



FILE COPY

**Wichita-Sedgwick County Metropolitan Area Planning Department**

September 4, 2002

Donald and Ladonna Lawrenz  
9750 S. 151<sup>st</sup> Street West  
Clearwater, KS 67026

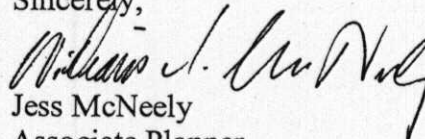
**RE: ZON2002-00036 – Sedgwick County Zone change from “RR” Rural Residential to “SF-20” Single-family Residential. Generally located at the northeast corner of the 71<sup>st</sup> Street South and 151<sup>st</sup> Street West intersection.**

Dear Ladies and Gentlemen:

At its regular meeting on September 4, 2002, the Board of County Commissioners considered the above-captioned request. The action of the County Commission was to DENY the request.

If you have any questions concerning this case please contact our office at 268-4421.

Sincerely,

  
Jess McNeely  
Associate Planner

JMC/rms

Cc: Terra Tech Land Survey, Inc., %Michele Webster, 22200 W. 63<sup>rd</sup> St. South,  
Viola, KS 67149  
Norma R. and J.C. Richardson, 14201 W. 71<sup>st</sup> Street South, Clearwater, KS 67026-8931  
Tom Winters, County Commissioner, District III, Mail Stop, County Room 320  
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

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AGENDA ITEM NO. 8

## STAFF REPORT

MAPC July 25, 2002

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**CASE NUMBER:** ZON2002-00036

**APPLICANT/AGENT:** Donald and Ladonna Lawrenz, Corey and Brenda Demuth (Owners); Terra Tech Land Surveying, c/o Michelle Webster (Agent)

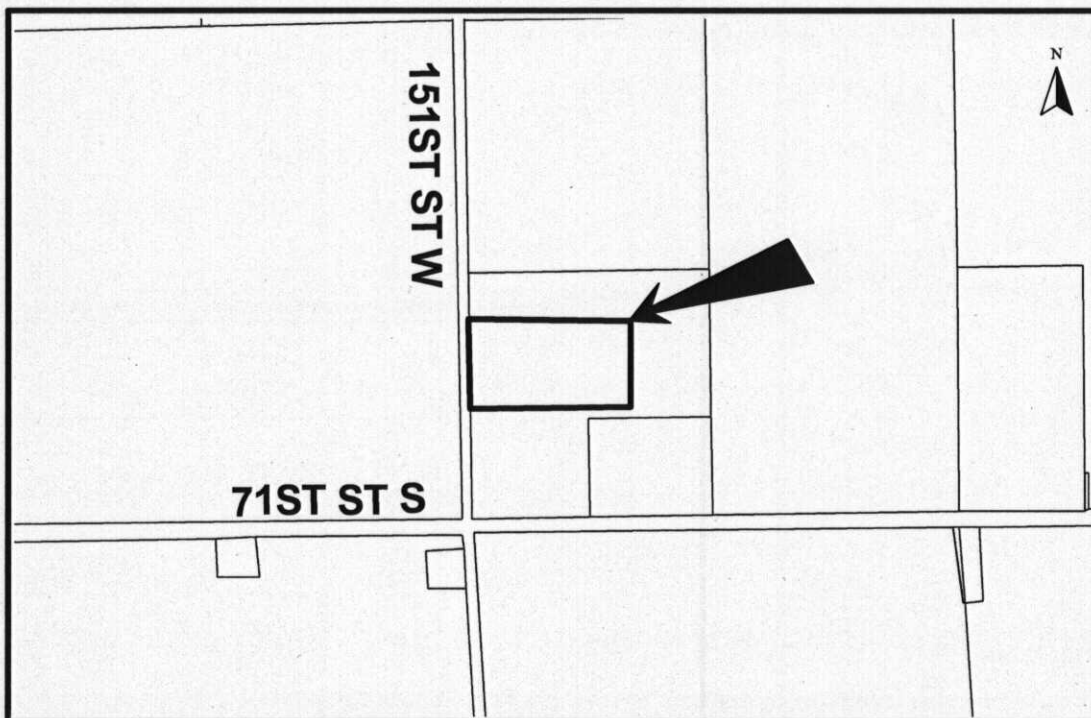
**REQUEST:** "SF-20" Single-Family Residential

