

DR 75-21 County Zoning Resolution  
Amendment - Time Limit for Re-  
filling of Cases

ACTION

DATE

COMMITTEE

M.A.P.C.

*Approved 7-24-75*

~~B.C.C.~~ B. CO. C.

*approved 8-13-75*

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

262-0611 — AREA CODE 316  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

July 8, 1975

To: All Parties Interested in the Sedgwick County  
Zoning Resolution.

Subject: Amendment to the Zoning Resolution  
Re: DR 75-21 - Time limitation for  
refiling cases.

It has recently been proposed that the Sedgwick County Zoning Resolution contain a provision similar to the City of Wichita's zoning ordinance whereby cases may not be refiled on the same property or portion thereof until one year has elapsed unless conditions have changed significantly. A copy of the proposed amendment is attached for your reference.

This proposal has been advertised to be considered at a public hearing before the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 24, 1975. This hearing will be held at 1:30 p.m. in the Planning Commission Conference Room, 4th Floor, City Building Annex, 104 South Main Street, Wichita, Kansas. Persons interested in commenting on the proposed amendment should plan to attend the public hearing.

A handwritten signature in cursive script that reads 'Robert A. Lakin'.

Robert A. Lakin  
Director of Planning

RAL:RLY:rme  
Attachments

(Published in the Wichita Beacon on July 8, 1975)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on July 24, 1975, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at 1:30 p.m., will consider the following changes to the Zoning Resolution of Sedgwick County, Kansas:

Add to Section 14, subsection C., a clause which requires one year to have elapsed prior to refiling a zoning change application or conditional use request on the same property or portion thereof unless conditions have changed significantly. The Zoning Committee of the planning commission may allow refiling within 6 months if, on the basis of a petition by the applicant, they determine a significant change in conditions has occurred.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department, 104 South Main Street, Wichita, Kansas.

The proposed amendment will there be discussed and considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Sedgwick County Zoning Resolution will be considered by the Commission as by law provided.

WITNESS my hand and seal this 8th day of July, 1975.

Robert A. Lakin, Secretary  
Wichita-Sedgwick County Metro-  
politan Area Planning Commission

(SEAL)

Proposed Amendment to the  
Sedgwick County Zoning Resolution scheduled for  
Public Hearing before the Wichita-Sedgwick  
County Metropolitan Area Planning Commission at 1:30 p.m.  
on Thursday, July 24, 1975

It is proposed to add the following to  
SECTION 14 - ADMINISTRATION; subsection C. -  
CHANGES AND AMENDMENTS:

5. Refiling of Applications: An application for a change of zoning or a conditional use permit shall not be filed within one year following the advertised public hearing date of a similar application on the same property or portion thereof; provided, however, the zoning committee of the planning commission, upon petition by the applicant, may permit a refiling of said application after six months of the original hearing date, when significant physical, economic or land use changes have taken place within the immediate vicinity or a significant zoning resolution text change has been adopted, or when the reapplication is for a more restrictive change of zoning classification or a different use request than the original request. The applicant shall submit a statement in detail, setting out those changes which he deems significant and upon which he relies for refiling the original application.

Proposed Amendment to the  
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WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

August 5, 1975

**TO** Board of Sedgwick County Commissioners

**FROM** Jack H. Galbraith, Chief Planner

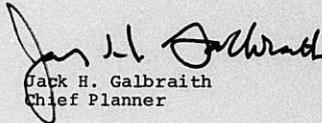
**SUBJECT** DR 75-21 - County Zoning Resolution  
Amendment - Time Limit for Refiling  
Cases

Attached is a copy of a proposed amendment to the Sedgwick County Zoning Resolution. The Metropolitan Area Planning Commission considered this proposal during a public hearing on July 24, 1975. At the conclusion of the hearing, the Planning Commission passed a motion recommending that the Board of County Commissioners adopt the proposed amendment.

Copies of the amendment were forwarded to several individuals and agencies, including the Wichita Association of Homebuilders and the Wichita Board of Realtors. We have not received any negative comments on the proposal, nor did anyone appear in opposition at the Planning Commission's public hearing.

