Published in The Daily Reporter on Nov. 27, 1992

RESOLUTION NO. R 244-1992

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A COMMUNICATIONS TOWER AND AN ASSOCIATED CONTROL BUILDING IN THE "R-1" SUBURBAN 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 allow a communications tower and associated control building on property zoned "R-1" Suburban Residential District is hereby approved on lands legally described below:

FILE COPY

Case No. CU-352

Conditional use permit request to allow a communications tower and an associated control building on property zoned the "R-1" Suburban Residential District

The south 140 feet of the west 60 feet of the west 662 feet of the east 1,324 feet of the south half of the southwest quarter of Section 3, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, except the south 40 feet for road. Generally located 1/4-mile east of Greenwich Road on the north side of 31st Street South.

SUBJECT TO THE FOLLOWING CONDITIONS:

A. The application area shall be fenced with a minimum six-foot-tall solid privacy fence. The fence may be constructed of wood, provided the finished side of the fence is facing outward. The fence may provide for a reasonably wide access gate installed at the same height and of the same construction material as the fence.

B. The applicant shall submit a landscaping plan to the Director of Planning for review and approval prior to any building permits being issued. The plan shall include, but not be limited to, a five-foot landscaping buffer in the south 35 feet of the application area.

C. The communications tower shall be limited to 200 feet in height. The site shall be limited to one 340 sq. ft. accessory structure not to exceed one story in height. The property shall be developed in accordance with the approved site plan.

D. The applicant shall obtain an Airport Hazard Zoning Permit from the City of Wichita's Office of Central Inspection prior to any building permits being issued.

E. The applicant shall comply with all applicable regulations of the FAA, the FCC, and the Wichita Airport Hazard Zone Ordinance.

F. Any violation of the foregoing conditions shall render this conditional use permit null and void.

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.

SECTION IV. Sedgwick County Resolution No. 174-1984 is hereby repealed.

Commissioners present and voting were:

BETSY GWIN	Aye
PAUL W. HANCOCK	Aye
BERNARD A. HENTZEN	Aye
BILLY Q. McCRAY	Aye
MARK F. SCHROEDER	Aye

DATED this 4th day of November, 1992.

BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

Betsy Gwin
BETSY GWIN, Chair

Mark F. Schroeder
MARK F. SCHROEDER, Chair Pro Tem

Paul W. Hancock
PAUL W. HANCOCK, Commissioner

Bernard A. Hentzen
BERNARD A. HENTZEN, Commissioner

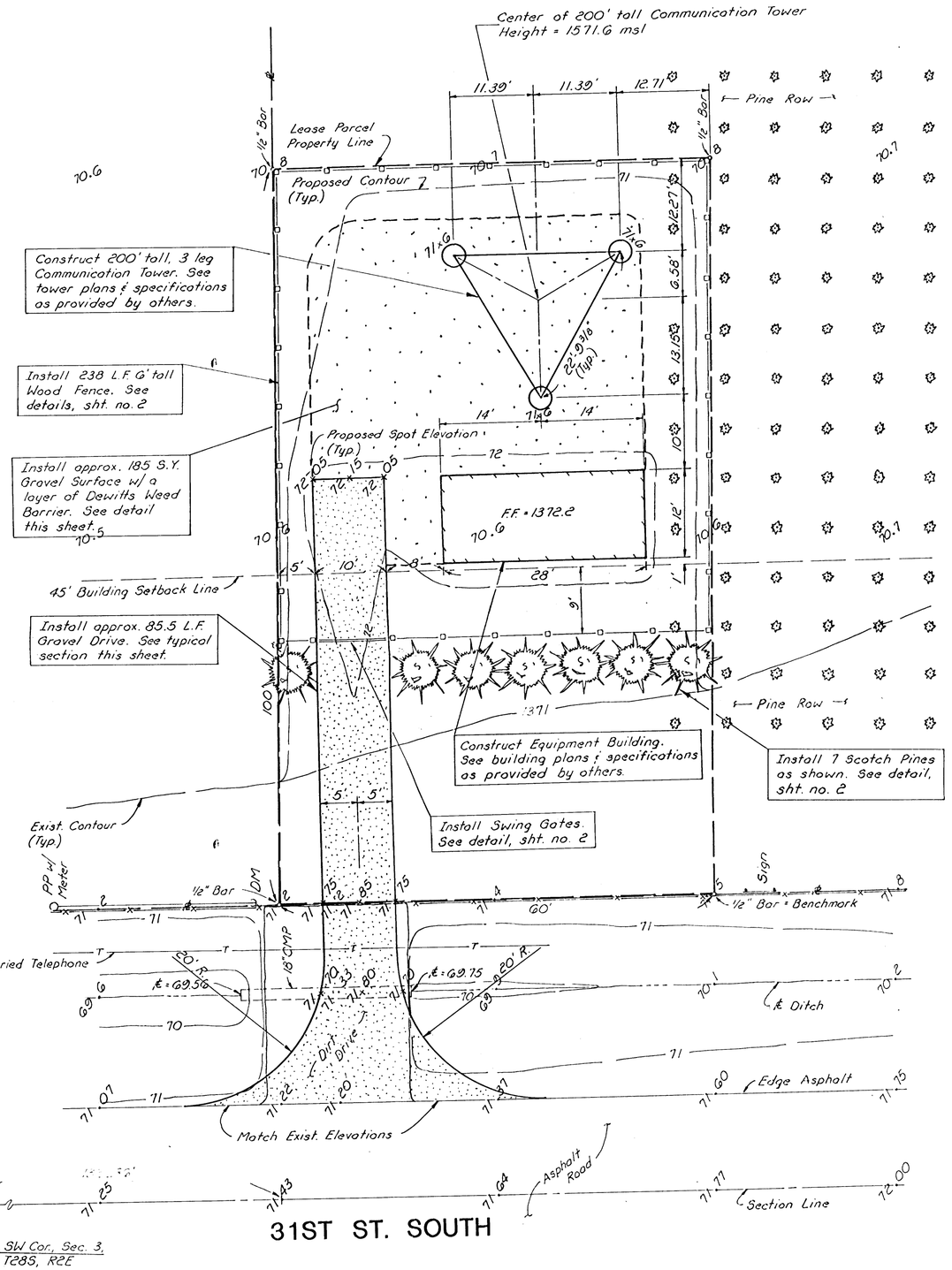
Billy Q. McCray
BILLY Q. McCRAY, Commissioner

ATTEST:

Don Wright
DON WRIGHT, County Clerk

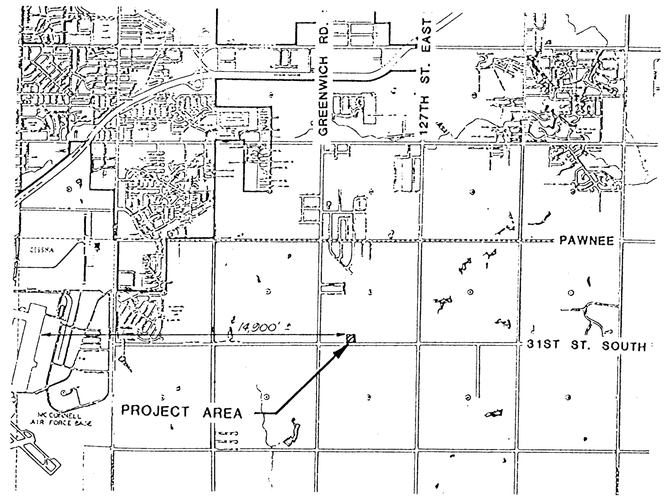
APPROVED AS TO FORM ONLY:

County Counselor/Assistant

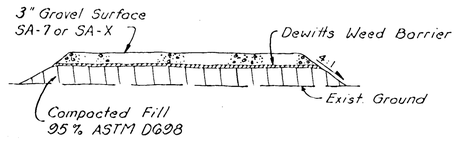


SCALE: 1"=10'

BM- Top 1/2" Bar at Southeast corner of Cellular One Tract. Elev.=1371.48



LOCATION MAP

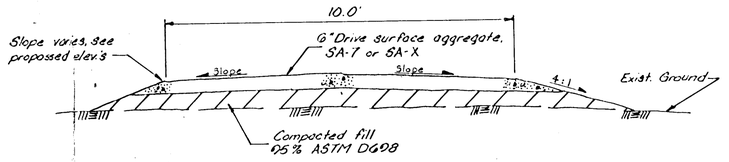


GRAVEL SURFACE DETAIL

LEGAL FOR PROPOSED CELLULAR ONE TOWER

THE SOUTH 140 FEET OF THE WEST 60 FEET OF THE WEST 662 FEET OF THE EAST 1324 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 28 SOUTH, RANGE 2 EAST OF THE SIXTH P.M., SEDGWICK COUNTY, KANSAS, EXCEPT THE SOUTH 40 FEET FOR ROAD.

ZONING - "R-1"



GRAVEL DRIVE
TYPICAL SECTION

GENERAL NOTES

1. THE CONTRACTOR SHALL CONTAIN HIS OPERATIONS TO PERMIT TRAFFIC THROUGH AND ACROSS ALL COUNTY, CITY, STATE, AND PRIVATE ROADS. THE CONTRACTOR SHALL ERECT WARNING SIGNS, FLASHING LIGHTS, AND BARRICADES IN COMPLIANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) TO ENSURE SAFETY AS DIRECTED IN THE GENERAL SPECIFICATIONS.

2. AT LEAST 48 HOURS PRIOR TO BEGINNING EXCAVATION (EXCLUDING WEEKENDS AND HOLIDAYS), THE CONTRACTOR SHALL CONTACT THE KANSAS ONE-CALL SYSTEM, A UTILITY LOCATION SERVICE, AT 1-800-DIG-SAFE TO REQUEST THE LOCAL GAS, TELEPHONE, AND ELECTRIC UTILITY COMPANIES TO LOCATE ANY EXISTING LINES WITHIN THE PROJECT AREA. ALSO, THE CONTRACTOR SHALL CONTACT TCI OF KANSAS 788-3725 TO REQUEST LOCATES ON EXISTING CABLE TV LINES AND DERBY REFINING PIPELINE DEPARTMENT AT 755-1591, MR. NORBERT POSCH FOR LOCATES ON EXISTING OIL PIPELINES WITHIN THE PROJECT AREA. THE CONTRACTOR SHALL ALSO CONTACT THE FOLLOWING AT LEAST 24 HOURS PRIOR TO BEGINNING EARTHWORK:

SEDGWICK COUNTY BUREAU OF PUBLIC SERVICES
COUNTY ENGINEER
1250 S. SENECA
WICHITA, KS 67213-4498
MR. DAVID C. SPEARS, P.E.
(316) 268-7901

3. IT SHOULD BE NOTED THAT BURIED LINES AND CABLES MAY EXIST WHICH ARE NOT SHOWN ON THE PLANS. THE CONTRACTOR SHALL HAVE ALL BURIED LINES LOCATED AND FLAGGED IN THE FIELD PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL CONTACT THE ENGINEER AND REVIEW ALL BURIED LINES LOCATED TO DETERMINE IF CONFLICTS EXIST. THE CONTRACTOR SHALL EXERCISE EXTREME CAUTION DURING EARTHWORK OPERATIONS TO AVOID DAMAGING THESE LINES. ANY LINES DAMAGED SHALL BE REPLACED OR REPAIRED IMMEDIATELY AS DIRECTED BY THE ENGINEER AT THE CONTRACTOR'S EXPENSE.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PRESERVING PROPERTY IRONS. THE CONTRACTOR SHALL BE REQUIRED TO RE-ESTABLISH ANY PROPERTY IRONS WHICH ARE DAMAGED OR DESTROYED BY HIS CONSTRUCTION OPERATIONS. SUCH IRONS SHALL BE RE-ESTABLISHED BY A LICENSED LAND SURVEYOR IN ACCORDANCE WITH STATE LAWS. THIS WORK SHALL BE CONSIDERED INCIDENTAL TO OTHER ITEMS OF WORK.

