

ACTION

COMMITTEE	DATE
K.C.P.C.	7/16/86
M.A.P.C.	7/22/86
B.C.C./B. CO. C.	8-29-86 FRIDAY

approve 40
Approved subject to conditions
Approved as recommended

Closed

CU-295-Midwest Cellular Telephone Co., Etal., request conditional use permit for a cellular mobile telephone monopole east of Hillside 1/2-mile north of 61st St. N.

POSTED 7-9-86 KK

OK

ACTION

COMMITTEE	DATE
K.C.P.C.	approve 40 7/16/86
M.A.P.C.	Approved subject to conditions 7/21/86
B.C.C./B. CO. C.	Approved as recommended 8-29-86 FRIDAY

Closed

CU-295-MH
 Midwest Cellular Telephone
 Request Conditional
 use permit for a cellular mobile
 telephone monopole east of Mill
 side 1/2 mile north of 61st St. N.

DATA SHEET

Z- _____
 SCZ- _____
 CU- 295 _____
 DR- _____
 DP- _____

Case Filed: Amend
 6-25-86
 Associated Case: _____

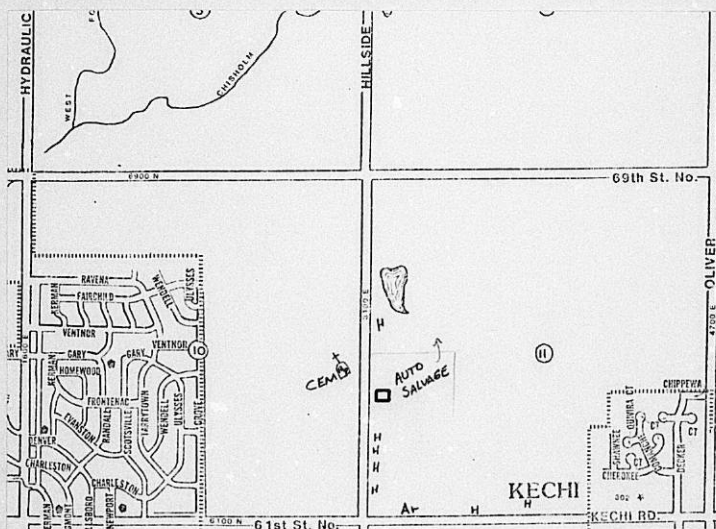
APPLICATION DATA: Map No. 5755 C (MAP D)
 1. General Location: East of Hillside approximately 1/4-mile north of 61st Street North

2. From _____ to _____
 3. Proposed Use: Cellular Mobile Telephone Monopole 195 Feet in Height and an Associated Equipment Building
 4. DP Name: _____
 5. Applicant: Midwest Cellular Telephone Company, (Lessee)
 Address 204 North Robinson, Suite 2911, Oklahoma City, OK. 73102 Phone 405-239-2420
 5. Applicant: Larry Matzek, (Lessor)
 Address: 6350 North Hillside, Wichita, Kansas 67219 Phone 744-2210
 7. Agent: David Blaha
 Address 1516 East Murdock, Wichita, Kansas 67214 Phone 262-6752

- AREA DATA:
 1. Acres: .1
 2. Adjoining Zoning: N "R" 50' S "R" ft. by 60' E "R" W "R" ft.)
 3. Land Use: North _____ East _____
 South _____ West _____

PICTURE SHEET

PHOTO DATA:
 Taken by _____ Date _____ Time _____



NOTES:

T9-214-2

LOS ANGELES
 MARTIN LUTHER KING, JR.
 No. 2153C
 McCORMICK & CO., INC.
 17000 WILSON AVENUE
 BOSTON, MASSACHUSETTS 02116
 U.S.A.

Shirley
 No. 2153C

KNOWN ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, LARRY J. MATZEK and ROSE M. MATZEK

ENTERED ON
TRANSFER RECORD
AUG 27 1986
DON WRIGHT
COUNTY CLERK

being the owner s of the following described real estate in Sedgwick County, Kansas, to wit:

The west fifty (50) feet of a tract described as the SW 1/4 NW 1/4 SW 1/4 Section 11, Township 26 South, Range 1 East of the 6th P.M., EXCEPT beginning at the NW corner, thence East 660.01 feet, thence South 330.20 feet, thence West 660.26 feet, thence North 331.36 feet to beginning; AND EXCEPT beginning at the SW corner, thence East 187 feet, thence North 7 feet, thence West 187 feet, thence South 7 feet to beginning.

Do hereby dedicate the above described real estate to the public for street or road purposes.

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT

AUG 27 1986
8 28950

PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

*Ed Ross
Deputy*

Executed this 5th day of August, 19 86.

Larry J. Matzek
Larry J. Matzek
Rose M. Matzek
Rose M. Matzek

STATE OF KANSAS }
SEDGWICK COUNTY } ss

BE IT REMEMBERED, That on this 5TH day of August, 19 86, before me a Notary Public in and for the said County and State came Larry J. Matzek and Rose M. Matzek

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my Notarial Seal, on day and year last above written.

SHERRELL L. ANDERSON
NOTARY PUBLIC
STATE OF KANSAS
MY APPT. EXPIRES 9-13-88

Sherrell L. Anderson
NOTARY PUBLIC

My appointment expires 9-13-88

SUBMITTED TO THE OFFICE OF COUNTY ENGINEER AND THE BOARD OF COUNTY COMMISSIONERS FOR APPROVAL ON 8-20-86

APPROVED BY

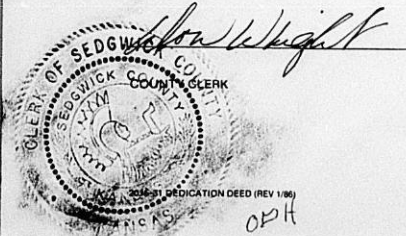
Dwight C. Gaus

DIRECTOR, BUREAU OF PUBLIC SERVICES/
COUNTY ENGINEER

Bernard R. Hentzen

CHAIRMAN

Bernard R. Hentzen



County Clerk
MARY ANN

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: September 3, 1986

TO: Ron Worley, Zoning Administrator, Sedgwick County Department
of Planning and Code Enforcement

FROM: Louise Olivarez, Senior Planner, Current Plans Division

SUBJECT: CU-295

Attached are two copies of the approved site plan for the above-referenced case, being a conditional use permit for a 195-foot-tall cellular mobile telephone monopole on "R" zoned property east of Hillside and $\frac{1}{4}$ -mile north of 61st Street North. County Resolution No. 189-1986 authorizes this use subject to the four conditions listed in the resolution.

Please call if you have any questions about CU-295.

LO:blw
Attachments

August 29, 1986

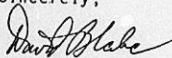
Louise Oliverez
Metropolitan Area Planning Commission
City Hall - 10th Floor
455 N. Main
Wichita, Kans 67202

Dear Louise:

Since your efforts were extremely positive in our applications for conditional use permits for the Kechi and St. Mark communications sites, I wanted to extend a personal thank you for your assistance. Your professionalism and preparations for the Kechi Planning Board meeting as well as the Planning Commission meeting were in evidence, and I appreciate your work. My thoughts are that even though this may be your "job description", too often people aren't given any acknowledgement in their work.

In closing, I again want to say "thank you!" for a job well done.

Sincerely,



David Blaha
System Supervisor
Midwest Cellular Telephone Co.
1516 E. Murdock
Wichita, Ks. 67214

RECEIVED
SEP 02 1986
METROPOLITAN PLANNING
ROUTE _____

Published in The Daily Reporter on September 8, 1986

RESOLUTION NO. 189-1986

CASE NO. CU-295

A RESOLUTION TO PERMIT A CELLULAR MOBILE TELEPHONE MONOPOLE 195 FEET IN HEIGHT AND AN ASSOCIATED EQUIPMENT BUILDING ON PROPERTY ZONED "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

BE IT RESOLVED BY THE GOVERNING BODY 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 17.C of the Zoning Regulations, a Conditional Use Permit for a cellular mobile telephone monopole 195 feet in height and an associated equipment building on property zoned "R" Rural Residential District is hereby approved on lands legally described as follows:

That part of the SW $\frac{1}{4}$ of Section 11, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as commencing at the southwest corner of said SW $\frac{1}{4}$; thence north along the west line of said SW $\frac{1}{4}$, 1495.54 feet; thence east, parallel with the south line of said SW $\frac{1}{4}$, 80 feet for a place of beginning; thence north, parallel with the west line of said SW $\frac{1}{4}$, 60 feet; thence east, parallel with the south line of said SW $\frac{1}{4}$, 50 feet; thence south, parallel with the west line of said SW $\frac{1}{4}$, 60 feet; thence west, parallel with the south line of said SW $\frac{1}{4}$, 50 feet to the place of beginning. Generally located east of Hillside approximately 1/4-mile north of 61st Street North.