If adopted, the proposed amendment would require one year to have elapsed prior to refiling the same zoning change or conditional use request on the same property. The Zoning Committee of the MAPC could allow an earlier refiling if conditions had changed significantly from the time of the original filing. This refiling provision is similar to one found in the zoning ordinance of the City of Wichita. In the City, it has been helpful in avoiding continuous refiling and rehearing of unapproved zoning cases. Although refiling of unapproved cases has not, to date, become a problem in the County, the adoption of the proposed amendment may effectively discourage such refilings in the future.

Consideration of this proposed amendment is scheduled for your regular meeting of August 13, 1975.

  
Jack H. Galbraith  
Chief Planner

JHG:RLY:ber

Attachment

cc: Jack Turner, County Counselor  
Charmaine McDonald, Deputy County Clerk  
Don Yelton, Acting Division Head  
County Planning, Building and Inspection

Proposed Amendment to the  
Sedgwick County Zoning Resolution scheduled for  
Public Hearing before the Wichita-Sedgwick  
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It is proposed to add the following to  
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#110

RESOLUTION

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958 WITH AMENDMENTS TO JULY 16, 1975, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS: BY AMENDING SECTION 14 OF THE SEDGWICK COUNTY, KANSAS, ZONING RESOLUTION: ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 14.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 24, 1975, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958 and subsequently amended, the following is added to SECTION 14 - ADMINISTRATION; Subsection C. - CHANGES AND AMENDMENTS:

- 5. Refiling of Applications: An application for a change of zoning or a conditional use permit shall not be filed within one year following the advertised public hearing date of a similar application on the same property or portion thereof; provided, however, the zoning committee of the planning commission, upon petition by the applicant, may permit a refiling of said application after six months of the original hearing date, when significant physical, economic or land use changes have taken place within the immediate vicinity or a significant zoning resolution text change has been adopted, or when the reapplication is for a more restrictive change of zoning classification or a different use request than the original request. The applicant shall submit a statement in detail, setting out those changes which he deems significant and upon which he relies for refiling the original application.

SECTION II. This resolution shall take effect and be enforced from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED this 13<sup>th</sup> day of August, 1975.



George Pierce  
George Pierce, County Clerk  
(SEAL) *by C. McDonald - Deputy*

Approved as to form by  
Jack Turner  
Jack Turner, County Counselor

Earl E. Rush  
Earl E. Rush, Chairman

Tom Scott  
Tom Scott, Commissioner

John Hale  
John Hale, Commissioner

August 5, 1975

Board of Sedgwick County Commissioners

Jack H. Galbraith, Chief Planner

DR 75-21 - County Zoning Resolution  
Amendment - Time Limit for Refiling  
Cases

Attached is a copy of a proposed amendment to the Sedgwick County Zoning Resolution. The Metropolitan Area Planning Commission considered this proposal during a public hearing on July 24, 1975. At the conclusion of the hearing, the Planning Commission passed a motion recommending that the Board of County Commissioners adopt the proposed amendment.

Copies of the amendment were forwarded to several individuals and agencies, including the Wichita Association of Homebuilders and the Wichita Board of Realtors. We have not received any negative comments on the proposal, nor did anyone appear in opposition at the Planning Commission's public hearing.

If adopted, the proposed amendment would require one year to have elapsed prior to refiling the same zoning change or conditional use request on the same property. The Zoning Committee of the MAPC could allow an earlier refiling if conditions had changed significantly from the time of the original filing. This refiling provision is similar to one found in the zoning ordinance of the City of Wichita. In the City, it has been helpful in avoiding continuous refiling and rehearing of unapproved zoning cases. Although refiling of unapproved cases has not, to date, become a problem in the County, the adoption of the proposed amendment may effectively discourage such refilings in the future.

Consideration of this proposed amendment is scheduled for your regular meeting of August 13, 1975.

Jack H. Galbraith  
Chief Planner

JHG:RLY:ber

Attachment

cc: Jack Turner, County Counselor  
Charmaine McDonald, Deputy County Clerk  
Don Yelton, Acting Division Head  
County Planning, Building and Inspection

August 5, 1975

Jack Turner, County Counselor

Jack H. Galbraith, Chief Planner

DR 75-21 - County Zoning Resolution  
Amendment - Time Limit for Refiling  
Cases

Attached for your information and files is a copy of a proposed amendment to the Sedgwick County Zoning Resolution. This proposal would require a specified amount of time to pass prior to refiling of zoning and conditional use cases on the same properties. A public hearing on this amendment was conducted by the Metropolitan Area Planning Commission on July 24, 1975. At the conclusion of the hearing, the MAPC passed a motion recommending the adoption of the amendment by the Sedgwick County Commission.

In the event the County Commission decides to adopt the proposal, attached for your review and approval is a copy of a resolution intended to effectuate the amendment.

If you have any comments in regard to the form and content of the Resolution, please advise prior to the August 13, 1975 County Commission meeting date and we will make the necessary corrections prior to the resolution being submitted to the Commissioners for their signatures.

Jack H. Galbraith  
Chief Planner

JHG:ber

Attachments

RESOLUTION

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958 WITH AMENDMENTS TO JULY 16, 1975, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS: BY AMENDING SECTION 14 OF THE SEDGWICK COUNTY, KANSAS, ZONING RESOLUTION: ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 14.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 24, 1975, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958 and subsequently amended, the following is added to SECTION 14 - ADMINISTRATION; Subsection C. - CHANGES AND AMENDMENTS:

5. Refiling of Applications: An application for a change of zoning or a conditional use permit shall not be filed within one year following the advertised public hearing date of a similar application on the same property or portion thereof; provided, however, the zoning committee of the planning commission, upon petition by the applicant, may permit a refiling of said application after six months of the original hearing date, when significant physical, economic or land use changes have taken place within the immediate vicinity or a significant zoning resolution text change has been adopted, or when the reapplication is for a more restrictive change of zoning classification or a different use request than the original request. The applicant shall submit a statement in detail, setting out those changes which he deems significant and upon which he relies for refiling the original application.

SECTION II. This resolution shall take effect and be enforced from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1975.

\_\_\_\_\_  
Earl E. Rush, Chairman

\_\_\_\_\_  
Tom Scott, Commissioner

\_\_\_\_\_  
John Hale, Commissioner

ATTEST:

\_\_\_\_\_  
George Pierce, County Clerk  
(SEAL)

Approved as to form by

\_\_\_\_\_  
Jack Turner, County Counselor

July 16, 1975

Wichita-Sedgwick County Metropolitan  
Area Planning Commission  
Robert A. Lakin, Director of Planning

DR 75-21 - Amendment to the County Zoning  
Resolution Re: Time Limit for Refiling of  
Cases

Attached for your consideration is a proposed amendment to the Sedgwick County Zoning Resolution. This proposal would add a clause to the resolution which requires one year to have elapsed prior to the refiling of the same zoning change or conditional use request on a property or portion thereof. This provision is consistent with the one found in the Zoning Ordinance of the City of Wichita. In the City, it has been helpful in avoiding the continual refiling and rehearing of unapproved zoning cases. The proposed amendment would delay refiling for one year or six months if, in the opinion of the MAPC Zoning Committee, conditions effecting the case had changed significantly.

This amendment is scheduled for consideration during your meeting of July 24, 1975.

Robert A. Lakin  
Director of Planning

RAL:RLY:ber

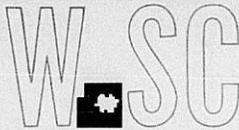
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on Thursday, July 24, 1975

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WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

262-0611 — AREA CODE 316  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

July 8, 1975

**To:** All Parties Interested in the Sedgwick County  
Zoning Resolution.

**Subject:** Amendment to the Zoning Resolution  
Re: DR 75-21 - Time limitation for  
refiling cases.

It has recently been proposed that the Sedgwick County Zoning Resolution contain a provision similar to the City of Wichita's zoning ordinance whereby cases may not be refiled on the same property or portion thereof until one year has elapsed unless conditions have changed significantly. A copy of the proposed amendment is attached for your reference.

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Robert A. Lakin  
Director of Planning

RAL:RLY:rme  
Attachments

(Published in the Wichita Beacon on July 8, 1975)

OFFICIAL NOTICE

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Add to Section 14, subsection C., a clause which requires one year to have elapsed prior to refiling a zoning change application or conditional use request on the same property or portion thereof unless conditions have changed significantly. The Zoning Committee of the planning commission may allow refiling within 6 months if, on the basis of a petition by the applicant, they determine a significant change in conditions has occurred.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department, 104 South Main Street, Wichita, Kansas.

The proposed amendment will there be discussed and considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Sedgwick County Zoning Resolution will be considered by the Commission as by law provided.

WITNESS my hand and seal this 8th day of July, 1975.

Robert A. Lakin, Secretary  
Wichita-Sedgwick County Metro-  
politan Area Planning Commission

(SEAL)

*Noticis Mailed*  
*7/8/75*

ZONING AMENDMENT MAILOUT LIST

- ✓ 1. M. S. Mitchell  
Maintenance-Flood Control
- ✓ 2. Bill Morris  
Public Information Office  
City of Wichita
- ✓ 3. Jack Turner  
Sedgwick County Counselor  
320 Sedgwick County Courthouse  
Wichita, Kansas 67203
- ✓ 4. G. C. McLure, Director  
Department of Public Works  
1015 Stillwell  
Wichita, Kansas 67213
- ✓ 5. Syd Werbin  
County Zoning Administrator  
1015 Stillwell  
Wichita, Kansas 67213
- ✓ 6. John Hale  
County Commissioner  
320 Sedgwick County Courthouse  
Wichita, Kansas 67203
- ✓ 7. Earl E. Rush, Chairman  
Board of County Commissioners  
320 Sedgwick County Courthouse  
Wichita, Kansas 67203
- ✓ 8. Tom Scott  
County Commissioner  
320 Sedgwick County Courthouse  
Wichita, Kansas 67203
- ✓ 9. Jack Hutchinson, Chairman  
Cheney Planning Commission  
P. O. Box 220  
Cheney, Kansas 67025
- ✓ 10. Art Woodman, Chairman  
Derby City Planning Commission  
Century Plaza Building  
Wichita, Kansas 67202
- ✓ 11. Joe Dooley, Chairman  
Garden Plain Planning Com.  
Garden Plain, Kansas 67050
- ✓ 12. Bill Stovall, Chairman  
Goddard Planning Com.  
1250 Reese Road  
Goddard, Kansas 67052
- ✓ 13. Ronald Ford, Chairman  
Haysville Planning Com.  
416 Clinton  
Haysville, Kansas 67060
- ✓ 14. Don Porter, Chairman  
Mount Hope Planning Com.  
Mount Hope, Kansas 67108
- ✓ 15. G. A. Wessels, Chairman  
Mulvane Planning Com.  
RFD #1  
Mulvane, Kansas 67110
- ✓ 16. Listin Onstatt, Chairman  
Valley Center Planning Com.  
500 Colby  
Valley Center, Kansas 67147
- ✓ 17. A. T. Jones, President  
Wichita Bar Association  
700 Farm Credit Bank Bldg.  
Wichita, Kansas 67202
- ✓ 18. Richard Upton, Exec. Vice Pres.  
Wichita Chamber of Commerce  
350 West Douglas  
Wichita, Kansas 67202
- ✓ 19. Timothy J. Hurley,  
Executive Vice President  
Wichita Assn. of Homebuilders  
730 North Main  
Wichita, Kansas 67203
- ✓ 20. Larry L. Henry  
District Conservationist  
Soil Conservation Service  
4100 Maple  
Wichita, Kansas 67209

