

**WHEREAS**, Rick Veach, (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 140-foot Wireless Communications Facility, on property zoned SF-20 Single-Family Residential District; generally located one half-mile west of South Maize Road on the south side of West 31<sup>st</sup> Street South, and legally described as:

A tract of land lying in and being a part of the Northeast Quarter (NE/4) of Section Seven (7), Township Twenty-eight (28) South, Range One (1) West of the 6th Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Northwest corner of said NE/4, Thence North 88°38'29" East, along the North line of said NE/4, a distance of 367.27 feet; Thence South 01°21'31" East a distance of 130.00 feet to the point of beginning; Thence North 88°38'29" East, parallel with said North line, a distance of 100.00 feet; Thence South 01°21'31" East a distance of 100.0 feet; Thence South 88°38'29" West, parallel with said North line, a distance of 100.00 feet; Thence North 01°21'31" 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 30, 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, the Board of County Commissioners approves this application to allow a Conditional Use for a 140-foot Wireless Communications Facility, on property SF-20 Single-Family Residential District; generally located one half-mile west of South Maize Road on the south side of West 31<sup>st</sup> Street South, and legally described as:

A tract of land lying in and being a part of the Northeast Quarter (NE/4) of Section Seven (7), Township Twenty-eight (28) South, Range One (1) West of the 6th Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Northwest corner of said NE/4, Thence North 88°38'29" East, along the North line of said NE/4, a distance of 367.27 feet; Thence South 01°21'31" East a distance of 130.00 feet to the point of beginning; Thence North 88°38'29" East, parallel with said North line, a distance of 100.00 feet; Thence South 01°21'31" East a distance of 100.0 feet; Thence South 88°38'29" West, parallel with said North line, a distance of 100.00 feet; Thence North 01°21'31" West a distance of 100.00 feet to the point of beginning.

Approval of the application is 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 140 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 from the FAA and provide to MAPD a Determination of No Hazard for any obstruction proposed under this 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. The applicant shall demonstrate to the MAPD, with concurrence of the Wichita Airport Authority that any obstructions proposed under this application would not adversely affect or alter any precision or non-precision instrument approaches.
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 be effective upon publication in the official county newspaper.

Commissioners present and voting were:

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

aye  
aye noy  
noy aye  
aye

Dated this 21 day of February, 2024.

ATTEST:



*[Handwritten signature]*

KELLY B. ARNOLD, County Clerk

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

*[Handwritten signature]*

RYAN BATY, Chairman  
Commissioner, Fourth District

*[Handwritten signature]*

SARAH LOPEZ, Chair Pro Tem  
Commissioner, Second District

*[Handwritten signature]*

PETER F. MEITZNER  
Commissioner, First District

*[Handwritten signature]*

DAVID T. DENNIS  
Commissioner, Third District

*[Handwritten signature]*

JAMES M. HOWELL  
Commissioner, Fifth District

APPROVED AS TO FORM:

*[Handwritten signature]*

JUSTIN M. WAGGONER  
County Counselor