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RESOLUTION NO. 105-2023

**A RESOLUTION TO APPROVE A CONDITIONAL USE FOR A 185-FOOT WIRELESS COMMUNICATIONS FACILITY ON PROPERTY ZONED RR RURAL RESIDENTIAL, CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.**

**WHEREAS**, Jenifer and Sheldon Dillinger (Applicants), 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 a 185-foot Wireless Communications Facility on property zoned RR Rural Residential within the unincorporated area of Sedgwick County, Kansas, on property generally located southeast of South Woodlawn Boulevard and K-15 (9850 Southeast Boulevard); and

**WHEREAS**, proper notice as required by the Unified Zoning Code and 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 April 13, 2023, consider said application; and

**WHEREAS**, The Board of County Commissioners has the 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 BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:**

**SECTION I.** That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given property notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, the Board of County Commissioners approves the application to allow a Conditional Use for a 185-foot Wireless Communications Facility, on property generally located southeast of South Woodlawn Boulevard and K-15 (9850 Southeast Boulevard); and, legally described as:

A leased premises over and across part of the SW1/4 NW1/4 of SEC 19-29-2 East of the 6<sup>th</sup> Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

Commencing at an existing rebar with cap "CLS 141" at the southerly corner of parcel number 246-24-14-00-002.00 in said SE1/4 NE1/4, Section 24-29-1; Thence N59°45'07"E along the southerly line of said parcel number 246-24-0-14-00-002.00 in the SE1/4 NE1/4 Section 24-29-1 and said parcel number 234-19-0-23-001.00 in the SW1/4 NW1/4 Section 19-29-02, a distance of 1004.99 feet; thence N00°00'00"E, a

distance of 382.96 feet to the point of beginning; thence continuing N00°00'00"E, a distance of 75.00 feet; thence N90°00'00"E, a distance of 75.00 feet; thence S00°00'00"W, a distance of 75.00 feet; thence S90°00'00"W, a distance of 75 feet to the point of beginning, containing 5,625 square feet or 0.129 acres.

This Conditional Use is granted subject to the following conditions:

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 within 50 days of submittal of the building permit application, and the Wireless Communication Facility shall be erected within one year of final approval of the Conditional Use.
3. 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.
4. The support structure shall be no taller than 185 feet in height.
5. The site shall be developed in general conformance with the approved site plans. All improvements shall be completed before the facility becomes operational.
6. 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.
7. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
8. 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.

**SECTION II.** That upon the taking effect of this Resolution, the notation of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**SECTION III.** That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

*[Remainder of page intentionally left blank]*

Commissioners present and voting were:

PETER F. MEITZNER  
SARAH LOPEZ  
DAVID T. DENNIS  
RYAN K. BATY  
JAMES M. HOWELL

Ave  
Ave  
Ave  
Ave  
way

Dated this 24 day of may, 2023.

ATTEST:



[Signature]  
KELLY B. ARNOLD, County Clerk

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

[Signature]  
PETER F. MEITZNER, Chairman  
Commissioner, First District

[Signature]  
JAMES M. HOWELL, Chair Pro Tem  
Commissioner, Fifth District

[Signature]  
SARAH LOPEZ  
Commissioner, Second District

[Signature]  
DAVID T. DENNIS  
Commissioner, Third District

[Signature]  
RYAN K. BATY  
Commissioner, Fourth District

APPROVED AS TO FORM:

[Signature]  
KIRK W. SPONSEL  
Assistant County Counselor