

(150006) Published in The Derby Reporter on July 10 2008
RESOLUTION NO. 102-08

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. ZON2007-47

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

That part of Lot 5, Block A, Rocky Ford Industrial Park, Sedgwick County, Kansas described as follows: Beginning at the SW corner of said Lot 5; thence N00°00'00"E along the west line of said Lot 5, 150.02 feet; thence S89°01'15"E, 250.03 feet to a point on the east line of said Lot 5; thence S00°00'00"E along the east line of said Lot 5, 150.02 feet to the SE corner of said Lot 5; thence N89°01'19"W along the south line of said Lot 5, 250.03 feet to the point of beginning, TOGETHER with that part of Lot 6 in said Block A described as follows: Beginning at the SW corner of said Lot 6; thence N00°00'00"E along the west line of said Lot 6, 150.02 feet; thence S89°01'15"E, 330.19 feet; thence N43°53'33"E, 158.46 feet to a point 15.00 feet normally distant west of the east line of said Lot 6; thence N00°00'00"E parallel with the east line of said Lot 6, 986.61 feet to a point on the north line of said Lot 6; thence easterly along the north line of said Lot 6, being a curve to the right, having a central angle of 03°04'35" and a radius of 282.50 feet, an arc distance of 15.17 feet, (having a chord length of 15.17 feet bearing N81°28'02"E), to the NE corner of said Lot 6; thence S00°00'00"E along the east line of said Lot 6, 1255.20 feet to the SE corner of said Lot 6; thence N89°01'19"W along the south line of said Lot 6, 455.07 feet to the point of beginning, TOGETHER with that part of Reserve "A" in said Rocky Ford Industrial Park described as follows: Beginning at the NE corner of said Reserve "A"; thence S00°00'00"E along the east line of said Reserve "A", 6.10 feet to the most easterly SE corner of said Reserve "A"; thence westerly along the south line of said Reserve "A", being a curve to the left, having a central angle of 02°27'20" and a radius of 352.50 feet, an arc distance of 15.11 feet, (having a chord length of 15.11 feet bearing S83°10'18"W), to a point 15.00 feet normally distant west of the east line of said Reserve "A"; thence N00°00'00"E parallel with the east line of said Reserve "A", 8.07 feet to a point on the north line of said Reserve "A"; thence S89°20'47"E along the north line of said Reserve "A", 15.00 feet to the point of beginning. Generally located east of Rock Road between 1/4 and 1/2 mile south of 31st Street South.

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 30th day of June, 2007⁸.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Thomas G. Winters
Thomas G. Winters, CHAIRMAN
Third 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: CUP2007-49 AND ZON2007-47 - DP-300 Rocky Ford Commercial CUP Amendment #1 to redesign the CUP and add property along the southern boundary and County zone change from "SF-20" Single-family Residential to "LC" Limited Commercial. Located east of Rock Road between 1/4 an 1/2 mile south of 31st Street South. (District V)

