

36-1990

R# 86-1990

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RESOLUTION NO. 86-1990

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ESTABLISH A CABLE T.V. 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, AND SUBSEQUENTLY AMENDED.

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 cable T.V. tower on property zoned "R" Rural Residential District is hereby approved on lands legally described below are hereby changed as follows:

Case No. CU-326  
Conditional Use Permit to establish  
a cable T.V. tower site  
on property zoned "R" Rural Residential

Commencing at the northeast corner of the Northeast Quarter (NE1/4) of Section Twenty-Eight (28), Township Twenty-Eight (28) South, Range Two (2) West of the Sixth Principal Meridian; thence west on the north line of the said Northeast Quarter a distance of 105 feet to a point; thence south and parallel with the east line of said Northeast Quarter a distance of 840 feet to a point, which point is the true point of beginning of the tract of land to be described; thence south and parallel with the east line of said Northeast Quarter a distance of 30 feet; thence east and parallel with the north line of said Northeast Quarter a distance of 20 feet; thence north and parallel with the east line of said Northeast Quarter a distance of 30 feet; thence west and parallel with the north line of said Northeast Quarter a distance of 20 feet to the point of beginning. Generally located on the west side of 167th Street West, approximately 800 feet south of 55th Street South.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Only one cable television tower shall be erected on the subject property. The permitted tower shall not be taller than 56 feet and shall be self-supporting.
- B. Only one accessory building for the housing of related electronic equipment is permitted on the application area. The permitted accessory building shall be non-permanent in nature, constructed of wood and shall not contain plumbing facilities. If and when the cable television tower is removed from this property, the accessory wooden building shall also be removed.

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- C. Only one accessory satellite dish is permitted on the application area. If and when the cable television tower is removed from this property, the accessory satellite dish shall also be removed.
- D. The application area shall be fenced with a chainlink fence which has a minimum height of 6 feet.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit 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 Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

DAVID BAYOUTH	<u>Agree</u>
PAUL W. HANCOCK	<u>Agree</u>
BERNARD A. HENTZEN	<u>Agree</u>
BILLY Q. McCRAY	<u>Agree</u>
MARK F. SCHROEDER	<u>Agree</u>

DATED this 25<sup>th</sup> day of April, 1990.



ATTEST:

Don Wright  
DON WRIGHT, County Clerk

APPROVED AS TO FORM ONLY:

Henry H. Base  
County Counselor/Assistant

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

Mark F. Schroeder  
MARK F. SCHROEDER, Chairman

David Bayouth  
DAVID BAYOUTH, Chairman Pro Tem

Paul W. Hancock  
PAUL W. HANCOCK, Commissioner

Bernard A. Hentzen  
BERNARD A. HENTZEN, Commissioner

Billy Q. McCray  
BILLY Q. McCRAY, Commissioner

TRISTAR CABLE INC.



55th St.  
SOUTH

55th St. 50'

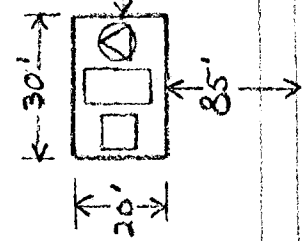
Center of Road

20'

820'

80 Acres

167th St West



Center of Road

CU-326

STAFF REPORT

CASE NUMBER: CU-326

OWNER/APPLICANT/AGENT: Lloyd & Dorothy Younger (owners/applicants)  
Tristar Cable, Inc. (agent)

REQUEST: Conditional Use Permit to establish a cable T.V. tower.

CURRENT ZONING: "R" Rural Residential District

SITE SIZE: .01 acre (30 ft. x 20 ft.)

LOCATION: On the west side of 167th St. W., approximately 800 feet south of 55th Street South.

PROPOSED USE: Cable T.V. tower and associated structures



BACKGROUND: The applicant is requesting a conditional use permit for a cable T.V. tower on a 20-foot by 30-foot portion of an unplatted tract of land located on the west side of 167th Street West, approximately 800 feet south of 55th Street South. The application area will be leased by Tristar Cable, Inc. for purposes of installing and operating a 56-foot-tall self-supporting tower, along with an accessory 12-foot aluminum satellite dish and a 6-foot by 10-foot wooden building to house electronic equipment.

It should be noted that the application area is located entirely outside of the 85-foot building setback required from section line roads by Section 13(D)(5)(j) of the County Zoning Resolution. The applicant's agent has advised that the facility will be fenced with chain-link and that the residence to the south of the application area is located approximately 300 feet from where the tower would be constructed.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"R"	Undeveloped - agricultural use
SOUTH	"R"	Single-family residence
EAST	"R"	Undeveloped - agricultural use
WEST	"R"	Undeveloped - agricultural use

PUBLIC SERVICES: The cable T.V. facility will not require either municipal water or sewerage facilities. One Hundred Sixty-Seventh Street West is an unpaved, two-lane section line road. Fifty feet of half-street right-of-way is required for this arterial street.

CONFORMANCE TO PLANS/POLICIES: Section 4(A)(9)(n) of the County Zoning Resolution provides for radio or television transmitters in the "R" zoning district, provided the Metropolitan Area Planning Commission reviews the request and the Board of County Commissioners approves the use by issuing a conditional use permit. The Land Use Element of the Comprehensive Plan depicts this area of the County for agricultural purposes.

RECOMMENDATION: It is recommended that this conditional use permit for a cable T.V. tower be approved subject to the following conditions:

- A. Only one cable television tower shall be erected on the subject property. The permitted tower shall not be taller than 56 feet and shall be self-supporting.
- B. Only one accessory building for the housing of related electronic equipment is permitted on the application area. The permitted accessory building shall be non-permanent in nature, constructed of wood and shall not contain plumbing facilities. If and when the cable television tower is removed from this property, the accessory wooden building shall also be removed.

- C. Only one accessory satellite dish is permitted on the application area. If and when the cable television tower is removed from this property, the accessory satellite dish shall also be removed.
- D. The application area shall be fenced with a chainlink fence which has a minimum height of 6 feet.