

(150006) Published in The Derby Reporter on 8-7-07
RESOLUTION NO. 18506

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. ZON2006-00047

Zone change request from "LC" Limited Commercial to SF-20" Single-family Residential on property described as:

That part of Government Lot 1, in the NE of Sec. 27, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the NE corner of said Government Lot 1; thence S890608W along the north line of said Government Lot 1, 311.14 feet for a point of beginning; thence S004353E, 600.00 feet; thence S890608W parallel with the north line of said Government Lot 1, 288.90 feet to a point 600.00 feet normally distant west of the east line of said Government Lot 1; thence N004341W parallel with the east line of said Government Lot 1, 600.00 feet to a point on the north line of said Government Lot 1; thence N890608E along the north line of said Government Lot 1, 288.87 feet to the point of beginning, except road rights-of-way of record. Generally located southwest of 45th Street North and Hoover Road.

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:

BEN SCIORTINO	<u>Agree</u>
TIM R. NORTON	<u>Agree</u>
THOMAS G. WINTERS	<u>Agree</u>
LUCY BURTNETT	<u>Agree</u>
DAVID M. UNRUH	<u>Agree</u>

DATED this 20th day of December, 2006.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Ben Sciortino
Ben Sciortino, CHAIRMAN
Fifth District

ATTEST:

Don Brace
DON BRACE, County Clerk



APPROVED AS TO FORM:

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

FILE COPY

AGENDA ITEM REQUEST

Proposed Agenda Item: ZON2006-00047 – Sedgwick County Zone change from “LC” Limited Commercial to “SF-20” Single-family Residential. Generally located on the southwest of 45th Street North and Hoover Road. (District IV)

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

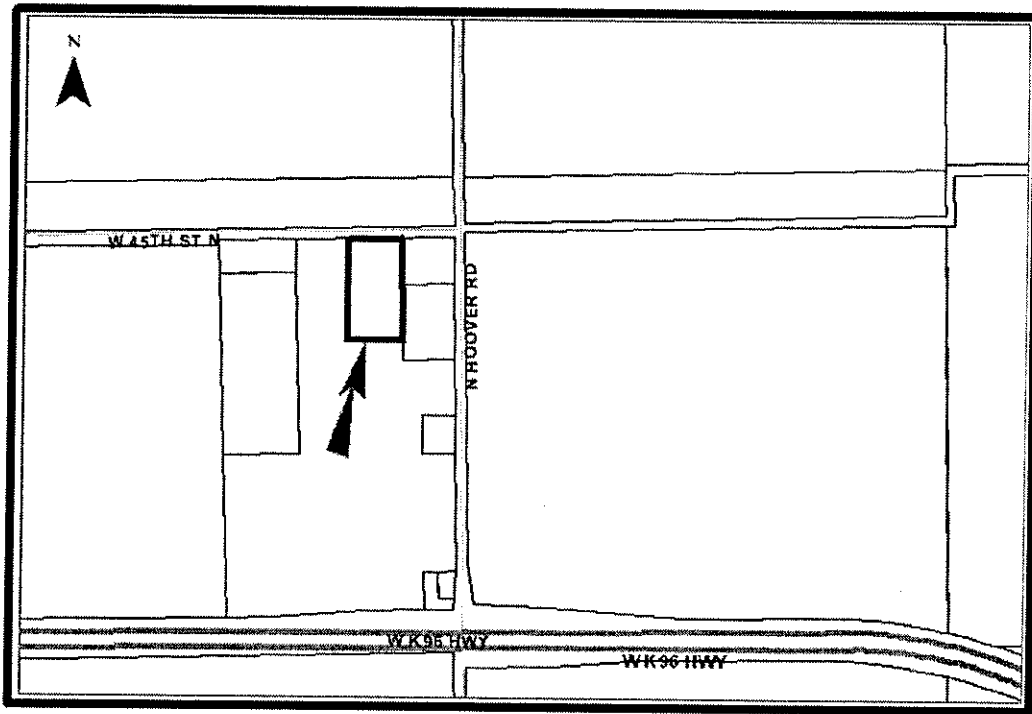
Recommended Action: Approve the zone change to SF-20; adopt the findings of the Metropolitan Area Planning Commission; and authorize the Chairman to sign the resolution.

Proposed Agenda Date: December 20, 2006

Outside Attendees: Baughman Company, PA, c/o Russ Ewy (agent), 315 Ellis, Wichita, KS 67211

Multimedia Presentation: Powerpoint

Donations: Not applicable



Background: The applicant requests "SF-20" Single-family Residential zoning on a 3.78-acre site located on the south side of 45th Street North approximately 300 feet west of Hoover Road. The property is zoned "LC" Limited Commercial and currently is in agricultural use. A single-family residential subdivision is being planned for the site.

To the east all the abutting property is zoned LC. The same owner as this request owns the northern half of the abutting property. A farmstead under different ownership abuts the southern half of the east property line, and the southern one-third of it was recently approved for LC zoning to consolidate the tract into one zoning district (ZON2005-00047). The Kingsbury tract is located to the east of Hoover Road. It is zoned LC at the corners and SF-5 for the rest of the tract. Currently a sand and gravel extraction is being operated on the Kingsbury site; the long-term use for the property is as parkland. The adjacent properties to the northwest, west and south are zoned SF-20 and in agricultural use with scattered farmsteads or suburban residences.

Analysis: At the MAPC meeting held November 16, 2006, MAPC voted (11-0) to approve subject to staff recommendation. No citizens were present to speak and no protests have been received.

Alternatives:

1. Approve the zone change to SF-20, 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: Not applicable.

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Legal Considerations:

Office



Approved as to form and signed by County Counselor