

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

**PROPOSED AGENDA ITEMS :** SCZ- 0693 - Zone change from 'R' Rural Residential District and the 'R-1' Suburban Residential District to the 'E' Light Industrial District, located at the southwest corner of Ridge Road and Highway K-42.

**PRESENTED BY:** Marvin S. Krout, Director of Planning



**PROPOSED AGENDA DATE:** October 4, 1995

**COMMISSION DISTRICT # 2**

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MAPC Recommendation: 7-13-95 - Defer  
8-31-95 - Approve, subject to platting (9-2)

Staff Recommendation: Deny.

Wichita Airport Authority: Deny (5-3)

**BACKGROUND:** The applicant requests a zone change from the 'R' Rural Residential District and the 'R-1' Suburban Residential District to the 'E' Light Industrial District for an 8.8 acre unplatted site located at the southwest corner of Ridge Road and Highway K-42. The subject property is currently undeveloped and used for agricultural purposes. The contract purchaser proposes to develop an agricultural implement dealership on the site.

In the existing County Zoning Resolution, the proposed agricultural implement business is first permitted in the 'C' General Commercial district with a Conditional Use Permit or first permitted by right in the 'E' Light Industrial district. However, in the proposed "Unified Zoning Code for Wichita-Sedgwick County", the proposed use would be permitted in the existing zoning district with a Conditional Use Permit as an agricultural sales and service establishment and would not require a rezoning to a more intensive zoning district. The agricultural sales and service category would include establishments primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, propane, butane, anhydrous ammonia, farm supplies, and accessory food sales and machinery repair services.

The proposed "Unified Zoning Code for Wichita-Sedgwick County" also includes an

agricultural zoning district that is intended to preserve existing agricultural resources and prevent the premature conversion of rural lands into suburban use. The district's development standards are designed to implement the Wichita-Sedgwick County Comprehensive Plan development goals by discouraging urban development in areas that are not well served by public facilities and services.

The subject property is surrounded by agricultural uses to the west, south, and east. The property directly to the north is part of the Mid-Continent Airport and is located within the Wichita city limits. Cessna is located northeast of the subject property on the north side of Highway K-42. The nearest properties zoned nonresidentially on the south side of K-42 are located over ½ mile to the east (J.I. Case Addition west of K-42 and Hoover Road) and 1 ½ miles to the west (Mid-Continent Industrial Park east of K-42 and Maize Road).

The subject property is located directly under the approach to the Airport runway that runs north-northeast/south-southwest on the east side of the airport terminal. Staff for the Airport Authority indicate that the Airport's long range plan projects this area south of the Airport to be significantly impacted by noise in the future. This general area also does not have either municipal water or sewer service. Potentially, such services could be extended to serve this area. However, during preapplication discussions, the applicant indicated to staff that he did not want to extend water or sewer services to the site because of the expense. While this site could potentially develop with industrial uses without municipal services, the site could develop into a hazardous situation, particularly without any water service, because the nearest fire station is located several miles away. It is also unlikely that the Fire Department would approve a plan to develop a site in this location adjacent to the City without any water service. Since this site is located adjacent to the Wichita City Limits, annexation to Wichita would be required at the time that the property is platted.

After holding public hearings on July 13, 1995 and August 31, 1995, the MAPC voted to recommend approval of the request. Several Commissioners expressed concern about the range of uses that would be permitted by 'E' zoning. However, the applicant offered to work with the Wichita Airport Authority to develop restrictive covenants for the property that would exclude uses that could create a hazard for air traffic. The MAPC felt that the proposed agricultural implement dealership would be a compatible land use for this area south of the airport. Since the MAPC hearing, the applicant has prepared a Restrictive Covenant, which is scheduled for consideration by the Airport Authority at their meeting on October 2, 1995. The covenant would offer land use restrictions similar to those established in the McConnell Airport Overlay Zone, in the flight path of the Air Force base runways.

- Recommended Action:
1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the condition of platting; adopt a resolution establishing the zone change and instruct the Planning Department to withhold publication until the plat has been recorded with the Register of Deeds; or
  
  2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

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Applicants: Raymond & Catherine Schecher, 431 Topaz Wichita, KS 67209  
Baughman Co., c/o Phil Meyer, 315 Ellis, Wichita, KS 67211  
Caldwell Equip.Co., c/o Sid Caldwell, 1210 S. West St. Wichita, KS 67213  
Rod Anderson, Mark Chappelle Real Est., 520 S. Holland Wichita, KS 67209

RESOLUTION NO. 228-1995

FILE COPY

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 7.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY 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 17.C of the Zoning Regulations, the zoning district of the lands legally described below are hereby changed as follows:

**Case No. SCZ-0693**

Zone change request from "R" Rural Residential District & the "R-1" Suburban Residential District to the "E" Light Industrial District on property generally located at the southwest corner of Ridge Road and Highway K-42.

Described as : the N 1/2 of the NE 1/4 of Section 9, Township 28S, R1W of the 6th P.M., Sedgwick County, Kansas, lying south of Railroad right-of-way, and except the west 2 rods and except 18.35 acres CCA B-321 taken for park.

**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 and publication in the official county paper.

Commissioners present and voting were:

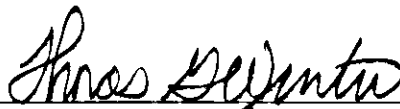
PAUL W. HANCOCK	<u>aye</u>
THOMAS G. WINTERS	<u>aye</u>
MELODY C. MILLER	<u>aye</u>
MARK F. SCHROEDER	<u>aye</u>
BETSY GWIN	<u>aye</u>

DATED this 4<sup>th</sup> day of October, 1995.

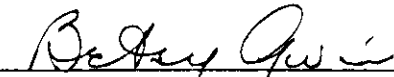
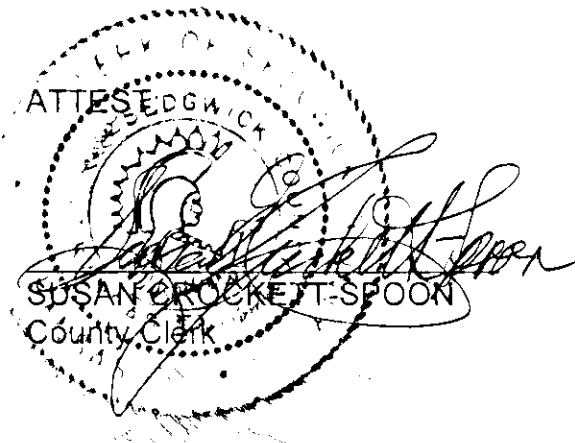
BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS



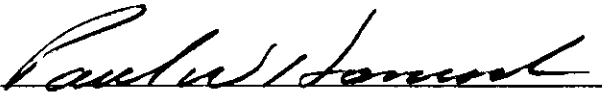
MARK F. SCHROEDER, Chairman



THOMAS G. WINTERS, Chairman Pro Tem



BETSY GWIN, Commissioner



PAUL W. HANCOCK, Commissioner



County Counselor/Assistant



MELODY C. MILLER, Commissioner