

Future Carriers

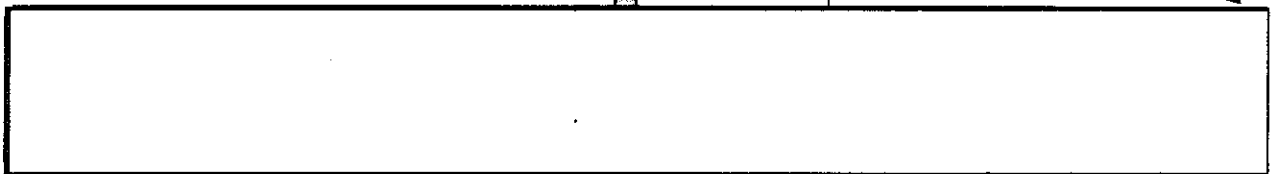
B2A2004-00068

SITE PLAN

APPROVED 9-21-04 BY SK

140 Foot Monopole

Solid Wood Fence

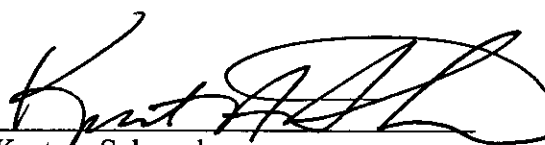


1. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
2. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of the issuance of this Administrative Permit.
3. The site shall be developed in general conformance with the approved site plan and elevation drawing. All improvements shall be completed before the facility becomes operational.
4. The support structure shall be a "monopole" design and shall be silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
5. The monopole shall be 140 feet in height and shall be designed and constructed to accommodate communication equipment for at least three wireless service providers.
6. The monopole and its foundation shall be designed and constructed in such a manner that permits future height extensions to 175 feet in height and future loading expansions to accommodate communication equipment for at least five wireless service providers.
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 MAPD, Office of Central Inspection, and Director of Airports 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 Administrative Permit, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Administrative Permit is null and void.

The "Development Application" sign should now be removed from the property.



John L. Schlegel
Planning Director



Kurt A. Schroeder
Superintendent of Central Inspection

cc: Greg Ferris, P.O. Box 573, Wichita, KS 67201
George Wyrick, T-Mobile Wireless, P.O. Box 573, Wichita, KS 67201
Mark Clark, Appraiser's Office
John Oswald, Wichita Airports
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
J.R. Cox, Office of Central Inspection



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

September 21, 2004

Ronald J. Cornejo
All Star Sports Entertainment LLC
2060 Tulsa
Wichita, KS 67216

Re: BZA2004-00068 – Administrative Permit for a 140-foot high wireless communication facility on property zoned “GC” General Commercial.

Legal Description: That part of Lot 3, Block 1, Golf Park West Addition, Sedgwick County, Kansas, described as commencing at the westerly most N.W. Corner of said Lot 3; thence S00°43'13"W, along the west line of said Lot 3, 343 feet; thence S89°16'47"E, 45 feet for a place of beginning; thence S89°16'47"E, 75 feet; thence S00°43'13"W, 100 feet; thence N89°16'47"W, 75 feet; thence N00°43'13"E, 100 feet to the place of beginning. Generally located south of 21st Street North and east of Tyler Road.

Dear Mr. Cornejo:

We have reviewed your request for an Administrative Permit for a 140-foot high monopole tower for use by T-Mobile Wireless on property zoned “GC” General Commercial. Section III.D.6.g.(3)(d) of the Wichita-Sedgwick County Unified Zoning Code states that new ground-mounted wireless communication facilities up to 150 feet in height in the “GC” General Commercial zoning district shall be approved by Administrative Permit if they conform to the Compatibility Height Standards of Section IV-C.5.b. of the Unified Zoning Code and the Location/Design Guidelines of the Wireless Communication Master Plan.

The Compatibility Height Standards require the proposed 140-foot high monopole to be located no closer than 140 feet from the lot line of property zoned “TF-3” Two-Family Residential or more restrictive. The proposed 140-foot high monopole, as shown on the site plan submitted with this application, is located only 84 feet from property to the west zoned “TF-3”; therefore, we find that the request does not conform to the Compatibility Height Standards.

While the request does not conform to the Compatibility Height Standards, Section V.I.2.e. of the Unified Zoning Code allows the Planning Director, with the concurrence of the Zoning Administrator, to reduce or waive the Compatibility Height Standards as long as the adjustment does not have any of the negative impacts stated in Section V-I.6. We find that reducing the setback required by the

Compatibility Height Standards from 140 feet to 84 feet from the "TF-3" property to the west meets the four conditions required by Section V-1.6. of the Unified Zoning Code as set out below:

1. Impact on safety and convenience of vehicular and pedestrian circulation: Reducing the required setback from the facility to abutting residential property to the west will have no impact on the safety and convenience of vehicular and pedestrian circulation.
2. Impact on existing uses in surrounding areas: The visual impact of the facility on surrounding areas should not be increased by reducing the setback from abutting residential property to west since the facility will be located closest to the most intensive residential use in the vicinity and further from less intensive residential uses than if the request complied with the required setback.
3. Compatibility with existing or permitted uses on abutting sites: The incompatibility of the facility with existing or permitted uses on abutting sites should not be increased by reducing the setback from abutting residential property to west since the abutting residential property is developed with apartments permitted in the "TF-3" district by a CUP.
4. Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way, therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

In reviewing your request's conformance to the Location/Design Guidelines of the Wireless Communication Master Plan, we find the following:

1. The applicant has demonstrated that there is no available space on existing or approved wireless communication facilities or other structures and there is no other feasible opportunity to rebuild or modify existing structures in order to meet the applicant's communication needs. The nearest available tower is located approximately 1.5 miles to the southeast, and T-Mobile Wireless is currently located on that tower. Also, rebuilding the existing light poles at the driving range is not feasible because existing development of the driving range and entertainment facility does not provide sufficient ground-level space for equipment beneath the light poles, except for the eastern most light pole, which is located the closest to low-density residential uses and is a less desirable location than the proposed location of the monopole.
2. The proposed wireless communication facility is compatible with the character of the area, which is developed with a variety of commercial uses along the 21st Street Corridor and has significant buffers in the form of significant setbacks and evergreen vegetation between the proposed tower and nearby residential areas.
3. The proposed wireless communication facility is not located in manner that would cause a potential hazard to flight safety, as the facility does not exceed the height permitted by the Airport Hazard Zoning Ordinance will be required to be approved by the FAA.
4. The proposed wireless communication facility minimizes the silhouette of the facility by its monopole design and uses materials and colors that minimize glare.
5. The proposed wireless communication facility is placed where buildings and trees obscure some of the facility from view.

Based on the granting of an adjustment to reduce the Compatibility Height Standards of the Unified Zoning Code and compliance with the Location/Design Guidelines of the Wireless Communication Master Plan, our signatures below indicate that an Administrative Permit for a wireless communication facility is hereby GRANTED for the above-referenced property, subject to the following conditions: