

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. ZON2005-00030**

Zone change request from "SF-20" Single-family Residential to "GO" General Office on property described as:

EBERLY FARM OFFICE PARK ADDITION to Sedgwick County, Kansas. Generally located south of 21st Street North and 860 feet east of 135th Street West.

**SUBJECT TO PLATTING WITHIN ONE-YEAR AND THE PROVISION OF PROTECTIVE OVERLAY DISTRICT #161 ALLOWING THE FOLLOWING USES ONLY:**

1. Single-family
2. Duplex
3. Assisted living
4. Church or place of worship
5. College or university
6. Convalescent care
7. Daycare
8. Hospital
9. Medical service
10. Office, General

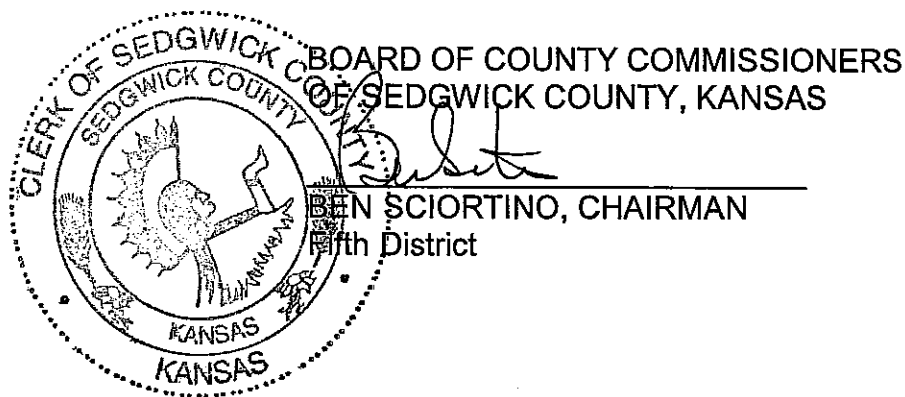
**SECTION II.** That upon the taking effect of this Resolution, the notation of such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**SECTION III.** That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

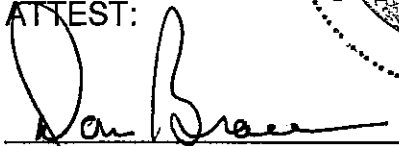
Commissioners present and voting were:

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

DATED this 2<sup>nd</sup> day of October, 2006.



ATTEST:



DON BRACE, County Clerk

APPROVED AS TO FORM:



ROBERT W. PARNACOTT,  
Assistant County Counselor

# AGENDA ITEM REQUEST FILE COPY

**Proposed Agenda Item:** ZON2005-00030 – Sedgwick County Zone change from “SF-20” Single-family Residential to “GO” General Office. Generally located south of 21<sup>st</sup> Street North and 860 feet east of 135<sup>th</sup> Street West. (District #3)

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

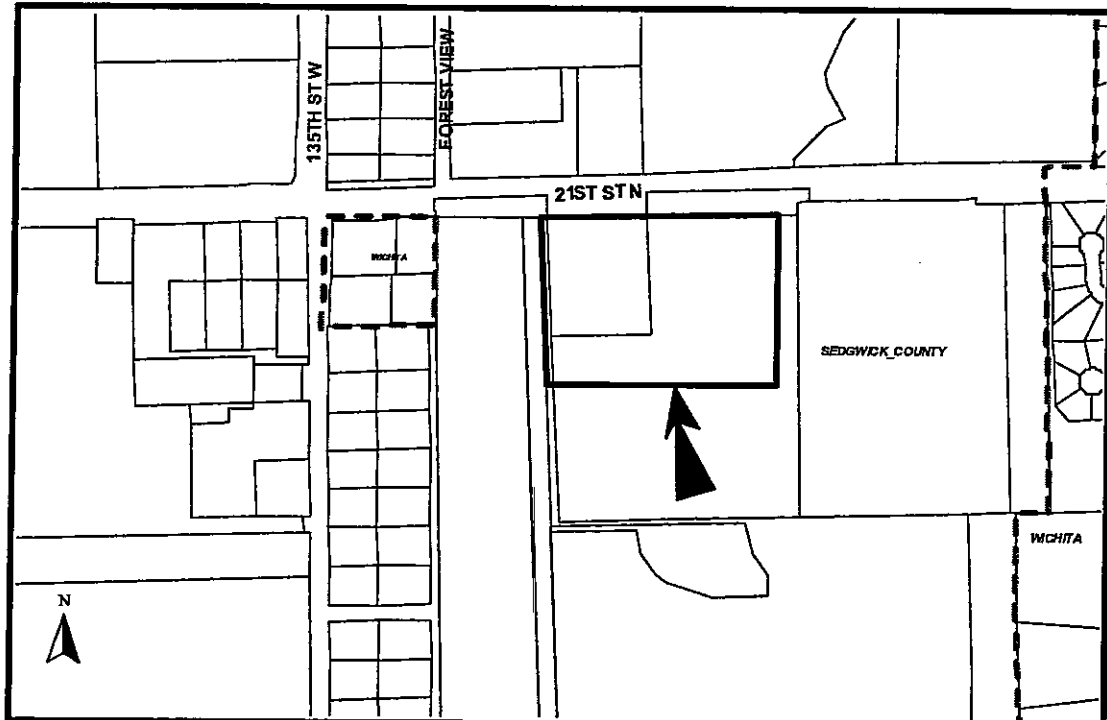
**Recommended Action:** Approve the zone change subject to platting within one year and subject to the provisions of Protective Overlay #161, adopt the findings of the Metropolitan Area Planning Commission, direct staff to prepare an appropriate resolution after the plat has been approved and authorize the Chairman to sign the resolution.

