

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

**PROPOSED AGENDA ITEM:** SCZ-0792 - Zone change request from "SF-20" single-family residential to "GO" General Office and "LI" Limited Industrial, located ½ mile east of Hoover on the south side of 47<sup>th</sup> Street South.

**PRESENTED BY:** Marvin S. Krout, Director of Planning

**PROPOSED AGENDA DATE:** September 15, 1999

**COMMISSION DISTRICT #2**

MAPC Recommendation: Approve, subject to staff recommendations (13-0).

Staff Recommendation: Approve, subject to platting within one year and the additional provisions of a (P-O) Protective Overlay.

Background/Discussion: The applicant is requesting a zone change from "SF-20" Single Family to "GO" General Office for the northern corner of the property and "LI" Limited Industrial for the remaining portion. The property is currently being used as farmland. The applicant intends to use the northern portion of the property for an office and residence, and the remainder of the site for a maintenance and storage yard for his tree service business, Alfred's Superior Tree Service, Inc. The primary activities of the business are tree trimming and spraying, with some cutting, storing, and sale of wood as an ancillary activity. Currently, the business has a total of seven employees. The applicant intends to use a septic system for the office/home use since the amount of sewage generated is expected to be comparable to a "domestic" source.

The application area is an isolated tract, located on a six-acre triangular site that is bounded on the northeast by the Wichita-Valley Center Flood Control Project, also known as the "Big Ditch", and on the northwest by the Kansas Southwestern Railroad and an electric transmission line. The land to the south is farmed and is zoned "SF-20" Single Family. The Cowskin Creek lies to the south of this agricultural land. The property has access from 47<sup>th</sup> Street South via an undefined road across the property owned by Sedgwick County, and a recorded ingress and egress easement through the Big Ditch property. This is also the access for the farm ground to the south of the application area.

The majority of land surrounding the application area is zoned for single family use, but is in agricultural use. The area northeast of the site and beyond the Big Ditch is zoned "LI" and is a Sedgwick County maintenance yard. These properties are only separated by ¼ mile in distance, but 47<sup>th</sup> Street South does not connect over the Big Ditch. Traffic

to the application area would be via Hoover Road, while traffic to the Sedgwick County maintenance yard is via West Street. Another industrial property close to the application area is Murray Gill Power Center (KGE electric generation facility), which is 1 ½ mile southeast. There is a significant amount of industrial development along Hoover Road, north of MacArthur Road, but the land along Hoover between MacArthur Road and 47<sup>th</sup> Street South still is primarily in agricultural use, with scattered single-family subdivisions. The nearest neighbor to the application area is a residence located at the southeast corner of 47<sup>th</sup> and Hoover. This property also appears to have farm equipment and construction equipment stored on the site, and is zoned "LC" Limited Commercial.

At the meeting held on August 26, 1999, MAPC recommended approval (13-0) of the zone change with a Protective Overlay with the following conditions:

1. Permitted uses on the property zoned "LI" Limited Industrial shall be limited to those uses permitted in "SF-20" Single Family, and a tree service business, with associated outdoor wood storage, splitting and chopping, and the sale of wood products, as customarily found with a tree service business, or other similar low traffic and low sewage generating uses as may be approved by the Director of Planning, but not including any landfill operations, or any storage/baling as prohibited in Sec. III-D(6)(dd).
2. Permitted uses on the property zoned "GO" General Office shall be limited to those uses permitted in "SF-20" Single Family, and to an office associated with the tree service business only, or other similar low traffic and low sewage generating uses as may be approved by the Director of Planning.
3. Outside storage of combustible materials shall comply with the 1994 Uniform Fire Code, as adopted by the Sedgwick County Fire Department.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the condition of platting within one year and subject to the Protective Overlay; adopt the resolution and authorize the Chairman to sign; and instruct the Planning Department to withhold publication of the resolution until the plat has been recorded with the Register of Deeds; or
2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

Applicants:

Charles A. Ewardson 7058 S Volutsia Wichita KS 67216  
PEC, PA % Gary Wiley 303 S Topeka Wichita KS 67202

Protestors:

None

Published in The Wichita Eagle Daily Reporter on August 7, 2001  
1999.

