

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

  
TIM R. NORTON, CHAIRMAN  
Second District

ATTEST:

*for*   
KELLY B. ARNOLD, County Clerk



APPROVED AS TO FORM:

  
ROBERT W. PARNACOTT,  
Assistant County Counselor

12-0341

## AGENDA ITEM REQUEST

**Proposed Agenda Item:** ZON2012-00006 ZONE CHANGE FROM RR RURAL RESIDENTIAL ("RR") TO SF-20 SINGLE-FAMILY RESIDENTIAL ("SF-20") ON PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF SOUTH BROADWAY, 1,500 FEET NORTH OF EAST 87<sup>TH</sup> STREET SOUTH. (DISTRICT 2)

**Presented By:** John L. Schlegel, Director of Planning *JLS*

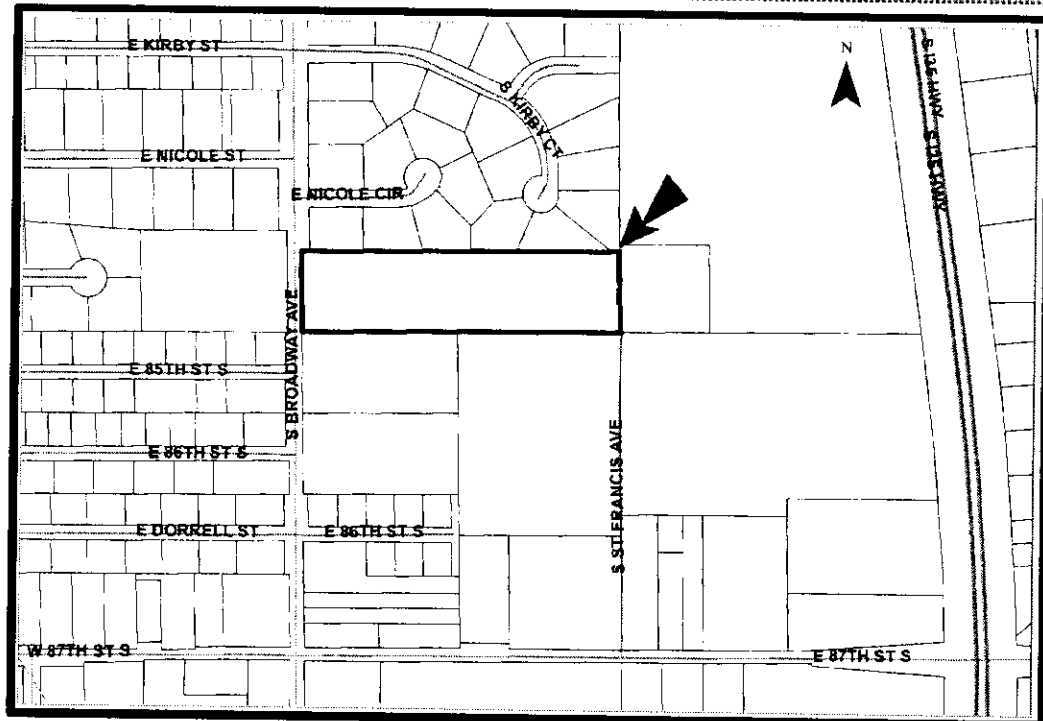
**Recommended Action:** Adopt the findings of the Metropolitan Area Planning Commission, approve the zone change to SF-20 Single-family Residential, subject to platting within one year, authorize the Chairman to sign the resolution once the plat is recorded and authorize the resolution to be published.

**Proposed Agenda Date:** May 9, 2012

**Outside Attendees:** Will Clevenger (Agent)

**Multimedia Presentation:** Powerpoint

**Donations:** Not applicable



**Background:** The applicant, South Broadway Baptist Church, owns 9.78 acres of unplatted land located 1,500 feet north of East 87<sup>th</sup> Street South, east of South Broadway Avenue. The applicant's acreage has split zoning; the approximate northern 209 feet are zoned RR Rural Residential ("RR") while the approximate southern 121 feet are zoned SF-20 Single-family Residential ("SF-20"). The site is partially developed with a church. The *Wichita-Sedgwick County Unified Zoning Code* ("UZC") permits a "church or place of worship" by right in the SF-20 district, but requires Conditional Use approval in the RR district. The applicant is seeking to rezone the RR zoned portion of the church's ownership to SF-20, thereby providing uniform SF-20 zoning on all of the church's property and eliminate any potential claim the church is a nonconforming use.

Property to the north is zoned SF-20 (SCZ-0599, 1989) and developed as a single-family residential neighborhood, and platted as the Stillwater Addition (Haysville platting jurisdiction). Property located immediately east of the application area is 2.99 acres in size with split zoning identical to the applicant's property (RR and SF-20), and is used for farming and ranching, with improvements. Land located immediately south of the application area is the approximate southern one-third of the applicant's 9.78-acre ownership, and is zoned SF-20. Property located south of the applicant's ownership is zoned also SF-20, and is developed with single-family residences on lots or tracts ranging in size from 12.46 acres to .36 acre. Land located to the west, across Broadway, is zoned SF-20; some of which is platted and some is not. Lot or tract size for property west of Broadway ranges from 5.69 acres (an unplatted tract located immediately west of the application area) to .37 acres (Dennis Addition located along West 85<sup>th</sup> Street South).

**Analysis:** The Haysville Planning Commission approved (7-0-1) the requested zoning, subject to platting within one year, at their March 22, 2012 meeting. No citizens spoke in opposition at the Haysville meeting. At the Metropolitan Area Planning Commission (MAPC) meeting held April 5, 2012, the MAPC voted (13-0) to recommend approval of the requested zone change subject to platting within a year. No citizens spoke in opposition at the MAPC's public hearings. The MAPC was provided an e-mail from a nearby property owner that stated a preference for traditional construction on a permanent foundation, and expressed opposition to any form of manufactured or prefabricated structures with or without permanent foundation (see attached e-mail). There have not been any valid protests filed. Planning staff has been advised by Haysville's planning staff that the City of Haysville has approved a plat for the subject property. A resolution will be provided for the Chairman to sign when the plat is recorded.

**Alternatives:**

1. Adopt the findings of the Metropolitan Area Planning Commission, approve the zone change to SF-20 Single-family Residential, subject to platting within one year, authorize the Chairman to sign the resolution once the plat is recorded and authorize the resolution to be published (requires a simple majority vote).
2. Return such recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove (requires a simple majority vote).
3. Deny the zone change and override the MAPC's recommendation (requires a two-third majority vote).

**Financial Considerations:** There are not any additional financial considerations to the County associated with this application.

**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:*** The City and County are authorized by K.S.A. 12-741, et seq. to adopt a joint zoning code. The City and County have done so, and in that code have provided for the zoning of properties by approval of a zone change (Sec. V-C of the Unified Zoning Code).

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. ZON2012-00006**

Zone change request from RR Rural Residential ("RR") to SF-20 Single-family Residential on property described as:

Lot 1, Block 1, Prairie Trail Cowboy Church, Sedgwick County, Kansas.

**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   | <u>Aye</u> |
| TIM R. NORTON    | <u>Aye</u> |
| RICHARD RANZAU   | <u>Aye</u> |
| JAMES B. SKELTON | <u>Aye</u> |
| KARL PETERJOHN   | <u>Aye</u> |

DATED this 7<sup>th</sup> day of June, 2012.