

816

ACTION

COMMITTEE	DATE
Valley Center P.C. <small>local question</small>	8-13-85
M.A.P.C. <small>Approved and to be recorded</small>	8-22-85
B.C.C./B. CO. C. <small>Approved by</small>	9-15-85
VALLEY CENTER P.C. <small>approved with conditions</small>	8-27-85
<small>committee present</small>	

Closed

CU-287 - Charles M. Loyd, et al. request conditional use permit to establish a mobile phone radio tower on the west side of West St., 1/2 mi north of 101st Street.

COMMISSION DISTRICT #1

SEMS ADDITION

POSTED 7-25-85
Grey Atlas VI

5160

ACTION

COMMITTEE	DATE
Valley Center P.C. <i>lack of quorum</i>	<u>8-13-85</u>
M.A.P.C. <i>Approved sub to conditions</i>	<u>8-22-85</u>
B.C.C./B. CO. C. <i>Approved as recommended</i>	<u>9-18-85</u>
VALLEY CENTER P.C. <i>approved sub to conditions to member present</i>	<u>8-27-85</u>
<u>Closed</u>	

COMMISSION DISTRICT #1

SBMS ADDITION

CU-287 - Charles M. Loyd, et al. re
tablist conditional use permit to es
on the Westside Home Radio tower
north of 101st Street, West St., 3-mi

DATA SHEET

Z- _____
 SCZ- _____
 CU- 287
 DR- _____
 DP- _____

Amend _____
 Case Filed: 7-16-85
 Associated Case: _____

APPLICATION DATA: Map No. Valley Center

1. General Location: On the west side of West Street, 1/2-mile north of 101st Street

2. From _____ to _____

3. Proposed Use: To Establish a Mobile Phone Radio Tower

4. DP Name: _____

5. Applicant: Charles M. Loyd, et al.

Address 415 West 6th Street, Sedgwick, KS. 67135 Phone N/A

6. Agent: William L. Korber c/o Baughman Company, P.A.

Address 330 Laura, Wichita, KS. 67211 Phone 262-7271

AREA DATA:

1. Acres: 1.0 (210' ft. by 210' ft.)

2. Adjoining Zoning: N "R" S "R" E "R" W "R"

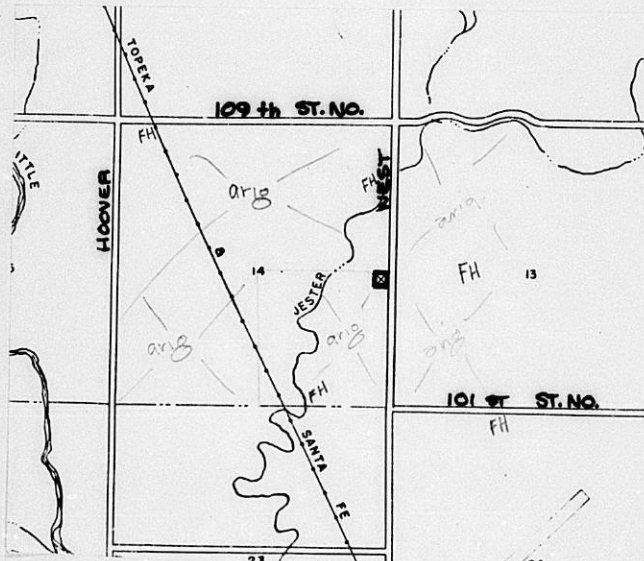
3. Land Use: North arig East farm house / arig

South arig West arig

PICTURE SHEET

PHOTO DATA:

Taken by _____ Date _____ Time _____



NOTES:

1524 HASTINGS, ANN ARBOR, MI 48106
 MEMBERSHIP: 150,000
 U.S.A.

Standard
 No. 2133C

Published in The Daily Reporter on October 29, 1985

RESOLUTION NO. 268-1985

CASE NO. CU-287

A RESOLUTION TO CONSTRUCT A RADIO 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 construct a radio tower in the "R" Rural Residential District is hereby approved on the lands legally described as follows:

The North 210 feet of the east 210 feet of the SE-1/4, Section 14, Township 25 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the west side of West Street, 1/2-mile north of 101st Street.

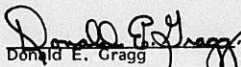
SUBJECT TO THE FOLLOWING:

- a. That the tract of land be used solely for a mobile phone radio tower 167 feet (or less) in height and associated building for electronic switching equipment.
- b. The applicant shall obtain approval from the Federal Aviation Administration and comply with all conditions of approval.
- c. Subject property shall be platted within one year from the date of approval by the County Commission; or the case be considered denied and closed; and that the resolution establishing the conditional use not be published until the plat has been recorded with the Register of Deeds.

