

WHEREAS, L. John Hemmen and Joan Hemmen Rev. Trust, (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 Communications Facility, on property zoned Rural Residential District; generally located on the west side of North 167th Street west and within one-half mile south of West 53rd Street North, and legally described as:

A tract of land lying in and being a part of the Northeast Quarter (NE/4) of Section Twenty-one (21), Township (26) South, Range Two (2) West of the 6th Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Southeast corner of said NE/4, Thence North 01°47'03" West, along the East line of said NE/4, a distance of 327.14 feet; Thence South 88°12'57" West a distance of 710.34 feet to the point of beginning; Thence North 61°51'22" West a distance of 100.00 feet; Thence North 28°08'38" East a distance of 100.00 feet; Thence South 61°51'22" East a distance of 100.00 feet; Thence South 28°08'38" West a distance of 100.00 feet to the point of beginning.

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 November 9, 2023, consider said application; and

WHEREAS, the Board of County Commissioners 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 Board of County Commissioners that:

SECTION I. After having received a recommendation of the Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under the authority granted by Section V-D of the Unified Zoning Code, and based on the findings articulated at the Board of County Commissioners Meeting on February 21, 2024, the Board of County Commissioners denies this application to allow a Conditional Use for a 120-foot Wireless Communications Facility, on property zoned Rural Residential District; generally located on the west side of North 167th Street west and within one-half mile south of West 53rd Street North, and legally described as:

A tract of land lying in and being a part of the Northeast Quarter (NE/4) of Section Twenty-one (21), Township (26) South, Range Two (2) West of the 6th Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Southeast corner of said NE/4, Thence North 01°47'03" West, along the East line of said NE/4, a distance of 327.14 feet; Thence South 88°12'57" West a distance of 710.34 feet to the point of beginning; Thence North 61°51'22" West a distance of 100.00 feet; Thence North 28°08'38" East a distance of 100.00 feet; Thence South 61°51'22" East a distance of 100.00 feet; Thence South 28°08'38" West a distance of 100.00 feet to the point of beginning.

SECTION II. That this Resolution of denial shall be effective upon publication in the official county newspaper.

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Commissioners present and voting were:

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

aye
aye
aye
aye

Dated this 21 day of February, 2024.

ATTEST:

for Kelly B. Arnold
KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

R. B.
RYAN BATY, Chairman
Commissioner, Fourth District

Sarah Lopez
SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District

Peter F. Meitzner
PETER F. MEITZNER
Commissioner, First District

David T. Dennis
DAVID T. DENNIS
Commissioner, Third District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:

Kirk W. Sponsel
KIRK W. SPONSEL
Deputy County Counselor