

RESOLUTION NO.

Published on: _____

A RESOLUTION GRANTING A CONDITIONAL USE FOR 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.

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 proper 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, a Conditional Use for the lands legally described hereby is approved as follows:

Case No. CON 2017-00033

A Conditional Use request to allow a 150-foot Wireless Communication Facility in a RR Rural Residential District and legally described as follows:

A 50 foot by 50 foot Lessee Land Space, situated in Southwest Quarter of the Southwest Quarter of Section 26, Township 28 South, Range 2 East, in Sedgwick County, Kansas, more particularly described as follows:

COMMENCING at the Northwest Corner of said Quarter Quarter Section (Found 2" Pipe); thence along the West line of said Quarter Quarter Section, South 01°18'04" East, a distance of 115.20 feet; thence leaving said West line, North 90°00'00" East, a distance of 145.61 feet to the POINT OF BEGINNING; thence continuing North 90°00'00" East, a distance of 50.00 feet; thence South 00°00'00" West, a distance of 50.00 feet; thence North 90°00'00" West, a distance of 50.00 feet; thence North 00°00'00" East, a distance of 50.00 feet to the POINT OF BEGINNING. Containing 2,500 square feet.

SECTION II. That application CON2017-0012 is hereby approved and the Conditional Use is subject to the following Conditions:

1. Reducing the Compatibility Height Standards setbacks to 145 feet on the north and 205 feet on the west.
2. The applicant shall obtain all permits necessary to construct the Wireless Communication Facility, and the Wireless Communication Facility shall be erected within one year of approval of the Conditional Use.
3. The support structure shall be a galvanized "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 150 feet in height, including the ten (10) feet needed for lightning suppression equipment.

5. The equipment compound shall comply with the screening requirements of Article IV, Section IV-B.4.e.1., of the Unified Zoning Code.
6. A site plan and elevation drawing indicating the approved design of the Wireless Communication Facility shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the Governing Body and prior to the issuance of the Conditional Use Resolution.
7. The site shall be developed in general conformance with the approved site plans. All improvements shall be completed before the facility becomes operational.
8. 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.
9. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
10. 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 III. 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 IV. 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:

DAVID M. UNRUH	_____
MICHAEL B. O'DONNELL, II	_____
DAVID T. DENNIS	_____
RICHARD RANZAU	_____
JAMES M. HOWELL	_____

Dated this _____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


ATTEST:

KELLY B. ARNOLD, County Clerk

DAVID M. UNRUH, Chairman
Commissioner, First District

MICHAEL B. O'DONNELL, II, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:



JUSTIN M. WAGGONER,
Assistant County Counselor

DAVID T. DENNIS
Commissioner, Third District

RICHARD RANZAU
Commissioner, Fourth District

JAMES M. HOWELL
Commissioner, Fifth District