128-07

(150006) Published in The Derby Reporter on 8-7-07

RESOLUTION NO. 128-07

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS 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 V-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. ZON2007-00009

Zone change request from "SF-20" Single-family Residential to "LI" Limited Industrial on property described as:

A tract in the Northeast Quarter of Section 16-27-2E described as the west ½ of the East ½ of the Northwest ¼ of said Northeast ¼, except that part taken for road. (Containing 422,532 Sq. Ft.)

Generally located ¼ mile south and west of the intersection of 13th Street North and Greenwich Road.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change 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 by the Governing Body.

Commissioners present and voting were:

GWEN WELSHIMER	aye
TIM R. NORTON	aye
THOMAS G. WINTERS	aye
KELLY PARKS	aye
DAVID M. UNRUH	aye

DATED this 9th day of May, 2007.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

David M. Unruh, CHAIRMAN
First District

ATTEST:

DON BRACE, County Clerk

CLERK OF SEDGWICK COUNTY SEDGWICK COUNTY KANSAS KANSAS

APPROVED AS TO FORM:

ROBERT W. PARNACOTT,
Assistant County Counselor

AGENDA ITEM REQUEST

Proposed Agenda Item: ZON2007-00009 – Sedgwick County Zone change from "SF-20" Single-family Residential to "LI" Limited Industrial. Generally located ¼ mile south and west of the intersection of 13th Street and Greenwich Road. (District I)

Presented by: John L. Schlegel, Planning Director

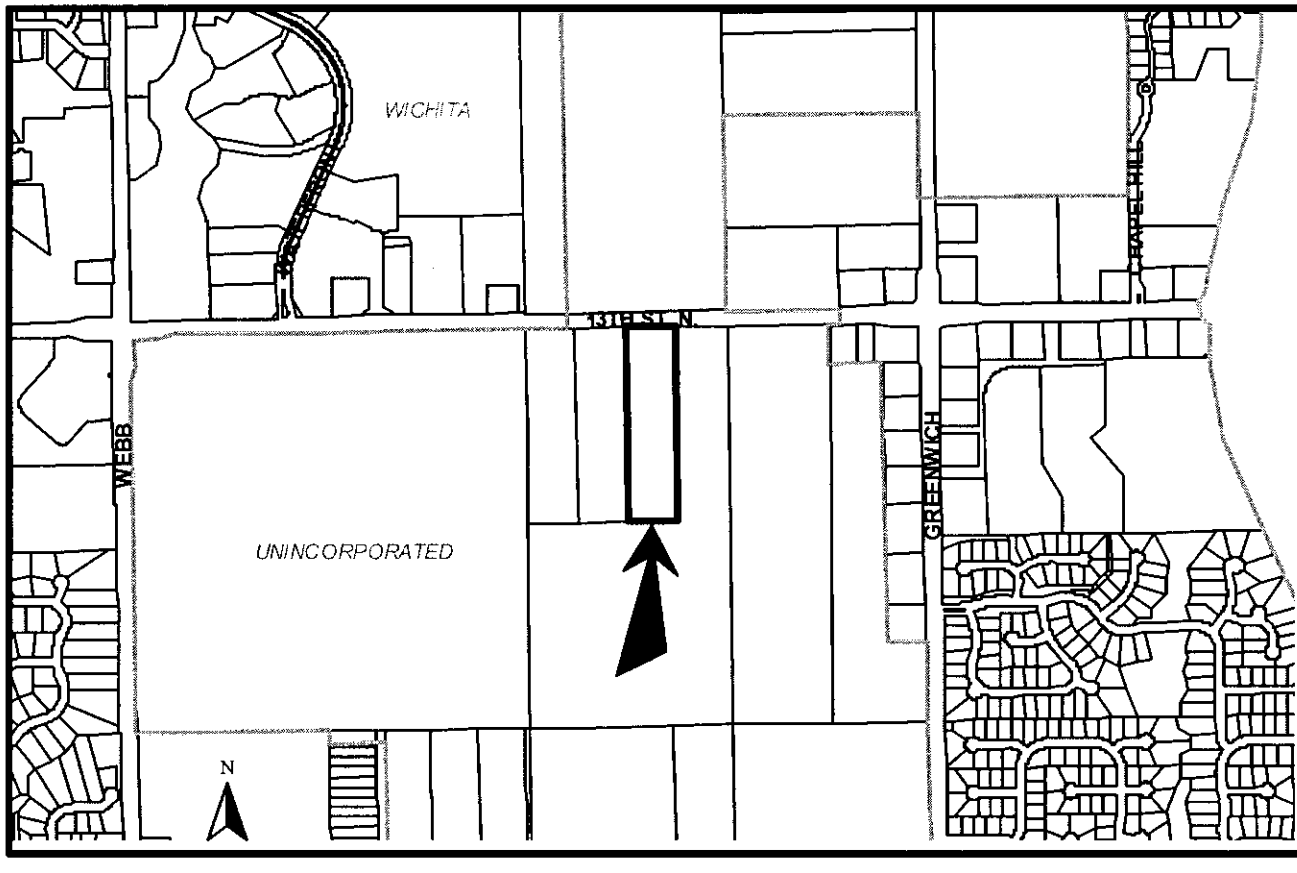
Recommended Action: Approve the zone change to LI; adopt the findings of the Metropolitan Area Planning Commission; and authorize the Chairman to sign the resolution.

