RESOLUTION NO. 9097

CONDITIONAL USE PERMIT

RESOLUTION introduced by City Manager Brent Trout, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to allow for a “Communications Tower” on property zoned “R-1” Single Family Dwelling District and located at 730 SW Fairlawn Road in the City of Topeka, Shawnee County, Kansas.

(CU19/01) (Council District #9)

BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, that the application under the provisions of TMC 18.60.010, approving a Conditional Use Permit to allow for a “Communications Tower” on property zoned “R-1” Single Family Dwelling District and located at 730 SW Fairlawn Road, and more specifically legally described as:

PARENT PARCEL DESCRIPTION:
All of lots Robinhood, Grandview, and the north ½ of lot Kenlock, Highland Terrace subdivision, City of Topeka, Shawnee County, Kansas.

LEASE AREA DESCRIPTION:
That part of Robinhood in Highland Terrace, a Subdivision in the City of Topeka, Shawnee County, Kansas and being more particularly described as follows:

Referring to the Northeast corner of Marblehead, Highland Terrace, a #4 Rebar found for corner; thence southerly, a Grid bearing of South 00°19'59" West, on the westerly right-of-way line of said Southwest Grand Court, 150.09 feet; thence departing said right-of-way line westerly South 89°13'44" West, 121.08 feet, to the Point of Beginning for the described Lease Area; thence following the perimeter of the Lease Area on the following bearings and distances: South 00°46'16" East, 45.00 feet; thence South 89°13'44" West, 80.00 feet; thence North 00°46'16" West, 45.00 feet; thence North 89°13'44" East, 80.00 feet, to the Point of Beginning.

Containing a total calculated area of 3,600 square feet or 0.083 acres, more or less.

ACCESS/UTILITY EASEMENT DESCRIPTION:
An Access/Utility Easement, 20 feet in width, located in that part of Robinhood & Grandview, located in Highland Terrace, a Subdivision in the City of Topeka, Shawnee County, Kansas, the centerline being more particularly described as follows:

Referring to the Northeast corner of Marblehead, Highland Terrace, a #4 Rebar found for corner; thence southerly, a Grid bearing of South 00°19'59" West, on the westerly right-of-way line of said Southwest Grand Court, 150.09 feet; thence departing said right-of-way line westerly South
89°13'44" West, 111.08 feet, to the Point of Beginning for the centerline of the described Access/Utility easement; thence following the centerline of the easement on the following bearings and distances: southerly South 00°46'16" East, 76.36 feet; thence easterly North 89°48'47" East, 109.68 feet, to a point of intersection on the westerly right-of-way line of Grand Court, also being the point of termination for the centerline of the described easement. Containing a total calculated area of 3,719 square feet, or 0.085 acres, more or less. Parallel lines from the centerline of the described easement are intended to lengthen or shorten to intersect on the lines described.

be, and the same is hereby approved, subject to:

1. Use and development of the site shall be in accordance with the approved “Conditional Use Permit Site Plans and related plans as referenced in Planning Department case file #CU19/01 for AT&T (Fairlawn Church of the Nazarene – 730 SW Fairlawn Road cell tower).

ADOPTED AND APPROVED by the Governing Body of the City of Topeka,

April 2, 2019.

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Michelle De La Isla, Mayor

ATTEST:

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Brenda Younger, City Clerk