



Wichita-Sedgwick County Metropolitan Area Planning Department

January 28, 2008

Kenneth Hermes
26104 West 61st Street North
Box 325
Andale, KS, 67001

RE: CON2007-47 County Conditional Use to permit a wireless communication facility on property zoned "RR" Rural Residential, generally located on the north side of 61st Street North and east of 263rd Street West. Also in the City of Andale's area of zoning influence and County Commission District #3.

Dear Mr. Newcomer:

At its regular meeting on January 24, 2008, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to APPROVE the application with the following conditions:

- A. All requirements of Art. III Sec. 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 "lattice" design that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare. Antennas mounted flush to the support structure are preferred over triangular "top hat" antenna arrays.
- D. The support structure shall not exceed 198-feet in height and shall be designed and constructed to accommodate communication equipment for at least 4 wireless service providers.
- E. The tower shall conform to FAA regulations in regards to analysis of airspace in the area, which includes conformation that the height of the tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.
- F. The 0.13-acre tower site located within the owner's 3.7-acres shall be developed in general conformance with the approved site plan. The applicant must provide a

walls, and/or fencing; and 9) painting towers red and white instead of using strobe lighting. Since the time the Wireless Communication Master Plan was adopted, the FAA changed their regulations to require daytime strobe lighting; whereas, when the plan was adopted, the FAA allowed painted towers red and white instead of using strobe lighting. The application appears to meet most of these considerations.

The site is outside the City of Andale's and Wichita's 2030 growth areas and is classified as a "rural area." The 2030 Functional Land Use Guide, defines "rural functional land use" as land being outside of all Sedgwick County's cities' 2030 growth areas and meant to accommodate agricultural uses, rural uses no more offensive than those agricultural uses found in Sedgwick County and predominately larger lot residential subdivisions (2-acres or more in size) with provisions for individual or community water and sewer services. Communication facilities are a common use in rural areas of the county and present an opportunity to improve communication services to all of Sedgwick county, while affected the fewest number of people with their presences.

RECOMMENDATION: 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 Art. III Sec. 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 "lattice" design that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare. Antennas mounted flush to the support structure are preferred over triangular "top hat" antenna arrays and the applicant needs to demonstrate why the "flush" arrangement does not work.
- D. The support structure shall not exceed 198-feet in height and shall be designed and constructed to accommodate communication equipment for at least 4 wireless service providers.
- E. The tower shall conform to FAA regulations in regards to analysis of airspace in the area, which includes conformation that the height of the tower is not hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.
- F. The 0.13-acre tower site located within the owner's 3.7-acres shall be developed in general conformance with the approved site plan. The applicant must provide a detailed landscape plan which identifies existing trees and shrubs, locates them, gives their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. All improvements shall be completed before the facility becomes operational.

- G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- H. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, 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 Conditional Use is 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 rural. The properties surrounding the subject property in all directions are zoned "RR" Rural Residential and are used for agriculture, farmsteads, or large tract single-family residences. The City of Andale is located approximately ¼-mile from the site. Wireless communication facilities of this size are typically located in rural areas, where they will affect the fewest number of people and can be consistent with the zoning, uses, and character of the rural areas of Sedgwick County.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential and is currently used for a residence. The site is apparently suitable for continued residential use. A Conditional Use may be granted to permit a wireless communication facility in the "RR" Rural Residential zoning district; however, the facility should conform to the guidelines of the Wireless Communication Plan as much as possible. The proposed facility conforms to most of the plan's guidelines.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on the "RR" zoned properties and agricultural activities in the area should be minimized to a degree by the Conditional Use standards of the Unified Zoning Code, which should limit noise, lighting, and other activity from adversely impacting these properties. The Renwick School District, which Andale schools are located in, is a customer of Alltel and has indicated that the proposed tower would be a needed improvement in service.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed wireless communication facility appears to conform to the Location Guidelines of the Wireless Communication Master Plan since there appears to be no other towers or tall structures in the vicinity of the site which can accommodate the communication needs of the applicant. It is always possible that other facilities may be presented as alternative/co-location sites during the public hearing, in which case the applicant will need to address those claims/opportunities for possible co-location. The proposed wireless communication facility mostly conforms to the Design Guidelines of the Wireless Communication Master Plan by minimizing the height, mass, proportion, and silhouette of the facility through its lattice design; by utilizing an unobtrusive color with a matte finish to minimize glare; and by being placed in an area where existing vegetation obscures some of the facility from view. Antennas mounted flush to the

support structure are preferred over triangular “top hat” antenna arrays and the applicant needs to demonstrate why the “flush” arrangement does not work. 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. The site appears to meet that standard, as presented by the applicant’s “Fall Zone Site Plan.”

5. Impact of the proposed development on community facilities: FAA approval should ensure that the proposed tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies. .

