



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 7, 2001

Richard D. Frederick
Emily M. Frederick
12115 E. 69th Street N.
Wichita, KS 67226-8520

RE: CON2001-00035- Conditional Use for a wireless communication facility a 175-foot high monopole tower on property zoned "RR" Rural Residential. Generally located south of 69th Street North and west of 127th Street East (12115 E. 69th Street N.)

Dear Mr. Frederick:

At its regular meeting on Thursday, July 19, 2001, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to **DENY** the request.

This action was not accompanied by valid appeals or protest petitions. Therefore, the action of the Planning Commission is **FINAL**. If you have any questions concerning this case, please contact our office.

Sincerely,

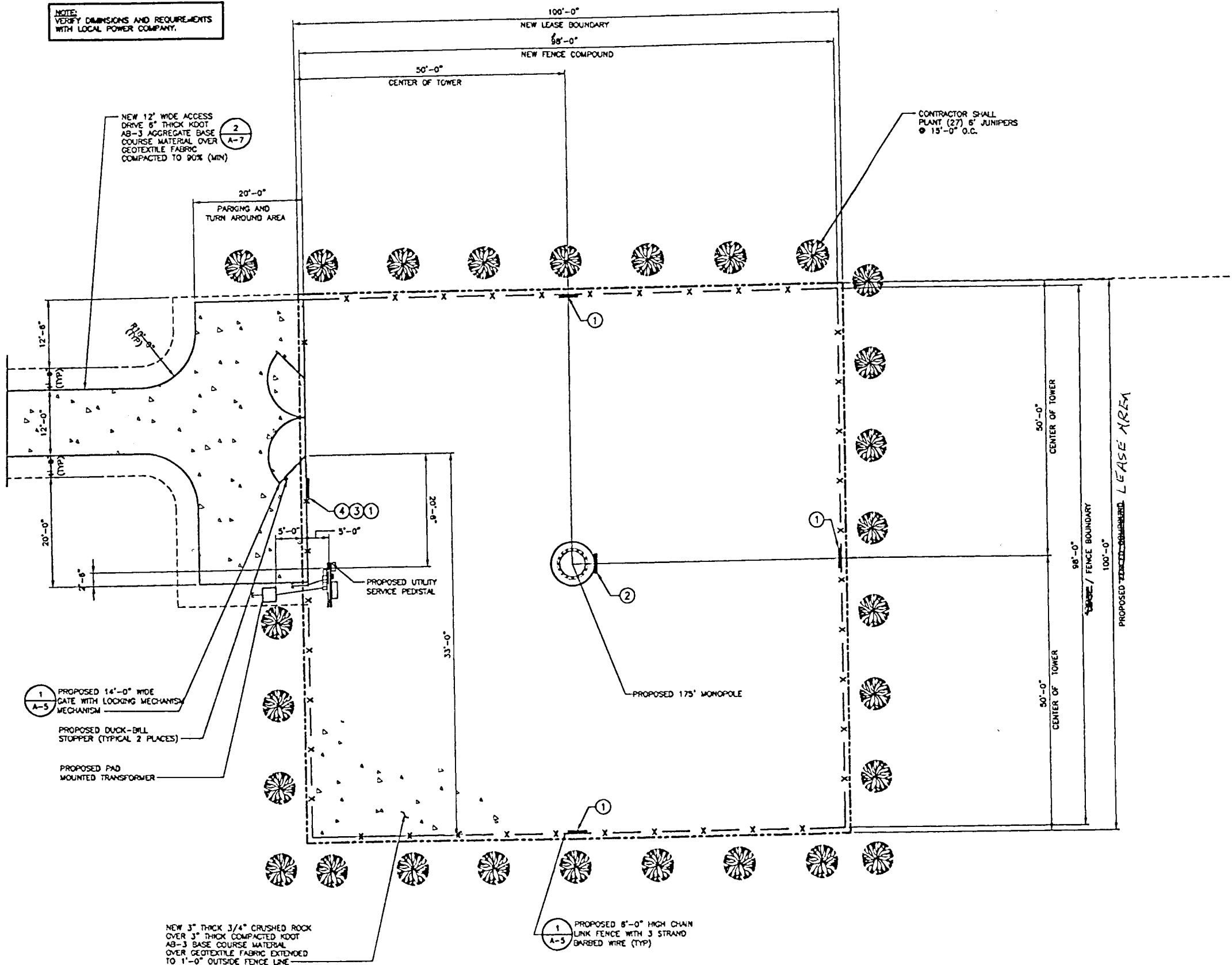
A handwritten signature in black ink, appearing to read 'Scott Knebel'.

