

MAY 29 2007

METROPOLITAN PLANNING
COMMISSION

137-07

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RESOLUTION NO. 137-07

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. ZON2007-00011

Zone change request from "RR" Rural Residential to "GC" General Commercial with a Protective Overlay on property described as:

Commencing at a point 40 feet East and 457.42 feet North of the Southwest corner of the Southwest Quarter of Section 5, Township 27 South, Range 4 West of the Sixth Principal Meridian, Sedgwick County, Kansas; thence North 197.93 feet; thence in a Northeasterly direction 632.94 feet to the North line of the South half of said Southwest Quarter; thence East 349.42 feet; thence South 830.03 feet; thence West 417.42 feet to the point of beginning; EXCEPT that part deeded for highway in Deed Book 1415, Page 441. (Containing 257,004 Sq. Ft.) Generally located northeast of the intersection of W. 21st St. North and N. 391st St. West (Southeast of Cheney Lake Dam)

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The Protective Overlay #186 shall limit the uses in the "GC" General Commercial district to allow only the following uses: Inside and outside storage, RV and boat storage, vehicle repair, marine repair, self-service storage, vehicle storage yard, RV and boat sales.
2. Screening, constructed of standard building materials, or an approved landscape buffer, shall be provided along the perimeter of the vehicle storage yard.
3. Outdoor lighting sources shall employ cut-off luminaires to minimize light glare on the adjacent roadway.
4. Portable signs, off-site signs, banners, string pennants and the like shall not be permitted, except for a banner sign permitted for 30 days from the opening of business.
5. Building heights shall be limited to 35 feet in height
6. Access to the site will be from K-251, via an existing driveway located to the west of the existing vacant convenience store/restaurant.

7. No additional structures are to be built on site and the existing structure can be expanded up to 30% of utilized floor area as stated in the UZC.
8. Prior to publishing the resolution or ordinance establishing the zone change, the applicants shall record a document with the Register of Deeds indicating that this tract includes special conditions for development on this property.

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

aye
aye
aye
aye
aye

DATED this 23rd day of May, 2007.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS



David M. Unruh
David M. Unruh, CHAIRMAN
First District

ATTEST:

Don Brace
DON BRACE, County Clerk

APPROVED AS TO FORM:

Robert W. Parnacott
ROBERT W. PARNACOTT,
Assistant County Counselor

AGENDA ITEM REQUEST

Proposed Agenda Item: ZON2007-00011 – Sedgwick County Zone change from “RR” Single-family Residential to “GC” General Commercial. Generally located northeast of the intersection of 21st Street and 391st Street (K-251). (District III)