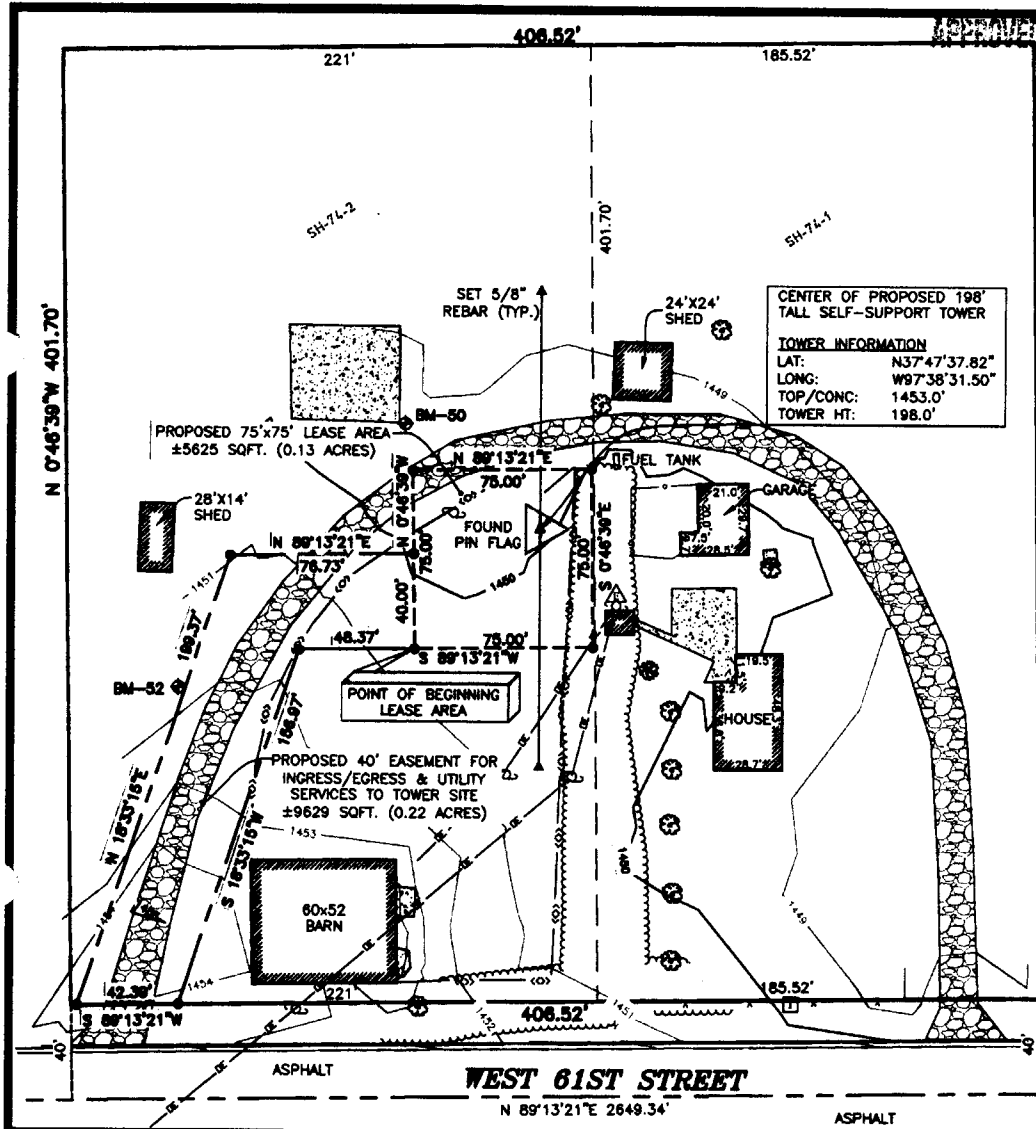
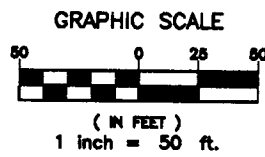
SITE PLAN

ALLTEL WIRELESS PROJECT

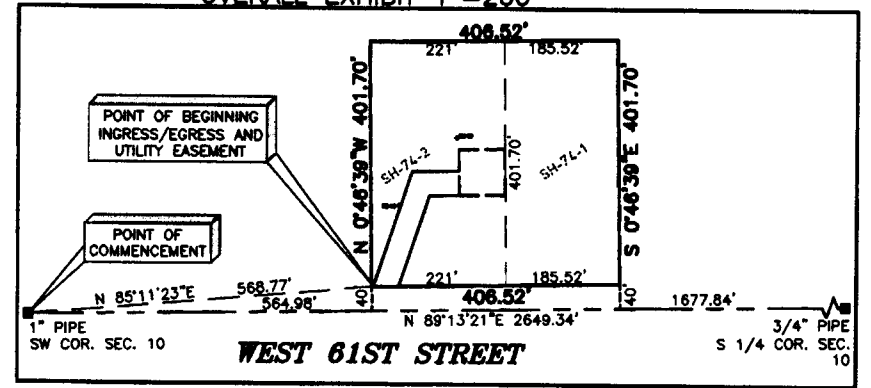
SITE NAME: IB Andale
 ALLTEL NO. 891360250
 Andale, Sedgwick County, Kansas

- ELECTRIC METER
- POWER POLE
- TREE
- WIRE STRAND FENCE
- CHAIN LINK FENCE
- PICKET FENCE
- TREELINE
- OVERHEAD ELECTRIC
- CONCRETE
- GRAVEL

- BM-50:** SITE BENCHMARK, SET #5 REBAR
ELEVATION=1449.46'
- BM-52:** SITE BENCHMARK, SET #5 REBAR
ELEVATION=1452.29'



OVERALL EXHIBIT 1"=200'



- = DENOTES SET 5/8" REBAR AND PLASTIC CAP MARKED "KANSAS LLS No. 1360"
- = DENOTES FOUND ALQUOT MONUMENT



Clark Land Surveying, Inc.
 Boundary • GPS • Mapping
 119 North Wahsatch Avenue
 Colorado Springs, CO 80903
 719.633.8533 FAX 719.633.8822

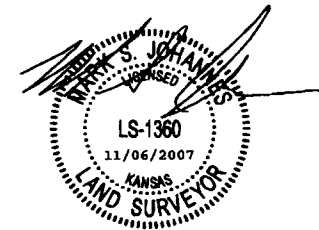
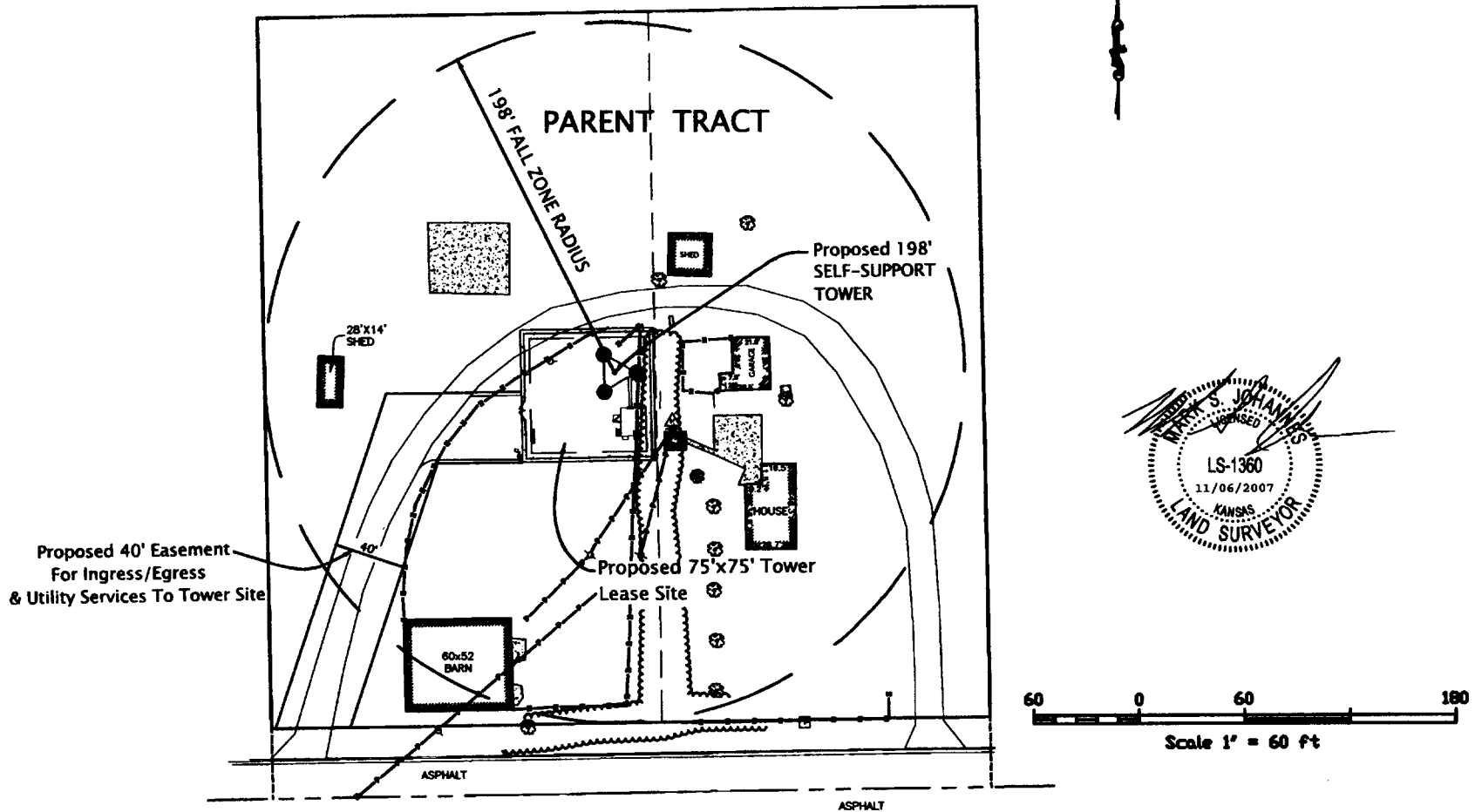
Revisions			
No.	Description	By	Date
1	Add Easement	SJB	11.06.2007

ALLTEL WIRELESS PROJECT			TS-2
SITE NAME: IB Andale ALLTEL NO. 891360250			
Project No.	7495	Drawn By: AJN Checked By: JC/MSJ	Date: 10.3.2007 Sheet: 2 of 2

SEE SITE PLAN

FALL ZONE SITE PLAN

SITE NAME: IB Andale
 ALLTEL NO. 891360250
 Andale, Sedgwick County, Kansas



Clark Land Surveying, Inc.

