

**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:

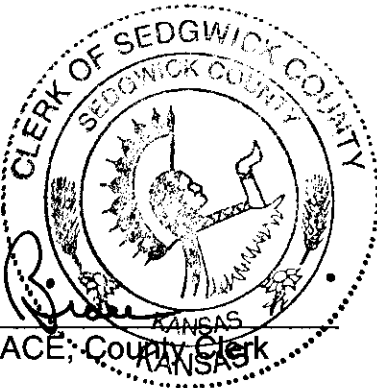
|                   |            |
|-------------------|------------|
| DAVID M. UNRUH    | <u>Aye</u> |
| TIM R. NORTON     | <u>Aye</u> |
| THOMAS G. WINTERS | <u>Aye</u> |
| LUCY BURTNETT     | <u>Aye</u> |
| BEN SCIORTINO     | <u>Aye</u> |

DATED this 7 day of September, 2005.

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

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. ZON2005-00029**

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

A parcel of land lying in the Northwest Quarter of Section 14, Township 28 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas described as: Commencing at the Northwest corner of said Northwest Quarter Section; thence along the North line of said Quarter Section on an assumed bearing of N 89 degrees 25'27" E for a distance of 550.00 feet to the point of beginning; thence continuing along said North line for a distance of 580.00 feet; thence S 00 degrees 00'00" E parallel with the West line of said Quarter for a distance of 615.00 feet; thence S 89 degrees 25'27" W for a distance of 580.00 feet; thence N 00 degrees 00'00" W parallel with the West line of said Quarter for 615.00 feet to the point of beginning. Except the North 40 feet thereof for road right-of-way. Generally located at the southeast corner of 39th Street West/MacArthur Road and 247th Street West.

**SUBJECT TO THE PROVISION OF PROTECTIVE OVERLAY DISTRICT #160:**

Permitted "GC" General Commercial uses are restricted to:

1. Auditorium
2. Restaurant
3. Recreation, outdoor

The Unified Zoning Code requires either a Community Unit Plan or Protective Overlay when a request for Limited Commercial or General Commercial zoning is made for a tract six acres or larger.

**Analysis:** The City of Goddard Planning Commission reviewed this request on July 14, 2005. A number of people spoke. The speakers did not speak specifically in opposition to the applicant's request, but did express concern over some of the uses in the Protective Overlay, such as a dog kennel and asphalt plants that would be allowed if the request were to be approved as originally submitted. A couple of the speakers indicated that a restaurant might be a good addition to the area. The Goddard Planning Commission recommended approval (4-1), but confined the allowed GC uses to "restaurant," "auditorium" and "outdoor recreation."

The Metropolitan Area Planning Commission (MAPC) heard this case on July 28, 2005 and no one except the applicant and his agent were present to speak on behalf of the application. A motion to deny failed by a vote of 2-10. A motion for approval passed 10-2, subject to the same Protective Overlay as recommended by the Goddard Planning Commission.

No protests have been received.

**Alternatives:**

1. Approve the zone change subject to the provisions of Protective Overlay #160; adopt the findings of the Metropolitan Area Planning Commission 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:**



*Approved as to form and signed by County Counselor's Office*

# AGENDA ITEM REQUEST

FILE COPY

**Proposed Agenda Item:** ZON2005-00029 – Sedgwick County Zone change from “RR” Rural Residential to “GC” General Commercial. Generally located at the southeast corner of 39th Street South/MacArthur Road and 247th Street West. (District #3)

