

RESOLUTION NO. 127-2017

Published on: July 19, 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 2017-00012**

Zone change request from RR Rural Residential to SF-20 Single-family Residential.

A portion of the Northwest Quarter of Section 14, Township 28 South, Range 3 West of the 6th Principal Meridian in Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 14; Township 28 South, Range 3 West of the 6th Principal Meridian; thence with a bearing North 88°43'27" East (basis of bearings is NAD 83 Kansas South Zone) along the North line of said Northwest Quarter 550.00 feet; thence South 00°41'54" East parallel with the West line of said Northwest Quarter 1,879.75 feet for the point of beginning; thence North 88°58'37" East 82.90 feet; thence South 00°41'54" East parallel with the West line of said Northwest Quarter 401.35 feet; thence North 88°00'56" West 83.00 feet; thence North 00°41'54" West parallel with the West line of said Northwest Quarter 397.00 feet to the point of beginning.

TOGETHER WITH

A portion of the Northwest Quarter of Section 14, Township 28 South, Range 3 West of the 6th Principal Meridian in Sedgwick County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of Section 14, Township 28 South, Range 3 West of the 6th Principal Meridian; thence with a bearing North 88°43'27" East (basis of bearings is NAD 83 Kansas South Zone) along the North line of said Northwest Quarter 550.00 feet; thence South 00°41'54" East parallel with the West line of said Northwest Quarter 1,879.75 feet; thence North 88°58'37" East 82.90 feet for the point of beginning; thence continuing North 88°58'37" East 45.10 feet; thence South 00°41'54" East parallel with the West line of said Northwest Quarter 157.00 feet; thence South 82°18'04" East 65.04 feet; thence South 04°15'07" West 240.17 feet; thence North 88°00'56" West 88.95 feet; thence North 00°41'54" West parallel with the West line of said Northwest Quarter 401.35 feet to the point of beginning.

TOGETHER WITH

A portion of the Northwest Quarter of Section 14, Township 28 South, Range 3 West of the 6th Principal Meridian in Sedgwick County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of Section 14, Township 28 South, Range 3 West of the 6th Principal Meridian; thence with a bearing North 88°43'27" East (basis of bearings is NAD 83 Kansas South Zone) along the North line of said Northwest Quarter 550.00 feet; thence South 00°41'54" East parallel with the West line of said

Northwest Quarter 1,879.75 feet; thence North 88°58'37" East 128.00 feet; thence South 00°41'54" East parallel with the West line of said Northwest Quarter 157.00 feet; thence South 82°18'04" East 65.04 feet for the point of beginning; thence continuing South 82°18'04" East 104.44 feet; thence South 00°41'54" East parallel with the West line of said Northwest Quarter 229.83 feet; thence North 88°00'56" West 124.18 feet; thence North 04°15'07" East 240.17 feet to the point of beginning.

All in Sedgwick County, Kansas

**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 publication.

Commissioners present and voting were:

|                          |            |
|--------------------------|------------|
| DAVID M. UNRUH           | <u>aye</u> |
| MICHAEL B. O'DONNELL, II | <u>aye</u> |
| DAVID T. DENNIS          | <u>aye</u> |
| RICHARD RANZAU           | <u>aye</u> |
| JAMES M. HOWELL          | <u>aye</u> |

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

Kelly B. Arnold  
KELLY B. ARNOLD, County Clerk



David M. Unruh  
DAVID M. UNRUH, Chairman  
Commissioner, First District

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

APPROVED AS TO FORM:

Justin M. Waggoner  
JUSTIN M. WAGGONER,  
Assistant County Counselor

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

Richard Ranzau  
RICHARD RANZAU  
Commissioner, Fourth District

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



**STAFF REPORT**  
MAPC June 8, 2017  
District 3 County Advisory Board June 5, 2017

**CASE NUMBER:** ZON2017-00012

**APPLICANT/AGENT:** Matthew & Jennifer Peters and Cheryl & Daniel Peters Rev Trust (owners/applicants)

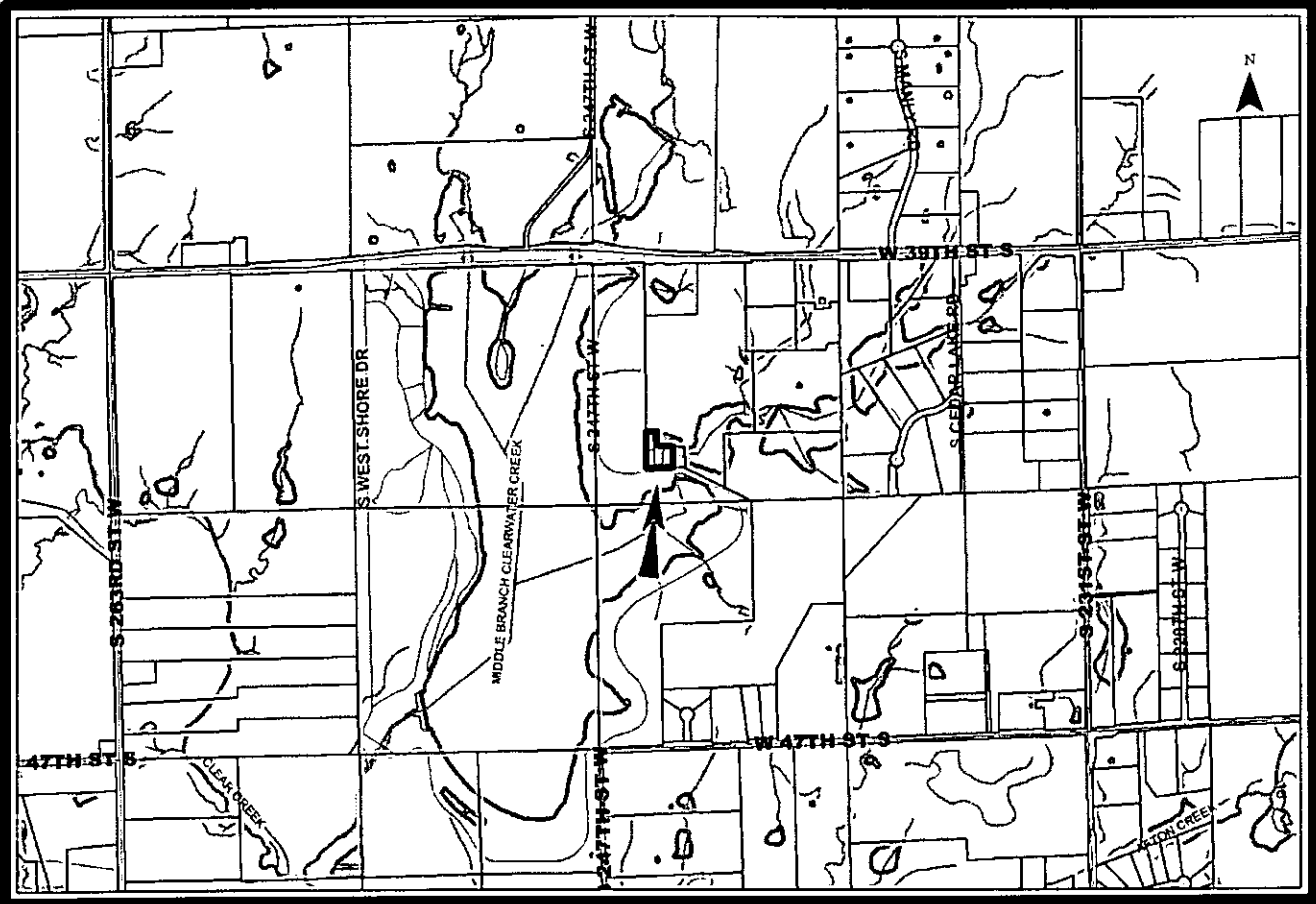
**REQUEST:** SF-20 Single-family Residential (SF-20) zoning

**CURRENT ZONING:** RR Rural Residential (RR) zoning

**SITE SIZE:** 2.1 acres

**LOCATION:** Generally located south of West 39<sup>th</sup> Street South and east of West 247<sup>th</sup> Street (4520 S. 247<sup>th</sup> Street South)

**PROPOSED USE:** Remove non-conforming residential use to comply with platting requirement



**BACKGROUND:** The applicant requests a zone change from RR Rural Residential (RR) to SF-20 Single-family Residential (SF-20) on 2.1 unplatted acres. The acreage is divided into three parcels containing less than one-acre per parcel. The site is developed with a single-family residence and two cabins. The site is located south of 39<sup>th</sup> Street South and east of South 247<sup>th</sup> Street West. The applicant wants to build a detached garage structure on Lot 1, which requires platting of the property. RR zoning requires a 2-acre minimum lot size for residential construction; therefore the applicant is requesting the zone change to SF-20 in order to plat three lots. Lot 1 will contain approximately 35,903 square feet, Lot 2 will contain approximately 30,501 square feet and Lot 3 will contain approximately 24,797 square feet.

Properties surrounding the site are zoned RR. Property to the north is a 43-acre tract developed with a youth service facility. Property to the west and south is Lake Afton County Park land approximately 40 acres. Property to the east is single-family residential on 0.62-acre.

**CASE HISTORY:** The property contains approximately 2.1 unplatted acres and is developed with three residential structures built between 1940 and 1985. The unincorporated area of Sedgwick County was not zoned until 1985.

**ADJACENT ZONING AND LAND USE:**

|        |    |                                       |
|--------|----|---------------------------------------|
| NORTH: | RR | Youth Services Facility               |
| SOUTH: | RR | Lake Afton County Park                |
| EAST:  | RR | Single-Family residential development |
| WEST:  | RR | Lake Afton County Park                |

**PUBLIC SERVICES:** South 247<sup>th</sup> Street West is a local, paved road with travel in both directions. South 247<sup>th</sup> Street West is part of the Lake Afton road system, which also includes West Lake Afton Road and South Lake Afton Road. There is no access to the street except from West 39<sup>th</sup> Street South. The site is served by private water well and an off-site lagoon as approved by Metropolitan Area Building and Construction Department.

**CONFORMANCE TO PLANS/POLICIES:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as being located within the Rural Area. This area is outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses and larger lot residential exurban sub-divisions 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 zoned RR. Surrounding properties are mostly large tracts of land with few structures.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned RR and cannot be redeveloped as zoned.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested SF-20 zoning will allow development on less than two acres. The zone change will not change traffic demands as the use is an existing non-conforming use.
- (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 being located within the Rural Area. This area is outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses and larger lot

residential exurban sub-divisions 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:** South 247<sup>th</sup> Street West is a local, paved road with travel in both directions. South 247<sup>th</sup> Street West is part of the Lake Afton road system, which also includes West Lake Afton Road and South Lake Afton Road. There is no access to the street except from West 39<sup>th</sup> Street South. The site is served by private water well and an off-site lagoon as approved by Metropolitan Area Building and Construction Department.

Staff attachments: preliminary plat and flood plain map