

RESOLUTION NO 159-2017

Published on: 9-20-2017

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-D AS ADOPTED BY RESOLUTION NO. 84-01, AS SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS 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-D of the Wichita Sedgwick County Unified Zoning Code, a zone change from LC Limited Commercial to GC General Commercial.

Case No. ZON 2017-00027

A zone change from LC Limited Commercial to GC General Commercial, legally described as follows:

Beginning at a point 785 feet North of the Southwest Corner of the Northwest Quarter of the Northwest Quarter of Section 13, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, thence North 132.7 feet to a point 410 feet South of the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 13, thence East parallel with the North line of the Northwest Quarter of the Northwest Quarter of Said Section 13, 330 feet, thence South 130.2 feet, to a point 785 feet North of the South line of the Northwest Quarter of the Northwest Quarter of said Section 13, thence West 330 feet to the point of beginning, except the West 40 feet for West Street.

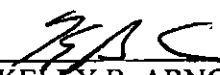
SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

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

Dated this 13th day of September, 2017.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:


KELLY B. ARNOLD, Clerk



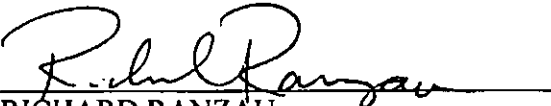

DAVID M. UNRUH, Chairman
Commissioner, First District

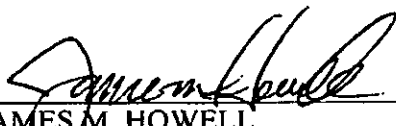

MICHAEL B. O'DONNELL, II, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:


JUSTIN M. WAGGONER,
Assistant County Counselor


DAVID T. DENNIS
Commissioner, Third District


RICHARD RANZAU
Commissioner, Fourth District


JAMES M. HOWELL
Commissioner, Fifth District

CASE NUMBER: ZON2017-00027

APPLICANT/AGENT: Phyllis F. Newman / Ruggles & Bohm, P.A., Will Clevenger

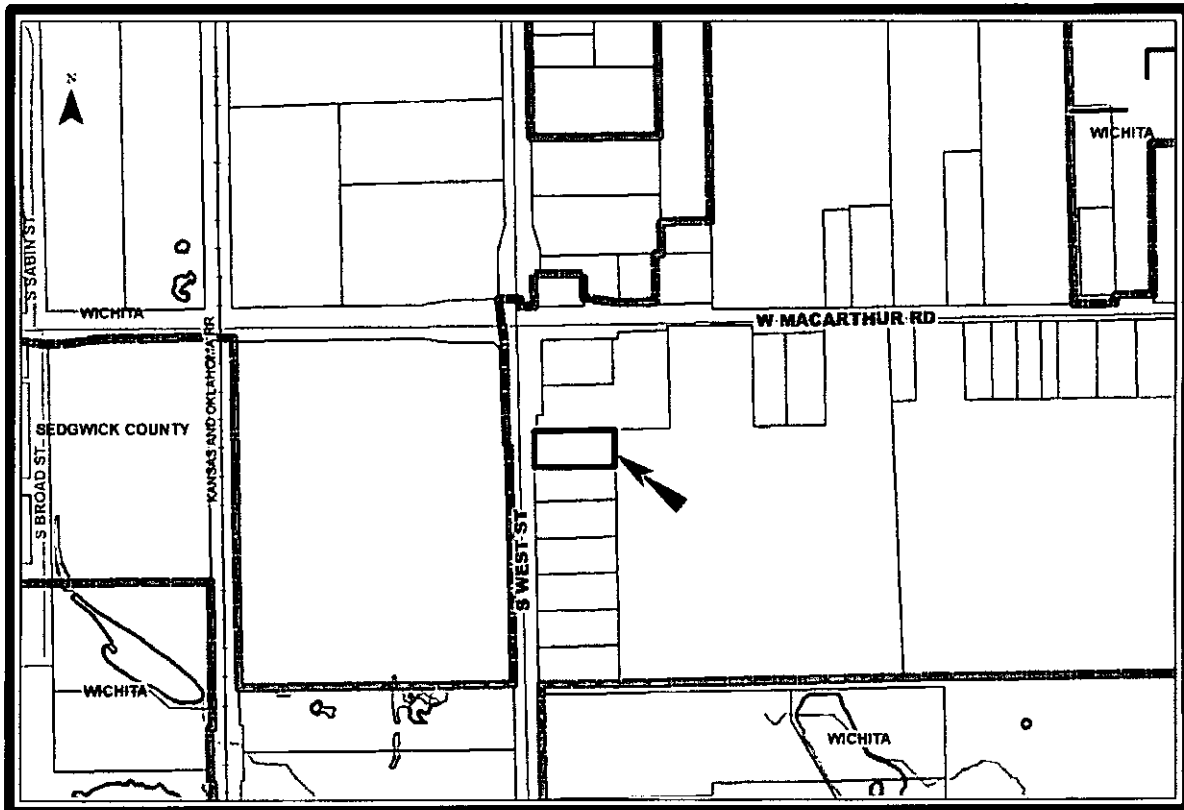
REQUEST: GC General Commercial

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.8851 acres

LOCATION: Approximately 380 feet south of the intersection of West Macarthur Road and South West Street

