

RESOLUTION NO. 077-2018

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 2018-00002

Zone change request from SF-20 Single-family Residential to LI Limited Industrial with a Protective Overlay #327 as follows:

Legally described as:

Parcel A:

A tract in the Northeast Quarter of Section 28, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as: Commencing at a point on the East line of said Northeast Quarter which is 782.50 feet North of the Southeast corner of said Northeast Quarter, said point being on the centerline of Ridge Road, Sedgwick County, Kansas, and 647.35 feet North of the centerline of Highway K-96 as presently lying in and through said Northeast Quarter; thence West perpendicular to the East line of said Northeast Quarter 637.60 feet; thence to the left 90°00' and South 457.67 feet, to the Northerly right-of-way line of said Highway K-96; thence to the left 98°40'52" and East-Northeasterly along said North right-of-way line, 555.64 feet to the Westerly right-of-way line of said Ridge Road; thence to the right 8°40'52" and East 88.33 feet, to the East line of said Northeast Quarter; thence North along the East line of said Northeast Quarter 373.80 feet, to the point of beginning.

Parcel B:

A tract in the Northeast Quarter of Section 28, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at a point on the East line of said Northeast Quarter, (said East line having an assumed bearing of N01°35'17"W), which is 782.50 feet North of the Southeast corner of said Northeast Quarter, said point being on the centerline of Ridge Road, Sedgwick County, Kansas, and 647.35 feet North of the centerline of Highway K-96, (recorded in Deed for Highway Purposes in Book 1391, Page 366), as presently lying in and through said Northeast Quarter, said point also being the Northeast corner of a tract of land described and conveyed in the Statutory Warranty Deed recorded in Doc.#/Film-Pg:29737019; thence S88°24'43"W perpendicular to the East line of said Northeast Quarter and along the North line of said tract of land, (Doc.#/Film-Pg:29737019), 637.60 feet for a point of beginning, said point of beginning also being the Northwest corner of said tract of land, (Doc.#/Film-Pg:29737019); thence S01°35'17"E along the West line of said tract of land, (Doc.#/Film-29737029), 457.67 feet to the Northerly right-of-way line of

said Highway K-96, (Book 1391, Page 366), said point also being the Southwest corner of said tract of land, (Doc.#/Film-Pg:29737019); thence S79°39'43"W along said Northerly right-of-way line of said Highway K-96, 335.81 feet to a deflection corner in said right-of-way; thence S84°24'43"W along said Northerly right-of-way line of said Highway K-96, 111.71 feet; thence N01°35'17"W perpendicular to the westerly prolongation of the North line of said tract of land, (Doc.#/Film-Pg:29737019), 517.25 feet to the intersection with the westerly prolongation of the North line of said tract of land, (Doc.#/Film-Pg:29737019); thence N88°24'43"E along the westerly prolongation of the North line of said tract of land, 443.34 feet to the point of beginning.

Access Easement:

A tract in the Northeast Quarter of Section 28, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at a point on the East line of said Northeast Quarter, (said East line having an assumed bearing of N01°35'17"W), which is 782.50 feet North of the Southeast corner of said Northeast Quarter for a point of beginning, said point being on the centerline of Ridge Road, Sedgwick County, Kansas, and 647.35 feet North of the centerline of Highway K-96, (recorded in Deed for Highway Purposes in Book 1391, Page 366), as presently lying in and through said Northeast Quarter, said point also being the Northeast corner of a tract of land described and conveyed in the Statutory Warranty Deed recorded in Doc.#/Film-Pg:29737019; thence S88°24'43"W perpendicular to the East line of said Northeast Quarter and along the North line of said tract of land, (Doc.#/Film-Pg:29737019), 1058.36 feet; thence N01°35'17"W perpendicular to the North line of said tract of land, (Doc.#/Film-Pg:29737019), 40.00 feet; thence N88°24'43"E parallel to the North line of said tract of land, (Doc.#/Film-Pg:29737019), 1058.36 feet to the East line of said Northeast Quarter; thence S01°35'17"E along said east line of said Northeast Quarter 40.00 feet to the point of beginning. Subject to road rights-of-way of record.

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.

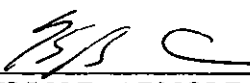
Commissioners present and voting were:

DAVID M. UNRUH	<u>Aye</u>
MICHAEL B. O'DONNELL, II	<u>Aye</u>
DAVID T. DENNIS	<u>Aye</u>
RICHARD RANZAU	<u>Aye</u>
JAMES M. HOWELL	<u>Aye</u>

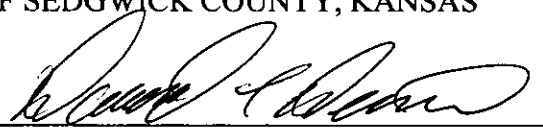
Dated this 01 day of May, 2018.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

