

RESOLUTION NO. 2018-09

A RESOLUTION APPROVING REZONING APPLICATION RZ2018-01 (SIMCO, LLC & YUCCA RIDGE GOLF CLUB, LC) TO REZONE ALL OF SECTION 32, TOWNSHIP 33 SOUTH, RANGE 33 WEST FROM “AG” AGRICULTURAL ZONING DISTRICT TO THE YUCCA RIDGE-PLANNED UNIT DEVELOPMENT DISTRICT WITH AMENDMENTS

BEFORE the Board of County Commissioners of Seward County, Kansas:

WHEREAS, Seward County, Kansas is a county municipal government, organized pursuant to K.S.A. 19-101; and

WHEREAS, the Planning Commission did publish notice on December 17, 2017 that a public hearing would be held to consider Rezoning Application RZ2018-01 as required by K.S.A. 12-757 and Article 32 of the Seward County Zoning Regulations; and

WHEREAS, the Planning Commission did hold a Public Hearing beginning on January 8, 2018 and concluding on May 14, 2018 for consideration of Rezoning Application RZ2018-01; and

WHEREAS, the Planning Commission, after reviewing and considering all reports and testimonies did, by a unanimous vote of those present, recommend approval of the application along with the submitted documents; and

WHEREAS, the Board of County Commissioners, after duly reviewing the recommendation of the Planning Commission together with all public comments for and against said rezoning application has determined that the following revisions and additions are required for approval:

1. The Yucca Ridge – PUD District (document) page 2, **Density, Space and Related Requirements** item #2 Minimum area for a lot “typically 1 acre” shall be replaced with “at least one (1) acre”.
2. The Yucca Ridge – PUD District (document) page 2, **Permitted Uses** item # 1 Residential shall be revised to state that mobile homes, manufactured homes, and residentially designed manufactured homes shall not be permitted.
3. Seward County shall be responsible for maintenance of the internal roads in this district only upon approval by the County Commissioners of a petition for maintenance of a platted phase following at least 51% of the lots having received a Certificate of Occupancy for a primary structure. Maintenance of said roads shall be assumed upon a showing that said roads have been constructed in compliance with the requirements of this district and have been continuously maintained to said standard.
4. Water and sewer systems shall comply with State of Kansas / KDHE requirements.
5. There must be an application or petition presented to and approved by the Board of County Commissioners to open any portion of County Road H.
6. Each phase of development in this district shall have Covenants, Conditions, and Restrictions (CCRs) which must be approved by the Board of County Commissioners during approval of phased plats and shall include an Architectural Committee to review and approve all proposed structures.

WHEREAS, the Board of County Commissioners has determined that when the above revisions are made to the proposed rezoning submission they find:

1. That the rezoning from “AG” to the revised “Yucca Ridge – PUD” would be in conformance with the County Comprehensive Plan;
2. That the rezoning from “AG” to revised “Yucca Ridge – PUD” would be consistent with the Agricultural nature of the surrounding area;
3. That the rezoning from “AG” to revised “Yucca Ridge – PUD” would be compatible with adjoining properties;
4. That the rezoning from “AG” to revised “Yucca Ridge – PUD” would be in the public interest and would promote the health, safety, and general welfare of the citizens of Seward County; and

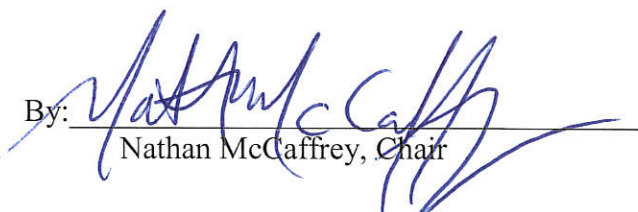
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Seward County, Kansas does hereby **approve with the above revisions and additions**, the Rezoning Application RZ2018-01 (SIMCO, LLC & Yucca Ridge Golf Club, LC) to rezone all of Section 32, Township 33 South, Range 33 West from “AG” Agricultural Zoning District to the Yucca Ridge-Planned Unit Development District and approves as revised above the “Yucca Ridge Development Plan” (document), “Yucca Ridge – PUD District” (document), “Yucca Ridge PUD Land Use Schematic” (graphic), and the “Yucca Ridge PUD Development Plan” (graphic).

It is also ordered that upon the taking effect of this resolution, the above zoning change shall be made on the Official Zoning Map(s) as previously adopted by reference and said map(s) is hereby reincorporated as part of the Zoning Regulations as amended.

This Resolution shall be in full force and effect from and after its publication once in the official county newspaper.

ADOPTED this 4th day of June, 2018.

**BOARD OF COUNTY COMMISSIONERS
OF SEWARD COUNTY, KANSAS**

By: 
Nathan McCaffrey, Chair

ATTEST:


Stacia Long, Clerk

