

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 2020-00013

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

Legally described as:

Parcel 1:

The East One-Half of the following described tract of land: Beginning at the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section 34, Township 28 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, thence North 89°29'08" West along the North line of said Northwest Quarter, 626.13 feet; thence South 00°01'56" West parallel with the East line of said Northwest Quarter, 626.13 feet; thence South 89°29'08" East parallel with the North line of said Northwest Quarter, 626.13 feet to the East line of said Northwest Quarter; thence North 00°01'56" East, 626.13 feet to the point of beginning.

Parcel 2:

The West One-Half of the following described tract of land: Beginning at the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section 34, Township 28 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, thence North 89°29'08" West along the North line of said Northwest Quarter, 626.13 feet; thence South 00°01'56" West parallel with the East line of said Northwest Quarter, 626.13 feet; thence South 89°29'08" East parallel with the North line of said Northwest Quarter, 626.13 feet to the East line of said Northwest Quarter; thence North 00°01'56" East, 626.13 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.

Commissioners present and voting were:


PETER F. MEITZNER	<u>Am</u>
MICHAEL B. O'DONNELL, II	<u>Am</u>
DAVID T. DENNIS	<u>Am</u>
LACEY D. CRUSE	<u>Am</u>
JAMES M. HOWELL	<u>Am</u>

Dated this 12 day of August, 2020.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

Kelly B. Arnold
KELLY B. ARNOLD, County Clerk



Peter F. Meitzner
PETER F. MEITZNER, Chairman
Commissioner, First District

Lacey D. Cruse
LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:

Justin M. Waggoner
JUSTIN M. WAGGONER
Assistant County Counselor

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

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

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

**EXERPT MINUTES FOR JUNE 4, 2020 WICHITA-SEDGWICK COUNTY METROPOLITAN
AREA PLANNING COMMISSION MEETING**

4. PUBLIC HEARINGS

- 4.8** Case No. ZON2020-00013 – (Original MAPC meeting date April 23, 2020) County Zone Change from Rural Residential (RR) to Single-Family 20 Acres (SF-20) to allow for lots of less than 2 acres, generally located about one half mile south of East 63rd Street South and about one half mile west of South 127th Street East (6820 S Eagle Drive). described as follows:

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BACKGROUND: The applicant is requesting the rezoning of this 9-acre property to SF-20 Single-Family Residential. SF-20 zoning will allow the subdivision to develop with lots smaller than the two-acre minimum required by RR Rural Residential District. This location is within the City of Derby Urban Area of Influence. The applicants will be filing a residential plat with the City of Derby (Schmeidler Addition) with 1 to 1.5 acre lots.

The property to the north of the subject property is zoned RR and was platted in 1997 as the Fairway Meadows Addition prior to the zoning district development standards that were adopted in 1996. Properties to the east, south and west of the subject site are large parcels with single-family residences and agricultural land that is zoned RR.

CASE HISTORY: Other than the pending platting of the subject property, there are no other previous zoning actions on this parcel.

ADJACENT ZONING AND LAND USE:

NORTH: RR single-family residential, Fairway Meadows Addition

SOUTH: RR agricultural land and single-family residences on five or more acres
EAST: RR agricultural land and single-family residences on five or more acres
WEST: RR agricultural land and single-family residences on five or more acres

PUBLIC SERVICES: The property is proposed to be served by an extension of Eagle Drive through the residential development to the north, with connection to East 63rd Street South. The final conditions of access and design of the transportation connection will be addressed through the platting by the City of Derby. No municipal services are available. The property is located in Rural Water District #03 and will have an alternative sewer system. The applicant is aware of the requirements of the County rules and regulations.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the subject property is located in the unincorporated area of Sedgwick County within the City of Derby Urban Area of Influence. The Derby Comprehensive Plan shows the subject property Future Land Use to be “moderate density residential”. The Derby City Planning Commission will have an opportunity to comment on the proposed re-zoning. This request is in conformance with the adopted Plan.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the request, as submitted. This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The property to the north of the subject property is zoned RR and was platted in 1997 as the Fairway Meadows Addition prior to the zoning district development standards that were adopted in 1996. Properties to the east, south and west of the subject site are large parcels with single-family residences and agricultural land that is zoned RR.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned RR Rural Residential, which permits residential development but with a larger minimum lot size requirement. The location is capable of supporting the smaller lot size; therefore, the rezoning is appropriate and acceptable under the development standards of the County.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed SF-20 zoning will allow residential development of lots similar in size to those located in the Fairway Meadows Addition to the north of the subject property.
4. **Length of time the property has been vacant as currently zoned:** The property has remained undeveloped for some time, and the development as proposed is considered appropriate for the area.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the subject property is located in the unincorporated area of Sedgwick County within the City of Derby Urban Area of Influence. The Derby Comprehensive Plan shows the subject property Future Land Use to be “moderate density residential”. The Derby City Planning Commission will have an opportunity to comment on the proposed re-zoning. This request is in conformance with the adopted Plan.
6. **Relative gain to the public health, safety, and welfare by the destruction of the value of**

plaintiff's property as compared to the hardship imposed upon the individual landowner:
The proposed changes will create no issues to the public health, safety or welfare.

7. **Impact of the proposed development on community facilities:** Development of the property would not have any impact on community facilities or resources. The development requirements will be address through the platting to be processed by the City of Derby.

MORGAN, PLANNING STAFF, presented the staff report and stated that she would answer any specific questions from the Commission members.

WARREN: Eagle Drive will be the access point?

MORGAN: Yes.

WARREN: Applicant wants to plat seven (7) lots?

KIRK MILLER, AGENT FOR APPLICANT, 117 E. LEWIS STREET: The zone change request and the preliminary plat has been presented to the Derby Planning Commission and both were approved. The applicant wants to develop lots less than two acres but more than one acre in order to have an alternative sewer/septic system which requires the lot to be more than one acre. SF-20 zoning would allow the lots to be similar in size to those in the Fairway Meadows Addition. We have verified with Rural Water District #3 that we can connect to the system. The road will be built to County Public Works Standards.

HARTMAN: Are the streets in the Fairway Meadows Addition private?

MILLER: They are public streets built to county standards and maintained by the township.

JANET FINE, 6730 S. EAGLE DRIVE, DERBY: I have concerns about lot sizes, allowed uses in the building setback and the requirements for the septic system. We would like to have the lots be at least 38,000 square feet to be compatible with the size of lots in the Fairway Meadows Additions, restrict the building setback to 50 feet, the access for the development be restricted to one access route, and any damage to the streets be repaired by the developer.

HARTMAN: Why request the 50-foot building setback?

FINE: We want the setbacks to be compatible with Fairway Meadows.

FOSTER: Building setbacks are measured from the property line, not the center-line of the street.

WARREN: I'm not sure these issues should be addressed to the MAPC. Derby Planning Commission should address these issues.

STEPHEN BREAUX, 6744 S. EAGLE DRIVE, DERBY: Eagle Drive has been a temporary cul-de-sac and our children play in the street. I am concerned about the increased traffic and there should be speed limit posted. The tree line along the north side of the proposed new subdivision should be reduced to promote line of site.

MILLER: These issues raised would be addressed through the final platting by the Derby Planning Commission. The alternative sewer system requires that lots be at least one acre.

WARREN: I'm not sure that these issues should be addressed by Derby.

MILLER: The plat has not gone to the Derby Planning Department for final approval.

WARREN: People with concerns should contact the Derby Planning Department.

MOTION: To approve subject to the staff recommendations.

GREENE moved, **FLORENCE** seconded the motion, and it carried (13-0).