**CURRENT ZONING:** "RR" Rural Residential

**SITE SIZE:** 9 acres

**LOCATION:** Northeast corner of the 71<sup>st</sup> Street South and 151<sup>st</sup> Street West intersection

**PROPOSED USE:** Single-Family Residences



**BACKGROUND:** The applicant requests a zone change from "RR" Rural Residential to "SF-20" Single-Family Residential on a 9-acre unplatted tract located at the northeast corner of 71<sup>st</sup> Street South and 151<sup>st</sup> Street West. The applicant proposes to develop the application area with eight one-acre lots within a larger 21-lot development of "RR" zoned single-family residences. The surrounding larger lots range from two to five acres in size. The proposed subdivision will include an existing large-lot rural residence southeast of the application area. The applicant submitted a preliminary plat for the Dove Haven 2<sup>nd</sup> Addition, including the application area, and was approved by the Sub-Division Committee on June 13, 2002, subject to the requested zone change.

The application area of one-acre lots is planned to be served by on-site domestic wells, and on-site septic tanks. The Unified Zoning Code requires a minimum of 40,000 square foot lots when served by on-site wells and septic tanks in the "SF-20" district, versus two-acre lots in the "RR" district.

North of the application area is the platted but undeveloped Dove Haven 1<sup>st</sup> Addition, zoned "RR" and consisting of 5-acre single-family residential lots. Surrounding the application area in all other directions is un-platted land under agricultural development. Southwest of the application area, at the 71<sup>st</sup> and 151<sup>st</sup> intersection is a small township cemetery.

**CASE HISTORY:** A preliminary plat, including the application area, was approved by the MAPC Sub Division Committee on June 13, 2002, subject to the requested zoning.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"RR"	platted large lots
SOUTH:	"RR"	Agriculture, township cemetery
EAST:	"RR"	Agriculture
WEST:	"RR"	Agriculture

**PUBLIC SERVICES:** The application area has access to 151<sup>st</sup> Street West, an unpaved section line road. The larger subdivision development has access to both 151<sup>st</sup> West and 71<sup>st</sup> Street South, a paved, two-lane section line road. A traffic count is not available for this section of 151<sup>st</sup> or 71<sup>st</sup>. Public water and sewer are not available at the application area, the applicant intends to serve this development with on site water and sewer systems. The application area is not planned for future public services as it is not within the Wichita future Urban Service Area, or a small city growth area.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Rural" development. The Rural category is intended to accommodate agricultural uses, rural based uses that are no more

offensive than agricultural uses, and large lot subdivisions with provisions for future water and sewer service.

The Comprehensive Plan has the stated objective of encouraging agricultural activity in the county; a zone change allowing increased density in the middle of agricultural production areas does not meet this objective. The Comprehensive Plan has the stated objective of encouraging growth and development to areas that are served by existing public facilities and services, or which can be served economically and promote compact and contiguous development. The Comprehensive Plan also promotes a strategy of preserving open space; the requested zone change and resulting increase in residential density at the application area does not provide for preserved open space.

*The Wichita/Sedgwick County Unified Zoning Code* states that the "SF-20" district is "intended for application in unincorporated Sedgwick County, particularly in areas where some public services are available and where soils are capable of accommodating septic tanks." As the application area is not planned for future public services, the requested "SF-20" zone change does not conform to all existing plans and policies.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: A plat for property to the immediate north of the application area has been approved for a large lot (5-acre) subdivision development. Likewise, the application area is within a larger subdivision of larger lots. The surrounding area is all zoned "RR", is mostly rural, and is mostly under agricultural production. The requested zone change and therefore increased residential density is out of character with the surrounding large lot and agricultural uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential, which accommodates very large lot, single-family residential development. The application area could be developed as zoned at the "RR" two-acre lot density.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Currently, the nearest residential neighbor to the proposed subdivision is over 1000 feet away from the application area; the surrounding area is primarily developed with agriculture. The proposed subdivision will have direct access to paved 71<sup>st</sup> Street South. The application area should have minimal detrimental affects on nearby property.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Rural" development. This request, at the given application area, does not meet the Zoning Code or Comprehensive Plan intent for an increase in residential density (from "RR" to "SF-20") based on a location near like development or where future public services are planned. This request also does not work towards meeting Comprehensive Plan objectives of preserving open space or encouraging agricultural activity, by using higher densities in a "cluster" with the difference in land area set aside and prohibited from development, as County Commissioners have recently suggested.
  
5. Impact of the proposed development on community facilities: The proposed zone change to "SF-20" for eight one-acre lots instead of four two-acre lots should not have a significant negative affect on community facilities. However, the cumulative effect of doubling the permitted densities in rural areas that have minimal public services today will be to force the eventual paving of unpaved roads, increase in emergency service costs, and greater likelihood of needing to someday extend public water and sewer facilities to replace failing on-site systems.