

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, MAY 16, 2018

4:00 p.m.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;

REGULAR AGENDA

- (2) **Z-18-00069:** Consider a request to rezone approximately 2.54 acres located at 548 N 1700 Rd from A/A-1 (Agricultural and Suburban Home Residential) Districts to A (Agricultural) District. Submitted by Kevin Sontag on behalf of Kanwaka Township, property owner of record. Mary Miller is the Planner.
- (3) (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) **Board of Zoning Appeals (1) positions 10/17**
 - (d) **Building Code of Appeals Board (2) positions 12/16**
 - (e) **Community Corrections Advisory Board (1) position**
 - (f) **JAAA Advisory Council (2) position**
 - (g) **JAAA Board of Directors (1) position**
- (c) Public Comment
- (d) Miscellaneous
- (4) Adjourn

MONDAY, MAY 21, 2018-

9:00 a.m. – Election Canvass

WEDNESDAY, MAY 23, 2018

WEDNESDAY, MAY 30, 2018

-Proclamation for "Moms Demand Action for Gun Sense" (Kristi Kouloukis)

***Note:** The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and/or 6:00 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
4/25/2018

ITEM NO. 7 REZONING 2.54 ACRES FROM A/A-1 TO A; 548 N 1700 RD (MKM)

Z-18-00069: Consider a request to rezone approximately 2.54 acres located at 548 N 1700 Rd from A/A-1 (Agricultural and Suburban Home Residential) Districts to A (Agricultural) District. Submitted by Kevin Sontag on behalf of Kanwaka Township, property owner of record.

STAFF RECOMMENDATION: Staff recommends forwarding the rezoning request for approximately 2.54 acres from A (Agricultural) and A-1 (Suburban Home Residential) Districts to A (Agricultural) District to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report.

Applicant's reason for request:

"Kanwaka Township is buying a piece of ground from their neighbor to expand their fire station operations. They want to build a storage facility for equipment that they currently have to store off site."

KEY POINT

- Lot lines were reconfigured with the Arlo Jay Minor Subdivision, MS-18-00065, to move approximately 0.94 acres from the residential lot at 540 N 1700 Road to the township lot at 548 N 1700 Road. The residential property is zoned A-1 and the township property is zoned A. The lot reconfiguration resulted in split A/A-1 zoning on the township property. This rezoning request will result in uniform A zoning across the township property.

ASSOCIATED CASES

- MS-18-00065. Arlo Jay Minor Subdivision; recorded at the Register of Deeds on April 6, 2018.

OTHER ACTION REQUIRED

- Approval of rezoning request by Board of County Commissioners and publication of resolution.

PUBLIC COMMENT

No public comment was received prior to the printing of this staff report.

Project Summary:

Kanwaka Township purchased a strip of land, approximately 0.94 acres, from the owner of the adjacent residential property to the west, 540 N 1700 Road, to enlarge the size of the township lot in preparation for a building addition. The residential property is zoned A-1 (Suburban Home Residential) District while the township property is zoned A (Agricultural)



Figure 1. Recently created township lot shown in dashed white line. Rezoning will provide A zoning over entire township lot.

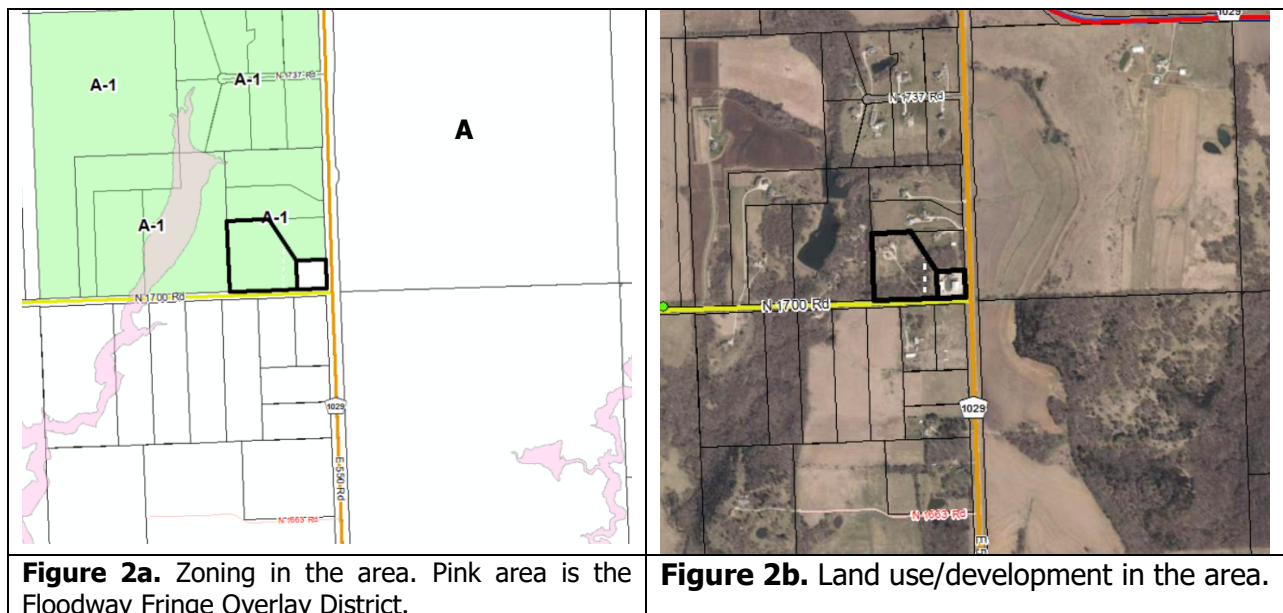
District. The township property is used for their Fire Station and Road Department facility. This use, classified as "*Public or Governmental Buildings*" in the Zoning Regulations, is permitted in both the A and the A-1 District with approval of a Conditional Use Permit. While the current use is permitted in both zoning districts, a uniform zoning over the township lot will result in one set of permitted uses throughout the lot. This rezoning request will result in a uniform zoning district over the township lot. The building expansion on the township property will require an amendment or revision to the Conditional Use Permit. (Figure 1)

I. ZONING AND LAND USES OF SURROUNDING PROPERTIES

Current Zoning and Land use	A-1 (Suburban Home Residential) and A (Agricultural) Districts. <i>Single Family Dwelling</i> and <i>Public Utilities</i> (Kanwaka Township Road and Fire Department).
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Surrounding Zoning and Land Use	To the north and west: A-1 (Suburban Home Residential) District with the F-F (Floodway Fringe Overlay) District to the west; <i>Single Family Dwellings</i> and woodland.
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To the east and south: A (Agricultural) District with the F-F (Floodway Fringe Overlay) District to the east; *Agriculture* in all directions, with a *Residential Detached Dwelling* to the south.
(Figure 2)



Staff Finding – The majority of the area is zoned A (Agricultural) with platted residential development to the north and west being zoned A-1 (Suburban Home Residential). The Floodway Fringe Overlay District is located along stream corridors through the area. Principal land uses in the area are *Single Family Dwellings*, *Residential Detached Dwellings*, *Agriculture*, and woodland. No change is being proposed in the zoning or land uses in the area. The A zoning is being extended to match the new lot line for the township property.

II. CHARACTER OF THE AREA

The area is bounded on the north by Highway 40, which is classified on the Douglas County Access Management Map as a Principal Arterial, and is bisected east and west by E 550 Road/County Route 1029, classified on the access management map as a Major Collector road. The area is predominately used for agriculture and rural residences, with more intense residential development located in the northwest corner of the intersection of N 1700 Road and E 550 Road/County Route 1029. Large woodlands are also located throughout the area, adjacent to stream corridors.

Staff Finding – This is an agricultural area with rural residential development of varying intensities, with the more dense development being in the platted subdivision adjacent to the township property.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's Response:

"Everything is proper."

Staff Finding – The properties are well suited to the uses to which they are restricted with the current zonings. Rezoning to the A District will result in uniform zoning across the township lot and will provide a uniform set of standards for the lot.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – This property is not vacant. The residential property at 540 N 1700 Road was developed with a residence in 1998. A CUP for the township facility at 548 N 1700 road was approved in 1990.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's response:

"Nothing will fundamentally change."

