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RESOLUTION NO. 138-2016

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. ZON2008-00025

Zone change request from SF-20 Single-family Residential to LC Limited Commercial with Protective Overlay #214.

Legally described as: A tract of land described as the East ¾ of the North 440 feet of the Northeast Quarter excluding the West 660 feet and excluding the East 800 feet and excluding the North 50 feet for road, Section 12, Township 27, Range 2 East of the 6th P.M., Wichita, Sedgwick County, Kansas. Generally located on the south side of 21st Street North and 1/5 mile west of 159th Street East, (15621 East 21st Street North), Sedgwick County.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY #214 RESTRICTIONS:

1. Even though the site is zoned LC Limited Commercial, permitted uses are those permitted in the NR Neighborhood Retail district, but not including the special individual commercial use size limits found in the NR district, and the GO General Office district. Overhead-doors, service stations, fuel outlets or gas pumps are also prohibited if located within 100 feet of any single-family residential lot or if these uses are facing any single-family lot.

2. Front, interior side and rear building setbacks shall be 35 feet, where adjacent to residential zoning.

3. Masonry screening walls or landscaped berm shall be installed along side or rear property lines where adjacent property is zoned TF-3 or more restrictive; otherwise applicable code screening standards shall be required.

4. All buildings within the tract are to share similar architectural character, color and predominate exterior building materials, as approved by the Planning Director. Building walls shall not utilize metal as a predominate exterior façade material.

5. Lighting elements (pole, fixtures, lamps, hoods, etc.) shall be similar in character with a maximum height of 25 feet above ground. If the light pole is to be located within 100 feet of a residence pole height is limited to 15 feet above ground. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted and is prohibited.

6. Signage shall be per code except: no flashing, moving, portable, billboard, off-site, banner or pennant signs (except time and temperature) shall be permitted; ground signs shall be monument style, sharing similar elements of design; spaced 150 feet apart with a maximum height of 20 feet and have a maximum sign face area of 150 square feet. Window signage shall be limited to 25 percent of window area. Building wall signage shall not be permitted on any façade that faces an abutting lot zoned TF-3 or more restrictive.

7. No occupancy permits shall be issued for any development without public sewer and water service.

8. Access shall be as approved by the appropriate traffic engineer. Internal and cross lot circulation shall be provided at the time of platting to ensure smooth circulation between abutting tracts and within the tract. Prior to the issuance of a building permit the Traffic Engineer shall approve all access and circulation improvements

9. A pedestrian circulation system shall be provided that connects all buildings within the development and with each other and sidewalks.

SECTION II. That upon the taking effect of this Resolution, the notation of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director 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
KARL PETERJOHN	Aye
RICHARD RANZAU	Aye
JAMES M. HOWELL	Aye

DATED this 28th day of September, 2016

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

JAMES M. HOWELL
Commissioner, Fifth District

ATTEST:

KELLY B. ARNOLD
County Clerk

APPROVED AS TO FORM ONLY:

JUSTIN M. WAGGONER
Assistant County Counselor

AGENDA ITEM REQUEST

Proposed Agenda Item: **ZON2008-00025 – ZONE CHANGE FROM SF-20 SINGLE-FAMILY RESIDENTIAL TO LC LIMITED COMMERCIAL; ON PROPERTY LOCATED ON THE SOUTH SIDE OF EAST 21ST STREET NORTH AND WEST OF NORTH 159TH STREET EAST (DISTRICT 1)**