SUBJECT TO THE FOLLOWING CONDITIONS:

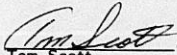
1. The applicant shall dedicate 50 feet of the right-of-way for the east half of Hillside from his entire 5-acre ownership prior to this case being scheduled for County Commission review.
2. The applicant and the lessee shall comply with all FAA and FCC regulations regarding the construction and use of this 195-foot monopole and associated equipment building.
3. The associated building shall be used for equipment storage only and shall not be occupied.
4. The applicant shall obtain a building permit from Sedgwick County prior to construction of the monopole or equipment building.

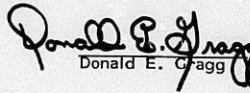
SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use approval shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

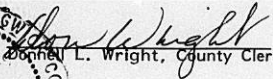
PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 22d day of August, 1986.


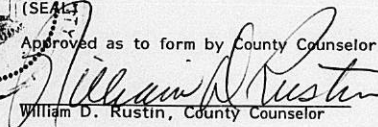

Bernard A. Hentzen, Chairman


Tom Scott, Commissioner


Donald E. Gagg, Commissioner

ATTEST:


Donald L. Wright, County Clerk


(SEAL)
Approved as to form by County Counselor

William D. Rustin, County Counselor

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CU-295 - CONDITIONAL USE PERMIT FOR A CELLULAR MOBILE TELEPHONE
MONOPOLE 195 FEET IN HEIGHT AND AN ASSOCIATED EQUIPMENT BUILDING,
LOCATED EAST OF HILLSIDE APPROXIMATELY 1/4-MILE NORTH OF
61ST STREET NORTH.

The MAPC recommends that the application be approved subject to conditions.
(see minutes for full motion)

Miles moved, Moore seconded and it carried unanimously.

- ACTION:
1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the conditional use permit subject to the recommended conditions; accept the dedication; adopt a resolution authorizing the conditional use permit; or
 2. Adopt findings and deny the application.

DATA AND MINUTES

MAPC Hearing Date: 7-24-86

BCoC Hearing Date: 8-20-86

Commission District #1

	<u>Land Use</u>	<u>Zoning</u>	<u>Size</u>
Application Area	Agriculture	"R"	50'x60'
North	Agriculture/Offices	"R"	
South	Agriculture/Residential/Mfg	"R"	
East	Agriculture/Residential/Radio tower	"R"	
West	Agriculture	"R"	

History: None.

Applicant: Larry Matzek, 6350 N. Hillside, Wichita, KS 67219 (lessor) AND
Midwest Cellular Telephone Co., c/o David Blaha, 1516 E. Murdock,
Wichita, KS 67214 (lessee)

Protestors: None.

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 24, 1986

LEGAL:

5. Case No. CU-295 - Larry Matzek requests Conditional Use Permit for a cellular mobile telephone monopole 195 feet in height and an associated equipment building on that part of the SW $\frac{1}{4}$ of Section 11, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as commencing at the southwest corner of said SW $\frac{1}{4}$; thence north along the west line of said SW $\frac{1}{4}$, 1495.54 feet; thence east, parallel with the south line of said SW $\frac{1}{4}$, 80 feet for a place of beginning; thence north, parallel with the west line of said SW $\frac{1}{4}$, 60 feet; thence east, parallel with the south line of said SW $\frac{1}{4}$, 50 feet; thence south, parallel with the west line of said SW $\frac{1}{4}$, 60 feet; thence west, parallel with the south line of said SW $\frac{1}{4}$, 50 feet to the place of beginning. Generally located east of Hillside approximately 1/4-mile north of 61st Street North.

OLIVAREZ pointed out land use, zoning and showed slides of the general area. She reviewed the following staff report:

Background: The applicant is requesting a conditional use permit for a 195-foot monopole on a 50' x 60' site in the Rural Residential District east of Hillside approximately 1/4-mile north of 61st Street North. The monopole will be used for mobile telephone relay for the Midwest Cellular Telephone Company.

Analysis: All properties in this immediate vicinity were zoned Rural Residential when countywide zoning was established less than two years ago although a number of uses are identified as being legal, nonconforming uses. The application area is just a small part of a 5-acre tract which contains a house and a large radio tower. The radio tower is approximately 400 feet from the proposed monopole. A site plan submitted with the application indicates that access to the site is by means of a 12-foot wide gravel driveway adjacent to the south line which serves the other uses on this 5-acre tract. In addition to the monopole, the application area will contain a modular building (approximately 11' x 32') for electronic switching equipment. A 6-foot chainlink fence with barbed wire on top will surround the entire 50' x 60' application area.

Midwest Cellular has made application to the FAA and the FCC. At the time of this report writing, responses had not been received. The site appears to be far enough away from all airports that FAA will have no problems with this monopole.

A recommendation of approval should be subject to the following conditions:

1. The applicant shall dedicate 50 feet of right-of-way for the east half of Hillside from his entire 5-acre ownership prior to this case being scheduled for County Commission review.
2. The applicant and the lessee shall comply with all FAA and FCC regulations regarding the construction and use of this 195-foot monopole and associated equipment building.
3. The associated building shall be used for equipment storage only and shall not be occupied.
4. The applicant shall obtain a building permit from Sedgwick County prior to construction of the monopole or equipment building.

DISCUSSION:

OLIVAREZ stated that the property will be leased from the owner of the 5-acre tract. In addition to the monopole, there will be a small equipment building, 11' x 32', that will be used for electronic switching equipment. The monopole and the building will be enclosed behind a 6-foot chainlink fence with barbed wire on top. The access to the property will be from a 12-foot wide gravel driveway. She said that the Kechi Planning Commission reviewed the application at their July 16th meeting and recommended 4-0 to approve it subject to the recommended conditions. OLIVAREZ pointed out that there was another tower on the site and is also leased from this same 5-acre tract. She said that the applicant has recently received FAA approval for this project. Staff recommended approval of the application.

DAVID BLAHA, lessee, stated that they were licensed to provide cellular service at various locations throughout Kansas. He said that Wichita was the only area in which they were looking for these additional sites in Kansas, but under their license, it allows them within a three-year time period to put up the necessary towers such as this one to accomplish a set pattern of coverage for this metropolitan area.

PETERS asked Blaha what his service includes.

BLAHA stated that cellular was a recent technology that is a marriage between computer, telephone switching equipment and radios. It allows people who operate in a business that need to keep in touch with an office or sales people, etc., the ability to call anywhere that you can call on a land line telephone from their car or from a portable which they can carry into buildings with them, on job sites in case of construction, etc. He said that it was a new form of communication.

PETERS asked if the radio tower interfered with Blaha's signals.

BLAHA said no, they did a study on that prior to deciding on this site, and there are no complications.

There was no one present in opposition to the application.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff; I move that we recommend to the governing body that this application be approved subject to the following conditions:

1. The applicant shall dedicate 50 feet of the right-of-way for the east half of Hillside from his entire 5-acre ownership prior to this case being scheduled for County Commission review.
2. The applicant and the lessee shall comply with all FAA and FCC regulations regarding the construction and use of this 195-foot monopole and associated equipment building.
3. The associated building shall be used for equipment storage only and shall not be occupied.
4. The applicant shall obtain a building permit from Sedgwick County prior to construction of the monopole or equipment building.

Miles moved, Moore seconded and it carried unanimously.

