

ACTION

*P*  
1057 (18) 90  
4-22-80  
5-22-80

Godward P. COMMITTEE *Approved and to*

DATE 4-28-80

*Admission*

M.A.P.C. *Refer to procedure* 5-22-80

P.C.C./B. CO. C. *Referred for review* 7-2-80  
*with*

M.A.P.C. Review legal *Approved and* 6-5-80  
*to conditions - no street*  
*ROW required.*

*Bdy Co. Co. Approved and to* 7-16-80  
*Conditions recommended M.A.P.C.*  
*Required contrajoint declaration*

closed

CU-235 - Louis Hahn, et al request  
Conditional Use to permit con-  
struction of a 490 foot tower for  
FM Two-way Radio Antennas on  
property zoned the "R" Rural

4044  
 Book 6  
 I-9W-D  
 Map No. 1  
 Sec. 1  
 Twp. 28  
 Range 3W

DATA SHEET  
 (ZONING & CONDITIONAL USE)

Z- \_\_\_\_\_  
 SCZ- \_\_\_\_\_  
 CU- 235  
 Filed 4-18-80

APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_

- Applicant: Louis Hahn, et al  
 Address Rt. 1, Goddard, Ks. 67052 Phone 794-2539
- Agent: Bill Gertle  
 Address 1900 N. Amidon, 67203 Phone 832-0121
- General Location: Southeast corner of 231st St. West and 23rd St. South.  
 Address \_\_\_\_\_
- Proposed Use: to Construct a 490 foot tower for FM Two-way Radio  
Antennas, in "R" Rural Residential District.

AREA DATA:

- Acres: 13.47 ( 720 ft. by 815 ft.)
- Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
- Land Use: East UNDEVELOPED South UNDEVELOPED  
 West UNDEVELOPED North UNDEVELOPED
- Sketch Plan Land Use is for: \_\_\_\_\_
- Present Land Use is for: UNDEVELOPED
- Area (is) (is not) platted.

PROCEDURE DATA:

- Zoning Committee \_\_\_\_\_ by \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- MAPC Meeting:

	Date	Action
Goddard	4-28-80	<u>Approved sub to conditions</u>
MAPC	5-22-80	<u>Refer to re-dedicate</u>
MAPC	6-5-80	<u>Revised Map Approved sub to conditions</u>

- Governing Body (Bd. City Commissioners - Bd. County Commissioners)

Date	Action	Resolution - Pub. 8-1-80
<u>7-2-80</u>	<u>Deferred for two weeks for final Dept to review approval for sub, at specified time.</u>	
<u>7-16-80</u>	<u>Approved sub to conditions recorded by MAPC.</u>	

NOTES:

5-5-80 Wanda Herman of Security abstract (267-8371)  
will have abstract bit picked up for an addenda  
+ will return to Lynn Shirley. Edie

4044  
 Book 6  
 Map No. 1-9W-D  
 Sec. 1  
 Twp. 28  
 Range 3W

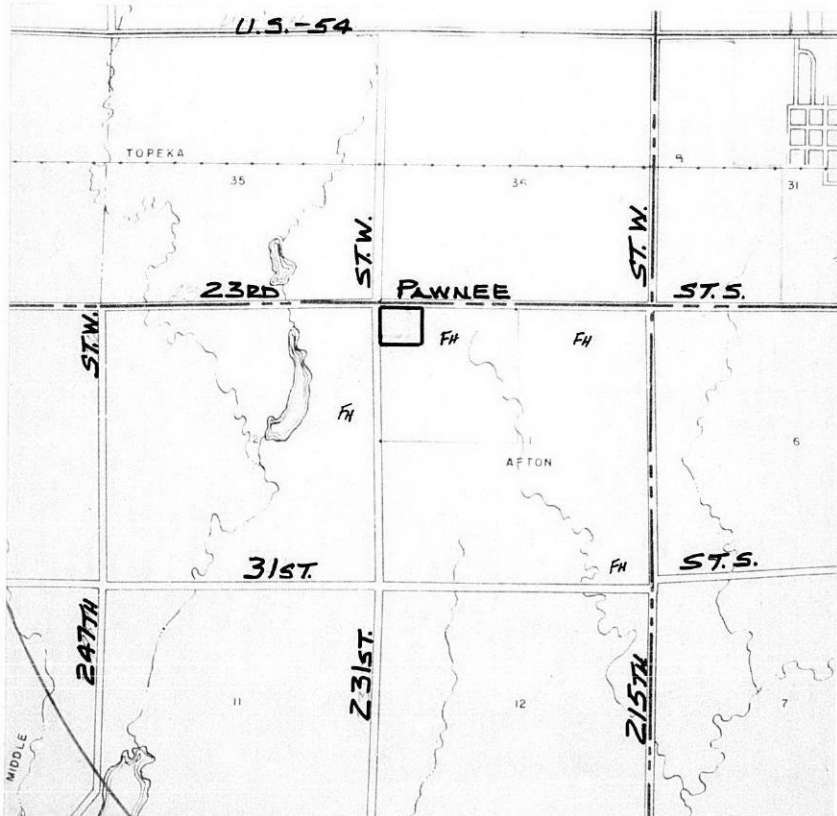
DATA SHEET  
 (ZONING & CONDITIONAL USE)

Z-  
 SCZ-  
 CU-  
 Filed 235  
 4-18-80

- APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_
- Applicant: Louis Hahn, et al  
 Address: Rt. 1, Goddard, Ka. 67052 Phone 794-2539
  - Agent: Bill Gettle  
 Address: 1900 N. Amidon, 67203 Phone 332-8121
  - General Location: Southeast corner of 231st St. West and 23rd St. South.  
 Address \_\_\_\_\_
  - Proposed Use: to Construct a 490 foot tower for FM Two-way Radio  
Antennas, in "R" Rural Residential District.

- AREA DATA:
- Acres: 13.47 ( 720 ft. by 815 ft.)
  - Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
  - Land Use: East UNDEVELOPED South UNDEVELOPED  
 West UNDEVELOPED North UNDEVELOPED
  - Sketch Plan Land Use is for: \_\_\_\_\_
  - Present Land Use is for: UNDEVELOPED
  - Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA:  
 Taken by (P) Date 5-28-80 Time 1:30 PM



Map No. I-9W-D  
 Sec. 1  
 Twp. 28  
 Range 3W

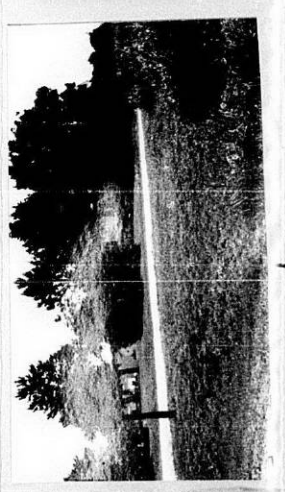
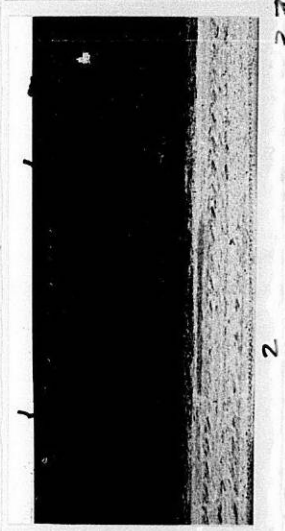
DATA SHEET  
 (ZONING & CONDITIONAL USE)

Z- \_\_\_\_\_  
 SC2- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed 235  
4-18-80

APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_  
 1. Applicant: Louis Hahn, et al  
 Address Rt. 1, Goddard, Ka. 67052 Phone 94-2539  
 2. Agent: Bill Gerrie  
 Address 1900 N. Auidon, 67203 Phone 332-0121  
 3. General Location: Southeast corner of 231st St. West and 23rd St. South.  
 4. Proposed Use: to Construct a 490 foot tower for FM Two-way Radio  
Antennas, in "R" Rural Residential District.

AREA DATA:  
 1. Acres: 12.43 ( 690 ft. by 795 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East UNDEVELOPED South UNDEVELOPED  
 West UNDEVELOPED North UNDEVELOPED  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use is for: UNDEVELOPED  
 6. Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA:  
 Taken by P Date 5-28 Time 1:45



Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- \_\_\_\_\_  
Filed 235  
4-18-80

Phone 794-2539

Phone 332-6121

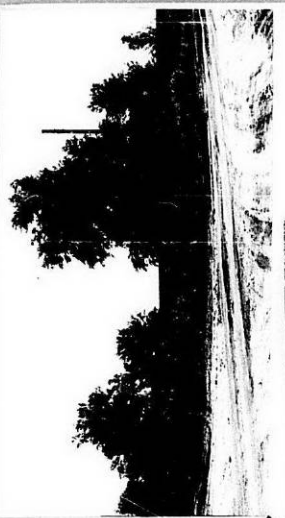
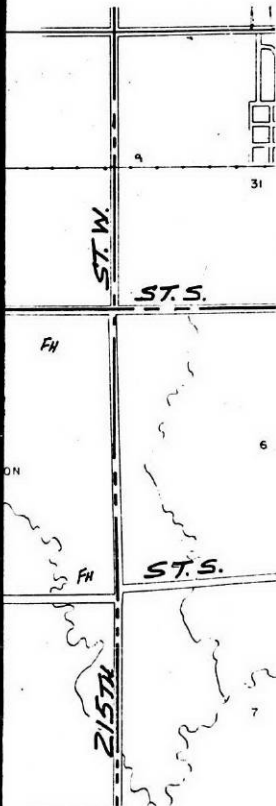
Address \_\_\_\_\_ and 23rd St. South.

or FM Two-way Radio  
City District.

by 785 ft.)

UNDEVELOPED  
UNDEVELOPED

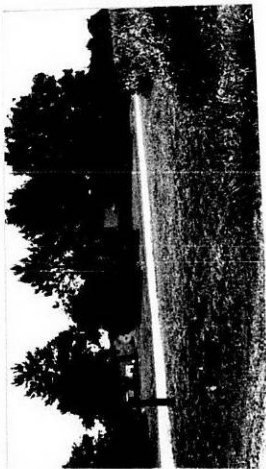
Time 1:45



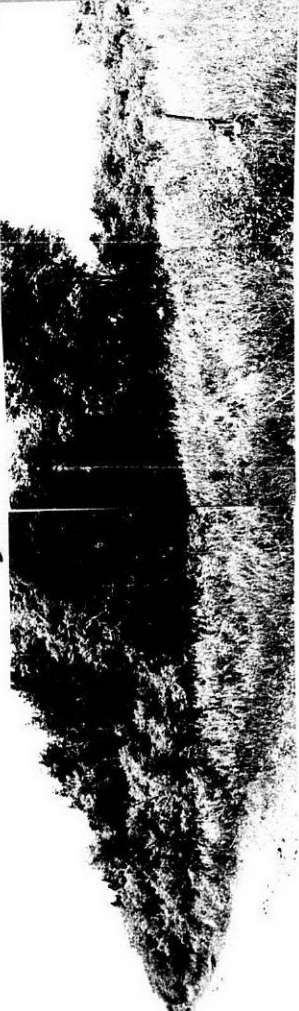
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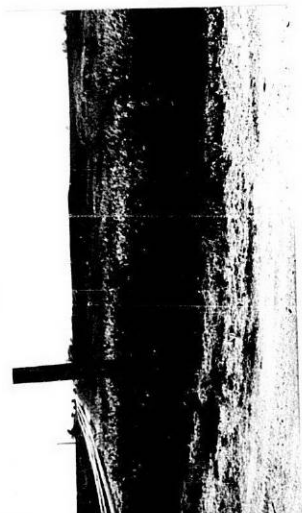
2



1



5



4

6



41

Picture Sheet CU-235

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

DATE  
July 8, 1980

*J.H.  
at*

TO Ted Hill, County Counselor  
FROM Jack H. Galbraith, Chief Planner  
SUBJECT CU-235 - Conditional Use Permit to construct a 490' tower for FM two-way radio antennas in "R" Rural Residential

At last Wednesday's County Commission meeting, the above-captioned case was deferred to determine whether or not it would be appropriate to establish a condition that the application was approved for only a certain period of time. This question came about as a result of a discussion of whether or not the applicant should be required to dedicate the normal required major street right-of-way for the adjacent section line roads.

The lessee's agent who is wanting to construct the tower argued that the owner would not dedicate the right-of-way and therefore they would be unable to construct the tower on this site if the right-of-way was required. Their contention is that they are too far from the City of Goddard to expect other developments to occur which would be required to dedicate section road right-of-way, and if the County needs the right-of-way they should buy it. We pointed out that the Western Electric property is in the section to the north and their property was platted and appropriate rights-of-way dedicated and annexed to the City of Goddard. We had suggested a contingent dedication when needed for any road purpose by the County. MAPC by a vote of 4-3 did not require the contingent dedication.

Commissioner Gragg questioned the possibility of granting the conditional use for 10 years, thus requiring a new application after the 10 year period where, if then needed, the right-of-way could be required. I commented that "conditions of time" had been placed on several sand extraction cases, not necessarily so that those applicants would have to reapply, but rather in hopes that the operation would soon be completed rather than extending over a greater number of years. One such condition was worded as follows:

"The operation shall cease within five years from the date of approval by the Board of County Commissioners unless an extension of such time is granted by the Commission".

I assume that the granting of the extension would be only after an appropriate public hearing was again held.

Although we believe that a condition of time can be set for these types of cases, our preference is that we obtain the needed right-of-way when land uses change. We question how successful the zoning office will be in having the tower removed after ten years should the owners not file a new case or if he does file but still objects to the

*noted  
JHG*

Page 2  
July 8, 1980  
CU-235

dedication. There will certainly be a major investment in the tower facilities and I am sure we will be confronted with all of the arguments against having to dedicate the right-of-way. The question was raised as to whether or not any nonconforming use rights would be established once the tower was constructed and I commented that there should not be, that the conditional use is a special permit and that the County Commission can establish conditions of approval that they believe are appropriate; that if the time of use is limited for only 10 years then the use must cease after 10 years.

Your office was asked to review this matter and be prepared to comment when this case is reconsidered on July 16, 1980.

If you have any questions on this matter, please call.

Jack H. Galbraith  
Chief Planner

JHG:sad

cc: Robert A. Lakin, Director of Planning  
James Pattinson, Assistant County Counselor

R# 141-1980

(~~insert~~) Published in The Wichita Beacon on Aug. 1, 1980

R E S O L U T I O N

CASE NO. CU-235

A RESOLUTION PERMITTING CONSTRUCTION OF A 490-FOOT HIGH RADIO TOWER IN THE "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 3.A.8.1 AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from 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 3.A.8.1 and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow construction of a 490-foot high radio tower in the "R" Rural Residential District is hereby approved on the lands legally described as follows:

The West 815 feet of the North 720 feet of the NW 1/4 of Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas. Generally located at the southeast corner of 231st Street West and 23rd Street South.


