



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

October 13, 2005

Jason D. Jenkins, President
Southwest Boys Club, Inc.
P O Box 17301
Wichita, KS 67217

RE: CON2005-35 – Conditional Use for a wireless communication facility on property zoned “B” Multi-family Residential. Generally located north of 45th Street South and 1/2 mile west of Seneca (1/2 block west of Clarence Street) (2204 W. 45th Street south. (District IV)

Dear Ladies and Gentlemen:

At its regular meeting on **September 22, 2005**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

Donna Goltry, AICP
Principal Planner
Current Plans Division

DJG/rms

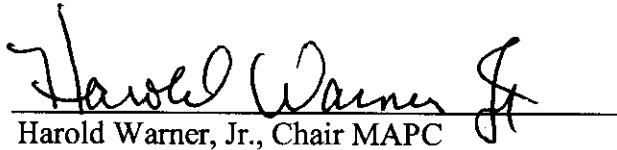
Cc: George Wyrick, T-Mobile Wireless, 4533 Enterprise Dr., Oklahoma City, OK 73128
Greg Ferris, Ferris Consulting, P O Box 573, Wichita, KS 67201
Mark Clark 525 N. Main Street, Room 227, Wichita, KS 67203
Paul Gray, WCC IV, Mail Stop 1-13
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

APPROVED, subject to the following conditions:

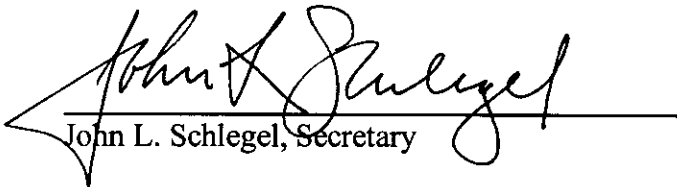
- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the 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 support structure shall be 150 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. The equipment compound shall be enclosed by a minimum six-foot high solid screening fence constructed of materials that meet the requirements of Sec. IV.B.3.e. of the Unified Zoning Code.
- F. 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.
- G. 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.
- 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.

Adopted this 22nd DAY of SEPTEMBER, 2005. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION


Harold Warner, Jr., Chair MAPC

ATTEST:


John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2005-00035

WHEREAS, Southwest Boys Club, Inc., c/o Jason D. Jenkins, President (Owner); T-Mobile Wireless c/o George Wyrick (Applicant); Ferris Consulting c/o Greg Ferris (Agent); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for a wireless communication facility on 0.06 acre zoned "B" Multi-family Residential described as:

A tract of land lying in and being a part of Lot 1, Southwest Boys Club Addition to the City of Wichita, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Southeast corner of said Lot 1; thence North 00 degrees 52'25" W, along the East line of said Lot 1, a distance of 345.26 feet; thence South 89 degrees 07'35" W a distance of 8.00 feet to the point of beginning; thence North 58 degrees 54'25" W a distance of 67.69 feet; thence North 26 degrees 39'04" E a distance of 79.67 feet; thence North 68 degrees 33'43" E a distance of 22.00 feet; thence South 00 degrees 52'25" E, parallel with said East line, a distance of 114.22 feet to the point of beginning. Generally located north of 45th Street South and 1/2 mile west of Seneca (1/2 block west of Clarence Street) (2204 W. 45th Street S).