Scott Knebel
Senior Planner

SK/rs

cc: Verizon Wireless, %Mark S. Doering, 10740 Nall, Suite 400, Overland Park, KS 66211
American Tower, %Ronald D. Jones, 9647 Lackman Road, Lenexa, KS 66215
Alvin E. Schneider, Kathleen E. Schneider, 12215 E. 69th St. N.,
Wichita, KS 67226-8522
Bryan G. Jaax, Susan L. Jaax, 11915 E. 96th Street North, Wichita, KS 67226-8516
Virgil L. Uhlman, Joy M. Uhlman, 6721 N. 127th Street E., Wichita, KS 67226-8348
Shirley K. Thompson, 12015 E. 69th Street N., Wichita, KS 67226-8518

NOTE:
VERIFY DIMENSIONS AND REQUIREMENTS
WITH LOCAL POWER COMPANY.



SIGN SCHEDULE

- ① YELLOW CAUTION SIGN MOUNTED ON FENCE FACING EXTERIOR OF COMPOUND
- ② RED WARNING SIGN MOUNTED ON TOWER BY CLIMBING LADDER
- ③ AMERICAN TOWER SIGN TO BE POSTED PRIOR TO CONSTRUCTION COMMENCEMENT. REFER TO SHEET A-5 FOR LOCATION.
- ④ EMPLOYEE NOTICE SIGN. REFER TO SHEET A-5 FOR LOCATION

LEGEND

- X—X—X— CHAIN LINK FENCE
- — — — — PROPERTY LINE
- · — · — LEASE AREA
- O/E — — OVERHEAD POWER
- - - - - UTILITY EASEMENT

APPROVALS

ATC PROJECT MANAGER APPROVAL	PHONE NUMBER	DATE
ATC ZONING APPROVAL	PHONE NUMBER	DATE
ATC CONSTRUCTION MANAGER	PHONE NUMBER	DATE
PROPERTY OWNER(S)/ OWNERS REP/LESSOR	PHONE NUMBER	DATE

SSC SELECTIVE SITE CONSULTANTS, INC.
A Site Acquisition, Engineering, and Construction Quality Assurance Company

13540 W. 35th Street
Lenexa, Kansas 66215

Phone: 913-438-7700
Fax: 913-438-7777

AMERICAN TOWER CORPORATION

9647 LACKMAN ROAD
LENEXA, KS 66219
Phone: 913-888-5102
Fax: 913-888-8356

ATC SITE NO.:
036329

ATC SITE NAME:
GREENWICH

SITE ADDRESS:
**12115 E. 69TH NORTH
WICHITA, KANSAS 67226**

DRAWN BY: TC

CHECKED BY: HAN/TMS

APPROVED BY: HAN/TMS

REVISIONS:

NO:	DATE:	DESCRIPTION:
A	06/08/01	ISSUED FOR ZONING

DRAWING TITLE:

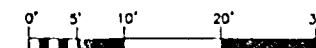
**ENLARGED
SITE PLAN**

DRAWING NO.:

A-2

FILENAME: 036329A-2A.DWG DRAWING: 5 OF 6

ENLARGED SITE PLAN





AGENDA ITEM NO. _____

STAFF REPORT

MAPC, July 19, 2001

CASE NUMBER: CON2001-00035

APPLICANT/AGENT: Richard D. and Emily M. Frederick (Owners); Verizon Wireless c/o Mark S. Doering and American Tower Corporation c/o Ronald D. Jones (Applicants)

REQUEST: Conditional Use for a wireless communication facility

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 10,000 square feet

LOCATION: South of 69th Street North and west of 127th Street East (12115 E. 69th St. N.)

PROPOSED USE: 175-foot high monopole tower



BACKGROUND: The owner is seeking a Conditional Use to permit the construction of a 175-foot high monopole tower (see attached "Elevation View") by American Tower Corporation for use by Verizon Wireless. The proposed site is zoned "RR" Rural Residential. The Unified Zoning Code requires a Conditional Use for wireless communication facilities over 65 feet in height in the "RR" Rural Residential zoning district.

The proposed monopole tower would be sited on a 10,000 square foot area located south of 69th Street North and west of 127th Street East behind the single-family residence located at 12115 E. 69th St. N. (see attached "Site Plan"). The attached "Enlarged Site Plan" shows a compound enclosed with a six-foot high chain link fence with three strands of barbed wire. The tower is located in the center of the compound. The site plan does not indicate the location of ground-level communication equipment within the compound. The site plan shows that access would be provided to the site by a 12-foot wide access drive to 69th Street North, an unpaved section-line road. Landscaping is shown in the form of six-foot tall junipers planted every 15 feet around the exterior of the compound.

The character of the surrounding area is that of a rural, large-lot subdivision. All the properties surrounding the site are zoned "RR" Rural Residential and are developed with single-family residences on 5-10 acre lots.