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

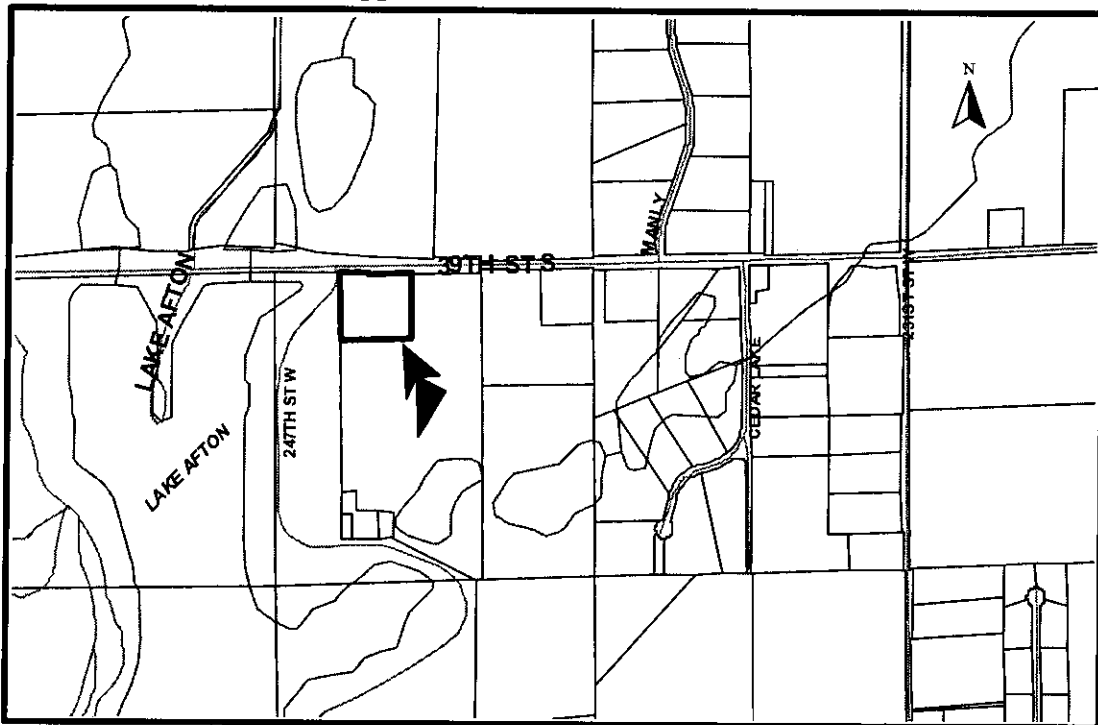
**Recommended Action:** Approve the zone change, and subject to the provisions of Protective Overlay #160, adopt the findings of the Metropolitan Area Planning Commission and authorize the Chairman to sign the resolution.

**Proposed Agenda Date:** September 7, 2005

**Outside Attendees:** Richard F. and Sandra D. Kelsey, Kings Camp Inc.  
24401 W. MacArthur, Goddard, KS 67052

**Multimedia Presentation:** Powerpoint

**Donations:** Not applicable.



**Background:** The application area (24575 39<sup>th</sup> Street South) is an 8.2-acre unplatted site located at the southeast corner of 39<sup>th</sup> Street South and 247<sup>th</sup> Street West. The applicant is seeking GC General Commercial zoning subject to a Protective Overlay that would permit the following uses: Single-family residence, manufactured home, auditorium or stadium, church, college or university, community assembly, day-care, limited; golf course, government service, group home, limited; group residence, limited and general; park and recreation, recycling collection station, private; school, elementary, middle and high; utility minor, automated teller machine, kennel, hobby; office, general; post office substation, recreation and entertainment, indoor and outdoor; recreational vehicle campground, restaurant, wireless communication facility, asphalt or concrete plant limited, research services, agriculture and agricultural research. The 8.2 acres are part of the applicant's larger ownership, approximately 60.37 acres, that contains King's Camp, which contains residences, group residence, recreational vehicle campground and a school. The application area has approximately 570 feet of frontage.

The application area is currently zoned RR Rural Residential with nonconforming use rights and is developed with a building used for meeting rooms and a silo that has been converted to a climbing tower. The climbing tower and the assembly building would be uses permitted as accessory uses for the existing group residence, general only; however, the applicant wants to allow the general public to use these facilities. The applicant also wants to use the assembly building for a restaurant. The building is currently being used as a restaurant three nights a week. The applicant is seeking GC zoning since that district permits all three of the proposed uses - "auditorium or stadium," "outdoor recreation, outdoors" and "restaurant," by-right.

Access to the site is off of 39<sup>th</sup> Street South. A community lagoon located some 1,854 feet south of the meeting/restaurant building provides sewage disposal. This community lagoon also serves the remainder of the King's Camp uses. Water service is provided through a private community well. Both the well and the lagoon are permitted through the Kansas Department of Health and Environment.

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 existing building appears to be located closer to the centerline of 39<sup>th</sup> Street South than code specified minimums for major roadways. The building appears to be located approximately 65 feet from the centerline of 39<sup>th</sup> Street South. Code minimum distance is 85 feet.

The application area is located in a largely rural area. There is a county owned gun range located to the north of the application area. To the east and south is the remainder of the applicant's larger ownership described above. To the west are Lake Afton, a county park and recreation area. In the larger area surrounding the application area, there are agricultural uses and large lot residences.