



Wichita-Sedgwick County Metropolitan Area Planning Department

December 15, 2000

City of Wichita
Chris Cherches, City Manager
455 N. Main, 13th Floor
Wichita, KS 67202

RE: CON2000-00045 – Conditional Use for a 140-foot high wireless communication facility on property zoned “TF-3” Two-Family Residential. Generally located east of Roosevelt and north of 9th Street North.

Dear Mr. Cherches:

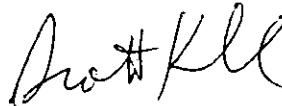
At its regular meeting on December 12, 2000, the Wichita City Council considered the above-captioned request. The action of the City Council was to APPROVE subject to the following conditions:

- 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 140 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. The existing trees located north of the compound and the existing fence located west of the compound as indicated on the site plan submitted with the application shall be maintained and supplemented by additional screening planted and maintained according to a landscape plan approved by the Planning Director. The landscape plan shall provide shade trees at least every 30 feet along the west property line from the chain link fence on the north to the access opening to Roosevelt on the south.

- 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.

Enclosed is a signed copy of the Conditional Use Resolution. If you have any questions concerning this case, please contact our office.

Sincerely,



Scott Knebel
Senior Planner

SK/rs

cc: Clement Lee and Deanna Lynn Mertes, 3645 E. 10th, Wichita, KS 67208
Ferris Consulting, %Greg Ferris, P.O. Box 573, Wichita, KS 67201
Cricket Communications, Inc., %Robert C. Giguere, 6655 S. Lewis Ave., Suite 350,
Tulsa, OK 74136
Horizon Telecommunication, Inc., %Robert J. Appino, 10307 Pacific Center County,
San Diego, CA 92121
D.A.B. I, Heidi Drew, Mail Stop 1-135
George Rogers, City Council Member, 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

RESOLUTION No. A 00-430

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO ALLOW A WIRELESS COMMUNICATION FACILITY LOCATED EAST OF ROOSEVELT AND NORTH OF 9TH STREET NORTH IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-427, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use to allow a wireless communication facility in the "TF-3" Two-Family Residential district legally described below:

Case No. CON2000-00045

A Conditional Use Permit to allow a wireless communication facility in the "TF-3" Two-Family Residential district described as:

That part of the NW 1/4 of Sec. 14, Twp. 27-S, R-1-E of the 6th P.M., Sedgwick County, Kansas and being a portion of Lot 5, Block 1 and Reserve A of the vacated portion of Frisco Heights 2nd Addition to Wichita, Kansas, Sedgwick County, Kansas, described as commencing at a point on the south line of said NW 1/4, 541.4 west of the S.E. Corner of said NW 1/4 and being a point on the center line of Dickens Street now Roosevelt Avenue as platted in said Frisco Heights 2nd Addition; thence north, parallel with the east line of said NW 1/4, 670 feet; thence east, at right angles, 140 feet for a place of beginning; thence north at right angles, 60 feet; thence east, at right angles, 60 feet; thence south, at right angles 60 feet; thence west, at right angles, 60 feet to the place of beginning. Located east of Roosevelt and north of 9th Street North.

SUBJECT TO THE FOLLOWING CONDITIONS:

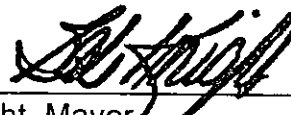
- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the 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 140 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. The existing trees located north of the compound and the existing fence located west of the compound as indicated on the site plan submitted with the application shall be maintained and supplemented by additional screening planted and maintained according to a landscape plan approved by the Planning Director. The landscape plan shall provide shade trees at least every 30 feet along the west property line from the chain link fence on the north to the access opening to Roosevelt on the south.
- 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.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS,
this date DEC 12 2000



Bob Knight, Mayor

ATTEST:



Pat Burnett, City Clerk

Approved as to form:



Gary E. Rebenstorf, City Attorney



BACKGROUND: The owner is seeking a Conditional Use to permit the construction of a 140-foot high monopole tower (see attached elevation rendering) by Horizon Telecommunications, Inc. for use by Cricket Communications, Inc. The proposed site is zoned "TF-3" Two-Family Residential. The Unified Zoning Code requires a Conditional Use for Wireless Communication Facilities over 65 feet in height in the "TF-3" Two-Family Residential zoning district.

