



Wichita-Sedgwick County Metropolitan Area Planning Department

November 17, 2008

First Pentecostal Church Inc
4110 S Hydraulic
Wichita, KS 67216

T-Mobile Wireless
C/O George Wyrick
4533 Enterprise Dr
Oklahoma City, OK 73128

RE: CON2008-00043 - City Conditional Use for a 120-foot wireless communication tower in SF-5 Single-family Residential zoning, generally located south of MacArthur and east of Hydraulic (4110 S. Hydraulic).

Dear Ladies and Gentlemen:

At its regular meeting on **October 9, 2008**, 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 application, please contact our office at 268-4421.

Sincerely,

Jess McNeely, AICP
Senior Planner
Current Plans Division

JMC:mc
Attachment

Copies to: Ferris Consulting, C/O Greg Ferris, Po Box 573, Wichita, KS 67201
Riverside Township, Dale V Kuhn, 6051 Southeast Blvd, Derby, KS 67037
South Area, Judy Dillard, 4560 S. Hydraulic St. Lot 414, Wichita, KS 67216
South City, Carole Campbell, 2821 S. Mosely, Wichita, KS 67217

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

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RE: CON2008-00043 - City Conditional Use for a 120-foot wireless communication tower in SF-5 Single-family Residential zoning, generally located south of MacArthur and east of Hydraulic (4110 S. Hydraulic).

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WCC III, Jim Skelton, Mail Stop 1-13

N.A. III, Janet Johnson, Mail Stop 1-135

Julianne Kallman, Engineering, Mail Stop 1-71

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

CONDITIONAL USE RESOLUTION NO. CON2008-43

WHEREAS, First Pentecostal Church INC (Owner/Applicant) 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 120-foot wireless communication tower on 0.094 acres zoned SF-5 Single-family Residential described as:

A tract of land lying in and being a part of the Northwest Quarter of the Northwest Quarter of Section 15, Township 28 South, Range 1 East of the 6th P.M., Wichita, Sedgwick County, Kansas, being more particularly described as follows: Commencing at a corner of Camelot Addition to Wichita said corner being 982.59 feet North 89 degrees 57'21" East of the Northwest corner of said Camelot Addition; thence North 00 degrees 25'30" East a distance of 50.00 feet; thence South 89 degrees 57'21" West a distance of 29.45 feet to the point of beginning; thence continuing South 89 degrees 57'21" West a distance of 60.00 feet; thence North 00 degrees 25'30" East a distance of 60.00 feet; thence North 89 degrees 57'21" East a distance of 60.00 feet; thence South 00 degrees 25'30" West a distance of 60.00 feet to the point of beginning. Generally located south of MacArthur and east of Hydraulic (4110 South Hydraulic).

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 October 9, 2008, 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 for a 120-foot wireless communication tower on 0.094 acres zoned SF-5 Single-family Residential:

A tract of land lying in and being a part of the Northwest Quarter of the Northwest Quarter of Section 15, Township 28 South, Range 1 East of the 6th P.M., Wichita, Sedgwick County, Kansas, being more particularly described as follows: Commencing at a corner of Camelot Addition to Wichita said corner being 982.59 feet North 89 degrees 57'21" East of the Northwest corner of said Camelot Addition; thence North 00 degrees 25'30" East a distance of 50.00 feet; thence South 89 degrees 57'21" West a distance of 29.45 feet to the point of beginning; thence continuing South 89 degrees 57'21" West a distance of 60.00 feet; thence North 00 degrees 25'30" East a distance of 60.00 feet; thence North 89 degrees 57'21" East a distance of 60.00 feet; thence South 00 degrees 25'30" West a distance of 60.00 feet to the point of beginning. Generally located south of MacArthur and east of Hydraulic (4110 South Hydraulic).

APPROVED, subject to the following conditions:

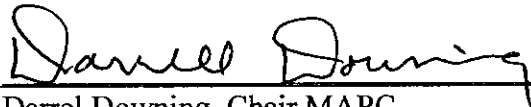
- A. All requirements of Art. III Sec. III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval.
- C. The support structure shall be a "monopole" design that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. 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.
- E. The tower shall conform to FAA regulations in regards to analysis of airspace in the area, which includes conformation that the height of the tower is not a hazard to air navigation and that the tower does not

interfere with other radio/communication frequencies. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.