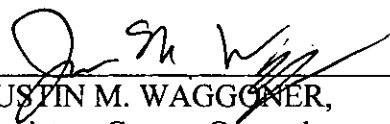

KELLY B. ARNOLD,




DAVID T. DENNIS, Chairman
Commissioner, Third District

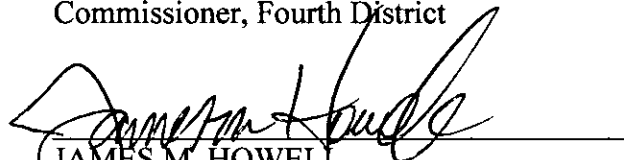

MICHAEL B. O'DONNELL, II
Commissioner, Second District

APPROVED AS TO FORM:

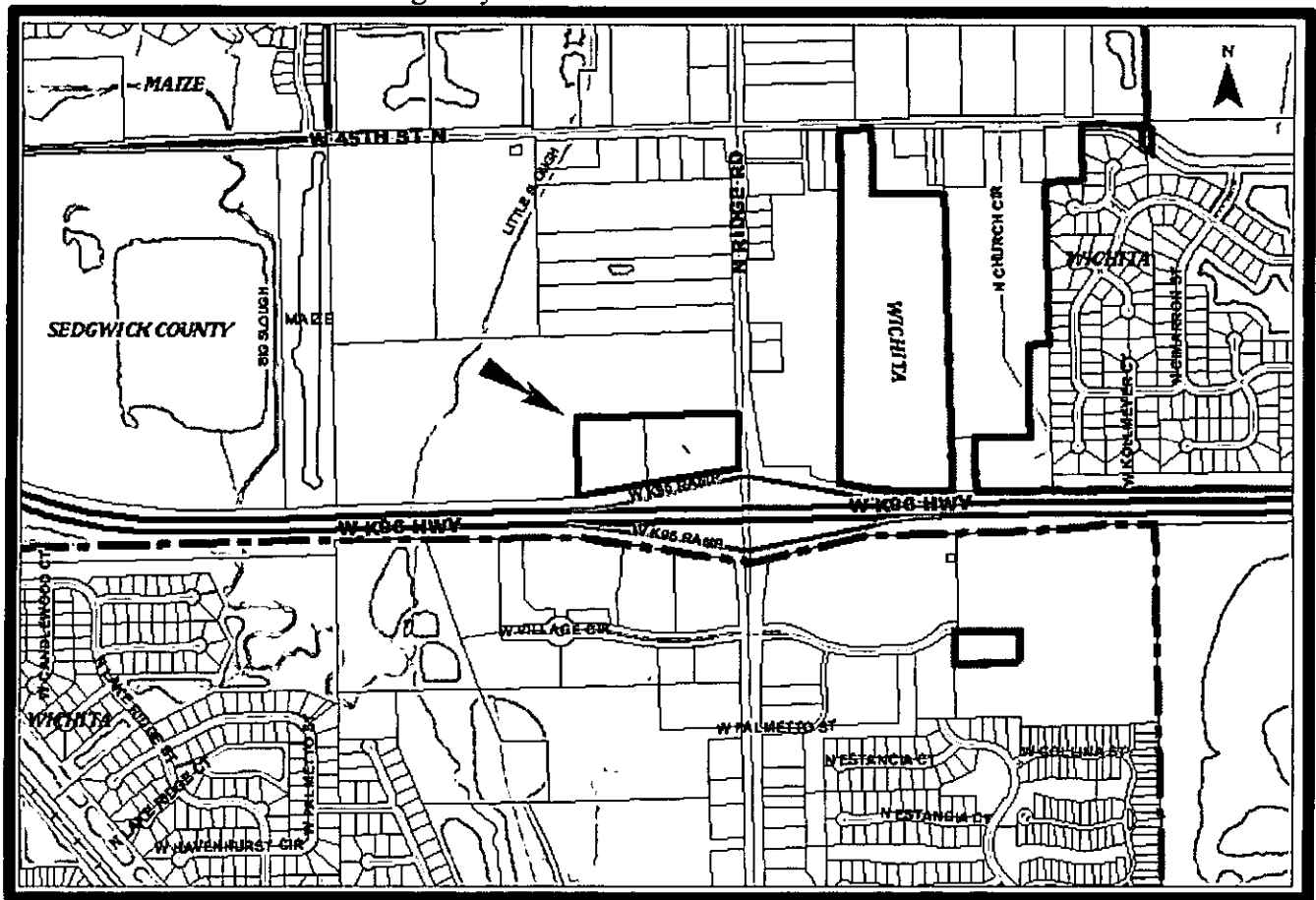

JUSTIN M. WAGGONER,
Assistant County Counselor


DAVID M. UNRUH, Chair Pro Tem
Commissioner, First District


RICHARD RANZAU
Commissioner, Fourth District


JAMES M. HOWELL
Commissioner, Fifth District

<u>CASE NUMBER:</u>	ZON2018-00002
<u>APPLICANT/AGENT:</u>	VT Properties, Jeff Arensdorf and James Morgan/ Baughman Company P.A., Russ Ewy
<u>REQUEST:</u>	LI Limited Industrial zoning
<u>CURRENT ZONING:</u>	SF-20 Single-Family Residential zoning
<u>SITE SIZE:</u>	Approximately 10.4 acres
<u>LOCATION:</u>	Generally located at the northwest corner of North Ridge Road and K-96 Highway



BACKGROUND: The applicant is requesting a zone change from SF-20 Single-Family Residential (SF-20) to LI Limited Industrial (LI) zoning on approximately 10.4 unplatted acres. The applicant proposes to relocate Village Travel (Village Charters) to this location.

