

(150006) Published in The Derby Reporter on December 12, 2018
RESOLUTION NO. 168-2018

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. ZON2018-00034

Zone change request from "RR" Rural Residential to "GO" General Office on property described as:

The East 574.00 feet of the South 496.00 feet of the Southeast Quarter of Section 14, Township 25 South, Range 1 East of the 6th Prime Meridian, Sedgwick County, Kansas; except the south 60.00 feet thereof and except the east 60.00 feet thereof, containing 5.14 acres, more or less. Generally located on the north side of 101st Street North and west of 47th Street East, (Oliver Avenue), Sedgwick County.

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:

DAVID M. UNRUH	<u>aye</u>
MICHAEL B. O'DONNELL, II	<u>no</u>
DAVID T. DENNIS	<u>aye</u>
RICHARD RANZAU	<u>aye</u>
JAMES M. HOWELL	<u>aye</u>

SCANNED

DEC 06 2018

Dated this 5th day of December, 2018.

ATTEST:

KBS
KELLY B. ARNOLD, Clerk



APPROVED AS TO FORM:

Justin M. Waggoner
JUSTIN M. WAGGONER
Assistant County Counselor

BOARD OF COUNTY COMMISSIONERS
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JAMES M. HOWELL
Commissioner, Fifth District



AGENDA ITEM NO. 6

STAFF REPORT

MAPC September 20, 2018

CASE NUMBER: ZON2018-00034

APPLICANT/AGENT: C & T Barnhart, LLC – Chris and Tiffany Barnhart (Owners) / Garver, LLC – Will Clevenger (Agent)

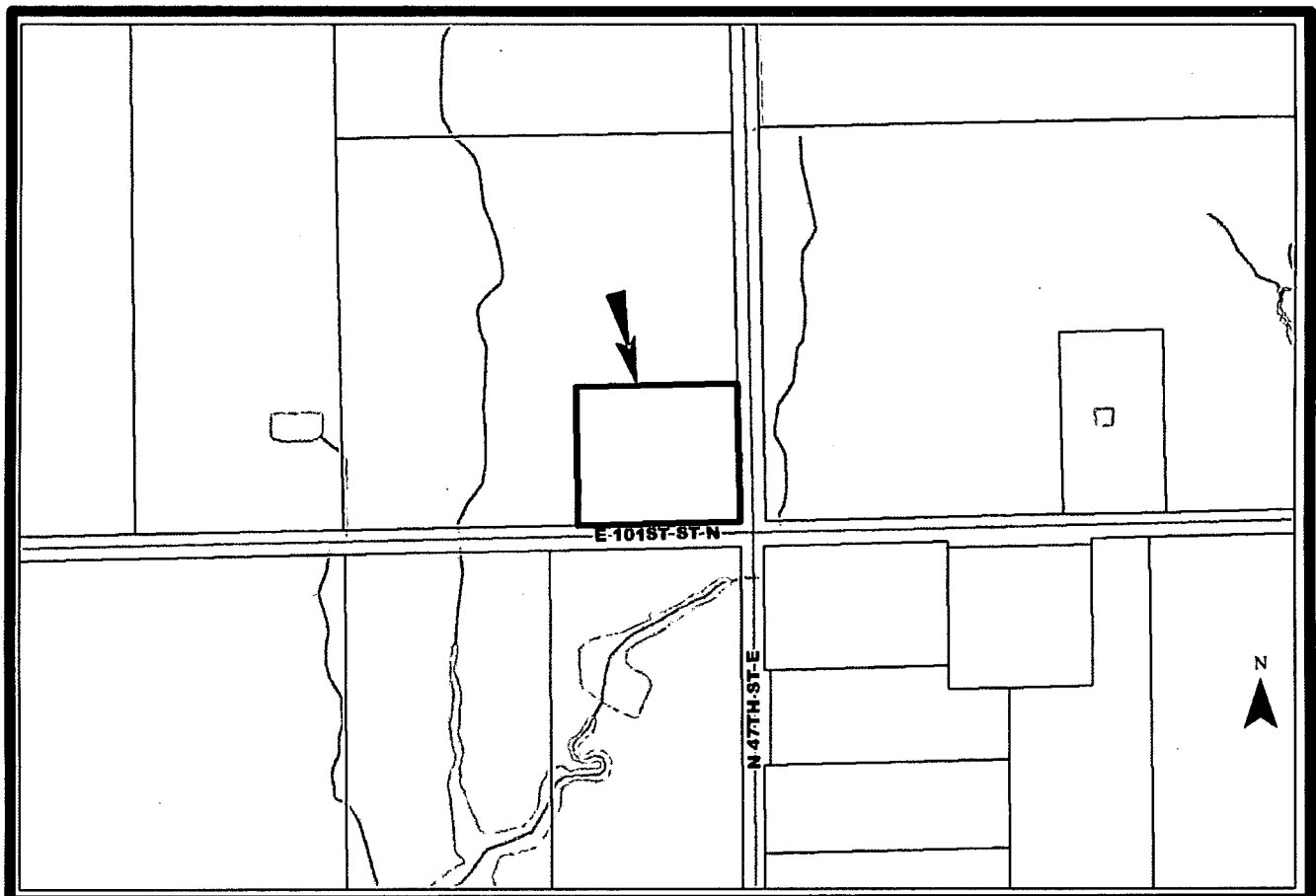
REQUEST: GO General Office

CURRENT ZONING: RR Rural Residential

SITE SIZE: 5.14 acre

LOCATION: Located on the west side of Oliver Avenue and the north side of 101st Street North

PROPOSED USE: Office development



ZON2018-00034

BACKGROUND: The applicant requests the rezoning of the 5.14-acre tract on the west side of Oliver Avenue and north of 101st Street North from RR Rural Residential (RR) to GO General Office (GO). The subject property is being platted as Superior Excavating Addition, which will create 3 lots along 101st Street North, with only the eastern lot at the intersection of 101st Street North and Oliver Avenue being subject to the rezoning to GO. The two other lots will remain RR Rural Residential and be for future residential development. It is important to note that the rezoning to GO will allow the office use, but any outside storage of equipment or other materials associated with the owners business are not permitted within the GO General Office zoning district.

The conceptual site plan for the GO lot shows an office building with two access drives on Oliver Avenue and one on 101st Street North. According to the plat being processed, these access drives have been approved by Sedgwick County Public Works. The staff report for the plat indicates this property is located within the territory of Sedgwick County Rural Water District #2. There are no public sewers within this area, so on-site wastewater systems will be required.

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

CASE HISTORY: As noted above, the subject property is being platted in the Superior Excavating Addition. There are no other zoning actions on this property.

ADJACENT ZONING AND LAND USE:

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

PUBLIC SERVICES: Both 101st Street North and Oliver Avenue are paved, two-lane, rural roads with open ditches. The plat being processed at this time is dedicating additional right-of-way to comply with County standards. No public sewers are available. The land is within the Sedgwick County Rural Water District # 2 service territory and will be required to connect if required by that entity. Otherwise, on-site water service 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 "Rural Area" of Sedgwick County. 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 overall spirit 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. The fact that both 101st Street North and Oliver Avenue are paved makes this case most acceptable to the area. While there are no other commercial uses in the general area, the establishment of office uses in the GO zoning district will not be necessarily out of character with the neighborhood.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned RR Rural Residential but, as noted above, is suitable for conversion to a commercial office use, which would be permitted by this rezoning. GO General Office restricts the property primarily to just office uses, which does limit the potential future uses of the property to some degree; especially the restrictions on outside storage of materials and equipment.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The rezoning of this property to GO General Office is not deemed to have any detrimental impact on surrounding properties. The fact both 101st Street North and Oliver Avenue are paved mitigates the introduction of this use in the rural area.
4. **Length of time the property has been vacant as currently zoned:** The property has been used agriculturally under the current zoning classification, which could continue. The platting could also permit the subject property being used as a residential property.
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 "Rural Area" of Sedgwick County. 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 overall spirit 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:** Rezoning of the property would not have any impact on community facilities or resources. The property will rely upon on-site wastewater services and may connect to public water service from Sedgwick County Rural Water District #2. All other services are available.

Staff Report Attachments:

Conceptual Site Plan

Proposed Superior Excavation Final Plat