

RESOLUTION NO. 096-2017

Published on: June 14, 2017

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 2017-00006**

Zone change request from SF-20 Single-Family Residential District to LC Limited Commercial and legally described as follows:

A tract of land in that part of Southwest Quarter of the Southwest Quarter of said Section 26 previously platted as Woodvale Addition, Sedgwick County, Kansas, (a portion of said Woodvale Addition now vacated by virtue of the instrument entitled Vacation Order, Case No. VAC2015-00023, recorded in DOC.#/FLM-PG: 29559186), described as follows: Commencing at the southeast corner of Lot 6, Block E, of said Woodvale Addition, (said southeast corner also being the southeast corner of the Southwest Quarter of the Southwest Quarter of Section 26, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas); thence north along the east line of said Woodvale Addition, (said east line also being the east line of the Southwest Quarter of said Southwest Quarter), 856 feet to a line described in the instrument entitled Vacation Order, Case No. D-1996-1 recorded in Film 1592 at Page 256; thence westerly with a deflection angle to the left of  $90^{\circ}03'$ , 42.00 feet to a point on the west right-of-way line of Clifton Ave. as dedicated in Woodvale Addition, Sedgwick County, Kansas, and for a point of beginning; thence continuing westerly along the extension of the last described course, 560.76 feet; thence northerly with a deflection angle to the right of  $89^{\circ}59'04''$ , 80.00 feet; thence northwesterly with a deflection angle to the left of  $19^{\circ}55'32''$ , 85.09 feet; thence northerly with a deflection angle to the right of  $19^{\circ}55'32''$ , 306.18 feet to a point on the north line of the Southwest Quarter of said Southwest Quarter, said north line also being the north line of said Woodvale Addition now vacated, (DOC.#/FLM-PG: 29559186); thence easterly with a deflection angle to the right of  $90^{\circ}00'00''$  along the north line of the Southwest Quarter of said Southwest Quarter, (and along the north line of said Woodvale Addition now vacated, (DOC.#/FLM-PG: 29559186), 390.30 feet to the northeast corner of Lot 10 in said Block A, (now vacated in Vacation Order, Case No. VAC2015-00023, recorded in DOC.#/FLM-PG: 29559186); thence southerly along the east line of said Lot 10, (now vacated), 100.00 feet to the northwest corner of Lot 12 in said Block A, (now vacated in Vacation Order, Case No. VAC2015-00023, recorded in DOC.#/FLM-PG: 29559186); thence easterly along the north line of said Lot 12, (now vacated), 200.00 feet to the northeast corner of said Lot 12, (now vacated), said northeast corner also being on

the west right-of-way line of said Clifton Ave.; thence southerly along the west right-of-way line of said Clifton Ave., 366.33 feet to the point of beginning.

**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.

DATED this 7<sup>th</sup> day of June, 2017

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS


  
\_\_\_\_\_  
David M. Unruh, Chairman  
Commissioner, First District

ATTEST:

  
\_\_\_\_\_  
Kelly B. Arnold  
County Clerk



APPROVED AS TO FORM ONLY:

  
\_\_\_\_\_  
Justin M. Waggoner  
Assistant County Counselor



**BACKGROUND:** The applicant is requesting a rezoning from the existing SF-20 Single-Family Residential (SF-5) to a LC Limited Commercial (LC) district for 5.8-acres located at the northwest corner of East 63<sup>rd</sup> Street South and South Clifton Avenue. The applicant is the developer of Vassar Addition, a two family residential subdivision south of the subject property. It is believed that establishing commercial zoning on this site would be an asset and convenience to the area as the number of residential housing units increase in the future. The applicant would also like to have the property zoned LC prior to a large number of lots being sold so residents have information about commercial zoning at this intersection. Please see the attached narrative from the applicant.

The surrounding neighborhood is characterized primarily by rural and large lot residential uses. North of the property is a large vacant tract. South of the site is a residential subdivision, Vassar Addition. East of property is a vacant agricultural parcel. West of the site is a large lot residential home.

**CASE HISTORY:** The site is vacant, and is platted as a portion of Woodvale Addition, recorded in 1953.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-20	vacant
SOUTH:	TF-3	two family residential
EAST:	RR	large lot residential
WEST:	SF-20,	agricultural/vacant

**PUBLIC SERVICES:** East 63<sup>rd</sup> Street South is a four-lane arterial street. South Clifton Street is a two-lane arterial street. Municipal utilities are available to serve the site.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as parks and open space. Approximately 220 acres east of the Arkansas River from East 63<sup>rd</sup> Street South to East 55<sup>th</sup> Street South have this land use designation. The subject property is a reasonable commercial location at this intersection of two arterial streets. This zone change would not be a significant change to this larger parks and open space designation in this area.

**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:** The surrounding neighborhood is characterized primarily by rural and large lot residential uses. North of the property is a large vacant tract. South of the site is a residential subdivision, Vassar Addition. East of property is a vacant agricultural parcel. West of the site is a large lot residential home.
- (2) The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-20 and the property could be developed with this existing zoning classification. It is reasonable to expect a non-residential development at this intersection of two arterial streets in an area that is experiencing residential development. Rezoning the property would facilitate future development and provide a greater tax base and employment opportunities than could be realized with the existing zoning district.
- (3) Extent to which removal of the restrictions will detrimentally affect nearby property:** Impact on surrounding property due to the requested zone change should be minimal. Compliance with required setbacks, landscaping and an attractive building design can achieve a development that meets the needs of nearby residents and does not have a detrimental impact.

- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as parks and open space. Approximately 220 acres east of the Arkansas River from East 63rd Street South to East 55th Street South have this land use designation. The subject property is a reasonable commercial location at this intersection of two arterial streets. This zone change would not be a significant change to this larger parks and open space designation in this area.
- (5) **Impact of the proposed development on community facilities:** Municipal utilities are available to serve the site. Public improvements would have to be extended throughout the site at the time of development at the applicant's expense.

**Staff Report Attachments:**

1. Applicant's Narrative
2. Zoning Exhibit