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RESOLUTION NO. 51-08

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. ZON2005-00038

Zone change request to "LI" Limited Industrial on property described as:

The MDI Addition to Sedgwick County, Kansas.

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>
LUCY BURTNETT	<u> Aye </u>
BEN SCIORTINO	<u> Aye </u>

DATED this 10th day of April, 2008

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Thomas G. Winters

Thomas G. Winters, CHAIRMAN
District III

ATTEST:

Don Brace

DON BRACE, County Clerk

APPROVED AS TO FORM:

Robert W. Parnacott

ROBERT W. PARNACOTT,
Assistant County Counselor



AGENDA ITEM REQUEST

Proposed Agenda Item: ZON2005-00038 – Sedgwick County Zone change from “RR” Rural Residential to “LI” Limited Industrial. Generally located at the southeast corner of 15th Street South and 375th Street West. (District III)

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

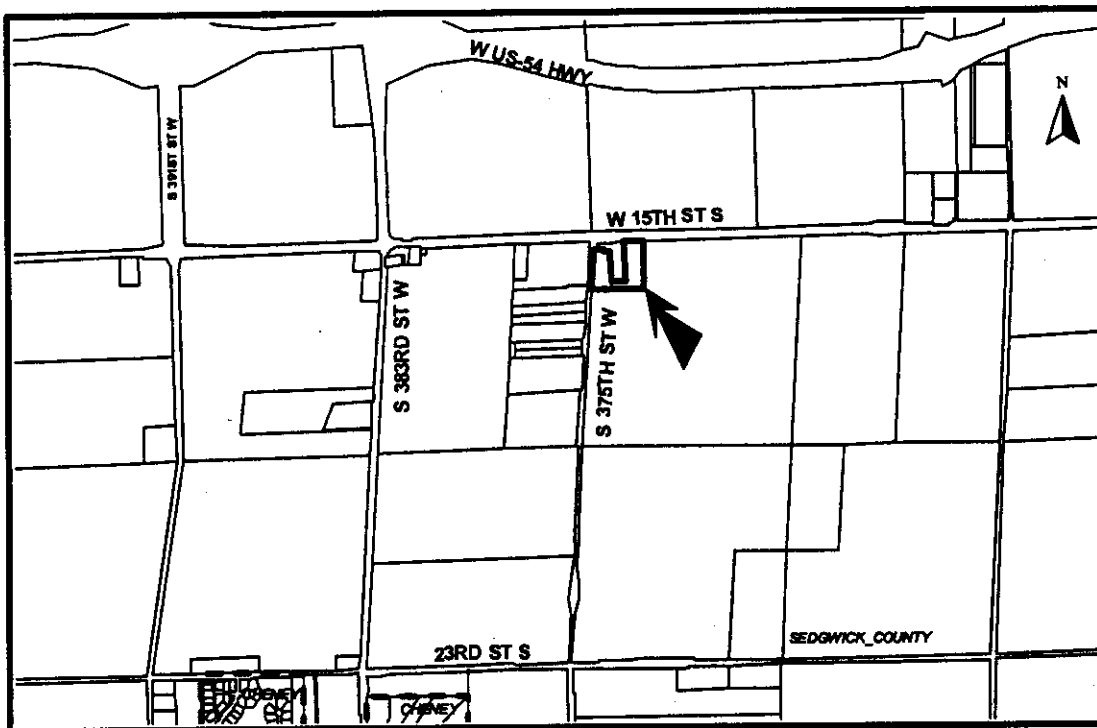
Recommended Action: Approve the zone change, subject to platting within one year; adopt the findings of the Metropolitan Area Planning Commission; direct staff to prepare an appropriate resolution after the plat has been approved, and authorize the Chairman to sign the resolution.

Proposed Agenda Date: November 9, 2005

Outside Attendees: Mark Savoy, Savoy Company, 535 N. Emporia Ste 104, Wichita, KS 67202

Multimedia Presentation: Powerpoint

Donations: Not applicable



Background: The application area is 6.35 acres of unplatted ground surrounding a platted "LI" Limited Industrial zoned lot. The site is located southeast of the 15th Street South and 375th Street West intersection. The applicant seeks to expand the existing industrial zoning and use. The application area currently houses a single-family residence on the western portion of the site, residential use is not permitted in the LI zoning district. The site is one mile north of Cheney and is within the Cheney Zoning Area of Influence.

All surrounding property is zoned "RR" Rural Residential and used for agriculture, except for several farmsteads and single-family residences west and south of the site. LI zoning and a manufacturing use exists on the platted property surrounded by the application area; this request is an expansion of that zoning and use. Commercial zoning and uses exist approximately 1,900 feet west of the site and 2,250 feet east of the site.

Analysis: The Cheney Planning Commission heard this request on October 3, 2005 and recommended approval by a vote of 10-0. The Metropolitan Area Planning Commission (MAPC) heard this request on October 6, 2005 and approved by a vote of 10-0. A neighboring property owner and tenant spoke at that hearing, after this item had been approved. These neighbors are opposed to the zone change because of increased traffic concerns and concerns regarding residential property values near an industrial area.

Alternatives:

- 1) Approve the zone change, subject to platting within one year; adopt the findings of the Metropolitan Area Planning Commission; direct staff to prepare an appropriate resolution after the plat has been approved, and authorize the Chairman to sign the resolution.
- 2) Return such recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove.
- 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:  *AMP* Approved as to form and signed by County Counselor's Office