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RESOLUTION NO. 37-08

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. ZON2003-00041**

Zone change request from "SF-20" Single-Family Residential to "SF-5" Single-family Residential is approved subject to platting within one year on property described as:

The Stonebridge 2<sup>nd</sup> Addition to Sedgwick County, Kansas. Generally located north of 13<sup>th</sup> Street North, approximately 1/2 mile west of 159<sup>th</sup> Street East.

**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 and publication.

Commissioners present and voting were:

DAVE UNRUH	<u>Yes</u>
TIM R. NORTON	<u>Yes</u>
THOMAS G. WINTERS	<u>Yes</u>
CAROLYN McGINN	<u>Yes</u>
BEN SCIORTINO	<u>Yes</u>

DATED this 12<sup>th</sup> day of March, 2008

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

Thomas G. Winters  
THOMAS G. WINTERS, CHAIRMAN  
Third District

ATTEST:  
Don Brace  
DON BRACE, County Clerk

APPROVED AS TO FORM:  
Robert W. Parnacott  
ROBERT W. PARNACOTT,  
Assistant County Counselor



# AGENDA ITEM REQUEST

**Proposed Agenda Item:** ZON2003-00041– Sedgwick County Zone change from “SF-20” Single-family Residential to “SF-5” Single-family Residential. Generally located north of 13<sup>th</sup> Street North, approximately 1/2 mile west of 159<sup>th</sup> Street East. (District I)

**Presented By:** John L. Schlegel, Planning Director *JLS*

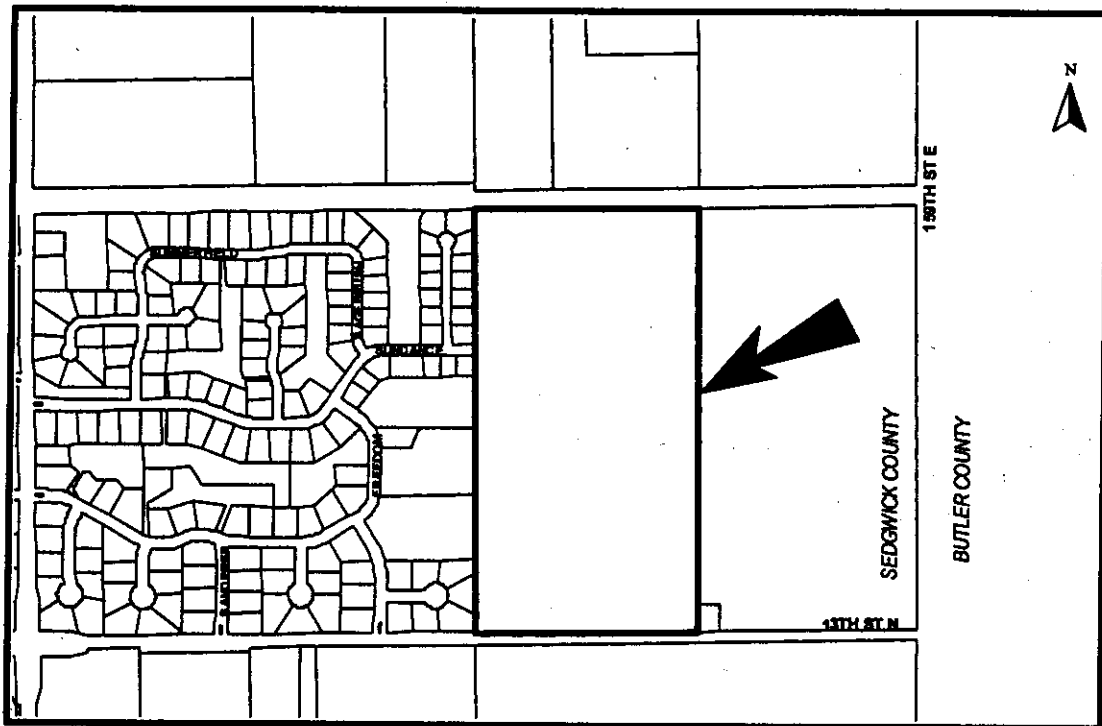
**Recommended Action:** Approve the zone change, subject to platting within one year, direct staff to prepare the appropriate resolution after the plat is approved, and authorize the Chairman to sign the resolution

