



**Wichita-Sedgwick County Metropolitan Area Planning Department**

November 4, 2022

Ernie Kumpe  
1037 N. Rossmoor St.  
Visalia, CA 93291

Heath Marx  
7420 W. Hidden Acres  
Maize, KS 67101

**RE: ZON2022-00042:** Zone change request in the County from RR Rural Residential to SF-20S Single-Family Residential and LC Limited Commercial for development of single-family homes and commercial uses; generally located on the north side of West 45<sup>th</sup> Street North and on the west side of North 135<sup>th</sup> Street West.

Dear Applicants;

At its regular meeting on **November 2, 2022**, the Sedgwick County Board of County Commissioners considered the above captioned request. The action of the Board was to **APPROVE** of the request.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP  
Current Plans, Division Manager

Copies to: MABCD  
David Dennis, BoCC District 3  
Colwich City Clerk, Stephanie Guy, 310 South 2<sup>nd</sup> Street, Colwich, KS 67030



**Wichita-Sedgwick County Metropolitan Area Planning Department**

September 16, 2022

Ernie Kumpe  
1037 N. Rossmoor St.  
Visalia, CA 93291

Heath Marx  
7420 W. Hidden Acres  
Maize, KS 67101

**RE: ZON2022-00042:** Zone change request in the County from RR Rural Residential to SF-20S Single-Family Residential and LC Limited Commercial for development of single-family homes and commercial uses; generally located on the north side of West 45<sup>th</sup> Street North and on the west side of North 135<sup>th</sup> Street West.

Dear Applicants;

At its regular meeting on **September 15, 2022**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request.

Property owners opposed to the application may file with the County Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) **To be effective, the protest must be filed by 5:00 p.m. on September 29, 2022.** In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 1,000 feet of the property for which the application was filed and must be submitted to the County Clerk by **September 29, 2022 at 5:00 p.m.**

Please note that the County Clerk's office has a new address. It is now located at **100 N. Broadway, Ste 620, Wichita, KS 67202.**

This application is scheduled for consideration by the Board of County Commissioners on **Wednesday, November 2, 2022, beginning at 9:00 a.m.** The Board of County Commissioners meeting will be held in the Sedgwick County Court House, 525 N. Main, Third Floor, Wichita, Kansas.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP  
Current Plans, Division Manager

Copies to: MABCD  
David Dennis, BoCC District 3  
Colwich City Clerk, Stephanie Guy, 310 South 2<sup>nd</sup> Street, Colwich, KS 67030

**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.**

**WHEREAS**, Applicant previously requested a zone change from RR Rural Residential District to SF-20 Single-Family Residential District and LC Limited Commercial District for the property generally located west of the intersection of North 135<sup>th</sup> Street West and West 45<sup>th</sup> Street North; and

**WHEREAS**, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) was been given and the MAPC did consider said application on September 15, 2022; and

**WHEREAS**, on November 2, 2022, with the item on the Consent Agenda, the Board of County Commissioners approved the requested zone change from RR Rural Residential District to SF-20 Single-Family Residential District and LC Limited Commercial District by adopting the findings of the MAPC, approving the zone change request, approving the resolution, and authorizing it to be published; and

**WHEREAS**, the resolution originally executed on November 2, 2022 and published on November 24, 2022 has been determined to have included an inaccurate legal description; and

**WHEREAS**, it has been determined the Board of County Commissioners needs to approve the present resolution, with a corrected legal description, and authorize its publication to effectuate the Board of County Commissioners' actions on November 2, 2022.

**NOW THEREFORE, 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, and after the Board of County Commissioners approved the zoning change application on November 2, 2022, the zoning classification or district of the lands legally described hereby are changed as follows:

**Case No. ZON2022-00042**

Zone change request from RR Rural Residential to RR Rural Residential to SF-20 Single-Family Residential and LC Limited Commercial, described as:

**Zone Change from RR to LC:**

That part of the South Half of the SE1/4 of Section 23, Township 26 South, Range 2 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, described as commencing at the Southeast Corner of said SE1/4; thence S88°06'21"W along the south line of said SE1/4, 1207.16 feet; thence N00°06'35"W, 453.21 feet; thence N18°48'20"E, 80.59 feet; thence N35°02'12"E, 100.68 feet; thence N52°42'03"E, 134.71 feet; thence S84°08'03"E, 104.09 feet; thence S50°17'41"E, 196.13 feet to the place of beginning; thence N88°06'21"E

parallel with said south line, 681.43 feet to a point 60.00 feet West of the east line of said SE1/4; thence S02°12'53"E parallel with said ease line, 192.64 feet; thence S06°19'23"W, 101.04 feet to a point 75.00 feet West of said east line; thence S02°12'53"E parallel with said east line, 150.00 feet; thence S42°56'44"W, 35.26 feet to a point 75.00 feet North of said south line; thence S88°06'21"W parallel with said south line, 150.00 feet; thence S79°34'06"W, 101.04 feet to a point 60.00 feet North of said south line; thence S88°06'21"W parallel with said south line, 139.07 feet; thence N26°05'36"W, 292.06 feet; thence N33°56'04"W, 255.09 feet to the place of beginning.

Zone Change from RR to SF-20:

The South Half of the SE1/4 of Section 23, Township 26 South, Range 2 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, EXCEPT that part described as commencing at the Southeast Corner of said SE1/4; thence S88°06'21"W along the south line of said SE1/4, 462.45 feet to the place of beginning; thence continuing S88°06'21"W along said south line, 744.71 feet; thence N00°06'35"W, 453.21 feet, thence N18°48'20"E, 80.59 feet; thence N35°02'12"E, 100.68 feet; thence N52°42'03"E, 134.71 feet; thence S84°08'03"E, 104.09 feet thence S50°17'41"E, 196.13 feet; thence N88°06'21"E parallel with said south line, 681.43 feet to a point 60.00 feet West of the east line of said SE1/4; thence S02°12'53"E parallel with said ease line, 192.64 feet; thence S06°19'23"W, 101.04 feet to a point 75.00 feet West of said east line; thence S02°12'53"E parallel with said ease line, 150.00 feet; thence S42°56'44"W, 35.26 feet to a point 75 feet North of said south line; thence S88°06'21"W parallel with said south line, 150.00 feet; thence S79°34'06"W, 101.04 feet to a point 60.00 feet North of the south line; thence S88°06'21"W parallel with said south line, 139.07 feet; thence S26°05'36"E, 65.78 feet to the place of beginning; AND EXCEPT the West 343.00 feet of the S1/2 of the SE1/4 of Section 23, Township 26 South, Range 2 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas.

**SECTION II.** That upon the taking effect of this Resolution, the notation of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director 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 and publication in the official county newspaper.

*[remainder of page intentionally left blank]*

# Affidavit

STATE OF KANSAS  
SEDGWICK COUNTY

## Public notice

(Published in The Ark Valley News April 20, 2023.)

RESOLUTION NO. 186-2022

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.

WHEREAS, Applicant previously requested a zone change from RR Rural Residential District to SF-20 Single-Family Residential District and LC Limited Commercial District for the property generally located west of the intersection of North 135th Street West and West 45th Street North; and

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) was been given and the MAPC did consider said application on September 15, 2022; and

WHEREAS, on November 2, 2022, with the item on the Consent Agenda, the Board of County Commissioners approved the requested zone change from RR Rural Residential District to SF-20 Single-Family Residential District and LC Limited Commercial District by adopting the findings of the MAPC, approving the zone change request, approving the resolution, and authorizing it to be published; and

WHEREAS, the resolution originally executed on November 2, 2022 and published on November 24, 2022 has been determined to have included an inaccurate legal description; and

WHEREAS, it has been determined the Board of County Commissioners needs to approve the present resolution, with a corrected legal description, and authorize its publication to effectuate the Board of County Commissioners' actions on November 2, 2022.

NOW THEREFORE, 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, and after the Board of County Commissioners approved the zoning change application on November 2, 2022, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. ZON2022-00042

Zone change request from RR Rural Residential to RR Rural Residential to SF-20 Single-Family Residential and LC Limited Commercial, described as:

### Zone Change from RR to LC:

That part of the South Half of the SE1/4 of Section 23, Township 26 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, described as commencing at the Southeast Corner of said SE1/4; thence S88°06'21"W along the south line of said SE1/4, 1207.16 feet; thence N00°06'35"W, 453.21 feet; thence N18°48'20"E, 80.59 feet; thence N35°02'12"E, 100.68 feet; thence N52°42'03"E, 134.71 feet; thence S84°08'03"E, 104.09 feet; thence S50°17'41"E, 196.13 feet to the place of beginning; thence N88°06'21"E

parallel with said south line, 681.43 feet to a point 60.00 feet West of the east line of said SE1/4; thence S02°12'53"E parallel with said east line, 192.64 feet; thence S06°19'23"W, 101.04 feet to a point 75.00 feet West of said east line; thence S02°12'53"E parallel with said east line, 150.00 feet;

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### Zone Change from RR to SF-20:

The South Half of the SE1/4 of Section 23, Township 26 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part described as commencing at the Southeast Corner of said SE1/4; thence S88°06'21"W along the south line of said SE1/4, 462.45 feet to the place of beginning; thence continuing S88°06'21"W along said south line, 744.71 feet; thence N00°06'35"W, 453.21 feet; thence N18°48'20"E, 80.59 feet; thence N35°02'12"E, 100.68 feet; thence N52°42'03"E, 134.71 feet; thence S84°08'03"E, 104.09 feet; thence S50°17'41"E, 196.13 feet; thence N88°06'21"E parallel with said south line, 681.43 feet to a point 60.00 feet West of the east line of said SE1/4; thence S02°12'53"E parallel with said east line, 192.64 feet; thence S06°19'23"W, 101.04 feet to a point 75.00 feet West of said east line; thence S02°12'53"E parallel with said east line, 150.00 feet; thence S42°56'44"W, 35.26 feet to a point 75 feet North of said south line; thence S88°06'21"W parallel with said south line, 150.00 feet; thence S79°34'06"W, 101.04 feet to a point 60.00 feet North of the south line; thence S88°06'21"W parallel with said south line, 139.07 feet; thence S26°05'36"E, 65.78 feet to the place of beginning; AND EXCEPT the West 343.00 feet of the S1/2 of the SE1/4 of Section 23, Township 26 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas.

SECTION II. That upon the taking effect of this Resolution, the notation of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director 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 and publication in the official county newspaper.

Commissioners present and voting were:

Commissioners present and voting were:

PETER F. MEITZNER  
SARAH LOPEZ  
DAVID T. DENNIS  
RYAN K. BATY  
JAMES M. HOWELL

Aff  
Aff  
Aff  
Aff  
Aff

Dated this 12 day of April, 2023.

ATTEST:

KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

PETER F. MEITZNER, Chairman  
Commissioner, First District

JAMES M. HOWELL, Chair Pro Tem  
Commissioner, Fifth District

SARAH LOPEZ  
Commissioner, Second District

DAVID T. DENNIS  
Commissioner, Third District

RYAN K. BATY  
Commissioner, Fourth District

APPROVED AS TO FORM:

KIRK W. SPONSTL  
Assistant County Counselor

Chris Strunk, being sworn, says: That he is Publisher of the newspaper formerly The Valley printed in the State of Kansas, for general circulation in Sedgwick County, Kansas, and is not a religious or fraternal organization.

Said newspaper is published weekly 50 times a year; has been published and uninterruptedly for more than five years; and has published said notice; and has published said notice in the Valley Center in said county.

That the attached copy of said resolution was published in the newspaper for 1 day.

first publication thereof on 20th day of April, 2023, with subsequent publications on the following dates:

Subscribed and sworn to before me on April, 2023.

My commission expires on April, 2023.

Additional copies

Printer's fee

# Public notice

(Published in The Ark Valley News  
Aug. 25, 2022.)

## MAPC September 15, 2022 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, September 15, 2022, no earlier than 1:30 p.m., the Wichita Sedgwick County Metropolitan Area Planning Commission (Planning Commission) will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the Wichita Sedgwick County Metropolitan Area Planning Department at (316) 268 4421.

**ZON2022-00042:** Zone change request in the County from RR-Rural Residential to LC Limited Commercial and SF-20 Single-Family Residential for the development of single-family and commercial uses; generally located on the north side of West 45th Street North and on the west side of North 135th Street West. Colwich Area of Influence.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. As provided in Section V of the Wichita Sedgwick County Unified Zoning

Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

**PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:**

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

### Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and

audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email Planning@wichita.gov  
Mailing Address Wichita-  
Sedgwick County Metropolitan Area  
Planning Department  
Attn: Scott Wadle  
271 W. 3rd Street - Suite 201  
Wichita, KS 67202  
Phone 316.268.4421  
Fax 316.858.7764

### Participate Remotely

Please join my meeting from your computer, tablet or smartphone.  
<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.  
United States: +1 (571) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or  
inroomlink.goto.com  
Meeting ID: 651 544 141  
Or dial directly:  
651544141@67.217.95.2 or  
67.217.95.2##651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/651544141>

### Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268 4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on  
August 25, 2022  
Scott Wadle, Secretary  
Wichita Sedgwick County  
Metropolitan Area Planning Commission

# Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said

newspaper for 1 consecutive weeks, the

first publication thereof being made as aforesaid on the 25th day of August, 2022.

with subsequent publications being made on the following dates:

\_\_\_\_\_, 2022 \_\_\_\_\_, 2022  
\_\_\_\_\_, 2022 \_\_\_\_\_, 2022  
\_\_\_\_\_, 2022 \_\_\_\_\_, 2022

Subscribed and sworn to before me this 25th day  
of August, 2022.

My commission expires

Additional copies

Printer's fee





**STAFF REPORT**  
MAPC September 15, 2022  
CAB 3 October 3, 2022  
Colwich Planning Commission August 30, 2022

AGENDA ITEM NO. 4.4

**CASE NUMBER:** ZON2022-00042 (County)

**APPLICANT:** Ernie Kumpe (owner)/ Heath Marx (contract buyer)/ Garver, LLC (agent)

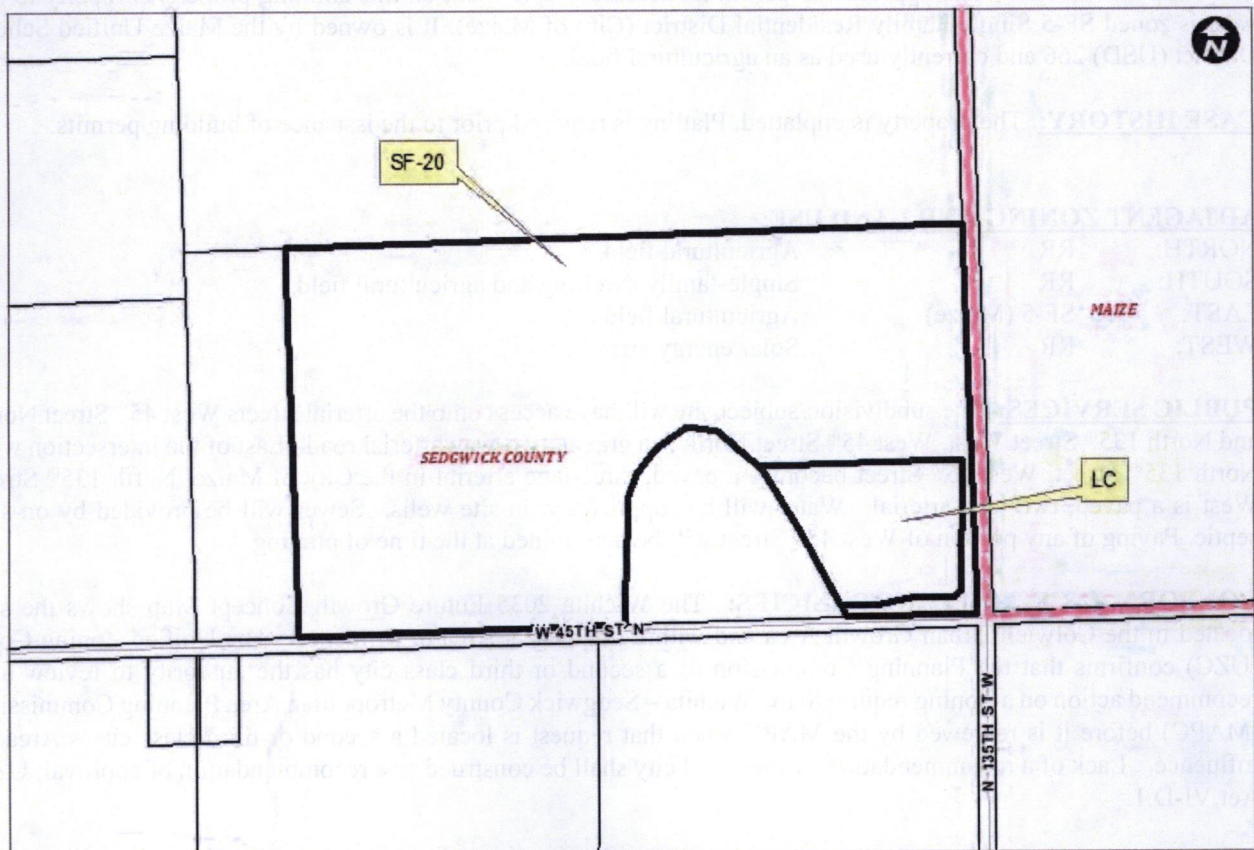
**REQUEST:** SF-20 Single-Family Residential and LC Limited Commercial

**CURRENT ZONING:** RR Rural Residential

**SITE SIZE:** 61.88 acres

**LOCATION:** Generally located on the northwest corner of West 45<sup>th</sup> Street North and North 135<sup>th</sup> Street West

**PROPOSED USE:** Single-family residential and commercial development



**BACKGROUND:** The applicant is requesting a zone change from RR Rural Residential District to SF-20 Single-Family Residential District and LC Limited Commercial District to allow one to two-acre lot, single-family residential development and commercial uses. The entire property is 61.88 acres and is generally located on the northwest corner of West 45<sup>th</sup> Street North and North 135<sup>th</sup> Street West. The subject site is located in the County approximately two miles southeast of the City of Colwich and within that City's Area of Influence. Of the 61.88 acres, the contract buyer intends to develop 56.01 acres with single-family residential uses and 5.87 acres for commercial uses.

A plat has not been submitted for this proposed development, so it is unknown what the configuration of lots or street network will be. The SF-20 Single-Family Residential District has a minimum lot area of 20,000 square feet. However, the applicant indicates they intend to develop one to two acre residential lots and a single commercial lot.

The portion of the property that is proposed for commercial development is under the six-acre threshold and does not require the establishment of a Community Unit Plan per Section III-C.2.b of the Unified Zoning Code (UZC). However, Section IV-B of the UZC requires solid screening with a minimum of a six-foot screening fence for all property lines that abut or are across the street from residential zoning. In addition, screening of roof-mounted equipment, loading docks, trash receptacles, ground level HVAC units, and similar items is required for new buildings within 150 feet of residential zoning or public street right-of-way. The off-street parking requirement will be provided per the standards of the UZC for specific commercial uses when they are identified. The property is located in unincorporated Sedgwick County, which does not have a landscape ordinance. Therefore, landscaped street yards, parking lot screening, and landscape buffers are not required.

Properties to the north and south are zoned RR Rural Residential District and are agricultural fields. Property to the west is zoned RR and is a solar energy array. There is a semi-circular piece of land around which the subject property wraps that is zoned RR and is developed with a single-family dwelling and outbuildings. In 2005, a Conditional Use (CON2005-00014) was approved to permit an accessory apartment on this abutting property. Property to the west is zoned SF-5 Single-Family Residential District (City of Maize). It is owned by the Maize Unified School District (USD) 266 and currently used as an agricultural field.

**CASE HISTORY:** The property is unplatted. Platting is required prior to the issuance of building permits.

**ADJACENT ZONING AND LAND USE:**

|        |              |                                               |
|--------|--------------|-----------------------------------------------|
| NORTH: | RR           | Agricultural field                            |
| SOUTH: | RR           | Single-family dwelling and agricultural field |
| EAST:  | SF-5 (Maize) | Agricultural field                            |
| WEST:  | RR           | Solar energy array                            |

**PUBLIC SERVICES:** The subdivision/subject site will have access onto the arterial streets West 45<sup>th</sup> Street North and North 135<sup>th</sup> Street West. West 45<sup>th</sup> Street North is a gravel, two-way arterial road. East of the intersection with North 135<sup>th</sup> Street, West 45<sup>th</sup> Street becomes a paved, three-lane arterial in the City of Maize. North 135<sup>th</sup> Street West is a paved, two-lane arterial. Water will be supplied by on-site wells. Sewer will be provided by on-site septic. Paving of any portion of West 45<sup>th</sup> Street will be determined at the time of platting.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita 2035 Future Growth Concept Map shows the site located in the Colwich Urban Growth Area and within that City's Area of Influence. The Unified Zoning Code (UZC) confirms that the Planning Commission of a second or third class city has the authority to review and recommend action on a Zoning request to the Wichita – Sedgwick County Metropolitan Area Planning Commission (MAPC) before it is reviewed by the MAPC when that request is located a second or third class city's Area of Influence. Lack of a recommendation by the small city shall be construed as a recommendation of approval; UZC Aet.VI-D.1.

On August 30, 2022, the Colwich Planning Commission reviewed the requested zone change and recommended approval (4-0-1). Several members of the public spoke at this public hearing with general questions regarding the

size and number of proposed lots, the type of commercial development, the provision of water and sewer services, if the proposed LC-zoning would permit multi-family, and if paving of West 45<sup>th</sup> Street would be required. The final size and number of lots will be determined at the time of platting. The applicant is proposing one to two-acre lots depending on what MABCD requires regarding proposed on-site sewer facilities. LC Limited Commercial District zoning would permit multi-family; however, density of that kind may require municipal water and sewer services, which are not available in the area. Finally, as stated before, paving of West 45<sup>th</sup> street will be determined at the time of platting.

The Land Use Section of the 2017 Colwich Comprehensive Plan does not specifically identify an appropriate future land use for this area as it is not depicted on their future land use map. The property is within their Urban Area of Influence, but was not included in a future analysis. Given site's location between the City of Colwich, the City of Maize and northwest Wichita, large lot, exurban subdivisions are likely to develop.

**RECOMMENDATION:** Based upon the information available at the time the staff report was completed, staff recommends the request **APPROVAL** of the requested zoning.

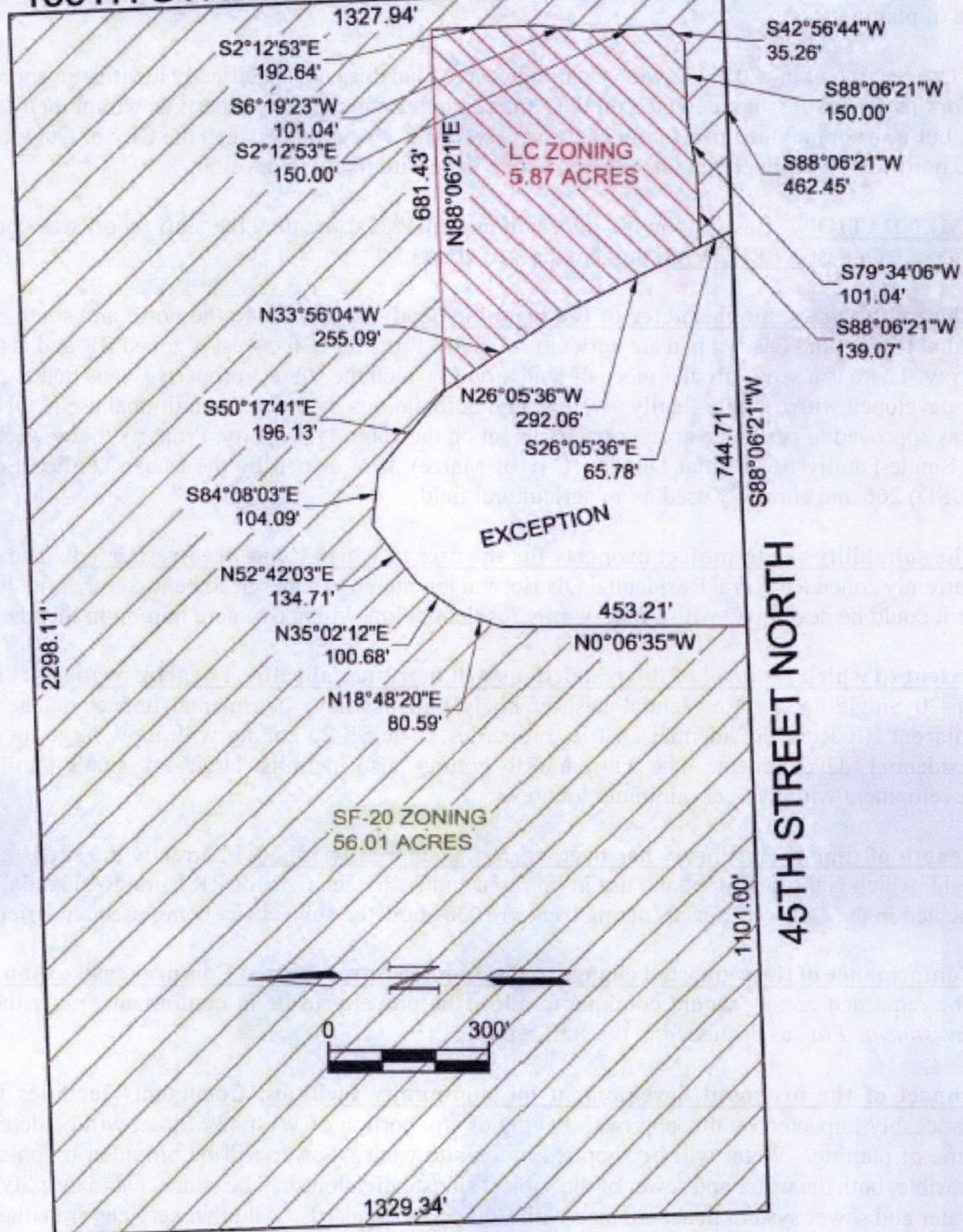
1. **The zoning uses and character of the neighborhood:** Properties to the north and south are zoned RR Rural Residential District and are agricultural fields. Property to the west is zoned RR and is a solar energy array. There is a semi-circular piece of land around which the subject property wraps that is zoned RR and is developed with a single-family dwelling and outbuildings. In 2005, a conditional use (CON2005-00014) was approved to permit an accessory apartment on the abutting property. Property to the west is zoned SF-5 Single-Family Residential District (City of Maize). It is owned by the Maize Unified School District (USD) 266 and currently used as an agricultural field.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned RR Rural Residential District and is suitable to continue to be used for agricultural purposes or it could be developed with single-family residential lots with a two-acre minimum lot size.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested SF-20 Single-Family Residential District likely will not have detrimental impact on the abutting and adjacent RR Rural Residential District properties. The SF-20 zoning will allow large lot single-family residential development. The current RR zoning also permits large lot single-family residential development with a larger minimum lot area.
4. **Length of time the property has been vacant as currently zoned:** Currently the site is an agricultural field, which is the common land use in this area and is characteristic of RR Rural Residentially zoned land located in the County. Aerials dating back to 1938 show the subject site being used as an agricultural field.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zoning would continue to allow the property to be in conformance with the *Community Investments Plan* as discussed in the staff report.
6. **Impact of the proposed development on community facilities:** Community facilities would not be noticeably impacted by this approval. Paving of any portion of West 45<sup>th</sup> Street will be determined at the time of platting. Water will be supplied by on-site wells. Sewer will be provided by on-site septic. If feasible, both the water and sewer of the subject site/subdivision shall be connected to the City of Colwich's water and sewer system in accordance with Colwich's standards. All other services are either available or can be extended to the subject site.

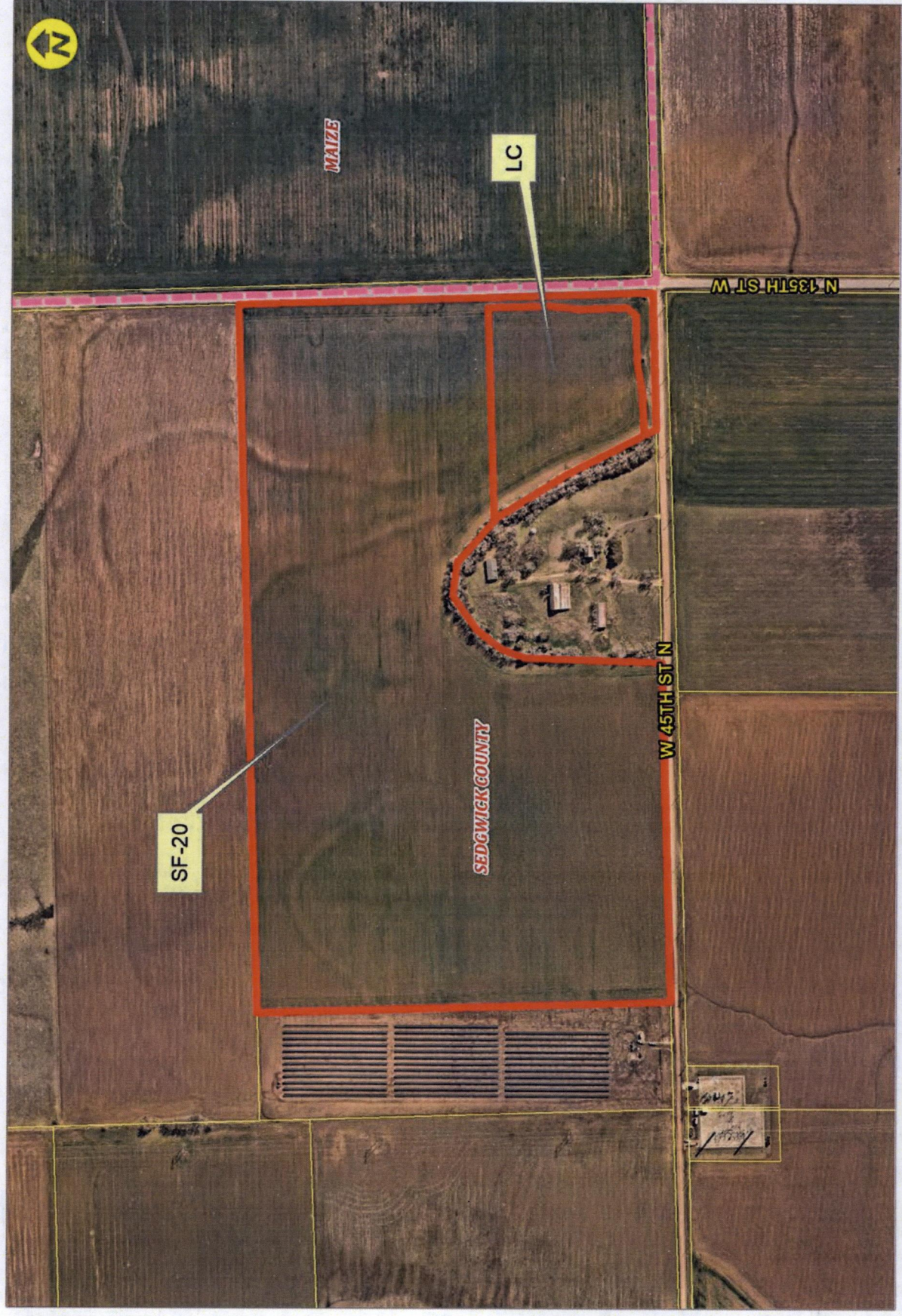
**Attachments:** 1) Zone Change Exhibit, 2) Aerial Map, 3) Zoning Map, 4) 2035 Wichita Future Growth Map, 5) City of Colwich Future Land Use Map, 6) Site Photos

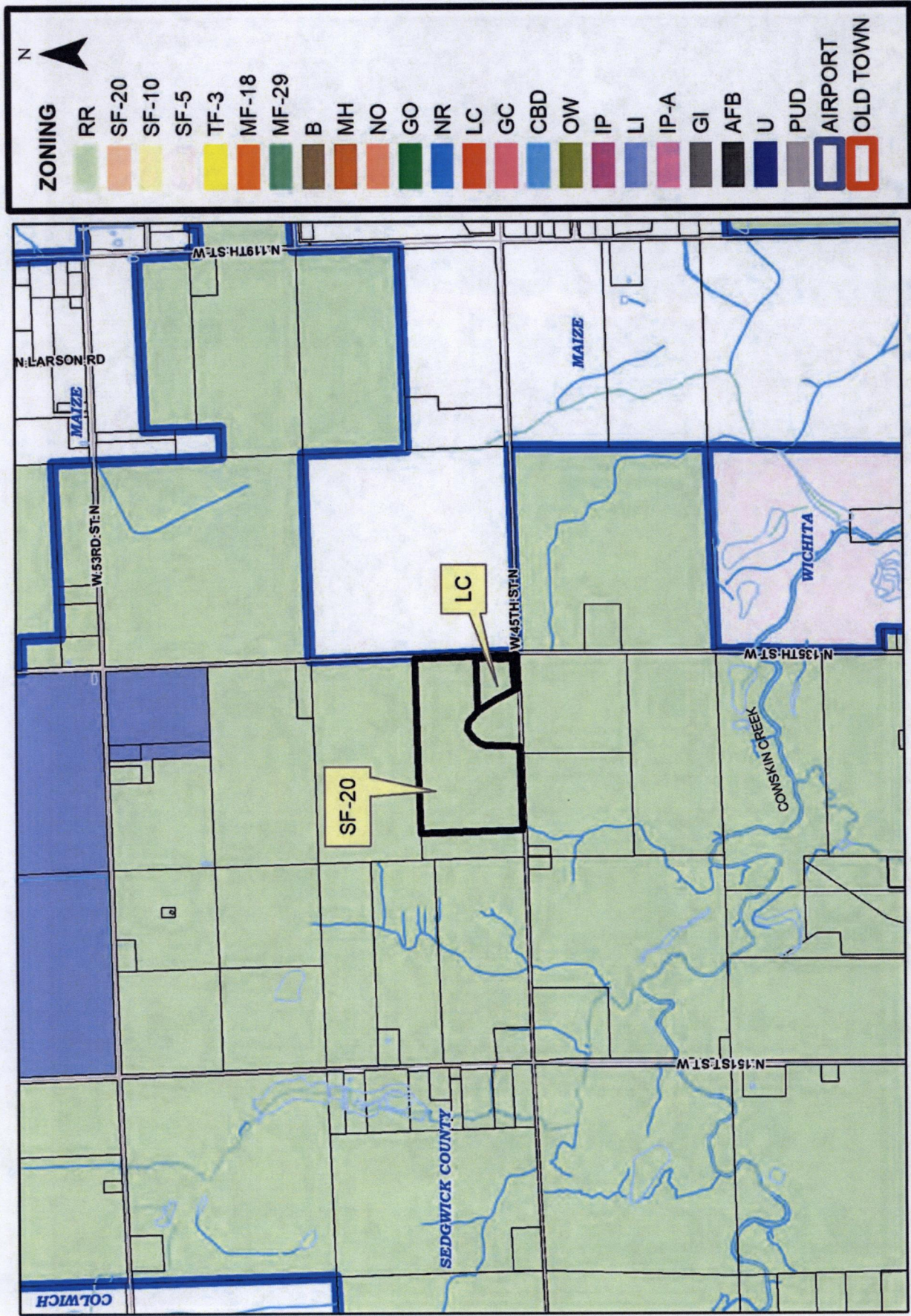
# ZONE CHANGE EXHIBIT

SOUTHEAST CORNER  
OF SEC. 23, T26S, R2W

135TH STREET WEST





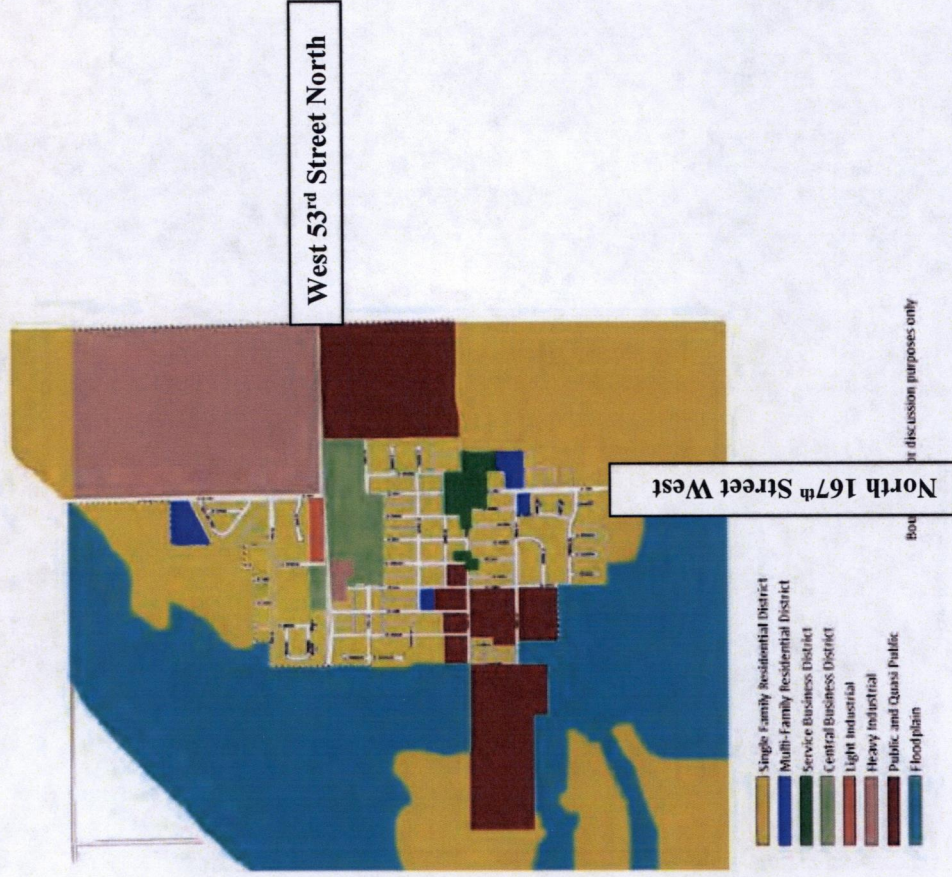


# 2035 Wichita Future Growth Concept Map

- Legend**
- Established Central Area
  - Residential and Employment Mix
  - New Employment
  - New Residential
  - Wichita City Limits
  - Other Cities
  - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Other Urban Growth Areas 2014
  - Other Urban Growth Areas 2014
  - Rural Growth Areas 2014
- LAND USE**
- Residential
  - Commercial
  - Industrial
  - Major Air Transportation & Military
  - Parks and Open Space
  - Agricultural or Vacant
  - Major Institutional
  - Nghbd\_Plan\_Areas



# **FUTURE COMMUNITY GROWTH PATTERNS** **City of Colwich, Kansas, August 2017**



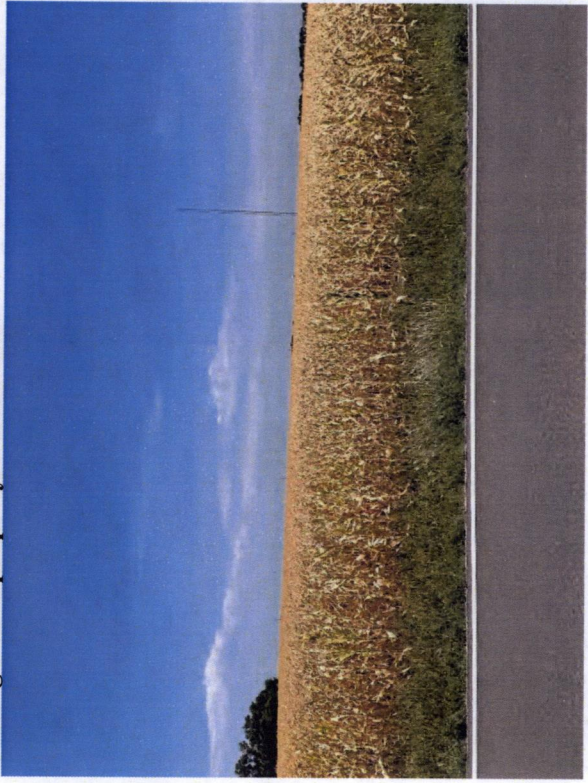
Looking west at site



Looking east away from site



Looking west a property north of site



Looking south away from site



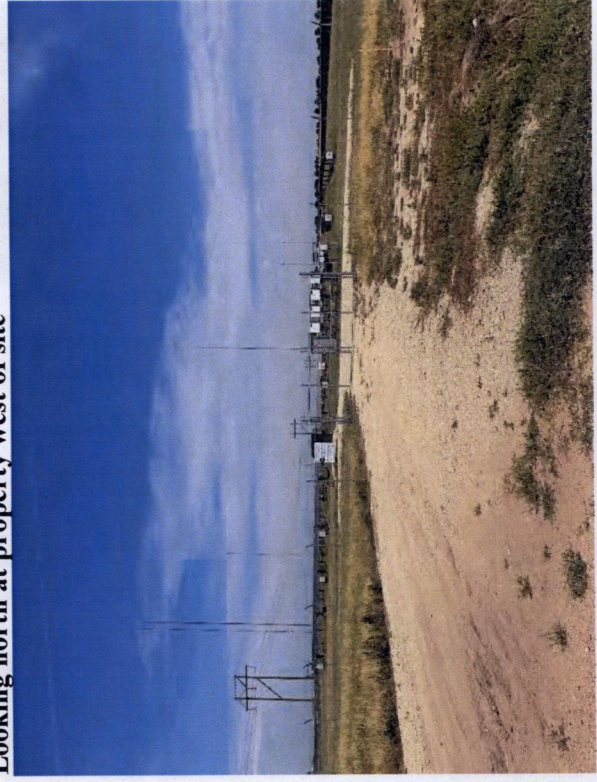
Looking at substation southwest of site



Looking north at site



Looking north at property west of site



Looking north at property in the middle of site

