

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 2016-00011

Zone change request from SF-20 Single-family Residential to MF-18 Multi-family Residential on property legally described as:

That part of the NE1/4 of Sec. 2, T28S, R2E of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point on the west line of said NE1/4, said point being 60.00 feet south of the northwest corner of said NE1/4; thence N89°17'54"E, parallel with the north line of said NE1/4, 171.57 feet; thence S00°42'06"E, 37.00 feet; thence S55°54'08"W 24.00 feet; thence S14°46'45"E, 102.00 feet; thence S89°13'33"E, 172.00 feet; S84°24'03"E, 294.00 feet; thence N61°16'01"E, 55.68 feet; thence N27°04'40"E, 112.00 feet to a point of curvature of a curve to the left, said curve having a radius of 130.00 feet, an arc length of 42.95 feet, chord bearing N17°36'47"E, 42.76 feet; thence northerly along said curve, 42.95 feet; thence S89°17'54"W, parallel with said north line, 18.45 feet; thence N00°42'06"W, 20.00 feet to a point 60.00 feet south of said north line; thence N89°17'54"E, parallel with said north line, 72.00 feet; thence S00°42'06"E, 20.00 feet; thence S89°17'54"W, parallel with said north line, 21.24 feet; to a non-tangent curve to the right, said curve having a radius of 162.00 feet; an arc length of 58.49 feet; chord bearing S16°44'02"W, 58.18 feet; thence southerly along said curve, 58.49 feet to a point of tangency; thence S27°04'40"W, 140.00 feet; thence S66°41'30"E, 33.00 feet; thence N83°42'31"E, 63.00 feet; thence S00°26'41"E, 97.00 feet; thence S89°18'00"W, 59.00 feet; thence S23°09'43"W, 58.00 feet; thence S66°12'52"W, 91.00 feet; thence N87°19'39"W, 67.00 feet; thence N42°22'55"W, 109.00 feet; thence N85°16'34"W, 104.00 feet; thence S80°22'41"W, 92.00 feet; thence S32°30'02"W, 157.00 feet; thence S07°18'16"W, 49.00 feet; thence S54°49'24"E, 40.00 feet; S09°48'47"W, 86.00 feet; thence S71°57'12"W, 88.00 feet; thence N74°34'33"W, 109.00 feet; thence N41°04'17"W, 71.00 feet to said west line; thence N00°43'06"E along said west line, 541.38 feet to the place of beginning; generally located approximately 1,800 feet west of South 143rd Street East, along the south side of East Pawnee Road.

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 1st day of June, 2016

**BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS**



JAMES M. HOWELL
Commissioner, Fifth District

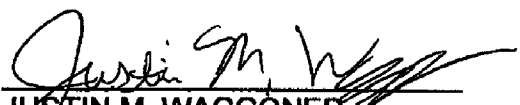
ATTEST:



KELLY B. ARNOLD
County Clerk



APPROVED AS TO FORM ONLY:



JUSTIN M. WAGGONER
Assistant County Counselor



AGENDA ITEM NO. 6

STAFF REPORT

MAPC: April 21, 2016
BOCC: June 1, 2016

CASE NUMBER: ZON2016-00011

APPLICANT/AGENT: Stephen & Sally Miller (Owner/Applicants)
Ruggles and Bohm c/o Will Clevenger (Agent)

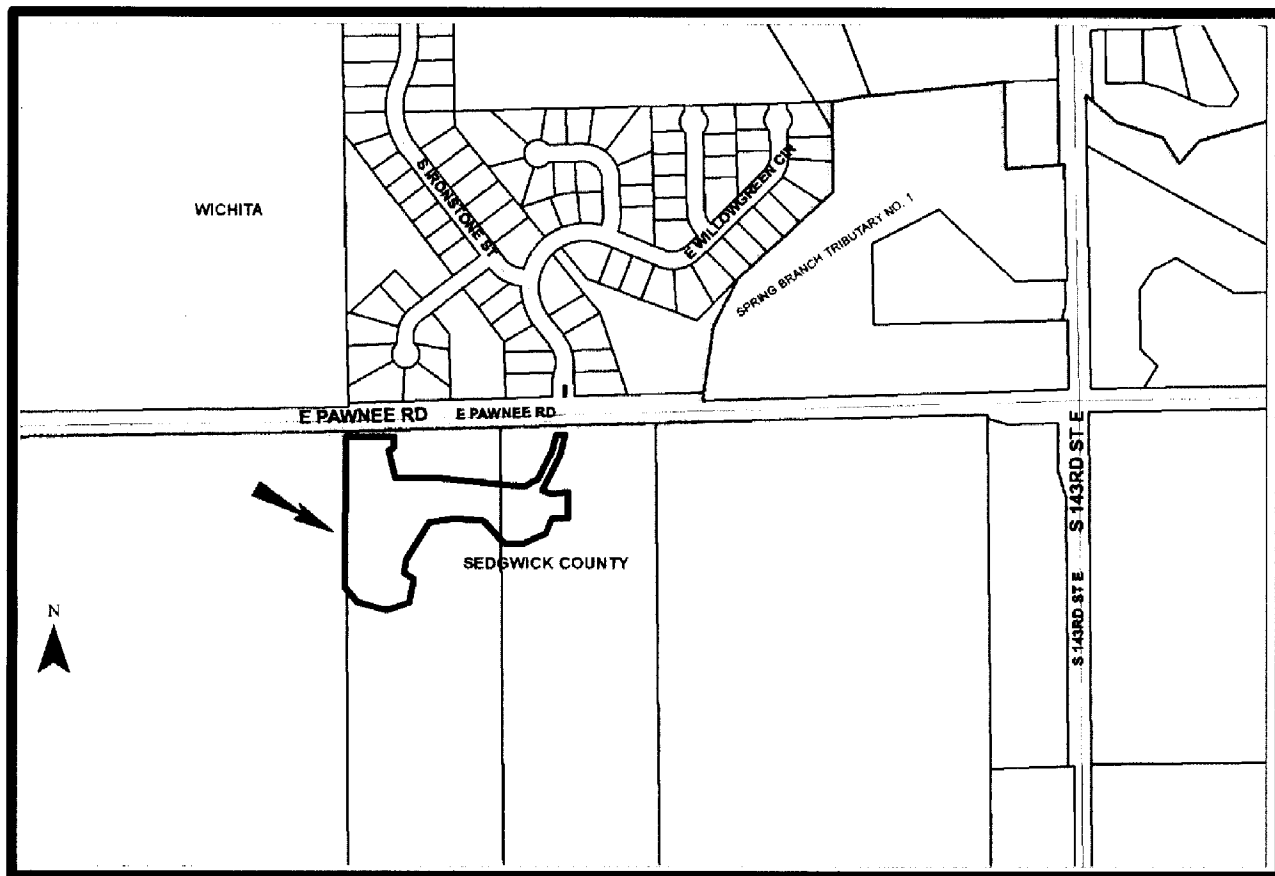
REQUEST: MF-18 Multi-family Residential

CURRENT ZONING: SF-20 Single-family Residential

SITE SIZE: 5.34 acres

LOCATION: Approximately 1,800 feet west of South 143rd Street East, along the south side of East Pawnee Road.

PROPOSED USE: Multi-family residences



BACKGROUND: The applicant is requesting MF-18 Multi-Family Residential (“MF-18”) zoning on 5.34 acres located approximately 1,800 feet west of South 143rd Street East, along the south side of East Pawnee Road. The subject site is currently zoned SF-20 Single-Family Residential (“SF-20”), and is undeveloped. According the attached site plan, the applicant proposes to construct 39 units, in a mixture of duplex, triplex, and fourplex buildings that are accessed from a private drive that will have two access points from East Pawnee Road.

The minimum lot area per dwelling unit for multi-family uses in the MF-18 zoning district is 2,500 square feet. The maximum number of multi-family residential dwelling units that could be built on the site if the requested zoning is approved is 93 units. Building setbacks in the MF-18 district are: Front-25 feet, Rear-20 feet and Interior side-6 feet. Maximum building height is 45 feet. The SF-20 district has a minimum lot area of 20,000 square feet, and the following building setbacks: Front-25 feet, Rear-25 feet and Interior side-10 feet. In the SF-20 district the minimum lot width is 100 feet while the maximum building height is 35 feet, however 45 feet if the structure(s) are more than 25 feet from all lot lines.