The proposed tower would be sited on a 3,600 square foot area located east of Roosevelt and north of 9th Street North inside the maintenance yard for MacDonald Golf Course. The site plan (attached) depicts an 60-foot by 60-foot compound with the tower located in the center of the compound and the ground-level communication equipment located in the northern portion of the compound (see attached renderings of ground-level equipment). The site plan depicts an 8-foot high chain link fence with barbed wire around the entire compound. The site plan indicates that an existing 10-foot high wood fence along Roosevelt would remain as screening of the ground-level equipment. The site plan also shows that the tower would be partially obscured from view by existing trees to the north, the maintenance building to the south, and the golf course to the east. The site plan shows that access would be provided to the site through an access easement to Roosevelt, a paved local street.

The character of the surrounding area is a mixture of residential and recreational uses with single-family residences located to the south and west and golf course and open space located to the north and west. The properties surrounding the site in all directions are zoned "TF-3" Multi-Family Residential.

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 space was unavailable on the roof of tall buildings at Central and Hillside.

The application also indicates that an existing self-support lattice tower at Alcott School to the northeast had not been made available to be rebuilt as of the date of application. While correspondence with school district staff (see attached) indicates that the school district is in the process of making their towers available for reconstruction, it is unlikely that this school site will be made available due to the limited size (2 acres) of the school yard.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3"	Undeveloped park land
SOUTH:	"TF3"	Single-family residences
EAST:	"TF-3"	MacDonald Golf Course
WEST:	"TF-3"	Single-family residences

PUBLIC SERVICES: No municipally-supplied utility services are required. Access to the site is proposed from Roosevelt, a paved local street.

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: While the proposed wireless communication facility does not take advantage of existing tall buildings or towers in the area, planning staff finds that the construction of a new tower in the area is necessary. Planning staff verified that the roof at Wesley Medical Center was unavailable for a past tower request, and the school yard at Alcott School is too small to provide space for a tower and have sufficient space remaining for parking and necessary open space. The proposed wireless communication facility complies with the setback requirement of the compatibility height standard. Planning staff also finds that with the recommended conditions of approval, the proposed wireless communication facility can conform to the guidelines of the Wireless Communication Master Plan. 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:

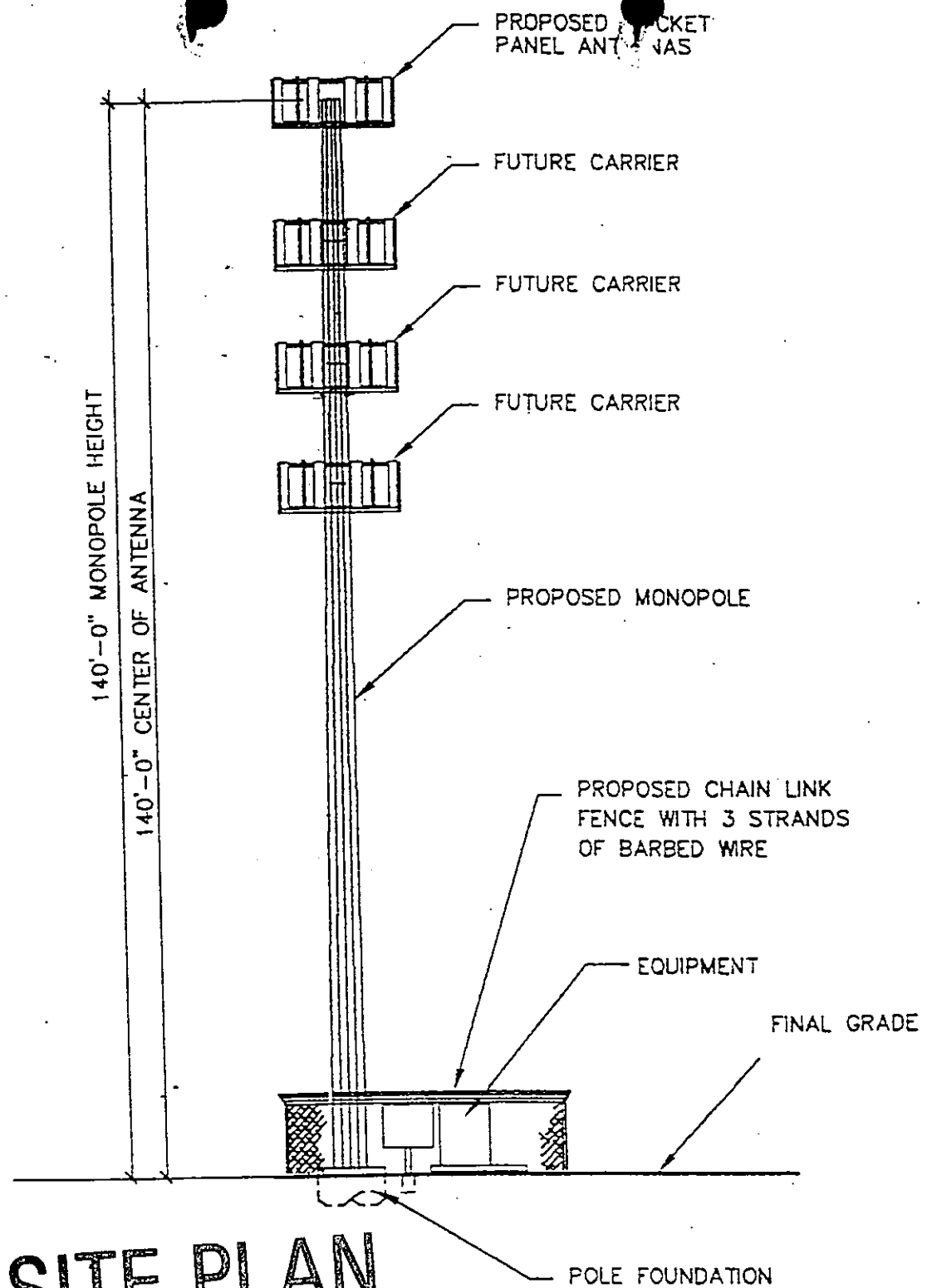
- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the 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 140 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. The existing trees located north of the compound and the existing fence located west of the compound as indicated on the site plan submitted with the application shall be maintained and supplemented by additional screening planted and maintained according to a landscape plan approved by the Planning Director. The landscape plan shall provide shade trees at least every 30 feet along the west property line from the chain link fence on the north to the access opening to Roosevelt on the south.
- 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 mixture of residential and recreational uses with single-family residences located to the south and west and golf course and open space located to the north and west. The properties surrounding the site in all directions are zoned "TF-3" Multi-Family Residential. The proposed wireless communication facility complies with the compatibility height standard.
2. The suitability of the subject property for the uses to which it has been restricted: The proposed site is zoned "TF-3" Two-Family Residential and is developed as a golf course maintenance yard. Wireless communication facilities in excess of 65 feet in height in the "TF-3" district may be permitted as a Conditional Use, but typically should conform to the guidelines of the Wireless Communication Master Plan.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Existing landscaping and screening on the site when supplemented by the landscaping recommended by the conditions of approval should obscure the view of the proposed tower from nearby residential properties and limit the negative visual impact from the tower.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: With the recommended conditions of approval, the proposed wireless communication facility conforms to the guidelines of the Wireless Communication Facility. The use of existing buildings and towers in the area have been explored and have proven not to be feasible. The proposed facility would be located on city property and would be designed in a manner to minimize height, mass, and silhouette; use colors and textures that blend with the sky; be placed so that the tower is obscured from view; and be screened through landscaping and fencing.
5. Impact of the proposed development on community facilities: Access to the site is proposed to be from Roosevelt, a paved local street with higher than normal levels of traffic due to the golf course, so no negative impacts on community facilities are anticipated.