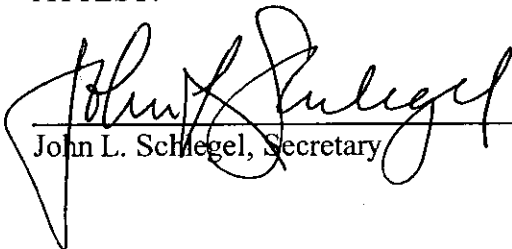
- F. The 0.09-acre tower site shall be developed in general conformance with the approved site and landscape plan.
- G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- H. If the Zoning Administrator finds that there is a violation of 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 9th DAY of October, 2008. 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


Darrel Downing, Chair MAPC

ATTEST:


John L. Schlegel, Secretary



AGENDA ITEM NO. 10

STAFF REPORT

MAPC October 9, 2008

DAB III October 1, 2008

CASE NUMBER: CON2008-43

OWNERS/APPLICANTS: First Pentecostal Church, Inc. (owners), T-Mobile LLC c/o George Wyrick (applicant), Ferris Consulting, c/o Greg Ferris (agent)

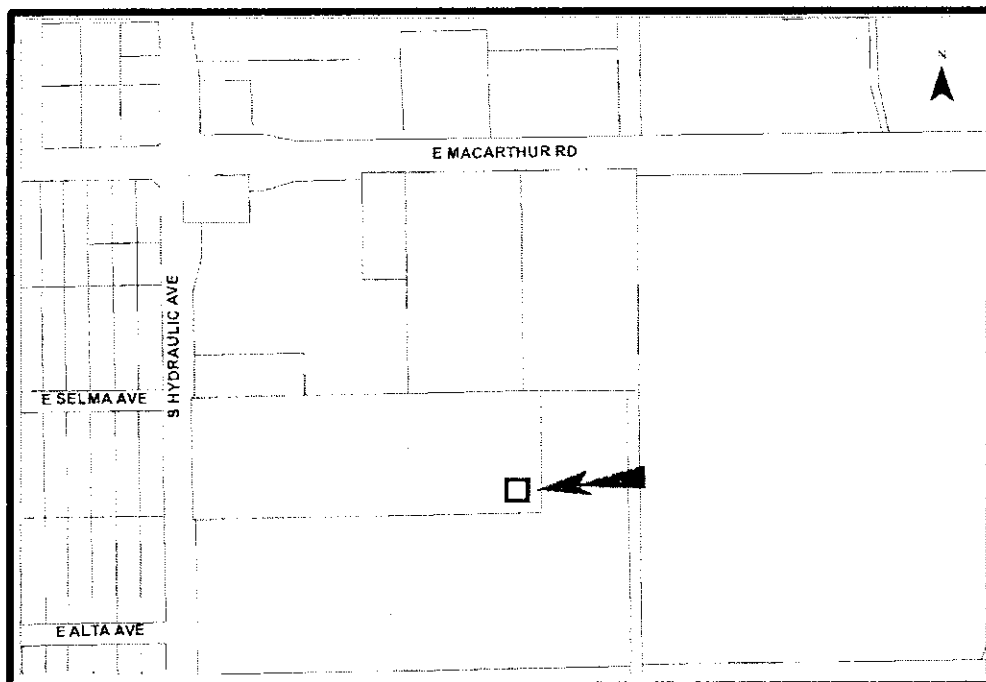
REQUEST: Conditional Use for a wireless communication facility

CURRENT ZONING: SF-5 Single-family Residential ("SF-5")

SITE SIZE: 0.09-acres

LOCATION: Generally located south of MacArthur and east of Hydraulic (4110 South Hydraulic).

PROPOSED USE: 120-foot monopole, wireless cell phone tower



BACKGROUND: The applicant, T-Mobile Central, LLC, is seeking a Conditional Use to permit the construction of a 120-foot high monopole cell phone tower. The 60-foot by 60-foot tower site is located on the far east end of a Hydraulic fronting vacant parcel. The SF-5 Single-family Residential ("SF-5") zoned site was approved for GO General Office ("GO") zoning in 2007, subject to platting. The site is in the platting process, approved by MAPC but has not been to City Council. The applicant anticipates office development on the western portion of the site, with access from Hydraulic. The site is not identified on the official Zoning Map as within the "Cell Tower Administrative Permit" area, but it may be considered for a Conditional Use. It appears to meet the compatibility height and other standards of the Zoning Code.

The applicant's RF Engineer's letter (see attached) states that the proposed facility is needed to provide and improve phone service in this section of Wichita. The RF Engineer has also stated that the proposed tower will provide capacity relief for existing T-Mobile Towers in the area. The applicant has provided current and desired coverage maps.

The attached site plan shows the general tower area, and a 20-foot access easement from Hydraulic. The site plan does not indicate light poles, ground lighting, power poles, cabinets, equipment or buildings located within the fenced-in area. The site plan does demonstrate existing vegetation between this site and the abutting property. The agent's letter states that the site will have a solid screening fence.