5. EXCESS EXCAVATED MATERIAL AND OTHER DEBRIS, INCLUDING ANY TREES REMOVED, TREE TRIMMINGS, AND FENCES REMOVED SHALL BE WASTED ON SITES TO BE PROVIDED BY THE CONTRACTOR AS APPROVED BY THE ENGINEER AT NO ADDITIONAL COST TO THE OWNER.

6. THE CONTRACTOR SHALL AVOID REMOVAL OR TRIMMING OF ANY TREES WHERE POSSIBLE. WHERE THE CONTRACTOR BELIEVES THE REMOVAL OR TRIMMING OF ANY TREE IS UNAVOIDABLE, HE SHALL CONTACT THE ENGINEER IN ADVANCE AND IDENTIFY THE TREES IN THE FIELD BY MARKING EACH TREE WITH FLAGGING. THE CONTRACTOR SHALL THEN OBTAIN APPROVAL FROM THE ENGINEER BEFORE COMMENCING ANY TREE REMOVAL OR TRIMMING. TREE REMOVAL OR TRIMMING SHALL NOT BE PAID FOR SEPARATELY BUT SHALL BE CONSIDERED SUBSIDIARY TO OTHER ITEMS OF WORK.

7. REMOVAL AND RESETTING OF FENCES, CULVERT PIPES, AND STRUCTURES AND RESTORATION OF ALL MAIL BOXES, NEWSPAPER BOXES, SIGNS, DITCHES, SWALES, ROAD SHOULDERS, DRIVES, AND ENTRANCES TO THEIR ORIGINAL SLOPES, GRADES, LOCATIONS, AND AS REQUIRED IN THE SPECIFICATIONS SHALL BE CONSIDERED SUBSIDIARY TO GRADING.

8. ALL ELEVATIONS GIVEN IN THE PLANS ARE BASED ON USGS DATUM.

9. THE CONTRACTOR SHALL CONTAIN HIS OPERATIONS WITHIN ROAD RIGHTS-OF-WAY OR EASEMENTS AS SHOWN ON THE PLANS. CONTRACTOR SHALL BE RESPONSIBLE TO OBTAIN ANY ADDITIONAL EASEMENTS HE DEEMS NECESSARY TO COMPLETE THE PROJECT AS SHOWN ON THE PLANS AND SPECIFICATIONS. ALL COSTS FOR ADDITIONAL EASEMENTS SHALL BE BORNE BY THE CONTRACTOR. EASEMENTS SHALL BE OBTAINED IN WRITING AND SUBMITTED TO THE ENGINEER FOR APPROVAL.

10. THE CONTRACTOR SHALL ALSO ACQUIRE A UTILITY PERMIT AGREEMENT FOR USE OF COUNTY ROAD RIGHT-OF-WAY FROM THE SEDGWICK COUNTY BUREAU OF PUBLIC SERVICES AT THE ADDRESS LISTED ABOVE. THE CONTRACTOR WILL BE REQUIRED TO FURNISH 4 SETS OF THE AFFECTED PLAN SHEETS REDUCED TO 1/2 ORIGINAL SIZE WITH THE UTILITY PERMIT AGREEMENT.