DEDICATION DEED

KNOWN ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby-acknowledged, the undersigned, LARRY J. MATZEK and ROSE M. MATZEK

being the owner s_____ of the following described real estate in Sedgwick County, Kansas, to wit:

The most fifty (50) feet of a tract described as the SW 1/4 NW 1/4 SW 1/4 Section 11, Township 26 South, Range 1 East of the 6th P.M., EXCEPT beginning at the NW corner, thence East 660.01 feet, thence South 330.20 feet, thence West 660.20 feet, thence North 331.36 feet to beginning; AND EXCEPT beginning at the SW corner, thence East 187 feet, thence North 7 feet, thence West 187 feet, thence South 7 feet to beginning.

Do hereby dedicate the above described real estate to the public for street or road purposes.

Executed this 5th day of August, 19 86.

Larry J. Matzek
Rose M. Matzek
Larry J. Matzek
Rose M. Matzek

STATE OF KANSAS }
SEDGWICK COUNTY } ss

BE IT REMEMBERED, That on this 5TH day of August, 19 86, before me a Notary Public in and for the said County and State came Larry J. Matzek and Rose M. Matzek

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my Notarial Seal, on day and year last above written.

SHERRELL L. ANDERSON
NOTARY PUBLIC
STATE OF KANSAS
MY APPT. EXPIRES 9-13-88

Sherrell L. Anderson
NOTARY PUBLIC

My appointment expires 9-13-88

SUBMITTED TO THE OFFICE OF COUNTY ENGINEER AND THE BOARD OF COUNTY COMMISSIONERS FOR APPROVAL ON _____

APPROVED BY

DIRECTOR, BUREAU OF PUBLIC SERVICES/
COUNTY ENGINEER

CHAIRMAN

COUNTY CLERK

Published in The Daily Reporter on _____, 1986

RESOLUTION NO. _____

CASE NO. CU-295

A RESOLUTION TO PERMIT A CELLULAR MOBILE TELEPHONE MONOPOLE 195 FEET IN HEIGHT AND AN ASSOCIATED EQUIPMENT BUILDING ON PROPERTY ZONED "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

BE IT RESOLVED BY THE GOVERNING BODY 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 17.C of the Zoning Regulations, a Conditional Use Permit for a cellular mobile telephone monopole 195 feet in height and an associated equipment building on property zoned "R" Rural Residential District is hereby approved on lands legally described as follows:

That part of the SW $\frac{1}{4}$ of Section 11, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as commencing at the southwest corner of said SW $\frac{1}{4}$; thence north along the west line of said SW $\frac{1}{4}$, 1495.50 feet; thence east, parallel with the south line of said SW $\frac{1}{4}$, 80 feet for a place of beginning; thence north, parallel with the west line of said SW $\frac{1}{4}$, 60 feet; thence east, parallel with the south line of said SW $\frac{1}{4}$, 50 feet; thence south, parallel with the west line of said SW $\frac{1}{4}$, 60 feet; thence west, parallel with the south line of said SW $\frac{1}{4}$, 50 feet to the place of beginning. Generally located east of Hillside approximately 1/4-mile north of 61st Street North.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall dedicate 50 feet of the right-of-way for the east half of Hillside from his entire 5-acre ownership prior to this case being scheduled for County Commission review.
2. The applicant and the lessee shall comply with all FAA and FCC regulations regarding the construction and use of this 195-foot monopole and associated equipment building.
3. The associated building shall be used for equipment storage only and shall not be occupied.
4. The applicant shall obtain a building permit from Sedgwick County prior to construction of the monopole or equipment building.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use approval shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this _____ day of _____, 19__.

_____, Chairman
Bernard A. Hentzen

_____, Commissioner
Tom Scott

_____, Commissioner
Donald E. Gragg

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

July 25, 1986

Midwest Cellular Telephone Co.
c/o David Blaha
1516 E Murdock
Wichita, Kansas 67214

Re: CU-295 Conditional Use Permit

Dear Mr. Blaha:

At its regular meeting of July 24, 1986, the Metropolitan Area Planning Commission considered the above-captioned zone change request. The action of the Commission was to recommend approval subject to the following conditions:

1. The applicant shall dedicate 50 feet of the right-of-way for the east half of Hillside from his entire 5-acre ownership prior to this case being scheduled for County Commission review.
2. The applicant and the lessee shall comply with all FAA and FCC regulations regarding the construction and use of this 195-foot monopole and associated equipment building.
3. The associated building shall be used for equipment storage only and shall not be occupied.
4. The applicant shall obtain a building permit from Sedgwick County prior to construction of the monopole or equipment building.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, August 20 in Room 320, Sedgwick County Courthouse, provided the dedication has been signed by the applicant and returned to this office by August 6, 1986.

If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG/lw

cc: Larry J. Matzek, 6350 N. Hillside, Wichita, KS 67219
Ron Worley, County Zoning Administrator

DEDICATION DEED

KNOWN ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, LARRY J. MATZEK and ROSE M. MATZEK

being the owner s_____ of the following described real estate in Sedgwick County, Kansas, to wit:

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Do hereby dedicate the above described real estate to the public for street or road purposes.

Executed this _____ day of _____, 19 _____.

Larry J. Matzek

Rose M. Matzek

STATE OF KANSAS)
SEDGWICK COUNTY) SS

BE IT REMEMBERED, That on this _____ day of _____, 19 _____, before me a Notary Public in and for the said County and State came

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my Notarial Seal, on day and year last above written.

NOTARY PUBLIC

My appointment expires _____.

SUBMITTED TO THE OFFICE OF COUNTY ENGINEER AND THE BOARD OF COUNTY COMMISSIONERS FOR APPROVAL ON _____.

APPROVED BY

DIRECTOR, BUREAU OF PUBLIC SERVICES/
COUNTY ENGINEER

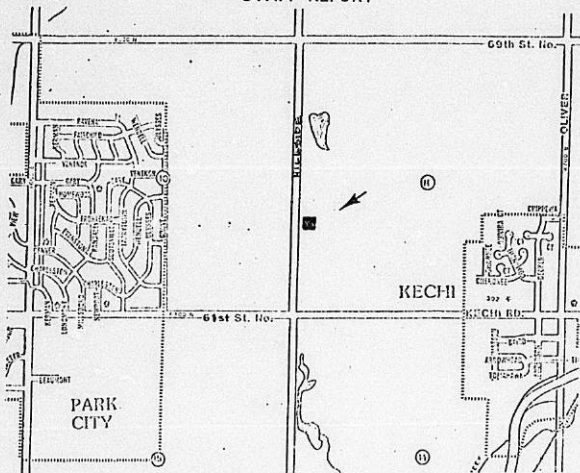
CHAIRMAN

COUNTY CLERK

KCPC July 16, 1986

MAPC July 24, 1986

STAFF REPORT



CU-295 - REQUEST FOR CONDITIONAL USE PERMIT FOR A CELLULAR MOBILE TELEPHONE MONOPOLE 195 FEET IN HEIGHT AND AN ASSOCIATED EQUIPMENT BUILDING, LOCATED EAST OF HILLSIDE APPROXIMATELY 1/4-MILE NORTH OF 61ST STREET NORTH.

Applicant: Larry Matzek, 6350 N. Hillside, Wichita, KS 67219 (lessor) AND Midwest Cellular Telephone Co., c/o David Blaha, 1516 E. Murdock, Wichita, KS 67214 (lessee)

	Land Use	Zoning	Size
Application Area	Agriculture	"R"	50'x60'
North	Agriculture/Offices	"R"	
South	Agriculture/Residential/Mfg	"R"	
East	Agriculture/Residential/Radio tower	"R"	
West	Agriculture	"R"	

History: None.

Background: The applicant is requesting a conditional use permit for a 195-foot monopole on a 50' x 60' site in the Rural Residential District east of Hillside approximately 1/4-mile north of 61st Street North. The monopole will be used for mobile telephone relay for the Midwest Cellular Telephone Company.

Analysis: All properties in this immediate vicinity were zoned Rural Residential when countywide zoning was established less than two years ago although a number of uses are identified as being legal, nonconforming uses. The application area is just a small part of a 5-acre tract which contains a house and a large radio tower. The radio tower is approximately 400 feet from the proposed monopole. A site plan submitted with the application indicates that access to the site is by means of a 12-foot wide gravel driveway adjacent to the south line which serves the other uses on this 5-acre tract. In addition to the monopole, the application area will contain a modular building (approximately 11' x 32') for electronic switching equipment. A 6-foot chainlink fence with barbed wire on top will surround the entire 50' x 60' application area.