Presented by: John L. Schlegel, Planning Director *JLS*

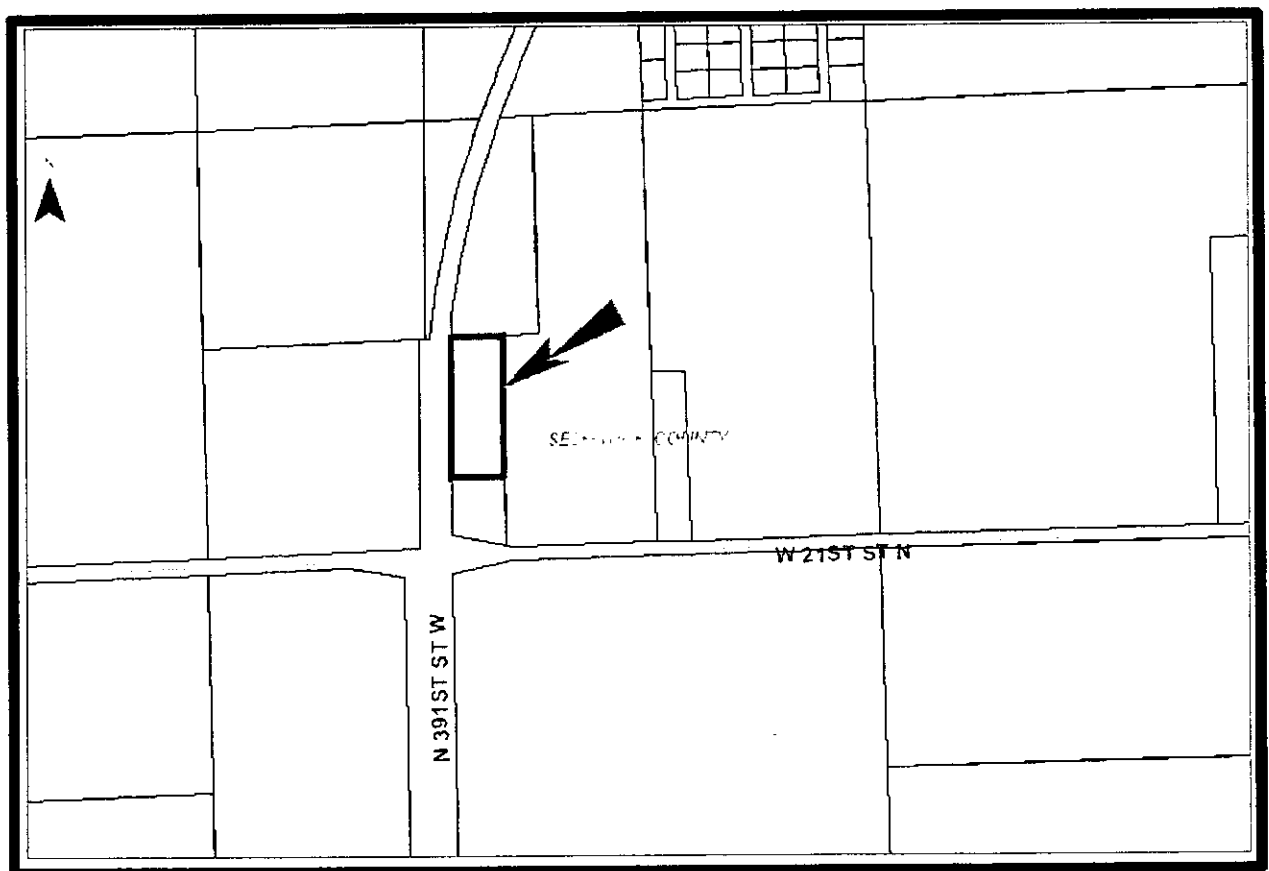
Recommended Action: Approve the zone change to GC and Protective Overlay #186; adopt the findings of the Metropolitan Area Planning Commission; and authorize the Chairman to sign the resolution.

Proposed Agenda Date: May 23, 2007

Outside Attendees: P&J Storage LLC (Applicant)
Certified Engineering Design (c/o Harlan Foraker-agent)

Multimedia Presentation: PowerPoint

Donations: Not applicable



Background: The applicants are requesting a zone change from RR to GC to bring a non-conforming use into zoning compliance on an unplatted tract that is approximately six acres in size. The proposed zone change would permit vehicle storage uses south of Cheney Reservoir Dam, northeast of the intersection of 391st St. and West 21st St. The applicant is seeking GC General Commercial zoning, subject to a Protective Overlay, that would permit the following uses: inside and outside storage, RV and boat storage, Vehicle repair, Marine repair, Self-service storage, Vehicle storage yard, RV and boat sales. The 5.9-acre site currently contains an old restaurant/convenience store and a fenced in area containing abandoned RV's and boats. The application area has approximately 827 feet of frontage along K-251 (391st Street). Access to the site will be from K-251, via an existing driveway located on the southwest part of the property, directly in front of the vacant convenience store/restaurant.

The Sedgwick County Sign Code allows 19 different types of signage in the GC district, including billboards. One 300 square-foot billboard would be permitted on this site. Up to 1,140 square feet of signage would be allowed on this site with a maximum size of 400 square feet for certain types of signs (e.g. wall, projecting, awning and canopy), and 300 square feet for ground or pole signs.

The surrounding area is undeveloped other than structures directly to the west, which are used for lake operations. The properties that would be impacted by this proposed rezone would be the vacant RR zoned property to the north and east, and the LC zoned property to the south. The site will have to be developed in conformance with zoning screening requirements, compatibility setbacks, height and noise standards, and zoning lighting limitations.

Analysis: At the MAPC meeting held April 19, 2007, MAPC voted (11-1) to approve subject to applicant's request for GC and with Protective Overlay #186. No citizens were present to speak and no protests have been received.

Alternatives:

1. Approve the zone change to GC with Protective Overlay #186, 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