

129-07

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RESOLUTION NO. 129-07

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. ZON2007-00010

Zone change request from "SF-20" Single-family Residential to "LI" Limited Industrial on property described as:

A tract in the Northeast Quarter of Section 16-27-2E described as follows: Beginning 50 feet west of the Southeast corner of said Northeast $\frac{1}{4}$; thence West 616 feet; thence North 2,346.46 feet to a point 310 feet South of the North line of said Northeast $\frac{1}{4}$; thence East 334.8 feet to a point 310 feet West of the East line of said Northeast $\frac{1}{4}$; thence South 1,834.8 feet; thence East 260 feet; thence South 512.5 feet to beginning; TOGETHER WITH

Tracts in the Southeast $\frac{1}{4}$ of Section 16-27-2E described as follows: The North $\frac{1}{2}$ of said Southeast $\frac{1}{4}$, except the West 950 feet thereof; TOGETHER WITH

A tract in the Southeast $\frac{1}{4}$ of Section 16-27-2E described as follows: That part of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Southeast $\frac{1}{4}$ lying north and east of Central Avenue; TOGETHER WITH

A tract in the Southeast $\frac{1}{4}$ of Section 16-27-2E described as follows: Beginning 485 feet West and 60 feet North of the Southeast corner of said Southeast $\frac{1}{4}$; thence North 600 feet; thence West 175 feet; thence South 545 feet to a point on the north right-of-way line of Central Avenue; thence Southeasterly along said north right-of-way line to the point of beginning. (Containing 4,046,724 Sq. Ft.)

Generally located west of Greenwich Road and between 13th Street North and Central Avenue.

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:

GWEN WELSHIMER	<u>aye</u>
TIM R. NORTON	<u>aye</u>
THOMAS G. WINTERS	<u>aye</u>
KELLY PARKS	<u>aye</u>
DAVID M. UNRUH	<u>aye</u>

DATED this 9th day of May, 2007.

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

AGENDA ITEM REQUEST

Proposed Agenda Item: ZON2007-00010 – Sedgwick County Zone change from “SF-20” Single-family Residential to “LI” Limited Industrial. Generally located west of Greenwich Road between 13th Street and Central Avenue. (District I)

Presented by: John L. Schlegel, Planning Director

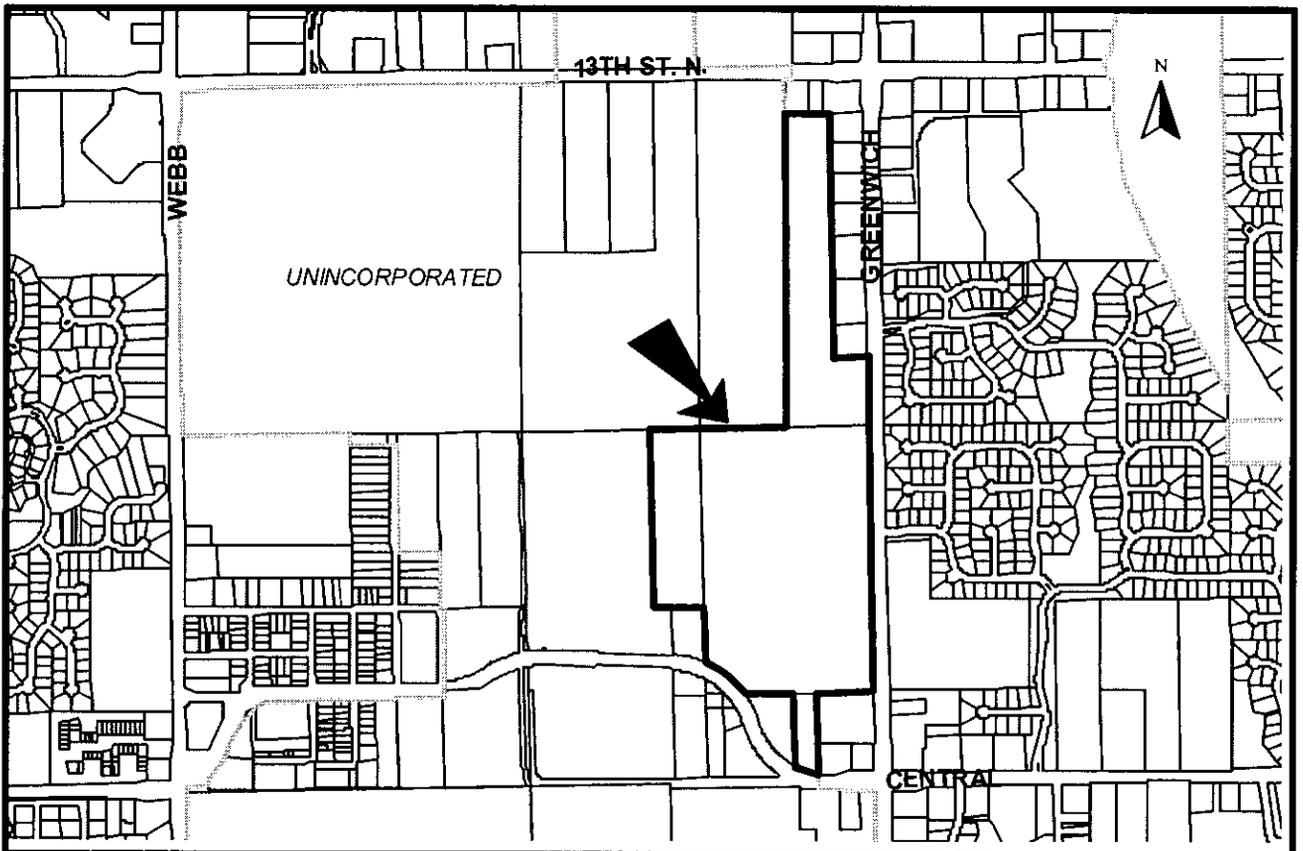
Recommended Action: Approve the zone change to LI; adopt the findings of the Metropolitan Area Planning Commission; and authorize the Chairman to sign the resolution.

