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RESOLUTION NO. _____

July 10 2008
80-2008

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. ZON2007-19

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

Lot 7, Reserve B, and Reserve C, Rocky Ford Industrial Park Addition to Sedgwick County, Kansas. Generally located 800 feet east of Rock Road approximately ½ mile south of 31st Street South.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY #190 RESTRICTIONS:

The property shall be developed in conformance with the IP-A District of the Unified Zoning Code with the following additional uses being permitted: ATM, bank and financial institution, convenience store, office (general), personal care service, personal improvement service and restaurant, subject to the condition restaurants shall not be permitted within 200 feet of the north and east property lines.

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
TIM R. NORTON
THOMAS G. WINTERS
KELLY PARKS
DAVID M. UNRUH

Agree
Agree
Agree
Agree
Agree

DATED this 27th day of May, 2007.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Thomas G. Winters
Thomas G. Winters, CHAIRMAN
District III

ATTEST:

Don Brace
DON BRACE, County Clerk

APPROVED AS TO FORM:

Robert W. Parnacott
ROBERT W. PARNACOTT,
Assistant County Counselor

Background: The applicant requests rezoning of a 60-acre tract from “SF-20” Single-family Residential to “IP” Industrial Park. The property is located approximately 800 feet east of Rock Road and located between one-fourth and one-half mile south of 31st Street South. The proposed industrial park site would be separated from Rock Road by a commercial development, DP-300 Rocky Ford Commercial Community Unit Plan on property zoned “LC” Limited Commercial.

The property is located close to McConnell Air Force Base and would be located within the AT/FPO Anti-Terrorism/Force Protection Overlay District designed to regulate the height of structures. The property also is within the area designated as appropriate for “IP-A” Industrial Park-Airport District.

The main difference between IP and IP-A are additional use restrictions to eliminate uses that generate higher volumes of employees/patrons per square mile, in order to be more compatible with the operation of airport and related facilities. The uses eliminated by IP-A compared with IP include the civic uses of auditorium, cemetery, college and university, community assembly, day care, library, and parks and recreation subject to a limitation of 25 participants/spectators per acre. Excluded commercial uses are: animal care, ATM, bank and financial institution, broadcast/recording studio, convenience store, farmers market, office (general), personal care service, personal improvement service, post office substation, restaurant, tattoo, vocational school, and wireless communication facility.

The applicant has indicated agreement with most IP-A restrictions but has requested that certain commercial support services that are often associated with industrial park facilities remain available. Those uses would be: ATM, bank and financial institution, convenience store, office (general), personal care service, personal improvement service and restaurant. The applicant indicated that they would prohibit restaurants within 200 feet of north and east property lines, which removes them from the vicinity of future residential areas but does not eliminate the possibility of large concentrations of diners at a restaurant site.

The site currently is in agricultural use and is zoned SF-20. The property to the north, east and south is zoned SF-20 and is in agricultural use. The property to the west is approved for LC development (DP-300) but currently is vacant. McConnell is located west of Rock Road.

Analysis: At the MAPC meeting held June 7, 2007, MAPC voted (11-0) to defer the case two weeks. At the MAPC meeting held June 21, 2007, MAPC voted (12-0) to approve subject to the revised staff recommendation contained in the revised staff report. No citizens were present to speak and no protests have been received. MAPC recommendation was that IP Industrial Park be approved subject to platting within one year and subject to the following Protective Overlay #190.


The property shall be developed in conformance with the IP-A District of the Unified Zoning Code with the following additional uses being permitted: ATM, bank and financial institution, convenience store, office (general), personal care service, personal improvement service and restaurant, subject to the condition restaurants shall not be permitted within 200 feet of the north and east property lines.

Alternatives:

1. Approve the zone change, subject to Protective Overlay # 190 and platting within one year; 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; or
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: 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*