



Sedgwick County...  
working for you

# Sedgwick County

525 North Main Street 3rd  
Floor  
Wichita, KS 67203

## Legislation Details (With Text)

**File #:** 15-0390      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 5/27/2015      **In control:** Board of Sedgwick County Commissioners

**On agenda:** 6/10/2015      **Final action:** 6/10/2015

**Title:** ZON2015-00016 - ZONE CHANGE FROM RR RURAL RESIDENTIAL TO LI LIMITED INDUSTRIAL ON PROPERTY GENERALLY LOCATED ONE-THIRD MILE SOUTH OF 117TH STREET NORTH ON THE EAST SIDE OF BROADWAY AVENUE (11402 NORTH BROADWAY AVE) (DISTRICT 4). Presented by: John L. Schlegel, Director, Metropolitan Area Planning Department.

**RECOMMENDED ACTION:** Adopt the findings of the Metropolitan Area Planning Commission (MAPC), approve the zone change, subject to platting.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ZON2015-00016 LOCATION MAP.pdf, 2. ZON2015-00016 5-7-15 MAPC MIN EXCERPT.pdf

Date	Ver.	Action By	Action	Result
6/10/2015	1	Board of Sedgwick County Commissioners	Adopted	Pass

**ZON2015-00016 - ZONE CHANGE FROM RR RURAL RESIDENTIAL TO LI LIMITED INDUSTRIAL ON PROPERTY GENERALLY LOCATED ONE-THIRD MILE SOUTH OF 117TH STREET NORTH ON THE EAST SIDE OF BROADWAY AVENUE (11402 NORTH BROADWAY AVE) (DISTRICT 4).** Presented by: John L. Schlegel, Director, Metropolitan Area Planning Department.

**RECOMMENDED ACTION:** Adopt the findings of the Metropolitan Area Planning Commission (MAPC), approve the zone change, subject to platting.

**Background:** The applicant is requesting 11.15 acres in the unincorporated area of Sedgwick County zoned Rural Residential (RR) be re-zoned to Limited Industrial (LI). The Sedgwick County Appraiser's records indicate that the facility was built in 1965 and has had a non-conforming use since that time. There is an existing metal building on the subject site to which the owner intends to construct a 50 X 120-foot addition and a covered pad for minor equipment maintenance.

The site is located approximately 2,800 feet north of 109th Street North on the east side of North Broadway Avenue. The parcel immediately north of the subject site is zoned LI and is used for recycling of wood pallets. All other properties surrounding the subject site are zoned RR and are used for agriculture.

The subject site was the location of Ditch Witch and has recently been acquired by Farmer's Oil Inc. The owner submitted a One-Step Final Plat application SUB2015-00009 which was approved by Metropolitan Area Planning Commission (MAPC) on May 7, 2015.

North Broadway Avenue is a four-lane arterial street at this location. East 109th Street North is

designated an arterial, but is currently a two-lane gravel road and is located south of the subject site. East 117th Street North in a designated arterial, but is currently a two-lane gravel road and is located north of the subject site. The property has a lagoon and water well.

Analysis: The request was heard by the MAPC on May 7, 2015. No one other than the agent was present to speak to the request. The MAPC approved the request as presented.

No protests have been received. The application may be approved with a simple majority vote.

Alternatives:

1. Adopt the findings of the Metropolitan Area Planning Commission, approve the zone change, subject to platting (requires a simple majority vote.)
2. Deny the zoning change request and override the MAPC's recommendation (requires a two-thirds 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.

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 and amend a comprehensive plan, joint zoning code and official zoning map. The City and County have done so, and in that code have provided for the zoning of properties, including overlay districts, planned unit developments, protective overlays, conditional uses and community unit plans.

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

Outside Attendees: Chris Abbott, Agent

Multimedia Presentation: PowerPoint