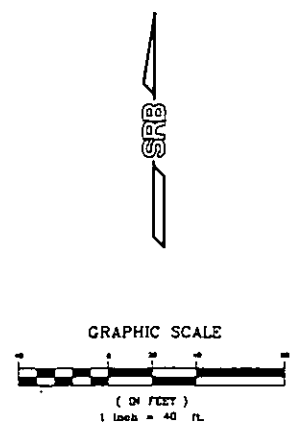
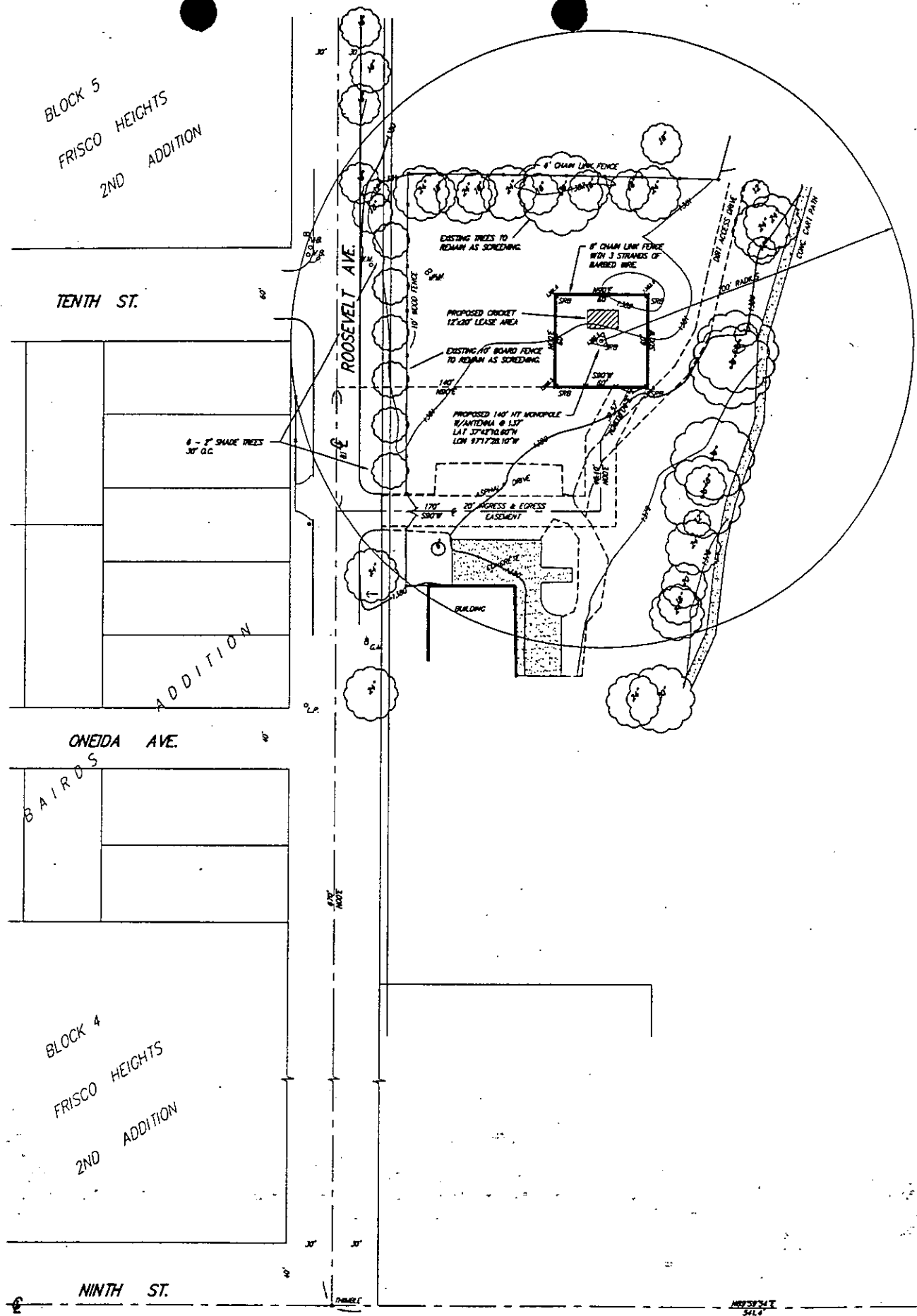


SITE PLAN

APPROVED 12-15-00 BY SK

MONOPOLE SCHEMATIC

NOT TO SCALE



BENCHMARK: CITY OF WICHITA STD. DISC. ROOSEVELT & 13TH 1/2 MILE E. OF HILLSIDE NEAR R.R. CROSSING SOCIAL 28.70' S. OF CENTERLINE OF 13TH ST. N. 87.90' E. OF CENTERLINE OF LAYON 58.90' W. OF CENTERLINE OF ROOSEVELT ELEV. = 1280.89 M.G.V.O.

