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Sedgwick County

525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Text

File #: 18-910, **Version:** 3

ZON2018-00034 - A COUNTY ZONING CASE TO REZONE PROPERTY FROM RR RURAL RESIDENTIAL TO GO GENERAL OFFICE LOCATED AT THE NORTHWEST CORNER OF EAST 101ST STREET NORTH AND NORTH 47TH STREET EAST (OLIVER AVENUE).

Presented by: Dale Miller, Director of Planning.

RECOMMENDED ACTION: Approve the rezoning as recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and approve the prepared resolution.

Background: The applicant requests the rezoning of the 5.14-acre tract on the west side of Oliver Avenue and north of 101st Street North from RR Rural Residential (RR) to GO General Office (GO). The subject property is being platted as Superior Excavating Addition, which will create 3 lots along 101st Street North, with only the eastern lot at the intersection of 101st Street North and Oliver Avenue being subject to the rezoning to GO. The two other lots will remain RR Rural Residential and be for future residential development. It is important to note that the rezoning to GO will allow the office use, but any outside storage of equipment or other materials associated with the owner's business are not permitted within the GO General Office zoning district.

The conceptual site plan for the GO lot shows an office building with two access drives on Oliver Avenue and one on 101st Street North. According to the plat being processed, these access drives have been approved by Sedgwick County Public Works. The staff report for the plat indicates this property is located within the territory of Sedgwick County Rural Water District #2. There are no public sewers within this area, so on-site wastewater systems will be required.

The surrounding neighborhood is mostly rural and agricultural and is zoned RR Rural Residential. There are some residential uses to the southeast; however most of the property in the area is used agriculturally.

Analysis: The request was heard by the Metropolitan Area Planning Commission (MAPC) on September 20, 2018. MAPC recommended approval of the request by a 10-0 vote as recommended by staff.

Several area landowners and neighbors spoke at the public hearing, concerned with the impact of commercial development in the area and that environmental degradation of the ground water might occur from the project. Protest petitions were filed for 33.29 percent of the notification area making this a validly protested request; therefore, the case will require a three-fourths majority, or 4 of the 5 Commissioners, in order for the request to be approved.

Alternatives:

1. Approve the rezoning as recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution. (Requires a three-fourths majority vote, or 4 of the 5 County Commissioners); or

2. Deny the application, by making alternative findings, and override the MAPC recommendation. (Requires a two-thirds majority, or 4 of the 5 County Commissioners); or
3. Return the case to the MAPC for further consideration with a statement specifying the basis for the BoCC's failure to approve or deny the application. (Requires a simple majority vote, or 3 of the 5 County Commissioners).

Financial Considerations: There are no additional financial considerations to the County associated with this application.

Legal Considerations: The legal authority for this proposed rezoning is K.S.A. 12-757. Due to the protest petition, the vote requirements for potential options are included above in the "Alternatives" section.

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

Outside Attendees: C&T Barnhart, LLC - Chris and Tiffany Barnhart (Owners) Will Clevenger, Garver USA (Agent).

Multimedia Presentation: PowerPoint.