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.

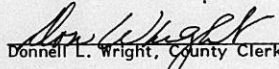
PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 18th day of September, 1955.


Donald E. Gragg Chairman


Tom Scott Commissioner


Bernard A. Hentzen Commissioner

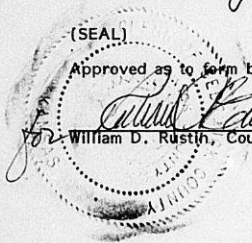
ATTEST:


Donnell L. Wright, County Clerk

(SEAL)

Approved as to form by County Counselor


for William D. Rustin, County Counselor



September 3, 1986

Brent Wooten
Baughman Company
315 Ellis
Wichita, KS. 67211

RE: CU-287 and S/D 85-60 (10561 North West Street, Valley Center, KS.)

Dear Brent:

This letter is a reminder of our August 19th phone conversation regarding the platting of SBMS Addition to Sedgwick County, located one-half mile north of 101st Street North on the west side of West Street. You indicated that the Equitable mortgage had been released and that you would be able to complete the platting process. The current deadline for doing so is September 18, 1986, this date being one year since the conditional use permit for the tower was approved by the County Commission. Their approval was conditioned upon the property being platting with one year.

Until such time as the plat is recorded and the conditional use permit resolution is published, the existing tower is in violation of the land use regulations of Sedgwick County, Kansas. The permit for the tower should not have been issued until the resolution was published.

We are anxious to assist you in completing the platting of this property before the September 18th deadline. Please call me if you will be unable to complete the platting conditions by September 18, 1986.

Sincerely,

Louise Olivarez
Senior Planner

LO:blw

cc: G. D. Ziegenhorn, Southwestern Bell Mobile Systems, Inc.
17330 Preston Road, Suite 100 A, Dallas, TX. 75252

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CU-287 - CONDITIONAL USE PERMIT FOR A RADIO TOWER. GENERALLY
LOCATED ON THE WEST SIDE OF WEST STREET, 1/2 MILE NORTH OF
TOSTY STREET.

The Planning Commission recommends that the application be approved.
(see minutes for full motion)

Gardner moved, Hansen seconded and it carried unanimously. Chisholm
and Peters were absent.

ACTION:

1. Adopt the findings of the Planning Commission, approve its recommendation subject to the recommended conditions of approval, and adopt a resolution establishing the conditional use; or
2. Adopt the findings and deny the application.

DATA AND MINUTES

VCPC Hearing Date: 8-13-85
MAPC Hearing Date: 8-22-85
VCPC Hearing Date: 8-27-85

BCoC Hearing Date: 9-18-85

COMMISSION DISTRICT #1

AREA DATA:

Acres: 1.0

Size: 210' x 210'

Reason: To construct a mobile phone radio tower.

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

History: None

Applicant: Charles M. Loyd, et al., 415 West 6th Street, Sedgwick 67135

Protestors: None.

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 22, 1985

LEGAL:

11. Case No. CU-287 - Charles M. Loyd, et al request Conditional Use Permit for a mobile phone radio tower on the North 210 feet of the east 210 feet of the SE-1/4, Section 14, Township 25 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the west side of West Street, 1/2-mile north of 101st Street.

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

COMMENTS:

The following comments should be considered by the Planning Commission in making findings of fact:

1. The applicant is requesting a conditional use permit for an unplatted tract of land zoned "R" Rural Residential which contains approximately one acre and is located on the west side of West Street, one half-mile north of 101st Street North. The applicant proposes to construct a 167 foot tall mobile phone radio tower and an approximately 310 square foot equipment building.
2. The Harrison Airport, a privately owned public use airport with a turf runway is located approximately 1 mile to the southeast of the application area. Additional street right-of-way is needed for West Street to comply with FAS Standard of 60 feet of half-street right-of-way.
3. The Board of County Commissioners may, by special permit and subject to such restrictions as it deems necessary, permit a mobile phone tower and building for electronic switching equipment in the "R" Rural Residential District as a conditional use.
4. A recommendation of approval by the Planning Commission should be subject to the following conditions:
 - a. That the tract of land be used solely for a mobile phone radio tower 167 feet in height and associated building for electronic switching equipment.
 - b. The applicant shall obtain approval from the Federal Aviation Administration and comply with all conditions of approval.
 - c. Subject property shall be platted within one year from the date of approval by the County Commission; or the case be considered denied and closed; and that the resolution establishing the conditional use not be published until the plat has been recorded with the Register of Deeds.

DISCUSSION:

SMYTHE stated that one of the conditions of approval was that the applicants obtain approval from the FAA, and they have received approval. He said that this case was to be heard by Valley Center a week ago but at that time they did not have a quorum. He said that the case would be heard at Valley Center this coming Tuesday, and if at that time they do not concur with the MAPC recommendation, the case could be reheard by the MAPC.

JOHN LUNDBLADE, representing the applicant was present.

There was no one present in opposition to the application.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the rural character of the

neighborhood; the zoning and uses of nearby properties; the suitability of subject property for the use proposed; and the recommendation of staff; I move that we recommend to the governing body that this application be approved subject to the following conditions:

- a. That the tract of land be used solely for a mobile phone radio tower 167 feet (or less) in height and associated building for electronic switching equipment.
- b. The applicant shall obtain approval from the Federal Aviation Administration and comply with all conditions of approval.
- c. Subject property shall be platted within one year from the date of approval by the County Commission; or the case be considered denied and closed; and that the resolution establishing the conditional use not be published until the plat has been recorded with the Register of Deeds.

Gardner moved, Hansen seconded and it carried unanimously. Chisholm and Peters were absent.

Published in The Daily Reporter on _____, 1985

RESOLUTION NO. _____

CASE NO. CU-287

A RESOLUTION TO CONSTRUCT A RADIO 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 construct a radio tower in the "R" Rural Residential District is hereby approved on the lands legally described as follows:

The North 210 feet of the east 210 feet of the SE-1, Section 14, Township 25 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the west side of West Street, 1/2-mile north of 101st Street.

SUBJECT TO THE FOLLOWING:

- a. That the tract of land be used solely for a mobile phone radio tower 167 feet (or less) in height and associated building for electronic switching equipment.
- b. The applicant shall obtain approval from the Federal Aviation Administration and comply with all conditions of approval.
- c. Subject property shall be platted within one year from the date of approval by the County Commission; or the case be considered denied and closed; and that the resolution establishing the conditional use not be published until the plat has been recorded with the Register of Deeds.

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

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

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

_____, Chairman
Donald E. Cragg

_____, Commissioner
Tom Scott

_____, Commissioner
Bernard A. Hentzen

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

August 23, 1985

John Lundblade
Baughman Company, P.A.
330 Laura
Wichita, Ks. 67211

Re: CU-287 - Conditional Use Permit -
West side of West St. $\frac{1}{2}$ mile
north of 101st Street.

Dear Mr. Lundblade:

At its regular meeting on August 22, 1985, the Metropolitan Area Planning Commission considered the above-captioned conditional use request. The action of the Planning Commission was to recommend that this application be approved subject to the following conditions:

- a. That the tract of land be used solely for a mobile phone radio tower 167 feet (or less) in height and associated building for electronic switching equipment.
- b. The applicant shall obtain approval from the Federal Aviation Administration and comply with all conditions of approval.
- c. Subject property shall be platted within one year from the date of approval by the County Commission; or the case be considered denied and closed; and that the resolution establishing the conditional use not be published until the plat has been recorded with the Register of Deeds.

This matter will be forwarded to the Board of County Commissioners for consideration at 9:00 a.m., on Wednesday, September 18, 1985, in Room 320, Sedgwick County Courthouse, 525 North Main, Wichita, Kansas.

Since the Valley Center Planning Commission did not have a quorum for their meeting of August 13, this matter has been rescheduled for their meeting of August 27, 1985. Said meeting will be held at 7:30 p.m. in the Community Building, 116 Park, Valley Center, Kansas.

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

Sincerely yours,

Louise Olivarez
Senior Planner

LO:sd

cc: Charles M. Loyd, 415 W. 6th, Sedgwick, Ks. 67135
Southwestern Bell Mobile Systems, Inc., Attn: G. D. Ziegenhorn,
17330 Preston Road, Suite 100A, Dallas, Texas 75252
Paul T. Loyd, 10 Cedar Drive, Newton, Ks. 67114

CASE NO. CU-287

9	"Notices to Adjoining Property Owners" mailed on 8/16/85 for rehearing by Valley Center Planning Commission on 8/27/85.
10	Valley Center Planning Commission for rehearing on 8/27/85.
2	Valley Center City Administrator and City Clerk.
4	Applicants and Agent.
3	Glen, Louise and Terry.
<hr/>	
28	TOTAL

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

August 16, 1985

NOTICE OF PUBLIC HEARING

Case No.: CU-287.

