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RESOLUTION NO. 142-2011

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. ZON2011-00013

Zone change request from RR Rural Residential ("RR") to OW Office Warehouse ("OW"):

A tract described as beginning at the Southeast corner of the Northeast Quarter of Section 27, Township 27 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas; thence West 248.71 feet on the Half Section Line; thence North a distance of 208.71 feet; thence East a distance of 248.71 feet; thence South a distance of 208.71 feet to the point of beginning except the East 40 feet for road; generally located south of 47th Street South and one-half mile east of Hoover Road (4631 West 47th Street South).

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:

DAVID M. UNRUH	Aye
TIM R. NORTON	Aye
RICHARD RANZAU	Aye
JAMES B. SKELTON	Aye
KARL PETERJOHN	Aye

DATED this 13 day of July, 2011.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

DAVID M. UNRUH, CHAIRMAN

ATTEST:

KELLY B. ARNOLD, County Clerk

APPROVED AS TO FORM:

ROBERT W. PARNACOTT,
Assistant County Counselor

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT

MAPC June 9, 2011
Garden Plain Planning Commission May 25, 2011

CASE NUMBER: ZON2011-00013

APPLICANT/OWNER: Novy Oil & Gas, Inc. Attn: Michael E. Novy (owner)

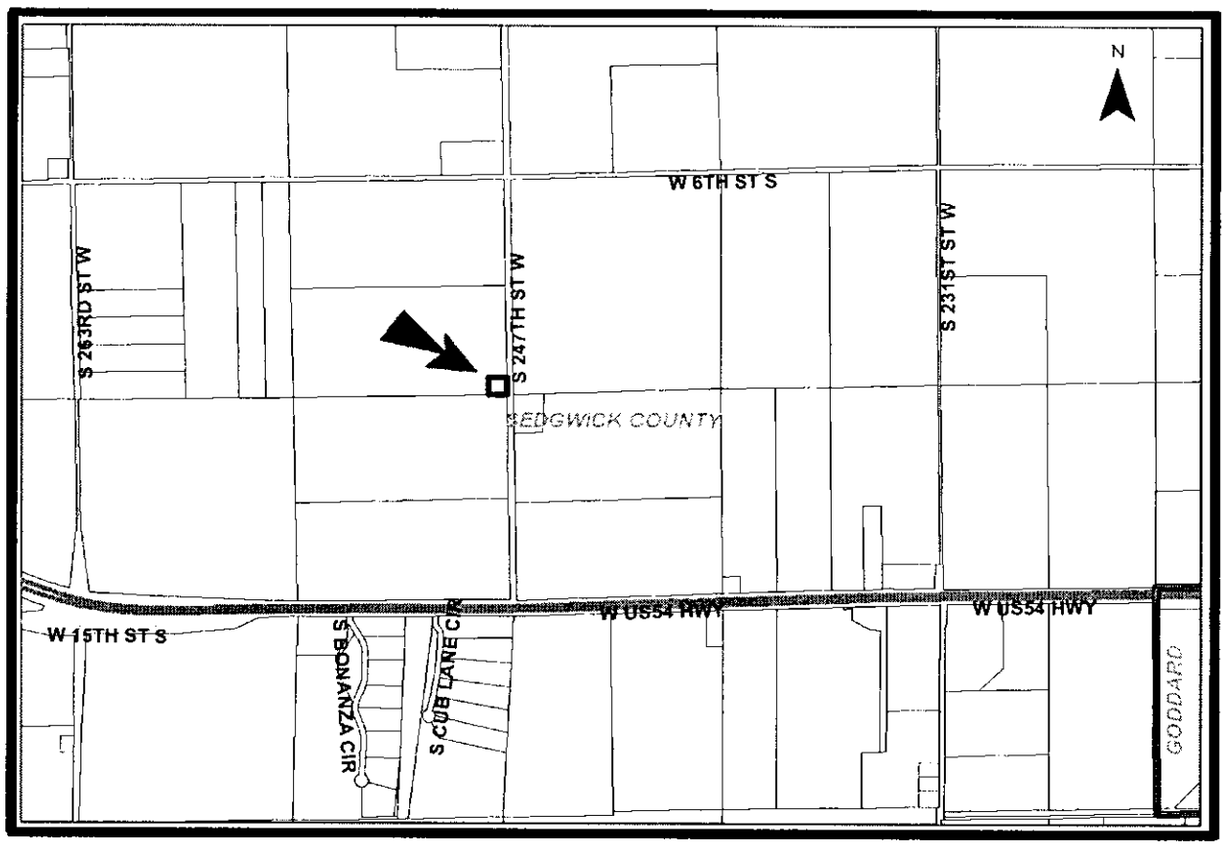
REQUEST: OW Office Warehouse ("OW")

