

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. ZON 2017-00051

Zone change request from LC Limited Commercial to OW Office Warehouse.

Legally described as:

The West 247 feet of the North 218 feet of the South 618 feet of the South Half of the Southwest Quarter of Section 10, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

SECTION II. That upon the taking effect of this Resolution, the notation of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director 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 vote were:

| | | |
|-----------------------|------------|------------|
| DAVID M. UNRUH | <u>aye</u> | |
| MICHAEL O'DONNELL, II | | <u>aye</u> |
| DAVID DENNIS | <u>aye</u> | |
| RICHARD RANZAU | | <u>aye</u> |
| JAMES M. HOWELL | <u>aye</u> | |

DATED this 10th day of January, 2018

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS



David M. Unruh
Commissioner, First District
Chairman

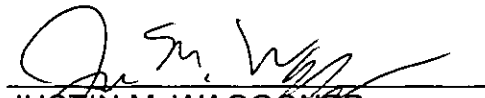
ATTEST:



KELLY B. ARNOLD
County Clerk



APPROVED AS TO FORM ONLY:

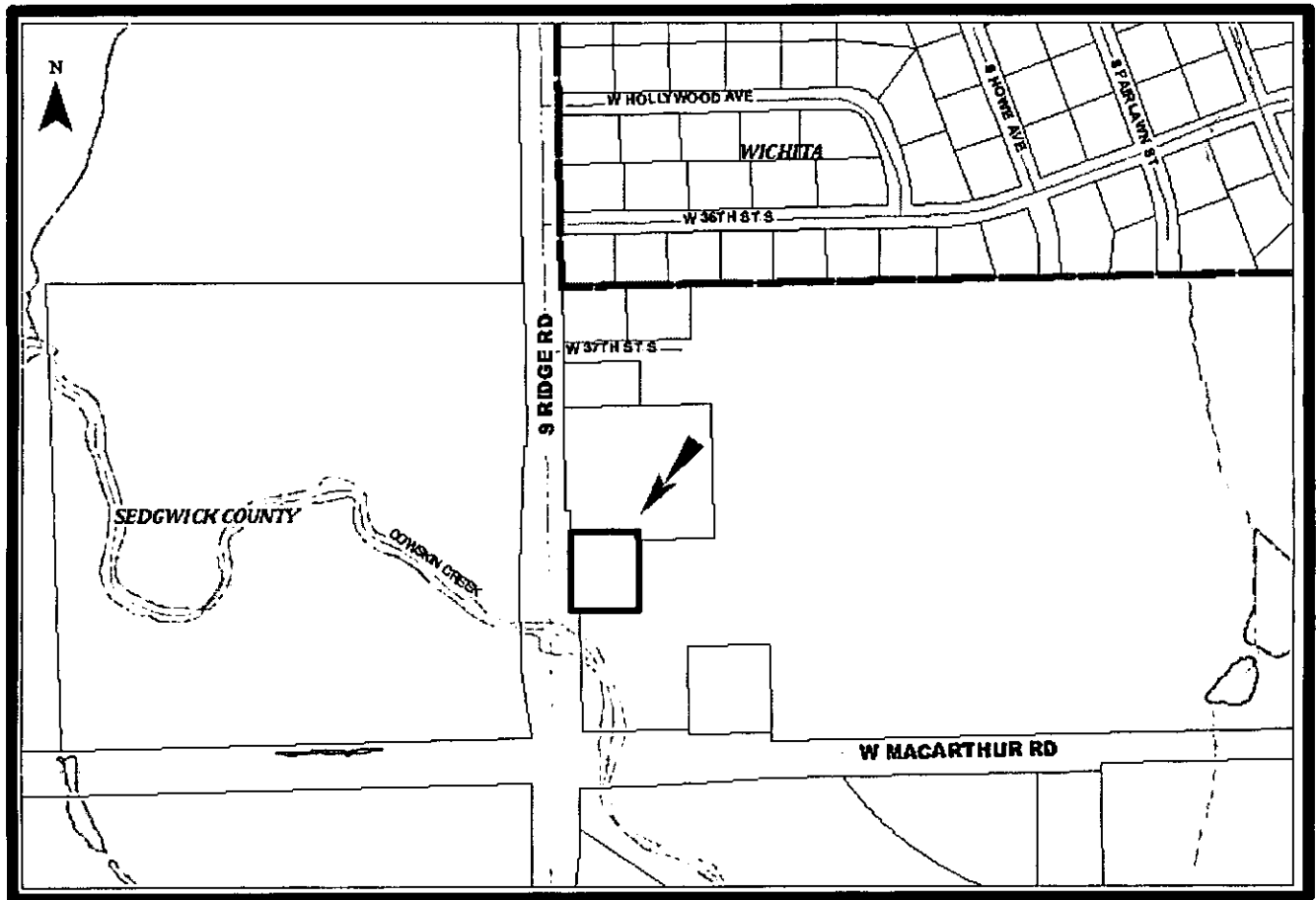


JUSTIN M. WAGGONER
Assistant County Counselor



STAFF REPORT
MAPC December 7, 2017

- CASE NUMBER:** ZON2017-00051
- APPLICANT/AGENT:** J & J Weber, LLC, John Weber (Owner)/Kaw Valley Engineering, Tim Austin (Agent).
- REQUEST:** OW Office Warehouse.
- CURRENT ZONING:** LC Limited Commercial.
- SITE SIZE:** Approximately 1 acre.
- LOCATION:** Generally located 500 feet north of West MacArthur Road on the east side of South Ridge Road.



BACKGROUND: This application concerns a request to rezone an existing unplatted property from LC Limited Commercial (LC) to OW Office Warehouse (OW) for property located in the unincorporated area of the county on the east side of South Ridge Road, approximately 500 feet north of MacArthur Road. The applicant, J & J Weber, LLC, wishes to establish a business that does ultrasound non-destructive testing of aviation parts. This activity is not a permitted use under the existing LC Limited Commercial zoning. Rezoning to OW Office Warehouse would allow, among other uses, "Research Services," which will accommodate the proposed use.

The rezoning also accommodates the warehousing uses that have occurred in the past. A number of uses that are allowed by right in the LC Limited Commercial district would no longer be permitted; however, given the circumstances in the surrounding neighborhood, such a change may be considered as a positive action.

This property formerly contained a warehousing operation and has been unused for some time. It is located immediately north of where Cowskin Creek crosses Ridge Road. According to the flood maps for this area, a small portion of the property is impacted by the edge of the floodplain; but the building on the property is not touched by the floodplain.

As stated below, this location was part of the establishment of commercial zonings at many intersections of section-line roads by Sedgwick County in 1958. The lands immediately north of the subject site is zoned SF-20 Single-Family Residential (SF-20), developed with a single-family residence surrounded by agricultural land. The property east and south of the subject site is zoned LC developed with agriculture building improvements and agricultural land. Property west of the site is zoned LC and is agricultural land with agriculture building improvements. An existing commercial business of a bar and grill is located on the north side of MacArthur Road east of Ridge Road.