Midwest Cellular has made application to the FAA and the FCC. At the time of this report writing, responses had not been received. The site appears to be far enough away from all airports that FAA will have no problems with this monopole.

A recommendation of approval should be subject to the following conditions:

1. The applicant shall dedicate 50 feet of right-of-way for the east half of Hillside from his entire 5-acre ownership prior to this case being scheduled for County Commission review.
2. The applicant and the lessee shall comply with all FAA and FCC regulations regarding the construction and use of this 195-foot monopole and associated equipment building.
3. The associated building shall be used for equipment storage only and shall not be occupied.
4. The applicant shall obtain a building permit from Sedgwick County prior to construction of the monopole or equipment building.

Cellular
One

July 14, 1984



Jonice:

Enclosed is the FAA clearance for our Hechi location and a copy of our FCC license and call sign which give us broad latitude for "various locations in Kansas". I expect to receive FAA clearance for St. Marks the end of this week.

If you have any questions, please call.

David

7-14-86 David Blake said they originally wanted a 295' guyed tower, but after submitting FAA application they reduced it to 195' monopole. If FAA has OK'd 295', then 195' certainly

David Blaha
Facility Coordinator

Would be OK.

DO NOT REMOVE CARBONS

Form Approved OMB No. 2120-0001

U.S. Department of Transportation Federal Aviation Administration		NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION		Aeronautical Study Number 86-ACE-0509-BE	
1. Nature of Proposal A. Type <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Alteration B. Class <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Duration _____ months) C. Work Schedule Dates Beginning _____ End _____			2. Complete Description of Structure A. Include effective radiated power and assigned frequency of all existing, proposed or modified AM, FM, or TV broadcast stations utilizing this structure. B. Include size and configuration of power transmission lines and their supporting towers in the vicinity of FAA facilities and public airports. C. Include information showing site orientation, dimensions, and construction materials of the proposed structure.		
3A. Name and address of individual, company, corporation, etc. proposing the construction or alteration. (Number, Street, City, State and Zip Code) (405) 272-9698 area code Telephone Number Midwest Cellular Telephone Company 500 West Main Oklahoma City, OK. 73102			A guyed tower of 284 feet above ground level with antennas mounted at the top of the tower extending its height by 11 feet. The proposed installation will operate in the 870-880 Mhz range with an effective radiated power of 100 watts.		
3B. Name, address and telephone number of proponent's representative if different than 3 above.			(If more space is required, continue on a separate sheet.)		
4. Location of Structure A. Coordinates (To nearest second) 37° 47' 59" N 97° 17' 53" W B. Nearest City or Town, and State Kechi, KS 0.65 to East Miles C. Name of nearest airport, heliport, lightpark, or seaplane base Valley Center (1) Distance from structure to nearest point of nearest runway 3.335 mi (2) Direction from structure to airport Northwest			5. Height and Elevation (Complete to the nearest foot) A. Elevation of site above mean sea level 1395' B. Height of Structure including all appurtenances and lighting (if any) above ground, or water if so situated 295' C. Overall height above mean sea level (A + B) 1690'		
D. Description of location of site with respect to highways, streets, airports, prominent terrain features, existing structures, etc. Attach a U.S. Geological Survey quadrangle map or equivalent showing the relationship of construction site to nearest airport(s). (If more space is required, continue on a separate sheet of paper and attach to this notice.) Southwest Quarter of the Northwest Quarter of Southwest Quarter of Section 11, Township 26, South Range 1 East, Segwick County, Common Address of 6420 North Hillside					
Notice is required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77) pursuant to Section 1101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1101). Persons who knowingly and willfully violate the Notice requirements of Part 77 are subject to a fine/criminal penalty of not more than \$500 for the first offense and not more than \$2,000 for subsequent offenses, pursuant to Section 902(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(a)).					
I HEREBY CERTIFY that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to obstruction mark and/or light the structure in accordance with established marking & lighting standards if necessary.					
Date 6-4-86		Typed Name/Title of Person Filing Notice Dale B. Baldwin, RF Engineer		Signature <i>Dale B. Baldwin</i>	
FOR FAA USE ONLY FAA will either return this form or issue a separate acknowledgement.					
The Proposal: <input type="checkbox"/> Does not require a notice to FAA. <input checked="" type="checkbox"/> Is not identified as an obstruction under any standard of FAR, Part 77, Subpart C, and would not be a hazard to air navigation. <input type="checkbox"/> Is identified as an obstruction under the standards of FAR, Part 77, Subpart C, but would not be a hazard to air navigation. <input checked="" type="checkbox"/> Should be obstruction marked. <input checked="" type="checkbox"/> Lighted per FAA Agency Circular 707460-1, Chapter(s) 2, 4, 5, 7. <input type="checkbox"/> Obstruction marking and lighting are not necessary.			Supplemental Notice of Construction Form 7460-2 is required any time the project is abandoned, or <input checked="" type="checkbox"/> At least 48 hours before the start of construction. <input type="checkbox"/> Within five days after the construction reaches its greatest height. This determination expires on _____ unless: (a) extended, revised or terminated by the issuing office; (b) the construction is subject to the licensing authority of the Federal Communications Commission and an application for a construction permit is made to the FCC on or before the above expiration date. In such case the determination expires on the date prescribed by the FCC for completion of construction, or on the date the FCC denies the application. NOTE: Request for extension of the effective period of this determination must be postmarked or delivered to the issuing office at least 15 days prior to the expiration date. If the structure is subject to the licensing authority of the FCC, a copy of this determination will be sent to that Agency.		
Remarks:			DEC 27 1986		
Received in Kansas City, Missouri		Signature <i>Dale B. Baldwin</i>		Date 6/26/86	
Date 6/26/86		Date 6/26/86		Date 6/26/86	

FAA Form 7460-1 (4-83) SUPERSEDES PREVIOUS EDITION

DO NOT REMOVE CARBONS

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

File No. 29243-CL-AL-85

CONSENT TO ASSIGNMENT OF COMMON CARRIER RADIO STATION CONSTRUCTION PERMIT OR LICENSE

From (Assignor): Wichita Cellular Telephone Company		To (Assignee): Midwest Cellular Telephone Company	
Nature of Service: Domestic Public Cellular Radio Telecommunications Service		Class of Station: Cellular	
Call Sign(s)	Station Location(s)	Authorization Number(s)	
KNKA357	Various locations within the State of Kansas	29198-CL-TC-85	

Under authority of the Communications Act of 1934, the consent of the Federal Communications Commission is hereby granted to the assignment of the above described authorization from the above named assignor to the above named assignee.

The Commission's consent to said assignment is based on the representations made by the assignor and/or assignee that the statements contained in, or made in connection with, the application are true and that the undertakings of the parties upon which this assignment is authorized will be carried out in good faith.

The actual assignment of the authorization(s), including delivery of said authorization(s) to the assignee, shall be completed within 45 days from the date hereof, and notice in letter form thereof shall forthwith be furnished the Commission by the assignee, showing when the acts necessary to give effect to the assignment have been completed. Upon furnishing the Commission with such written notice, assignee is authorized to begin the construction or operation of the station in accordance with all the terms and conditions of said authorization(s). This consent shall not authorize the construction nor operation of said station by assignee unless and until such notification has been forwarded to the Commission.

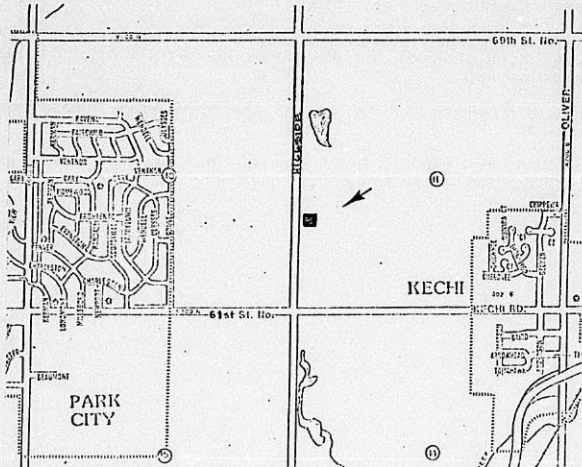
It is hereby directed that this consent, when effective, be attached to the above-described authorization(s), posted as required by the Commission's Rules and Regulations.