Location: On the west side of West Street, 1/2-mile north of 101st Street.

Address: N/A.

Request: Conditional Use Permit to Establish a Mobile Phone Tower on Property Zoned "R" Rural Residential District.

Due to the lack of a quorum at the previous Planning Commission meeting, a public hearing to consider the above noted request has been rescheduled before the Valley Center Planning Commission on

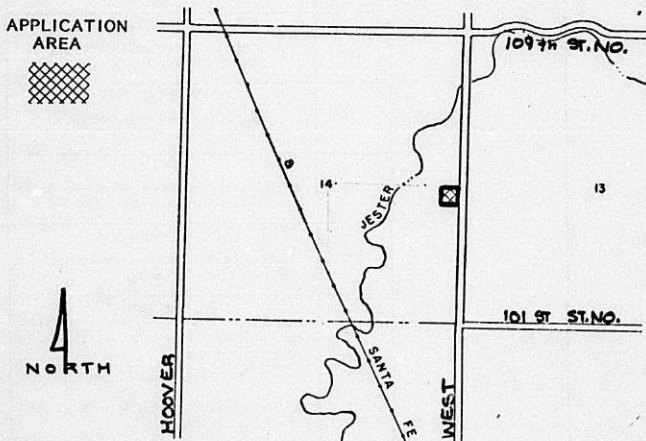
AUGUST 27 1985

The meeting will begin at 7:30 p.m. at the Community Building, 116 South Park, Valley Center, Kansas.

It will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION which begins at 1:30 p.m., Thursday, August 22, 1985, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear either in person or by agent or attorney, if you so desire.

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

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



SEE REVERSE SIDE

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-287

Conditional Use Permit to Establish a Mobile Phone Radio Tower
on Property Zoned "R" Rural Residential District

The North 210 feet of the east 210 feet of the SE- $\frac{1}{4}$, Section 14,
Township 25 South, Range 1 West of the 6th P.M., Sedgwick County,
Kansas. Generally located on the west side of West Street, $\frac{1}{2}$ -mile
north of T01st Street.

Most Restrictive



Least Restrictive

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

DO NOT REMOVE CARBONS

WIC J

Form Approved OMB No. 2120-0001

NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

U.S. Department of Transportation Federal Aviation Administration Aeronautical Study Number 85-ACE-502-0E

1. Nature of Proposal A. Type: [X] New Construction, [] Alteration B. Class: [X] Permanent, [] Temporary C. Work Schedule Dates: BEGINNING: AFTER POC APPROVAL, END: 90 DAYS AFTER START

2. Complete Description of Structure: A. Include effective radiated power and assigned frequency of all existing, proposed or modified AM, FM, or TV broadcast stations... B. Include size and configuration of power transmission lines... C. Include information showing site orientation, dimensions, and construction materials... A free standing monopole supporting a triangular platform 154 feet above ground level. Whip-like antennas are mounted at the corners of the platform and extend the height an additional 13 feet. This proposed installation will operate in the 870-890 MHz band with an effective radiated power of 100 watts.

3. Name and address of individual, company, corporation, etc. proposing the construction or alteration. (Number, Street, City, State and Zip Code) Wichita SWSA Limited Partnership, 17330 Preston Rd., Suite 100 A, Dallas, TX 75252

4. Location of Structure A. Coordinates: 37 52 33 N, 97 23 25 W Valley Center, Kansas Within City Limits B. Name of nearest airport, heliport, light park, or seaplane base: FAIZC (1) Distance from structure to nearest point of nearest runway: 42,233 ft. (2) Direction from structure to airport: SSW

5. Height and Elevation (Complete to the nearest foot) A. Elevation of site above mean sea level: 1365 B. Height of Structure including all appurtenances and lighting (if any) above ground, or water if so situated: 167 C. Overall height above mean sea level (A + B): 1532

D. Description of location of site with respect to highways, streets, airports, prominent terrain features, existing structures, etc. Attach a U.S. Geological Survey quadrangle map or equivalent showing the relationship of construction site to nearest airport(s). On Route 1; 3 miles SE of the town of Sedgwick - See Attachment B -