SUBJECT TO THE FOLLOWING:

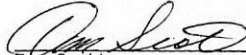
- a. Any structures erected on subject property shall maintain at least an 85 foot setback from the center line of the roadways of 231st Street West and 23rd Street South.
- b. All conditions of approval by the Federal Aviation Administration shall be complied with.
- c. The applicant shall contingently dedicate by separate instrument the necessary street rights-of-way to provide for 50 and 75 feet of half-street rights-of-way for both 231st Street West and 23rd Street South prior to the publication of the resolution establishing the Conditional Use.


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 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.


PASSED AND ADOPTED by the Board of County Commissioners  
at Wichita, Kansas, this 16 day of July, 1940.

  
Everett Patrick, Chairman

  
Tom Scott, Commissioner

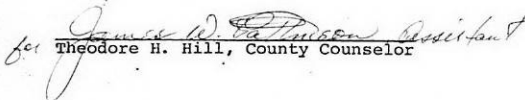
  
Donald E. Gragg, Commissioner

ATTEST:

  
Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

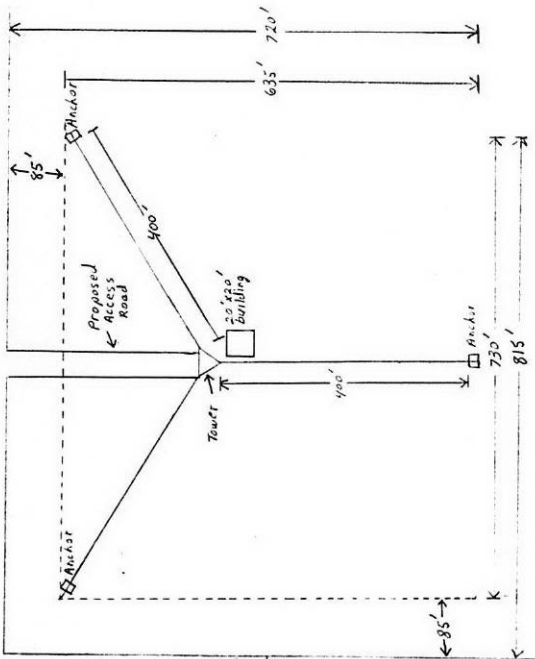
for  Assistant  
Theodore H. Hill, County Counselor

N ↑

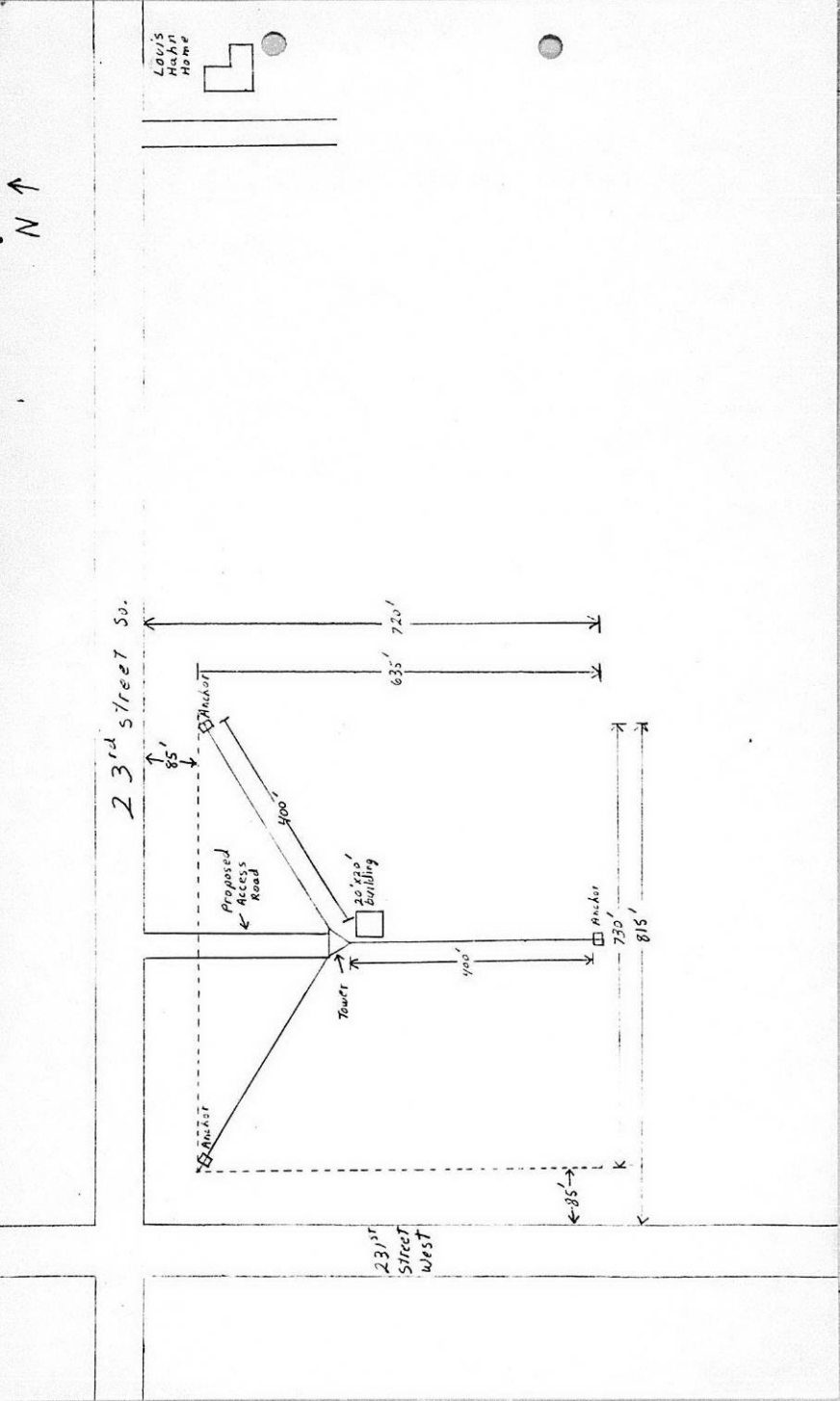
Lou's  
Makin  
Home



23rd Street So.



23rd Street West



July 28, 1980

Donald C. Gisick, City Clerk

Jack H. Galbraith, Chief Planner

CU-235 - Conditional Use Permit to construct a 490 foot tower for FM two-way radio antennas in "R" Rural Residential.

At their regular meeting of July 16, 1980, the Board of County Commissioners considered the above captioned case. The action of the County Commission was to approve the conditional use subject to certain conditions; one of which is as follows:

- c. "The applicant shall contingently dedicate by separate instrument the necessary street rights-of-way to provide for 50 and 75 feet of half street rights-of-way for both 231st Street West and 23rd Street South prior to the publication of the resolution establishing the Conditional Use."

Attached are copies of the two contingent dedications which should be recorded with the Register of Deeds with the cost being billed to the Planning Department.

By a copy of this memo to Syd Werbin, County Zoning Officer, this is to advise that the resolution establishing the conditional use will be published some time this week.

Jack H. Galbraith  
Chief Planner

JHG:GLS:el  
Attachments

cc: Syd Werbin, County Director of Building, Planning and Codes.

D-0963

CONTINGENT DEDICATION

WHEREAS, Louis Hahn, is the owner of the following described real property, to wit:

The west 815 feet of the North 720 feet of the NW ¼ of Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas.