Land located to the north is zoned SF-5 single-family residential and NR Neighborhood Retail (“NR”). The properties to north are is located within the city limits of Wichita and is being developed with single-family residences around a golf course with clubhouse and driving range. Land located to the south, east and west is zoned SF-20 and is currently undeveloped land used for agricultural purposes.

CASE HISTORY: None identified, and the property is currently unplatted.

ADJACENT ZONING AND LAND USE:

| | |
|-----------------|--|
| North: SF-5, NR | Single-family, golf course, clubhouse, driving range |
| South: SF-20 | Undeveloped, agricultural land |
| East: SF-20 | Undeveloped, agricultural land |
| West: SF-20 | Undeveloped, agricultural land |

PUBLIC SERVICES: The site is currently not served by public sanitary sewer and water. Directly across Pawnee, north of the subject site, public water and sewer is serving the new residential development. A public sewer line does run approximately 600 feet to the east and south of the subject site. East Pawnee Road is a two-lane, paved, major collector, section line road.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept Map in the Community Investments Plan indicates the site is appropriate for “new residential” uses within the Wichita Growth Area. The Wichita Growth Area is adjacent to Wichita and is primarily undeveloped but has the potential to be developed by the year 2035, based upon Wichita population growth projections and current market trends. This is the area in which City expansion and extension of municipal services and infrastructure should be focused. “New residential” development encompasses areas that reflect the full diversity of residential development densities and types typically

found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes).

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that MF-18 zoning be approved.

This recommendation is based on the following findings:

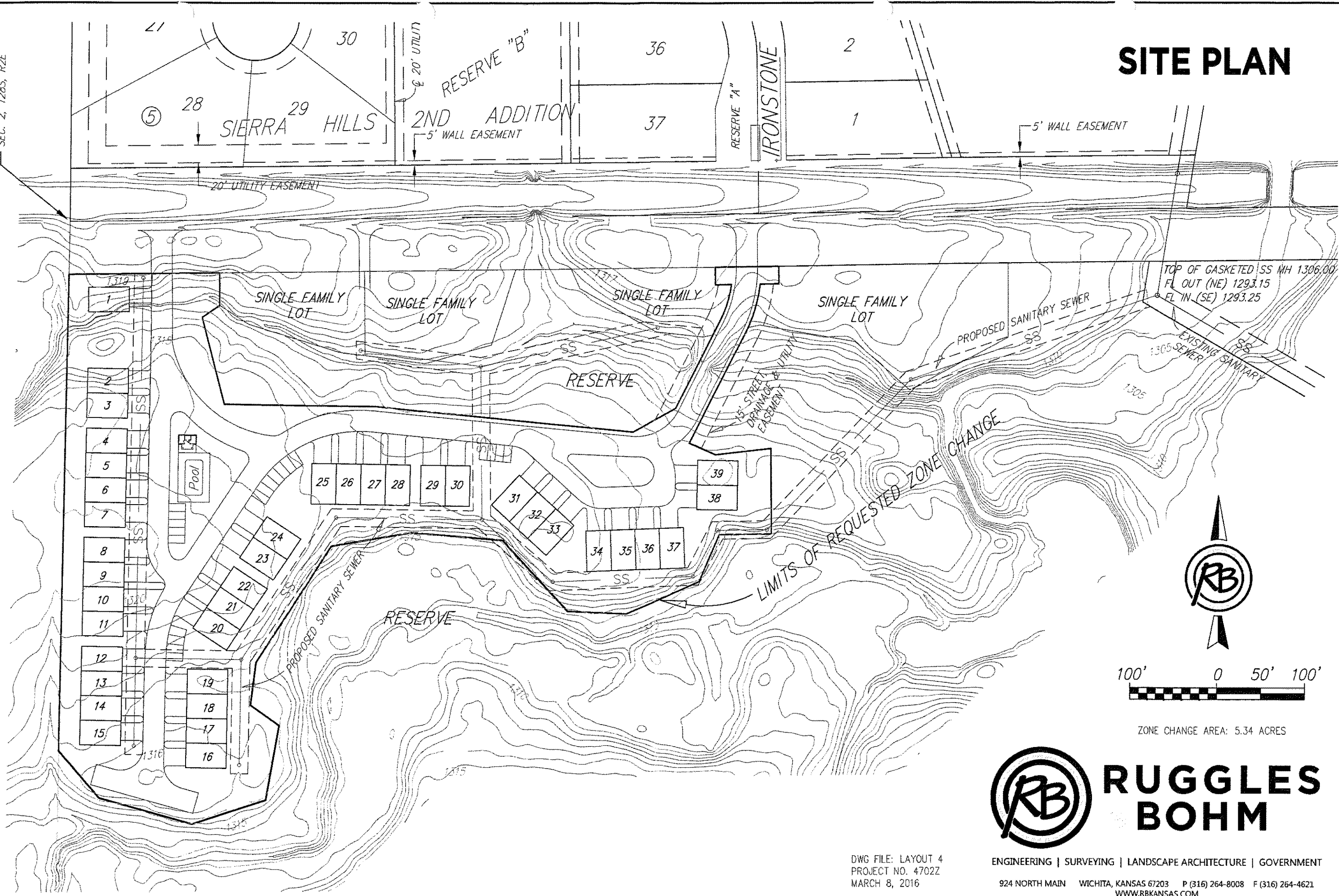
1. The zoning, uses and character of the neighborhood: Land located to the north is zoned SF-5 and NR and is located within the city limits of Wichita and is being developed with single-family residences around a golf course with clubhouse and driving range. Land located to the south, east and west is zoned SF-20 and is currently undeveloped land used for agricultural purposes.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-20, which primarily permits by-right single-family residences and a few civic or institutional uses, such as churches or schools on large lots in the unincorporated county. Presumably the site could be redeveloped with single-family residences that would have the potential to provide an economic return or continue to be undeveloped, agricultural land.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of MF-18 zoning will introduce a more intense zoning district than the SF-5 and SF-20 districts currently found in the larger area surrounding the application area. The most common zoning in the area is SF-20 with SF-5 zoned lots directly north of the subject site. The usual objections to multi-family zoning center on the premise that rental property is not maintained to the same level and owner-occupied property and that rental units generate difficulties with parking and increased EMS or police calls. Staff does not have any documentation to verify those allegations.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would presumably provide the applicant with a greater economic opportunity and would add to the number of dwelling units within the community. Denial would presumably represent some loss of economic opportunity.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept Map in the Community Investments Plan indicates the site is appropriate for "new residential" uses within the Wichita Growth Area. The Wichita Growth Area is adjacent to Wichita and is primarily undeveloped but has the potential to be developed by the year 2035, based upon Wichita population growth projections