NOTICE IS REQUIRED BY PART 77 OF THE FEDERAL AVIATION REGULATIONS (14 C.F.R. PART 77) PURSUANT TO SECTION 1101 OF THE FEDERAL AVIATION ACT OF 1958, AS AMENDED (49 U.S.C. 1101). PERSONS WHO KNOWINGLY AND WILLINGLY VIOLATE THE NOTICE REQUIREMENTS OF PART 77 ARE SUBJECT TO A FINE (CRIMINAL PENALTY) OF NOT MORE THAN \$500 FOR THE FIRST OFFENSE AND NOT MORE THAN \$2,000 FOR SUBSEQUENT OFFENSES, PURSUANT TO SECTION 902(a) OF THE FEDERAL AVIATION ACT OF 1958, AS AMENDED (49 U.S.C. 1472 (a)).

I HEREBY CERTIFY THAT ALL OF THE ABOVE STATEMENTS MADE BY ME ARE TRUE, COMPLETE, AND CORRECT TO THE BEST OF MY KNOWLEDGE. IN ADDITION, I AGREE TO OBSTRUCTION MARK AND/OR LIGHT THE STRUCTURE IN ACCORDANCE WITH ESTABLISHED MARKING & LIGHTING STANDARDS IF NECESSARY.

Date: [] Typed Name/Title of Person Filing Notice: Christy Falk, Engineer - RF Design Signature: []

FOR FAA USE ONLY: FAA will either return this form or issue a separate acknowledgement.

The Proposal: [X] Does not require a notice to FAA. [] Is not identified as an obstruction under any standard of FAR, Part 77, Subpart C, and would not be a hazard to air navigation. [] Is identified as an obstruction under the standards of FAR, Part 77, Subpart C, but would not be a hazard to air navigation. [] Should be obstruction [] marked, [] lighted per FAA Advisory Circular 707480-1, Chapter 1. Obstruction marking and lighting are not necessary. Supplemental Notice of Construction FAA Form 7490-2 is required any time the project is abandoned, or [] At least 48 hours before the start of construction. [] Within five days after the construction reaches its greatest height. This determination expires on [] unless: (a) extended, revised or terminated by the issuing office; (b) the construction is subject to the licensing authority of the Federal Communications Commission and an application for a construction permit is made to the FCC on or before the above expiration date. In such case the determination expires on the date prescribed by the FCC for completion of construction, or on the date the FCC denies the application. NOTE: Request for extension of the effective period of this determination must be postmarked or delivered to the issuing office at least 15 days prior to the expiration date. If the structure is subject to the licensing authority of the FCC, a copy of this determination will be sent to that Agency.

Remarks: []

FAA Form 7460-1 (4-83) SUPERSEDES PREVIOUS EDITION DO NOT REMOVE CARBONS

RE: AGENDA ITEM NO.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

CU-287 - CONDITIONAL USE FOR A RADIO TOWER

Generally located on the west side of West Street, $\frac{1}{2}$ mile
north of 101st Street. *North.*

VCPC HEARING DATE: 8-13-85
MAPC HEARING DATE: 8-22-85

Acres: 1.0

Size: 210' x 210'

Reason: To construct a mobile phone radio tower.

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

History: None

Applicant: Charles M. Loyd, et al., 415 West 6th Street, Sedgwick 67135

COMMENTS:

The following comments should be considered by the Planning Commission in making findings of fact:

1. The applicant is requesting a conditional use permit for an unplatted tract of land zoned "R" Rural Residential which contains approximately one acre and is located on the west side of West Street, one half-mile north of 101st Street North. The applicant proposes to construct a 167 foot tall mobile phone radio tower and an approximately 310 square foot equipment building.
2. The Harrison Airport, a privately owned public use airport with a turf runway is located approximately 1 mile to the southeast of the application area. Additional street right-of-way is needed for West Street to comply with FAS Standard of 60 feet of half-street right-of-way.
3. The Board of County Commissioners may, by special permit and subject to such restrictions as it deems necessary, permit a mobile phone tower and building for electronic switching equipment in the "R" Rural Residential District as a conditional use.
4. A recommendation of approval by the Planning Commission should be subject to the following conditions:
 - a. That the tract of land be used solely for a mobile phone radio tower 167 feet in height and associated building for electronic switching equipment.
 - b. The applicant shall obtain approval from the Federal Aviation Administration and comply with all conditions of approval.
 - c. Subject property shall be platted within one year from the date of approval by the County Commission; or the case be considered denied and closed; and that the resolution establishing the conditional use not be published until the plat has been recorded with the Register of Deeds.

