



Wichita-Sedgwick County Metropolitan Area Planning Department

NTCH-NH, LLC
Attn: Jessica Noll
1255 Rivera Drive, Suite 1976
Wrightwood, CA 92397

February 22, 2018

RE: CON2017-00046 - City request to approve a Conditional Use Permit to allow a 75-foot tall wireless communication facility (tower) on property located on the east side of Broadway Avenue two blocks south of Harry Street.

Dear Applicant:

At its regular meeting on **February 1, 2018**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

David L. Yearout, AICP
Principal Planner

DLY:al
Attachment

Copies to: James Clendenin, Council Member, District III, Mail Stop 1-13
Maddy Campbell, CSR III, Mail Stop 1-135
MABCD

CONDITIONAL USE RESOLUTION NO. CON2017-00046

WHEREAS, Munir and Barbara Razzaq (Owners), by and through FTCH-NM, LLC - Kim Fisher (agent and applicant), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for placement of a 75-foot tall wireless communication facility (tower) on property zoned LC, Limited Commercial District, at the northeast corner of Broadway Avenue and Funston Avenue, and legally described as:

All of Lots 28 and 30, Block 3 of Wilson's Addition to the City of Wichita, 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 February 1, 2018, consider said application; and

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 75-foot tall wireless communication facility (tower) on property zoned LC, Limited Commercial District, at the northeast corner of Broadway Avenue and Funston Avenue, and legally described as:

All of Lots 28 and 30, Block 3 of Wilson's Addition to the City of Wichita, Sedgwick County, Kansas.

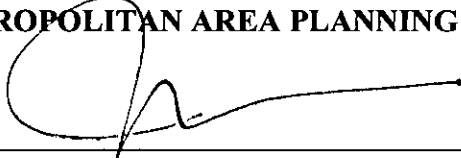
Subject to the following conditions:

1. 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.
2. 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.
3. The support structure shall be no taller than 75 feet in height, plus an additional five (5) feet for lightning suppression equipment.
4. The equipment compound shall be screened with a six (6) foot tall solid screening fence.
5. A site plan and elevation drawing indicating the approved design of the Wireless Communication Facility shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use and prior to the issuance of the Conditional Use Resolution.
6. The site shall be developed in general conformance with the approved site plans. All improvements shall be completed before the facility becomes operational.
7. 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 Metropolitan Area Building and Construction Department prior to the issuance of a building permit.
8. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

9. 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 1st Day of February, 2018

METROPOLITAN AREA PLANNING COMMISSION



Joe Johnson, Chair MAPC

ATTEST:



Dale Miller, Secretary



CASE NUMBER:

STAFF REPORT

MAPC February 1, 2018
DAB III February 7, 2018

AGENDA ITEM NO. 8

CON2016-00046

APPLICANT/AGENT:

Munir and Barbara Razzaq (Owners); FTCH-NM, LLC – Kim Fisher (Agent)

REQUEST:

Conditional Use for a Wireless Communication Facility (T-Mobile)

CURRENT ZONING:

LC Limited Commercial District

SITE SIZE:

