

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0758 - Zone change from "SF-20" Single-Family Residential to "SF-6" Single-Family Residential on property located south of Harry, west of 123rd Street East.

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: February 25, 1998

COMMISSION DISTRICT #5

MAPC Recommendation: Approve, subject to platting within 1 year (10-0).

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

Background/Discussion: The applicant is requesting a zone change from "SF-20" Single-Family Residential to "SF-6" Single-Family Residential on 79.4 acres located south of Harry, west of 123rd Street East.

The land uses in the area are predominately agricultural and residential. The application area is currently zoned "SF-20" Single-Family Residential, as is all surrounding property. Properties to the north across Harry and properties adjoining the application area to the east are developed with large-lot single-family homes, while land to the west and south are currently being used for agricultural purposes.

The "SF-6" district is intended to "accommodate moderate-density, single-family residential development and complementary land uses." The purpose statement for this zoning district further states that it is "generally compatible with the "low-density" designation of the Wichita-Sedgwick County Comprehensive Plan," and is "intended for application in areas of Wichita and unincorporated Sedgwick County, particularly in which municipal water and sewer service are available and in those areas that have been designated as 'growth areas'."

This case met with considerable neighborhood opposition during the December 4, 1997 MAPC discussion of the matter. Those opposing the zone change stated that the lot size, the lots fronting 123rd Street, and the development's density were not in character with the surrounding area. The original preliminary plat filed for the subject property, the Tara Falls Addition, showed approximately 194 single-family residential lots, with 22 of the lots fronting onto 123rd Street.

A revised preliminary plat showed all lots contained within the Tara Fall Addition, with complete access control being platted along 123rd Street. The subdivision will now be served by a revised collector street system (Tara Falls/Michelle/Andrea) running through the development connecting Harry (now at two points) with 123rd Street and includes several loop streets and cul-de-sacs. The revisions made by the applicant resulted in the loss of approximately a dozen lots and the exclusion of one street connection to 123rd Street at Osie. The revised plat still contains reserves to be used for entry monuments, signs, park and picnic structures, playground equipment, gazebos, open space, landscaping, irrigation, walls, walks, lighting, berms, drainage, and utilities.

During the January 15, 1998 MAPC discussion, the agent for the applicants explained the changes made to the development over the course of the deferment. A representative for the area residents opposing the zone change stated that the revisions to the plat, coupled with a private restrictive covenant that is being negotiated, may address the area property owners' concerns. After the discussion, the MAPC voted (10-0) to approve the zone change, subject to platting the property within 1 year, as recommended by staff.

The MAPC also voted to approve the preliminary plat for these lots with only an emergency access easement from 123rd Street to the new addition, near the southeast corner of the application area. Approximately 86 protest petitions have been filed opposing this request, constituting over 90% of the land within 1,000 feet of the application area.

- Recommended Action:
1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the condition of platting; adopt the resolution and authorize the chairman to sign; and instruct the Planning Department to withhold publication until the plat has been recorded with the Register of Deeds; or
 2. Return to the Planning Commission for reconsideration.

(An override of the protestors requires a 3/4th majority vote of the membership of the Governing Body; An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the Governing Body on first hearing).

Applicants:

Terra Properties, Inc. Gene Vitarelli 321 Montabella Circle Wichita KS 67230

Mark Savoy, Savoy Ruggles & Bohm 924 N Main Wichita KS 67203

Protestors:

Larry & Tisha Meyer 12402 E Osie Wichita KS 67207

Patricia Brittain 12629 E Harry Wichita KS 67207

Vaughn Gregg 12425 E Osie Wichita KS 67207

Cindy Thompson 1844 S. 123rd E Wichita KS 67207

Merry & Bill January 1904 S 123rd E Wichita KS 67207

Jeannie Wayne 1952 S 123rd E Wichita KS 67207

RESOLUTION NO. 23-1998

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. 57-1997.

BE IT RESOLVED BY THE GOVERNING BODY 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. SCZ- 0758

Zone change request from "SF-20" Single-Family Residential District to "SF-6" Single-Family Residential District on property described as:

The west half of the Northeast Quarter of Section 34, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kan., except the north 50 feet thereof. Generally located south of Harry, west of 123rd Street East.

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.

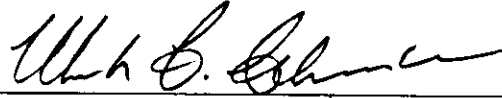
SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

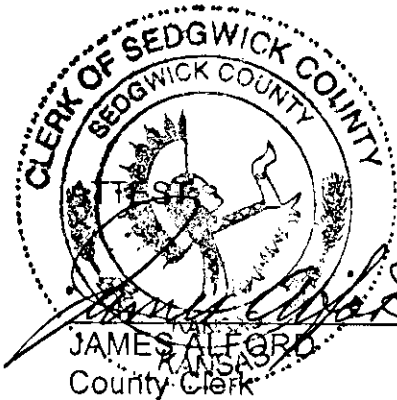
BETSY GWIN	<u>Aye</u>
PAUL W. HANCOCK	<u>Aye</u>
THOMAS G. WINTERS	<u>Aye</u>
MELODY C. MILLER	<u>Absent</u>
MARK F. SCHROEDER	<u>Aye</u>

DATED this 25th day of February, 1998.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS



Mark F. Schroeder, Chairman



APPROVED AS TO FORM ONLY:



Assistant County Counselor