7/2/75

- ✓ 21. Colby Sandlian  
230 230 South Market  
Wichita, Kansas 67202
- ✓ 22. Nestor Weigand, Jr.  
110 North Main Street  
Wichita, Kansas 67202
- ✓ 23. James A. Maguire, Pres.  
Wichita Board of Realtors  
626 North Broadway  
Wichita, Kansas 67214
- ✓ 24. Wesley E. Galyon  
Executive Vice President  
Wichita Board of Realtors  
626 North Broadway  
Wichita, Kansas 67214
- ✓ 25. J. Craig Mann, Chairman  
Zoning-Subdivision Com.  
Wichita Assn. of Homebuilders  
Design Concepts  
151 North Broadway  
Wichita, Kansas 67202
- ✓ 26. Baughman Company  
330 Laura  
Wichita, Kansas 67211
- ✓ 27. John Callahan  
Attorney at Law  
811 Union Center Bldg.  
Wichita, Kansas 67202
- ✓ 28. Campbell & Castle Engineers  
P. O. Box 1835  
Wichita, Kansas 67201
- ✓ 29. R. S. Delamater  
Consulting Engineer  
Century Plaza Building  
Wichita, Kansas 67202
- ✓ 30. Earl T. Graves  
Wheeler, Kelly, Hagny  
100 North Broadway  
Wichita, Kansas 67202
- ✓ 31. Don C. Moehring, Engineer  
314 Brown Building  
Wichita, Kansas 67202
- ✓ 32. Oblinger & Smith Corp.  
625 First National Bank Bldg.  
Wichita, Kansas 67202
- ✓ 33. Professional Engineering  
Consultants  
1440 East English  
Wichita, Kansas 67214
- ✓ 34. Reiss and Goodness  
2160 East Douglas  
Wichita, Kansas 67214
- ✓ 35. Kenneth O. Taylor, Engineer  
1542 South St. Francis  
Wichita, Kansas 67211

7/2/75

CLIPPING FR.  
THE BEACON  
7/8/75

Published in the Wichita Beacon on July 8, 1975

**OFFICIAL NOTICE  
TO WHOM IT MAY CONCERN AND TO  
ALL PERSONS INTERESTED:**

NOTICE IS HEREBY GIVEN that on July 26, 1975, the Wichita-Sedgewick County Metropolitan Area Planning Commission, in Room 401, City Building Annex, 1st South Main, Wichita, Kansas at 1:30 p.m., will consider the following changes to the Zoning Resolution of Sedgewick County, Kansas:

Add to Section 14, subsection C., a clause which requires one year to have elapsed prior to refileing a zoning change application or conditional use request on the same property or portion thereof unless conditions have changed significantly. The Zoning Committee of the planning commission may allow refileing within 6 months if, on the basis of a petition by the applicant, they determine a significant change in conditions has occurred.

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WITNESS my hand and seal this 6th day of July, 1975.

Robert A. Lakin, Secretary  
Wichita-Sedgewick County Metropolitan Area Planning Commission  
(SEAL)

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Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department, 104 South Main Street, Wichita, Kansas.

The proposed amendment will there be discussed and considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Sedgwick County Zoning Resolution will be considered by the Commission as by law provided.

WITNESS my hand and seal this 8th day of July, 1975.

Robert A. Lakin, Secretary  
Wichita-Sedgwick County Metro-  
politan Area Planning Commission

(SEAL)

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

June 24, 1975

**TO** Jack Galbraith, Chief Planner  
**FROM** Robert A. Lakin, Director of Planning  
**SUBJECT** County Zoning Resolution - Time  
Limit for Refiling of Cases

At the request of Jack Turner and with my concurrence, please initiate a change to the County Zoning Resolution which would replicate the clause in the City ordinance that prohibits the refiling of an application within one year's time. Please remember to have whoever prepares this furnish notices to the Homebuilders, Real Estate industry, etc.

  
Robert A. Lakin  
Director of Planning

RAL:ber

June 24, 1975

Jack Galbraith, Chief Planner

Robert A. Lakin, Director of Planning

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