

1-04

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RESOLUTION NO. 1-04

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. ZON2003-00062

Sedgwick County Zone change from "SF-20" Single-family Residential to "GC" General Commercial on property described as:

A tract of land lying in a portion of Reserve "C", Oaklawn, Sedgwick County, Kansas, said tract being more particularly described as follows: The North 40 feet of the East 100 feet of said Reserve "C". Said tract contains 0.09 acres of land more or less. Generally located west of Cedardale Avenue on the south side of 47th Street South.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY #131:

1. The property shall be limited to the placement of one ground sign that is no greater than 20 feet in height and larger than 30 square feet in area and those uses permitted in the "SF-20" Single-family Residential zoning district.

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:

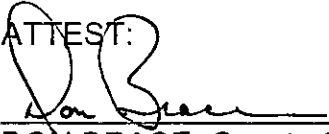
DAVE UNRUH	<u>aye</u>
TIM R. NORTON	<u>aye</u>
THOMAS G. WINTERS	<u>aye</u>
CAROLYN MCGINN	<u>absent</u>
BEN SCIORTINO	<u>aye</u>

DATED this 7th day of January, 2004

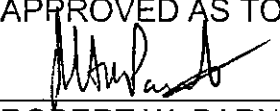
BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


TIM R. NORTON, CHAIRMAN
Second District

ATTEST:


DON BRACE, County Clerk

APPROVED AS TO FORM:


ROBERT W. PARNACOTT,
Assistant County Counselor



STAFF REPORT

MAPC December 11, 2003

CASE NUMBER: ZON2003-00062

APPLICANT/AGENT: Oaklawn Improvement District (owner), MKEC, c/o Brian Lindebak (agent)