Dated August 28, 1985

FEDERAL
COMMUNICATIONS
COMMISSION



STAFF REPORT



CU-295 - REQUEST FOR CONDITIONAL USE PERMIT FOR A CELLULAR MOBILE TELEPHONE MONOPOLE 195 FEET IN HEIGHT AND AN ASSOCIATED EQUIPMENT BUILDING, LOCATED EAST OF HILLSIDE APPROXIMATELY 1/4-MILE NORTH OF 61ST STREET NORTH.

Applicant: Larry Matzek, 6350 N. Hillside, Wichita, KS 67219 (lessor) AND
Midwest Cellular Telephone Co., c/o David Blaha, 1516 E. Murdock,
Wichita, KS 67214 (lessee)

	Land Use	Zoning	Size
Application Area	Agriculture	"R"	50'x60'
North	Agriculture/Offices	"R"	
South	Agriculture/Residential/Mfg	"R"	
East	Agriculture/Residential/Radio tower	"R"	
West	Agriculture	"R"	

History: None.

Background: The applicant is requesting a conditional use permit for a 195-foot monopole on a 50' x 60' site in the Rural Residential District east of Hillside approximately 1/4-mile north of 61st Street North. The monopole will be used for mobile telephone relay for the Midwest Cellular Telephone Company.

Analysis: All properties in this immediate vicinity were zoned Rural Residential when countywide zoning was established less than two years ago although a number of uses are identified as being legal, nonconforming uses. The application area is just a small part of a 5-acre tract which contains a house and a large radio tower. The radio tower is approximately 400 feet from the proposed monopole. A site plan submitted with the application indicates that access to the site is by means of a 12-foot wide gravel driveway adjacent to the south line which serves the other uses on this 5-acre tract. In addition to the monopole, the application area will contain a modular building (approximately 11' x 32') for electronic switching equipment. A 6-foot chainlink fence with barbed wire on top will surround the entire 50' x 60' application area.

Midwest Cellular has made application to the FAA and the FCC. At the time of this report writing, responses had not been received. The site appears to be far enough away from all airports that FAA will have no problems with this monopole.

A recommendation of approval should be subject to the following conditions:

1. The applicant shall dedicate 50 feet of right-of-way for the east half of Hillside from his entire 5-acre ownership prior to this case being scheduled for County Commission review.
2. The applicant and the lessee shall comply with all FAA and FCC regulations regarding the construction and use of this 195-foot monopole and associated equipment building.
3. The associated building shall be used for equipment storage only and shall not be occupied.
4. The applicant shall obtain a building permit from Sedgwick County prior to construction of the monopole or equipment building.

CASE NO. CU-295

15	"Notices to adjoining property owners" mailed on 7-7-86 for the Kechi City Planning Commission Meeting on 7-16-86 and for the MAPC meeting on 7-24-86 .
6	Staff Reports and Notices mailed on 7-9-86 to the Kechi Planning Commissioners (5) and City Clerk.
3	Staff Reports and Notices mailed to Applicants and Agent on 7-9-86.
3	Notices and Staff Reports sent to Ron Worley, David Spears and Karen Crook on 7-9-86.
3	One each to Louise, Barbara and Glen.
<hr/>	
30	TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

July 7, 1986

NOTICE OF PUBLIC HEARING

Case No.: CU-295.

Location: East of Hillside approximately $\frac{1}{4}$ -mile north of 61st Street North.

Address: N/A.

Request: Conditional Use Permit for a Cellular Mobile Telephone Monopole 195 Feet in Height and an Associated Equipment Building on Property Zoned "R" Rural Residential District.

NOTICE IS HEREBY GIVEN that on Wednesday, July 16, 1986, at 7:00 p.m., the KECHI CITY PLANNING COMMISSION, meeting at Kechi City Hall, 200 West Kechi Road, Kechi, Kansas, will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners:

If this matter is not deferred for further hearings by the Kechi City Planning Commission, it will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION which begins at 1:30 p.m., Thursday, July 24, 1986, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

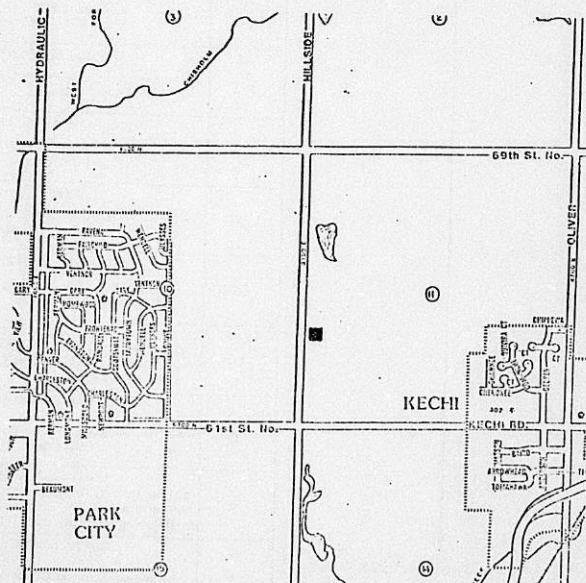
As an owner or occupant of property in the area, you have the right to appear at the Planning Commission meetings, either in person or by agent or attorney, to support or oppose this request. If you have no interest in or objection to the request, you have no obligation to appear at these public hearings.

If you have any questions or wish additional information, please call 268-4421.

APPLICATION
AREA



NORTH
↑



SEE REVERSE SIDE

CASE NO. CU-295

Conditional Use Permit for a Cellular Mobile Telephone Monopole
195 Feet in Height and Associated Equipment Building
on Property Zoned "R" Rural Residential District

That part of the SW $\frac{1}{4}$ of Section 11, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as commencing at the southwest corner of said SW $\frac{1}{4}$; thence north along the west line of said SW $\frac{1}{4}$, 1495.54 feet; thence east, parallel with the south line of said SW $\frac{1}{4}$, 80 feet for a place of beginning; thence north, parallel with the west line of said SW $\frac{1}{4}$, 60 feet; thence east, parallel with the south line of said SW $\frac{1}{4}$, 50 feet; thence south, parallel with the west line of said SW $\frac{1}{4}$, 60 feet; thence west, parallel with the south line of said SW $\frac{1}{4}$, 50 feet to the place of beginning. Generally located east of Hillside approximately $\frac{1}{4}$ mile north of 61st Street North.

Most Restrictive



Least Restrictive

DISTRICT	NAME OF DISTRICT AND USES PERMITTED
R	RURAL RESIDENTIAL Agriculture and One Family Dwellings
R-1	SUBURBAN RESIDENTIAL Agriculture, One Family Dwellings, Schools and Churches
AA	ONE FAMILY DWELLING Agriculture, One Family Dwellings, Schools and Churches
BB	OFFICE All Uses Permitted in More Restrictive Zones and Business and Professional Offices
OC	OFFICE COMMERCIAL Offices, Limited Retail and Service Uses Operated Within a Building.
LC	LIGHT COMMERCIAL All Uses Permitted in More Restrictive Zones and Purely Retail Businesses Operated Within a Building
C	GENERAL COMMERCIAL All Uses Permitted in More Restrictive Zones Plus All Commercial Uses
E	LIGHT INDUSTRIAL All Uses Permitted in More Restrictive Zones Plus Industrial Uses Which Do Not Create Hazards or Nuisance From Fire, Dust, Odor or Smoke***
F	HEAVY INDUSTRIAL Any Use, Some as Conditional Uses***

***Mobile home parks and trailer camps are not permitted.

June 30, 1986

Mr. Ron Darlington, Chairman
Park City City Planning Commission
1500 Ashford Drive
Wichita, Kansas 67219

RE: CU-295

Dear Mr. Darlington:

Attached is a copy of an Official Notice which will be published in the Wichita Eagle-Beacon this week regarding an application for a conditional use permit on property east of Hillside, $\frac{1}{2}$ -mile north of 61st Street North. This site is outside of Park City's "area of influence" but within the area in which Park City requested notification of County zoning hearings.

