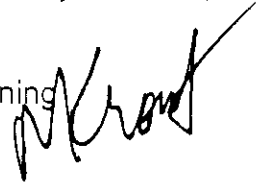


RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEM: ZON2000-00031 - Zone Change from "RR" Rural Residential to "SF-20" Single-Family Residential, located 1/4 mile north of 53rd Street North on the east side of Tyler Road, Maize, Kansas.

PRESENTED BY: Marvin S. Krout, Director of Planning 

PROPOSED AGENDA DATE: September 13, 2000

COMMISSION DISTRICT: #4

MAPC Recommendation: Approve, subject to platting within 1 year (11-0).

Staff Recommendation: Approve, subject to platting within 1 year.

Maize Planning Commission: Approve (5-0).

Background/Discussion The applicant wishes to rezone property currently zoned "RR" Rural Residential to the "SF-20" Single-Family District. The "SF-20" district permits 40,000 square foot lots in areas like this where septic tank systems are acceptable to the Health Department and the occupants will depend on on-site water.

Currently the Health Department is currently in the process of determining whether the soil will meet the requirements for a septic tank system. Health Department staff has not officially approved the type of septic system for the site as yet.

The property is 76.4 acres in size and is currently being platted. The applicant intends to construct 18 single-family dwelling units (large lots with 40,000 square feet) around two sandpit lakes. The application area is a rectangular shaped parcel and is located north of 53rd Street on the eastside of Tyler Road. In 1998 this site was approved for a Conditional Use permit to extract sand and gravel. At that time, the applicant submitted a re-development plan that depicted 18 residential lots approximately 40,000 square feet in size. The current application is in substantial compliance with the existing redevelopment plan.

The adjoining properties are zoned "RR" Rural Residential. The property north of the application area is farm ground and zoned "RR" Rural Residential, the property south is a sand pit ("Central Sand") and is zoned "RR" Residential, east is a sheep farm is zoned "RR" Rural Residential, and the property to the west is also farm ground and zoned "RR" Rural Residential. Access to the site will be from Tyler Road per the platting process.

Currently, the two sandpits are being excavated (a north and south lake). There are several pieces of heavy equipment on site and large dump trucks are constantly entering and leaving the site. The excavation on the South Lake will be completed in approximately three years. The North Lake is nearly completed and will be developed first. The two owners plan to build houses on the North Lake with other houses to follow. The South Lake will be developed when the excavation is completed. The east part of the application area will be used for clubhouse for the homeowners association.

The Maize, Kansas, Planning Commission considered this request on August 3, 2000. The applicant was present to describe the request and respond to questions. The Planning Commission voted 5-0 to recommend approval of the request (see attachment).

Recommended Action:

1. Concur with the findings of the MAPC, approve the zone change and approve first reading of the Ordinance; or
2. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a 2/3-majority vote of the membership of the governing body on the first hearing.)

Applicants:

Den Mark Land, LLC c/o Dennis Dowes, 8218 W 19th Street, Wichita KS 67212

Gary Wiley, 303 S. Topeka Wichita KS 67202

Carol Bloodworth, Maize City Hall, PO Box 245, Maize KS 67101

Protestors:

None

Published in The Wichita Eagle on October 6, 2001

RESOLUTION NO. 158-2000

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 RESOLUTION NO. 178-1997.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, 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. ZON2000-00031

Zone change request from "RR" Rural Residential to "SF-20" Single-Family Residential on property described as:

All lots, blocks, and reserves, Mystic Lakes Addition, Sedgwick, County, Kansas. Generally located 1/4 mile north of 53rd Street North on the east side of Tyler Road, Maize, Kansas.

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 in the newspaper.

FILE COPY

STAFF REPORT

Maize – August 3, 2000 [5-0 to approve]

MAPC – August 17, 2000

CASE NUMBER: ZON2000-00031

APPLICANT/AGENT: Den Mark Land, LLC (Applicant & Owner -
c/o Dennis Dowes); Gary Wiley, PEC (agent)

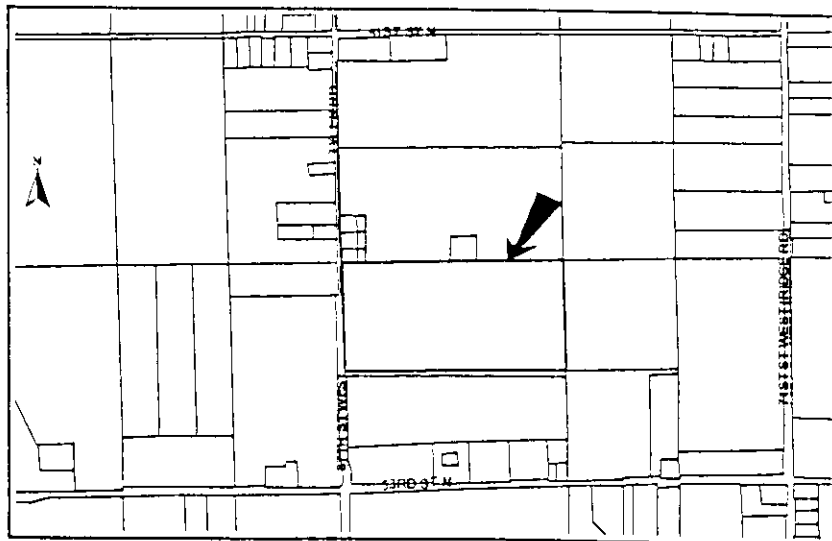
REQUEST: Zone Change from "RR" Rural Residential to "SF-20"
Single-Family Residential

