

FEBRUARY 21, 2019 MAPC EXCERPT MINUTES

6. **ZON2018-00052:** County zone change from RR Rural Residential to SF-20 Single-Family Residential for development of single-family homes on approximately 79 acres, described as:

The North Half of the Southeast Quarter (N/2 SE/4) of Section Ten (10), Township Twenty Eight (28) South, Range Two (2) West of the 6th P.M., Sedgwick County, Kansas.

BACKGROUND: The applicant requests the rezoning of the 78.76-acre tract on the west side of South 151st West approximately ¼ mile north of MacArthur Road from RR Rural Residential (RR) to SF-20 Single-Family Residential (SF-20). The subject property is unplatted and no specific proposed plat has been presented. The agent indicates the owner intends to develop the property in a fashion similar to what was done with Redmond Estates, which is located on the west side of 119th West approximately ¼ mile south of 31st Street South. Redmond Estates was recorded with the Register of Deeds on April 8, 2004, and covers approximately 78.12 acres. Redmond Estates contains 53 lots platted lots with a minimum lot size of 1.02 acres. The subject property could be developed residentially without the requested rezoning; however the lot sizes would all have to be 2 acres or larger. It is common for residential developers to create as many lots as possible to recoup the costs of required infrastructure.

The subject property is presently used for agricultural purposes and is in crop production. According to the aerial photos, there are some terraces on the property. Staff has confirmed with the NRCS office in Sedgwick County that no federal money has been used to create these terraces. The degree in which the terraces and overall drainage will be impacted will be addressed during the platting process.

The subject property is located within the territory of Sedgwick County Rural Water District #4. District officials have confirmed the applicant is working with them to provide water to the development. There are no public sewers within this area, so on-site wastewater systems will be required. The specifics of these amenities will be addressed in detail at the time a plat is submitted for approval. The Sedgwick County Onsite Wastewater Code will require at least 1-acre lot sizes and the on-site wastewater systems will be required to be the enhanced/alternative systems only. The Sedgwick County policies for rural development will require the improvement of 151st West north from MacArthur Road at the time of platting.

The surrounding neighborhood is a mostly rural and agricultural. There are some residential uses to the south and east; however most of the property in the area is used agriculturally.

The Citizen's Advisory Board for Commission District III heard this case on Monday, February 4, 2019. Several area residents were also present and raised concerns about the rezoning of the property for residential development. Issues raised addressed impacts to the Rural Water District, Rural Fire District, Township roads, impacts on drainage, and fears of failing onsite wastewater systems harming groundwater and area water wells. The CAB III voted 9 to 1 to recommend the change in zoning to SF-20. The CAB III Memo is attached.

CASE HISTORY: There are no past zoning actions on this property.

ADJACENT ZONING AND LAND USE:

NORTH: RR agricultural

SOUTH: RR agricultural

EAST: RR agricultural

WEST: RR agricultural

PUBLIC SERVICES: 151st Street West is a sand, township road in Illinois Township. MacArthur Road is paved, and the next closest paved road is Pawnee Avenue approximately 2 miles to the north. The land is within the Sedgwick County Rural Water District # 4 service territory and will be required to connect if required by that entity. According to the District's Engineer, the closest water line is a 4-inch line along MacArthur at 151st. Plans are being evaluated of what will be required to provide water service to the subject property. As noted above, no public sewers are available and appropriate on-site wastewater systems will be required.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is within the "Wichita Growth Area" of Sedgwick County, but is on the west edge of that area. The designation is acceptable for conversion of rural lands to other uses provided the necessary rezoning and other development requirements, such as platting, are followed. The specific language in the Plan for this designation states: "New development in areas where city growth areas abut should be coordinated among the affected cities, particularly as it relates to street connectivity and land use compatibility." The overall spirit and intent of this rezoning appears to be in conformance with the policies and guidelines of the adopted Plans for Sedgwick County.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends APPROVAL the request as submitted. This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is rural in nature with mostly agricultural uses. There are a couple of rural homesteads in the immediate area. The introduction of a new residential building lots will not be out of character with this area of Sedgwick County, provided development occurs according to Sedgwick County development standards and policies.

2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned RR Rural Residential, which permits residential development but with a larger minimum lot size requirement. The location is capable of supporting the smaller lot size; therefore, the rezoning is appropriate and acceptable under the development standards of the County.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed SF-20 zoning is acceptable to the neighborhood and is not considered to be detrimental to anyone.

4. Length of time the property has been vacant as currently zoned: The property has remained undeveloped and agricultural for some time, and the development as proposed is considered appropriate for the neighborhood.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is within the "Wichita Growth Area" of Sedgwick County, but is on the west edge of that area. The designation is acceptable for conversion of rural lands to other uses provided the necessary rezoning and other development requirements, such as platting, are followed. The specific language in the Plan for this designation states: "New development in areas where city growth areas abut should be coordinated among the affected cities, particularly as it relates to street connectivity and land use compatibility." The overall spirit and intent of this rezoning appears to be in conformance with the policies and guidelines of the adopted Plans for Sedgwick County.

6. Impact of the proposed development on community facilities: Development of the property would not have any impact on community facilities or resources provided the development is platted and the road and extension of water service improvements required under the Sedgwick County development standards and policies are met.

YEAROUT, planning staff presented the staff report.

DAILEY asked where the rural water district obtains its water.

YEAROUT replied that he did not know. He repeated that there is a four-inch water line in MacArthur Road, and the applicant has contacted the water district about receiving service.

RUSS EWY, BAUGHMAN COMPANY, AGENT commented that it was a straight forward zone change request that was properly presented by **YEAROUT**.

FOSTER asked for a clarification on the proposed lot size.

EWY responded that they could develop two-acre lots without the zone change and it was the developer's intention to develop with two-acre lots if the zone change is not approved.

MICHAEL DREILING, 3700 SOUTH 151ST STREET WEST, GODDARD, 67052 noted that he lives directly across the street from the application area. His concern is where all the water is going to go. If they get a two to three-inch rain the ditches are full. With the concrete and pavement from the development that is going to cause erosion on the neighbor to the south; it crosses underneath the bridge going east on to his property. His concern is how with the drainage be addressed. He is also concerned with how leftover concrete will be disposed. He has seen them clean out the trucks and leave it right in the ditch.

ARLENE GIRRENS, 3801 SOUTH 151ST STREET WEST, GODDARD, 67052 noted that she lives immediately south of the application area. Drainage is her big concern. She stated that stormwater from the drains north center part of the application and to the southeast corner of the property which is her north property line, runs into the ditch in front of her house. When there is a downpour the ditches can't carry the water and it overflows the road. She is very concerned with drainage and erosion. Each resident will have an alternative sewage system. All of us that live in the area now have our own water well and are concerned the groundwater will be contaminated by the septic systems. Even if they bring rural water in they don't want their water wells polluted because of this project. It will greatly alter their current farming practices with respect to spraying row crops and the planting of wheat where they have to use anhydrous fertilizer. They have had people stand at the edge of the field when they are applying anhydrous and pinch their noses over the smell of anhydrous. Who puts the food on your table; the farmer does. It is going to alter the fertilizer application plus spraying. Spray will drift. People will complain about a drift onto their shrubs and trees and then they are after you for killing their plants. They watch the application closely but they still want to blame the farmer. Is there going to be a homeowner's association rules so there are not animals, horses and cattle brought in, and it remains a clean area. There is a lot of trash that ends up in the hedge row next her house. They have to pick the trash up to keep from running it through their farm machinery.

HARTMAN asked her to clarify the location of the bridge.

GIRRENS noted that it was south of her house, closer to MacArthur. She showed how the water flows

across her field to the bridge. They have had to clean out underneath the bridge before because of erosion.

HARTMAN pointed out that a drainage plan would have to be developed and they cannot increase the amount of drainage than is there now. They will have to address drainage at the time of platting.

GIRRENS she hopes so because she does not want her farm ground ruined.

BLICK confirmed that the farm field south of her house belongs to her.

RICHARDSON confirmed that 151st Street is flooded and water goes over the top of the roadway. Where does that occur and what crops does she grow.