CASE HISTORY: As previously noted, Sedgwick County zoned a 600-foot by 600-foot square at the four corners of the intersection of Ridge Road and MacArthur Road to LC Limited Commercial anticipating future commercial development in 1958. This property is not platted and platting is not a requirement of the zone change because there is no intention to add to the building. However, if any addition is made to the building, platting is required.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|-------|---|
| NORTH: | SF-20 | Single-Family residence surrounded by agricultural land |
| SOUTH: | LC | Agricultural Land |
| WEST: | LC | Agricultural Land |
| EAST: | LC | Agricultural Land |

PUBLIC SERVICES: The site has access to South Ridge Road, a two-lane paved arterial street with a 140-foot right-of-way with traffic in both directions. Property is served by an on-site water well and an on-site wastewater treatment system. The proposed zone change will not increase traffic or utility demands.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as Wichita Urban Growth Area. The Plan encourages expansion and extension of municipal services and infrastructure. Determination of growth is based on municipal political considerations, anticipate population growth, and efficient patterns of growth. The 2035 Future Growth Concept Map identifies the location as "Commercial" that reflect the diversity of commercial development intensities and types typically found in a large urban area.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to the understanding that any new building construction will require a plat of the property.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** Property north of the subject site is zoned SF-20 Single-Family Residential (SF-20) developed with a single-family residence surrounded by agricultural land. Property east and south of the subject site is zoned LC developed with agriculture building improvements and agricultural land. Property west of the site is zoned LC and is agricultural land with agriculture building improvements. An existing commercial property is located south and east of this site.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** OW zoning will allow the testing facility to operate in an existing commercial building and will not create increased traffic, noise or noxious odors.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The OW zoning will eliminate some uses allowed in LC zoning that are more intensive which would create more traffic, nuisance and noise issues such as “Asphalt, Concrete Plant”, “Sexually Oriented Business in the County”, “Mining and Quarrying”, “Rock Crushing”, “Event Center in the County” and “Nightclub in the County.”
- (4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would further restrict uses on the property that could cause increased traffic, nuisance and noise issues. Refusal of the rezoning would most likely leave the building vacant and unused for some time.
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as Wichita Urban Growth Area. The Plan encourages expansion and extension of municipal services and infrastructure. Determination of growth is based on municipal political considerations, anticipate population growth, and efficient patterns of growth.
- (6) **Impact of the proposed development on community facilities:** No additional traffic will be created because of the uses allowed by the zone change. Uses will not increase water or septic demand.