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# Sedgwick County

525 North Main Street 3rd  
Floor  
Wichita, KS 67203

## Legislation Details (With Text)

**File #:** 15-0341 **Version:** 1 **Name:**  
**Type:** Planning Department **Status:** Passed  
**File created:** 5/8/2015 **In control:** Board of Sedgwick County Commissioners  
**On agenda:** 5/20/2015 **Final action:** 5/20/2015  
**Title:** ZON2015-00011 - ZONE CHANGE FROM RR RURAL RESIDENTIAL TO LI LIMITED INDUSTRIAL ON PROPERTY LOCATED ONE-HALF MILE WEST OF NORTH 263RD STREET WEST AND ON THE NORTH SIDE OF WEST 61ST STREET NORTH (27132 WEST 61ST STREET NORTH) (DISTRICT 3).  
 Presented by: John L. Schlegel, Director, Metropolitan Area Planning Department (MAPD).

**RECOMMENDED ACTION:** Adopt the findings of the Metropolitan Area Planning Commission (MAPC), approve the zone change subject to Protective Overlay #297, and authorize the Chairman to sign the Resolution.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ZON2015-00011 Location Map.pdf, 2. Chart comparing Zoning Districts RR to LI to be inserted after Background in Agenda Report.pdf, 3. Revised ZON2015-00011 BOCC RESOLUTION Signed by legal.pdf, 4. ZON2015-00011 4-16-15 MAPC MINUTES EXCERPT.pdf

Date	Ver.	Action By	Action	Result
5/20/2015	1	Board of Sedgwick County Commissioners	Approved	Pass

**ZON2015-00011 - ZONE CHANGE FROM RR RURAL RESIDENTIAL TO LI LIMITED INDUSTRIAL ON PROPERTY LOCATED ONE-HALF MILE WEST OF NORTH 263RD STREET WEST AND ON THE NORTH SIDE OF WEST 61ST STREET NORTH (27132 WEST 61ST STREET NORTH) (DISTRICT 3).**

Presented by: John L. Schlegel, Director, Metropolitan Area Planning Department (MAPD).

**RECOMMENDED ACTION:** Adopt the findings of the Metropolitan Area Planning Commission (MAPC), approve the zone change subject to Protective Overlay #297, and authorize the Chairman to sign the Resolution.

**Background:** The application area is located on the north side of West 61st Street North, approximately ½ mile west of North 263rd Street West (27132 West 61st Street North). The property (.93894 acre) is unplatted, is zoned Rural Residential (RR) and is developed with two metal buildings containing a nonconforming use, a "welding or machine" shop. Established in 1976, the welding or machine shop contains an estimated 8,230 square feet of gross floor area. The business employs four full-time, and up to five part-time, employees.

The welding or machine shop is a nonconforming use based upon the circumstance that the site's RR zoning, established in 1985, does not permit a machine shop except as a "rural home occupation." The site does not contain a residence; therefore, the use is not eligible to operate a "rural home occupation." (See Wichita-Sedgwick County Unified Zoning Code (UZC) Article IV,

Section IV-E.1-8.) The applicant wishes to enlarge the size of the existing buildings housing the welding or machine shop, and has transferred an additional .575 acre from the applicant's 21 acres located north of the existing developed site. Including the newly acquired land, the application area encompasses 1.514 acres, which is also nonconforming with respect to RR district's minimum lot area requirements. The RR district requires a minimum lot area of two acres. (See UZC Article III, Section III-B.2.d(1).) Finally, at some point in the past the floor area of the initial building (or buildings) housing the nonconforming use was expanded to the maximum amount (30 percent) allowed. (See UZC Article VII-B.2.) Therefore, in order to expand the floor area of the existing nonconforming welding or machine shop the applicant needs the site to be properly zoned; hence, the request for Limited Industrial (LI) zoning. (See Article III, Section III-B.20.b(4).)

The property utilizes onsite water well and septic system.