**Proposed Agenda Date:** November 5, 2003

**Outside Attendees:** Baughman Company, c/o Phil Meyer, 315 Ellis, Wichita, KS 67211

**Multimedia Presentation:** Powerpoint

**Donations:** N/A



**BACKGROUND:** The applicant is seeking "SF-5" Single-family residential zoning on 75.36 acres of land located north of 13<sup>th</sup> Street North and ½ mile west of 159<sup>th</sup> Street East. The property is currently zoned "SF-20" Single-family Residential, and is currently used as farm ground. The applicant seeks the zoning in order to develop a 168-lot residential development. A thick hedgerow of mature trees surrounds the entire site.

13<sup>th</sup> Street East provides the property's only street frontage, and is an unpaved sand and gravel street with 30 feet of half street right-of-way. The property abuts the Savannah at Castle Rock Ranch additions to the west that are platted for single-family residences. Sundance, a local street in one of the Savannah at Castle Rock Ranch additions, ends at the applicant's western property line, and provides a second access point to the property.

Property surrounding the application area is either in agricultural or residential uses.

**Analysis:** The Metropolitan Area Planning Commission (MAPC) reviewed this case on October 9, 2003. Two interested parties appeared to speak on behalf of residents living within developments know as Savannah at Castle Rock, however, both indicated they did not object to the zone change request, but wanted to get their views regard a the plat that accompanies this zone change, Stonebridge Addition, on the record. Items of concern to the speakers were: a proposed roadway connection (Sundance) between the two plats; retention of a mature hedgerow located along a lot line common to both properties; difference in lot size between the two additions; and where utilities would be located. The MAPC voted 12-0 to approve the request. In addition to the two speakers at the MAPC meeting, 13 letters of protest have been received (attached) citing concerns regarding: increased traffic through the neighborhood; safety concerns for children playing in the streets of Savannah; lack of curb streets in the Savannah addition which has allowed for yards and lawn sprinkling systems to be damaged and the potential unauthorized use of Savannah amenities by unauthorized neighbors.

Protest petitions equaling 20.2% percent have been received. It will take a ¾ majority vote of the entire Commission to override the neighbors' protest.

With the exception of lot size, all of the items listed above as concerns are not zoning issues, but are platting issues that are more appropriately addressed at the time of platting. A preliminary plat for Stonebridge Addition has been reviewed and approved by the MAPC Subdivision Committee. A final plat has not been reviewed or approved by the Subdivision Committee. Minimum lot size is determined by zoning, and is an appropriate issue to review when considering zoning requests. The requested zoning will permit lot sizes of 5,000 square feet and larger. The lots depicted in the Stonebridge Addition are approximately 10,000 square feet in size. The Savannah at Castle Rock additions have different zonings – one is zoned "SF-20" Single-family Residential, the other is zoned "SF-5" Single-family Residential. These two additions have developed with lots different lot sizes – one has 25,000 square foot lots, the other has 13,000 to 16,000 square-foot lots.

**Alternatives:**

1. Adopt the MAPC recommendations;
2. Override the protest petition by a 3/4 majority vote of the membership of the governing body; or
3. Return such recommendation to the MAPC with a statement specifying the basis for the BoCC's failure to approve or disapprove.

**Financial Considerations:** N/A

**Policy Considerations:** The MAPC recommendations are based on the findings of fact stated in the MAPC minutes.

**Legal Considerations**



**Approved as to form and signed by County**

**Counselor's Office**

# CONSENT AGENDA ITEM REQUEST

FILE COPY

Approved by County Manager for Consent Agenda

**Proposed Agenda Item:** ZON2003-00041 – Extension of time to the complete platting requirement for a zone change from “SF-20” Single Family Residential to “SF-5” Single Family Residential for approximately 75 acres located north of 13<sup>th</sup> Street North and west of 159<sup>th</sup> Street East (District 1).