Boundary - GPS - Mapping

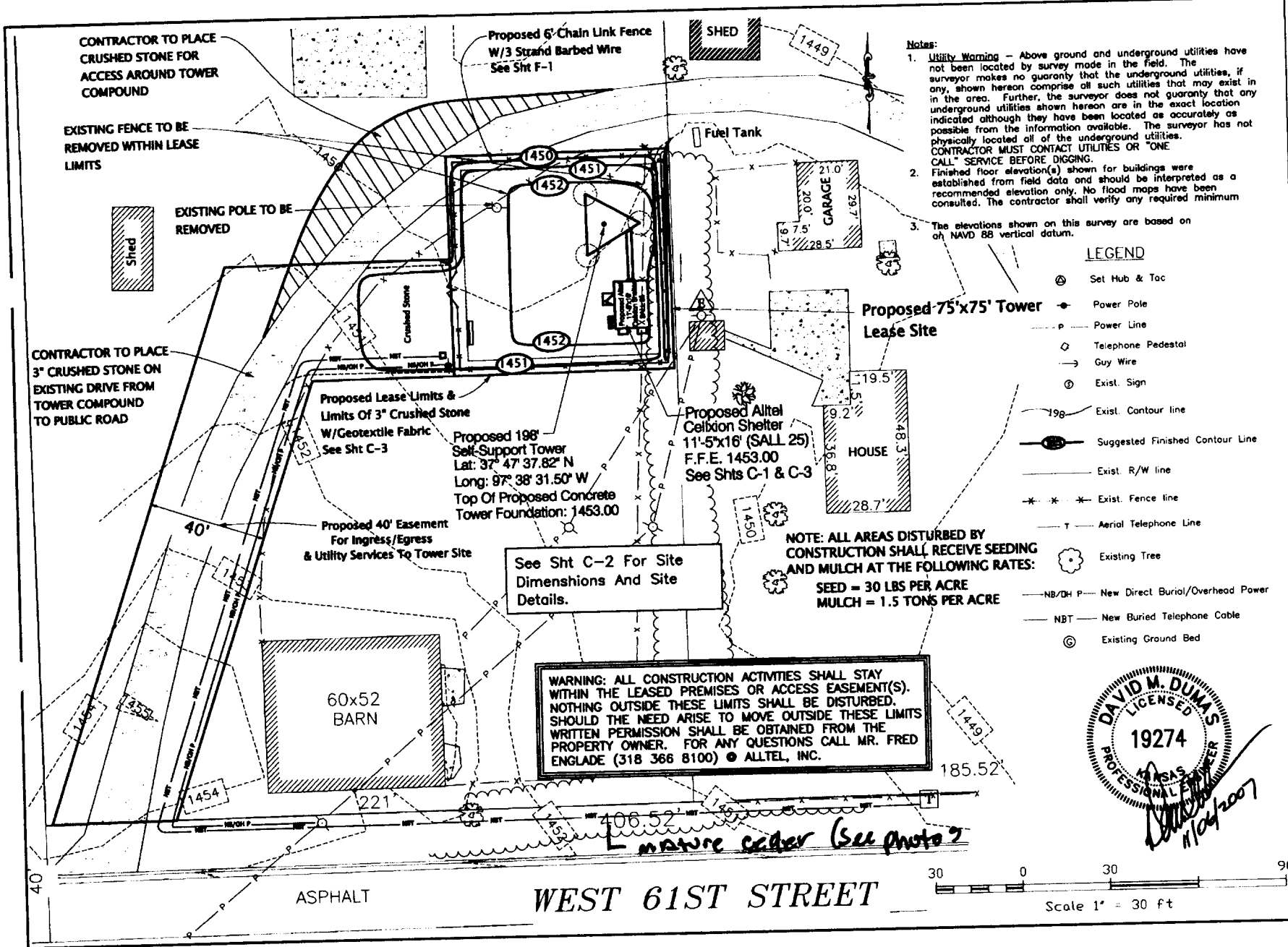
119 North Wabash Avenue
 Colorado Springs, CO 80903
 719.633.8533 FAX 719.633.8822

Revisions			
No.	Description	By	Date

FALL ZONE SITE PLAN

Project No.	7495	Drawn By:		Date:	11.6.07
		Checked By:	MSJ	Sheet:	1 of 1

SEE SITE plan

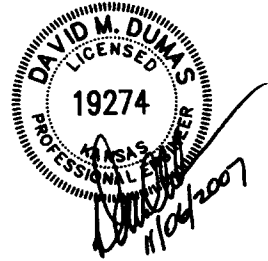


- Notes:
1. **Utility Warning** - Above ground and underground utilities have not been located by survey made in the field. The surveyor makes no guaranty that the underground utilities, if any, shown hereon comprise all such utilities that may exist in the area. Further, the surveyor does not guaranty that any underground utilities shown hereon are in the exact location indicated although they have been located as accurately as possible from the information available. The surveyor has not physically located all of the underground utilities. **CONTRACTOR MUST CONTACT UTILITIES OR "ONE CALL" SERVICE BEFORE DIGGING.**
 2. Finished floor elevation(s) shown for buildings were established from field data and should be interpreted as a recommended elevation only. No flood maps have been consulted. The contractor shall verify any required minimum.
 3. The elevations shown on this survey are based on on NAVD 88 vertical datum.

- LEGEND
- ⊙ Set Hub & Tac
 - ⚡ Power Pole
 - P — Power Line
 - ◇ Telephone Pedestal
 - Guy Wire
 - ⊙ Exist. Sign
 - 19g — Exist. Contour line
 - S — Suggested Finished Contour Line
 - — — Exist. R/W line
 - * * * — Exist. Fence line
 - T — Aerial Telephone Line
 - ⊙ Existing Tree
 - NB/DH P — New Direct Burial/Overhead Power
 - NBT — New Buried Telephone Cable
 - ⊙ Existing Ground Bed

NOTE: ALL AREAS DISTURBED BY CONSTRUCTION SHALL RECEIVE SEEDING AND MULCH AT THE FOLLOWING RATES:
 SEED = 30 LBS PER ACRE
 MULCH = 1.5 TONS PER ACRE

WARNING: ALL CONSTRUCTION ACTIVITIES SHALL STAY WITHIN THE LEASED PREMISES OR ACCESS EASEMENT(S). NOTHING OUTSIDE THESE LIMITS SHALL BE DISTURBED. SHOULD THE NEED ARISE TO MOVE OUTSIDE THESE LIMITS WRITTEN PERMISSION SHALL BE OBTAINED FROM THE PROPERTY OWNER. FOR ANY QUESTIONS CALL MR. FRED ENGLADE (318 366 8100) © ALLTEL, INC.



alltel

PROPOSED
 I.B. ANDALE
 TOWER SITE
 NEAR 26104 WEST 61ST ST.
 ANDALE, KANSAS
 SITE SITUATED ON
 LAND OWNED BY
 KENNETH B. HERMES
 ALLTEL PROJECT
 NO. 891360250

Dumas & Associates, Inc.
 Consulting Engineers
 404 Fairfield Street
 West Monroe, Louisiana 71291
 318.387.7013
 dumas@bayou.com

DESIGNED	D. DUMAS	SCALE	1"=30'	CHECKED	D. DUMAS	DATE	11/05/07
DRAWN	D. D.	PROJECT NUMBER					

CML
 SITE PLAN

SHEET
 NUMBER C-1

detailed landscape plan which identifies existing trees and shrubs, locates them, gives their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. All improvements shall be completed before the facility becomes operational. (Need a landscape plan before the 2-week protest period is up: see below for that date.)

- G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- H. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, 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 Conditional Use is null and void.

Prior to the MAPC hearing the City of Andale's Planning Commission considered this request at their January 22, 2008 meeting and unanimously recommended approval.

NOTICE: The public hearing on planning items is conducted by the MAPC under provisions of State Law. Adopted policy is that the Sedgwick County Board of County Commissioners (BoCC) will take additional testimony on zoning-related applications and other issues for which the MAPC has held a public hearing. Interested parties may file a written statement with the County Clerk providing new facts on the issue or alleging an unfair hearing. These letters must be received by the County Clerk within 14 days of the conclusion of the MAPC hearing. The BoCC will determine from such statements whether to return the issue to the MAPC for reconsideration or to reverse their recommendation.

Property owners may also file written protest petitions on zoning-related items heard by the MAPC. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially within 1,000 feet of the property for which the application was filed, and must be submitted to the County Clerk within 14 days of the conclusion of the MAPC hearing. Such petitions may cause the BoCC to review the decision of the MAPC, and either reverse their decision or return the matter to the MAPC for reconsideration.

If there are no valid appeals or protest petitions filed opposing this action by 5:00 PM, February 7, 2008, the action of the MAPC will be considered final. If appeals or protest petitions are filed, you will be advised of the date your application will be forwarded to the Governing Body (BoCC) for review and final action.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



Bill Longnecker
Senior Planner
Current Plans Division

BL/mc

Copies to: Tom Winters, County Commissioner District 3, Mail Stop, County Room 320
Bill Buchanan, County Manager, Mail Stop, County Room 343
Bob Parnacott, County Law Dept., Mail Stop, County Room 359
Glen Wiltse, Superintendent County Code Enforcement, 1144 South Seneca, Wichita, KS, 67213
Jim Weber, County Public Works Engineer, 1144 South Seneca, Wichita, KS, 67213
Andale City Hall, c/o Virginia Edwards, 326 N Main Street, PO Box 338, Andale, KS, 67001-0338
Alltel Communications, Inc., c/o Joel Taylor, 1 Marte Lane, Eureka Springs, AR, 72632

CONDITIONAL USE RESOLUTION NO. CON2007-00047

WHEREAS, Kenneth Hermes (applicant/owner); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to permit a 0.13-acre wireless communication facility site on approximately 3.7-acres zoned "RR" Rural Residential described as:

Beginning 564.98 feet East of the Southwest corner of the Southwest Quarter; thence North 441.7 feet; thence East 221 feet; thence South 441.7 feet; thence West 221 feet to beginning EXCEPT South 40 feet for road Section 10, Township 26, Range 3 West, of the 6th P.M., Sedgwick County, Kansas.

AND

Beginning 785.98 feet East of the Southwest corner of the Southwest Quarter; thence North 441.70 feet; thence East 185.52 feet; thence South 441.70 feet; thence West to beginning; EXCEPT South 40 feet for road, Section 10, Township 26, Range 3 West, of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 61st Street North and east of 263rd Street West, Sedgwick County, Kansas.

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 January 24, 2008, consider said application; and that the City of Andale Planning Commission did consider said application at their January 22, 2008 meeting

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 for a 0.13-acre wireless communication facility site on approximately 3.7-acres zoned "RR" Rural Residential described as:

Beginning 564.98 feet East of the Southwest corner of the Southwest Quarter; thence North 441.7 feet; thence East 221 feet; thence South 441.7 feet; thence West 221 feet to beginning EXCEPT South 40 feet for road Section 10, Township 26, Range 3 West, of the 6th P.M., Sedgwick County, Kansas.

AND

Beginning 785.98 feet East of the Southwest corner of the Southwest Quarter; thence North 441.70 feet; thence East 185.52 feet; thence South 441.70 feet; thence West to beginning; EXCEPT South 40 feet for road, Section 10, Township 26, Range 3 West, of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 61st Street North and east of 263rd Street West, Sedgwick County, Kansas.

Approved subject to the following conditions:

- A. All requirements of Art. III, Sec. 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 "lattice" design that generally conforms to the approved site elevation and is silver, gray or a similar unobtrusive color with a matte finish to minimize glare. Antennas mounted flush to the support structure are preferred over triangular "top hat" antenna arrays.
- D. The support structure shall not exceed 198-feet in height and shall be designed and constructed to accommodate communication equipment for at least four (4) wireless service providers.
- E. The tower shall conform to FAA regulations in regards to analysis of airspace in the area, which includes conformation that the height of the tower is not a hazard to air navigation (including the need or not for lighting) and that the tower does not interfere with other radio/communication frequencies. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.
- F. The 0.13-acre tower site located within the owner's 3.7-acres shall be developed in general conformance with the approved site plan. The applicant must provide a detailed landscape plan which identifies existing trees and shrubs, locates them, gives their total numbers and their general size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. All improvements shall be completed before the facility becomes operational.
- G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- H. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, 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 Conditional Use is null and void.

Adopted this 11th day of February, 2008.

METROPOLITAN AREA PLANNING COMMISSION


M. S. Mitchell, Chair MAPC

ATTEST:


John L. Schiegel, Secretary



AGENDA ITEM NO. _____

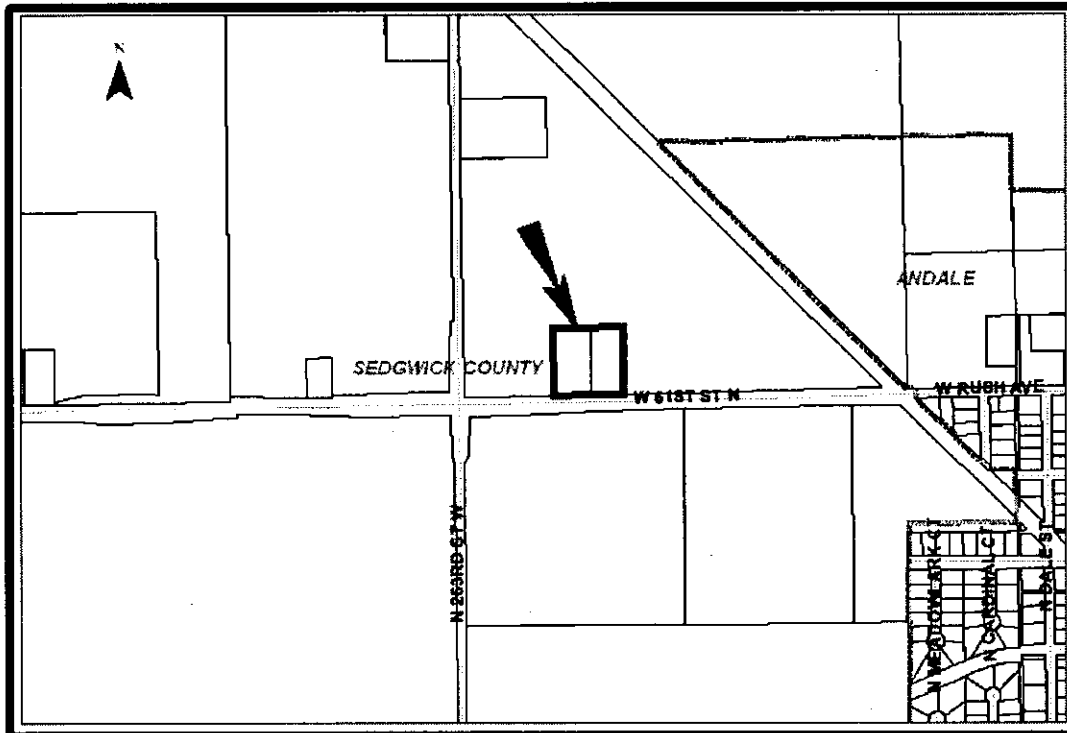
STAFF REPORT

Andale, January 10, 2008

Andale, January 22, 2008

MAPC, January 24, 2008

- CASE NUMBER:** CON2007-00047
- APPLICANT:** Alltel Communications, Inc, c/o Joel Taylor (applicant)
Kenneth Hermes (owner)
- REQUEST:** Conditional Use for a wireless communication facility
- CURRENT ZONING:** "RR" Rural Residential
- SITE SIZE:** 0.13-acre tower site located on 3.7-acres
- LOCATION:** Generally located on the north side of 61st Street North, and east of 263rd Street West (BoCC #3)
- PROPOSED USE:** 198-foot self-supporting, lattice, cell phone tower



BACKGROUND: The applicant, Alltel Communications, is seeking a Conditional Use to permit the construction of a 198-foot high, galvanized steel, lattice, self-supporting, cell phone tower. The 75-foot (x) 75-foot tower site is zoned "RR" Rural Residential and is located on the north side of 61st Street North, less than a ¼-mile east of 263rd Street West and approximately ¼-mile west of Andale. The tower site is located within 3.7-acres of the owner/applicant's property. New wireless communication facilities over 65-feet in height in the "RR" zoning district may be permitted with a Conditional Use. The subject property is located within the City of Andale's area of zoning influence, thus the Andale Planning Commission will consider this request at their January 10, 2008 meeting.

The applicant has indicated (see attached letter #1) that the proposed facility is needed to both provide, extend and improve phone service in this section of Sedgwick County, which includes Andale. The applicant indicates that there are no towers or structures in the immediate 3-mile area that would allow co-location opportunities to meet their communication needs. The wireless case map shows two land mobile private facilities within the City of Andale (approximately ¼-mile from the site) and another three facilities less than 3-miles from the site. The applicant had contacted the City of Andale in regards to location on the 150-foot city water tower, but consideration for the water tower as a site was inconclusive. The Coop located in Andale currently has a Pixius communications' dish located on its 120-foot elevator, but there seems to have been no dialogue between the Coop and the applicant. The applicant has indicated that they have equipment on at least one of the three mentioned facilities located outside of Andale, it being located between Mount Hope and Andale. The other closest facilities/towers appear to be located approximately 7-miles north (around Mount Hope) and east (Colwich) of the site; the applicant has co-located on one of the Colwich area's towers, some which are approximately 1,000-feet tall. There is also a tower/facility used by the FAA for air traffic control located approximately 1 ¾-mile southwest of the site. This tower is owned by the US government and appears to be restricted, with probably no co-location opportunities.

The areas around the site are mostly active agricultural fields, broken up by drainage and groups or hedges of trees. Besides the owner's residence, which is located on the property the applicant proposes to lease for the tower site, the nearest residences are located less than ½-mile west of the site (built 1958 1972), and the residences located in Andale, approximately ¼-mile east of the site. Besides these residences and those in Andale, there appears to be approximately 30 single-family residences located within a mile of the site, with most of them located in a cluster, northwest of the site along the northeast side of the 61st Street North – 279th Street intersection. There is an active railroad line approximately ¼-mile east of the site. All the surrounding properties are zoned "RR" Rural Residential.

The site plan shows the 75-ft (x) 75-ft (0.13-acres) tower site located within a 3.7-acre property, which has the property owner's residence and accessory out buildings. The owner's residence and all of the accessory outbuildings are within the 198-foot fall area (see "Fall Zone Site Plan") of the tower, which does not show the tower falling beyond the applicant's property. Liability in regards to damages caused by the tower or portions of it falling onto the property

owner's/applicant's residence, accessory outbuildings and other private properties is a private contract, with the neither the County or Andale liable. The site plan shows a 6-foot chain link fence with 3-strands of barbed wire around the tower, a 40-foot wide, circular, gravel ingress/egress easement (to 61st), a telephone pedestal, a power pole and, located within the fenced-in area, a 11-foot, 5-inch (x) 16-foot equipment building, a PPC cabinet and a telephone equipment board. The site plan also gives a general grouping of the existing trees, which appear to be mostly cedar.

The existing landscape of the around 0.13-acre tower site may provide sufficient screening between the facility and the abutting "RR" zoned properties around it; the applicant must provide a detailed landscape plan which identifies existing trees and shrubs, locates them, gives their total numbers and their size to determine if it meets screening requirements of the Unified Zoning Code (UZC) Art. IV, Sec. IV-B.3.b.1. Art. IV Sec. IV-C.5.b. of the UZC requires a setback equal to the height of the communication tower from the abutting properties; it appears that the 0.13-acre site as it is located with the owner's 3.7-acres meets that standard. The applicant has provided a letter (letter #2) from the owner of the property abutting the applicant's east, west and north sides, which indicates that she has no objection to the facility's proximity to her property.

The proposed tower and associated communication frequencies and wattages must meet standards determined by the Federal Aviation Administration (FAA) to pose no hazard to air navigation or interferes with other radio/communication frequencies. The applicant has not provided an analysis of airspace in the area, which must be provided to staff prior to building permits being issued. The applicant has not provided any proposed lighting of the tower, which must meet the FAA requirements or aircraft warning. Section Art. III Sec. III-D.6.g.(5) of the UZC prohibits strobe lighting. Art V Sec. V-D.6. of the UZC allows the Board of County Commissioners to modify Supplementary Use Regulations (such as the strobe lighting prohibition) upon receiving a favorable recommendation from the MAPC. The proposed galvanized surface of the tower will blend into the sky more readily than a red or white paint, which meets the intent of the "Design Guidelines" of the "Wireless Communication Master Plan." The proposed tower will allow co-location for four (4) other providers, which exceeds the UZC's minimum number for co-location. This tower will have a triangular "top hat" antenna array, the UZC recommends antennas mounted flush to the support structure over triangular "top hat" antenna arrays.

CASE HISTORY: The "RR" zoned subject property is unplatted and is located within the City of Andale's area of zoning influence. The Andale Planning Commission considered this case at their Thursday, January 10, 2008 meeting. During the meeting an agent for a tower builder/tower management company made a counter proposal to Andale; allow them to do an analysis of the city water tower (located within Andale) as a co-location site, rather than take action on the Conditional Use. The agent stated that he had asked this proposal be put on the Andale City Council agenda for the last week of January, which was after the MAPC's January 24, 2008 public hearing. The Andale Planning Commission asked why the agent was now approaching them and the agent stated that he was at the meeting because of his knowing about the Conditional Use request. The MAPD advised Andale that they could recommend

approval or denial of the Conditional Use and that no recommendation from Andale would be the same as recommending approval. Andale asked if they could recommend that the MAPC defer the request until Andale could consider both the Conditional Use and the counter water tower proposal. The MAPD advised Andale that the MAPC did not have to agree to a deferral recommendation. The MAPD advised Andale that: (a) If there were valid protest to the Conditional Use after the MAPC meeting, the request would proceed to the BoCC for final action and that a ¾ vote of the members present were needed to overturn the protest. (b) If Andale recommended denial and the MAPC recommended approval, the request would proceed to the BoCC for final action and that a unanimous vote of all the members was needed to overturn the Andale denial. (c) If Andale recommended a deferral and the MAPC recommended approval of the Conditional Use, the request would proceed to the BoCC for final action and a 2/3 vote of the members present was needed to overturn the MAPC recommendation and that the BoCC could recommend to send the request back to Andale and re-advertise a new MAPC public hearing date. The Andale Planning Commission voted to have a special joint meeting, January 22, 2008 (see attached letter) of the Andale City Council and the Planning Commission to consider the Conditional Use and the water tower proposal. There were no protests to the request at the Andale Planning Commission meeting.

ADJACENT ZONING AND LAND USE:

NORTH:	“RR”	Agriculture
SOUTH:	“RR”	Agriculture
EAST:	“RR”	Agriculture, owner’s residence
WEST:	“RR”	Agriculture

PUBLIC SERVICES: No municipally supplied public services are required. The applicant will extend electrical and phone service to the site. The site has access to 61st Street North, a paved two-lane county highway. 247th Street West (Andale Road) is located approximately ¾-mile east of the site and is also a paved two-lane county highway. 263rd Street West, located approximately 1/4-mile west of the site is an unpaved Sherman Township Road. The 2030 Transportation Plan shows no change to the current status of these roads.

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 requires a Conditional Use for new undisguised ground mounted facilities over 65-feet in height in the “RR” Rural Residential zoning district, that comply with the compatibility setback standards. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: 1) preserve the pre-existing character of the area as much as possible; 2) minimize the height, mass, or proportion; 3) minimize the silhouette; monopoles are favored over lattice type structures for up to 150-feet and antennas mounted flush to the support structure over triangular “top hat” antenna arrays; 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,