(150006) Published in The Derby Reporter on _____

RESOLUTION NO. 073-2019

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-C of the Wichita-Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. ZON2018-00052

Zone change request from "RR" Rural Residential to "SF-20" Single-Family Residential on property described as:

> The North Half of the Southeast Quarter (N/2 SE/4) of Section Ten (10), Township Twenty Eight (28) South, Range Two (2) West of the 6th P.M., Sedgwick County, Kansas. Generally located on the west side of South 151st Street West and north of West MacArthur Road (151st Street West), Sedgwick County.

SUBJECT TO THE PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #339, WHICH SHALL BE SUPPLEMENTAL TO DEVELOPMENT STANDARDS REQUIRED OR AUTHORIZED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE AS INDICATED BELOW:

> For any plat that is reviewed and considered pursuant to the Wichita-Sedgwick County Subdivision Regulations for the above-described property, any drainage plan approved as part such plat cannot hinder or prevent the pre-zoning approval flow of drainage onto this property.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

Commissioners present and voting were:

PETER F. MEITZNER	Aye
MICHAEL B. O'DONNELL, II	Aye
DAVID T. DENNIS	Aye
LACEY D. CRUSE	Aye
JAMES M. HOWELL	Aye

Dated this 3 day of April, 2019.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

DAVID T. DENNIS, Chairman
Commissioner, Third District

PETER F. MEITZNER, Chair Pro Tem
Commissioner, First District

MICHAEL B. O'DONNELL, II
Commissioner, Second District

LACEY D. CRUSE
Commissioner, Fourth District

JAMES M. HOWELL
Commissioner, Fifth District

ATTEST:

KELLY B. ARNOLD, County Clerk

CLERK OF SEDGWICK COUNTY SEDGWICK COUNTY KANSAS KANSAS

APPROVED AS TO FORM:

JUSTIN M. WAGGONER
Assistant County Counselor

AGENDA ITEM NO. 8

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC February 7, 2019
CAB III February 4, 2019

CASE NUMBER: ZON2018-00052

APPLICANT/AGENT: Kelley Commercial, Inc. – Steve Kelley (Owner) / Baughman Company, P.A. – Phil Meyer (Agent)

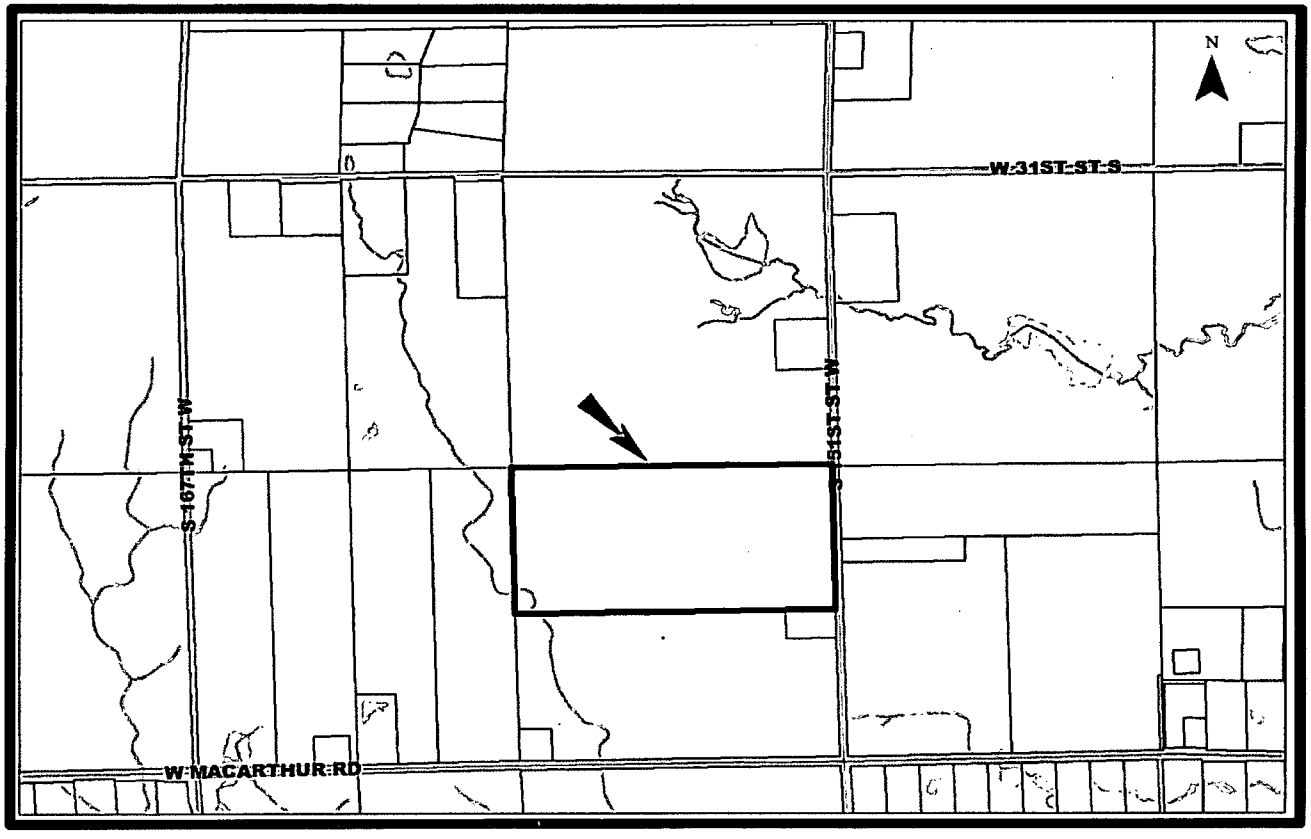
REQUEST: SF-20 Single-Family Residential

CURRENT ZONING: RR Rural Residential

SITE SIZE: 78.76 acre

LOCATION: Located on the west side of South 151st West and approximately ¼ mile north of West MacArthur Road

PROPOSED USE: Residential development



BACKGROUND: The applicant requests the rezoning of the 78.76-acre tract on the west side of South 151st West approximately ¼ mile north of MacArthur Road from RR Rural Residential (RR) to SF-20 Single-Family Residential (SF-20). The subject property is unplatted and no specific proposed plat has been presented. The agent indicates the owner intends to develop the property in a fashion similar to what was done with Redmond Estates, which is located on the west side of 119th West approximately ¼ mile south of 31st Street South. Redmond Estates was recorded with the Register of Deeds on April 8, 2004, and covers approximately 78.12 acres. Redmond Estates contains 53 lots platted lots with a minimum lot size of 1.02 acres.

The subject property is presently used for agricultural purposes and is in crop production. The subject property is located within the territory of Sedgwick County Rural Water District #4; however, no indication of having public water available to the property has been provided. There are no public sewers within this area, so on-site wastewater systems will be required. The specifics of these amenities will be addressed in detail at the time a plat is submitted for approval. The Sedgwick County Onsite Wastewater Code will require at least 1-acre lot sizes and the on-site wastewater systems will be required to be the enhanced/alternative systems only. Further, the Sedgwick County policies for rural development will require the improvement of 151st West north from MacArthur Road at the time of platting.

The surrounding neighborhood is a mostly rural and agricultural. There are some residential uses to the south and east; however most of the property in the area is used agriculturally.

CASE HISTORY: There are no past zoning actions on this property.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	agricultural
SOUTH:	RR	agricultural
EAST:	RR	agricultural
WEST:	RR	agricultural

PUBLIC SERVICES: 151st Street West is a sand, township road in Illinois Township. MacArthur Road is paved, and the next closest paved road is Pawnee Avenue approximately 2 miles to the north. The land is within the Sedgwick County Rural Water District # 4 service territory and will be required to connect if required by that entity. According to the District's Engineer, the closest water line is a 4-inch line along MacArthur at 151st. Plans are being evaluated of what will be required to provide water service to the subject property. As noted above, no public sewers are available and appropriate on-site wastewater systems will be required.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is within the "Wichita Growth Area" of Sedgwick County, but is on the west edge of that area. The designation is acceptable for conversion of rural lands to other uses provided the necessary rezoning and other development requirements, such as platting, are followed. The specific language in the Plan for this designation states: "New development in areas where city growth areas abut should be coordinated among the affected cities, particularly as it relates to street connectivity and land use compatibility." The overall spirt and intent of this rezoning appears to be in conformance with the policies and guidelines of the adopted Plans for Sedgwick County.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** the request as submitted. This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The area is rural in nature with mostly agricultural uses. There are a couple of rural homesteads in the immediate area. The introduction of a new residential building lots will not be out of character with this area of Sedgwick County, provided development occurs according to Sedgwick County development standards and policies.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned RR Rural Residential, which permits residential development but with a larger minimum lot size requirement. The location is capable of supporting the smaller lot size; therefore, the rezoning is appropriate and acceptable under the development standards of the County.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed SF-20 zoning is acceptable to the neighborhood and is not considered to be detrimental to anyone.

4. **Length of time the property has been vacant as currently zoned:** The property has remained undeveloped and agricultural for some time, and the development as proposed is considered appropriate for the neighborhood.

5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is within the "Wichita Growth Area" of Sedgwick County, but is on the west edge of that area. The designation is acceptable for conversion of rural lands to other uses provided the necessary rezoning and other development requirements, such as platting, are followed. The specific language in the Plan for this designation states: "New development in areas where city growth areas abut should be coordinated among the affected cities, particularly as it relates to street connectivity and land use compatibility." The overall spirt and intent of this rezoning appears to be in conformance with the policies and guidelines of the adopted Plans for Sedgwick County.

6. **Impact of the proposed development on community facilities:** Development of the property would not have any impact on community facilities or resources provided the development is platted and the road and extension of water service improvements required under the Sedgwick County development standards and policies are met.