WHEREAS, the County of Sedgwick, is requesting that a portion of said property be dedicated to the public for street right-of-way purposes;

Now, therefore, Louis Hahn, being the legal owner of the aforesaid property does dedicate to the public for street purposes, the following described property:

Beginning at the NW corner of the NW ¼ of Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas, thence south 75 feet, thence east 250 feet, thence northeasterly to a point 50 feet south and 350 feet east of the NW corner of said NW ¼, thence east 370 feet to a point 815 feet east and 50 feet south of the NW corner of said NW ¼, thence north 50 feet, thence west 815 feet to point of beginning.

But the right of the public and the County of Sedgwick to use, maintain, excavate, fill, pave, or install utilities or to make similar use of said property shall not occur until such time as the right-of-way is deemed necessary for the improvement or reimprovement of 23rd Street South by the County Engineer of Sedgwick County, at which time said dedication shall become effective.

It is the intent of the grantors herein that this shall be a covenant running with the land and shall be binding upon the heirs, assigns and successors and upon all subsequent owners of any part or parcel of said property covered by this dedication.

Executed at Wichita, Sedgwick County, Kansas, this 23 day of July, 19 80

Louis Hahn  
Louis Hahn

STATE OF KANSAS)  
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this 23rd day of July, 19 80, before me a Notary Public in and for said County and State came

Louis Hahn

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



Robert J. Hogan  
Notary Public Robert J. Hogan

My Commission expires April 9, 1984.

CONTINGENT DEDICATION

D-0964

WHEREAS, Louis Hahn, is the owner of the following described real property, to wit:

The west 815 feet of the North 720 feet of the NW ¼ of Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas.

WHEREAS, the County of Sedgwick, is requesting that a portion of said property be dedicated to the public for street right-of-way purposes;

Now, therefore, Louis Hahn, being the legal owner of the aforesaid property does dedicate to the public for street purposes, the following described property:

Beginning at the NW corner of the NW ¼ of Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas, thence east 75 feet, thence south 250 feet, thence southwesterly to a point 50 feet east and 350 feet south of the NW corner of said NW ¼, thence south 370 feet to a point 720 feet south and 50 feet east of the NW corner of said NW ¼, thence west 50 feet, thence north 720 feet to point of beginning.

But the right of the public and the County of Sedgwick to use, maintain, excavate, fill, pave, or install utilities or to make similar use of said property shall not occur until such time as the right-of-way is deemed necessary for the improvement or reimprovement of 231st Street West by the County Engineer of Sedgwick County, at which time said dedication shall become effective.

It is the intent of the grantors herein that this shall be a covenant running with the land and shall be binding upon the heirs, assigns and successors and upon all subsequent owners of any part or parcel of said property covered by this dedication.

Executed at Wichita, Sedgwick County, Kansas, this 23 day of July, 1980

Louis Hahn  
Louis Hahn

STATE OF KANSAS)  
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this 23rd day of July, 1980, before me a Notary Public in and for said County and State came

Louis Hahn  
to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



Robert J. Hogan  
Notary Public Robert J. Hogan

My Commission expires April 9, 1984

July 18, 1980

Mr. Bill Gettle  
1900 North Amidon  
Wichita, Kansas 67203

Re: CU-235 Conditional Use Permit to  
construct a 490' tower for FM two-  
way radio antennas in "R" Rural  
Residential

Dear Mr. Gettle:

At its regular meeting of July 16, 1980, the Board of County Commissioners considered the above-captioned case. The action of the County Commission was to approve the request subject to the two conditions as recommended by the Planning Commission and in addition the following condition:

1. The applicant shall contingently dedicate by separate instrument the necessary street rights-of-way to provide for 50 and 75 feet of half street rights-of-way for both 231st Street West and 23rd Street South prior to the publication of the resolution establishing the Conditional Use.

Enclosed are two copies of the two contingent dedication forms which should be executed and returned to our office. After our review and recording of the dedications, the resolution establishing the conditional use will be published.

If you have any questions, please call.

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:sad

Encl.

cc: Syd Werbin, County Zoning Officer  
Louis Hahn, Rt. 1, Goddard, Kansas 67052  
Bradley Murray, 7061 South Ida, Wichita, Kansas 67233  
Jerry Haag, Attorney, One Main Place, Wichita, Kansas 67202

( ) Published in The Wichita Beacon on \_\_\_\_\_, 1980

RESOLUTION

CASE NO. CU-235

A RESOLUTION PERMITTING CONSTRUCTION OF A 490-FOOT HIGH RADIO TOWER IN THE "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 3.A.8.1 AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from 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 3.A.8.1 and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow construction of a 490-foot high radio tower in the "R" Rural Residential District is hereby approved on the lands legally described as follows:

The West 815 feet of the North 720 feet of the NW 1/4 of Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas. Generally located at the southeast corner of 231st Street West and 23rd Street South.

SUBJECT TO THE FOLLOWING:

- a. Any structures erected on subject property shall maintain at least an 85 foot setback from the center line of the roadways of 231st Street West and 23rd Street South.
- b. All conditions of approval by the Federal Aviation Administration shall be complied with.
- c. The applicant shall contingently dedicate by separate instrument the necessary street rights-of-way to provide for 50 and 75 feet of half-street rights-of-way for both 231st Street West and 23rd Street South prior to the publication of the resolution establishing the Conditional Use.

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 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.

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

\_\_\_\_\_, Chairman  
Everett Patrick

\_\_\_\_\_, Commissioner  
Tom Scott

\_\_\_\_\_, Commissioner  
Donald E. Gragg

ATTEST:

\_\_\_\_\_  
Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

\_\_\_\_\_  
Theodore H. Hill, County Counselor

CONTINGENT DEDICATION

WHEREAS, Louis Hahn, is the owner of the following described real property, to wit:

The west 815 feet of the North 720 feet of the NW  $\frac{1}{4}$  of Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas.

WHEREAS, the County of Sedgwick, is requesting that a portion of said property be dedicated to the public for street right-of-way purposes;

Now, therefore, Louis Hahn, being the legal owner of the aforesaid property does dedicate to the public for street purposes, the following described property:

Beginning at the NW corner of the NW  $\frac{1}{4}$  of Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas, thence east 75 feet, thence south 250 feet, thence southwesterly to a point 50 feet east and 350 feet south of the NW corner of said NW  $\frac{1}{4}$ , thence south 370 feet to a point 720 feet south and 50 feet east of the NW corner of said NW  $\frac{1}{4}$ , thence west 50 feet, thence north 720 feet to point of beginning.

But the right of the public and the County of Sedgwick to use, maintain, excavate, fill, pave, or install utilities or to make similar use of said property shall not occur until such time as the right-of-way is deemed necessary for the improvement or reimprovement of 231st Street West by the County Engineer of Sedgwick County, at which time said dedication shall become effective.

It is the intent of the grantors herein that this shall be a covenant running with the land and shall be binding upon the heirs, assigns and successors and upon all subsequent owners of any part or parcel of said property covered by this dedication.

Executed at Wichita, Sedgwick County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Louis Hahn

STATE OF KANSAS)  
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me a Notary Public in and for said County and State came

\_\_\_\_\_  
Louis Hahn  
to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_.

CONTINGENT DEDICATION

WHEREAS, Louis Hahn, is the owner of the following described real property, to wit:

The west 815 feet of the North 720 feet of the NW  $\frac{1}{4}$  of Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas.