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

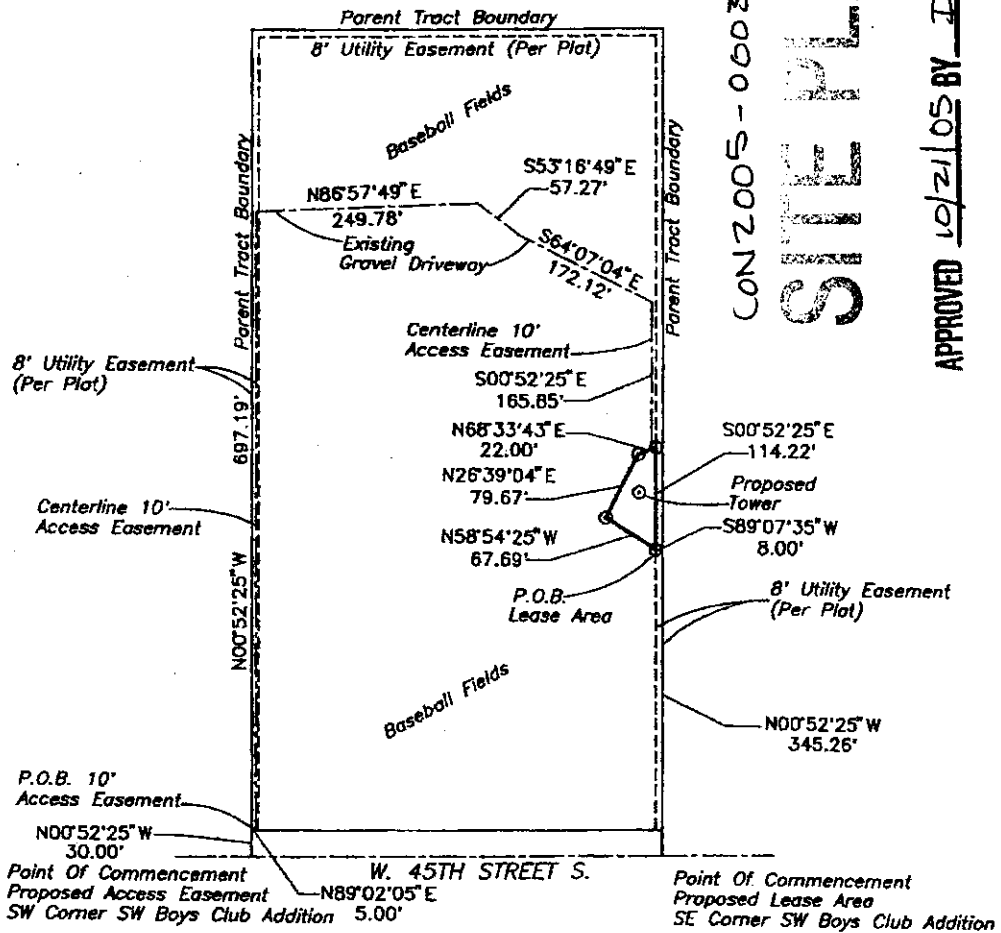
WHEREAS, the MAPC did, at the meeting of September 22, 2005, consider said application; and

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 for a wireless communication facility on 0.06 acre zoned "B" Multi-family Residential described as:

A tract of land lying in and being a part of Lot 1, Southwest Boys Club Addition to the City of Wichita, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Southeast corner of said Lot 1; thence North 00 degrees 52'25" W, along the East line of said Lot 1, a distance of 345.26 feet; thence South 89 degrees 07'35" W a distance of 8.00 feet to the point of beginning; thence North 58 degrees 54'25" W a distance of 67.69 feet; thence North 26 degrees 39'04" E a distance of 79.67 feet; thence North 68 degrees 33'43" E a distance of 22.00 feet; thence South 00 degrees 52'25" E, parallel with said East line, a distance of 114.22 feet to the point of beginning. Generally located north of 45th Street South and 1/2 mile west of Seneca (1/2 block west of Clarence Street) (2204 W. 45th Street S).

A PROPOSED LEASE AREA IN PART OF LOT 1, SOUTHWEST BOYS CLUB
ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS



CON 2005-00035

SEE PLAN

APPROVED 10/21/05 BY DG

WI 2442
SILVER SPRUCE

© #3 Iron Rod Set

Bearings shown are based on Kansas State Plane
Coordinate System, South Zone, NAD83 Datum

T-MOBILE USA, INC.
OKLAHOMA CITY, OKLAHOMA

DATE: 7/20/05

SCALE: 1" = 200'

JOB #: 1445

FIELD BOOK #: FILE

PAGE #: FILE

SHEET 1 OF 2

NO.	REVISION	DATE	BY
SURVEYED BY: AEH			
DRAWN BY: KEH			
APPROVED BY: KEH			

Prepared By:
TACK Professional Land Survey, P.C.
713 S. 8th Street Yukon, OK 73099 (405)-354-8272