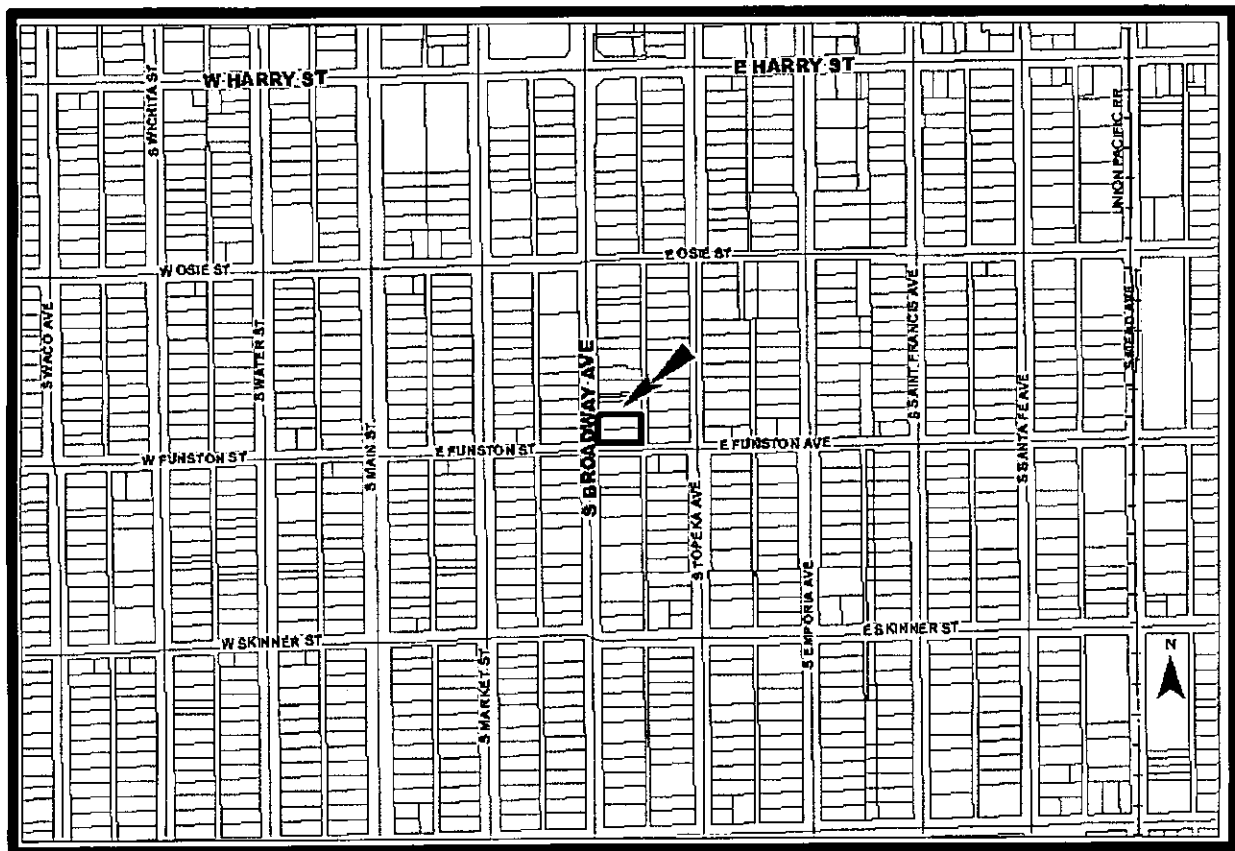
.0339 acre

LOCATION:

The northeast corner of South Broadway Avenue and East Funston Avenue, which is on the east side of Broadway two blocks south of Harry Street.

PROPOSED USE:

75 foot tall wireless communication facility



BACKGROUND: The applicant is requesting a Conditional Use to allow the placement of a 75-foot high cell tower for T-Mobile on property located at the northeast corner of South Broadway Avenue and East Funston Avenue. This property is zoned LC Limited Commercial (LC). This location is outside the area authorized for administrative approval of wireless communication facilities; therefore, the Unified Zoning Code requires a Conditional Use for a wireless communication in the LC District at the proposed location.

The lot in question is a vacant property 100 feet in width (north/south) and approximately 150 feet in depth (east/west). The lot extends from Broadway Avenue on the west to the alley on the east, and consists of lots 28, 30, 32 and 34 of Block 3, Wilson's Addition to the City of Wichita. The plat was recorded with the Register of Deeds on April 9, 1887. According to information available, this property has been vacant for a number of years.

The applicant has provided a site plan for this location that shows the location of the proposed 75-foot tower being 82 feet west of the property line of the property zoned SF-5 Single Family Residential (SF-5) on the east side of the alley. This setback is required because of the applicability of the Compatibility Standards, especially the provisions of Sec. IV-C(5)(b) of the Unified Zoning Code; which requires a setback of a minimum of 1 to 1. The applicant is also showing a 10-foot landscape buffer along the alley on the east side of the proposed tower compound, between the fenced portion of the compound and the alley; however, there is no specific language regarding the extent of proposed landscaping. A landscaping buffer along the west property line, adjacent to Broadway Avenue, is also proposed without specific language regarding the landscaping proposed either. The fenced portion of the compound is proposed to be 62.5 feet east/west by 40 feet north/south and generally located in the northeast portion of the lot. A six-foot, wooden privacy fence will be used around the compound.

The balance of the lot is proposed to be used as a "community garden" and the applicant indicates it is working with the South Central Neighborhood Association and other community groups for this purpose.

The character of the surrounding area is mixed between commercial and residential. Virtually all of the frontage along either side of Broadway is zoned LC Limited Commercial and is mostly developed for commercial uses; even though a few properties remain used as single family residences. The properties to the east are zoned and used as single family.

