

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

May 8, 2014

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, May 8, 2014 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Don Klausmeyer; Chair; Matt Goolsby; Vice Chair; David Dennis; Bill Johnson; Joe Johnson; John McKay Jr.; Debra Miller Stevens; M.S. Mitchell; Bill Ramsey and Don Sherman. David Foster; Carol Neugent; George Sherman and Chuck Warren were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jeff Vanzandt, Assistant City Attorney, and Robert Parnacott, Assistant County Counselor.

1. Approval of the prior MAPC meeting minutes. There were no minutes.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

There were no Subdivision items.

3. **PUBLIC HEARING – VACATION ITEMS**

There were no Vacation items.

PUBLIC HEARINGS

4. **Case No.: CON2014-00009 (Deferred from 3-20-14 MAPC)** - Delma Collins (owner), AT&T (applicant), Selective Site Consultants c/o Justin Anderson (agent) request a City Conditional Use request for a wireless communication facility with a 120-foot monopole on LC Limited Commercial zoned property on property described as:

Lot 9, Except that part deeded to the City for street, Block 9, Parkwilde Addition to the City of Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant, AT&T, requests a Conditional Use to permit the construction of a 120-foot tall, wireless, monopole cell phone tower in LC Limited Commercial zoning on the northern half of the applicant's property at the northwest corner of 3rd Street North and North West Street. The proposed monopole tower will be located within a 50 by 50-foot fenced compound including a building and generator. The compound is within a 75 by 75 foot lease area which includes evergreen tree screening within a 10-foot landscape buffer (see the applicant's drawings attached). The application area is not within the Wireless Administrative Permit area, therefore the Wireless Communication Facility Ordinance (adopted by the City Council and Board of County Commissioners in 2008) requires a Conditional Use for this application. The tower meets the Unified Zoning Code (UZC) compatibility setback standards, as it is located over 120 feet from residential zoning west of the site.

The applicant's RF Engineer demonstrates with coverage maps that the proposed facility is needed to both maintain and improve phone service in this area of Wichita. The wireless facilities map provided

by the applicant shows three existing facilities within two miles of the site, none of which would address poor coverage in this immediate area. The site's proximity to the airport places it in Area C of the Airport Hazard Zone which has a 150-foot height restriction. This request is for a 120-foot tower, therefore no further Airport Hazard Zone review or actions are required.

The site is located along the west side of North West Street which is commercially zoned and developed on both sides. North of the site is a retail use. South of the site is a warehouse/retail facility, further south, across 3rd Street North, is a communication building and warehousing. East of the site, across West, is a warehousing facility and a vehicle sales lot. West of the site is a TF-3 Two-family Residential (TF-3) zoned neighborhood of single-family residences on lots of varying size. Mature shade trees along the site's west property line provide some buffer from the residential neighborhood to the west. No other wireless towers are visible from this immediate site, power and light poles along this portion of West are approximately 50 to 70 feet tall.

CASE HISTORY: This vacant site was platted as Lot 1 of the Loyd Addition in 1984.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Retail
SOUTH:	LC	Retail, warehousing, communication facility
EAST:	LC	Warehousing, vehicle sales
WEST:	TF-3	Single-family residences

PUBLIC SERVICES: All municipal services are available.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide Map" identifies the site as being "local commercial." The local commercial category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw.

The Wireless Communication Master Plan is an element of the Comprehensive Plan that sets guidelines for locating wireless communication facilities. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: Preserve the pre-existing character of the area as much as possible; minimize the tower height and mass; minimize the silhouette; use colors, textures, and materials that blend in with the existing environment; be concealed or disguised; be placed in areas where trees and/or buildings obscure some or all of the facility; be placed on walls or roofs of buildings; and be screened through landscaping, walls, and/or fencing. The proposed monopole design meets the applicable guidelines. The proposed height provides more co-location opportunities and in theory fewer total towers. The monopole design and grey/galvanized color is not intrusive. Existing vegetation and the proposed landscape screening with evergreen trees will buffer the site from residences to the west, and should be more attractive than a screening fence or wall.

RECOMMENDATION: The proposed tower will be visible from the residential neighborhood west of the site. However, the tower height, design and site design should mitigate the visual impact on those residences, and adequately balance the wireless coverage need with potential impact. Based upon the information available prior to the public hearing, planning staff recommends that the request be **APPROVED** subject to the following conditions:

- A. This request must have FAA approval determining the proposed 120-foot tall, galvanized steel, monopole tower poses no hazard to air navigation or interferes with other radio/communication frequencies. The applicant shall submit a current copy of FAA approval to the MAPD and the MABCD prior to the issuance of a building permit.
- B. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met.
- C. 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. All required site improvements shall be completed within one year and before the facility becomes operational.
- D. The monopole design shall conform to the approved elevation drawing and shall be silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- E. The support structure shall not exceed 120 feet in height and shall be designed and constructed to accommodate communication equipment for at least three (3) wireless service providers.
- F. The tower site shall be developed in general conformance with the approved site and landscape plans. Evergreen trees must be a minimum height of five feet at the time of planting (but be taller than 5 feet when mature) and planted on 10-foot centers. Existing trees on the site shall be preserved, except for those designated for removal on the applicant's drawings. The proposed access/utility easement must be recorded and its surface approved by MABCD and the Fire Department.
- G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site is located along the west side of North West Street which is commercially zoned and developed on both sides. North of the site is a retail use. South of the site is a warehouse/retail facility, further south, across 3rd Street North, is a communication building and warehousing. East of the site, across West, is a warehousing facility and a vehicle sales lot. West of the site is a TF-3 Two-family Residential (TF-3) zoned neighborhood of single-family residences on lots of varying size. Mature shade trees along the site's west property line provide some buffer from the residential neighborhood to the west. No other wireless towers are visible from this immediate site, power and light poles along this portion of West are approximately 50 to 70 feet tall.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC and is currently vacant. The site could be developed with any use permitted under LC zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed tower will be visible from the residential neighborhood west of the site. However, the tower height, design and site design should mitigate the visual impact on those residences, and adequately balance the wireless coverage need with potential impact.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The "2030 Wichita Functional Land Use Guide Map" identifies the site as being "local commercial." The local commercial category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw.

The Wireless Communication Master Plan is an element of the Comprehensive Plan that sets guidelines for locating wireless communication facilities. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: Preserve the pre-existing character of the area as much as possible; minimize the tower height and mass; minimize the silhouette; use colors, textures, and materials that blend in with the existing environment; be concealed or disguised; be placed in areas where trees and/or buildings obscure some or all of the facility; be placed on walls or roofs of buildings; and be screened through landscaping, walls, and/or fencing. The proposed monopole design meets the applicable guidelines.

- 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.

JESS MCNEELY, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

MCKAY moved, **B. JOHNSON** seconded the motion, and it carried (10-0).

The Metropolitan Area Planning Commission adjourned at 1:33 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2014.

(SEAL) _____
John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission