

R# 157-1994

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RESOLUTION NO. 157-1994

A RESOLUTION NULLIFYING A CONDITIONAL USE PERMIT FOR MULTIPLE-FAMILY DWELLINGS IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY 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 17.C of the Zoning Regulations, an existing conditional use permit for Multiple-Family dwellings on property zoned "R-1" Suburban Residential District, legally described below:

Case No. CU-353

Resolution nullifying a conditional use permit for Multiple-Family dwellings on property zoned the "R-1" Suburban Residential District

That part of the NE1/4 of Sec. 24, Twp. 27-S, R-2-E of the 6th P.M., Sedgwick County, Kansas described as beginning at the N.E. corner of said NE1/4; thence S 00°12'56" W, along the east line of said NE1/4, 762.49 feet; thence S 59°12'23" W, 45.81 feet; thence S 53°26'23" W, 9.61 feet; thence S 58°17'23" W, 208.32 feet; thence S 57°03'52" W, 114.08 feet to a point 320 feet west of the east line of said NE1/4, as measured parallel with the east line of said NE1/4; thence N 00°12'56" E, 505.00 feet; thence N 44°47'04" W, 150 feet; thence N 00°12'56" E, 360 feet more or less to the north line of said NE1/4; thence N 89°59'54" E, along the north line of said NE1/4, 425 feet more or less to the place of beginning. Generally located at the southwest corner of Central and 159th Street East.

So. 1 to be published
11-1-94

is hereby made and declared null and void.

SECTION II. That upon the taking effect of this Resolution, the removal of such conditional use permit 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.

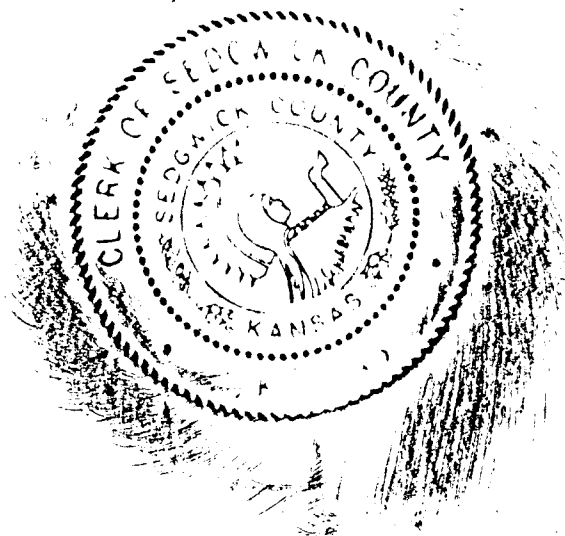
SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

PAUL W. HANCOCK	<u>Aye</u>
THOMAS G. WINTERS	<u>Aye</u>
ANDREW L. BIAS	<u>Aye</u>
MARK F. SCHROEDER	<u>Aye</u>
BETSY GWIN	<u>Aye</u>

DATED this 21st day of September, 1994.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

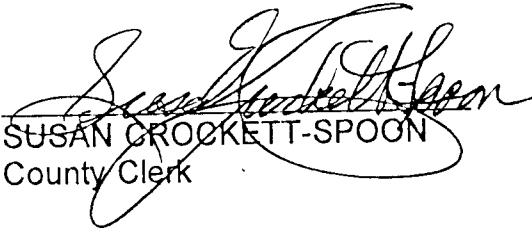


Betsy Gwin
BETSY GWIN, Chair 9-21-94

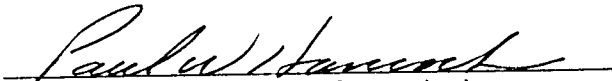
ATTEST:



ANDREW L. BIAS, Chairman Pro Tem



SUSAN CROCKETT-SPOON
County Clerk

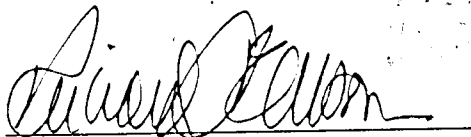


PAUL W. HANCOCK, Commissioner

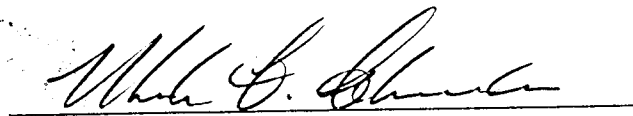
APPROVED AS TO FORM ONLY:



THOMAS G. WINTERS, Commissioner



County Counselor/Assistant



MARK F. SCHROEDER, Commissioner

STAFF REPORT
 AUGUST 25, 1994

CASE NUMBER: CU-353

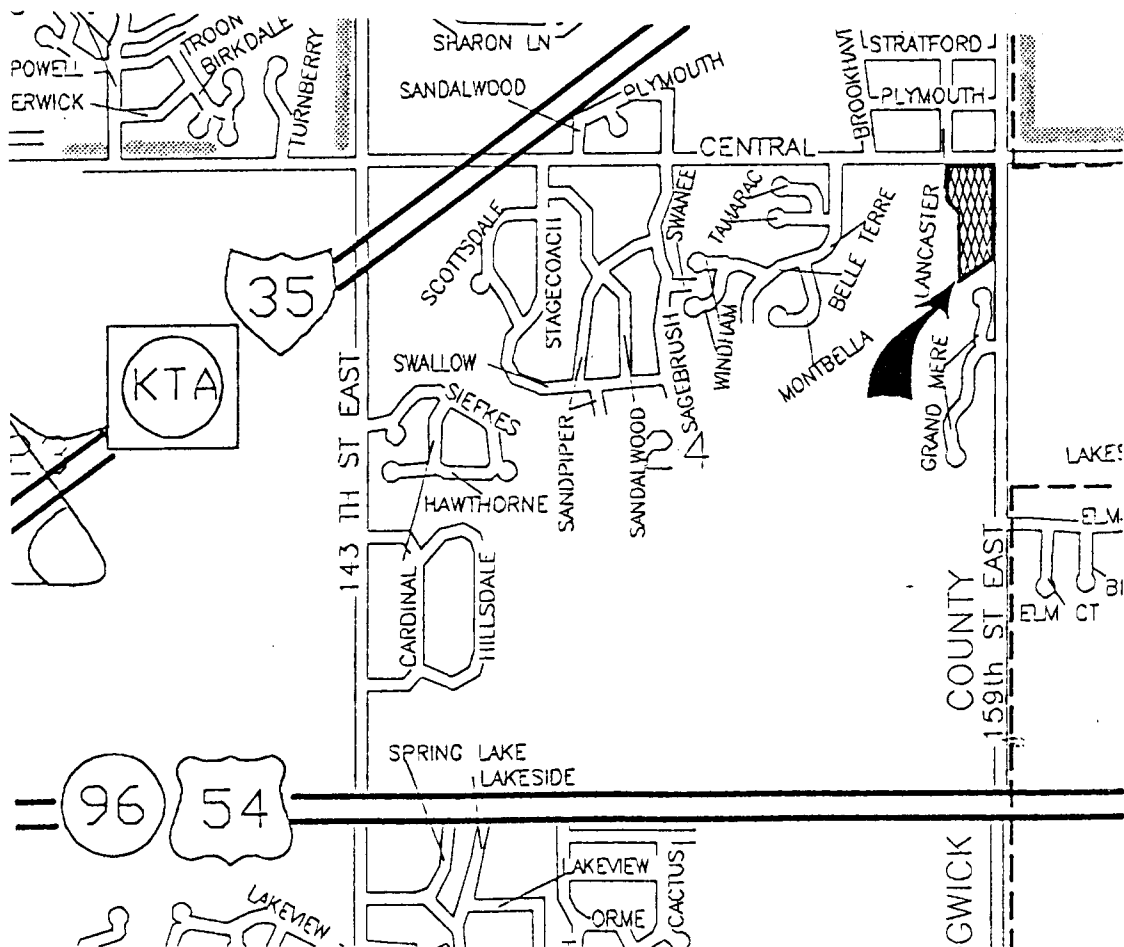
APPLICANT/AGENT: Downing Development / Baughman Company

REQUEST: Make null and void the existing Conditional Use permit (CU-353) for multiple-family dwellings.

CURRENT ZONING: "R-1" Suburban Residential District

SITE SIZE: 5.3 acres

LOCATION: Southwest corner of Central and 159th Street East



BACKGROUND / CASE HISTORY: The applicant requests to make null and void the existing Conditional Use permit (CU-353) for multiple-family dwellings. In January 1993, the County Commission approved a zone change to "AA" One Family Dwelling District (SCZ-0642) for 110 acres and the Conditional Use permit (CU-353) for a 5.3 acre site, subject to platting. The site is located at the southwest corner of Central and 159th Street East (adjacent to the City of Andover and the Sedgwick County / Butler County line).

The applicant initially requested a Conditional Use permit to allow for the construction of multiple-family dwellings on a 37.6 acre tract. However, the request was later amended to the 5.3 acre tract. In Sedgwick County, a Conditional Use permit is required for multiple-family development because the County Zoning Resolution does not include a multiple-family zoning district.

The Conditional Use permit had significant opposition from surrounding property owners during the MAPC and County Commission public hearings. Area residents cited concerns for increased density in a rural environment, increased traffic, aesthetics, and police and fire protection. The County Commission granted approval of the request, subject to the following conditions:

1. The total number of dwelling units shall be 23 (or approximately 4.3 dwelling units per acre).
2. The total number of units that may be attached as one group shall be four.
3. A 25-foot landscaped buffer or a six-foot solid masonry screening wall shall be provided along 159th Street East and Central.

The applicant is now desiring to develop this tract with traditional single family lots. On June 28, 1994, a final plat (Belle Terre 3rd Addition) was approved by the Wichita City Council, which depicts 47 lots on this acreage. The platter was required by the MAPC to submit a letter to the MAPD requesting that the County pass a resolution removing the existing Conditional Use permit (CU-353). However, according to the County Law Department, the request to remove the Conditional Use permit is considered a down zoning. Therefore, a public hearing is required before the MAPC and the County Commission.

If the request is granted to make null and void the existing Conditional Use permit (CU-353) for multiple-family dwellings, the current zoning will remain "R-1" Suburban Residential until a plat for this property is recorded with the Register of Deeds Office. Upon platting, the zoning will change to "AA" One Family Dwelling District, per the zone change request approved by the County Commission in 1993 (SCZ-0642).

ADJACENT ZONING AND LAND USE:

NORTH:	"R-1"	Single family homes
SOUTH:	"R-1"	Single family home subdivision under construction
EAST:	"B-1"	City of Andover Office Business District zoning
WEST:	"R-1", "AA"	Single family home subdivision under construction

PUBLIC SERVICES: Municipal services are available at this location from the City of Wichita and the Four-Mile Creek Sewer District. Access to the site is from Central and 159th Street East. Both streets are 2-lane paved arterials. Adequate right-of-way exists for Central; however, 25 feet of additional right-of-way will be required on 159th Street East when the property is platted. In addition, right-of-way from both streets will be required at the intersection.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area for low density residential development. The subject property is identified as a "new growth area" by the Sedgwick County Development Guide of the Comprehensive Plan. Such a designation represents areas in Wichita's urban fringe which are partially developed or have the potential of being economically developed by the year 2001.

RECOMMENDATION: Planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding zoning is a mixture of "R-1" and "AA". By removing the Conditional Use permit, the subject property could only be developed with single family residential uses, churches, and schools, all of which would be consistent with the surrounding land uses.
2. Conformance of the requested change to adopted or recognized Plans/Policies: The Comprehensive Plan identifies this area for low density residential uses. The underlying zoning is consistent with surrounding land uses, as well as the Comprehensive Plan.
3. Impact of the proposed development on community facilities: Since the existing Conditional Use permit limits the overall density to that of a traditional single family subdivision, the request to eliminate the permit would result in about the same number of dwelling units in this location. There should be no significant impact on community facilities.