

(150006) Published in The Derby Reporter on November 27, 2019  
RESOLUTION NO. 244-2019

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. ZON2019-00033**

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

A tract of land in the Southwest Quarter of Section 27, Township 26 South, Range 2 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, described as: Beginning 1,277 feet north and 315 feet east of the southwest corner of said Southwest Quarter; thence East 290 feet; thence North 150 feet; thence West 190 feet; thence South 150 feet to the point of beginning. Generally located on the east side of 167<sup>th</sup> Street West and north of 37<sup>th</sup> Street North, (4020 North 167<sup>th</sup> Street West), 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 and publication.

Commissioners present and voting were:

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

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AYE

Dated this 20 day of November, 2019.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:



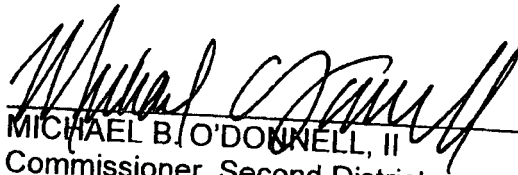
DAVID T. DENNIS, Chairman  
Commissioner, Third District

*Karen D. Ba...*  
for KELLY B. ARNOLD, County Clerk

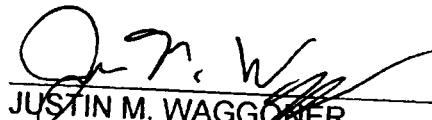
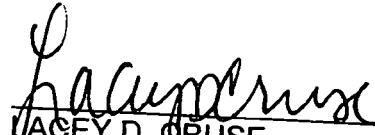



PETER F. MEITZNER, Chair Pro Tem  
Commissioner, First District

APPROVED AS TO FORM:



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

  
JUSTIN M. WAGGONER  
Assistant County Counselor  
JACEY D. GRUSE  
Commissioner, Fourth District  
JAMES M. HOWELL  
Commissioner, Fifth District



**STAFF REPORT**  
MAPC October 10, 2019

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**CASE NUMBER:** ZON2019-00033

**APPLICANT/AGENT:** Albert J. and Teresa Jirak (Owner)/Garber Surveying – Dan Garber (Agent)

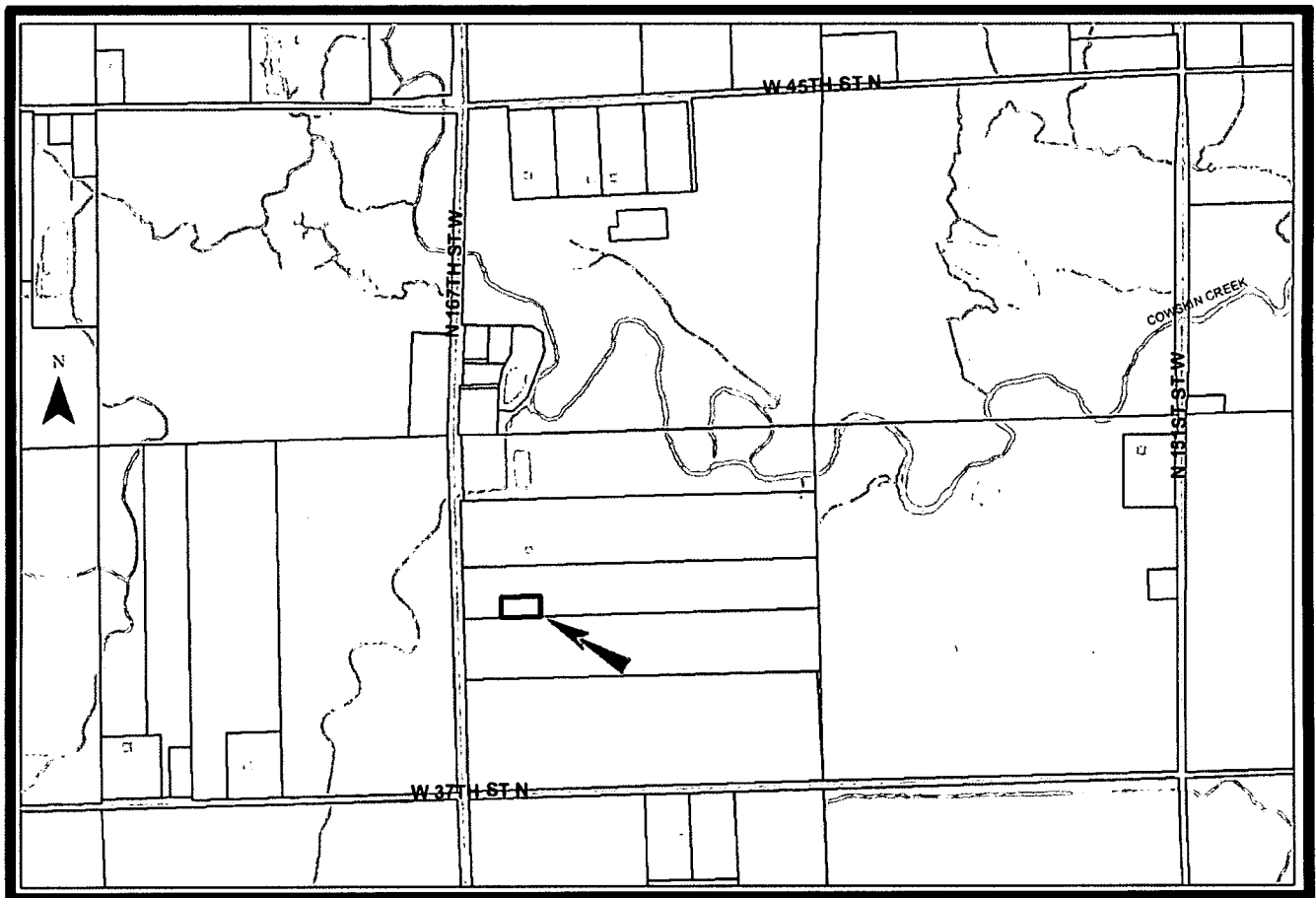
**REQUEST:** SF-20 Single Family Residential

**CURRENT ZONING:** RR Rural Residential

**SITE SIZE:** 1.0 acre

**LOCATION:** Located on the east side of North 167<sup>th</sup> Street West and approximately ¼ mile north of 37<sup>th</sup> Street North (4020 North 167<sup>th</sup> Street West)

**PROPOSED USE:** Single family residential development



**BACKGROUND:** The applicant is requesting the rezoning of this 1-acre property to bring the subject property into conformance with the Unified Zoning Code. The subject property is located on the east side of North 167<sup>th</sup> Street West approximately one-quarter mile north of West 37<sup>th</sup> Street North. This location is outside the City of Colwich Area of Influence. Additionally, the applicants are processing a single-lot plat (Guadalupe Grounds)(SUB2019-00035) at the same time.

According to the information provided by the agent, there was an existing home on the larger property surrounding the subject lot. The applicants purchased the home, but only obtained one acre of land. The subject property does not have frontage on 167<sup>th</sup> Street West, but is granted access via a 30-foot ingress-egress easement as shown on the plat. It was when a building permit was requested for an addition to the home that the applicant was informed of the deficiencies in the lot size in the Rural Residential zoning district and the platting need under the applicable laws in Sedgwick County.

The surrounding property is primarily rural in nature. All the land is zoned RR Rural Residential. The property to the north has a home which is owned by the family that sold this property to the applicant. 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, rural residential
SOUTH:	RR	agricultural
EAST:	RR	agricultural
WEST:	RR	agricultural

**PUBLIC SERVICES:** 167<sup>th</sup> 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. The applicant is aware of the requirements of the County rules and regulations.

**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 subject property is located in the County within three miles of the City of Wichita. It is designated as “Wichita Growth Area” by the Community Investments Plan 2015-2035. A single home at this location is recognized as appropriate for this location; therefore, this request is in conformance with the adopted Plan.

**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.

ZON2019-00033

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 in the “agricultural and vacant”. This subject property is located in the County within three miles of the City of Wichita. It is designated as “Wichita Growth Area” by the Community Investments Plan 2015-2035. A single home at this location is recognized as appropriate for this location; therefore, this request is in conformance with the adopted Plan.
6. **Relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner:** The proposed changes will create no issues to the public health, safety or welfare.
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. Proposed Final Plat – Guadalupe Grounds