

RESOLUTION NO. 132-2018

Published on: September 26, 2018

A RESOLUTION GRANTING A CONDITIONAL USE 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-D 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-D of the Wichita Sedgwick County Unified Zoning Code, a Conditional Use for the lands legally described hereby is approved as follows:

Case No. ZON 2018-00030

Zone change request from RR Rural Residential to SF-20 Single-Family Residential District and legally described as follows:

That part of the Northwest Quarter of Section 27, Township 26 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the southwest corner of said Northwest Quarter; thence N01°50'24"E, (Kansas Coordinate System of 1983 South Zone Grid Bearing), along the west line of said Northwest Quarter, 370.66 feet to a point 370.00 feet normally distant north of the south line of said Northwest Quarter, said point also being the northwest corner of the tract of land described and conveyed in the Trustee's Deed recorded in DOC.#/FLM-PG: 29592257 at the Office of the Sedgwick County Register of Deeds, and for a point of beginning; thence continuing N01°50'24"E along the west line of said Northwest Quarter, 448.91 feet; thence S88°49'52"E, 552.56 feet; thence S58°01'47"E, 95.00 feet; thence S03°36'35"E, 140.00 feet; thence S20°56'00"W, 350.00 feet; thence S42°53'07"W, 150.00 feet; thence N88°08'59"W, 110.00 feet to a point 325.00 feet normally distant east of the west line of said Northwest Quarter, said point also being on the east line of said tract of land, (DOC.#/FLM-PG: 29592257); thence N01°50'24"E along the east line of said tract of land, 195.00 feet to a point 370.00 feet normally distant north of the south line of said Northwest Quarter, said point also being the northeast corner of said tract of land; thence S88°24'38"W along the north line of said tract of land, 325.58 feet to the point of beginning, all being subject to road rights-of-way of record.

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:

DAVID M. UNRUH	<u>aye</u>
MICHAEL B. O'DONNELL, II	<u>aye</u>
DAVID T. DENNIS	<u>aye</u>
RICHARD RANZAU	<u>aye</u>
JAMES M. HOWELL	<u>aye</u>

Dated this 19th day of September, 2018.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

[Signature]
KELLY B. ARNOLD, Clerk



[Signature]

DAVID T. DENNIS, Chairman
Commissioner, Third District

[Signature]

DAVID M. UNRUH, Chair Pro Tem
Commissioner, First District

APPROVED AS TO FORM:

[Signature]
JUSTIN M. WAGGONER
Assistant County Counselor

[Signature]

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

[Signature]

RICHARD RANZAU
Commissioner, Fourth District

[Signature]

JAMES M. HOWELL
Commissioner, Fifth District



AGENDA ITEM NO. _____

STAFF REPORT
MAPC August 9, 2018
CAB III August 6, 2018

CASE NUMBER: ZON2018-00030

APPLICANT/AGENT: Daniel J. & Maria J. Seiler Revocable Trust (Owner)/Baughman Company, P.A.
% Kris Rose (Agent)

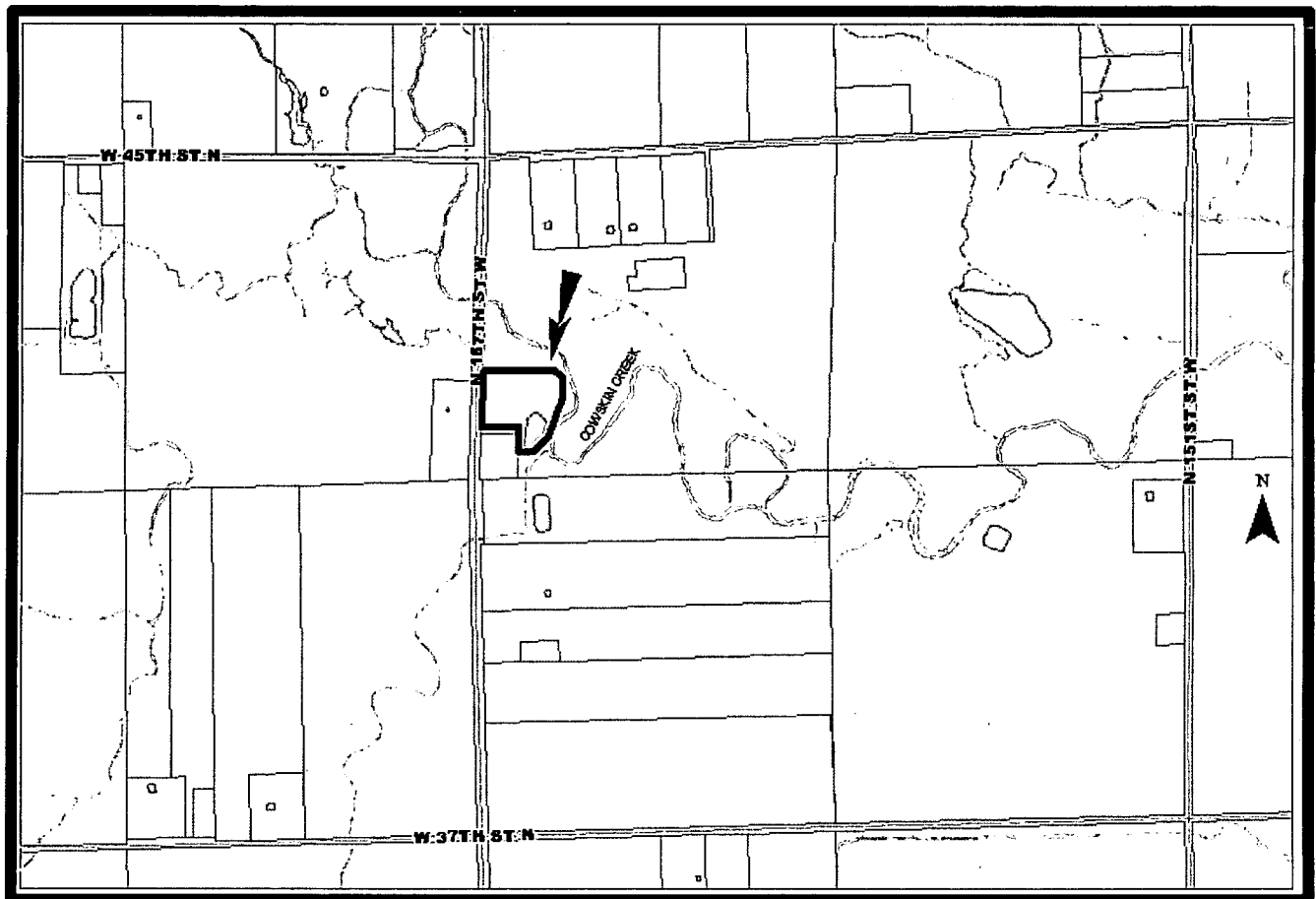
REQUEST: SF-20 Single Family Residential

CURRENT ZONING: RR Rural Residential

SITE SIZE: 6.6 acres

LOCATION: Located on the east side of 167th Street West and approximately ½ mile south of 45th Street North

PROPOSED USE: Single family residential development



ZON2018-00030

BACKGROUND: The applicant is requesting the rezoning of this 6.6-acre property to allow the platting of the property into 3 lots of approximately 1-acre each, with the remaining property being platted as reserves for drainage and private road access. The preliminary plat was approved on July 19, 2018, and awaiting final platting subject to this rezoning. A copy of the preliminary plat is attached for information purposes.

The property is identified as partially subject to potential flooding from the Cowskin Creek floodplain. The platting process has addressed the flooding issues and the final platting and subsequent development requirements will mandate compliance with the flood plain development requirements of Sedgwick County, including appropriate flood proofing of the building sites and appropriate mitigation measures for all onsite improvements.

This location is within the City of Colwich Area of Influence. The City of Colwich was notified regarding the rezoning. Staff was advised the City did not want to review or comment on this case because it had already been made aware of the pending platting and there were no objections to that request.

The surrounding property is primarily rural in nature. All the land is zoned RR Rural Residential. There are a couple of properties to the west and south that have homes on them, but the majority of the surrounding land is devoted to agricultural uses and in crop use.

CASE HISTORY: Other than the pending platting of the property noted above, there are no other previous zoning actions on these parcels.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	agricultural
SOUTH:	RR	agricultural, rural residential
EAST:	RR	agricultural
WEST:	RR	agricultural, rural residential

PUBLIC SERVICES: 167th Street West is a paved two-lane rural street with open ditches. No municipal services are available and all improvements will rely upon on-site water and wastewater services.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is in the “agricultural and vacant”. This use is considered appropriate for this area.

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

1. The zoning, uses and character of the neighborhood: The surrounding neighborhood is rural in nature and the introduction of a few new residential building lots will not be out of character with this area of Sedgwick County.
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.

6. 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 in the “agricultural and vacant”. This use is considered appropriate for this area.
7. Impact of the proposed development on community facilities: Development of the property would not have any impact on community facilities or resources. The transportation system is adequate to support the development and the onsite supporting utilities are suitable.

Staff Report Attachments:

1. Preliminary Plat