RESOLUTION NO. 209-99

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 RESOLUTION NO. 178-1997.

BE IT RESOLVED BY THE GOVERNING BODY 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. SCZ- 0792**

Zone change request from "SF-20" single-family residential to "GO" General Office and "LI" Limited Industrial on property described as:

**"SF-20" to "LI"**

A tract of land in the NE ¼, Section 23, T28S, R1W of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, described as follows:

Beginning 745.16 feet South of the Northwest corner of said NE ¼; thence South along the West line of said NE ¼, 596.79 feet; thence East 905.82 feet to the West line of the Big Ditch Cowskin Floodway; thence Northwesterly along the West line of the Big Ditch Cowskin Floodway to the South line of the Missouri Pacific Railroad right-of-way; thence Southwest along said South line 585.14 feet to the Point of Beginning; except the South 400 feet thereof; and except beginning at a point on the South line of the Missouri Pacific Railroad right-of-way and the West line of the Big Ditch Cowskin floodway; thence Southeasterly along the West line of the Big Ditch Cowskin Floodway 260.0 feet; thence Southwest at 90°, 125.0 feet; thence Northwest at 90°, 190 feet ± to the South

line of the Missouri Pacific Railroad; thence Northeast along the South line of the Missouri Pacific Railroad right-of-way to the point of beginning.

"SF-20" to "GO"

A tract of land in the NE1/4, Sec 23, T28S, R1W of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, described as follows:

Beginning at a point on the South line of the Missouri Pacific Railroad right-of-way and the West line of the Big Ditch Cowskin Floodway; thence Southeasterly along the West line of the Big Ditch Cowskin Floodway 260.0 feet; thence Southwest at 90° 125.0 feet; thence Northwest at 90°, 190 feet ± to the South line of the Missouri Pacific Railroad; thence Northeast along the South line of the Missouri Pacific Railroad right-of-way to the Point of Beginning. Generally located ½ mile east of Hoover on the south side of 47<sup>th</sup> Street South.

**SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS (PO #57):**

1. Permitted uses on the property zoned "LI" Limited Industrial shall be limited to those uses permitted in "SF-20" Single Family, and a tree service business, with associated outdoor wood storage, splitting and chopping, and the sale of wood products, as customarily found with a tree service business, or other similar low traffic and low sewage generating uses as may be approved by the Director of Planning, but not including any landfill operations, or any storage/baling as prohibited in Sec. III-D(6)(dd).
2. Permitted uses on the property zoned "GO" General Office shall be limited to those uses permitted in "SF-20" Single Family, and to an office associated with the tree service business only, or other similar low traffic and low sewage generating uses as may be approved by the Director of Planning.
3. Outside storage of combustible materials shall comply with the 1994 Uniform Fire Code, as adopted by the Sedgwick County Fire Department.

**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 and publication in the official county paper.

Commissioners present and voting were:

|                   |            |
|-------------------|------------|
| BETSY GWIN        | <u>Yes</u> |
| BILL HANCOCK      | <u>Yes</u> |
| THOMAS G. WINTERS | <u>Yes</u> |
| CAROLYN MCGINN    | <u>Yes</u> |
| BEN SCIORTINO     | <u>Yes</u> |

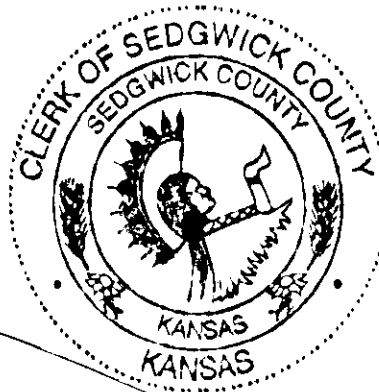
DATED this 22 day of September, 1999.

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

Bill Hancock  
BILL HANCOCK, Chairman

ATTEST:

James Alford  
JAMES ALFORD  
County Clerk



APPROVED AS TO FORM ONLY:

Rich Euson  
RICH EUSON  
County Counselor