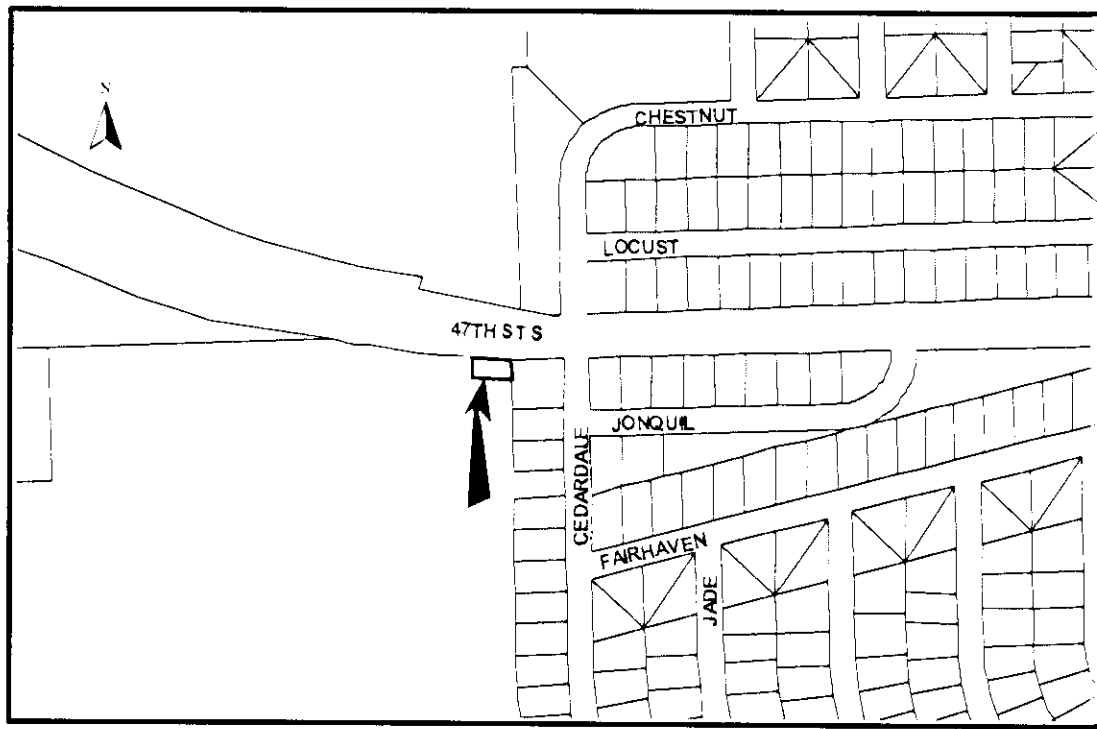
REQUEST: "GC" General Commercial

CURRENT ZONING: "SF-20" Single-family Residential

SITE SIZE: 0.09 acre

LOCATION: West of Cedardale Avenue on the south side of 47th Street South

PROPOSED USE: Placement of a community sign



BACKGROUND: The applicant is requesting to rezone a 0.09-acre tract from "SF-20" Single-family Residential to "GC" General Commercial to permit placement of a community sign on the site within the Idlewild Park that is located in the Oaklawn community. The site is located along 47th Street South approximately 150 feet west of Cedardale Avenue. Staff has been told the sign would be used primarily to provide information on upcoming community events. The proposed sign is approximately 25 square feet in size and 18 feet in height. The rezoning request comprises only 4,000 square feet and is designed only as a site for the sign to be located and not for other commercial types of use.

The zone change is requested because the sign is considered an off-site sign and the Unified Zoning Code prohibits off-site signage in the "LC" and less intensive zoning districts in the unincorporated areas of Sedgwick County.

Other surrounding land uses includes a real estate office on property zoned "SF-5" Single-family Residential abutting the proposed site for the sign on the east, single-family housing to the east and southeast on property zoned "SF-5", a natural gas utility facility and parkland to the south and west, another large open field to the northwest, and more single-family housing to the northeast. The Arkansas River is approximately ¼ mile to the west. Cooper Elementary School is located two blocks north of the site and is visible from the community center.

CASE HISTORY: The property is part of Reserve C, Oaklawn Subdivision, recorded December 5, 1951.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Open space
SOUTH:	"SF-20"	Parkland, community center
EAST:	"SF-5"	Single-family residential, real estate office
WEST:	"SF-20"	Utility facility, parkland

PUBLIC SERVICES: The site is located on 47th Street South, a four-lane principal arterial. Other normal public services are available. The proposed sign should not affect or require additional public services.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the 1999 *Update to the Wichita/Sedgwick County Comprehensive Plan*, amended in January 2002, identifies the property as appropriate for "parkland and open space".

RECOMMENDATION: The request is solely intended to provide zoning that would allow placement of a modestly sized sign to display messages about community functions in Oaklawn. Based on these factors plus the information available prior to

public hearing, planning staff recommends that the request be APPROVED, subject to the following provisions of a Protective Overlay District:

1. The property shall be limited to the placement of one ground sign that is no greater than 20 feet in height and larger than 30 square feet in area and those uses permitted in the "SF-20" Single-family Residential zoning district.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property to the north and east is zoned "SF-5" Single-family Residential and developed single-family residences; a real estate office also adjoins the property to the east. The property to the northeast, zoned "SF-20" Single-family Residential, is a large open tract along the Arkansas River. The property to the west and southwest, zoned "SF-20" is also open space for parkland, Idlewild Park and community center, and a natural gas facility is located adjacent to the proposed site for the sign within the park. A school is located two blocks north of the proposed site.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-20", and should continue to be used as open space/parkland except for the 4,000 square foot area where the sign would be located.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The zone change should have minimal effects on the surrounding property because of the protective overlay restrictions to limit the use of the "GC" tract to the small size and to allow only the sign as an additional use to the "SF-20" uses.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the *Comprehensive Plan* identifies the area as suitable for parkland/open space. The proposed sign supports the institutional nature of the park and adjoining community facility by providing informational messages on upcoming community events and activities.
5. Impact of the proposed development on community facilities: None anticipated.