If you have any questions about this application, please call me at 268-4421.

Sincerely,

Louise Olivarez
Senior Planner

LO:blw

Attachment

cc: Ms. Jerrie Molina, Secretary, Park City City Planning Commission,
6125 North Hydraulic, Wichita, KS. 67219

Published in the Eagle Beacon on July, 2, 1986 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Wednesday, July 16, 1986, at 7:00 p.m., the KECHI CITY PLANNING COMMISSION, meeting at Kechi City Hall, 200 West Kechi Road, Kechi, Kansas, will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners:

CASE NO. CU-295

Conditional Use Permit for a Cellular Mobile Telephone Monopole
195 Feet in Height and an Associated Equipment Building
on Property Zoned "R" Rural Residential District

That part of the SW $\frac{1}{4}$ of Section 11, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as commencing at the southwest corner of said SW $\frac{1}{4}$; thence north along the west line of said SW $\frac{1}{4}$, 1495.54 feet; thence east, parallel with the south line of said SW $\frac{1}{4}$, 80 feet for a place of beginning; thence north, parallel with the west line of said SW $\frac{1}{4}$, 60 feet; thence east, parallel with the south line of said SW $\frac{1}{4}$, 50 feet; thence south, parallel with the west line of said SW $\frac{1}{4}$, 60 feet; thence west, parallel with the south line of said SW $\frac{1}{4}$, 50 feet to the place of beginning. Generally located east of Hillside approximately $\frac{1}{4}$ -mile north of 61st Street North.

If this matter is not deferred for further hearings by the Kechi City Planning Commission, it will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION which begins at 1:30 p.m., Thursday, July 24, 1986, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear either in person or by agent or attorney, if you so desire.

As provided in Section 17-C of the Sedgwick County Zoning Regulations, the same will then and there be discussed and considered by the said MAPC and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed application will be considered as by law provided.

WITNESS MY HAND AND SEAL this 30th day of June, 1986.

Michael E. Lindebak, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

(SEAL)

CASE NO. CU-295

Conditional Use Permit for a Cellular Mobile Telephone Monopole
195 Feet in Height and Associated Equipment Building
on Property Zoned "R" Rural Residential District

That part of the SW $\frac{1}{4}$ of Section 11, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as commencing at the southwest corner of said SW $\frac{1}{4}$; thence north along the west line of said SW $\frac{1}{4}$, 1495.54 feet; thence east, parallel with the south line of said SW $\frac{1}{4}$, 80 feet for a place of beginning; thence north, parallel with the west line of said SW $\frac{1}{4}$, 60 feet; thence east, parallel with the south line of said SW $\frac{1}{4}$, 50 feet; thence south, parallel with the west line of said SW $\frac{1}{4}$, 60 feet; thence west, parallel with the south line of said SW $\frac{1}{4}$, 50 feet to the place of beginning. Generally located east of Hillside approximately $\frac{1}{4}$ -mile north of 61st Street North.

APPLICATION FOR CONDITIONAL USE PERMIT

2

WICHITA-SEDCWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. The names of the owners of all property included in this application must be listed as applicants. Contract purchasers, leasees or others directly associated with the property may also be listed if they desire to be advised of the proceedings.

CU-295

A. APPLICANT Larry Matzek (Lessor) ✓
 ADDRESS 6350 N. Hillside
Wichita Ks. Zip Code 67219 PHONE 744-2210

AGENT _____
 ADDRESS _____ Zip Code _____ PHONE _____

B. APPLICANT Midwest Cellular Telephone Co. (Lessee) ✓
 ADDRESS 204 N. Robinson Suite #2911
Oklahoma City, Ok. Zip Code 73102 PHONE 052392420

AGENT David Blaha ✓
 ADDRESS 1516 E. Murdock
Wichita, Ks. Zip Code 67214 PHONE 262-6752

C. APPLICANT _____
 ADDRESS _____ Zip Code _____ PHONE _____
 AGENT _____
 ADDRESS _____ Zip Code _____ PHONE _____

(Use separate sheet if necessary for names of additional applicants).

2. A. The applicant proposes to establish a cellular mobile telephone monopole 195 feet in height and associated modular building containing electronic switching equipment (use) _____ within _____ on property legally described as ~~XXXXXX~~ SW¼ NW¼ SW¼ of Section 11 Township 26 South ~~XXXXXX~~ Range 1 East, Sedgwick County, Kansas. ~~XXXXXX~~ _____ ~~XXXXXX~~.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

ATTACHED

- B. There are .1 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 5755C Zoning (N) R (S) R (E) R (W) R MAPC 7-24-86

T9-333-2

Revised 1/85

Kechi Planning Comm. 7:16 PM 7-16-86 Eagle-Beacon 7-1-86

15737-32311-25

3. This property is located at (address) 6420 N. Hillside.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. At the _____ corner of _____ and _____, OR

B. On the east side of Hillside (Ave.) Street between 61st St. N. (Ave.) Street and 69th St. N. (Ave.) Street.

4. We request this Conditional Use Permit for the following reasons:

To construct a cellular mobile telephone monopole and modular building containing electronic switching equipment.

5. 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 ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE. WE ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS THAT IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

[Signature] BY _____
APPLICANT'S SIGNATURE AUTHORIZED AGENT (IF ANY)

[Signature] BY _____
APPLICANT'S SIGNATURE AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE BY _____ AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY

This application was received at the Planning Department at 3 (AM, PM) on 6-25-86 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 200.00.

[Signature] Name
As Planner Title

WILLIAM L. KORBER, L.S.
JOHN E. LUNDBLAD, L.S.
N. BRENT WOOTEN, P.E.



BAUGHMAN COMPANY, P.A.

SURVEYING & ENGINEERING

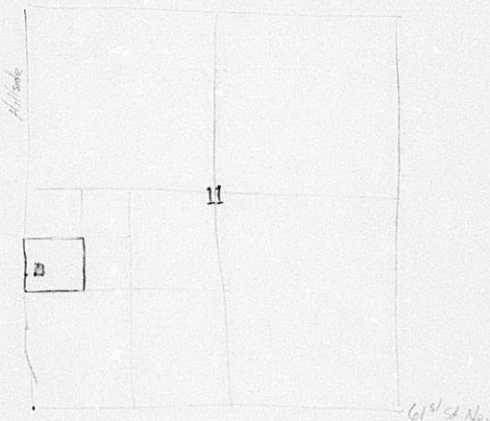
316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

June 25, 1986

Kechi 61st and Hillside

LEGAL DESCRIPTION:

That part of the SW $\frac{1}{4}$ of Sec. 11, Twp. 26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, described as commencing at the S.W. Corner of said SW $\frac{1}{4}$; thence north along the west line of said SW $\frac{1}{4}$, 1495.54 feet; thence east, parallel with the south line of said SW $\frac{1}{4}$, 80 feet for a place of beginning; thence north, parallel with the west line of said SW $\frac{1}{4}$, 60 feet; thence east, parallel with the south line of said SW $\frac{1}{4}$, 50 feet; thence south, parallel with the west line of said SW $\frac{1}{4}$, 60 feet; thence west, parallel with the south line of said SW $\frac{1}{4}$, 50 feet to the place of beginning.



STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

Record Owners within 1000 feet of: A tract in the Southwest Quarter of Section 11, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as beginning at the Southwest corner of the Northwest Quarter of the Southwest Quarter; thence East parallel with the South line of the Northwest Quarter of said Southwest Quarter, 187 feet; thence North parallel with the West line of the Northwest Quarter of said Southwest Quarter, 7 feet; thence West parallel with the South line of the Northwest Quarter of said Southwest Quarter, 187 feet; thence South parallel with the West line of the Northwest Quarter of said Southwest Quarter, 7 feet to the point of beginning, EXCEPT the West 30 feet thereof for street and Southwest Quarter of the Northwest Quarter of the Southwest Quarter, EXCEPT beginning at the Northwest corner; thence East 660.01 feet; thence South 330.20 feet; thence West 660.26 feet; thence North 331.36 feet to beginning and EXCEPT beginning at the Southwest corner of the Northwest Quarter of the Southwest Quarter; thence East 187 feet; thence North 7 feet; thence West 107 feet; thence South 7 feet to beginning, all in Section 11, Township 26 South, Range 1 East of the 6th y.M., Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

DESCRIPTIONS

RECORD OWNERS

A tract in the Southwest Quarter of Section 11, Township 26 South, Range 1 East, described as beginning at the Southwest corner of the Northwest Quarter of the Southwest Quarter; thence East parallel with the South line of the Northwest Quarter of said Southwest Quarter, 187 feet; thence North parallel with the West line of the Northwest Quarter of said Southwest Quarter, 7 feet; thence West parallel with the South line of the Northwest Quarter of said Southwest Quarter, 187 feet; thence South parallel with the West line of the Northwest Quarter of said Southwest Quarter, 7 feet to the point of beginning, EXCEPT the West 30 feet thereof for street.

