

CONDITIONAL USE

WICHITA SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT INSTRUCTIONS FOR FILING AN APPLICATION

The Unified Zoning Code (UZO) lists specific uses for each zoning district that may be permitted with the approval of a Conditional Use. The Supplementary Use Regulations of the UZO list specific circumstances (such as distance from residential property) under which a use that may be otherwise permitted by-right in a zoning district is only permitted upon approval of a Conditional Use if that specific circumstance exists for the subject property. The development proposed by a Conditional Use should be consistent with the purposes of the Unified Zoning Code and the Comprehensive Plan. The development also should be appropriate to the neighborhood and conditions and safeguards should be provided to ensure that the development will minimize any diminution in value of surrounding property and to ensure the proposed development can be adequately served by public facilities. To provide information on the capacity of streets and other facilities serving a Conditional Use, the Planning Director may require the applicant to conduct a traffic impact study or other infrastructure capacity analyses to provide information on the development's expected impacts on existing and planned facilities. Other plans, drawings or information that are deemed necessary to enable proper consideration of the request also may be required.

1. All applicants desiring to submit a Conditional Use application should consult with the Metropolitan Area Planning Department (MAPD) prior to submitting a formal application. The purpose of the consultation is to advise the applicant of the rights and responsibilities in submitting such an application.
2. A Conditional Use application is referred to the Metropolitan Area Planning Commission (MAPC) for a public hearing. The MAPC may approve, approve with conditions or modifications, or deny a Conditional Use request. The MAPC typically meets twice a month on Thursdays in the 10th Floor Conference Room at Wichita City Hall, 455 N. Main. Refer to the MAPC calendar of public hearing dates to determine the application deadline by which a Conditional Use application must be submitted to be heard on a specific date. It is the policy of the MAPC to consider no more than nine (9) new applications at any regular meeting; therefore, processing of an application may be delayed if too many new applications are received for a specific public hearing date.
3. If the subject property is within the "Area of Influence" of a small city, the application will be scheduled for consideration by the small city Planning Commission prior to being considered by the MAPC, which may delay processing of an application if the small city's next hearing date is more than one week prior to or is after the requested MAPC hearing date. Applicants may contact a small city for a schedule of that city's Planning Commission hearing dates.
4. If the subject property is located within the City of Wichita, the application may be scheduled for consideration by the District Advisory Board (DAB) for the City Council district in which the property is located. The applicant will be notified approximately three weeks after submitting the application of the date and time of the DAB meeting, if the request is to be considered by the DAB.
5. If the Conditional Use is accompanied by a rezoning application, or if the MAPC's action is different from the small city's recommendation, or if an appeal is filed, the MAPC's action becomes a recommendation that is forwarded to the Governing Body for final action. The Governing Body typically considers Conditional Use requests one month after the MAPC public hearing.

6. The MAPC or Governing Body may require the applicant to plat or replat the property to provide adequate street right-of-way, drainage and utility easements, access control, etc. If so, the Conditional Use will not become effective until the platting/replatting process has been completed and the plat has been recorded with the Register of Deeds.
7. The applicant shall submit a completed application form for a Conditional Use request. An application to establish a Conditional Use must be signed by all property owners or by the authorized agent(s) of such owner(s). An application to amend a Conditional Use shall be signed by the owner(s) or authorized agent(s) of all land that will be directly affected by the amendment (i.e., the parcel(s) being amended). An application to adjust a Conditional Use shall be submitted according to the instruction sheet for an Administrative Adjustment, which is available separately from the MAPD.
8. The applicant shall submit a site plan that meets criteria established in the attached "Site Plan Guidelines." Failure of the site plan to meet these criteria may result in the application be declared incomplete and not being accepted, or it may result in a delay of processing the application and the applicant being charged a deferral fee. Other plans, drawings or information which the MAPD deems necessary to enable proper consideration of the request may be required.
9. An application for a Conditional Use shall be accompanied by a current ownership list certified by a title company containing a legal description of the area in the application as well as the name and address of the owner, and shall include the names and mailing addresses (with zip codes) of all property owners within the following prescribed distance measured from the perimeter of the application area:

For applications with unincorporated Sedgwick County: 1,000 feet

For applications within the city of Wichita, the notification distance is based on the size of the property as follows:

Up to and including 1 acre:	200 feet
Over 1 acre to 6 acres:	350 feet
Over 6 acres to 15 acres:	500 feet
Over 15 acres to 25 acres:	750 feet
Over 25 acres:	1,000 feet

The certified ownership list shall also be provided in an electronic format that is compatible with Microsoft Word 2007. The electronic file shall be provided via E-mail (MCrockett@wichita.gov and LEstrada@wichita.gov) or on a CD. An application shall not be considered complete until the ownership list has been provided in the required electronic format.

