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RESOLUTION NO. 143-1987

A RESOLUTION TO ESTABLISH A TELECOMMUNICATIONS MICROWAVE STATION WITH 303-FOOT TOWER IN THE "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 to establish a telecommunications microwave station with 300-foot tower in the "R" Rural Residential district is hereby approved on lands legally described as follows:

CASE NO. CU-303

A tract in the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 24, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point 749 feet east of the northwest corner of said NW $\frac{1}{4}$ ; thence south 100 feet; thence east 251 feet; thence south 420 feet; thence west 370 feet; thence north 420 feet; thence east 99 feet; thence north 100 feet; thence east 20 feet to the point of beginning; except street right-of-way. Generally located on the south side of 101st Street North in an area east of Oliver.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall plat subject property within one year after County Commission approval and prior to construction of the tower or equipment building or this conditional use application shall be considered denied and closed; the resolution establishing the conditional use shall not be published until the plat has been recorded.
2. The applicant shall comply with all FAA and FCC regulations regarding the construction and use of this tower and associated equipment building.
3. The tower height shall not exceed 303 feet.

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 25th day of March, 1987.

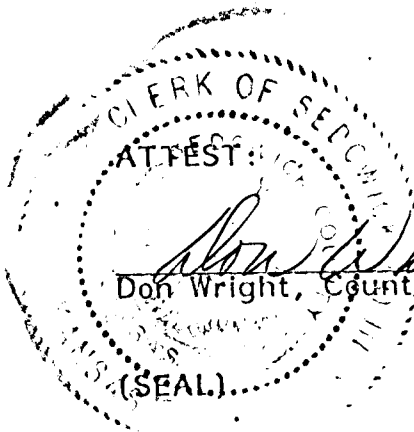
Tom Scott, Chairman  
Tom Scott

Mark F. Schroeder, Chairman pro tem  
Mark F. Schroeder

David Bayouth, Commissioner  
David Bayouth

Bernard A. Hentzen, Commissioner  
Bernard A. Hentzen

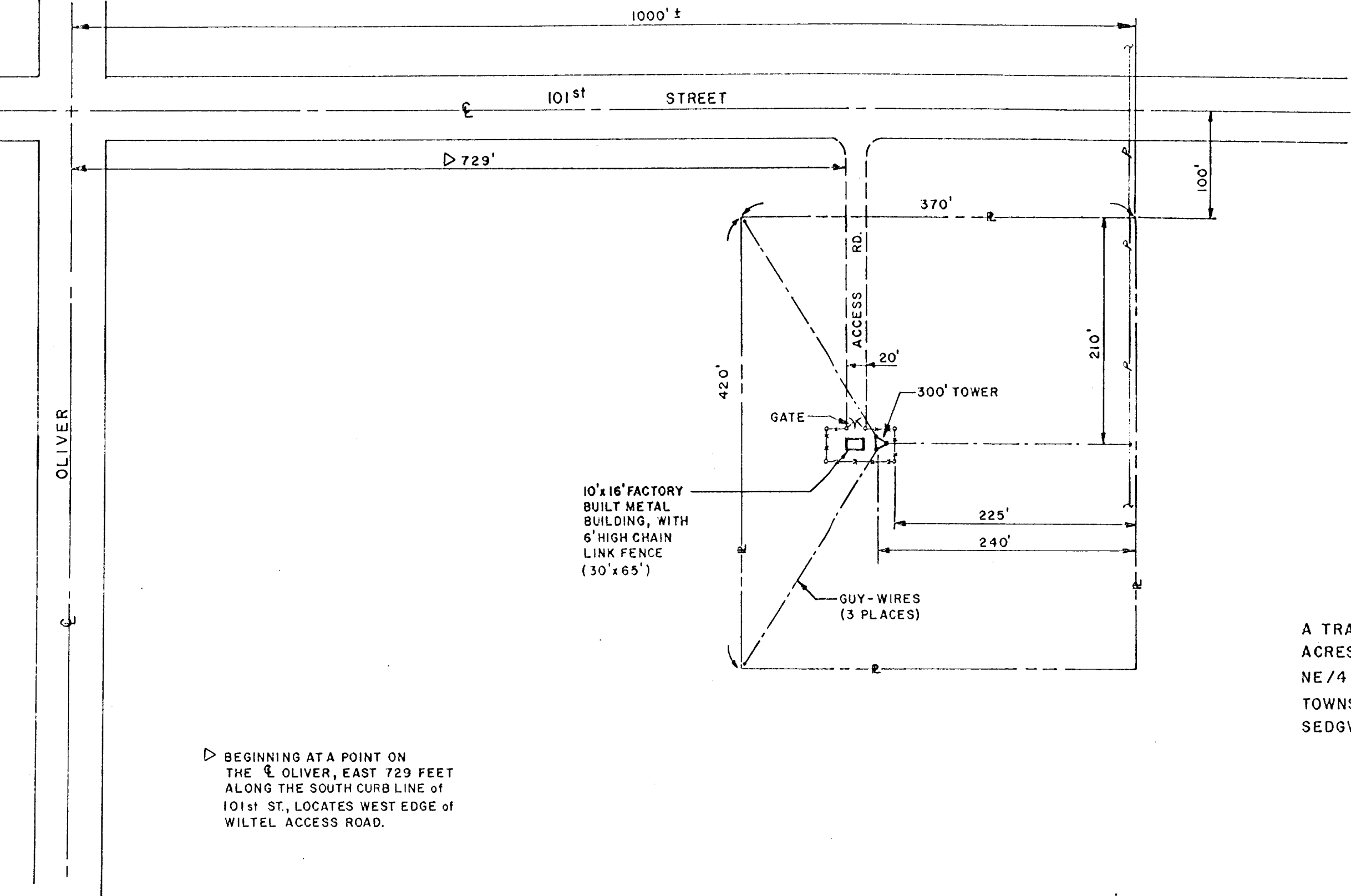
Billy Q. McCray, Commissioner  
Billy Q. McCray



