



Wichita-Sedgwick County Metropolitan Area Planning Department

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

February 22, 2018

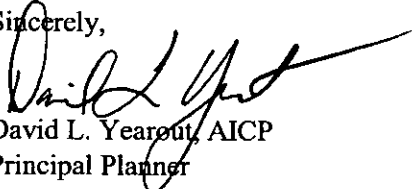
RE: CON2017-00045 - City request to approve a Conditional Use Permit to allow a 75-foot tall wireless communication facility (tower) on property located on the east side of Hydraulic Avenue, one block of Lincoln Street (1106 South Hydraulic Avenue)

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

Copies to: Brandon Johnson, Council Member District I, Mail Stop 1-13
Kameelah Alexander, CSR I, Mail Stop 1-135
MABCD

CONDITIONAL USE RESOLUTION NO. CON2017-00045

WHEREAS, Maish Family, LP (Owner), 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 1106 South Hydraulic Avenue, and legally described as:

All of Lot 9 of D B Meyer's 2nd Addition to the City of Wichita, Sedgwick County, Kansas, except the south 60.5 feet thereof.

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 1106 South Hydraulic Avenue, legally described as:

All of Lot 9 of D B Meyer's 2nd Addition to the City of Wichita, Sedgwick County, Kansas, except the south 60.5 feet thereof.

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

BACKGROUND: The applicant is requesting a Conditional Use to allow the placement of a 75-foot high cell tower for T-Mobile. The subject property is zoned LC Limited Commercial (LC) and is located at 1106 South Hydraulic Avenue. 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 applicant has provided a site plan for this location that shows a 50-foot by 50-foot leased area (2,500 square feet), with an access drive from the entrance on Morris Street. The location of the leased area is in the grass portion of the lot north of the existing commercial building at 1106 South Hydraulic Avenue.

Additionally, the excess land area within the unpaved area north of the convenience store, which is where the proposed tower will be located, is being offered as a small public park area.

The compound area is showing a 10-foot setback from the property line on the east, will be fenced with a 6-foot privacy fence, and landscaping in shown along the frontage of the compound along Morris Street.

The applicant has provided a written statement and other supporting documentation to justify the need for a facility at this location. If constructed, the tower will be offered for potential carriers beyond just T-Mobile.

The character of the surrounding area is mostly commercial; however there is a mixture of some residential in the area. The parcel on which the site is located is zoned LC Limited Commercial, along with the lots immediately to the east and across the street north of Morris Street. The properties on the west side of Hydraulic Avenue, and further south of the site on the east side of Hydraulic are all zoned B Multi-Family Residential (B), and are occupied mostly by single-family homes.

CASE HISTORY: The property was platted as Lot 9 in the D.B. Meyers 2nd Addition, which was approved and recorded with the City of Wichita and Sedgwick County in December of 1946. The balance of the lot was a part of the D.B. Meyers Addition, which was approved in 1922. Other than this case, there are no other zoning cases showing on the GIS history of the property.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Commercial
SOUTH:	LC	Commercial
EAST:	LC	Multi-Family Residential
WEST:	B	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. Hydraulic Avenue is a four-lane, improved arterial street with turn lanes. Morris Street is an improved two-lane local street with all improvements.

CONFORMANCE TO PLANS/POLICIES: 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.

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. Surrounding zoning consists of LC Limited Commercial and B Multi-Family.
- 2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC Limited Commercial and is mostly occupied by a convenience store. The property proposed for this use will not likely be used for any other commercial buildings because of the lot size.
- 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 plan and 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