CASE HISTORY: The property was platted as Wilson's Addition to the City of Wichita in 1887. This property was the subject of a previous Conditional Use request (CON2006-00052), which requested approval of a vehicle sales business. That request was denied.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Commercial
SOUTH:	LC	Commercial
EAST:	SF-5	Single Family Residential
WEST:	LC	Single Family Residential

PUBLIC SERVICES: The proposed wireless communication facility will not require any municipal services. However, the subject property is a fully developable site with all municipal facilities. Broadway Avenue is a four-lane, improved arterial street with turn lanes. Funston Avenue is an improved two-lane local street with all improvements. There are deficiencies in the right-of-way along both Broadway and Funston. City Engineering is requesting a commitment for dedication of additional right-of-way as a condition of this request.

CONFORMANCE TO PLANS/POLICIES: The “Community Investments Plan 2015-2035” depicts this location as being generally “residential”. The area is also addressed in the South Central Neighborhood Plan, with more detailed discussion within the South Central Neighborhood Land Use Plan (SCNLUP). The property is identified in the SCNLUP as “mixed-use commercial”; which states:

“Mixed-Use Commercial – This category encompasses areas that were originally developed with low-density residential uses that have transitioned to commercial use due to strip commercial zoning along arterial streets. Commercial development consisting primarily of low-intensity uses, such as office, neighborhood-serving commercial uses, and specialty retail, that are mixed with residential uses are encouraged. Commercial and residential uses are encouraged to locate within the same structure, such as apartments located above shops or offices. Commercial uses that preserve existing single-family structures are particularly encouraged.”

Additionally, the SCNLUP establishes “Locational Guidelines” applicable to certain zoning actions, which includes this case, that state as follows:

4. Changes in zoning classification and approval of Conditional Use Permits should be accompanied by conditions of approval, if necessary, to mitigate any negative impacts of signage, traffic, lighting, and noise on adjacent properties; to encourage architectural compatibility with the surrounding area; and to establish landscaping, screening, and/or buffering to maintain compatibility among uses.
6. Any reduction or waiver of the requirements of the “Property Development Standards,” “Supplementary Use Regulations,” “Site Development Standards,” “Landscape Ordinance,” or “Sign Code” should be accompanied by conditions of approval, if necessary, to mitigate any negative impacts of signage, traffic, lighting, and noise on adjacent properties; to encourage architectural compatibility with the surrounding area; and to establish landscaping, screening, and/or buffering to maintain compatibility among uses.

The Wireless Communication Master Plan outlines the guidelines for locating Wireless Communication Facilities. The proposed cell tower meets the general intent of the plan and the Conditional Use as recommended meets the spirit and intent of supporting expansion of coverage for this industry within the community.

The combined conclusion for conformance to the Plans and Policies is this request complies with the overall spirit and intent to accommodate both the expansion of wireless communication capabilities within the City, while honoring the introduction of this type of use at this location by requiring the conditional use approval process and applying all the supplementary regulations to the property to mitigate the impacts associated with the new development.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to the following conditions:

- A. 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.

- B. 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.
- C. The support structure shall be no taller than 75 feet in height, plus an additional five (5) feet for lightning suppression equipment.
- D. The equipment compound shall be screened with a six (6) foot tall solid screening fence.
- E. A site plan and elevation drawing indicating the approved design of the Wireless Communication Facility shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use and prior to the issuance of the Conditional Use Resolution.
- F. The site shall be developed in general conformance with the approved site plans. All improvements shall be completed before the facility becomes operational.
- G. 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 Metropolitan Area Building and Construction Department prior to the issuance of a building permit.
- H. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- I. 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 a mixture of commercial and residential, with most of the adjacent uses being commercial.-Adjacent zoning consists of LC Limited Commercial in all directions except for the SF-5 Single Family Residential to the east. --
- 2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC Limited Commercial. The property proposed for this use has been vacant for many years and have not attracted other development any other commercial uses. As noted herein, an attempt was previously made to establish a used car lot, which was unsuccessful because of conflict with the future plans for the area.
- 3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Wireless Communication Master Plan outlines the guidelines for locating Wireless Communication Facilities. As noted above, the proposed cell tower meets the general intent of the plans and policies. The Conditional Use as recommended meets the spirit and intent of supporting expansion of coverage for this industry within the community.

Attachments:

Site Plan
Supporting Documents

