



Wichita-Sedgwick County Metropolitan Area Planning Department

July 21, 2021

Kayl Warne
2012 N Pepper Corn Rd.
Derby, KS 67037

RE: ZON2020-00053: County Zone Change from RR Rural Residential to GC General Commercial on property located at the southwest corner of East 63rd Street South and South Hydraulic Avenue.

Dear Applicant;

At its regular meeting on **July 21, 2021**, the Sedgwick County Board of County Commissioners considered the above captioned request. The action of the BOCC was to **APPROVE** the request subject to Protective Overlay #361:

Protective Overlay #361

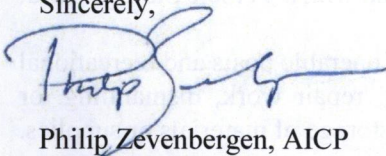
1. Uses shall be limited to those as permitted by-right in RR Rural Residential in addition to Vehicle Storage as permitted in GC General Commercial.
2. The following conditions shall apply only if the property is developed with a Vehicle Storage Yard:
 - a. The Vehicle Storage Yard shall be limited to the storage of operable boats and recreational vehicles only, and in no case shall it be used for sales, repair work, dismantling, or mechanical servicing of any vehicles or equipment, or for storage of materials or supplies.
 - b. The storage area and all entrance/exit drives shall be surfaced with an all-weather surface that meets the approval of the Director of the Metropolitan Area Building and Construction Department (or other chief jurisdiction code enforcement officer) and shall be maintained in good condition and free of weeds, trash, and other debris.
 - c. A landscape buffer shall be provided along arterial street frontages. The landscape buffer shall employ landscaped earth berms a minimum of four to six feet above at-grade elevation of the abutting right-of-way. The landscaping shall consist a minimum of two trees per 40-linear feet. Trees can be shade or ornamental. Shrubs and/or ornamental grasses shall be planted in-between tree spacing. The landscaping shall be irrigated and maintained. The following minimum standards shall apply for planting sizes:
 - i. Shade Tree: 2-inch caliper
 - ii. Ornamental Tree: 1-inch caliper
 - iii. Conifer Tree: 5-foot height
 - iv. Shrubs: 2 gallon
 - d. Visual screening of areas adjacent to residential zoning districts shall be provided to protect adjacent properties from light, debris, and noise, and to preserve adjacent property values. In no case shall screening be less than that required by Section IV-B.1-3 of the Unified Zoning Code, unless the applicant demonstrates adequate screening may be provided

through alternative means, and the requirements imposed by Section IV-B.1-3 would be overly burdensome on the applicant.

- e. Outdoor lighting sources shall conform to Unified Zoning Code Section IV-B.4, which requires cut off luminaries to minimize light trespass and glare. All light poles within 200 feet of residentially zoned properties shall not exceed 15 feet in height.
- f. There shall be no off-site/billboard signs. Signage is restricted to one (1) pole sign and one (1) building sign per street frontage. The pole sign shall not exceed 25 feet in height and shall not exceed 150 square feet in area. The area of the building signs shall not exceed 20 percent of the building façade, and shall not exceed 200 square feet each. Electronic message boards are prohibited. All illumination of signs shall be internal or directed away from residentially zoned properties.
- g. A revised screening/landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of any building permits and/or applicable licenses.
- h. The site shall comply with all required compatibility requirements of Section IV-C of the Unified Zoning Code regarding setbacks, height, and noise. However, there shall be no outdoor speakers or sound amplification systems.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



Philip Zevenbergen, AICP
Associate Planner

Copies to:

MABCD
Sara Lopez, BoCC District 2
Sean Fox, 1425 E 63rd Street South, Wichita, KS 67216
Greg Ferris, PO Box 573, Wichita, KS 67201
David Edwards, 6437 S Madison Ct., Wichita, KS 67216
Stephen Brittain, 1500 E 63rd St South, Wichita, KS 67216
Paul Davis, 6417 S Madison Ct, Wichita, KS 67216
Brad Shelton, 1430 E 63rd Street South, Wichita, KS 67216
Guy Gentry, 6433 S Madison Ct, Wichita, KS 67216
Dave Kapaun, 6349 S Madison Ct, Wichita, KS 67216
Steve Howard, 1725 E Pine Bay St, Wichita KS 67216
Brandon Clark, 1212 E 63rd Street South, Wichita KS 67216
Dorine Brittain, 1300 E 63rd Street South, Wichita, KS 67216
Annette Lough, 1101 E 63rd Street South, Wichita, KS 67216
Charles and Patricia Hutchinson, 1921 E Pine Bay St, Wichita, KS 67216
Daniel Moratto, 6463 S Madison Ct., Wichita, KS 67216
Brian Scott, 6740 S Hydraulic Dr. Wichita, KS 67216
Marvin and LeDeana Steffen, 1100 E 63rd St South, Wichita, KS 67216
Rick and Judy Larson, 1825 E Pine Bay St, Wichita, KS 67216
James and Karen Coen, 6429 S Madison Ct, Wichita, KS 67216
Howard and Victoria McCleave, 6425 S Madison Ct, Wichita KS 67216
Jack Whitney, 6550 S Madison Ct. Wichita, KS 67216
Elaine Mullennax, 6413 S Madison Ct., Wichita, KS 67216
Eldon and Anna Nice, 6745 S Grove Ct., Wichita, KS 67216
James Sizemore, 1715 E Pine Bay St, Wichita, KS 67216

(150004) Published in The Derby Informer on

RESOLUTION NO.

July 28, 2021
158-2021

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. ZON2020-00053

Zone change request from RR Rural Residential to GC General Commercial on property described as:

Lot 3, Block A, Copper Fox Farms Addition, Sedgwick County, Kansas.

Subject to the following Protective Overlay #361 as follows:

1. Uses shall be limited to those as permitted by-right in RR Rural Residential in addition to Vehicle Storage as permitted in GC General Commercial.
2. The following conditions shall apply only if the property is developed with a Vehicle Storage Yard:
 - a. The Vehicle Storage Yard shall be limited to the storage of operable boats and recreational vehicles only, and in no case shall it be used for sales, repair work, dismantling, or mechanical servicing of any vehicles or equipment, or for storage of materials or supplies.
 - b. The storage area and all entrance/exit drives shall be surfaced with an all-weather surface that meets the approval of the Director of the Metropolitan Area Building and Construction Department (or other chief jurisdiction code enforcement officer) and shall be maintained in good condition and free of weeds, trash, and other debris.
 - c. A landscape buffer shall be provided along arterial street frontages. The landscape buffer shall employ landscaped earth berms a minimum of four to six feet above at-grade elevation of the abutting right-of-way. The landscaping shall consist a minimum of two trees per 40-linear feet. Trees can be shade or ornamental. Shrubs and/or

ornamental grasses shall be planted in-between tree spacing. The landscaping shall be irrigated and maintained. The following minimum standards shall apply for planting sizes:

- i. Shade Tree: 2-inch caliper
 - ii. Ornamental Tree: 1-inch caliper
 - iii. Conifer Tree: 5-foot height
 - iv. Shrubs: 2 gallon
- d. Visual screening of areas adjacent to residential zoning districts shall be provided to protect adjacent properties from light, debris, and noise, and to preserve adjacent property values. In no case shall screening be less than that required by Section IV-B.1-3 of the Unified Zoning Code, unless the applicant demonstrates adequate screening may be provided through alternative means, and the requirements imposed by Section IV-B.1-3 would be overly burdensome on the applicant.
- e. Outdoor lighting sources shall conform to Unified Zoning Code Section IV-B.4, which requires cut off luminaries to minimize light trespass and glare. All light poles within 200 feet of residentially zoned properties shall not exceed 15 feet in height.
- f. There shall be no off-site/billboard signs. Signage is restricted to one (1) pole sign and one (1) building sign per street frontage. The pole sign shall not exceed 25 feet in height and shall not exceed 150 square feet in area. The area of the building signs shall not exceed 20 percent of the building façade, and shall not exceed 200 square feet each. Electronic message boards are prohibited. All illumination of signs shall be internal or directed away from residentially zoned properties.
- g. A revised screening/landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of any building permits and/or applicable licenses.
- h. The site shall comply with all required compatibility requirements of Section IV-C of the Unified Zoning Code regarding setbacks, height, and noise. However, there shall be no outdoor speakers or sound amplification systems.

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 and publication in the official county newspaper.

Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
LACEY D. CRUSE
JAMES M. HOWELL

Aye _____
No _____
Aye _____
Aye _____
Aye _____

Dated this 21 day of July, 2021.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

for Karen S. Baul
KELLY B. ARNOLD, County Clerk



Peter F. Meitzner
PETER F. MEITZNER, Chairman
Commissioner, First District

Lacey D. Cruse
LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:

Justin M. Waggoner
JUSTIN M. WAGGONER
Assistant County Counselor

Sarah Lopez
SARAH LOPEZ
Commissioner, Second District

David T. Dennis
DAVID T. DENNIS
Commissioner, Third District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District

Affidavit of Legal Publication

STATE OF KANSAS)

ss.

County of Sedgwick)

Emily Gillihan, being first duly sworn, deposes and says:
That he/she is Legal Manager of

The Derby Informer

a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County, Kansas, with a general paid circulation on a weekly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published on Wednesdays, and has been so published continuously and uninterrupted in said county and state for a period of more than one year prior to the first publication of said notice, and has been admitted at the post office of Derby, Kansas, in said county as second class matter.

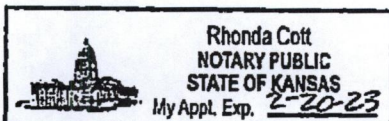
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 week the first publication thereof being made as aforesaid on the 28th day of July 2021, with subsequent publications being made on the following dates:

N/A

Emily Gillihan
Legal Manager

Subscribed and sworn to before me this
28th day of July, 2021.

Rhonda Cott
Notary Public



Resolution No. 158-2021

Printer's Fee: \$54.60

Additional copies: \$

Legal Publication

(Published in The Derby Informer on July 28, 2021)

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enforcement officer) and shall be maintained in good condition and free of weeds, trash, and other debris.

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Commissioners present and voting were:

PETER F. MEITZNER	AYE
SARAH LOPEZ	NO
DAVID T. DENNIS	AYE
LACEY D. CRUSE	AYE
JAMES M. HOWELL	AYE

Dated this 21st day of July, 2021.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

PETER F. MEITZNER, Chairman
Commissioner, First District

LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

SARAH LOPEZ
Commissioner, Second District

DAVID T. DENNIS
Commissioner, Third District

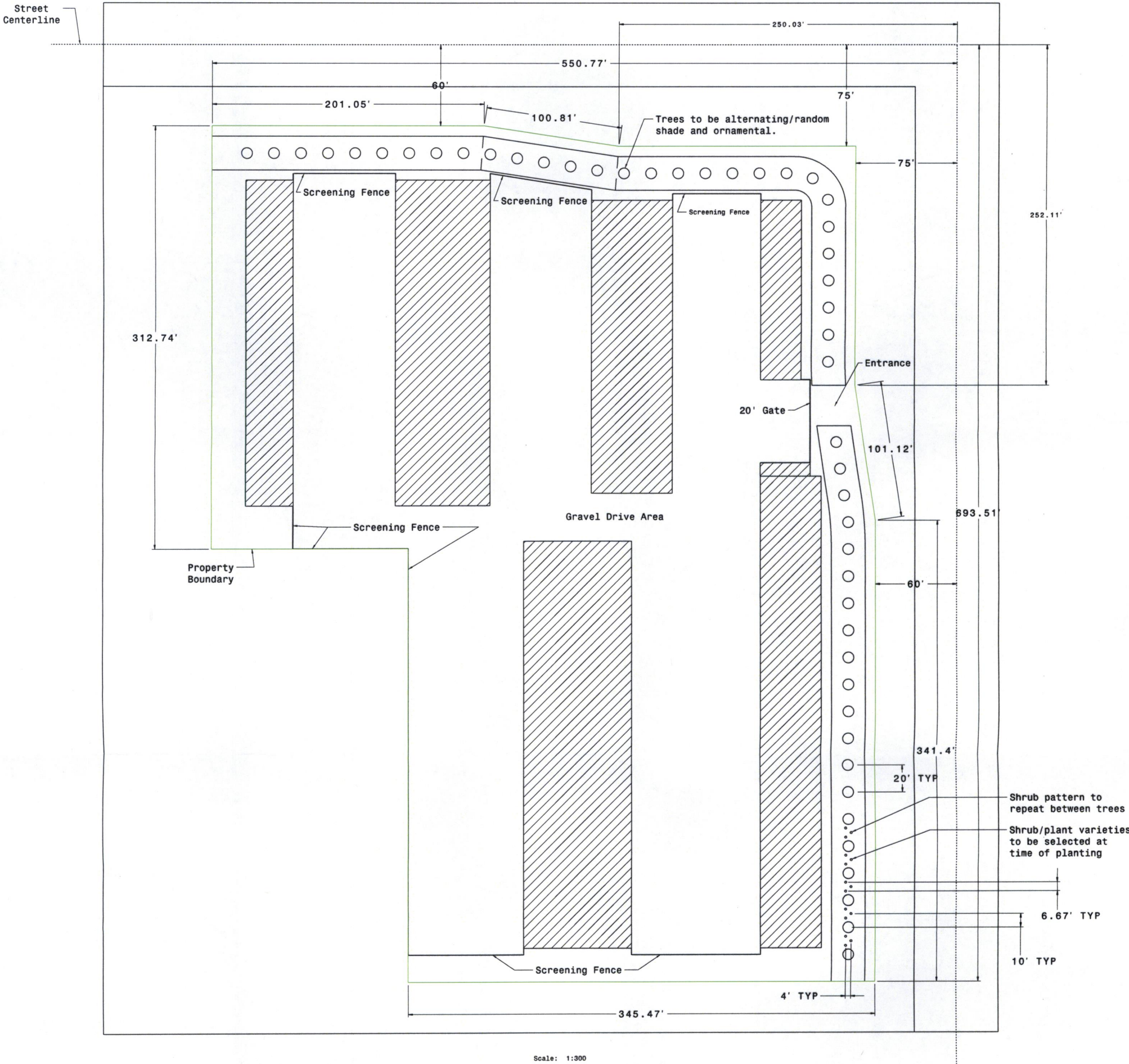
JAMES M. HOWELL
Commissioner, Fifth District