CASE NO. CU-287

10	"Notices to Adjoining Property Owners" and Staff Reports to Valley Center Planning Commissioners. <i>date mailed?</i>
2	One each (Notices and Staff Reports) to City Administrator and City Clerk.
3	One each to Ron Worley, David Spears, and Karen Crook.
3	One each to Glen, Louise and Terry.
<hr/>	
18	TOTAL

CASE NO. CU-287

9 "Notices to Adjoining Property Owners" mailed on 7-25-85
for MAPC meeting on 8-8-85.

4 One each to Applicants and Agent.

3 One each to Karen Crook, Ron Worley, and David Spears.

3 One each to Glen, Louise and Terry.

19

TOTAL

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

July 25, 1985

NOTICE OF PUBLIC HEARING

Case No.: CU-287.

Location: On the west side of West Street, $\frac{1}{4}$ -mile north of 101st Street.

Address: N/A.

Request: Conditional Use Permit to Establish a Mobile Phone Tower on Property Zoned "R" Rural Residential District.

A public hearing to consider the above noted request has been scheduled before the Valley Center Planning Commission on

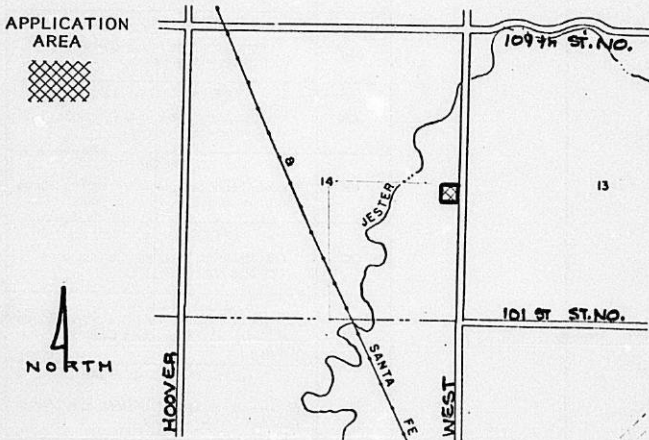
AUGUST 13, 1985

The meeting will begin at 7:30 p.m. at the Community Building, 316 East Clay, Valley Center, Kansas.

If this matter is not deferred for further hearings by the Valley Center Planning Commission, it will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION which begins at 1:30 p.m., Thursday, August 22, 1985, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear either in person or by agent or attorney, if you so desire.

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

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



SEE REVERSE SIDE

CASE NO. CU-287

**Conditional Use Permit to Establish a Mobile Phone Radio Tower
on Property Zoned "R" Rural Residential District**

The North 210 feet of the east 210 feet of the SE- $\frac{1}{4}$, Section 14,
Township 25 South, Range 1 West of the 6th P.M., Sedgwick County,
Kansas. Generally located on the west side of West Street, $\frac{1}{2}$ -mile
north of T01st Street.

Most Restrictive



Least Restrictive

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

() Published in the Ark Valley News on July 25, 1985 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Tuesday, August 13, 1985, at 7:30 p.m., the VALLEY CENTER PLANNING COMMISSION, meeting at the Community Building, 316 East Clay, Valley Center, 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-287

Conditional Use Permit to Establish a Mobile Phone Radio Tower
on Property Zoned "R" Rural Residential District

The North 210 feet of the east 210 feet of the SE- $\frac{1}{4}$, Section 14, Township 25 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the west side of West Street, $\frac{1}{4}$ -mile north of 101st Street.

If this matter is not deferred for further hearings by the Valley Center Planning Commission, it will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION which begins at 1:30 p.m., Thursday, August 22, 1985, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear either in person or by agent or attorney, if you so desire.

As provided in the County Zoning Regulations, Section 17 - Administration sub-paragraph C, the same will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed application(s) will be considered as by law provided.

WITNESS MY HAND AND SEAL on this 19th day of July, 1985.

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

(SEAL)

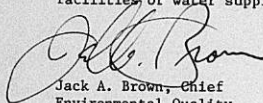
THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health DATE July 25, 1985

TO Terry Smythe, Senior Planner, MAPD
FROM Jack A. Brown, Chief, Environmental Quality

SUBJECT CU-287

If the above property will have no occupancy we will not require sanitary facilities or water supply.