The UZC defines a welding or machine shop as a "workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops." (See Article II, Section II-B.14.n.)

The off-street parking ratio for a welding or machine shop is one space per 500 square feet of floor area. (See Article IV, Section IV-A.4.) If the applicant feels that the code specified parking is excessive, the applicant may submit a parking study that demonstrates that fewer spaces are needed because of circumstances specific to the use's characteristics. The drive aisles, parking spaces and circulation areas are to be an all-weather surface, such as rock, asphalt or concrete. It appears the drive aisles, parking spaces and circulation areas are rocked.

The UZC (Article IV, Section IV-B.3.d) also requires that screening be provided along the rear and side yards of all nonresidential uses abutting residential zoning. The required screening may be fencing/walls, evergreen vegetation, a landscaped berm or some combination of the three methods of screening. The site appears to have significant existing hedgerows along the east side, and along portions of the west property line. The portion of the west property line that does not have extensive screening appears to be located where the west side of the existing structures provide screening that accomplishes the intent of the code. The applicant owns the RR zoned farm/ranch land located north of the site. There is a significant wooded area providing screening from the residential properties located farther the north and west; therefore, as long as the existing trees provide screening, additional screening is not required.

The acreage (21 acres) located north of the application area are owned by the applicant, are zoned RR and are used for farm or ranch land purposes. The property located immediately east of the subject site is 1.38 acres, zoned RR and, according to the county's tax records, is used for "general contractor" purposes. The planning department's official list of nonconforming uses for 1985 indicates the property was used for propane sales. The 237 acres located south of the site, across West 61st Street North, are zoned RR, and are used for farming or ranching. The 4.2 platted (Bluestem Acres 2nd Addition, recorded in 2002) acres located west of the application area are zoned RR and are developed with a single-family residence. The existing welding or machine shop is located approximately 31 feet from the east property line of the lot containing the single-family residence. (Measured structure to structure the home and the welding or machine shop are approximately 65 feet apart.) Farther west/northwest are additional platted large-lot single-family homes located on platted lots. The closest of the homes located farther north is located approximately 697 feet from the existing welding or machine shop, and is screened by an extensive woodland located in a drainage way.

The RR district was established to accommodate very large-lot, single-family residential uses in an area where the full range of municipal facilities and services are not available and not likely to be available in the near future. Selected uses permitted by right include: single-family residences, residential designed manufactured homes, day care (limited), parks and recreation, hobby kennel and agriculture. The LI district was established to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. Selected uses permitted by right include: The LI district does not permit residential uses of any kind. The subject property is located approximately one mile west of the City of Andale. The Andale Planning Commission will review the application on April 8, 2015.

**\*SEE CHART COMPARING ZONING DISTRICTS RR AND LI (ATTACHMENT)**

Analysis: The request was heard by the Metropolitan Area Planning Commission (MAPC) on April 16, 2015. No one other than the applicant was present to speak to the request. The MAPC approved the request subject to the following Protective Overlay #297:

1. Although the site is zoned LI Limited Industrial, uses permitted are: uses permitted by right in the RR Rural Residential zoning district, "welding or machine shop" including the repetitive manufacture of custom made metal parts, and all uses permitted as a "rural home occupation." The site is not required to comply with home occupation development standards, such as separation from residential uses located off-site, minimum lot areas, outside storage restrictions, etc.
2. Unless modified as part of this zone change, the site shall comply with all applicable building, sanitation, fire, zoning and subdivision regulations or codes.

The request was reviewed by the Andale Planning Commission on April 8, 2015. No one other than the applicant was present to speak. The Andale Planning Commission unanimously recommended approval subject to the recommended protective overlay.

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 Protective Overlay #297, and authorize the Chairman to sign the resolution (requires a simple majority vote).
2. Deny the Conditional Use 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: Gary Sigg / Dan Garber (Applicant / Agent)

Multimedia Presentation: PowerPoint