10. In accordance with local policy, the applicant shall post one or more development application signs on the application site for at least 13 days immediately prior to the scheduled public hearing of the application request. Signs shall be purchased from the MAPD when the application is filed. The fee for each sign is \$3, and one sign is required for each street frontage.

11. The applicant shall submit the required filing fee as follows:

Residential Use	\$330 + sign fee
Non-Residential Use	\$500 + \$22/Acre + sign fee
Renewal	½ the fee listed for the applicable use + sign fee
Filed with rezoning application	½ the fee listed for the applicable use + sign fee

All checks should be payable to the "City of Wichita", which acts as agent for the MAPD.

12. Request for a deferral of the hearing of any Conditional Use shall be submitted to the MAPD at least 7 days prior to the scheduled hearing date. To cover the cost of preparing and mailing new notices, persons requesting a deferral will be charged a fee as follows:

Deferral	\$110
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13. All application materials and the filing fee are submitted at the MAPD, which is located on the 10th floor of Wichita City Hall, 455 N. Main and is open from 8 a.m. to 5 p.m. Monday thru Friday, excluding holidays. Applications should be submitted no later than 4 p.m. to allow time for application review and processing prior to the close of business. Incomplete applications will not be accepted. Refer to the MAPC calendar of public hearing dates to determine the application deadline by which a Conditional Use application must be submitted to be heard on a specific date. Questions regarding the application process may be directed to the MAPD at (316) 268-4421.

WIRELESS COMMUNICATION FACILITY CHECKLIST OF REQUIRED APPLICATION MATERIALS

- Application form
- Statement acknowledging and agreeing to zoning code responsibilities
- Notarized statement of provider intent to locate
- Vicinity plan
- Site plan
- Elevation drawings
- Specification of exterior materials
- Landscape/screening plan
- Photo-simulations (if required, if not applicable)
- Statement documenting need for facility
- Inventory of existing wireless facilities on site (if any, if not applicable)
- Certified ownership list (if required, if not applicable)
- Filing fee

STATEMENT OF ACKNOWLEDGEMENT AND AGREEMENT TO
THE REQUIREMENTS OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE
PERTAINING TO WIRELESS COMMUNICATION FACILITIES

By the signature(s) below, I (we) hereby acknowledge and agree to abide by the following requirements of the Wichita-Sedgwick County Unified Zoning Code pertaining to Wireless Communication Facilities:

1. There shall be no nighttime lighting of or on wireless communication facilities except for aircraft warning lights or similar emergency warning lights required by applicable governmental agencies. Flashing white obstruction lights shall not be permitted for nighttime operation. Lighting for security purposes shall be permitted at the base of wireless communication facilities. Temporary lighting for nighttime repairs shall be permitted.
2. No signs shall be allowed on an antenna support structure other than those required by applicable governmental agencies.
3. The support structure shall be designed, and the ground area shall be adequate or will be made adequate, to accommodate at least 1 other carrier, if more than 80 feet in height, and at least 2 other carriers, if more than 100 feet in height. Reasonable accommodations will be made to lease space on the facility to other carriers so as to avoid having a proliferation of support structures that are not fully utilized. The owner(s) shall make available in the future the opportunity for another party to pay the cost to modify or rebuild the structure to support additional communication equipment where economically and technically feasible.
4. Facilities cannot be unused for any continuous 12 month period. Unused facilities, including the uppermost 20% of support structures that are unused (except where removal of the uppermost 20% would require the removal of a lower portion the support structure that is in use, in which case the required removal will be raised to the next highest portion of the support structure not in use), shall be removed by the owner within 60 days if the wireless communication facility, or portion thereof, has been unused for 12 consecutive months. If such a facility or portion of a facility is not removed by the owner, then the City or County may employ all legal measures, including, if necessary, obtaining authorization from a court of competent jurisdiction, to remove it, and after removal may place a lien on the subject property for all direct and indirect costs incurred in its dismantling and disposal, including court costs and reasonable attorney fees. Under this paragraph, "owner" shall include both the owner of the real property and the owner of the wireless communication facility, whether such ownership is divided or in the same person.
5. The Wireless Communication Facility shall comply with all federal, state, and local rules and regulations.