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



AGENDA ITEM NO. 7

STAFF REPORT

MAPC, September 22, 2005

FILE COPY

CASE NUMBER: CON2005-00035

APPLICANT/AGENT: Southwest Boys Club, Inc, c/o Jason D. Jenkins, Pres. (Owner); T-Mobile Wireless c/o George Wyrick (Applicant); Ferris Consulting c/o Greg Ferris (Agent)

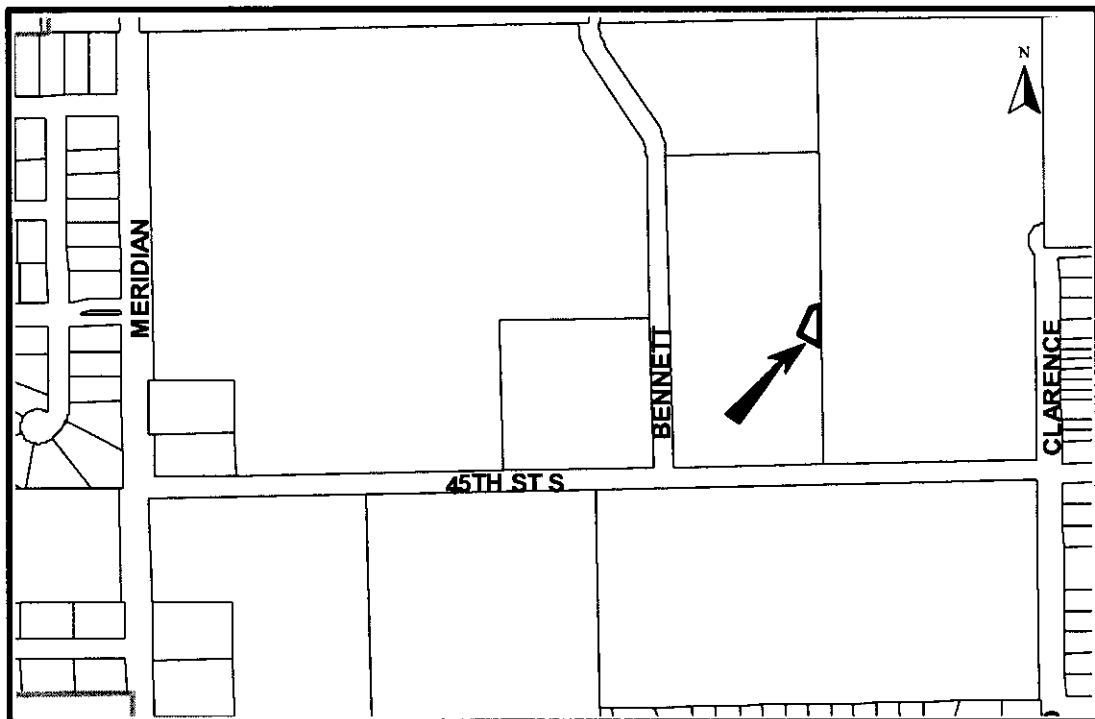
REQUEST: Conditional Use for a wireless communication facility

CURRENT ZONING: "B" Multi-family Residential

SITE SIZE: 0.06 acre

LOCATION: North of 45th Street South and 1/2 mile west of Seneca (1/2 block west of Clarence Street) (2204 W 45th St S)

PROPOSED USE: 150-foot high monopole tower



BACKGROUND: The applicant is seeking a Conditional Use to permit the construction of a 150-foot high monopole tower (see attached illustration) for use by T-Mobile Wireless. The proposed site is zoned "B" Multi-family Residential. Wireless Communication Facilities over 85 feet in height in the "B" zoning district may be permitted with a Conditional Use.

The proposed tower would be sited on an irregularly shaped tract that is 0.6 acre in size. It is located approximately 500 feet north of 45th Street South along the eastern edge of the Southwest Boys Club baseball fields, near the light poles for the baseball fields. Access to the site is an existing internal drive for the baseball fields. The applicant's site plan (attached) depicts a chain-line fenced compound with the tower located approximately in the center of the compound.

The applicant indicates (see attached letter) that the proposed wireless communication facility is needed to provide in-building service to the area between Meridian and Broadway and between MacArthur Road and 55th Street. The applicant indicates that they evaluated using two existing towers in the area, and that these other towers do not meet their communication needs. The applicant has provided documentation that the tower will comply with Sec. III-D.6.g requirements of the Unified Zoning Code for providing space for at least two other carriers and removal of unused facilities, compliance with all federal, state and local rules and regulations (including other provisions of Sec. III-D.6.g of the UZC).

The character of the surrounding area is institutional and residential uses. The site is within the Southwest Boys Club facility. The property to the east, zoned "MF-29" Multi-family Residential, is a large vacant site, currently used for detention. A single-family residential development zoned "SF-5" Single-family with a small patch of "TF-3" Two-family Residential is located east of Clarence, approximately ½ block to the east. The property south of 45th Street South is zoned "SF-5" and occupied by Enterprise Elementary School. South Lakes park facility is to the west of Enterprise School. The property to the west of Southwest Boys Club, zoned "SF-5" is developed with a church, and the property to the northwest is a manufactured home park, zoned "MH" Manufactured Home. The northern edge of the Southwest Boys Club is bordered by a thick hedgerow separating it from another tract zoned "MH".

CASE HISTORY: The subject property is platted as part of Southwest Boys Club Addition, which was recorded December 19, 1967.

ADJACENT ZONING AND LAND USE:

NORTH:	"MH"	Vacant
SOUTH:	"SF-5"	Elementary school and park
EAST:	"MF-29", "SF-5", "B"	Vacant, low-density residential
WEST:	"SF-5", "MH"	Church, manufactured home park

PUBLIC SERVICES: No municipally supplied public services are required. The site has access to 45th Street South, a paved local street.

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 conforms to the guidelines of the Wireless Communication Master Plan. KPTS-TV has plans for a major expansion of the television studio at this location. 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 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 support structure shall be 150 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. The equipment compound shall be enclosed by a minimum six-foot high solid screening fence constructed of materials that meet the requirements of Sec. IV.B.3.e. of the Unified Zoning Code.
- F. 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.
- G. 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.

- 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 institutional and residential uses. The site is within the Southwest Boys Club facility. The property to the east, zoned "MF-29" Multi-family Residential, is a large vacant site, currently used for detention. A single-family residential development zoned "SF-5" Single-family with a small patch of "TF-3" Two-family Residential is located east of Clarence, approximately ½ block to the east. The property south of 45th Street South is zoned "SF-5" and occupied by Enterprise Elementary School. South Lakes park facility is to the west of Enterprise School. The property to the west of Southwest Boys Club, zoned "SF-5" is developed with a church, and the property to the northwest is a manufactured home park, zoned "MH" Manufactured Home. The northern edge of the Southwest Boys Club is bordered by a thick hedgerow separating it from another tract zoned "MH".
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "B" Multi-family, and has been developed with a baseball field.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The visual impact on the residential areas to the northwest and east will be the primary effect, but the residential areas are separated by a distance of about 1/8 mile. The presence of the baseball field lights will serve to somewhat reduce the visibility of the base of the tower.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed wireless communication facility conforms to the Location Guidelines of the Wireless Communication Master Plan since there are no other towers or tall structures in the vicinity of the site which can accommodate the communication needs of the applicant. The proposed wireless communication facility conforms to the Design Guidelines of the Wireless Communication Master Plan by minimizing the height, mass, proportion, and silhouette of the facility through its monopole design; by utilizing an unobtrusive color with a matte finish to minimize glare; and by being placed in an area where a building obscures some of the facility from view. The proposed wireless communication facility complies with the compatibility height standard of the Uniform Zoning Code since it is located more than 150 feet from the nearest lot line of property zoned "TF-3" or more restrictive.