Proposed Agenda Date: May 9, 2007

Outside Attendees: Raytheon Aircraft Company c/o Pam Bailey (Owner/Applicant)
Baughman Company c/o Russ Ewy (Agent)

Multimedia Presentation: PowerPoint

Donations: Not applicable



Background: The applicant requests a zone change from SF-20 to LI on a 9.7-acre unplatted tract located approximately ¼ mile west of the intersection of 13th Street and Greenwich Road. The applicant owns a large amount of property around this location, including a 50.72-acre tract bordering the subject property on the east and south, already zoned LI. The subject property is currently undeveloped. The uses for the property have not been determined.

The land to the north, across 13th Street is undeveloped and zoned LI. To the south and east is additional Raytheon Aircraft land zoned LI. Raytheon's runway is located approximately 400 feet southeast of the southeast corner of the application area. To the northwest, approximately 1,000 feet, is the Waterfront office and retail center also zoned LI. To the west of the application area there are two undeveloped SF-20 zoned tracts not owned by Raytheon. Further west is Raytheon's employee recreation area also zoned LI. The overwhelming majority of the properties abutting or adjacent to the site, including the Waterfront project and Raytheon's other holdings in the area, are zoned LI.

The application area is located within Area A of the Wichita-Sedgwick County Airport Hazard Zoning Map, which requires a permit exemption for structures that exceed 25 feet in height. The applicant is seeking unrestricted LI zoning, but for comparison purposes it is appropriate to point out, given this tract's location to the runway, that if this tract were subject to the McConnell Air Force Base Airport Overlay District, the range of potential uses would be restricted to uses that minimize the concentration of people to no more than 25 people per acre. In 2000, Raytheon opposed a request (ZON2000-22, CUP2000-21 DP-254) for 35 acres of LC zoning located 400 feet further away from Raytheon's runway than this request. Raytheon's objection was based upon the fact that "Raytheon Aircraft's runway is used primarily for flight testing operations, where safety is of utmost importance." The letter further states that expanding the extent of commercial use presents an unacceptable risk to potential inhabitants and also to the company and its air traffic. While this request would not allow new residences, it will permit an increase in the square footage of nonresidential uses and the concentrations of people.

Since 2000 it appears that circumstances have changed with Raytheon as it appears that Raytheon has sold all of their holdings north of 13th Street, and those tracts have developed or are being platted without objection for non aircraft related activity. In 2006, the MAPC declined to include as conditions of approval use limitations that would restrict the concentrations of people on CUP2006-22 DP-298 located at the northwest corner of Greenwich Road and 13th Street, and 1,600 feet off the end of Raytheon's runway.

Analysis: At the MAPC meeting held April 5, 2007, MAPC voted (12-0) to approve subject to applicant's request for LI. No citizens were present to speak and no protests have been received.

Alternatives:

1. Approve the zone change to LI, approve the resolution and authorize the Chairman to sign the resolution.
2. Return such recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove.
3. Deny the zone change and override the MAPC recommendation with a 2/3 vote.

Financial Considerations: ☐ ***Approved by Division of Finance***

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Legal Considerations: ☐ ***Approved as to form and signed by County Counselor's Office***