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RESOLUTION NO. 161-2023

A RESOLUTION TO APPROVE A CONDITIONAL USE FOR A 155-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**, Kent and Susan Winter (Applicants), 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 155-foot Wireless Communications Facility on property zoned RR Rural Residential within the unincorporated area of Sedgwick County, Kansas, on property generally located on the on the west side of North 215<sup>th</sup> Street West and within one-half mile south of West 77<sup>th</sup> Street North; 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 June 8, 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 55-foot Wireless Communications Facility on property zoned RR Rural Residential within the unincorporated area of Sedgwick County, Kansas, on property generally located on the on the west side of North 215<sup>th</sup> Street West and within one-half mile south of West 77<sup>th</sup> Street North, legally described as:

Government Lots 1 and 2, in the Northeast Quarter of Section 1, Township 26 South, Range 3 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas. EXCEPT the North 83 Acres thereof;

ALONG WITH the South Half of said Northeast Quarter. EXCEPT the South 50 Acres thereof; AND EXCEPT a tract described as: Beginning at a point on the East line of said Northeast Quarter. 1,140 feet North of the Southeast corner thereof; thence North along the East line of said Northeast Quarter. 295 feet; thence West at right angles. 495 feet;

thence South at right angles 295 feet; thence East at right angles 495 feet to the point of beginning.

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 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.
- 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 155 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 from the FAA and provide to MABCD a Determination of No Hazard to precision and non-precision instrument approaches for any obstructions proposed under the application. This FAA determination shall be based upon coordinates and elevations taken by a licensed and qualified land surveyor and conform to FAA's most precise, current accuracy tolerance standards.
- 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 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

*aye*  
*aye*  
*aye*  
*aye*

Dated this 19 day of July, 2023.

ATTEST:



*[Handwritten signature]*

KELLY B. ARNOLD, County Clerk

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

*[Handwritten signature]*

PETER F. MEITZNER, Chairman  
Commissioner, First District

*[Handwritten signature]*

JAMES M. HOWELL, Chair Pro Tem  
Commissioner, Fifth District

APPROVED AS TO FORM:

*[Handwritten signature]*

KIRK W. SPONSEL  
Assistant County Counselor

*[Handwritten signature]*

SARAH LOPEZ  
Commissioner, Second District

*[Handwritten signature]*

DAVID T. DENNIS  
Commissioner, Third District

*[Handwritten signature]*

RYAN K. BATY  
Commissioner, Fourth District