



Wichita-Sedgwick County Metropolitan Area Planning Department

July 25, 2001

Carlton Bert
Bert & Wetta Sales, Inc.
P.O. Box 130
Larned, KS 67550

Re: CON2001-00040 – Administrative Permit for a 150-foot high wireless communication facility on property zoned “LI” Limited Industrial. Generally located north of 53rd Street North and west of 119th Street West (5551 N. 119th St. W.).

Dear Mr. Bert:

We have reviewed your request for an Administrative Permit for a 150-foot high wireless communication facility on property zoned “LI” Limited Industrial. Section III.D.6.g.(3)(d) of the Wichita-Sedgwick County Unified Zoning Code states that new ground-mounted wireless communication facilities up to 150 feet in height in the “LI” Limited Industrial zoning district shall be approved by Administrative Permit if they conform to the Compatibility Height Standards of Section IV-C.5 of the Unified Zoning Code and the Location/Design Guidelines of the Wireless Communication Master Plan.

The Compatibility Height Standards require the proposed 150-foot high wireless communication facility to be located no closer than 150 feet from the lot line of property zoned “TF-3” Two-Family Residential or more restrictive. The proposed 150-foot high monopole is shown on the site plan submitted with this application to be located closer than 150 feet from the lot line of properties to the north and southwest that are zoned “RR” Rural Residential. Therefore, we find that your request does not conform to the Compatibility Height Standards.

While the request does not conform to the Compatibility Height Standards, Section V.I of the Unified Zoning Code allows the Planning Director, with the concurrence of the Zoning Administrator, to reduce or waive the Compatibility Height Standards as long as the adjustment does not have any of the negative impacts stated in Section V-I.6. We find that waiving the setback required by the Compatibility Height Standards from the abutting properties zoned “RR” Rural Residential meets the four conditions required by Section V-1.6 of the Unified Zoning Code as set out below:

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1. Impact on safety and convenience of vehicular and pedestrian circulation: Waiving the required setback from the facility to abutting properties zoned "RR" Rural Residential will have no impact on the safety and convenience of vehicular and pedestrian circulation.
2. Impact on existing uses in surrounding areas: The visual impact from the facility on surrounding areas should not be increased by waiving the setback from abutting properties since the properties are used for agricultural purposes and setbacks in excess of 100 feet will be maintained by requiring the site to be developed in conformance with approved site plans.
3. Compatibility with existing or permitted uses on abutting sites: The incompatibility of the facility with existing or permitted uses on abutting sites should not be increased by waiving the setback from abutting properties since the properties are used for agricultural purposes and are not likely to be developed with residential uses due to the proximity of existing industrial uses.
4. Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way, therefore, 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.

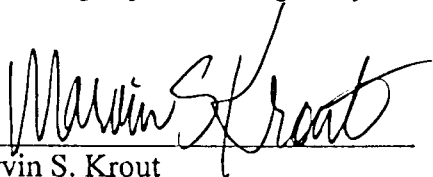
In reviewing your request's conformance to the Location/Design Guidelines of the Wireless Communication Master Plan, we find the following:

1. The applicant and the owner of the proposed wireless communication facility have acknowledged their responsibilities and restrictions under the Unified Zoning Code regarding lighting, signage, co-location, reconstruction, and removal as they relate to the proposed wireless communication facility.
2. The applicant has demonstrated that there is no available space on existing or approved wireless communication facilities or other structures and there is no other economically or technically feasible opportunity to rebuild or modify existing structures in order to meet the applicant's communication needs.
3. The proposed wireless communication facility is not located in manner that would cause a potential hazard to flight safety as long as the facility is approved by the FAA and complies with all conditions of FAA approval.
4. The proposed wireless communication facility minimizes the silhouette of the facility by its monopole design and uses materials and colors that minimize glare.
5. The proposed wireless communication facility is placed where existing agricultural and industrial buildings obscure some of the facility from view from residential areas to the southeast.

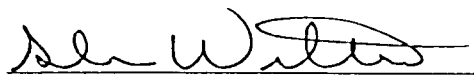
Based on these findings of conformance with the Compatibility Height Standards of the Unified Zoning Code and the Location/Design Guidelines of the Wireless Communication Master Plan, our signatures below indicate that an Administrative Permit for a 150-foot high wireless communication facility is hereby GRANTED, subject to the following conditions:

1. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
2. 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 the issuance of this Administrative Permit.
3. 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.
4. 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.
5. The site shall be developed in general conformance with the approved site plans and elevation drawings that are attached to this Administrative Permit, with the exception that the monopole shall be a four-carrier tower per Condition #4 above. All improvements shall be completed before the facility becomes operational.
6. 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.
7. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
8. Any violation of the conditions of approval shall render this Administrative Permit null and void.

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



Marvin S. Krout
Planning Director



Glen Wiltse
Code Enforcement Director

Attachments

cc: Kent Sticha, Verizon Wireless, 8401 Wayzata Blvd. Ste. 110, St. Louis Park, MN 55426
Robert Herlihy, Selective Site Consultants, Inc., 13540 W. 95th St., Lenexa, KS 66215

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