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RESOLUTION NO. 108-2014

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. ZON2012-00030

Zone change request from SF-20 Single-family Residential ("SF-20") to GC General Commercial ("GC") on property described as:

Tracy Electric South Lot Addition, generally located on the west side of South Broadway, 340 feet south of West 79th 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 and publication in the official county newspaper.

Commissioners present and voting were:

DAVID M. UNRUH	<u>Aye</u>
TIM R. NORTON	<u>Aye</u>
KARL PETERJOHN	<u>Aye</u>
RICHARD RANZAU	<u>Aye</u>
JAMES B. SKELTON	<u>Aye</u>

DATED this 14th day of July, 2014.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

David M. Unruh

David M. Unruh, CHAIRMAN
First District

ATTEST:

Kelly B. Arnold

KELLY B. ARNOLD, County Clerk
APPROVED AS TO FORM:



Robert W. Parnacott

ROBERT W. PARNACOTT,
Assistant County Counselor

Background: The application area is an unplatted .61 acre tract zoned SF-20 Single-family Residential ("SF-20") that was developed with a single-family residence that has since been demolished. The subject tract is located on the west side of South Broadway, approximately 340 feet south of East 79th Street South (8051 South Broadway). The applicant proposes to rezone the property to GC General Commercial ("GC") in order to expand his existing electric contractor business located immediately to the north. The property has approximately 94 feet of frontage on South Broadway.

Neighboring properties are zoned GC General Commercial ("GC"), SF-20 or RR Rural Residential ("RR"), and are developed with the applicant's electric contractor business, a single-family residence (north); single-family residences, a non-conforming retail business (east, across Broadway); single-family residences (south) and vacant land (west). Broadway carries a significant volume of local traffic, and also provides an important regional link between Haysville and points located further south, including the casino and other cities in the region, such as Mulvane and Wellington.

The property is located with the City of Haysville's subdivision jurisdiction; therefore, any plat for this property would be subject to Haysville's Subdivision Regulations. Haysville's city limits are located approximately one-quarter mile to the northwest. If the request is approved, the site will be subject to the zoning code's screening and compatibility requirements that are triggered when a non-residentially zoned site abuts a duplex or single-family residentially zoned site. Fencing or solid landscaping or berms or some combination of all three, between six and eight feet in height; building setbacks of at least 15 feet; and the screening of dumpsters and outdoor work areas are examples of code required screening and buffering.

Analysis: The Haysville Planning Commission approved (7-1) the requested zoning, subject to platting within one year, at their November 15, 2012 meeting. No citizens spoke in opposition at the Haysville meeting. At the Metropolitan Area Planning Commission (MAPC) meeting held December 6, 2012, the MAPC voted (11-0) to recommend approval of the requested zone change subject to platting within a year. A resolution will be provided for the Chairman to sign when the plat is recorded.


Alternatives:

1. Adopt the findings of the Metropolitan Area Planning Commission, approve the zone change to GC General Commercial ("GC"), subject to platting within one year, authorize the Chairman to sign the resolution once the plat is recorded and authorize the resolution to be published. (requires a simple majority vote).
2. Deny the zone change and override the MAPC's recommendation (requires a two-third majority vote).
3. Return such recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove (requires a simple majority vote).

Financial Considerations: There are not any additional financial considerations to the County associated with this application.

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:*** The City and County are authorized by K.S.A. 12-741, et seq. to adopt a joint zoning code. The City and County have done so, and in that code have provided for the zoning of properties by approval of a zone change (Sec. V-C of the Unified Zoning Code).