Presented By: Dale Miller, Director of Planning DM

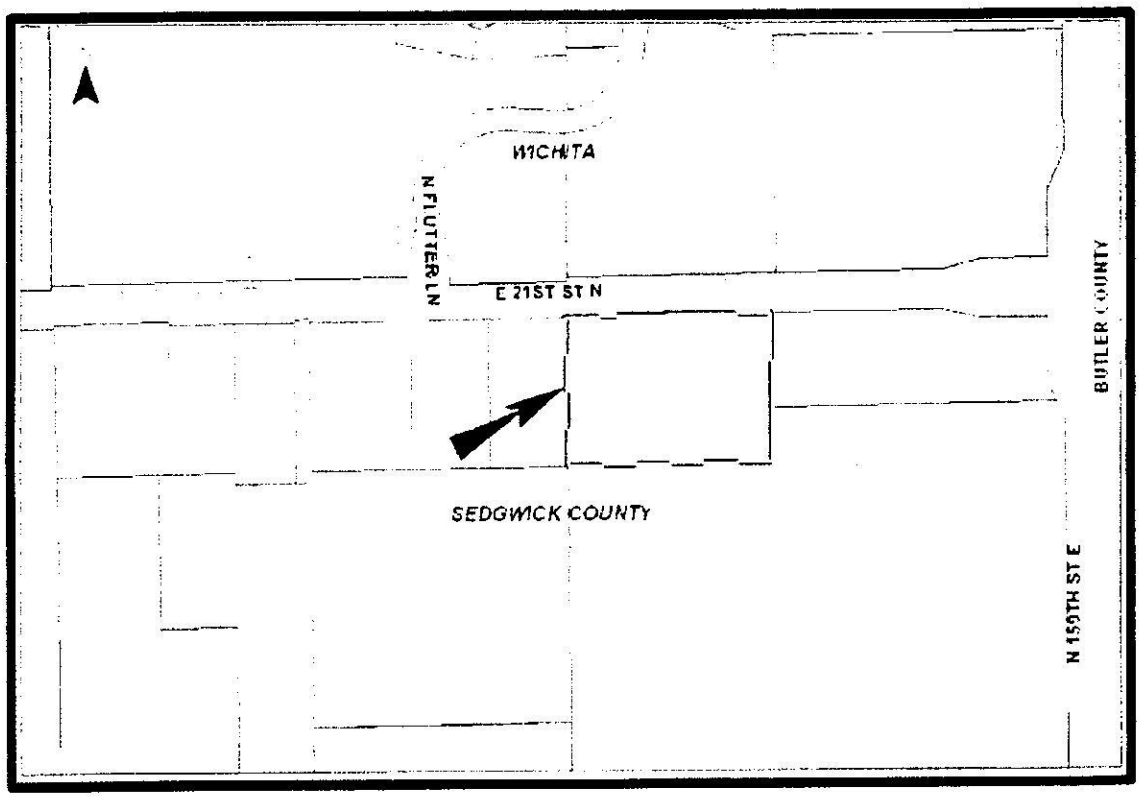
Recommended Action: Rescind the one-year platting requirement imposed on the zone change request, authorize the Chairman to sign the resolution and authorize the resolution to be published.

Proposed Agenda Date: September 28, 2016

Outside Attendees: None

Multimedia Presentation: PowerPoint

Donations: Not applicable



Background: On July 23, 2008, the Board of County Commissioners approved a zone change from SF-20 Single-Family Residential to LC Limited Commercial on 4.86 acres located on the south side of 21st Street North and west of 159th Street East. The zone change was approved subject to platting the property within one year. The applicant has requested the elimination of the platting requirement to perfect the zoning.

Analysis: In light of the Wichita-Sedgwick County Metropolitan Area Planning Commission policy which has ended the one-year platting requirement, the Wichita-Sedgwick County Metropolitan Area Planning Department recommends that the one-year platting requirement be rescinded by the Board of County Commissioners, and the Resolution adopted and published.

Alternatives:

1. Rescind the one-year platting requirement imposed on the zone change request, authorize the Chairman to sign the resolution and authorize the resolution to be published (requires a simple majority vote).
2. Retain the one-year platting requirement imposed on the zone change request.

Financial Considerations: There are no additional financial considerations to the County associated with this application.

Policy Considerations: On March 17, 2016, the Wichita-Sedgwick County Metropolitan Area Planning Commission voted to eliminate MAPC Policy No. 5, which required zoning cases to be perfected by platting the property within one year. However, zoning cases filed prior to the elimination of MAPC Policy No. 5 still have a requirement of platting within one year to perfect the zoning.

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