Proposed Agenda Date: May 9, 2007

Outside Attendees: Raytheon Aircraft Company c/o Pam Bailey (Owner/Applicant)
Baughman Company c/o Russ Ewy (Agent)

Multimedia Presentation: PowerPoint

Donations: Not applicable



Background: The applicant requests a zone change from SF-20 and LC to LI on a 92.9-acre unplatted tract located west of Greenwich Road between East 13th Street and Central Avenue. The applicant owns a large amount of property around this location, including properties bordering the subject property on the west and south, already zoned LI. The subject property is currently undeveloped, except the western-most portion of the application area contains a ¼-mile segment of Raytheon's runway. Uses for the vacant portions of the property have not been determined.

Developed properties near the subject property are located to the north and east at the intersection of 13th Street and Greenwich Road, and the intersection of Central Avenue and Greenwich Road. Those uses at the intersections are zoned LC and are developed with: retail sales, a convenience store, an auto dealership and a boat dealership. To the east, across Greenwich Road, there are residential developments, Balthrop and Pine Meadows, zoned SF-5 and developed with single-family residences and a church. Raytheon's property located to the west of the application area contains their aircraft runway and other vacant land. All of the land west of the site is zoned LI.

In addition to industrial uses, LI zoning also allows retail, commercial and office activity. LI zoning also permits building heights of 80 feet and higher with additional setbacks. Ninety-three acres of LI zoned land developed at 30 percent building coverage would allow 1,215,324 square feet. Traffic generation rates for light industrial uses are approximately 7 average daily trips (ADT) per 1,000 square feet of floor area creating an ADT of 8,507; shopping centers can generate as much as 42 trips per 1,000 square feet or up to an additional 51,043 ADT.

The application area is also located within Area A of the Wichita-Sedgwick County Airport Hazard Zoning Map, which requires a permit exemption for structures that exceed 25 feet in height. The applicant is seeking unrestricted LI zoning, but for comparison purposes it is appropriate to point out that if this tract were subject to the McConnell Air Force Base Airport Overlay District, the range of potential uses permitted would be restricted to uses that minimize the concentration of people to no more than 25 people per acre. In 2000, Raytheon opposed a request (ZON2000-22, CUP2000-21) for 35 acres of LC zoning located 860 feet away from the end of Raytheon's runway than this request. Raytheon's objection was based upon the fact that "Raytheon' Aircraft's runway is used primarily for flight testing operations, where safety is of utmost importance." The letter further states that expanding the extent of commercial use presents an unacceptable risk to potential inhabitants and also to the company and its air traffic. While the request will not allow new residences, it will permit an increase in the square footage of nonresidential uses and the concentrations of people.

Since 2000 it appears circumstances have changed as it appears that Raytheon has sold all of their holdings north of 13th Street, and those tract have developed or are being platted without objection for non aircraft related uses. In 2006, the MAPC declined to include conditions of approval use limitations that would restrict the

concentrations of people on CUP2006-22 DP-298 located at the northwest corner of Greenwich Road and 13th Street, and 1,600 feet off the end of Raytheon's runway.

In this instance nearly all of the application area is located to the east side of the runway, except for the tract that contains the runway. The application area is located approximately 550 feet east of the end of the runway.

Analysis: At the MAPC meeting held April 5, 2007, MAPC voted (12-0) to approve subject to applicant's request for LI. No citizens were present to speak and no protests have been received.

Alternatives:

1. Approve the zone change to LI, approve the resolution 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:  *Approved by Division of Finance*

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*