

Planning Commission Staff Report

Applicant

Gilbert Loewen
1425 US Hwy 50
Peabody, KS 66866

Short-Form Plat Lot Split Application and Project Description

Application number ZP05.085. Applicant is requesting one Lot-Split in an "A" Agriculture Zone District. Application includes a deed of property for approximately one hundred sixty (160) acres in the northwest quarter of Section 5, Township 22 South, Range 3 East. Application includes nine (9) copies of a scale drawing and legal description of the proposed split lot with the precise location and dimensions of the structures thereon. Application approval is subject to all applicable Local permits.

Planning Issues

A Public Notice of this Planning Commission application review has been published in the official county newspaper at least twenty (20) days prior to the meeting date. No public comments have been received as of November 4, 2005.

The purpose of the "A" Agriculture Zone District is to provide for a full range of agricultural activities on land used for agricultural purposes, including processing and sale of agricultural products raised on the premises, and at the same time offer protection to land used for agricultural purposes from the depreciating effect of objectionable, hazardous, incompatible and unsightly uses. This District is intended to allow a net density of one residence per forty (40) acres, and sell-offs of 5-acre lots with the site assessment in LESA weighted to favor non-tilled, wooded, steep or rough locations along SAS (RS) all-weather roads or highways, or existing farmstead sites located on existing gravel roads.

Existing Farmstead site, LESA factoring not applicable.

Michael King lot-split application, zp05.033, not completed before resale of quarter section. New owner seeks different configuration property lines.

The application meets all zoning requirements for approval as listed below.

Site Plan Review and Approval Conditions

A Short-Form Plat Lot Split shall not be approved if:

- A. A new street or alley is needed or proposed.*
- B. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.*
- C. Such action will result in significant increases in service requirements or interfere with maintaining existing service levels.*
- D. There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.*
- E. All easement requirements have not been satisfied.*
- F. Such split will result in a tract without direct access to a street.*
- G. A substandard-sized (less than 5 acres) lot or parcel will be created.*
- H. The lot has been previously split in accordance with these regulations.*
- I. The lot does not meet the Land Evaluation and Site Assessment System factored values for approval.*
- J. The existing parcel is less than forty (40) acres.*
- K. The parcel is not adjacent to a rural secondary road for the development of new farmstead sites or the parcel is not adjacent to a gravel road for existing farmstead sites.*
- L. The existing structures do not meet the required setbacks.*
- M. The maximum depth of the split lot is greater than three (3) times the width thereof.*

Land Evaluation and Site Assessment System

Land Evaluation and Site Assessment System Scoring Summary

The scores should be weighted and used as follows:

Land Evaluation:

80 to 100 points	Highly rated for farmland preservation
50 to 80 points	Moderately rated for farmland preservation
49 and below	Not rated for farmland preservation

Site Assessment:

250 – 300 points	Highly rated for farmland preservation
200 – 249 points	Moderately rated for farmland preservation
199 and below	Not rated for farmland preservation

The two ratings can be considered separately, or combined into a total score, in which case the evaluation would yield the following recommendations:

Combined LESA Score:

330 – 400

250 – 329

249 and below

Highly rated for farmland preservation

Moderately rated for farmland preservation

Not rated for farmland preservation

Land Evaluation and Site Assessment System Application Score

Land Evaluation: 88.5

Site Assessment: 176

Combined LESA Score: 264.5

Staff Recommendation

Approve a short-form lot split of five (5.0) acres in the "A" Agricultural Zone District as presented by the applicant. Require that the short-form lot split plat and the agricultural disclaimer to be recorded by the Register of Deeds with deed transfer. Require certification of such actions be filed in the Office of the Planning Commission. (REASON: Application meets zoning approval requirements for a short form lot split in an "A" Agricultural Zone District.)