

Resolution No. 50-2020

A RESOLUTION OF THE CITY OF DERBY, KANSAS IN OPPOSITION TO APPLICATION FOR CONDITIONAL USE PERMIT IN METROPOLITAN AREA PLANNING COMMISSION CASE NO. CON2020-00033.

WHEREAS, the City of Derby, as the owner of High Park, has received notice of a public hearing for Metropolitan Area Planning Commission (“MAPC”) Case No. CON2020-00033 concerning a County Conditional Use application; and

WHEREAS, the proposed Conditional Use seeks approval for placement of a 235’ tall AT&T Communications Tower on land directly east of the Derby city limits; and

WHEREAS, the public hearing before the MAPC is scheduled for 1:30 p.m. on Thursday, December 3, 2020; and

WHEREAS, the proposed conditional use would directly and negatively impact the City’s existing High Park property and an existing residential neighborhood within the City; and

WHEREAS, the proposed conditional use would inhibit and limit the City’s future growth and implementation of its duly adopted Comprehensive Plan-Vision Derby 2040; and

WHEREAS, the City Council has determined that it is in the best interests of the City to avail itself of the opportunity to participate in the public hearing process and to publicly oppose the conditional use requested in MAPC Case No. CON2020-00033.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DERBY:

Section 1. Opposition to Conditional Use: The City of Derby hereby opposes the conditional use requested in Case No. CON2020-00033 based upon the following findings by the City Council:

- A. **Impact on City Property:** High Park, Derby’s largest park, is located approximately 260’ from the center of the proposed tower location. At 235’, the proposed tower is 100’ taller than the City’s tallest water tower. The sheer size and lattice style design of the proposed tower will be inescapable from view given the close proximity to the park and its users. The detrimental visual impact to High Park will be instantaneous and permanent. High Park is a premier regional park and plays an important role in Derby’s ability to host and attract regional events and ball tournaments. The detrimental long-term impact on the City’s investment in High Park warrants denial of the conditional use.
- B. **Impact on City Residents:** The Spring Ridge neighborhood, an established residential neighborhood in Derby, is located west of the proposed tower site with the backyards of multiple homes less than 400’ feet from the proposed tower. The detrimental visual impact of the proposed tower would be immediate for these City residents and the commercial nature of the proposed tower is inconsistent with the residential nature of the Spring Ridge neighborhood and the surrounding areas. No buffer between the residential

and commercial uses is offered and none would be effective to reduce the detrimental visual impact on homeowners if the conditional use is allowed. The scope and commercial nature of the conditional use is inappropriate at this location and warrants denial of the application.

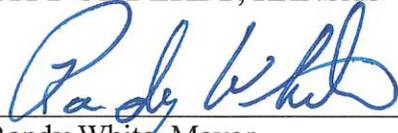
- C. **Conflict with the City's Adopted Comprehensive Plan:** The Vision Derby 2040 Comprehensive Plan was adopted by the Derby City Council on August 25th of this year following a multi-year process. The proposed conditional use is inconsistent with Derby's adopted comprehensive plan which designates this area on the future land use map for low-density residential development and designates High Park as part of the future Derby Grand Tour route of connected parkway systems. The proposed tower not only grossly exceeds the maximum height of structures permitted in residential neighborhoods, but the commercial nature of the use is inconsistent with the surrounding land uses. The Vision Derby 2040 Comprehensive Plan indicates that there should be transitions between residential uses and commercial uses and that utility equipment should be screened from public view. The proposed conditional use conflicts with Derby's duly adopted comprehensive plan and should be denied on this basis.
- D. **Impact and Restriction on City's Future Growth Area:** Derby, the 17th largest city in Kansas, is a thriving and growing community with a continued strong demand for residential housing. Derby continues to attract families and residents due to its quality of life, excellent schools, and close relationship with McConnell Air Force Base. Not only would the proposed conditional use impose an immediate detrimental impact on Derby's existing Spring Ridge neighborhood and High Park, but the huge tower would effectively eliminate a prime location for future residential development. At a height of 235', the detrimental visual impact of the proposed tower would extend far beyond the immediate use area and would reduce the viability of future housing being built both north and east of the location. The negative impact of the proposed conditional use on Derby's continued growth warrants denial of the conditional use.

Section 2. Request for Denial. The City of Derby hereby respectfully requests that the Metropolitan Area Planning Commission issue a written denial of Case No. CON2020-00033.

Section 3. This resolution shall take effect and be in force immediately upon its adoption and shall be submitted to the Metropolitan Area Planning Commission and the Derby Planning Commission for consideration during their review of the proposed conditional use.

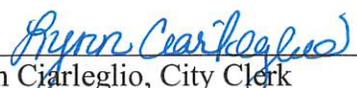
PASSED by the City Council this 24th day of November, 2020 and **SIGNED** by the Mayor.

CITY OF DERBY, KANSAS



Randy White, Mayor

Attest:



Lynn Ciarleglio, City Clerk