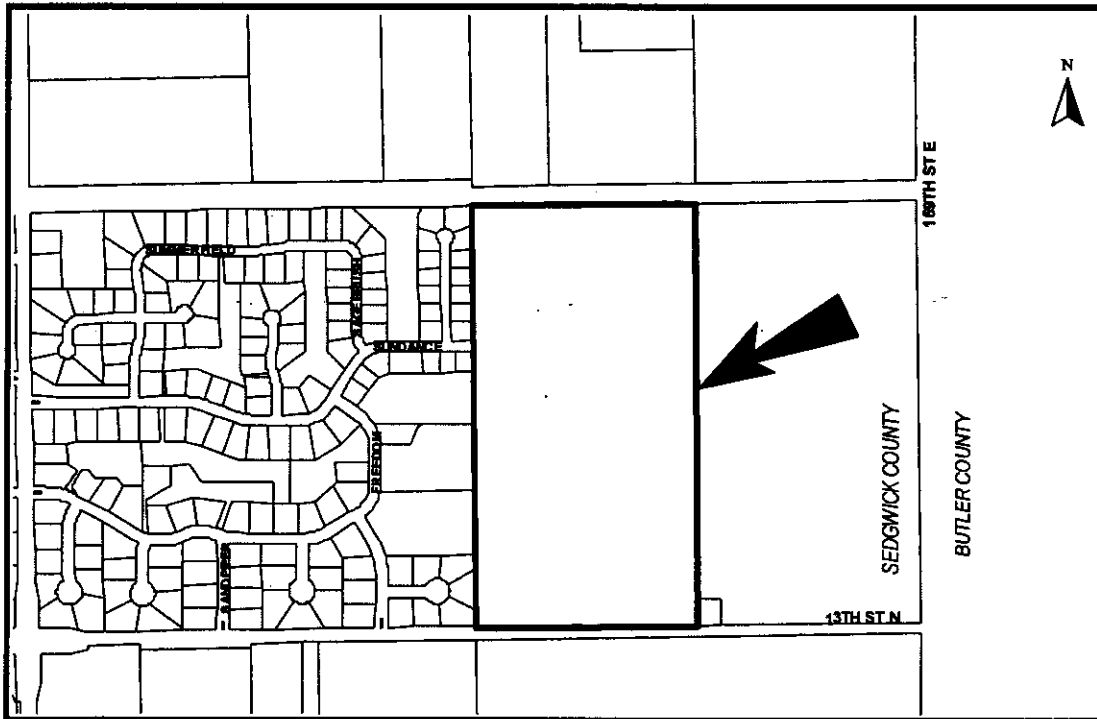
**Presented By:** John L. Schlegel, Planning Director *JLS*

**Proposed Agenda Date:** April 6, 2005

**Outside Attendees:** Phil Meyer, Baughman Company 315 Ellis, Wichita, KS 67211 (316) 262-7271

**Multimedia Presentation:** N/A

**Donations:** N/A



**Background:**

On November 5, 2003, the Board of County Commissioners approved a zone change from "SF-20" Single Family Residential to "SF-5" Single Family for approximately 75 acres located north of 13<sup>th</sup> Street North and west of 159<sup>th</sup> Street East. The zone change was approved subject to platting the property within one year. The applicant is requesting (see attached letter) a one-year extension the platting deadline to allow additional time to work on a plan for the extension of sanitary sewer service to the property.

**Analysis:**

Staff recommends that a one-year extension of time to complete platting requirements be granted to extend the platting deadline to November 5, 2005.

**Alternatives:**

The Board of County Commissioners may deny the request for an extension of time to complete platting. Such a decision would declare the zone change null and void and would require reapplication and rehearing if the property owner still desired the zone change.

**Financial Considerations:**

Not Applicable.

**Policy Considerations:**

Wichita-Sedgwick County Metropolitan Area Planning Commission Policy Statement No. 5 indicates that an extension of time to complete the platting requirement may be granted by the Board of County Commissioners in this instance.

**Legal Considerations:**   *Approved as to form and signed by County Counselor's Office*

No legal documents are required to enact the granting of platting extension. The granting of a platting extension is indicated via letter to the applicant noting the date of the action by the Board of County Commissioners.