

(150006) Published in The Derby Informer on 3/4/2020
RESOLUTION NO. 040-2020

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. ZON2019-00053

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

A tract of land in the Northeast Quarter of Section 12, Township 27 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point in the North line of said Section 12 and 831.6 feet West of the Northeast corner of said Section 12, thence South parallel with the East line of said Section 12, a distance of 230.0 feet; thence West 233.15 feet thence North 230.0 feet to a point in the North line of said Section 12; thence East 223.15 feet to the point of beginning, EXCEPT the North 30 feet for road. Generally located on the south side of 21st Street North and 1,000 feet west of North 215th Street West (21641 West 21st Street North), 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

My
Any
Any

LACEY D. CRUSE
JAMES M. HOWELL

sup
sup

Dated this 19 day of February, 2020.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KBA
KELLY B. ARNOLD, County Clerk



Peter F. Meitzner
PETER F. MEITZNER, Chairman
Commissioner, First District

Lacey D. Cruse
LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:

Justin M. Waggoner
JUSTIN M. WAGGONER
Assistant County Counselor

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

David T. Dennis
DAVID T. DENNIS
Commissioner, Third District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District

CAB 3 January 6, 2020

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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 south side of West 21st Street North approximately one-quarter mile west of North 215th Street West (21641 West 21st Street North). This location is outside any designated growth area of any city within the County. The applicants are processing a single-lot plat (Clonch Addition)(SUB2019-00061) at the same time.

According to the information provided by the agent, the applicants purchased the property in order to construct a new home and knew the property would have to plat and, because the subject property was only one acre of land, the rezoning was necessary.

The surrounding property is heavily developed with rural residential building sites. The subject property is surrounded by land zoned SF-20 that is included in the Lake Vista 2nd Addition. All the remaining land surrounding the subject property is zoned RR Rural Residential and established is small, rural lots with single-family homes.

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

ADJACENT ZONING AND LAND USE:

NORTH:	RR	single-family residential
SOUTH:	SF20	single-family residential
EAST:	SF-20	single-family residential
WEST:	SF-20	single-family residential

PUBLIC SERVICES: 21st Street North 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 “Rural Growth Area”. This subject property is outside the County within three miles of the City of Wichita. 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:

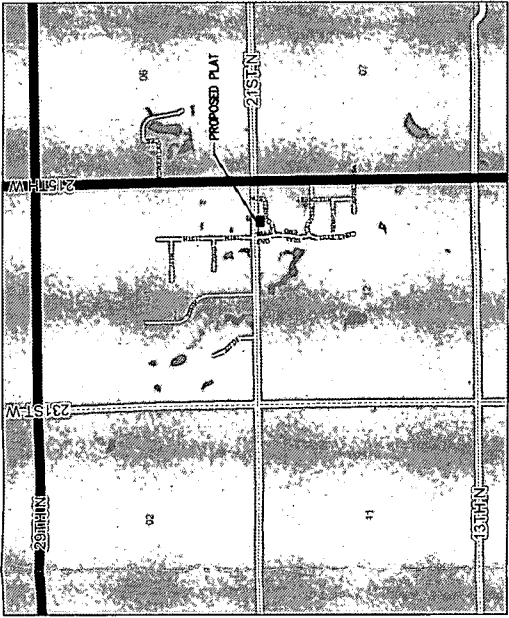
1. **The zoning, uses and character of the neighborhood:** The surrounding property is heavily developed with rural residential building sites. The subject property is surrounded by land zoned SF-20 that is included in the Lake Vista 2nd Addition. All the remaining land surrounding the subject property is zoned RR Rural Residential and established is small, rural lots with single-family homes.
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 for some time, and the development as proposed is considered appropriate for the neighborhood.

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 “Rural Growth Area”. This subject property is outside the County within three miles of the City of Wichita. 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:

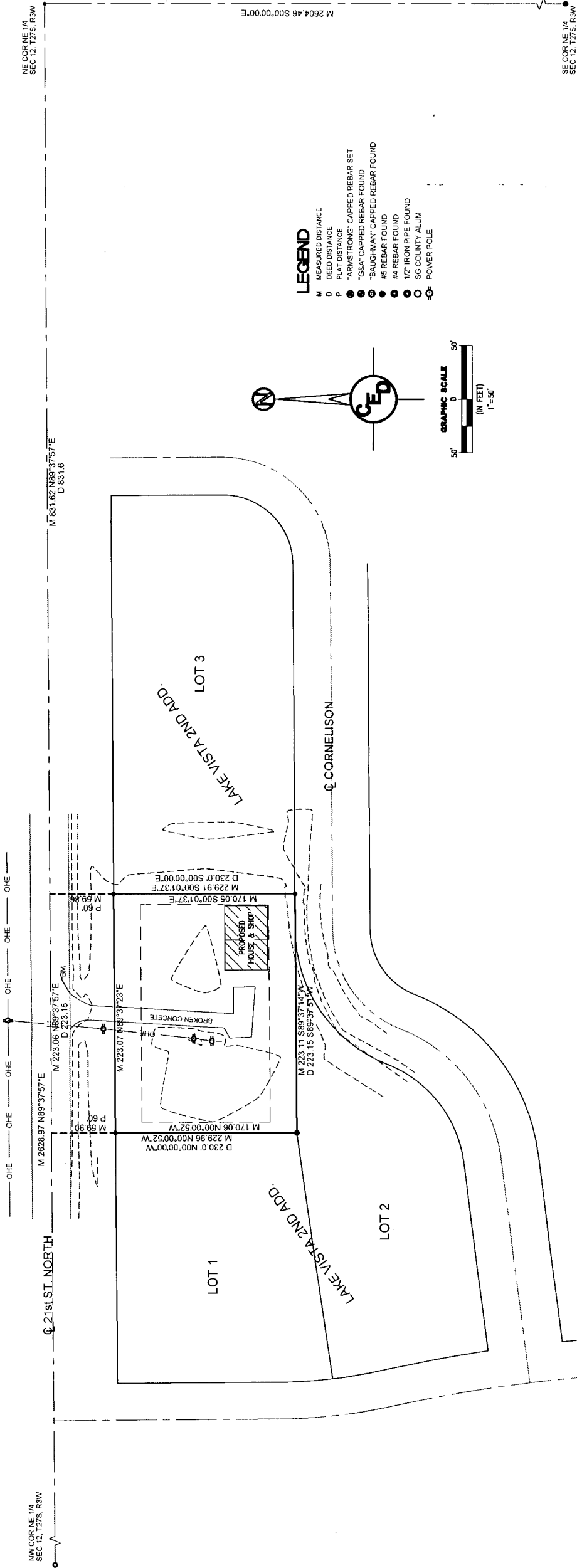
1. Proposed Final Plat – Clonch Addition

PRELIMINARY PLAT
CLONCH ADDITION
A PORTION OF THE NORTHEAST QUARTER OF SECTION 12,
TOWNSHIP 27 SOUTH, RANGE 3 WEST OF THE 6TH PRINCIPAL
MERIDIAN, SEDGWICK COUNTY, KANSAS

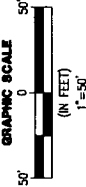


LEGAL DESCRIPTION:

A TRACT IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 27 SOUTH, RANGE 3 WEST OF THE 6TH P.M. SEDGWICK COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH LINE OF SAID SECTION 12 AND 831.6 FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION 12; THENCE SOUTH 89°37'57"E ALONG THE EAST LINE OF SAID SECTION 12 A DISTANCE OF 230.0 FEET; THENCE WEST 223.15 FEET TO THE POINT OF BEGINNING; BEING THE NORTH LINE OF SAID SECTION 12, THENCE EAST 223.15 FEET TO THE POINT OF BEGINNING EXCEPT THE NORTH 30 FEET FOR ROAD.



- LEGEND**
- M MEASURED DISTANCE
 - D DEED DISTANCE
 - P PLAT DISTANCE
 - "ARMSTRONG" CAPPED REBAR SET
 - "SSA" CAPPED REBAR FOUND
 - "BAUGHMAN" CAPPED REBAR FOUND
 - #5 REBAR FOUND
 - #4 REBAR FOUND
 - 1/2" IRON PIPE FOUND
 - SG COUNTY ALUM.
 - POWER POLE



OWNERS:
ROGER C. CLONCH & JUDY G. CLONCH
2144 N. TRAIL END DR.
GOODLAND KS. 67052

SURVEYOR:
ARMSTRONG LAND SURVEY, P.A.
1801 E. HARRY
WICHITA, KANSAS 67211
(316) 263-0882

NOTE: BOUNDARY SURVEY
COMPLETED BY ARMSTRONG
LAND SURVEY, P.A. ON OR
ABOUT AUGUST 8, 2018.

CLOSURE COMPUTATION
PERMETER=906.04'
AREA=1.178 ACRES
NORTHING ERROR=0.0032'
EASTING ERROR=0.0005'
ERROR IN DISTANCE=0.0032'
PRECISION=1:201,138

BENCHMARK:
SQUARE DIT ON NORTHEAST CORNER OF
CONCRETE DRIVEWAY 92' WEST OF NE
PROPERTY CORNER.
ELEV. = 1455.41 (NAVD83)

DRAWINGS PREPARED BY:
CERTIFIED ENGINEERING DESIGN, P.A.
CED
1935 WEST MAPLE STREET
WICHITA, KANSAS 67213
PH: (316) 262-8808
FAX: (316) 262-1669
SHEET 1
TOTAL 1