

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 2020-00020

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

Legally described as:

Beginning at a point on the North line of the Northwest Quarter of Section 14, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, and 60 feet West of the Northeast corner of the Northwest Quarter of said Section 14; thence West along the North line of Section 14, a distance of 420 feet; thence South parallel with the East line of the Northwest Quarter of said Section 14, a distance of 518.57 feet; thence East 420 feet; thence North 518.57 feet to the point of beginning.

AND

A tract beginning at a point on the North line of the Northwest Quarter of Section 14, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, and 480 feet West of the Northeast corner of the East half of the Northwest Quarter of said Section 14; thence West along the North line of said Section 14, a distance of 375.24 feet; thence South parallel with the East line of the Northwest Quarter of said Section 14, a distance of 270 feet; thence East parallel with the North line of said Section 14, a distance of 110 feet; thence Southwesterly a distance of 1051.63 feet, more or less to a point on the South line of the North half of the East half of the Northwest Quarter of said Section 14, and 560 feet East of the Southwest corner of the North half of the East half of the Northwest Quarter of said Section 14; thence East along the South line of the North half of the East half of the Northwest Quarter of said Section 14, a distance of 283.1 feet; thence North a distance of 1321.63 feet to the point of beginning EXCEPT that part described as beginning 480 feet West and 552.63 feet South of the Northeast corner of the Northwest Quarter of Section 14, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence South 769 feet to the South line of the North half of said Northwest Quarter; thence West 283.10 feet; thence North 769 feet; thence East 283.10 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>AYE</u>
MICHAEL B. O'DONNELL, II	<u>AYE</u>
DAVID T. DENNIS	<u>AYE</u>
LACEY D. CRUSE	<u>AYE</u>
JAMES M. HOWELL	<u>NO</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
KANSAS



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 18, 2020 WICHITA-SEDGWICK COUNTY METROPOLITAN
AREA PLANNING COMMISSION MEETING**

4. PUBLIC HEARINGS

- 4.12 Case No. ZON2020-00020** – County zoning change to SF-20 Single-Family Residential to allow creation of lots less than 2 acres in size on land zoned RR Rural Residential generally located south of East MacArthur Road and west of South 135th Street East described as follows:

Beginning at a point on the North line of the Northwest Quarter of Section 14, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, and 60 feet West of the Northeast corner of the Northwest Quarter of said Section 14; thence West along the North line of Section 14, a distance of 420 feet; thence South parallel with the East line of the Northwest Quarter of said Section 14, a distance of 518.57 feet; thence East 420 feet; thence North 518.57 feet to the point of beginning.

AND

A tract beginning at a point on the North line of the Northwest Quarter of Section 14, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, and 480 feet West of the Northeast corner of the East half of the Northwest Quarter of said Section 14; thence West along the North line of said Section 14, a distance of 375.24 feet; thence South parallel with the East line of the Northwest Quarter of said Section 14, a distance of 270 feet; thence East parallel with the North line of said Section 14, a distance of 110 feet; thence Southwesterly a distance of 1051.63 feet, more or less to a point on the South line of the North half of the East half of the Northwest Quarter of said Section 14, and 560 feet East of the Southwest corner of the North half of the East half of the Northwest Quarter of said Section 14; thence East along the South line of the North half of the East half of the Northwest Quarter of said Section 14, a distance of 283.1 feet; thence North a distance of 1321.63 feet to the point of beginning EXCEPT that part described as beginning 480 feet West and 552.63 feet South of the Northeast corner of the Northwest Quarter of Section 14, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence South 769 feet to the South line of the North half of said Northwest Quarter; thence West 283.10 feet; thence North 769 feet; thence East 283.10 feet to the point of beginning.

BACKGROUND: The applicant is requesting the rezoning of this 9-acre property (13439 E. MacArthur Rd.) to SF-20 Single-Family Residential. SF-20 zoning will allow the subdivision to develop with lots less than the two-acre minimum required by RR Rural Residential District.

The property to the north of the subject property is zoned RR and was platted in 2011 as the Twin Mill Estates 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, Twin Mills Addition
SOUTH:	RR	agricultural land and single-family residences

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

KIRK MILLER, AGENT FOR APPLICANT, 117 E. LEWIS STREET: 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. We can plat six lots. I'll answer any questions.

SHERRY FRASER, 13321 EAST 39ST STREET SOUTH, DERBY: We moved out in the county to be located on large lots and escape the residential developments that are on less than three acres. We have farm animals and are concerned about the loss of privacy, increased noise and traffic and water pressure that this development would cause.

MARY SOUGHTON, 4115 SOUTH 135TH STREET EAST: Since the development at the northwest corner of 39th and 135th streets my water pressure has been very low. I don't want more houses added to the water district.

FOSTER: What is the acreage of your parcel?

SOUGHTON: 2.85 acres

DENNIS MORRIS, 13411 EAST 39TH STREET SOUTH, DERBY: Is this zoning only for this 9-acre tract? The right-of-way for South 135th Street East is less than what was stated in the staff report. People walk along this road and there will be too much traffic generated. My grandkids catch the school bus at that intersection.

FOSTER: What is the acreage of your parcel?

Morris: 10 acres

MORGAN: The zone change only applies to the nine acres. The gravel road is more than likely 30 feet wide, but the 100-foot right-of-way is correct. There will only be a maximum of 6 residences.

YEAROUT: I want to remind you that this plat will come before the Subdivision Committee and all issues with the alternative sewer system and ground percolation will determine the number of developable lots.

AMY SMITH, 13419 EAST 39TH STREET SOUTH, DERBY: We move out in the county so we have farm animals and are concerned about the increased noise and traffic. We like the peace and quiet.

MILLER: The alternative sewer system has to be approved by the county. We may not be able to plat 6 lots depending on the percolation test result.

WARREN: Kirk, would you comment about the water pressure?

MILLER: The low water pressure is an existing condition and concerns should be addressed to Rural Water District #3. The water district is only allowed to have a certain number of houses on their system and we have been in communication with them.

FOSTER: I'm not seeing that the density is appropriate to the adjacent properties. I would make a motion to deny the application.

Case _____ ZON2020-00020
 Total Area _____ 6,018,717 sq.ft.
 Application Area _____ 361,614 sq.ft.
 Street R/W _____ 630,066 sq.ft.
 Net Area _____ 5,027,037 sq.ft.
 20% of Net Area _____ 1,005,407 sq.ft.
 Net Protest Area _____ 2,964,066 sq.ft.
 Total % Protesting _____ 58.96%



CALCULATION AREA _____
 PROTEST WITHIN _____
 CALCULATION AREA _____
 PROTEST OUTSIDE _____
 CALCULATION AREA _____
 R/W _____
 INVALID PROTEST _____
 (missing signatures)