North of the site is property zoned SF-5, B Multi-family ("B"), and LC Limited Commercial ("LC"); this property is under the same church ownership as the application area, and is developed with a church facility. South and east of the site is an MH Manufactured Housing ("MH") zoned manufactured housing development. West of the site, across Hydraulic, is an SF-5 zoned single-family neighborhood.

The applicant will be required conform to Federal Aviation Administration (FAA) standards, and verify that the tower will not pose a hazard to air navigation or interfere with other radio/communication frequencies. The applicant will be required to provided an analysis of airspace in the area prior to building permits being issued. The applicant's statement indicates that the tower will not have strobe lights. Tower lighting must meet the FAA requirements for aircraft warning. The proposed galvanized surface of the tower will blend into the sky more readily than a red or white paint, which meets the intent of the "Design Guidelines" of the "Wireless Communication Master Plan." The proposed tower must allow co-location for a minimum of three providers. The applicant has not indicated if the tower will have a triangular "top hat" antenna array.

CASE HISTORY: The unplatted, vacant property was approved for GO zoning in 2007 (ZON2007-49), and is in the platting process (SUB2008-25).

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5, B, LC	Vacant, church
SOUTH:	MH	Manufactured housing park
EAST:	MH	Manufactured housing park
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: The site has access via a proposed access easement to Hydraulic, a paved four-lane section-line arterial street. All other municipal public services are available.

CONFORMANCE TO PLANS/POLICIES: Per the amended Wireless Communication Facility Ordinance, the site is not eligible for a tower Administrative Permit, but it may be considered for a Conditional Use.

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 require a Conditional Use for new undisguised ground mounted facilities 120 tall in the SF-5 or GO zoning district. The plan requires compliance with compatibility height standards. The site appears to meet those setback standards; compatibility height standards do not apply to the abutting MH zoning. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: preserve the pre-existing character of the area, minimize height and silhouette, use colors and textures that blend in with the existing environment, conceal the tower in some way, be placed in areas where trees and/or buildings obscure the facility, be placed on walls or roofs of buildings, be screened through landscaping and/or fencing, and avoid use of strobe lighting. The application appears to meet these guidelines.

The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan designates this area as appropriate for "Urban Residential" development. The Urban Residential category includes all housing types found in the municipality.

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

- A. All requirements of Art. III Sec. 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.
- C. The support structure shall be a "monopole" design that generally conforms to the approved site elevation and that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. 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.
- E. The tower shall conform to FAA regulations in regards to analysis of airspace in the area, which includes conformation that the height of the tower is not a hazard to air navigation and that the tower does not interfere with other radio/communication frequencies. The applicant shall submit a current copy of FAA approval to the MAPD and the Code Enforcement Office prior to the issuance of a building permit.
- F. The 0.09-acre tower site shall be developed in general conformance with the approved site and landscape plan.

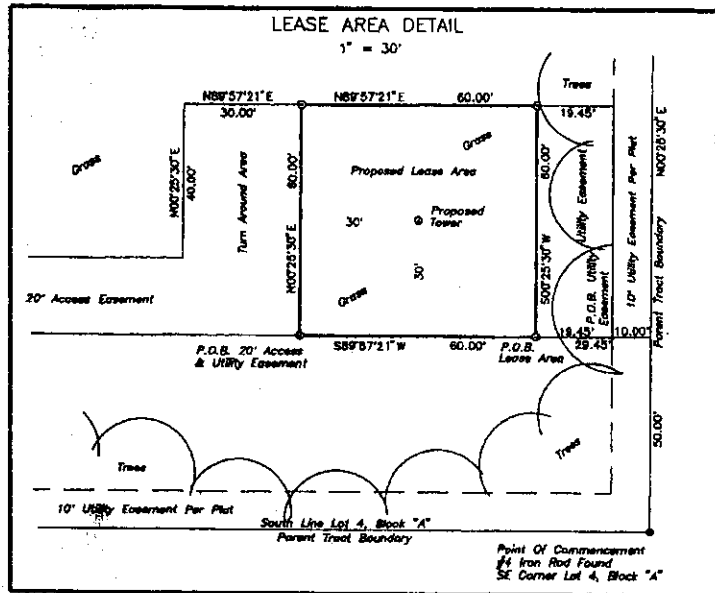
- G. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- H. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies 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: North of the site is property zoned SF-5, B Multi-family ("B"), and LC Limited Commercial ("LC"); this property is under the same church ownership as the application area, and is developed with a church facility. South and east of the site is an MH Manufactured Housing ("MH") zoned manufactured housing development. West of the site, across Hydraulic, is an SF-5 zoned single-family neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The application area is zoned SF-5 and is currently vacant. The site was approved for GO zoning, subject to platting. The site could be developed under the approved GO zoning without the Conditional Use for a Wireless Communication Tower.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The application area is over 1000 feet from the nearest single-family residential development. Future development along the east side of Hydraulic should further screen this tower from the single-family residences west of Hydraulic. The tower will be visible from the abutting manufactured housing park to the south and east, although existing trees will mitigate the visual impact. Code required screening and landscaping will continue to mitigate the visual effect of this tower on the abutting manufacture housing park.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The application area appears to conform to the Location Guidelines of the Wireless Communication Master Plan. It is possible that other facilities may be presented as alternative/co-location sites during the public hearing, in which case the applicant will need to address those claims/opportunities for possible co-location. The proposed wireless communication facility conforms to the Design Guidelines of the Wireless Communication Master Plan. The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan designates this area as appropriate for "Urban Residential" development.
5. Impact of the proposed development on community facilities: FAA approval should ensure that the proposed tower is not a hazard to air navigation and that the tower does not interfere with other radio/communication frequencies.