WHEREAS, the County of Sedgwick, is requesting that a portion of said property be dedicated to the public for street right-of-way purposes;

Now, therefore, Louis Hahn, being the legal owner of the aforesaid property does dedicate to the public for street purposes, the following described property:

Beginning at the NW corner of the NW  $\frac{1}{4}$  of Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas, thence south 75 feet, thence east 250 feet, thence northeasterly to a point 50 feet south and 350 feet east of the NW corner of said NW  $\frac{1}{4}$ , thence east 370 feet to a point 815 feet east and 50 feet south of the NW corner of said NW  $\frac{1}{4}$ , thence north 50 feet, thence west 815 feet to point of beginning.

But the right of the public and the County of Sedgwick to use, maintain, excavate, fill, pave, or install utilities or to make similar use of said property shall not occur until such time as the right-of-way is deemed necessary for the improvement or reimpovement of 23rd Street South by the County Engineer of Sedgwick County, at which time said dedication shall become effective.

It is the intent of the grantors herein that this shall be a covenant running with the land and shall be binding upon the heirs, assigns and successors and upon all subsequent owners of any part or parcel of said property covered by this dedication.

Executed at Wichita, Sedgwick County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Louis Hahn

STATE OF KANSAS)  
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me a Notary Public in and for said County and State came

\_\_\_\_\_  
Louis Hahn

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_.

WICHITA-SEDGWICK COUNTY

DATE  
July 8, 1980

**METROPOLITAN AREA PLANNING DEPARTMENT**

**TO** Ted Hill, County Counselor  
**FROM** Jack H. Galbraith, Chief Planner  
**SUBJECT** CU-235 - Conditional Use Permit to construct a 490' tower for FM two-way radio antennas in "R" Rural Residential

At last Wednesday's County Commission meeting, the above-captioned case was deferred to determine whether or not it would be appropriate to establish a condition that the application was approved for only a certain period of time. This question came about as a result of a discussion of whether or not the applicant should be required to dedicate the normal required major street right-of-way for the adjacent section line roads.

The lessee's agent who is wanting to construct the tower argued that the owner would not dedicate the right-of-way and therefore they would be unable to construct the tower on this site if the right-of-way was required. Their contention is that they are too far from the City of Goddard to expect other developments to occur which would be required to dedicate section road right-of-way, and if the County needs the right-of-way they should buy it. We pointed out that the Western Electric property is in the section to the north and their property was platted and appropriate rights-of-way dedicated and annexed to the City of Goddard. We had suggested a contingent dedication when needed for any road purpose by the County. MAPC by a vote of 4-3 did not require the contingent dedication.

Commissioner Gragg questioned the possibility of granting the conditional use for 10 years, thus requiring a new application after the 10 year period where, if then needed, the right-of-way could be required. I commented that "conditions of time" had been placed on several sand extraction cases, not necessarily so that those applicants would have to reapply, but rather in hopes that the operation would soon be completed rather than extending over a greater number of years. One such condition was worded as follows:

"The operation shall cease within five years from the date of approval by the Board of County Commissioners unless an extension of such time is granted by the Commission".

I assume that the granting of the extension would be only after an appropriate public hearing was again held.

Although we believe that a condition of time can be set for these types of cases, our preference is that we obtain the needed right-of-way when land uses change. We question how successful the zoning office will be in having the tower removed after ten years should the owners not file a new case or if he does file but still objects to the

Page 2  
July 8, 1980  
CU-235

dedication. There will certainly be a major investment in the tower facilities and I am sure we will be confronted with all of the arguments against having to dedicate the right-of-way. The question was raised as to whether or not any nonconforming use rights would be established once the tower was constructed and I commented that there should not be, that the conditional use is a special permit and that the County Commission can establish conditions of approval that they believe are appropriate; that if the time of use is limited for only 10 years then the use must cease after 10 years.

Your office was asked to review this matter and be prepared to comment when this case is reconsidered on July 16, 1980.

If you have any questions on this matter, please call.

Jack H. Galbraith  
Chief Planner

JHG:sad

cc: Robert A. Lakin, Director of Planning  
James Pattinson, Assistant County Counselor

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF COUNTY COMMISSIONERS

Request for Conditional Use Permit

CASE NO. CU-235

CONSIDERED BY MAPC: 6-5-80

REQUEST FOR: Conditional Use Permit

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"Conditional use for construction of a 490' tower  
for FM Two-way radio antennas."

GENERAL LOCATION: Southeast corner of 231st Street West and  
23rd Street South.

LEGAL DESCRIPTION:

The west 815 feet of the North 720 feet of the NW 1/4 of  
Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas.

APPLICANT: Louis Hahn, et al, Rt. 1, Goddard, Kansas.

AGENT FOR APPLICANT: Bill Gettle, 1900 N. Amidon

PROTESTORS ( LIST AGENT ) IF ANY: None

SURROUNDING ZONING: North, East, South and West, "R".

LAND USE: Existing, North, East, South and West, Undeveloped.

PLANNING COMMISSION RECOMMENDATION:

That this application be approved subject to conditions as shown in  
excerpt from Planning Commission minutes of June 5, 1980. Savina moved,  
Bayouth seconded and it carried by a vote of 4 in favor (Goebel, Savina,  
Bayouth and Jones), and 3 opposed (Gardner, Martens and Wright).  
Hennessy, Lofton and Shook were absent.

ACTION: 1. Concur with the findings of fact of the Metropolitan Area  
Planning Commission, approve the application subject to the recommended  
conditions and adopt a resolution establishing the conditional use; or  
2. Take such action as the County Commission deems appropriate.



**MOTOROLA**  
Communications and Electronics Inc.

Bill Gettle  
Zone Sales Manager  
1900 N. Amidon, Suite 216, Wichita, Kansas 67203  
(316) 832-0121

EXCERPT FROM PLANNING COMMISSION MINUTES OF JUNE 5, 1980

5. Case No. CU-235 - Louis Hahn, et al request a Conditional Use Permit for the west 815 feet of the North 720 feet of the NW 1/4 of Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas. Generally located at the southeast corner of 231st Street West and 23rd Street South.

GALBRAITH pointed out adjacent land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The Board of County Commissioners may, by special permit and subject to such restrictions as it deems necessary, permit a radio transmitting facility as a conditional use in the "R" Rural Residential District.

Subject property is located at the southeast corner of 231st Street West and 23rd Street South and contains approximately 13.47 acres which is being leased from the owner of the 1/4 Section in which it is located.

A letter from FAA dated April 8, 1980, has been submitted with the application which indicates construction of the 490' tower at this location should not present a problem as related to air traffic in the area.

2. If it is determined by the Planning Commission that the use proposed is proper for the area, it is recommended that it be approved subject to the following conditions:
- a. Any structures erected on subject property shall maintain at least an 85 foot setback from the center line of the roadways of 231st Street West and 23rd Street South.
  - b. All conditions of approval by the Federal Aviation Administration shall be complied with.
  - c. The applicant shall contingently dedicate by separate instrument the necessary street rights-of-way to provide for 50 and 75 feet of half-street rights-of-way for both 231st Street West and 23rd Street South prior to the case being forwarded to the Board of County Commissioners.

GALBRAITH said that it was his understanding that the owner of the land was leasing the property, and the intent was to farm the land underneath the guy wires and the tower. He said that the applicant did submit a letter from FAA stating that the tower construction at this location would not interfere with any air space. GALBRAITH said that the staff recommended approval of the request.

BAYOUTH questioned the amount of right-of-way required.

GALBRAITH explained that it was in the Subdivision Regulations for requiring all section line roads to have that amount of right-of-way. He pointed out that the Planning Commission and the County Commission have both been consistent in requiring this amount of right-of-way for all section roads.