Properties north and west of the subject site, located in the unincorporated area of Sedgwick County, are unimproved agricultural land zoned SF-20. Property east of the subject site is zoned LC Limited Commercial (LC) which is the North Forty-Fifth Place Community Unit Plan (CUP) DP-301. Properties south of the site are zoned LC, GO General Office (GO) and GC General Commercial (GC) which are part of North Ridge Village CUP DP-280 and Estancia Commercial CUP DP-337.

CASE HISTORY: The site is located in the unincorporated area of Sedgwick County. Platting documents for the site are currently being prepared for submission.

ADJACENT ZONING AND LAND USE:

NORTH: SF-20	Unimproved agricultural land
SOUTH: LC, GO, GC	CUP DP-280, CUP DP-337
WEST: SF-20	Unimproved agricultural land
EAST: LC	Warehouse, Office

PUBLIC SERVICES: The site has access to North Ridge Road, a four-lane paved arterial street with a 150-foot right-of-way with traffic in both directions. Access to east and west bound K-96 is immediately south of the subject property. City water and sewer lines are located 1,500 feet south of the subject property along the west side of Ridge Road. Plans are being developed to extend utilities to the site by 2020.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as residential and employment mix/new residential. The Plan envisions development of a mixed use nature, with an emphasis on higher density residential and employment uses. The North Ridge Road corridor north and south of K-96 Highway is developing in this fashion and the proposed rezoning would allow development that is consistent with this trend.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED** with the conditions set forth Protective Overlay (P.O.) #327 as follows:

1. All uses permitted by right in the "LI" zoning district except the following uses: correctional facility; correctional placement residence, limited and general; day reporting center; night club in the city/county; sexually oriented business in the city or the county; tavern and drinking establishment; a night club, asphalt or concrete plant, limited and general; mining or quarrying, grain storage, and recycling processing center.
2. Screening shall be per Unified Zoning Code; however, any fences or walls shall be constructed of a consistent pattern and color.
3. A 35-foot setback will run along the perimeter of the site.
4. Storage of merchandise shall be allowed outside an enclosed building only in compliance with the general screening standards of the Unified Zoning Code and the following additional standards: no outdoor storage or work areas shall be permitted in any building setback; and no required off-street parking space or loading area shall be utilized for storage;
5. Items stored outdoors, excluding vehicles, shall be screened from view from K-96, Ridge Road, and within a distance of 200 feet from any residential uses or residential zoning adjacent to the east line of the property. If developed with a use requiring vehicle storage, or similar

transportation related use, solid screening shall not be required around the perimeter of the subject property.

6. Roof-mounted equipment and loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, free-standing coolers or refrigeration units, outdoor storage including portable storage containers, outdoor work areas or similar uses shall be screened from ground level view along K-96, Ridge Road and within a distance of 200 feet from any residential uses or residential zoning adjacent to the east line of the property.
7. All signs shall be limited to signs that would be allowed in the "LC" Limited Commercial zoning district; no off-site, billboard or portable signs shall be permitted except for off-site signs advertising uses located within this tract that shall be allowed to have signage placed on signs fronting Ridge Road.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The surrounding neighborhood is characterized primarily by new commercial development and undeveloped agricultural land. North of the property is a large vacant agricultural parcel, zoned SF-20. South of the property is Brookfield Addition, a recently approved single-family subdivision, zoned SF-5. East of property is large vacant agricultural parcel, zoned RR. West of the site is a large vacant agricultural parcel, zoned RR and the Jabara Airport nearby to the west of that.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-20 and the property could be developed with this existing zoning classification, though only for those uses more typically found in rural unincorporated areas. Non-residential development is found south of the property, near K-96 Highway. It is reasonable to expect this non-residential development to continue north along North Ridge Road based on market demand. Rezoning the property would facilitate future development and provide a greater tax base and employment opportunities than could be realized with the existing zoning district. Properties at the northeast, southwest and southeast corners of K-96 and North Ridge Road were rezoned to LC and GC in 2004, 2006 and 2015.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Properties in proximity to North Ridge Road and K-96 Impact on surrounding property due to the requested zone change should be minimal.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as residential and employment mix/new residential. The Plan envisions development of a mixed use nature, with an emphasis on higher density residential and employment uses. The North Ridge Road corridor north and south of K-96 Highway is developing in this fashion and the proposed rezoning would allow development that is consistent with this trend.
- (5) **Impact of the proposed development on community facilities:** Municipal utilities are available to serve the site. Public improvements would have to be extended throughout the site at the time of development at the applicant's expense. This would also require the property being platted and annexed into the City of Wichita.

Attachment: Zoning Map