

(150006) Published in The Wichita Eagle on Aug 24 2009  
RESOLUTION NO. 113-09

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. ZON2009-13**

Zone change request from SF-20 Single-family Residential ("SF-20") and LC Limited Commercial ("LC") to LI Limited Industrial ("LI"), subject to the applicant requesting annexation within 120 days of final approval, on property described as:

A tract in the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the 6th P.M. Sedgwick County, Kansas, described as: Beginning at a point on the West line and 1435.93 feet South of the Northwest corner of said Southwest Quarter; thence East, parallel with the North line of said Southwest Quarter, 325 feet'; thence North, parallel with the West line of said Southwest Quarter, 504.08 feet; thence East, parallel with the North line of said Southwest Quarter, 367.15; thence South parallel with the West line of said Southwest Quarter, 1376 feet more or less to a point 350 feet North of the South line of said Southwest Quarter; thence West parallel with the South line of said Southwest Quarter, 180 feet; thence North, Parallel with the West line of said Southwest Quarter 822.8 feet more or less to a point 1485.93 feet South of the North line of said Southwest Quarter, thence West, parallel with the North line of said Southwest Quarter, 512.15 feet to a point on the West line of said Southwest Quarter; thence North, along the West line of said Southwest Quarter, 50 feet to the point of beginning; generally located east of West Street and north of MacArthur Road.

**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 and publication in the official county newspaper.

Commissioners present and voting were:

DAVID M. UNRUH	<u>Aye</u>
TIM R. NORTON	<u>Aye</u>
KELLY PARKS	<u>Aye</u>
GWEN WELSHIMER	<u>Aye</u>
KARL PETERJOHN	<u>Aye</u>

DATED this 24th day of June, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

Kelly Parks  
CHAIRMAN

ATTEST:

for Karen S. Bailey  
County Clerk  
APPROVED AS TO FORM:

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

# AGENDA ITEM REQUEST

**Proposed Agenda Item:** ZON2009-13/CON2009-14 – County zone change from SF-20 Single-Family Residential and LC Limited Commercial to LI Limited Industrial and Conditional Use for Wrecking/Salvage Yard to expand an existing auto pool. (District II)

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

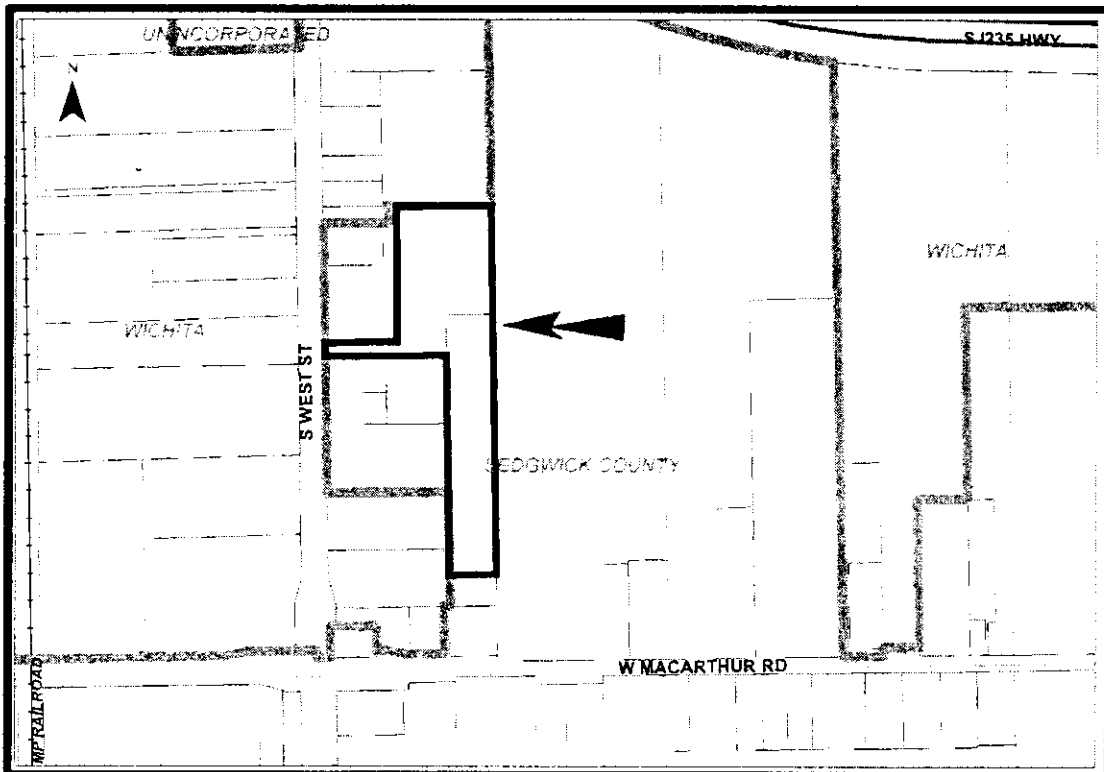
**Recommended Action:** Adopt the findings of the Metropolitan Area Planning Commission; approve the zone change and the Conditional Use, subject to the recommended conditions, and authorize the Chairman to sign the resolution when recommended conditions have been met.

**Proposed Agenda Date:** June 24, 2009

**Outside Attendees:** Salpulpa Auto Pool (Applicant)  
Ferris Consulting, c/o Greg Ferris (Agent)

**Multimedia Presentation:** PowerPoint

**Donations:** Not applicable



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**Background:** The applicant has an existing auto pool yard at 3950 S West Street in LI Limited Industrial ("LI") zoning, approved as CON2008-19 by the MAPC on May 8, 2008. The applicant now wishes to expand the auto pool and requests this zone change and conditional use.

The 8.4-acre application area is currently designated by the county tax assessor as farm/ranch land. The West Street and MacArthur Road intersection area is primarily zoned LI with some LC Limited Commercial ("LC") and SF-20 Single-family Residential ("SF-20") zoning located east of West Street. North of the site is LI zoned property used for warehousing and storage. South of the site is a LC zoned single-family residence and manufactured home site. East of the application area is SF-20 zoned farm and ranch land. West of the site and on the east side of West Street are two SF-20 zoned church properties, SF-20 zoned farm/ranch land, LI zoned retail and a SF-20 zoned single-family residence. On the west side of West Street are LI zoned warehousing and truck terminal land uses.


**Analysis:** On May 21, 2009, the MAPC considered the above captioned request. One residential neighbor spoke against the request. The action of the MAPC was to approve the request subject to the applicant requesting annexation within 120 days of final approval, and staff recommended conditions. Two residential neighbors submitted letters opposed to this request. Both neighbors own property over 400 feet southeast of the site. One commercial neighbor west of the site submitted a letter of support, and one church property west of the site submitted a letter of support. The two protest petitions equal a 2.3% protest percentage and do not trigger the three-fourths vote requirement. (See the attached protest map.)

**Alternatives:**

1. Adopt the findings of the Metropolitan Area Planning Commission; approve the zone change and Conditional Use subject to the recommended conditions; authorize the Chairman to sign the zone change and conditional use resolutions (requires a simple majority vote).
2. Return the recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove (requires a simple majority vote).
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:**   <sup>HWF</sup> *Approved as to form and signed by County Counselor's Office*