By the signature(s) below, I (we) hereby acknowledge that failure to abide by the above stated requirements of the Wichita-Sedgwick County Unified Zoning Code pertaining to Wireless Communication Facilities shall result in the revocation of the Building Permit, Administrative Permit, or Conditional Use Permit, as applicable.

Property Owner Signature

Facility Owner Signature

Printed Property Owner Name

Printed Facility Owner Name

Property Owner Street Address

Facility Owner Street Address

Property Owner City, State, Zip Code

Facility Owner City, State, Zip Code

APPLICATION

Case _____

This form MUST be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 N. Main St., Wichita, KS, 67202 in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application form and filing fee is required for each application. A preapplication conference with the planning staff is recommended before filing this application.

SECTION I

This property is located within: Wichita Sedgwick County (unincorporated)

Metropolitan Area Planning Commission:

- Zone Change: From zoning district: _____ to _____
- Planned Unit Development: Approval Amendment to PUD _____ Adjustment to PUD _____
- Community Unit Plan: Approval Amendment to CUP _____ Adjustment to CUP _____
- Protective Overlay: Approval Amendment to PO _____ Adjustment to PO _____
- Conditional Use: To allow: 300 FOOT LATTICE TOWER zone district: RR
 Adjustment to CU/CON No. _____
- Vacation of: _____ zone district: _____
(Use a separate sheet for legal description, if necessary.)
- Administrative Permit: To allow: _____ foot high wireless communication facility. zone district: _____
- Off-Site Billboard Sign within _____ feet of a residential lot/structure. zone district: _____

Board of Zoning Appeals:

- Variance: To allow: A ONE CARRIER COMMUNICATION TOWER zone district: RR
AND NOT MEETING SETBACKS ON EAST SIDE OF PROPERTY
- Appeal of: _____ zone district: _____
- Zoning Adjustment: To allow: _____ zone district: _____
- Sign Code Adjustment: To allow: _____ zone district: _____

SECTION II

- The application area is legally described as Lot(s) 1 ; Block(s) A ,
N/A Addition, (Wichita) Sedgwick County, KS. If appropriate, a metes and bounds description may be attached.
- The application area contains 14.97 acres.
- This property is located at (address) 17500 W 71ST STREET VIOLA, KS which is generally located at (relation to nearest streets) 71ST AND 167TH ST W
- We file this request for the following reasons: TO BUILD A 300 FOOT LATTICE TOWER AND FACILITY ON COUNTY PROPERTY. SEEKING A VARIANCE FOR THE SETBACK ON EAST AND ONE CARRIER POLE - FOR COUNTY COMMUNICATIONS
- County control number: #268329

(Continued)

6. The names of the owners of all property included in this application **MUST** be listed as applicants. Contract purchasers, lessees or others directly associated with the property may also be listed if they desire to be advised of the proceedings. (Use a separate sheet for additional applicants if needed.)

A. APPLICANT Sedgwick County Kansas PHONE 316-660-4943
 ADDRESS 538 N Main Wichita KS ZIP CODE 67203

AGENT Laurie Hatfield - Black & Veatch PHONE 913-458-2480
 ADDRESS 10950 Grandview Dr Overland Park, KS ZIP CODE 66210

B. APPLICANT _____ PHONE _____
 ADDRESS _____ ZIP CODE _____

AGENT _____ PHONE _____
 ADDRESS _____ ZIP CODE _____

C. APPLICANT _____ PHONE _____
 ADDRESS _____ ZIP CODE _____

AGENT _____ PHONE _____
 ADDRESS _____ ZIP CODE _____

7. We acknowledge receipt of the instruction sheet explaining the method of submitting this application. We realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. We further certify that the foregoing information is true and correct to the best of our knowledge. We authorize unannounced inspections of the subject property by City and/or County staff for the purpose of collecting information to review and analyze this request. We acknowledge that the MAPC, Governing Body, or Board of Zoning Appeals shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

_____	By	_____
Applicant's Signature		Authorized Agent (If Any)
_____	By	_____
Applicant's Signature		Authorized Agent (If Any)
_____	By	_____
Applicant's Signature		Authorized Agent (If Any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

FOR OFFICE USE ONLY

Map _____ Zoning (N) _____ (S) _____ (E) _____ (W) _____ MAPC/BZA _____ Township _____

Council/Commission District _____ DAB _____ Sm. City PC _____

NA/HOA _____

Date _____ Fee _____ Received By _____

Required Documents:

Ownership List BZA Justification Legal Description Vacation Petition Site Plan Signs