Don Wright, County Clerk  
Don Wright, County Clerk

APPROVED AS TO FORM:

Robert R. Arnold  
Robert R. Arnold, County Counselor



▷ BEGINNING AT A POINT ON THE CL OLIVER, EAST 729 FEET ALONG THE SOUTH CURB LINE of 101<sup>st</sup> ST, LOCATES WEST EDGE of WILTEL ACCESS ROAD.

A TRACT OF LAND, CONTAINING 3.6 ACRES, LOCATED IN THE :  
NE/4 NW/4 NW/4, SECTION 24,  
TOWNSHIP 25 SOUTH, RANGE 1 EAST,  
SEDGWICK COUNTY, KANSAS.

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERSREQUEST FOR CONDITIONAL USE PERMIT

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CU-303 - CONDITIONAL USE PERMIT FOR A MICROWAVE TELECOMMUNICATIONS  
STATION AND 300-FOOT TOWER, LOCATED ON THE SOUTH SIDE OF 101ST  
STREET NORTH IN AN AREA EAST OF OLIVER.

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

Wilson moved, Parsons seconded and it carried by a vote of 6-1 (Gardner).

## ACTION:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the conditional use permit subject to the recommended conditions; adopt a resolution authorizing the conditional use permit and instruct the Planning Department to withhold publication until the appropriate conditions have been complied with; or
2. Adopt findings and deny the application.

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DATA AND MINUTES

MAPC Hearing Date: 3-05-87

BCoC Hearing Date: 3-25-87

COMMISSION DISTRICT #4

|                  | <u>Land Use</u>                       | <u>Zoning</u> | <u>Size</u> |
|------------------|---------------------------------------|---------------|-------------|
| Application Area | Agriculture                           |               |             |
| North            | Agriculture & Single-family residence | "R"           | 3.6 acres   |
| South            | Agriculture                           | "R"           |             |
| East             | Agriculture                           | "R"           |             |
| West             | Agriculture & Single-family residence | "R"           |             |

History: None.

Applicant: Williams Telecommunications Company, Attn: Charles Hodges, Project Superintendent, P. O. Box 21348, Tulsa, OK 74121

Protestors: Karl Friedel, attorney for Marietta Volbracht, 9960 N. Oliver;  
Lloyd Curtis, 5920 E. 93rd St. North.

(NOTE: The percentage of protest will be pointed out at the meeting.)

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