Jack A. Brown, Chief
Environmental Quality

JAB/cb

RECEIVED

JUL 26 1985

METROPOLITAN PLANNING

ROUTE _____

~~Charles M. Loyd~~ 1985

J
Valley Center

LEASE AGREEMENT

This Agreement, made this 19 day of June 1985 by and between Charles M. Loyd and Paul T. Loyd, each with a 50% undivided interest in a life estate hereinafter called LESSOR, and Wichita SMSA limited partnership, A Delaware limited partnership, having its principal offices at Suite 100-A, 17330 Preston Road, Dallas, Texas 75252, hereinafter called TENANT.

WHEREAS, the LESSOR is the owner of real property located Rt. 1
Valley Center
in Sedgewick County, Kansas and

WHEREAS, the TENANT desires to lease a portion of said real property as hereinafter described

NOW THEREFORE, in and for the consideration of terms, conditions and rentals hereinafter set forth the LESSOR and TENANT agree to the following:

1. The LESSOR hereby leases to TENANT that certain parcel of property, containing 44,100 square feet, more or less, situated in Sedgewick County, State of Kansas for the purpose of constructing, operating and maintaining TENANT'S Tower, Building, Mobile Communications Facilities and Equipment, with all appurtenance thereto, as TENANT may from time to time require, together with the right for ingress and egress, seven (7) days a week, twenty-four (24) hours a day, on foot or motor vehicle, including trucks, and for the installation and maintenance of utility poles, anchors, wires, cables, conduits, pipes, and all appurtenances thereto. The property and right of way for access being substantially as described herein in Exhibit "A". LESSOR also grants to TENANT the right to use additional property contiguous to the leased premises during construction of the communication facility. Said additional construction easement, to be restored as near as reasonably possible to its condition prior to construction by TENANT. TENANT shall not use or permit the property to be used for any purpose other than a mobile communications facility without written consent of LESSOR, said consent not to be unreasonably withheld.

2. The LESSOR hereby grants to TENANT the right to survey the leased premises which certified survey becomes Exhibit "B", to be attached hereto and made a part hereof.

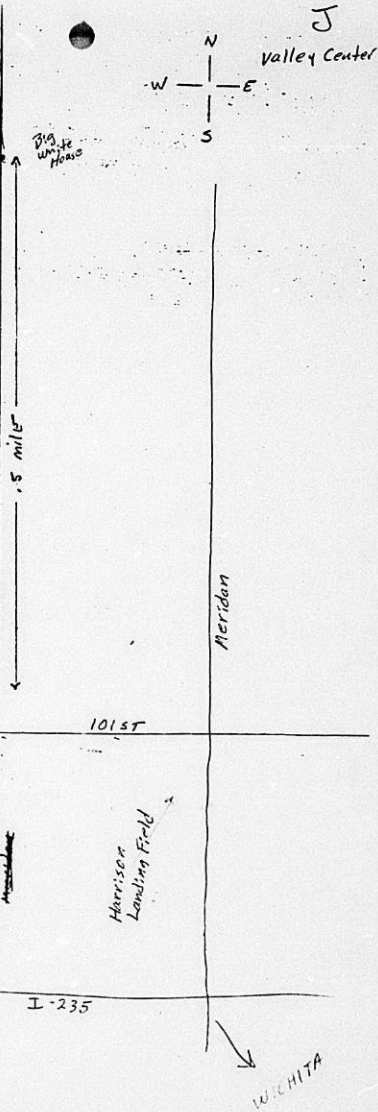
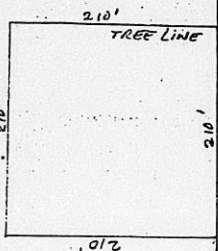
3. This Agreement shall be for an initial term of TWENTY FIVE (25) years, beginning on the date this agreement is executed, at an annual rental of THIRTEEN HUNDRED (\$1,800), for the first five years, payable in equal monthly installments on the first of each month, in advance, to Charles M. Loyd 50%, and Paul T. Loyd 50% - separate checks, or to such other person, firm or place as the LESSOR may from time to time, so designate in writing at least thirty (30) days in advance of any rental payment date.

(Security Title Co.)

I 135 N To
85th St.
West on 85th to Meridian
North to 101st
West to ~~Home~~ WEST
North to site

W7 F8803
4CT

12' x 26' Precast
Concrete
Equipment Bldg.
Tower 167' overall Ht.



APPLICATION FOR CONDITIONAL USE PERMIT

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

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

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

A. APPLICANT Charles M. Loyd ✓
ADDRESS 415 W. 6th Sedgwick, Kansas Zip Code 67135 PHONE
AGENT Southwestern Bell Mobile Systems, Inc. Att: G. D. Ziegenhorn ✓
ADDRESS 17330 Preston Road Suite 100A Dallas, Texas Zip Code 75252 PHONE 214-733-2001

B. APPLICANT Paul T. Loyd ✓
ADDRESS 10 Cedar Drive Newton, Kansas Zip Code 67114 PHONE
AGENT William L. Korber ✓
ADDRESS 330 Laura Zip Code 67211 PHONE 262-7271

See ownership book for other names

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

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

- 2. A. The applicant proposes to establish a Mobile Phone Radio Tower (use) on property legally described as Lot(s) Block(s) of the Addition.

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

The north 210 feet of the east 210 feet of the SE 1/4 Sec. 14, Twp. 25-S, R-1-W of the 6th P. M., Sedgwick County, Kansas.

- B. There are 1.0 acres (round to nearest tenth) in the above described property.

8 x 7-34

FOR OFFICE USE ONLY

Map No. Zoning (N) R (S) R (E) R (W) R MAPC 8-22-85

T9-333-2 VALLEY CENTER TOWNSHIP

Revised 1/85

VALLEY CENTER 8/13/85

3. This property is located at (address) _____.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

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

B. On the west side of West St. ^{1/2 Mile north of 101st St.} ~~XXXXXX~~ ^{XXXXXX} ~~XXXXXX~~ No. _____ (Ave.) Street and _____ (Ave.) Street.

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

To construct a Mobile Phone Radio Tower.

5. WE ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. WE REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. WE FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE. WE ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS THAT IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

APPLICANT'S SIGNATURE

BY William Storker
AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE

BY _____
AUTHORIZED AGENT (IF ANY)

APPLICANT'S SIGNATURE

BY _____
AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY

This application was received at the Planning Department at 4:00 (AM, PM) on JULY 16 1985 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 200.00.

T. SMYTHE Name
SENIOR PLANNER Title

SEND A NOTICE
OF CV-287
HEARING TO: ~~THE~~

MR HENSEL B. McNEW
2607 CHEYENNE BLVD
WICHITA KS 67216

~~FORWARD~~
TO
S. H. H. H.

OWNERSHIP LIST

Tract Description

Property Owner

The North 210 feet of the East 210 feet
of the Southeast Quarter of Section 14,
Township 25 South, Range 1 West of the
6th P.M., Sedgwick Co., KS.

LIFE ESTATE:
Charles M. Loyd
415 W. 6th
Sedgwick, KS 67135
AND
Paul T. Loyd
10 Cedar Drive
Newton, KS 67114

OK
OK

*application area
and
applicants*

AND
Marilyn Sue Loyd
✓ Apt. 303
Barcelona Apts. East
9532 Drury
Kansas City, MO 64137
AND
✓ James Garrison Loyd
2222 W. 72nd
Prairie Village, KS 66208
AND
✓ Linda Kae Loyd
215 E. Blair
Lyons, KS 67554
AND
✓ Jayne Ann Nordstrom
1236 S. Lincoln
Kankakee, IL 60901
AND
✓ Nancy Jo Straight
Box 1725
Aspen, CO 81611
AND
✓ Michael C. Loyd
10 Cedar Drive
Newton, KS 67114
AND
Thomas W. Loyd
Same As Above

The Northeast Quarter of the Southeast
Quarter of Section 14, Township 25,
Range 1 West, except above described
tract.

Same As Above

The Southeast Quarter of the Northeast
Quarter of Section 14, Township 25,
Range 1 West.

✓ Nina Evelyn Wilson
c/o Haroldene Everley
505 Franklin
Sedgwick, KS 67135

The Southwest Quarter of the Northwest
Quarter of Section 13, Township 25,
Range 1 West
AND

George W. Wilson
✓ Rt. 1
Valley Cener, KS 67147
AND

The Northwest Quarter of the Northeast
Quarter of Section 13, Township 25,
Range 1 West.

Betty Wilson Young
Address Unknown

Page 2

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described tracts within a 1000 foot radius of:

The North 210 feet of the East 210 feet of the Southeast Quarter of Section 14, Township 25 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 5th day of July, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Gable

By
Sr. Vice-President

Order No: 348331

FORM 2-21

PAYMENT NOTICE
City of Wichita CU-287

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

DESCRIPTION	AMOUNT
COPYING USE	\$ 200.00
COPYING USE	

NAME Bill Louder

ADDRESS 330 CANA

FUND 7-11-10-003 DUE DATE 7-1-55

COMMENTS

DATE 7-16-55 BY §