11. SEED ALL DISTURBED AREAS PER THE SPECIFICATIONS.

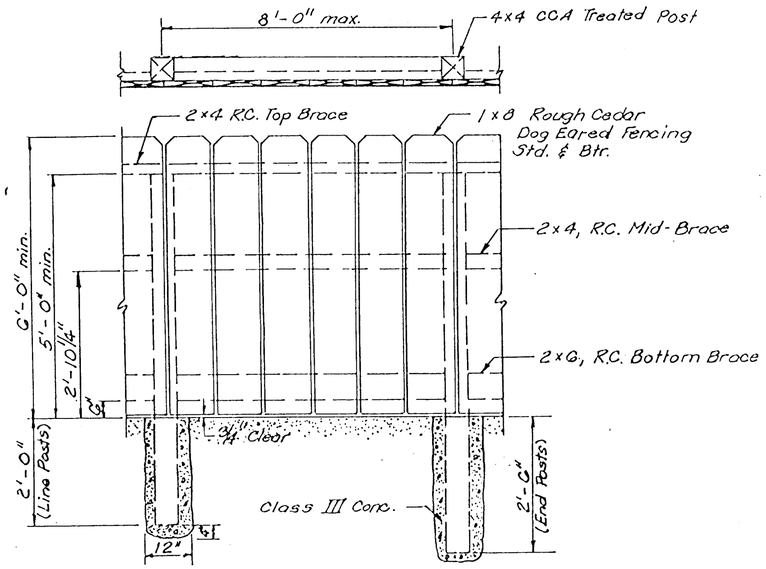
CHRISTOPHER R. YOUNG LICENSED 11315 KANSAS PROFESSIONAL ENGINEER

No.	Revision

CELLULAR ONE

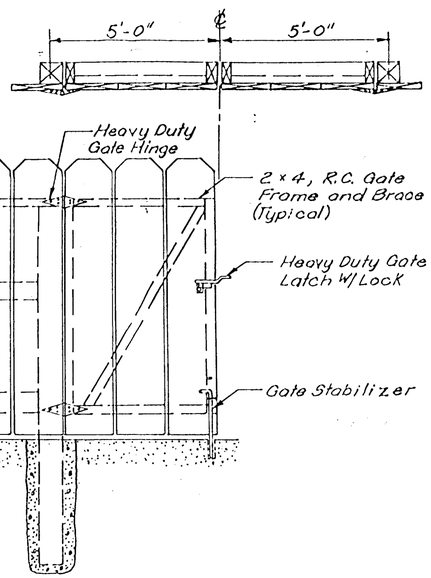
SITE PLAN

PROFESSIONAL ENGINEERING CONSULTANTS
ENGINEERS
WICHITA, KANSAS



6'-0" CEDAR FENCE SECTION

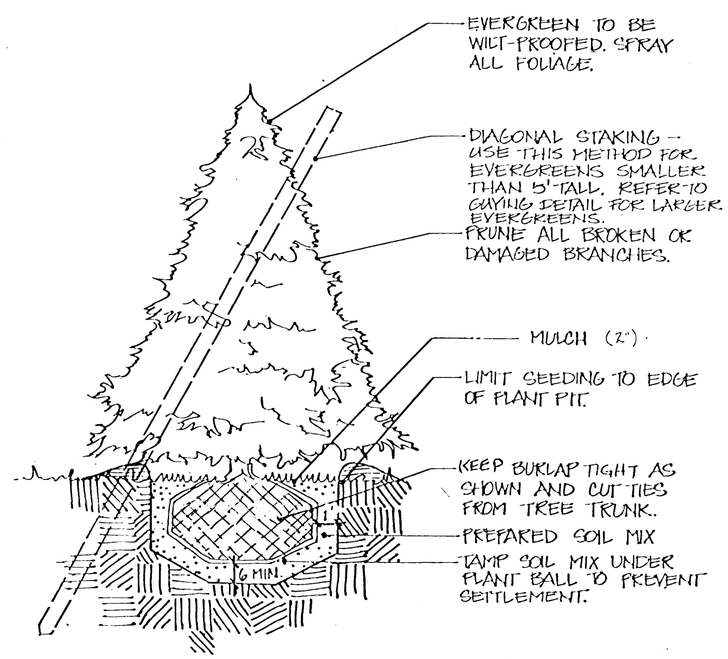
(No Scale)



6'-0" CEDAR FENCE SWING GATE DETAIL

(No Scale)

Note: Cedar Fencing material shall be standard or better grade lumber and free from knotholes. All hardware shall be galvanized or weatherproofed to prevent corrosion. Any modifications to the above shall be submitted in writing and/or sketch to the engineer for approval prior to construction.