**Proposed Agenda Date:** August 31, 2005

**Outside Attendees:** Terry Smythe, Baughman Company, 315 Ellis, Wichita, KS 67211

**Multimedia Presentation:** Powerpoint

**Donations:** Not applicable.



**Background:** The applicant requests “GO” General Office zoning on a 13.7-acre unplatted site, currently zoned “SF-20” Single-Family Residential, for an office/medical complex development. The application area is south of 21<sup>st</sup> Street North and 860 feet east of 135<sup>th</sup> Street West. Most of the application area is under a Conditional Use (CU 281) for private outdoor recreation, the remainder of the site is used as a farmstead. The Cowskin Creek runs along the eastern portion of the application area. FEMA maps show that a portion of the site is in the floodway and the 100-year flood plain.

North of the application area (across 21<sup>st</sup> Street) is agricultural land, a church site and property approved for “NR” Neighborhood Retail zoning with a Protective Overlay restricting uses to those in the Neighborhood Office district and photography studio; this NR zoning is subject to platting. East, west and south of the application area is property owned by the applicant, and under agricultural or outdoor recreation use. Further east of the site is SF-5 zoned property in the City of Wichita, and developed with single-family residences. Further west of the site is 135<sup>th</sup> Street West, with SF-20 zoned single family development, LC zoning at the southeast corner with a Wichita Water and Sewer Department pump station and vacant commercial land. Northwest of the intersection is the YMCA development (DP 276).

**Analysis:** At the MAPC meeting held July 28, 2005, one property owner was present to ask about the development and the proposed land uses. The applicant volunteered the protective overlay, restricting uses on the property. MAPC voted (11-1) to approve subject to platting within one year and the provisions of Protective Overlay #161 which allows the following uses only:

1. Single-family
2. Duplex
3. Assisted living
4. Church or place of worship
5. College or university
6. Convalescent care
7. Daycare
8. Hospital
9. Medical service
10. General office

Valid protest petitions were received from 22 surrounding properties, resulting in a protest percentage of 20.67% of the legal protest calculation area. A protest percentage of 20% or greater requires a  $\frac{3}{4}$  majority override vote of the BoCC. See the attached protest petitions and calculation map.

**Alternatives:**

1. Approve the zone change subject to platting within one year and the provisions of Protective Overlay #161; adopt the findings of the Metropolitan Area Planning Commission, direct staff to prepare an appropriate resolution after the plat has been approved and authorize the Chairman to sign the resolution.
2. Deny the zone change and override the MAPC recommendation with a 2/3 vote.

3. Return such recommendation to the MAPC with a statement specifying the basis for the BoCC's failure to approve or disapprove.

**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*

Case ZON2005-00030  
Total Area 6,895,848 sq. ft.  
Application Area 626,422 sq. ft.  
Street R/W 659,430 sq. ft.  
Net Area 5,609,996 sq. ft.  
20% of Net Area 1,121,999 sq. ft.  
Net Protest Area 1,159,996 sq. ft.  
Total % Protesting 20.67%