LAKIN commented that if a contingent dedication is required as recommended by staff, he would assume the contingency would be at the time the County needs it for road improvement, therefore, if road improvements did not take place, the dedication would not become effective.

BILL GETTLE, agent representing the applicant, stated that Mr. Hahn, owner, could not see contingently dedicating this land since the City was nowhere near the area, and to require it now was a little premature.

SAVINA asked if the applicant had to lease more land because of the contingent dedication. GETTLE said no.

JERRY HAAG, attorney, representing Mr. Hahn, stated that they did understand what contingent dedication meant, but would submit to the Commission that a contingent dedication meant forever, and there was no assurance that the City would ever need the property to improve that intersection, and if so, it would be some point in the future, like 40 to 80 years in the future. He said that the owner could not live with that condition, and it may affect the tower, because the lease rental that the tower owner may have to pay may be increased proportionally to the extent of the land that the City is requiring to be dedicated, and the tower may not be erected because it becomes uneconomical for the tower operator.

GARDNER stated that there was some concern that the distance from an actual municipality was likely to postpone the widening of the road to some point far into the future. By the same token it was within a mile and a half of Goddard, and is an area that has had some active development activities in the last several years and was likely to continue to develop. He said that if the roadways were improved in the vicinity, certainly some improvements would take place in the existing rights-of-way. He said that the Commission has had a policy over a number of years on this sort of item, whether it be platting or a special use permit situation of stipulating requirements that rights-of-way be acquired either contingently or by outright dedication. He suspected that if the Commission varied on this issue at this point, they would be confronted with it for every single instance in the future.

**MOTION:** Having considered the factors as contained in Policy Statement No. 10; taking into account the zoning and uses of nearby properties, the suitability of this property for the proposed use, the impact of the proposed use on community facilities, and the policies of the MAPC and Board of County Commissioners, and considering the recommendations of professional staff, I move that we recommend to the governing body that this application be approved subject to the staff comments. Gardner moved, Wright seconded.

GOEBEL did not feel that it would be varying from the policy that far out in the country. He said that the way he understood it, the applicants wanted to lease the ground and it would be no longer feasible for the farmer to lease them the ground if he possibly would have to give up that much of his ground to lease it.

SAVINA asked if there were any road dedications in that mile from Goddard along that same route. Would the applicants be the only persons who have dedicated land along the two roads?

GALBRAITH said that was correct, that this is the first request being made.

LAKIN related that he kept hearing "City" mentioned in the discussion, but in fact they were talking about the County. He agreed that he didn't think the City of Wichita was ever going to be out there. The smaller communities like Goddard are urbanizing, and he felt that this was a wise policy to continue. He pointed out that the section of land to the north had one plat which had dedicated the necessary right-of-way for a section road.

SAVINA felt that this was an unusual situation, and did not believe in a person giving away land.

**VOTE ON THE MOTION:** It failed by a vote of 3 in favor (Gardner, Wright and Martens), and 4 opposed (Savina, Goebel, Bayouth and Jones). Hennessy, Lofton and Shook were absent.

**MOTION:** Having considered the factors as outlined in Policy Statement No. 10; and taking into account the zoning and uses of nearby properties, the impact of the proposed development on community facilities and the lack of development in the immediate area; I move that we recommend to the governing body that this application be approved subject to:

- a. Any structures erected on subject property shall maintain at least an 85 foot setback from the center line of the roadways of 231st Street West and 23rd Street South.
- b. All conditions of approval by the Federal Aviation Administration shall be complied with.

Savina moved, Bayouth seconded and it carried by a vote of 4 in favor (Goebel, Savina, Bayouth and Jones), and 3 opposed (Gardner, Martens and Wright). Hennessy, Lofton and Shook were absent.

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( ) Published in The Wichita Beacon on \_\_\_\_\_, 1980

R E S O L U T I O N

CASE NO. CU-235

A RESOLUTION PERMITTING CONSTRUCTION OF A 490-FOOT HIGH RADIO TOWER IN THE "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 3.A.8.1 AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from 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 3.A.8.1 and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow construction of a 490-foot high radio tower in the "R" Rural Residential District is hereby approved on the lands legally described as follows:

The West 815 feet of the North 720 feet of the NW 1/4 of Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas. Generally located at the southeast corner of 231st Street West and 23rd Street South.

SUBJECT TO THE FOLLOWING:

- a. Any structures erected on subject property shall maintain at least an 85 foot setback from the center line of the roadways of 231st Street West and 23rd Street South.
- b. All conditions of approval by the Federal Aviation Administration shall be complied with.

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 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.

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

\_\_\_\_\_, Chairman  
Everett Patrick

\_\_\_\_\_, Commissioner  
Tom Scott

\_\_\_\_\_, Commissioner  
Donald E. Gragg

ATTEST:

\_\_\_\_\_  
Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

\_\_\_\_\_  
Theodore H. Hill, County Counselor

June 6, 1980

Mr. Bill Gettle  
1900 North Amidon  
Wichita, Kansas 67203

Re: Conditional Use Permit to  
construct a 490' tower for  
FM two-way radio antennas  
in "R" Rural Residential

Dear Mr. Gettle:

At its regular meeting on June 5, 1980, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Planning Commission was to recommend that this application be approved subject to the following conditions:

- a. Any structures erected on subject property shall maintain at least an 85 foot setback from the center line of the roadways of 231st Street West and 23rd Street South.
- b. All conditions of approval by the Federal Aviation Administration shall be complied with.

This matter will be forwarded to the Board of County Commissioners for consideration at 9:00 a.m., on Wednesday, July 2, 1980, in Room 320, Sedgwick County Courthouse.

If you have any questions concerning this matter, please contact our office.

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:sad

cc: Louis Hahn, Rt. 1, Goddard, Kansas 67052  
Bradley Murray, 7061 South Ida, Wichita, Kansas 67233  
Jerry Haag, Attorney, One Main Place, Wichita, Kansas 67202

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 6-5-80

REVISED STAFF REPORT

Case No. CU-235

Request: Conditional Use Permit to construct a 490' tower for FM two-way radio antennas in "R" Rural Residential

Location: Southeast corner of 231st Street West and 23rd Street South.

Reason: Conditional use for construction of a 490' tower for FM Two-way radio antennas.

Acres: 13.47

Size: 720' x 815'

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R"
North	Undeveloped	"R"
East	Undeveloped	"R"
South	Undeveloped	"R"
West	Undeveloped	"R"

Existing R/W	- 231st Street West - half - 30 ft.	Platted: No
Proposed R/W	- 231st Street West - half - 50 & 75 ft.	
Existing R/W	- 23rd Street South - half - 30 ft.	History: None
Proposed R/W	- 23rd Street South - half - 50 & 75 ft.	

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The Board of County Commissioners may, by special permit and subject to such restrictions as it deems necessary, permit a radio transmitting facility as a conditional use in the "R" Rural Residential District.

Subject property is located at the southeast corner of 231st Street West and 23rd Street South and contains approximately 13.47 acres which is being leased from the owner of the 1/4 Section in which it is located.

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MPC AGENDA  
6-5-80  
CU-235

A letter from FAA dated April 8, 1980, has been submitted with the application which indicates construction of the 490' tower at this location should not present a problem as related to air traffic in the area.