EVERGREEN PLANTING DETAIL (NO SCALE)

Quantity	Common Name	Botanical Name	Size	Condition
7	Scotch Pine	PINUS sylvestris	5'-6'	B & B

CHRISTOPHER R. YOUNG LICENSED 11315 KANSAS PROFESSIONAL ENGINEER

No.	Revision

CELLULAR ONE

SITE PLAN

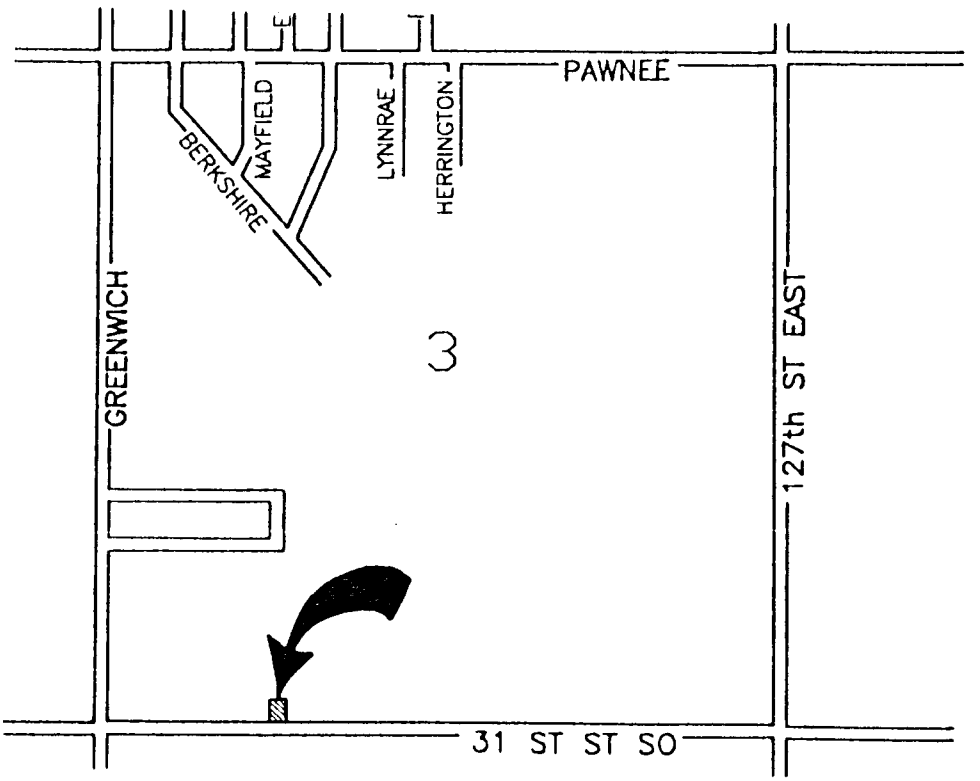
WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

October 8, 1992

STAFF REPORT

CASE NUMBER:	CU-352
OWNER/APPLICANT/AGENT:	Wilfred & Mary Goevert/Cellular One (owners/applicants) Gary Wiley, P.E.C. (agent)
REQUEST:	Conditional use permit for a communications tower and associated control building.
CURRENT ZONING:	"R-1" Suburban Residential District
SITE SIZE:	6,000 sq. ft.
LOCATION:	One-quarter mile east of Greenwich Road, on the north side of 31st Street South.
PROPOSED USE:	Two hundred-foot communications tower and an associated control building.



