



FILED

Wichita-Sedgwick County Metropolitan Area Planning Department

April 12, 2004

Brian Foster
Kim Foster
1357 S. 311th Street West.
Garden Plain, KS 67050

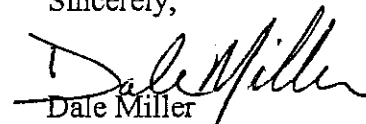
RE: ZON2004-00003 –Sedgwick County Zone change from “RR” Rural Residential to “SF-20” Single-family Residential. Generally located at the northeast corner south 311th Street West and west Mount Vernon. (District III)

Dear Ladies and Gentlemen:

At its regular meeting on April 7, 2004, 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,


Dale Miller
Chief Planner

DLM/rms

Cc: Chris Bohm, %Ruggles and Bohm, 924 N. Main, Wichita, KS 67203
Protest Petitioners
Derenda J. Mitchell, Kansas Livestock Assoc., 6031 SW 37th Street,
Topeka, KS 66614-5129
Tom Winters, County Commissioner, District III, Mail Stop, County Room 320
Garden Plain City Hall, Planning Dept., P O Box 336, Garden Plain, KS 67050
Bob Parnacott, County Law, Mail Stop, County Room 359
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

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STAFF REPORT

Garden Plain 3-10-04

MAPC 3 11 04

CASE NUMBER: ZON2004-00003

APPLICANT/AGENT: J. Brian Foster (applicant/owner); Ruggles & Bohm, Chris Bohm (agent)

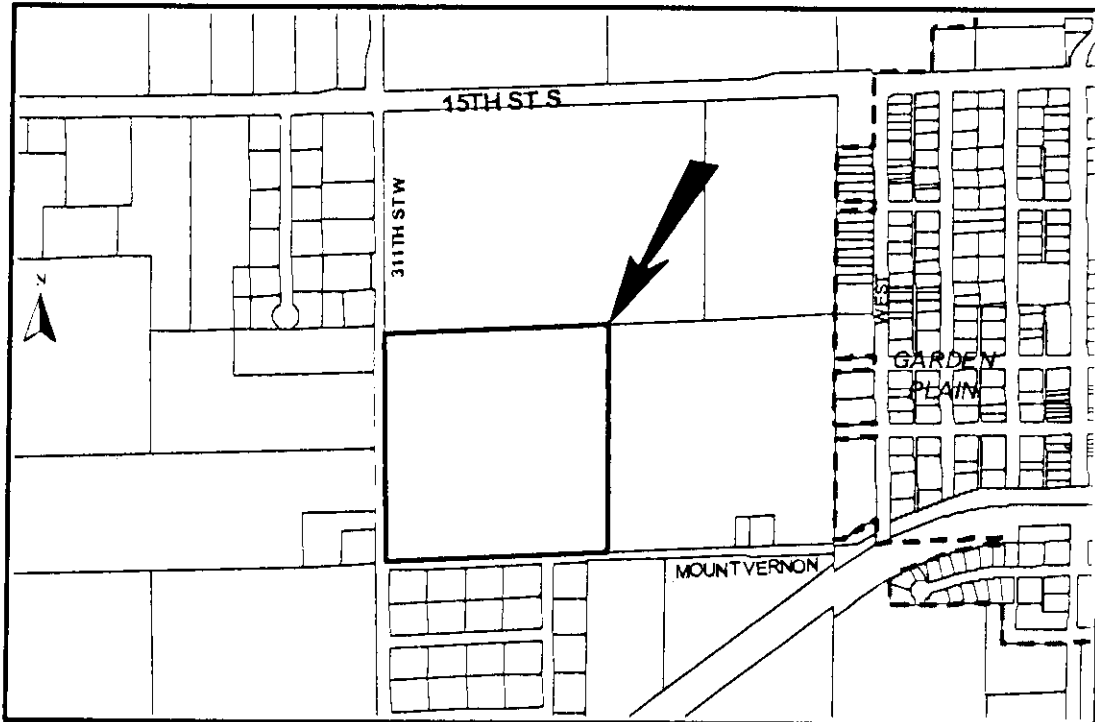
REQUEST: "SF-20" Single family Residential

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 40 acres

LOCATION: Northeast corner south 311th Street West and west Mount Vernon

PROPOSED USE: Allow one-acre residential lot development



BACKGROUND: The applicant is seeking "SF-20" Single-family Residential zoning for 40 acres of land located at the northeast corner of south 311th Street West and west Mount Vernon. The property is currently zoned "RR" Rural Residential, is used for farm ground, and the applicant indicates he is interested in developing one and two acre lot home sites. With the property's current zoning, two-acre home sites could be created, subject to platting without rezoning. Creation of lots less than two acres in size requires a zone change. The agent for the applicant also indicates the site would utilize on-site sewer and water facilities. At the time this report was prepared, a plat had not been filed to indicate a preferred layout.

Surrounding property is all zoned "RR" Rural Residential. The property to the south is developed with a large lot residential subdivision, Meadowlark Hills, containing approximately 35 lots. The land north of the site is used for farm ground. There are homes on the farm ground located to the east, southeast and southwest. There are large lot homes to the west, fronting the west side of 311th Street for a considerable distance north of Mt. Vernon. The City of Garden Plain is located approximately ¼ mile to the east of the application area.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: "RR" Rural Residential; farm ground
SOUTH: "RR" Rural Residential; large-lot residential
EAST: "RR" Rural Residential; farm ground/farmstead
WEST: "RR" Rural Residential; large-lot residential; farm ground

PUBLIC SERVICES: 311th Street is a paved two-lane road. Mt. Vernon is a two-lane sand and gravel road. No public sewer or water service is available. The closest public sewer and water is presumable located approximately ¼ mile to the east in Garden Plain.

CONFORMANCE TO PLANS/POLICIES: The *Sedgwick County Development Guide* depicts this site as appropriate for "rural" uses. The 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 the site is located within Garden Plain's zoning area of influence, the site is not covered by Garden Plain's 1972 Comprehensive Plan future land use plan map.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year, and the following conditions:

- A. Review and approval by Sedgwick County Code Enforcement of a report prepared by a licensed hydrogeologist that demonstrates that there is sufficient water supply to serve the proposed subdivision.
- B. If the development has access to Mt. Vernon, the applicant shall guarantee paving in an amount to be determined by County Public Works.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Surrounding properties are zoned "RR" Rural Residential with a mix of agricultural uses and large lot residences. However, the site is located within ¼ mile the City of Garden Plain and is served by a paved road, 311th Street West, giving the area somewhat of a suburban character.
2. The suitability of the subject property for the uses to which it has been restricted: As currently zoned, the site could be developed with two-acre or larger residential lots.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The property to the south of the application area has been developed with 35 one-acre residential lots. The applicant is asking for the proposed zoning to allow for the development of one-acre lots, so it is difficult to find that approval of the request will detrimentally affect nearby properties. Issues that have been raised in similar cases dealt with: increased traffic that cause faster road deterioration; depletion and/or greater potential of pollution of groundwater supplies; loss of rural character; complaints about agricultural activities and increased drainage.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would provide additional choice to the rural/suburban housing market in the Garden Plain area. Denial would presumably cause a marketing and/or financial hardship on the applicant.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Sedgwick County Development Guide* depicts this site as appropriate for "rural" uses. The 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 the site is located within Garden Plain's zoning area of influence, the site is not covered by Garden Plain's 1972 Comprehensive Plan future land use plan map.

6. Impact of the proposed development on community facilities: Traffic will increase causing an increased need for road maintenance, and requests for publicly supplied services such as sheriff protection and code enforcement will increase.