PROPOSED USE: Outdoor Vehicle Storage



BACKGROUND: This application was filed to rezone the subject property from LC Limited Commercial (LC) to GC General Commercial (GC). The subject property is located approximately 380 feet south of the intersection of West MacArthur Road and South West Street, on the east side of South West Street. With this request, the applicant would like to rezone the property to a GC district in order to have an Outdoor Storage and Vehicle Storage facility. This parcel is located in unincorporated Sedgwick County.

The existing parcel is under an acre and is currently unimproved. Following rezoning, the applicant intends to utilize this parcel for the outside storage of boats, campers and other outside items. There are no plans to construct structures of any kind on the site. Access to the site will be the existing asphalt drive.

The applicant has proposed to construct a screening fence along the street frontage per zoning standards. Along the north and east side the applicant proposes to utilize tree planting and landscape screening to fulfill the screening requirement for outside storage uses. This will require the submission of a landscape plan for review by staff.

The surrounding zoning is a mix of residential, commercial and industrial. North of the site is zoned LC though it is largely undeveloped south of West MacArthur Road, with the exception of a Major Utility. South of the site is a mix of LC and SF-20, though it is primarily residential in nature. The northern portion of the adjoining lot (which is a residential home) is zoned LC, rest is zoned SF-20. To the east is LC zoning on vacant agricultural land and SF-20. To the west across South West Street is zoned LI and is largely unimproved or large lot single family houses.

CASE HISTORY: The parcel has not been platted.

ADJACENT ZONING AND LAND USE:

North: LC	unimproved parcel, energy transformer
South: LC, SF-20	single-family residences
East: LC	vacant agricultural land
West: LI	large lot single-family residence

PUBLIC SERVICES: South West Street is a paved arterial street. Municipal Water is available on site, while other services are not. The proposed use should not require additional municipal services to be extended to the site.

CONFORMANCE TO PLANS/POLICIES: The Future Growth Plan Map of the *Community Investment Plan* depicts the subject site as New Employment. This proposed use does not fit neatly within the framework of this category (as this will not employ anyone beyond the property owner), but it does not work against it either.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it is recommended the application be approved, subject to the following stipulations.

- (1) A Landscape Plan will be submitted to the Director of Planning for approval prior to the issuance of a Building Permit.
- (2) No structures are to be built on site and the property will remain unpaved.

This recommendation is based on the following findings:

ZON2017-00027

1. The zoning, uses and character of the neighborhood: The surrounding zoning is a mix of residential, commercial and industrial. North of the site is zoned LC though it is largely undeveloped south of West MacArthur Road, with the exception of a Major Utility. South of the site is a mix of LC and SF-20, though it is primarily residential in nature. The northern portion of the adjoining lot (which is a residential home) is zoned LC, rest is zoned SF-20. To the east is LC zoning on vacant agricultural land and SF-20. To the west across South West Street is zoned LI and is largely unimproved or large lot single family houses.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned for Limited Commercial, which does not allow for this type of use. The general character of the immediate area is residential and undeveloped land, though based on surrounding zoning and the character of the broader area, this use will be compatible. This property is suitable for a variety of uses, including those listed in the Limited Commercial District. However, the uses listed for the General Commercial District would also be suitable for this location.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of TF-3 zoning and subsequent platting would allow two-family homes to be constructed on the property. The Willow Creek neighborhood to the south and east of the site would be separated from the development by a roughly 250-foot floodway reserve that includes trees and a small creek. The single family residences to the west of the site would be separated from the development by a tree line. Approval of the request should not detrimentally impact nearby property owners.
4. Length of time the property has remained vacant as currently zoned: The property is currently unimproved.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Future Growth Plan Map of the *Community Investment Plan* depicts the subject site as New Employment. This proposed use does not fit neatly within the framework of this category (as this will not employ anyone beyond the property owner), but it does not work against it either.
6. Impact of the proposed development on community facilities: This use should not require the extension of public facilities and services.

Staff Report Attachments:

1. Future Growth Concept Map excerpt
2. Zoning Map