

DATED this 17th day of March, 2005

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

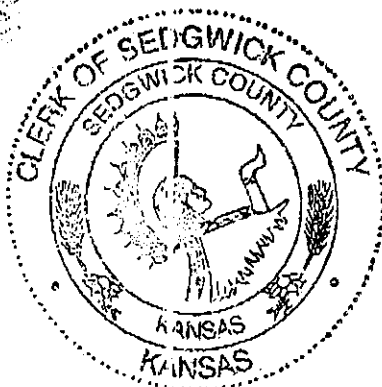
David M. Unruh
DAVID M. UNRUH, CHAIRMAN
First District

ATTEST:

Don Brace
DON BRACE, County Clerk

APPROVED AS TO FORM:

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



(150004) Published in The Derby Reporter on _____

RESOLUTION NO. 34-05

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. ZON2004-00011

Zone change from "RR" Rural Residential to "NO" Neighborhood Office, on property described as:

Lot 1, Block A, KDMM Addition, Sedgwick County, Kansas. Generally located north of 53rd Street North and approximately 3/8 mile east of Tyler Road. (8100 W. 53rd Street North).

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:

DAVID M. UNRUH	<u>Aye</u>
TIM R. NORTON	<u>Aye</u>
THOMAS G. WINTERS	<u>Aye</u>
CAROLYN MCGINN	<u>Aye</u>
BEN SCIORTINO	<u>Aye</u>

Background: The applicant is seeking to rezone 4.93 unplatted acres located 3/8 of a mile east of Tyler Road, north of 53rd Street North from "RR" Rural Residential to "NO" Neighborhood Office. The site is developed with a 2,618 square foot single-family residence built in 1989 that utilizes on-site sanitary sewer and water facilities. The zoning is being requested in order to redevelop the site for office use. The site has mature evergreen trees located on both the east and west sides of the structure and along most of the perimeter of the property. The structure is also set back over 120 feet from the nearest side and rear property line, buffering adjoining properties with the applicant's own property. A parking area is located in the front of the structure with two drives to 53rd Street.

There are homes located to the east and west of the site. There is also sand extraction being conducted on property located east of the application area. Property located north of the application area is also being mined for sand with eventual development as a residential subdivision. Land south of the site is being farmed. All surrounding property is zoned "RR" Rural Residential. The two sand pits have Conditional Use permits to allow for sand extraction.

Conversion of a single-family structure to a non-residential use will trigger the need for a building permit and a review of renovation plans. Renovation plans will be reviewed by County Code Enforcement per applicable building codes that may require significant alterations (e.g. Americans with Disability Act compliance; modification to on-site sewer systems) before the structure can be used for a nonresidential use. If this request is approved, and all the square footage of the existing structure counts towards the parking requirement, the applicant would need to provide 11 parking spaces. The two driveways on this site may not be in compliance with the County's current drive separation standards.

According to the recognized trip generation estimates, office uses generate on average 11 trips per 1,000 square feet of floor area. An office use on this site could generate approximately 27 trips per day.

Analysis: Both the MAPC and the City of Maize Planning Commission reviewed this case, and recommend approval unanimously. No one spoke in opposition at either meeting, and no protests have been received.

Alternatives:

1. Adopt the MAPC recommendation;
2. Override the MAPC recommendation by a 2/3 majority vote of the membership of the governing body; or
3. Return such recommendation to the MAPC with a statement specifying the basis for the failure to approve and disapprove.

Financial Considerations: Not applicable.

Policy Considerations: The MAPC recommendations are based on the findings of fact stated in the MAPC minutes.

Legal Considerations:    Approved as to form and signed by County Counselor's Office

AGENDA ITEM REQUEST

FILE COPY

Proposed Agenda Item: ZON2004-00011 – Sedgwick County Zone change from “RR” Rural Residential to “NO” Neighborhood Office. Generally located north of 53rd Street North and approximately 3/8 mile east of Tyler Road (8100 W. 53rd Street North). (District IV)

Presented By: Dale Miller, Current Plans Supervisor *DM for YS*

Recommended Action: Adopt the recommendation and findings of the MAPC, subject to platting within one year, direct staff to prepare an appropriate resolution after the plat is approved, and authorize the Chair to sign.

Proposed Agenda Date: May 19, 2004

Outside Attendees: Don Moehring, Moehring and Associates, 433 S. Hydraulic, Wichita, KS 67211

Multimedia Presentation: Powerpoint

Donations: Not applicable

