



Wichita-Sedgwick County Metropolitan Area Planning Department

March 13, 2018

Ferris Consulting
Attn: Greg Ferris
P.O. Box 573
Wichita, KS 67201

Wichita Christian Center, Church at the Cross
Attn: Derek Shore
2901 Taft Avenue
Wichita, KS 67213

APC Towers, LLC
Attn: Michael Short
8601 Six Forks Road
Raleigh, NC 27615

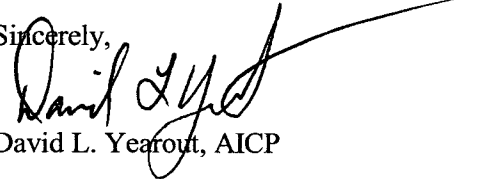
RE: CON2018-00001 - City request to approve a Conditional Use Permit to allow a 100-foot tall wireless communication facility (tower) on property located south of Taft Avenue on the east side of Custer Avenue and north of Kellogg Avenue. (2901 Taft Avenue)

Dear Applicant:

At its regular meeting on **February 15, 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

Copies to: WCC IV, Jeff Blubaugh, Mail Stop 1-13
Rebecca Fields, CSR IV, Mail Stop 1-135
Jeff Van Zandt, City Law, Mailstop 1-134
Julianne Kallman, Engineering, Mail Stop 1-71
MABCD

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www.wichita.gov

CONDITIONAL USE RESOLUTION NO. CON2018-00001

WHEREAS, Wichita Christian Center, Church of the Cross (Owner), by and through Ferris Consulting – Greg Ferris (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 100-foot tall wireless communication facility (tower) on property zoned SF-5, Single Family Residential District, on property south of Taft Avenue on the East side of Custer Avenue, just north of Kellogg Avenue, at 2901 West Taft, and legally described as:

A portion of a 0.83 acre tract of land being known as Lot 42 Stewart's Subdivision, lying in the Northeast Quarter of Section 25, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, being more particularly described as follows:

Commence at a metal disk found marking the Northwest corner of the Northeast Quarter of Section 25, Township 27 South, Range 1 West; thence North 89 degrees 00 minutes 08 seconds East along the north line of said Northeast Quarter a distance of 2653.67 feet to a 1/2" open pipe found marking the Northeast corner of Section 25, Township 27 South, Range 1 West; thence South 44 degrees 03 minutes 05 seconds West a distance of 1910.59 feet to a 1/2" open pipe found marking the intersection of the south right-of-way margin of W. Taft Street and the west right-of-way margin of St. Paul Street; thence South 29 degrees 35 minutes 50 seconds West a distance of 597.48 feet to a 5/8" rebar set and the Point of Beginning; thence South 00 degrees 11 minutes 09 seconds East a distance of 70.00 feet to a 5/8" rebar set; thence South 89 degrees 48 minutes 51 seconds West a distance of 40.00 feet to a 5/8" rebar set; thence North 00 degrees 11 minutes 09 seconds a distance of 70.00 feet to a 5/8" rebar set; thence North 89 degrees 48 minutes 51 seconds East a distance of 40.00 feet to the Point of Beginning. Said above described Lease Area contains 2,800.0 square feet or 0.06 acres, more or less.

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 15, 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 100-foot tall wireless communication facility (tower) on property zoned SF-5, Single Family Residential District, on property south of Taft Avenue on the East side of Custer Avenue, just north of Kellogg Avenue, at 2901 West Taft, and legally described as:

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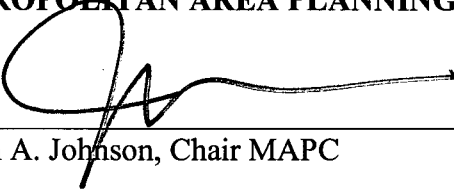
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Subject to the following conditions:

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 100 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 15 Day of February, 2018

METROPOLITAN AREA PLANNING COMMISSION



Joseph A. Johnson, Chair MAPC

ATTEST:



Dale Miller, Secretary

BACKGROUND: The applicant is requesting a Conditional Use to allow the placement of a 100-foot tall cell tower for T-Mobile on property located south of Taft Avenue on the east side of Custer Avenue, just north of Kellogg Avenue. This property is zoned SF-5 Single Family Residential (SF-5). 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 SF-5 District at the proposed location.

The lot in question is a leased portion of the land south of the Church and is east of the end of Custer Avenue, which has a cul-de-sac at the end where it abuts the right-of-way for Kellogg Avenue. The overall property consists of a portion of Lot 42 of Stewarts Subdivision, an addition to the City of Wichita. The plat was recorded with the Register of Deeds on July 12, 1886. According to information available, this portion of the 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 100-foot tower being in the center of the 40-foot by 70-foot fenced compound, which is the lease area on this lot. A six-foot, wooden privacy fence will be used around the compound. Access to the lease site will be from a drive entrance onto the cul-de-sac of Custer Avenue and will generally parallel the south property line of the property which abuts the Kellogg Avenue right-of-way. In addition to the privacy fencing around the compound, a landscaping plan showing additional tree planting to the east and south of the compound will occur, which will supplement the existing trees to the east and north of the tower site.

This will be a monopole structure of a neutral color, much like other towers within the community and similar to the taller light standards existing along Kellogg Avenue, including to the east of this location at the interchange with Southwest Boulevard.