ATTEST:

KELLY B. ARNOLD, County Clerk

APPROVED AS TO FORM:

JUSTIN M. WAGGONER
Assistant County Counselor



- Landscaping Notes**
1. Landscape contractor to provide all materials, labor, service and equipment necessary to provide a complete installation of plantings, planting beds, soil amendments, and reestablishment of disturbed area according to the plans and specifications.
 2. Landscape contractor to coordinate installation of landscaping with all other required trades and subcontractors.
 3. Quantities of landscaping materials to be in accordance with protective overlay on property site.
 4. Landscape contractor to maintain the work site in a reasonably neat and clean condition.
 5. All plants delivered to site for installation to be healthy, vigorous and representative of species specified.
 6. All plants to be free of insects, diseases, bruises, scrapes, cracked branches and physical damage.
 7. All plants shall be guaranteed to live for 12 months. The guarantee shall commence upon final acceptance of the project. Any plants that are dead or in an unhealthy condition before final acceptance, will be replaced by the landscape contractor at the landscape contractor's expense. This replacement shall not be considered a guaranteed replacement.
 8. Place backfill at all plantings around base and sides of root ball to two-thirds depth of ball, thoroughly soak with water to allow settlement. Upper one-third of planting hole shall then be backfilled, and thoroughly soaked again.
 9. Landscape contractor shall familiarize themselves with the project and site prior to bidding. If landscape contractor encounters any areas of concern, notify landscape architect to discuss prior to bidding.
 10. Landscape berm to be no less than four feet and no more than six feet above at-grade elevation of abutting right-of-way.
 11. Landscaping shall consist of a minimum of two trees per 40-linear feet, as dimensioned above. Trees can be shade or ornamental and the following minimum standards shall apply for planting sizes:
 - a. Shade Tree: 2-inch caliper
 - b. Ornamental Tree: 1-inch caliper
 12. Shrubs and/or ornamental grasses shall be planted in-between tree spacing and must be a minimum two gallon planting size.
 13. Landscaping to be irrigated properly to maintain good health.

- General Notes**
1. Screening fence to be six feet tall.
 2. Screening fence to surround entire perimeter with the exception of where buildings provide solid screening.

Trees by type and quantity:

- Five (5) Amur Maple (Tall/single trunk, Red)
- Four (4) Oklahoma Redbud
- Four (4) Washington Hawthorn
- Four (4) Prairie Fire Flowering Crabapple
- Four (4) Trident Maple
- Four (4) Hedge Maple
- Four (4) Shantung Maple
- Four (4) White Mulberry
- Four (4) Chinese Pistache
- Four (4) Chinkapin Oak
- Four (4) Sugar Maple
- Four (4) White Ash

North

Lot 3 Block A
Copper Fox Farms Addition
Sedgwick County, KS

SITE PLAN

APPROVED 9/28/21 BY *Philip [Signature]*