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

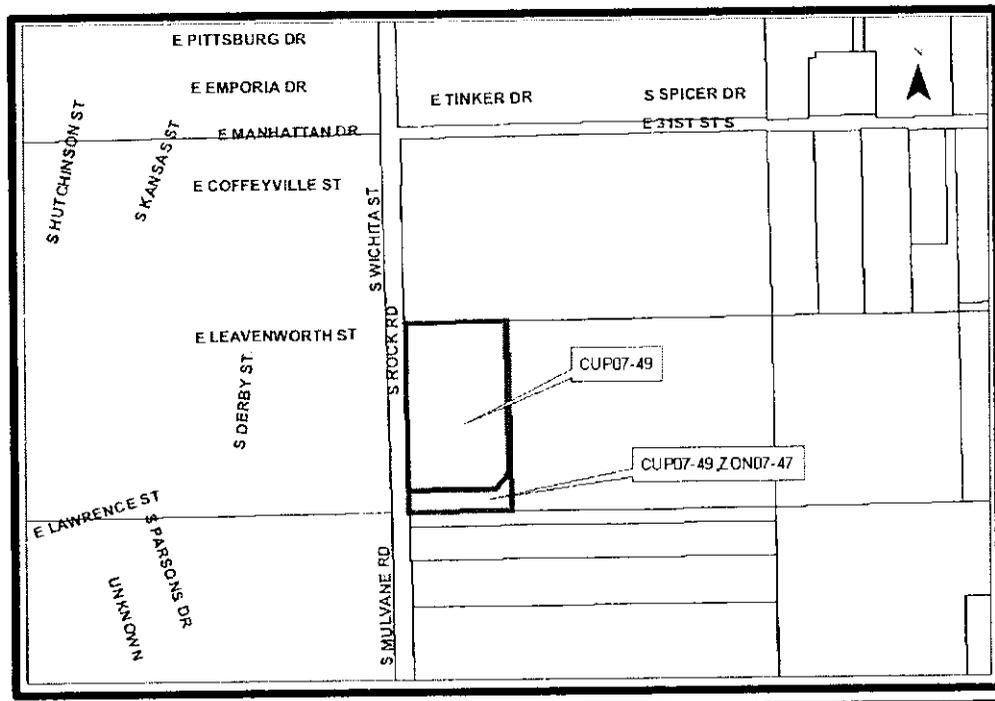
Recommended Action: Approve the zone change to LC and Amendment #1 to DP-300 Rocky Ford Commercial CUP subject to platting within one year and conditions of the CUP, adopt the findings of the Metropolitan Area Planning Commission: direct staff to prepare an appropriate resolution after the plat has been approved and authorize the Chairman to sign the resolution.

Proposed Agenda Date: November 21, 2007

Outside Attendees: Baughman Company, PA, c/o Phil Meyer (agent), 315 Ellis, Wichita, KS 67211

Multimedia Presentation: Powerpoint

Donations: Not applicable



BACKGROUND: The applicant proposes to rezone 2.8 acres from “SF-20” Single-family Residential to “LC” Limited Commercial and to add this 2.8 acres to DP-300 Rocky Ford Community Unit Plan. The tract being rezoned abuts the southern and eastern edge of the CUP and is located one-half mile south of 31st Street South and east of Rock Road. It was approved previously (ZON2007-19) for “IP” Industrial Park zoning but the plat has not been recorded to effectuate this zone change.

Amendment #1 to DP-300 would include the addition of land along the southern and eastern edge of the CUP. A public street would run through the CUP near the northern edge as the main access to a proposed industrial park to the east. A reserve would be platted between this street and the northern boundary of the CUP. Other changes to the CUP would be shifting parcel boundaries to accommodate the additional property and the new street and reserve. Ground signage is modified by allowing the 250 square feet of signage to be split into two signs, with one being located in Reserve “A”.

New parcel sizes would be: Parcel 1 – 1.43 acres (62,501 square feet), Parcel 2 1.43 acres (62,500 square feet), Parcels 3 and 4 - 1.15 acres (50,000 square feet), Parcel 5 - 1.14 acres (49,533 square feet), Parcel 6 – 13.04 acres (568,176 square feet) and Reserve “A” - 1.03 acres (44,715 square feet). Maximum building coverage remains at 30 percent and maximum gross floor area at 35 percent for Parcels 1-6.

The property is located close to McConnell Air Force Base and would be located within the AT/FP-O 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 CUP prohibits uses considered incompatible with McConnell Air Force Base such as residential uses and institutional and commercial uses with high concentrations of people. Also, the CUP restricts heights to 25 feet or two-story, whichever is less.

The site currently is in agricultural use. The property to the north, south and east is zoned SF-20 and is in agricultural use, but the property to the north is approved for LC and the property to the east is approved for IP zoning, pending final plat approval. McConnell Air Force Base is located west of Rock Road and is zoned AFB.

Analysis: At the MAPC meeting held October 18, 2007, MAPC voted (12-0) to approve the request subject to staff recommendation. No citizens were present to speak and no protests have been received. The MAPC recommendation was to APPROVE subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2007-47) to LC Limited Commercial subject to platting of the property within one year;
- B. APPROVE Amendment #1 to DP-300, subject to the following conditions:

1. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
2. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
3. All property included within this CUP and zone case shall be platted within one year after approval of this CUP amendment by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
4. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-300) includes special conditions for development on this property.
5. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Alternatives:

1. Approve the zone change and DP-300 Rocky Ford CUP Amendment #1 subject to platting within one year and subject to the conditions of the CUP; 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*