Steven L. & Debra J. Gardner
3149 N. St. Clair
Wichita, Kansas 67204

Fidelity  Title
COMPANY, INC.

DESCRIPTIONS

RECORD OWNERS

Southwest Quarter of the Northwest Quarter of the Southwest Quarter, EXCEPT beginning at the Northwest corner; thence East 60.01 feet; thence South 330.20 feet; thence West 660.26 feet; thence North 331.36 feet to beginning and EXCEPT beginning at the Southwest corner of the Northwest Quarter of the Southwest Quarter; thence East 187 feet; thence North 7 feet; thence West 107 feet; thence South 7 feet to beginning, Section 11, Township 26 South, Range 1 East,

Larry J. & Rose M. Matzek
6350 N. Hillside
Wichita, Kansas 67219

Northwest Quarter of Section 11, Township 26 South, Range 1 East,

Zanerian E. Funk
Box 88
Cascade, Colorado 80809

North 100 feet of the West 435.6 feet of the North half of the Northwest Quarter of the Southwest Quarter of Section 11, Township 26 South, Range 1 East,

Lowell & Maxine McDonald
6558 N. Hillside
Wichita, Kansas 67219



North Half of the Northwest Quarter of the Southwest Quarter, EXCEPT the North 100 feet of the West 435.6 feet of Section 11, Township 26 South, Range 1 East,

Clyde E. & Bonnie Weniger
6504 N. Hillside
Wichita, Kansas 67219

North Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter, EXCEPT the South 165 feet of Section 11, Township 26 South, Range 1 East, now platted as Christian Communications Addition,

Christian Communications
Incorporated
P.O. Box 880
Wichita, Kansas 67201

South 165 feet of the North half of the Southwest Quarter of the Southwest Quarter of Section 11, Township 26 South, Range 1 East,

Sunflower Institutes of Studies
and Arts, Inc.
P.O. Box 1601
Wichita, Kansas 67201

Beginning 660 feet North and 660 feet East of the Southwest corner of the Southwest Quarter to East line of the West Half of the Southwest Quarter; thence North to South line of North half of the Northwest Quarter of the Southwest Quarter; thence West 660 feet; thence South to beginning, EXCEPT the South 10 acres, Section 11, Township 26 South, Range 1 East,

Clyde E. & Bonnie Weniger
6504 N. Hillside
Wichita, Kansas 67219



DESCRIPTIONS

RECORD OWNERS

Beginning 1232.39 feet North of the Southwest corner of the Southwest Quarter; thence North 93 feet to North line of Southwest Quarter of the Southwest Quarter; thence East 660 feet; thence South 93 feet; thence West 660 feet to beginning, EXCEPT the West 30 feet for Street, Section 11, Township 26 South, Range 1 East,

Steven L. & Debra J. Gardner
6352 N. Hillside
Wichita, Kansas 67219

Beginning 1100 feet North of the Southwest corner of the Southwest Quarter; thence North 132.39 feet; thence East 660 feet to a point on the East line of the West Half of the Southwest Quarter of the Southwest Quarter; 93 feet South of the North line thereof; thence South to a point East of beginning; thence West 660 feet to beginning, Section 11, Township 26 South, Range 1 East,

Larry J. & Rose M. Matzek
6350 N. Hillside
Wichita, Kansas 67219

Beginning 880 feet North of the Southwest corner of the Southwest Quarter; thence North 220 feet; thence East 660 feet; thence South 220 feet; thence West to beginning, Section 11, Township 26 South, Range 1 East,

Dewitt & E. Fern McEntire
6332 N. Hillside
Wichita, Kansas 67219

North 6.333 Acres of the South 10 Acres, beginning 660 feet North and 660 feet East of the Southwest corner of the Southwest Quarter; thence East to East line of West Half of Southwest Quarter; thence North to South line of North Half of the Northwest Quarter of the Southwest Quarter; thence West 660 feet; thence South to beginning, Section 11, Township 26 South, Range 1 East,

DeWitt & Edna Fern McEntire
6332 N. Hillside
Wichita, Kansas 67219

Beginning 660 feet North of the Southwest corner of the Southwest Quarter; thence North 220 feet; thence East 660 feet; thence South 220 feet; thence West to beginning,

Leaman Claude & Betty Lee Cocks
6260 N. Hillside
Wichita, Kansas 67219

AND
South 3.333 Acres of tract beginning 660 feet North and 660 feet East of the Southwest corner of the Southwest Quarter; thence East to East line of West Half of the Southwest Quarter; thence North to South line of North Half of the Northwest Quarter of the Southwest Quarter; thence West 660 feet; thence South to beginning, all in Section 11, Township 26 South, Range 1 East,

Fidelity  Title

COMPANY, INC.



DESCRIPTIONS

RECORD OWNERS

Beginning 462 feet North of the Southwest corner of the Southwest Quarter; thence North 198 feet; thence East 660 feet; thence South 198 feet; thence West 660 feet to beginning,

dup Leaman C. & Betty Lee Cocke
6260 N. Hillside
Wichita, Kansas 67219

AND

Beginning 264 feet North of the Southwest corner of the Southwest Quarter; thence North 396 feet; thence East 660 feet; thence South 396 feet; thence West to beginning, EXCEPT the North 198 feet,

AND

Beginning 660 feet East and 660 feet North of the Southwest corner of the Southwest Quarter; thence South 330 feet; thence East 132 feet; thence South 165 feet; thence East to the East line of the Southwest Quarter of the Southwest Quarter; thence North 495 feet; thence West to beginning, EXCEPT South 20 feet of the East 268 feet, all in Section 11, Township 26 South, Range 1 East,



Beginning 660 feet East of the Southwest Corner of the Southwest Quarter; thence North 330 feet; thence East 132 feet; thence South 330 feet; thence West to beginning, Section 11, Township 26 South, Range 1 East,

Robert L. & Maria C. Clingerman
3001 Butterfield Road
Oak Brook, Illinois 60521

South Half of the Northeast Quarter of Section 10, Township 26 South, Range 1 East,

Zanerian E. Funk
Box 88
dup Cascade, Colorado 80809

1 Square Acre in the Northeast corner of the Southeast Quarter, described as 208.71 feet by 208.71 feet in Southeast Quarter of Section 10, Township 26 South, Range 1 East,

The German Baptist Association of Sedgwick County
✓ %Kechi Township, Trustee
900 E. 69th Street North
Wichita, Kansas 67219

West 313.06 feet of East 521.77 feet of the North 208.71 feet of the Northeast Quarter of the Southeast Quarter of Section 10, Township 26 South, Range 1 East,

✓ Kechi Burying Association
%Kechi Township
Kechi, Kansas 67067

Beginning 621.77 feet West of the Northeast corner of the Southeast Quarter; thence West 406 feet; thence South 542.65 feet; thence East 406 feet; thence North to beginning, Section 10, Township 26 South, Range 1 East,

✓ Kechi Township
%Raymond Davidson
Rt. 2
Valley Center, Kansas 67147



DESCRIPTIONS

RECORD OWNERS

Beginning 208.71 feet South of the Northeast corner of the Southeast Quarter; thence West 521.77 feet; thence South 333.94 feet; thence East 521.77 feet; thence North 333.94 feet to beginning, Section 10, Township 26 South, Range 1 East,

Kechi Township
Kechi, Kansas 67067

Northeast Quarter of the Southeast Quarter, EXCEPT the North 542.65 feet of the East 521.77 feet and EXCEPT the West 406 feet of the East 1027.77 feet of the North 542.65 feet of the Section 10, Township 26 South, Range 1 East,

dup Kechi Township
Kechi, Kansas 67067

West Half of the Southeast Quarter of the Southeast Quarter of Section 10, Township 26 South, Range 1 East,

Lowell & Maxine McDonald
2908 E. 61st
Kechi, Kansas 67067

East Half of the Southeast Quarter of the Southeast Quarter of Section 10, Township 26 South, Range 1 East,

Valley National Bank of Arizona, N.A., as Trustee for the Charles J. Maule and Dorothy J. Maule
Revocable Living Trust Dated May 24, 1983
Box 29519
Phoenix, Arizona 85038

East Half of the Southwest Quarter EXCEPT the South 449 feet of the West 207.92 feet of the East 485 feet, Section 11, Township 26 South, Range 1 East,

Harold L. Lentz
ADDRESS UNKNOWN
P.B.
C.D.