Staff Finding – The rezoning will provide a uniform zoning over the township property, but the township use would be permitted with a CUP under either zoning district. The lot reconfiguration will permit the expansion of the facility to allow more equipment to be stored on site. This will require a revision to the CUP site plan, which will be reviewed to insure detrimental effects to nearby properties are minimized.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Applicant's response:

"There should be no destruction of value or hardships imposed by this rezoning."

Evaluation of these criteria includes weighing the benefits the denial of the rezoning request would provide for the public versus the hardship the denial would impose on the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

Approval of the rezoning request results in a uniform zoning district on the township property.

Staff Finding – There are no detrimental impacts associated with the approval of the rezoning anticipated on nearby properties.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"This request does not make any fundamental changes to the area, therefore it should comply with any current plan."

Staff Finding –The residential development was approved with the rezoning and platting of the Hardrock 25 Subdivision in 1996. The township facility was approved with CUP-3-1-90 in 1990. This rezoning request will revise the zoning of approximately 1 acre which has been added to the township property.

The township CUP was found to be in conformance with the recommendations in *Plan '95*, the comprehensive plan in place at the time. *Horizon 2020* was adopted in May of 1998 so the following is a review of the township use with the recommendations of the current comprehensive plan, with staff comments in red:

The township facility is classified as a 'Community Facility'. Recommendations in Chapter 10 of *Horizon 2020* include:

Goal 1, Policy 1.1, b: *Maintain or upgrade existing facilities and services where necessary to serve existing development.* (Page 10-16, *Horizon 2020*)

The lot reconfiguration and rezoning will accommodate the expansion of the Kanwaka Township Fire Department facility which serves existing development in the area.

VIII. PROFESSIONAL STAFF RECOMENDATION

Staff recommends approval of the request to rezone approximately 2.54 acres from A (Agricultural) and A-1 (Suburban Home Residential) District to A (Agricultural) District to provide uniform zoning on the lot.



Z-18-00069: Request to rezone approximately 2.54 acres located at 548 N 1700 Rd from A/A-1 (Agricultural and Suburban Home Residential) Districts to A (Agricultural) District.



RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS RELATING TO AND AMENDING A REGULATED ZONING CLASSIFICATION FOR A TRACT OF LAND LOCATED WITHIN THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS.

WHEREAS, the Lawrence-Douglas County Planning Commission, after holding a public hearing on April 25, 2018, as required by and in accordance with, K.S.A. 12-757 and the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas*, has recommended that the Board of County Commissioners change the zoning classification of land set forth below, the nature and description of such change being fully set forth below; and

WHEREAS, on _____, the Board of County Commissioners, of Douglas County, Kansas found that, for the purpose of promoting and protecting values throughout Douglas County, Kansas, or for any one or more other purposes, the Douglas County Zoning Regulations should be amended as recommended by the Lawrence-Douglas County Planning Commission by changing the zoning classification set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, that pursuant to K.S.A. 12-757 and the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas*, the following change in zoning classification is made:

1. The zoning classification for the following described land is changed from A (Agricultural District) and A-1 (Suburban Home Residential District) to A (Agricultural District):

Lot 2 Arlo Jay Subdivision, Douglas County, Kansas

2. The Official Zoning District Map, incorporated into the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas*, is hereby amended by showing and reflecting thereon the new zoning classification set forth in Section 1 of this Resolution.
3. This Resolution shall take effect and be in full force from and after its adoption by the Board of County Commissioners and publication once in the official County newspaper.

ADOPTED this _____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Nancy Thellman, Chairman

ATTEST:

Mike Gaughan, Member

Jameson D. Shew, County Clerk

Michelle Derusseau, Member

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STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

No applicant present.

PUBLIC COMMENT

No public comment.

ACTION TAKEN

Motioned by Commissioner Sands, seconded by Commissioner Weaver, to approve the rezoning request for approximately 2.54 acres from A (Agricultural) and A-1 (Suburban Home Residential) Districts to A (Agricultural) District to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 10-0. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voting in favor.