BACKGROUND: The applicants are requesting a conditional use permit to construct a 200-foot communications tower and an associated control building on a 6,000-square-foot unplatted tract located ¼-mile east of Greenwich Road, on the north side of 31st Street South. The tower will be a self-supporting, three-legged structure (see attached) for mobile telephone service.

The applicants have indicated that several property owners in the target area were contacted regarding a lease for a communications tower. This second site was selected because of its proximity to a road, the availability of utilities, its location within the companies' target area, and a willing lessor. The Metropolitan Area Planning Commission may recall an earlier application located ¼-mile east of Greenwich Road, on the south side of Creed Street was withdrawn at the hearing, due to staff and neighborhood opposition. This location is preferable to the earlier one, since fewer residences are impacted. Cellular One anticipates that due to the proximity of McConnell Airport, the FAA will require the tower to be painted red and white and be lighted.

The application area is located within Area C of the Wichita Airport Hazard Zone. This area requires an airport hazard zoning permit for any structure over 150 feet. The applicants have proposed a 200-foot communications tower and therefore must obtain an airport hazard zoning permit from the City of Wichita's Office of Central Inspection. This permit involves a site plan review and notification of the proposed structure to surrounding airports for comment. Initial contact with Central Inspection has indicated that the requested tower height is acceptable. Any requirements placed on the applicants by the Wichita Airport Hazard Zone Ordinance are separate from those of the FAA and cannot be waived.

Communications towers do emit electromagnetic fields (EMFs). These fields are strongest in close proximity to their source and diminish rapidly with distance. At this time, there is no conclusive evidence that EMFs are harmful to human health. Further study is needed to determine what, if any, risks are associated with EMFs. Several national studies are pending and it may be several years before there is conclusive evidence.

The surrounding area is zoned "R-1" and is agricultural in nature. The new Comprehensive Plan indicates this area for suburban development. The Plan guides suburban development (large-lot residential development) to areas where municipal services are not planned for availability and where agriculture is not a prime resource.

Given that all surrounding property is undeveloped agricultural land, staff recommends approval of the request, subject to conditions.

CASE HISTORY: CU-349 - Conditional use permit request for a communications tower located ¼-mile north of 31st Street South, was withdrawn by the applicant.

ADJACENT ZONING AND LAND USE:

NORTH	"R-1"	Undeveloped agricultural
SOUTH	"R-1"	Undeveloped agricultural
EAST	"R-1"	Undeveloped agricultural
WEST	"R-1"	Undeveloped agricultural

PUBLIC SERVICES: The proposed use will not require municipal water or sewer facilities. This site is accessed from 31st Street South, a two-lane, paved arterial, with 40 feet of existing half-street right-of-way.

CONFORMANCE TO PLANS/POLICIES: The 1992 Comprehensive Plan depicts this area for suburban (large lot residential) development. There are no adopted MAPC zoning guidelines for this area.

RECOMMENDATION: Staff recommends approval, subject to the following conditions:

A. The application area shall be fenced with a minimum six-foot-tall solid privacy fence. The fence may be constructed of wood, provided the finished side of the fence is facing outward. The fence may provide for a reasonably wide access gate installed at the same height and of the same construction material as the fence.

B. The applicant shall submit a landscaping plan to the Director of Planning for review and approval prior to any building permits being issued. The plan shall include, but not be limited to, a five-foot landscaping buffer in the south 35 feet of the application area.

C. The communications tower shall be limited to 200 feet in height. The site shall be limited to one 340 sq. ft. accessory structure not to exceed one story in height. The property shall be developed in accordance with the approved site plan.

D. The applicant shall obtain an Airport Hazard Zoning Permit from the City of Wichita's Office of Central Inspection prior to any building permits being issued.

E. The applicant shall comply with all applicable regulations of the FAA, the FCC, and the Wichita Airport Hazard Zone Ordinance.

F. Any violation of the foregoing conditions shall render this conditional use permit null and void.