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: One acre

LOCATION: West of 247th Street West, 1/2 mile north of Highway 54 (651 South 247th Street West, Goddard, KS)

PROPOSED USE: Office-warehouse



BACKGROUND: The applicant is requesting a zone change to OW Office-Warehouse ("OW") for one acre of land currently zoned RR Rural Residential ("RR"). The property is located on the west side of 247th Street West, one-half mile north of US 54. Currently the site is developed with an abandoned fire station. Sedgwick County has sold the fire station to the applicant and the applicant has indicated the desire to move their oil and gas business office to this location.

The applicant intends to use the site primarily for its offices, but the existing fire station building has several overhead doors and large indoor storage space that could be used for parking and storing of vehicles and equipment in conjunction with the business.

All the surrounding property is zoned RR and consists of agricultural uses and farmsteads.

CASE HISTORY: The property is not platted.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Agricultural, farmsteads
SOUTH:	RR	Agricultural, farmsteads
EAST:	RR	Agricultural, farmsteads
WEST:	RR	Agricultural, farmsteads

PUBLIC SERVICES: 247th Street West is a two-lane asphalt road with unpaved shoulders and is classified as a rural major collector road. Annual average daily traffic was 1,600 vehicles per day in 2010.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide, Map as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate as "Rural Areas." The purpose of this category is "to accommodate agricultural uses and rural based uses that are not more offensive than those agricultural uses commonly found in Sedgwick County." The site lies beyond "Small City 2030 Urban Growth Area" for Garden Plain. The proposed rezoning is an adaptive reuse of an unusual building, but does not fall distinctly within the descriptions of the rural functional land use category. However, OW has been used as a zoning district with a limited in the range of nonresidential uses, but which allows small-scale construction sales and service use. Outdoor storage is limited in this district and has more stringent screening standards, keeping it more compatible with surrounding uses.

RECOMMENDATION: Based upon this information available prior to the public hearings, planning staff recommends that the request to rezone the property from RR to OW be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All the surrounding property is zoned RR and consists of agricultural uses and farmsteads.

2. The suitability of the subject property for the uses to which it has been restricted: Sedgwick County no longer operates this property as a fire station, the purpose for which the building was constructed. The applicant's proposed use is a good fit to reuse the structure. Since the applicant does not anticipate building additions at this time, platting of the property is not being included as a conditional of zone change approval. However, should the applicant seek additional building permits in the future, subdivision requirements, or dedication of right-of-way and other alternative requirements, would be required based on the Subdivision Regulations and the Unified Zoning Code.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: As proposed, the OW use makes a great deal of sense because the structure already has appropriate space for offices (their primary use) and indoor storage.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide, Map as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate as "Rural Areas." The purpose of this category is "to accommodate agricultural uses and rural based uses that are not more offensive than those agricultural uses commonly found in Sedgwick County." The site lies beyond "Small City 2030 Urban Growth Area" for Garden Plain. The proposed rezoning is an adaptive reuse of an unusual building, but does not fall distinctly within the descriptions of the rural functional land use category. However, OW has been used as a zoning district with a limited in the range of nonresidential uses, but which allows small-scale construction sales and service use. Outdoor storage is limited in this district and has more stringent screening standards, keeping it more compatible with surrounding uses.

5. Impact of the proposed development on community facilities: The impact on the road system will be minimal and can be accommodated by the current road improvements. The site will need to rely on the water and sewer services available previously for the fire station use.