The character of the surrounding area is mixed. The two most dominant uses on the north side of Kellogg Avenue are the church and an office building on the west side of the end of Custer Avenue. There are single-family homes on the west side of Custer Avenue north of the office building. South of Kellogg Avenue is Newman University.

CASE HISTORY: The property was platted as Stewarts Addition to the City of Wichita in 1886. There are no other zoning actions on record for this property.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Church
SOUTH:	B	Kellogg Avenue, Newman University
EAST:	SF-5	Kellogg Avenue
WEST:	GO	General Office, office building

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. Custer Avenue is a two-lane local street with curbs and gutters, and is a cul-de-sac adjacent to this property.

CONFORMANCE TO PLANS/POLICIES: The "Community Investments Plan 2015-2035" depicts this location as being generally "new employment". This particular use would not necessarily entail "new employment"; however would not be out of character with the spirit and intent of the plan's acceptable uses for this location.

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 100 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 mixed. The two most dominant uses on the north side of Kellogg Avenue are the church and an office building on the west side of the end of Custer Avenue. There are single-family homes on the west side of Custer Avenue north of the office building. South of Kellogg Avenue is Newman University.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned SF-5 Single Family Residential. This land has been owned by the church for a number of years and is not otherwise being used for development for other church uses, nor is it attractive for residential development adjacent to Kellogg Avenue.
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:

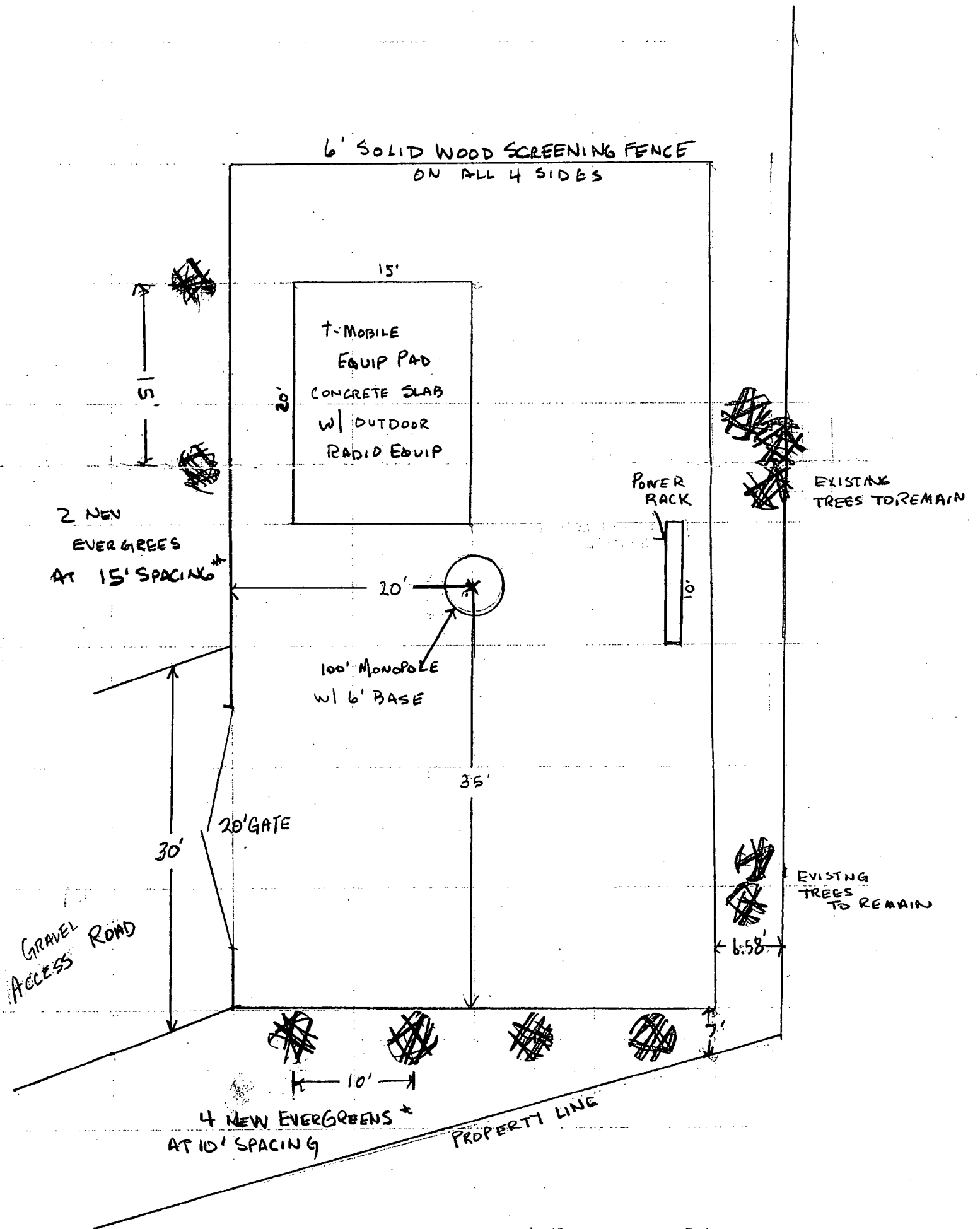
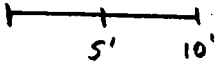
Site Plan
Supporting Documents

KS-1517

CHURCH OF THE CROSS
2901 W. TAFT



1" = 10'



* IRRIGATION BY WATER TRUCK

SITE PLAN

APPROVED 2/15/18 BY MARC DRY