CON2008-43

A PROPOSED LEASE AREA IN PART OF RESERVE "A", FIRST
PENTECOSTAL CHURCH ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS

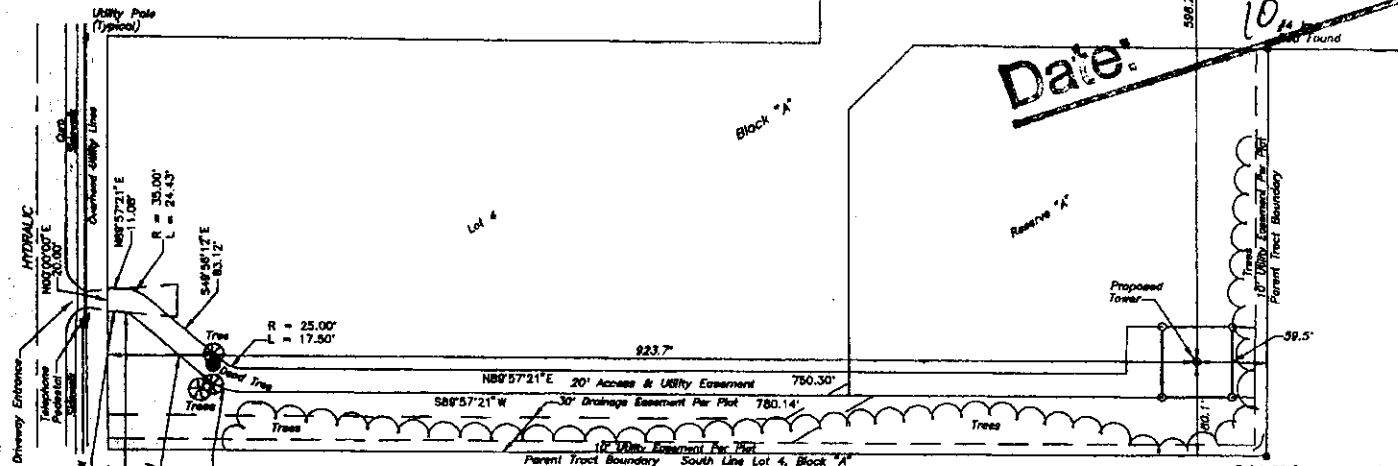
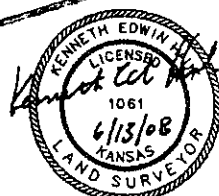


LEASE AREA: 3800 SQUARE FEET OR 0.083 ACRES
UTILITY EASEMENT: 1167 SQUARE FEET OR 0.027 ACRES
ACCESS & UTILITY EASEMENT: 19,528.67 SQUARE FEET OR 0.448 ACRES

APPROVED
CON2008-43 SITE PLAN

1/3 Iron Rod Set

Date: 10-20-08



FLOOD NOTE
By graphically plotting the proposed lease area is not affected by a Flood Zone per the National Flood Insurance Rate Map, Community Panel Number 200324 0505E, Map Number 2017300505E, Effective Date: February 2, 2007.

LEASE CORNER ELEVATIONS
NE LEASE AREA: 1270.6' NW LEASE AREA: 1270.9'
SE LEASE AREA: 1271.0' SW LEASE AREA: 1270.6'

ASH WI02930A			
NO.	REVISION	DATE	BY
T-MOBILE CENTRAL LLC OKLAHOMA CITY, OKLAHOMA			
Prepared By: TACK Professional Land Survey, P.C. 713 S. 6th Street Yukon, OK 73099 (405)-354-8272 Certificate of Authorization No. - 3098 Exp. 06/30/2008			
SURVEYED BY: AEH	SCALE: 1"=100'	FIELD BOOK: 20	
DRAWN BY: KEH	DATE: 6/3/08	PAGE #: 59	
APPROVED BY: KEH	JOB #: 1751	SHEET 1 OF 2	