

Published in The Daily Reporter on 11-27-92 R-245-1992, 1992

R E S O L U T I O N   N O .

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO INCREASE THE SIZE OF AN EXISTING CONDITIONAL USE PERMIT FOR A COMMUNICATIONS TOWER AND AN ACCESSORY BUILDING SO THAT ADDITIONAL BUILDING AREA MAY BE ACCOMMODATED IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a conditional use permit to increase the size of an existing conditional use permit for a communications tower and an accessory building so that additional building area may be accommodated on property zoned "R-1" Suburban Residential District is hereby approved on lands legally described below:

Case No. CU-351

Conditional use permit request to expand equipment room and facilities onto land outside of original conditional use permit

A tract in the Southeast Quarter of Section 5, Township 28 South, Range 2 East of the Sixth P.M., Sedgwick County, Kansas, beginning at the northeast corner of said Southeast Quarter; thence west along the north line of said Southeast Quarter, a distance of 400 feet; thence south parallel with the east line of said Southeast Quarter a distance of 200 feet; thence east parallel with the north line of said Southeast Quarter a distance of 100 feet; thence north parallel with the east line of said Southeast Quarter a distance of 185 feet; thence east parallel with the north line of said Southeast Quarter a distance of 300 feet to a point on the east line of said Southeast Quarter;

FILE COPY

thence north a distance of 15 feet to the point of beginning, except the east 50 feet thereof for road. Generally located ¼-mile south of Pawnee on the west side of Webb Road (2801 S. Webb Road).

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Development of the property shall be in accordance with the approved site plan.
2. Use of the property is limited to a 117-foot communications tower and an associated building for the storage of equipment. The building may be used to periodically accommodate on-site personnel for the routine maintenance and monitoring of equipment during regular business hours.
3. The applicants shall comply with all applicable regulations of the FAA, FCC and the Wichita Airport Hazard Zoning Ordinance.
4. The property shall be platted within one year from the date of approval by the Board of County Commissioners, or the case will be considered denied and closed.
5. Any violation of the foregoing conditions shall render this conditional use permit null and void.

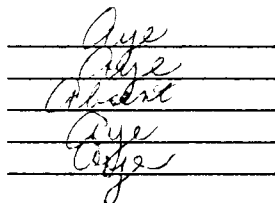
SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

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

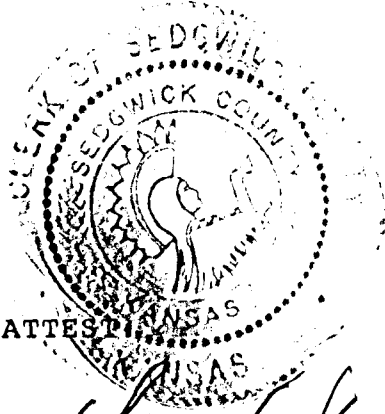
SECTION IV. Sedgwick County Resolution No. 174-1984 is hereby repealed.

Commissioners present and voting were:

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



DATED this 28th day of October, 1992.



Don Wright  
DON WRIGHT, County Clerk

APPROVED AS TO FORM ONLY:

[Signature]  
County Counselor/Assistant

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

Betsy Gwyn  
BETSY GWYN, Chair

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

Paul W. Hancock  
PAUL W. HANCOCK, Commissioner

Absent  
BERNARD A. HENTZEN, Commissioner

Willy Q. McCray  
WILLY Q. McCRAY, Commissioner

-25E

0E

25E

50E

75E

100E

125E

150E

175E

200E

225E

250E

275E

300E

325E

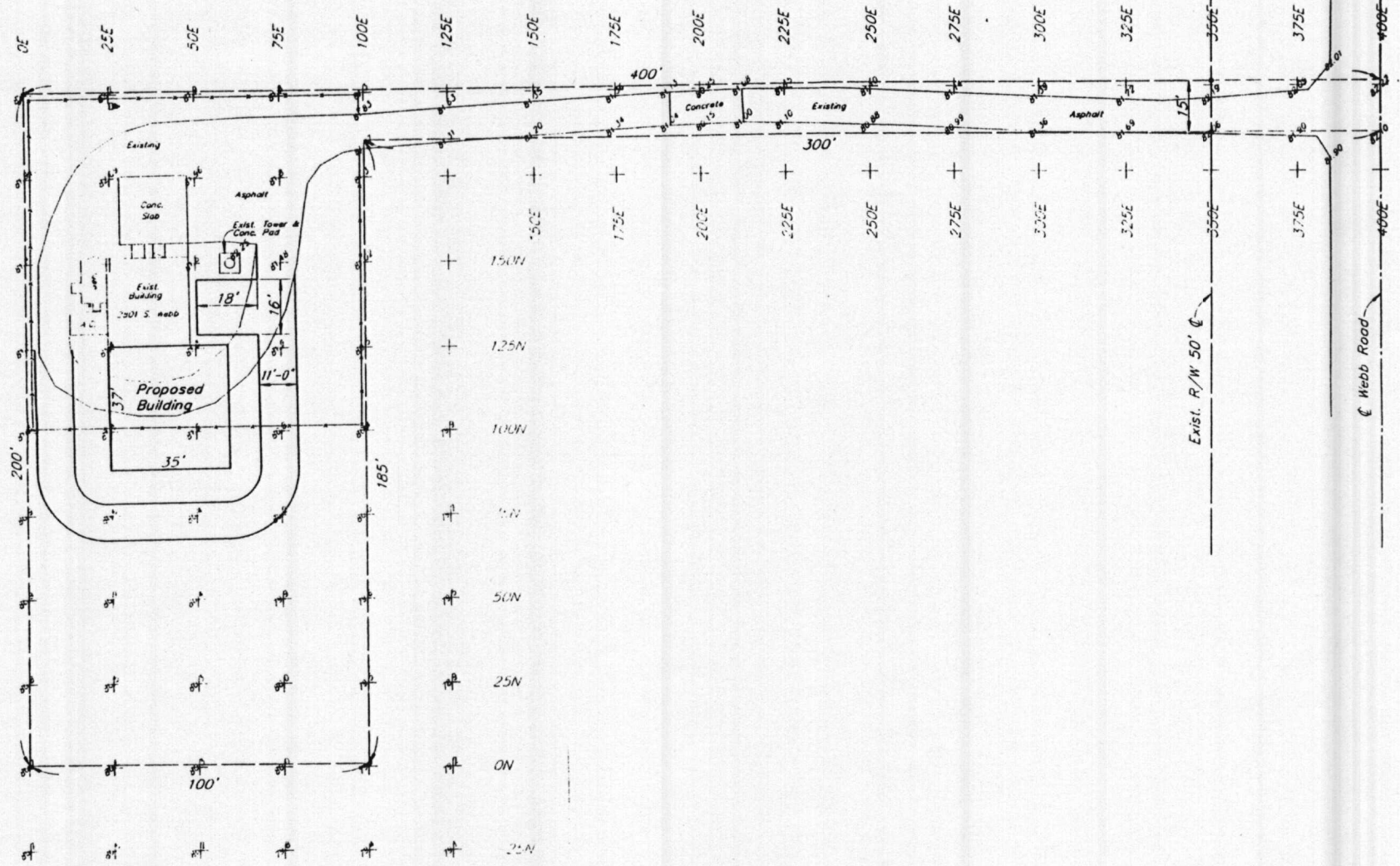
350E

375E

400E

200N

175N



150E

125N

100N

75N

50N

25N

0N

25N

Exist. R/W 50' C

Webb Road

September 24, 1992

STAFF REPORT

CASE NUMBER: CU-351

OWNER/APPLICANT/AGENT: Bernard & Betty Novick (owners/applicants)  
Kirk Miller, Booker Associates (agent)

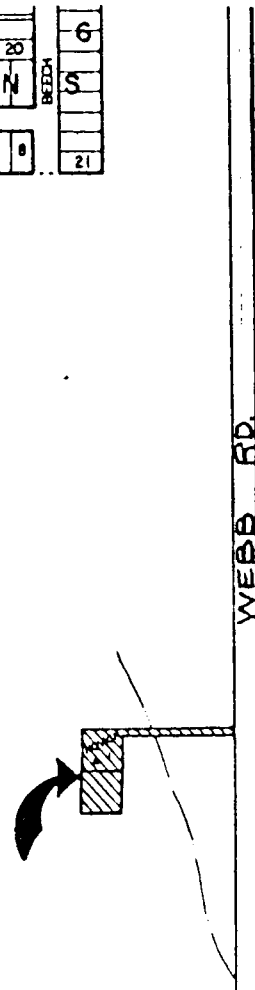
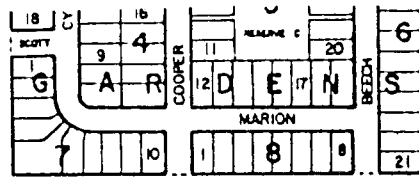
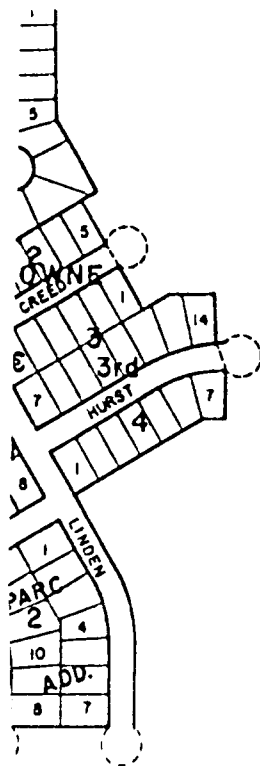
REQUEST: To increase the size of an existing conditional use permit for a communications tower and an accessory building so that additional building area may be accommodated.

CURRENT ZONING: "R-1" Suburban Residential District

SITE SIZE: .5 acre

LOCATION: One-half mile south of Pawnee, on the west side of Webb Road (2801 S. Webb Road)

PROPOSED USE: Expansion of equipment room and facilities onto land outside of original conditional use



BACKGROUND: The applicants are requesting an expansion of a conditional use permit for an equipment room and facilities in association with a communications tower. The application area increases the size of CU-272 from 1/5 of an acre to 1/4 of an acre so that additional building area may be accommodated. The application area is generally located 1/4-mile south of Pawnee, on the west side of Webb Road.

CU-272 was approved in 1984. Conditions of approval included limiting the site to a 117-foot tower and a control building for electronic switching equipment. In addition, it required FAA approval and platting of the property. The property was platted as Novick Addition in 1984. In 1990, a request (CU-324) to increase the height of the tower was withdrawn by the applicants.

All surrounding property is zoned "R-1" Suburban Residential and is undeveloped agricultural land. The site is currently developed with a 117-foot communications tower and a 600 square-foot accessory building. The applicants intend to make a 1,295 square-foot addition to the south of the existing accessory structure for the storage of additional equipment. The building will be periodically occupied during business hours for routine maintenance and monitoring of equipment. Initial contact has been made with Jack Brown of the County Health Department regarding sewage disposal at this site (see attached memo).

Staff recommends approval, subject to conditions.

CASE HISTORY: CU-272 was approved in 1984 for a communications tower and control building. CU-324, a request for additional height for the tower, was withdrawn by the applicants.

ADJACENT ZONING AND LAND USE:

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

PUBLIC SERVICES: Municipal services are not available at this location and are not proposed for extension. The site is accessed from Webb Road, a paved, two-lane road. Fifty feet of half-street right-of-way exists at this site.

CONFORMANCE TO PLANS/POLICIES: The new Comprehensive Plan depicts this area for suburban development. There are no MAPC zoning policies for this area of Webb Road.

RECOMMENDATION: Approval, subject to the following conditions:

1. Development of the property shall be in accordance with the approved site plan.

2. Use of the property is limited to a 117-foot communications tower and an associated building for the storage of equipment. The building may be used to periodically accommodate on-site personnel for the routine maintenance and monitoring of equipment during regular business hours.
3. The applicants shall comply with all applicable regulations of the FAA, FCC and the Wichita Airport Hazard Zoning Ordinance.
4. The property shall be platted within one year from the date of approval by the Board of County Commissioners, or the case will be considered denied and closed.
5. Any violation of the foregoing conditions shall render this conditional use permit null and void.