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 76.4 + acres

LOCATION: ¼ mile north of 53rd Street North on the east side of
Tyler Road, Maize, Kansas

PROPOSED USES: Construction of Single-Family Homes



BACKGROUND: The applicant wishes to rezone property currently zoned "RR" Rural Residential to the "SF-20" Single-Family District. The "SF-20" district permits 40,000 square foot lots in areas like this where septic tank systems are acceptable to the Health Department and the occupants will depend on on-site water. Currently the Health Department is currently in the process of determining whether the soil will meet the requirements for a septic tank system. Health Department staff has not officially approved the type of septic system for the site as yet.

The property is 76.4 acres in size and is currently being platted. The applicant intends to construct 18 single-family dwelling units (large lots with 40,000 square feet) around two sandpit lakes. The application area is a rectangular shaped parcel and is located north of 53rd Street on the eastside of Tyler Road. In 1998 this site was approved for a Conditional Use permit to extract sand and gravel. At that time, the applicant submitted a re-development plan that depicted 18 residential lots approximately 40,000 square feet in size. The current application is in substantial compliance with the existing redevelopment plan.

The adjoining properties are zoned "RR" Rural Residential. The property north of the application area is farm ground and zoned RR" Rural Residential, the property south is a sand pit ("Central Sand") and is zoned "RR" Residential, east is a sheep farm is zoned "RR" Rural Residential, and the property to the west is also farm ground and zoned "RR" Rural Residential. Access to the site will be from Tyler Road per the platting process.

Currently, the two sandpits are being excavated (a north and south lake). Currently, there are several pieces of heavy equipment on site and large dump trucks are constantly entering and leaving the site. The excavation on the South Lake will be completed in approximately three years. The North Lake is nearly completed and will developed first. The two owners plan to build houses on the North Lake with other houses to follow. The South Lake will be developed when the excavation is completed. The east part of the application area will be used for clubhouse for the homeowners association.

CASE HISTORY: On 7/16/98 the MAPC approved a conditional use request (CU-484) to allow sand and gravel extraction. The property is intended to be subdivided into 18 single-family lots as the "Mystic Lakes Addition." The MAPC Subdivision Committee will consider this preliminary plat sometime in the fall of 2000.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Farm Ground
EAST:	"RR" Rural Residential	Farm Ground
SOUTH:	"RR" Rural Residential	"Central Sand" Business
WEST:	"RR" Rural Residential	Farm Ground

PUBLIC SERVICES: The site will have access from Tyler Road, which is currently an unpaved two-lane township gravel road. Traffic volumes are not available.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the application area as appropriate for "rural" uses. This category encompasses all the land outside the 30-year Wichita urban service boundary and the small city growth areas. The new rural category is intended to accommodate "agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services." The updated Comprehensive Plan does not suggest a minimum lot size for development in these rural areas. The Sedgwick County Development Guidelines indicates that this site is beyond the 2030 Urban Service Area. Thus the application is not expected to receive urban service within the next 30 years.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to platting within one year. This recommendation is based upon the following findings:

- 6-20-2017
1. The applicant shall conform to the recommendations of Health Department staff regarding the appropriate type of septic system for the application area.

This recommendation is based upon the following findings:

1. The zoning, uses and character of the neighborhood: The application area is located north of 53rd Street North and east of Tyler Road. The property north of the application area is zoned "RR" Rural Residential, the property south is a commercial sand operation and is zoned "RR" Rural Residential, east is a sheep farm and zoned "RR" Residential and the property to the west is farm ground and zoned "RR" Rural Residential. The character of the neighborhood is one of mixed agricultural, large lot and extraction uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned "RR" Rural Residential with a Conditional Use to permit sand gravel extraction with a redevelopment plan for large-lot residential use. This area has seen an increase in the development of large-lot residences and sand and gravel extraction operations.

3. Extent to which removal of the restrictions will detrimentally affect nearby property. Adjacent properties are zoned "RR" Rural Residential. Rezoning of this property to "SF-20" Single-Family District will not introduce any new potential uses to the area.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive Plan identifies the application area as appropriate for "rural" uses. This category encompasses land outside the 30 year Wichita urban service boundary and the small city growth areas. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services. Although these lot sizes are smaller than typical rural lots, the overall density is low due to the lake areas.
5. Impact of the proposed development on community facilities: With the development of residences, there may be an increased interest in the paving of this section of Tyler Road in the future. The site will not likely utilize public sewer or water.