

(150004) Published in The Ark Valley News on _____

RESOLUTION NO. 097

A RESOLUTION TO APPROVE A CONDITIONAL USE FOR A 195-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, Shelby Jean Powell Rev. Trust (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 a 195-foot Wireless Communications Facility on property zoned RR Rural Residential within the unincorporated area of Sedgwick County, Kansas, on property generally located on the southeast corner of East 71st Street South and South 99th Street East; 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 January 19, 2023. consider said application; and

WHEREAS, after being referred back by the Board of County Commissioners, the MAPC considered said application again on April 13, 2023; 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 195-foot Wireless Communications Facility, on property generally located on the southeast corner of East 71st Street South and South 99th Street East. legally described as:

A 70-foot by 70-foot Lease Area. situated in the Northwest Quarter of Section 4. Township 29 South. Range 2 East, in Sedgwick County. Kansas, more particularly described as follows:

COMMENCING at the Northwest Corner of the Northeast Quarter of the Northwest Quarter of said Section 4; thence along the North line of said Northwest Quarter. North 88°36'36" East. a distance of 238.10 feet; thence leaving said North line. South 00°00'00"

East, a distance of 205.92 feet to the POINT OF BEGINNING; thence continuing South 00°00'00" East, a distance of 70.00 feet; thence North 90°00'00" West, a distance of 70.00 feet; thence North 00°00'00" East, a distance of 70.00 feet; thence North 90°00'00" East, a distance of 70.00 feet to the POINT OF BEGINNING. Containing 4,900 square feet.

This Conditional Use is granted subject to the following conditions:

- A. All requirements of Section 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 within 50 days of submittal of the building permit application, and it shall be erected within one year of approval of the Conditional Use by the MAPC or Governing Body, as applicable.
- C. 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.
- D. The support structure shall be no taller than 195 feet in height.
- E. The site shall be developed in general conformance with the approved site plans. All improvements shall be completed before the facility becomes operational.
- F. 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.
- 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.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use 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.

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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
may

Dated this 17 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

APPROVED AS TO FORM:

[Signature]
KIRK W. SPONSEL
Assistant County Counselor

[Signature]
SARAH LOPEZ
Commissioner, Second District

[Signature]
DAVID T. DENNIS
Commissioner, Third District

[Signature]
RYAN K. BATY
Commissioner, Fourth District