Dated at Wichita, Kansas, this 17th day of June, 1986 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

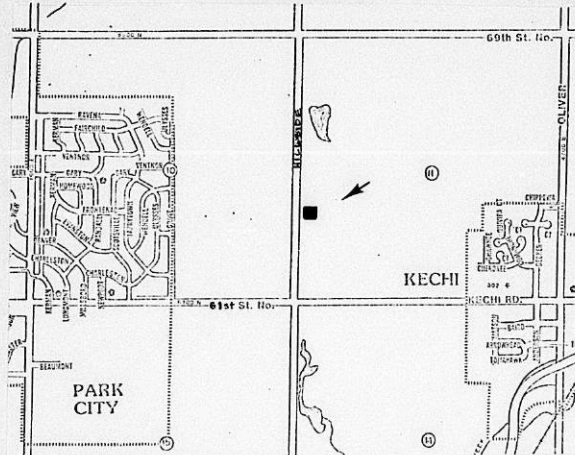
Medina A. Sutter

By
Assistant Secretary

Tracer No. 73471



STAFF REPORT



CU-295 - REQUEST FOR CONDITIONAL USE PERMIT FOR A CELLULAR MOBILE TELEPHONE MONOPOLE 195 FEET IN HEIGHT AND AN ASSOCIATED EQUIPMENT BUILDING, LOCATED EAST OF HILLSIDE APPROXIMATELY ¼-MILE NORTH OF 61ST STREET NORTH.

Applicant: Larry Matzek, 6350 N. Hillside, Wichita, KS 67219 (lessor) AND Midwest Cellular Telephone Co., c/o David Blaha, 1516 E. Murdock, Wichita, KS 67214 (lessee)

	Land Use	Zoning	Size
Application Area	Agriculture	"R"	50'x60'
North	Agriculture/Offices	"R"	
South	Agriculture/Residential/Mfg	"R"	
East	Agriculture/Residential/Radio tower	"R"	
West	Agriculture	"R"	

History: None.

Background: The applicant is requesting a conditional use permit for a 195-foot monopole on a 50' x 60' site in the Rural Residential District east of Hillside approximately ¼-mile north of 61st Street North. The monopole will be used for mobile telephone relay for the Midwest Cellular Telephone Company.

Analysis: All properties in this immediate vicinity were zoned Rural Residential when countywide zoning was established less than two years ago although a number of uses are identified as being legal, nonconforming uses. The application area is just a small part of a 5-acre tract which contains a house and a large radio tower. The radio tower is approximately 400 feet from the proposed monopole. A site plan submitted with the application indicates that access to the site is by means of a 12-foot wide gravel driveway adjacent to the south line which serves the other uses on this 5-acre tract. In addition to the monopole, the application area will contain a modular building (approximately 11' x 32') for electronic switching equipment. A 6-foot chainlink fence with barbed wire on top will surround the entire 50' x 60' application area.

Midwest Cellular has made application to the FAA and the FCC. At the time of this report writing, responses had not been received. The site appears to be far enough away from all airports that FAA will have no problems with this monopole.

A recommendation of approval should be subject to the following conditions:

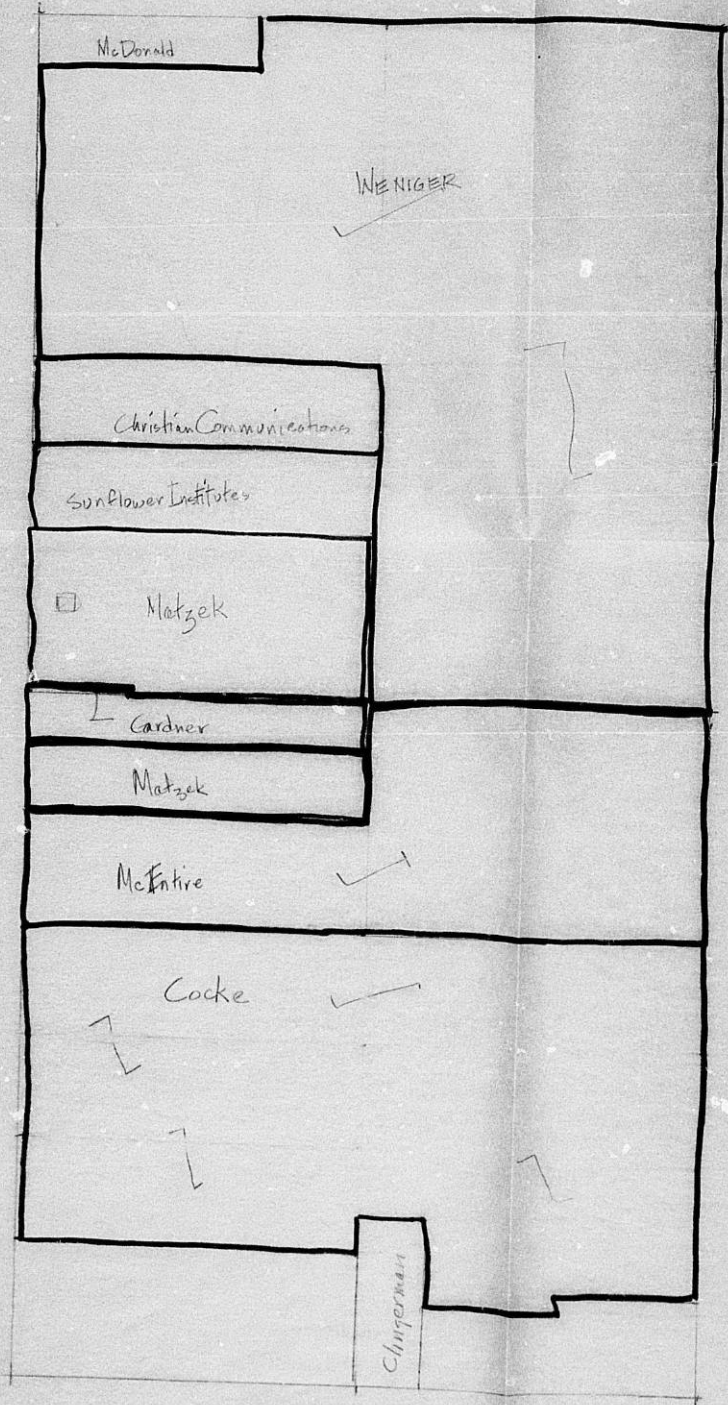
1. The applicant shall dedicate 50 feet of right-of-way for the east half of Hillside from his entire 5-acre ownership prior to this case being scheduled for County Commission review.
2. The applicant and the lessee shall comply with all FAA and FCC regulations regarding the construction and use of this 195-foot monopole and associated equipment building.
3. The associated building shall be used for equipment storage only and shall not be occupied.
4. The applicant shall obtain a building permit from Sedgwick County prior to construction of the monopole or equipment building.

FORM 29 021

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION		AMOUNT
<i>Contract for P & H 2005</i>		
NAME <i>Paul J. ...</i>		
ADDRESS <i>24 N. ...</i>		
FUND <i>255 40210</i>	DUE DATE	
COMMENTS		
DATE <i>10-25-06</i>	BY <i>[Signature]</i>	



*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

*