2. If it is determined by the Planning Commission that the use proposed is proper for the area, it is recommended that it be approved subject to the following conditions:
  - a. Any structures erected on subject property shall maintain at least an 85 foot setback from the center line of the roadways of 231st Street West and 23rd Street South.
  - b. All conditions of approval by the Federal Aviation Administration shall be complied with.
  - c. The applicant shall contingently dedicate by separate instrument the necessary street rights-of-way to provide for 50 and 75 feet of half-street rights-of-way for both 231st Street West and 23rd Street South prior to the case being forwarded to the Board of County Commissioners.

CU-235 - 7 "Notice to Adjoining Property Owners" mailed 5-15-80 advising that a revised legal was submitted and the case readvertised and that the Mapc would not hear the case on 5-22-80 but would hear it on 6-5-80.

1 to Joe Freeman, Assistant County Engineer  
1 to Karen Crook

-  
9 TOTAL

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 North Main Street  
Wichita, Kansas 67202

May 15, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

Our notice to you dated April 8, 1980, advised that Case No. CU-235 would be considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission at their regular meeting on May 22, 1980. Subsequently, the agent for the applicant informed us that the legal description has been revised and will need to be readvertised.

This is to advise you that the following case will not be heard on May 22, 1980, but will instead be heard by the Wichita-Sedgwick County Metropolitan Area Planning Commission at their regular meeting on Thursday, June 5, 1980, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas. The meeting begins at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-235

Conditional Use Request to Permit Construction of  
a 490 Foot Tower for FM Two-way Radio Antennas  
on Property Zoned the "R" Rural Residential District

The west 815 feet of the North 720 feet of the NW $\frac{1}{4}$  of  
Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas.  
Generally located at the southeast corner of 231st Street  
West and 23rd Street South.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Jack H. Galbraith  
Assistant Secretary

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

GCPC HEARING DATE: 4-28-80

MAPC HEARING DATE: 5-22-80

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Case No. CU-235 Request: Conditional Use Permit to construct a 490' tower for FM Two-way radio antennas in "R" Rural Residential

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Location: Southeast corner of 231st Street West and 23rd Street South.

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Reason: Conditional use for construction of a 490' tower for FM Two-way radio antennas.

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Acres: 5.7 Size: 500' x 500'

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	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R"
North	Undeveloped	"R"
East	Undeveloped	"R"
South	Undeveloped	"R"
West	Undeveloped	"R"

---

Existing R/W	- 231st Street West - half - 30 ft.	Platted: No
Proposed R/W	- 231st Street West - half - 50 & 75 ft.	
Existing R/W	- 23rd Street South - half - 30 ft.	History: None
Proposed R/W	- 23rd Street South - half - 50 & 75 ft.	

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COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The Board of County Commissioners may, by special permit and subject to such restrictions as it deems necessary, permit a radio transmitting facility as a conditional use in the "R" Rural Residential District.

Subject property is located at the southeast corner of 231st Street West and 23rd Street South and contains approximately 5.7 acres which is being leased from the owner of the 1/4 Section in which it is located.

A letter from FAA dated April 8, 1980, has been submitted with the application which indicates construction of the 490' tower at this location should not present a problem as related to air traffic in the area.

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CU-235  
MAPC AGENDA  
5-22-80

It should be pointed out that no site plan indicating the location of the tower and guy wires on subject property was submitted with the application. This information should be made available by the applicant and/or agent at the time this case is considered by the Planning Commission.

2. If it is determined by the Planning Commission that the use proposed is proper for the area, it is recommended that it be approved subject to the following conditions:
  - a. Any structures erected on subject property shall maintain at least an 85 foot setback from the center line of the roadways of 231st Street West and 23rd Street South.
  - b. All conditions of approval by the Federal Aviation Administration shall be complied with.
  - c. The applicant platting subject property, with appropriate street dedications, setbacks and access control, prior to the publication of the resolution establishing the conditional use; and within one year from the date of approval by the Board of County Commissioners, or the case be considered denied and closed.
  - d. Two copies of a site plan indicating the location of the tower and guy wires shall be submitted to the Planning Department.

CU-235 - 4 "Notice to Adjoining Property Owners" mailed 4-22-80 for  
the GODDARD CITY PLANNING COMMISSION meeting on 4-28-80,  
(Monday) and the MAPC meeting (Thursday) May 22, 1980.

THE FOLLOWING RECEIVED NOTICE & STAFF REPORT:

2 Applicants  
1 Agent  
9 Goddard P.C. (including Secretary, City Clerk & City Administrator)  
1 Joe Freeman, Acting County Director-Dept. of Public Works.

—  
17 TOTAL

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 North Main Street  
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

April 22, 1980

NOTICE IS HEREBY GIVEN that on Monday, April 28, 1980, at 8:00 p.m., the GODDARD CITY PLANNING COMMISSION, in the Goddard City Building, 122 N. Main, Goddard, 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-235

Conditional Use Request to Permit Construction of  
a 490 Foot Tower for FM Two-way Radio Antennas  
on Property Zoned the "R" Rural Residential District

The West 500 feet of the North 500 feet of the NW $\frac{1}{4}$  of Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas. Generally located at the southeast corner of 231st Street West and 23rd Street South.

If this matter is not deferred for further hearings before the Goddard City Planning Commission, then as provided in the County Zoning Resolution, Section 14 - Administration, Sub-paragraph C, this item will be discussed and considered by the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION at their regular meeting beginning at 1:30 p.m., Thursday, May 22, 1980, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas. 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 Conditional Use will be considered as by law provided.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin  
Secretary

Book 6  
I-9W-D  
28  
3w

APPLICATION FOR APPROVAL OF CONDITIONAL USE PERMIT  
FOR PROPERTY LOCATED WITHIN THE JURISDICTION  
OF THE BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

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.

CU-235

I. Name of applicant or applicants and/or their agent or agents. All owners of all property requested to be considered in this application must be listed in this item.

A. APPLICANT ✓ Louis Hahn - Lessor

ADDRESS ✓ RT 1 Goddard, Ks 67052 PHONE 794/2539

AGENT ✓ Bill Gettle

ADDRESS 1900 N. Amidea, Wichita, Ks 67203 PHONE 832021

B. APPLICANT ✓ Bradley Murray - Lessee

ADDRESS 7061 So. IDA Wichita, Ks 67233 PHONE 5221167

AGENT ✓ Bill Gettle

ADDRESS 1900 N. Amidea, Wichita, Ks 67203 PHONE 8320121

C. APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

AGENT \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

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

II. The applicant proposes to establish a 490' tower for

FM two-way radio antenna support (use)

on property legally described as Lot(s) The west 500 feet

of the north 500 feet of the NW 1/4 of Sec 1-28-3W.

The west 815 feet of the north 720 feet of the NW 1/4 of Section 1-28-3W of the 6th P.M., Sedgewick County, Kansas Addition.

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

*Use legal from ownership list*

THIS PROPERTY IS LOCATED AT (ADDRESS) N/A

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE South-East CORNER OF 231<sup>st</sup> West AND 23<sup>rd</sup> South, OR

B. ON THE \_\_\_\_\_ SIDE OF \_\_\_\_\_ (AVENUE) STREET BETWEEN \_\_\_\_\_ (AVENUE) STREET AND \_\_\_\_\_ (AVENUE) STREET.

IV. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED "R." (ZONING DISTRICT CLASSIFICATION).

V. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:

*To erect a 490' Foot Tower For FM Two-way Radio Antennas.*

VI. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. I (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. I (WE) FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE. I (WE) ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AS IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

NOTE: AT LEAST ONE OWNER MUST SIGN THIS APPLICATION. OTHER OWNERS MAY BE REPRESENTED BY AN AGENT OR AGENTS.

Juan Valdez

BY \_\_\_\_\_ AUTHORIZED AGENT (IF ANY) BY \_\_\_\_\_ AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_ AUTHORIZED AGENT (IF ANY) BY \_\_\_\_\_ AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_ AUTHORIZED AGENT (IF ANY) BY \_\_\_\_\_ AUTHORIZED AGENT (IF ANY)

VII. OFFICE USE ONLY

This application was received at the Planning Department at 3:15 (AM, PM) on April 18, 1980 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 70<sup>00</sup>.

L. Lynn Shirley Name  
Jr. Planner Title

Case No.  
CV-235

OWNERSHIP LIST

Tract	Property Owner
The SE $\frac{1}{4}$ of Section 35-27-3W, except beg. 258 ft east of the SW corner said SE $\frac{1}{4}$ , thence north 1460 feet, east 832 feet, south 1460 feet, west 832 feet to pob.	✓ Irene Moore 2382 West Pawnee Goddard, Kansas 67052
The west half of the SW $\frac{1}{4}$ of Section 36-27-3W	✓ C. P. Stover 21150 West 13th Street Goddard, Ks. 67052
The east half of the SW $\frac{1}{4}$ and the west half of the SE $\frac{1}{4}$ of Section 36-27-3W	✓ Callahan Corporation and Property Investments Inc. 262 North Waco 67202
The NW $\frac{1}{4}$ of Section 1-28-3W	7 Louis Hahn, Rt. 1 Goddard, Kansas 67052
Beginning at the NE corner of the NE $\frac{1}{4}$ of Section 2-28-3W, thence West 1135 feet; thence South 1460 feet; thence West 400 feet; thence South 1324 feet; thence East to the SE corner of the NE $\frac{1}{4}$ of said Section Two; thence North to the point of beg.	✓ Elizabeth Seidl and Julius Seidl Goddard, Kansas 67052 615 N. Section Line



Deliver to Metropolitan Planning  
Attn: Lynn Shirkey

*Revised legal*

CV-235

We hereby certify the foregoing to be a true and correct list of the property owners of:

*Use for  
legal*

A 1000 foot radius of: [The west 815 feet of the North 720 feet of the NW $\frac{1}{4}$  of Section 1-28-3W of the 6th P.M., Sedgwick County, Kansas ]

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 15th day of April, 1980 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

*John Peyton*  
Vice President

Order No. 287118  
wh

DO NOT REMOVE CARBONS

Form Approved O.M.B. No. 004-R0001

DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION		FOR FAA USE ONLY	
<b>NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION</b>		NAUTICAL STUDY NO. <b>80-ACE-214-0E</b>	
1. NATURE OF STRUCTURE (Complete both A and B below)		FAA will either return this form or issue a separate acknowledgement.	
A. (Check one) <input checked="" type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> ALTERATION		A. The proposed structure: <input type="checkbox"/> Does not require a notice to FAA. <input checked="" type="checkbox"/> Would not exceed any obstruction standard of Part 77 and would not be a hazard to air navigation.	
B. (Check one) <input checked="" type="checkbox"/> PERMANENT <input type="checkbox"/> TEMPORARY (State length of time) _____ Mos.		<input checked="" type="checkbox"/> Should be obstruction marked <input checked="" type="checkbox"/> Lighted per FAA Advisory Circular 70/7460-1, Chapter(s) <u>3, 6, 9</u> <input type="checkbox"/> Obstruction marking and lighting are not necessary.	
2. NAME AND ADDRESS OF INDIVIDUAL, COMPANY, CORPORATION, ETC. PROPOSING THE CONSTRUCTION OR ALTERATION (Number, Street, City, State and Zip Code)		<input checked="" type="checkbox"/> Requires supplemental notice. Use FAA form enclosed. B. FCC was <input checked="" type="checkbox"/> was not <input type="checkbox"/> advised.	
Bradley Murray 7061 South Ida Wichita, Ks. 67233		REMARKS:	
		3. TYPE AND COMPLETE DESCRIPTION OF STRUCTURE	
520' Ground Mount Tower		ISSUING OFFICE: REVIEWING OFFICE: <u>BR</u> DATE: <u>3-25-80</u> BENNY KIRK, ACE-538	
4. LOCATION OF STRUCTURE			
A. COORDINATES (To nearest second)		B. NEAREST CITY OR TOWN, AND STATE	
LATITUDE	LONGITUDE	Goddard, Ks.	
37 38 51 97 36 22		(1) DISTANCE FROM 4B	(2) DIRECTION FROM 4B
		1 1/2 MILES	Southwest
C. NAME OF NEAREST AIRPORT, HELIPORT, OR SEAPLANE BASE		(1) DISTANCE FROM NEAREST POINT OF NEAREST RUNWAY	(2) DIRECTION FROM AIRPORT
Wichita Municipal Airport		9 mi.	West
D. DESCRIPTION OF LOCATION OF SITE WITH RESPECT TO HIGHWAYS, STREETS, AIRPORTS, PROMINENT TERRAIN FEATURES, EXISTING STRUCTURES, ETC. (Attach a highway, street, or any other appropriate map or scaled drawing 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.)			
1 mi. South and 7/8 mi. west of Hwy. 54 and 215 st. West			
NOV 13 1980 TERMINATION EXPIRES TO THE FCC FOR A UNLESS ACTION PERMITTED BY THE FCC. INVESTIGATION TO THE FCC.			
5. HEIGHT AND ELEVATION (Complete A, B and C to the nearest foot)		6. WORK SCHEDULE DATES	
A. ELEVATION OF SITE ABOVE MEAN SEA LEVEL		A. WILL START	
1,450'		Upon Approval	
B. HEIGHT OF STRUCTURE INCLUDING APPURTENANCES AND LIGHTING (If any) ABOVE GROUND, OR WATER IF SO SITUATED		B. WILL COMPLETE	
520' 499'		As soon as possible	
C. OVERALL HEIGHT ABOVE MEAN SEA LEVEL (A+B)			
1,970 1949'			
7. OBSTRUCTION MARKED AND/OR LIGHTED IN ACCORDANCE WITH CURRENT FAA ADVISORY CIRCULAR 70/7460-1, OBSTRUCTION MARKING AND LIGHTING			
A. MARKED		YES	NO
B. AVIATION RED OBSTRUCTION LIGHTS		<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. HIGH INTENSITY WHITE OBSTRUCTION LIGHTS		<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. DUAL LIGHTING SYSTEM		<input type="checkbox"/>	<input checked="" type="checkbox"/>
I HEREBY CERTIFY that all of the above statements made by me are true, complete, and correct to the best of my knowledge.			
8. NAME AND TITLE OF PERSON FILING THIS NOTICE (Type or Print)		9. SIGNATURE (In ink)	
Bill Gettle 1900 N. Amidon, Suite 216 Wichita, Ks. 67203		<u>Bill Gettle</u>	
10. DATE OF SIGNATURE		11. TELEPHONE NO. (Precede with area code)	
3-25-80		316-832-0121	
Persons who knowingly and willfully fail to comply with the provisions of the Federal Aviation Regulations Part 77 are liable to a fine of \$500 for the first offense, with increased Penalties thereafter as provided by Section 902(a) of the Federal Aviation Act of 1958 as amended.			
FAA Form 7460-1 (11-72) SUPERSEDES PREVIOUS EDITION		DO NOT REMOVE CARBONS	

3-46-80

FORM 29-1

PAYMENT NOTICE  
City of Wichita

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

DESCRIPTION	AMOUNT
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NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY