

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. ZON 2016-00017**

Zone change request from GC General Commercial with PO #160 to RR Rural Residential.

A parcel of land lying in the Northwest Quarter of Section 14, Township 28 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas described as: Commencing at the Northwest corner of said Northwest Quarter Section; thence along the North line of said Quarter Section on an assumed bearing of N 89°25'27" E for a distance of 550.00 feet to the point of beginning; thence continuing along said North line for a distance of 580.00 feet; thence S 00°00'00" E parallel with the West line of said Quarter for a distance of 615.00 feet; thence S 89°25'27" W for a distance of 580.00 feet; thence N 00°00'00" W parallel with the West line of said Quarter for 615.00 feet to the point of beginning; generally located south of West 39<sup>th</sup> Street South and east of Lake Afton (24545 W. 39<sup>th</sup> Street S.).

**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.

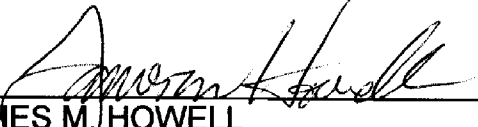
Commissioners present and voting were:

DAVID M. UNRUH  
TIM R. NORTON  
KARL PETERJOHN  
RICHARD RANZAU  
JAMES M. HOWELL

Aye  
Aye  
Aye  
Aye  
Aye

DATED this 8<sup>th</sup> day of June, 2016

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

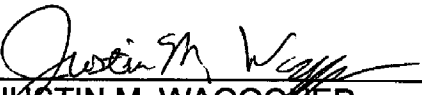
  
\_\_\_\_\_  
JAMES M. HOWELL  
Commissioner, Fifth District

ATTEST:

  
\_\_\_\_\_  
KELLY B. ARNOLD  
County Clerk



APPROVED AS TO FORM ONLY:

  
\_\_\_\_\_  
JUSTIN M. WAGGONER  
Assistant County Counselor



## STAFF REPORT

MAPC May 5, 2016

**CASE NUMBER:** ZON2016-00017

**APPLICANT/AGENT:** Wayne and Donna Wulf (owner/applicant)

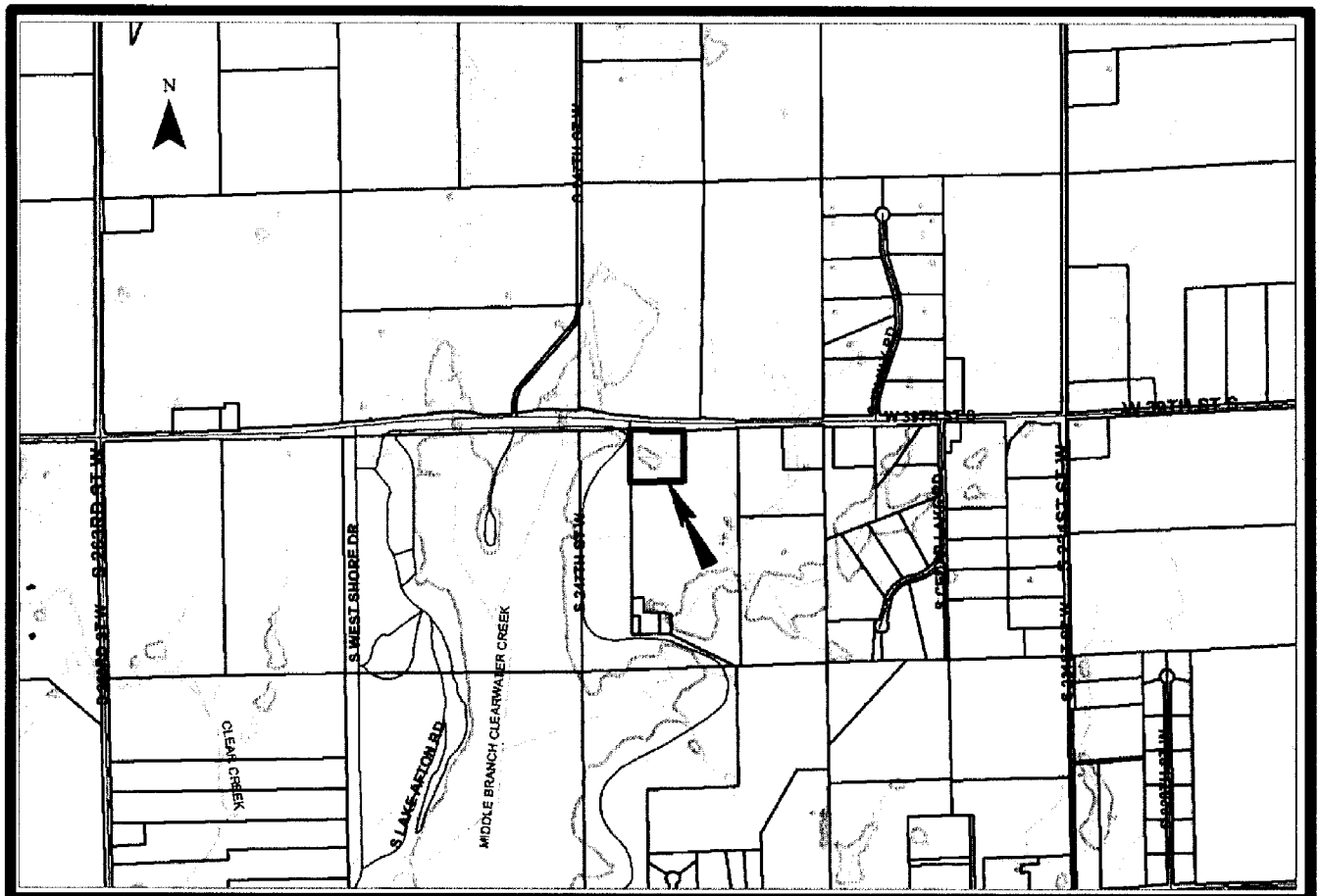
**REQUEST:** RR Rural Residential (RR) zoning

**CURRENT ZONING:** GC General Commercial (GC) zoning

**SITE SIZE:** 7.44 acres

**LOCATION:** Generally located south of West 39<sup>th</sup> Street South and east of Lake Afton (24545 W. 39<sup>th</sup> Street S.)

**PROPOSED USE:** Single-family Residential



**BACKGROUND:** The applicant requests a downzoning from GC General Commercial (GC) zoning to RR Rural Residential (RR) on a 7.44-acre unplatted parcel. The site is located on the south side of West 39<sup>th</sup> Street South and east of Lake Afton. The site is not within a small city urban growth area. The site was rezoned from RR to GC in 2005 with a Protective Overlay (PO-160) which limits uses on the site to auditorium, restaurant and outdoor recreation. The primary structure on the site was built in 1955. A silo on the site was converted to a climbing wall with additional outdoor recreation features added to the site. The applicants indicate to staff that they have removed the commercial kitchen from the site, they intend to remove the outdoor recreation climbing features and intend to use the site as a single-family residence. The site is on well water and a shared lagoon with property to the south.

All property surrounding the site is also zoned RR. North of the site, across West 39<sup>th</sup> Street South, is the County firearms training facility. South and east of the site is property owned by Kings Camp Inc. with conditional use CU-332 for a recreational vehicle camp ground. The County Tax Assessor lists the use of the property south and east of the site as “child and youth services.” West of the site is the Lake Afton County Park.

**CASE HISTORY:** The site is unplatted, the primary structure on the site was built in 1955. The site was rezoned from RR to GC in 2005 with PO-160.

**ADJACENT ZONING AND LAND USE:**

|        |    |                            |
|--------|----|----------------------------|
| NORTH: | RR | Firearms training facility |
| SOUTH: | RR | Child and youth services   |
| EAST:  | RR | Child and youth services   |
| WEST:  | RR | County park, lake          |

**PUBLIC SERVICES:** West 39<sup>th</sup> Street South is a paved, two-lane arterial street at this location with a 120-foot right-of-way. West 39<sup>th</sup> Street South has a central turn lane adjacent to the site. The site utilizes shared on-site water and sewer with property to the south. The applicants indicate to staff that they intend to develop on-site water and sewer on their property.

**CONFORMANCE TO PLANS/POLICIES:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as “rural” and not within any small city growth areas. The “rural” category encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses, and larger lot residential exurban subdivisions likely will be developed in this area. Such development should occur in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County*.

**RECOMMENDATION:** Based upon information available prior to the public hearings, 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:** All property surrounding the site is also zoned RR. North of the site, across West 39<sup>th</sup> Street South, is the County firearms training facility. South and east of the site is property owned by Kings Camp Inc. with conditional use CU-332 for a recreational vehicle camp ground. The County Tax Assessor lists the use of the property south and east of the site as “child and youth services.” West of the site is the Lake Afton County Park.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned GC and could continue to be used under PO-160 for an auditorium, restaurant and outdoor recreation.

- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested downzoning, from GC to RR, will create more restrictions on the property lowering potential impacts on surrounding properties.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as “rural” and not within any small city growth areas. The “rural” category encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses, and larger lot residential exurban subdivisions likely will be developed in this area. Such development should occur in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County*.
- (5) **Impact of the proposed development on community facilities:** All services are in place. The requested downzoning will reduce demand on community facilities, infrastructure and services.