denotes #3 Iron Rod Set

HORIZON TELECOMMUNICATIONS, INC.

Bearings shown are based on Kansas State Plane Coordinate System, South Zone, NAD83 Datum.

NO.	REVISION	DATE	BY

SURVEYED BY: CWC
DRAWN BY: KEH
APPROVED BY: KEH

CRICKET COMMUNICATIONS, INC.
WICHITA, KANSAS

Prepared By:
JACK Professional Land Survey, P.C.
700 Royal Lane Yukon, Okla. 73099 (405)–354–8272

DATE: 8/20/00
SCALE: 1" = 100'
JOB #: 0622
FIELD BOOK #: 10
PAGE #: 20
SHEET 1 OF 2