and current market trends. This is the area in which City expansion and extension of municipal services and infrastructure should be focused. “New residential” development encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes).

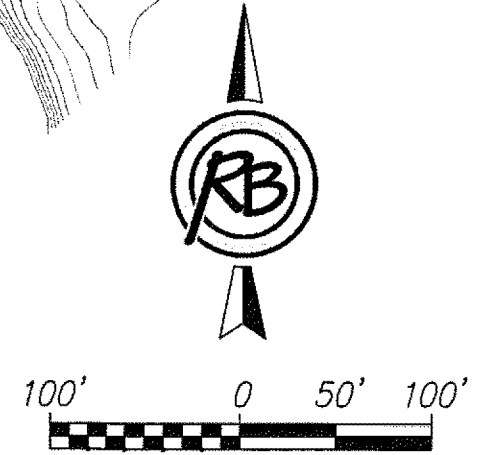
6. Impact of the proposed development on community facilities: Facilities will have to be extended to the site to support the number of units proposed. The subject site will have to be platted in order to be developed and annexation into the City of Wichita would be encouraged.

SITE PLAN

NORTHWEST CORNER
OF THE NE 1/4 OF
SEC. 2, T28S, R2E



TOP OF GASKETED SS MH 1306.00
FL OUT (NE) 1293.15
FL IN (SE) 1293.25



ZONE CHANGE AREA: 5.34 ACRES

RUGGLES BOHM

ENGINEERING | SURVEYING | LANDSCAPE ARCHITECTURE | GOVERNMENT

DWG FILE: LAYOUT 4
PROJECT NO. 4702Z
MARCH 8, 2016

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