The application indicates that the proposed tower is needed for Verizon Wireless to improve its coverage on Highway 254 (see attached letter dated June 6, 2001 and "Existing" and "Proposed" propagation plots). Verizon Wireless indicates an intention to place their antennas at the 140-foot level on the 175-foot high tower requested to be constructed by American Tower Corporation. No user is identified in the application for the top portion of the tower.

The justification for the request (see attached "Technical Report") indicates that Verizon needs a wireless communication facility within a 1.5 to 2 mile radius of 69th Street North and 111th Street East (Greenwich). The application indicates that no structures were found within this area; therefore, a request for a Conditional Use to construct a new tower was submitted. Subsequent to receiving the application, planning staff requested information from the applicant regarding whether or not a recently constructed 190-foot high monopole tower near 53rd Street North and Rock Road (approximately 2.5 miles from the center of the search area) is suitable to meet Verizon's communication needs. The applicant did not respond to this request for additional information.

The subject property is located in the vicinity of Jabara Airport; therefore, planning staff contacted airport staff to receive their input on the proposed tower. Airport staff indicated that the site could possibly interfere with the proposed construction of an ILS approach; however, the airport staff will not be certain of any negative impacts on the operations of Jabara until the FAA has reviewed the location of the requested

monopole. Therefore, the airport staff requested to review the FAA's decision regarding this monopole prior to the issuance of a building permit so that the airport staff may ask the FAA modify their decision if the airport staff feels the FAA has reached their decision in error.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Single-family residences
SOUTH:	"RR"	Single-family residences
EAST:	"RR"	Single-family residences
WEST:	"RR"	Single-family residences

PUBLIC SERVICES: No municipally-supplied utility services are required. Access to the site is proposed by a 12-foot wide access drive to 69th Street North, an unpaved section-line 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. There is an existing tower located approximately 2.5 miles southwest of the center of the applicant's search area. The applicant indicates that a facility within 1.5 to 2 miles of the center of the search area will meet their communication needs. The applicant did

not respond to a request for additional information regarding whether or not the existing tower is suitable for meeting their communication needs. Second, the proposed 175-foot high tower does not minimize the height of the facility. Verizon Wireless has indicated that the height required for their antennas is 140 feet; however, the tower is proposed to be constructed at a height of 175 feet. Third, the proposed tower is not located in a wooded area where trees would obscure a portion of the facility from view from adjacent single-family residences; other sites within the applicant's search area better meet the Location and Design Guidelines of the Wireless Communication Master Plan. Finally, the proposed 175-high facility does not conform to the compatibility height standard since it is proposed to be setback only 165 feet from property zoned "RR" located both east and west of the site. 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 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 three wireless service providers.
- E. The monopole and its foundation shall be designed and constructed in such a manner that permits future height extensions of up to 25% of the structure height and future loading expansions to accommodate communication equipment for at least four wireless service providers.
- F. A landscape plan shall be submitted for approval by the Planning Director that provides, in addition to the proposed 6-foot high junipers, the equivalent of 4-inch caliper shade trees every 30 feet across the 330-foot width of the parent tract, with the trees planted and maintained in locations such that (at maturity) the shade trees will partially obscure the tower from view from adjacent single-family residences.
- G. Revised site plans and elevation drawings indicating the approved location and design of the wireless communication facility shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
- H. 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.
- I. 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, Office of Central Inspection, and Director of Airports prior to the issuance of a building permit.

- J. Approval of the Conditional Use constitutes a waiver of the Compatibility Height Standard for the wireless communication facility.
- K. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- L. 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 that of a rural, large-lot subdivision. All the properties surrounding the site are zoned "RR" Rural Residential and are developed with single-family residences on 5-10 acre lots. A 175-foot high tower is not consistent with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential, which is intended to accommodate very large-lot, single-family residential development in areas where a full range of municipal facilities and services are not available and not likely to be available in the near future. The site is currently developed with a single-family residence on a 10 acre lot and, thus, is suitably restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Existing and proposed landscaping 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. There is an existing tower located approximately 2.5 miles southwest of the center of the applicant's search area. The applicant indicates that a facility within 1.5 to 2 miles from the center of the search area will meet their communication needs. The applicant did not respond to a request for additional information regarding whether or not the existing tower is suitable to meeting their communication needs. Second, the proposed 175-foot high tower does not minimize the height of the facility. Verizon Wireless has indicated that the height required for their antennas is 140 feet; however, the tower is proposed to be constructed at a height of 175 feet. Third, the proposed tower is not located in a wooded area where trees would obscure a portion of the facility from view from adjacent

single-family residences; other sites within the applicant's search area better meet the Location and Design Guidelines of the Wireless Communication Master Plan. Finally, the proposed 175-high facility does not conform to the compatibility height standard since it is proposed to be setback only 165 feet from property zoned "RR" located both east and west of the site.

5. Impact of the proposed development on community facilities: FAA approval should ensure that the proposed monopole does not detrimentally impact the operation of airports in the vicinity.