ON-SITE B.M.: CITY OF WICHITA STD. DISC. ROOSEVELT & 9TH @ S.W. COR. OF INTERSECTION 20.70' S. OF CENTERLINE OF 9TH 25.20' W. OF CENTERLINE OF ROOSEVELT ELEV. = 1289.32 M.G.V.O.

SURVEY MARKER LEGEND

IMBABLE² = CITY OF WICHITA CONTROL (FOUND)

SPB² = 1/2" REBAR 6/32" CAP (SET)

- LEGEND**
- TEL. PED TELEPHONE PEDestal
 - E.B. ELECTRIC BOX
 - G.M. GAS METER
 - M.M. WATER METER
 - M.V. WATER VALVE
 - F.H. FIRE HYDRANT
 - M.W. MONITOR WELL
 - C.O. CLEAN OUT
 - L.P. LIGHT POLE
 - P. POWER POLE
 - L.H. LOW LINE POLE
 - A. JUMP ANCHOR
 - S. SIGN
 - G.P. GUARD POST
 - SWS M.H. STORM WATER SEWER MANHOLE
 - SS M.H. SANITARY SEWER MANHOLE

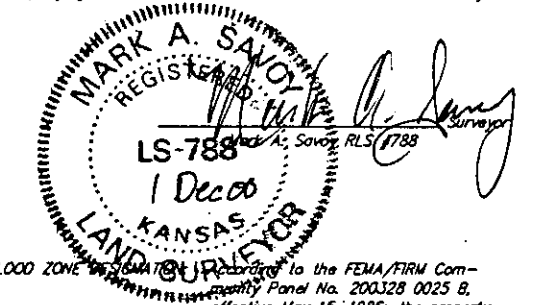
State of Kansas)
Sedgwick County) SS

We, Savoy, Ruggles & Bohm, P.A., Surveyors in aforesaid county and state do hereby certify that, under the supervision of the undersigned, we did on this 9th day of October, 2000, perform a survey of the following described property:

That part of the NW1/4 of Sec. 14, Twp. 27-S, R-1-E of the 6th P.M., Sedgwick County, Kansas and being a portion of Lot 5, Block 1 and Reserve A of the vacated portion of Frisco Heights 2nd Addition to Wichita, Kansas, Sedgwick County, Kansas, described as commencing at a point on the south line of said NW1/4, 541.4 feet west of the S.E. Corner of said NW1/4 and being a point on the center line of Dickens Street now Roosevelt Avenue as platted in said Frisco Heights 2nd Addition; thence north, parallel with the east line of said NW1/4, 670 feet; thence east, at right angles, 140 feet for a place of beginning; thence north at right angles, 60 feet; thence east, at right angles, 60 feet; thence south, at right angles, 60 feet; thence west, at right angles, 60 feet to the place of beginning.

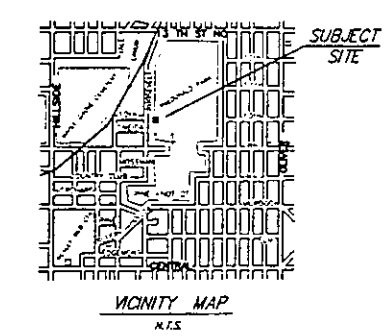
There are no buildings on said parcel. There are no encroachments on said parcel by buildings on the adjacent parcels.

The accompanying sketch is a true and correct exhibit of said survey.



NOTES:

1) FLOOD ZONE INFORMATION is based on the FEMA/FIRM Community Panel No. 200328 0025 B, effective May 15, 1986; the property shown hereon is located in Zone C, an area of minimal flooding.



SITE PLAN

APPROVED 12-15-00 BY SK

MACDONALD SITE			
CRICKET KANSAS PROPERTY COMPANY WICHITA, KANSAS			
SRB	214 NORTH MAIN WICHITA, KANSAS 67203 TEL: 316-261-0008 FAX: 316-261-0021 E-MAIL: SAVOY@SRB.COM	SHEET 1	
SAVOY, RUGGLES & BOHM, P.A. ENGINEERING & SURVEYING			
PROJECT NUMBER 00077684			
DESIGN	DRAWN	CHECKED	DATE
	R.C./R.S.	W.A.S.	8 OCT 00
REVISED		30 NOV 00	

DWG FILE: 01768A-R.C.
PROJECT NO. 00077684