GIRRENS stated it comes off the application area onto the road north of her property. She grows wheat, soybeans or milo. Anhydrous is put on when the wheat is planted. The spraying is weed control for the milo and soybeans. Soybeans generally are sprayed three times.

LARRY FASBENDER, 3401 SOUTH 151ST STREET WEST, GODDARD, 67052 stated he owns the land north of the application area. He indicated he had the same concerns that **GIRRENS** expressed. The resident's kids drag material out into the field that causes breakdowns.

MILES aske Scott **LINDEBAK** to come up and speak about drainage review.

SCOTT LINDEBAK, SEDGWICK COUNTY STORMWATER ENGINEER noted that he was one of eight engineers that work for Public Works. They meet on a regular basis to discuss subdivision issues such as drainage and traffic, and when developments occurs they do not make conditions worse. He appreciates hearing about the issues in advance so when they come up they can be addressed. They can work with Townships on drainage issues to address problems. If they need additional road right-of-way during the platting process to better handle drainage they will ask for that. New development has to provide stormwater detention. There will be some type of holding pond, either dry or wet, that will trap stormwater and slowly release the water over time. Hopefully the development should not create a deluge across the property and filling the ditches. There should be more of a controlled flow if a development is approved. There will be a platting process. All the plats have to go through Subdivision Committee and on to planning commission so there will be at least two more opportunities to speak on the development. Public Works staff reviews and comments on the needed improvements at Subdivision Committee. By code one can't make drainage worse; one has to provide stormwater detention. In 2010 a rule was passed that any development that any development that paves one acre has to provide stormwater detention. This development will have to provide detention.

KLAUSMEYER will there be a master drainage plan.

LINDEBAK replied that there will be master grading plan and a master drainage plan. A four-corner grading plan will be required as well as a drainage plan that deals with flood flows.

MILES aske Kelly **DIXON** to speak on septic systems.

KELLY DIXON, METROPOLITAN AREA BUILDING AND CONSTRUCTION DEPARTMENT the advanced septic system is an aerobic treatment system. Oxygen is injected into the septic tank that creates an aerobic environment that is a pretty hungry bacteria. The bacteria eats away ninety percent of what we put into the septic tank. It cleans the water up to ninety percent of the bacteria is gone but there is a small remaining amount plus it does not do anything for viruses. Science says it only takes about two

feet of soil to remove the remaining bacteria and the viruses. Therefore, within two feet of the disposal the wastewater is clean. The water could then literally be put into the groundwater. The technology has been around since the 1950s. The U.S. Navy developed the technology; has been used around the country since the 1980s and was introduced into this area in the 2000s. The system creates a clean wastewater. The water has to be clean because the water is disposed of through a pressurized drip system that is half-inch tubing with pin-holes in it. The pin-holes are designed so they only release X amount of water at a time. The release of water is time-dosed every ten minutes 24/7, 365 days a year. The wastewater sits in the tank, is treated and then slowly released out through the tubes. In contrast, a traditional septic system is a flush and go operation. The alternative treatment system works in heavy clay because of the slow release of water. The water goes through the soil and also goes up through the plant root structure because the lines are only buried about a foot deep. That allows some of the water to be taken up through evapotranspiration.

EWY stated he would be happy to answer questions regarding this land use decision. A lot of the questions deal with platting issues and will be addressed then.

RICHARDSON asked if **EWY** knew who owns the tree row along the southern edge of the application area. He wondered if the trees were alive in relation to the issue of spraying. If the trees are still alive that helps to address the concern regarding spraying. If the trees are alive the spraying has been done in responsible manner.

EWY typically trees are on the property line. At the time of platting a reserve would be established to protect the tree row. Based upon the photos shown it looks like they are alive.

WARREN suggested that at the time of closing a statement be included that advised buyers they are purchasing property that has farming operations nearby and they need to be aware that agriculture requires chemicals and fertilizers.

FOSTER asked that the folks who spoke today be notified when the plat is considered.

MOTION: To approve subject to staff recommendation

HARTMAN moved, **B. JOHNSON** seconded the motion, and it carried (12-0).