

- 22a. Case No. SCZ-0427 H-C Properties request zone change from "R-1" & "LC" to "AA" beginning at the Southeast Corner of Section 10, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence west 650 feet on the South Line of the SE 1/4 of said Section 10; thence North at a deflection angle to the right of 90°00' for a distance of 345 feet; thence Northeasterly to a point 320 feet West of the East Line of the SE 1/4 of said Section 10; thence East 320 feet to the West Line of the SE 1/4 of said Section 10; thence South at a deflection angle to the right of 90°00' for a distance of 720 feet to the point of beginning. Generally located at the northwest corner of 13th Street North and 127th Street East.
- 22b. Case No. CU-219 - H-C Properties request Conditional Use Permit for (See legal description above for Case No. SCZ-0427).

GALBRAITH pointed out adjacent land use, zoning, and showed slides of the general area. He reviewed the following staff reports:

SCZ-0427:

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a change of zoning from "R-1" Suburban Residential and "LC" Light Commercial to "AA" One Family for a tract of land located at the northwest corner of 127th Street East and 13th Street North, both of which are major streets. The Planning Commission has a general policy of looking with favor on higher density residential development on major streets, taking into consideration existing development in the general area. In this instance, lands to the north, east and west are undeveloped, with a farm house located to the south.

The intent section of the "AA" district requires this district to be established only when municipal services (sewer and water are available). The engineer for the applicant indicates that City water will be extended to serve subject property and a County Sewer District will provide sanitary sewage treatment for the subdivision of which subject property is a part.

2. A recommendation of approval should be subject to platting within one year from the date of zone change approval by the Board of County Commissioners; or the case be considered

denied and closed; and that the resolution effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.

CU-219:

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a Conditional Use Permit to construct multi-family dwellings on property proposed for "AA" One Family zoning.

Section 11.E.1 of the County Zoning Resolution provides that the Board of County Commissioners may, by special permit, and subject to such restrictions as it deems appropriate, permit conditional uses as outlined in the various districts where such uses are deemed essential or desirable to the public convenience or welfare.

A site plan submitted with the application proposes a maximum of 5 structures on subject property which contains approximately 9.3 acres, of which approximately 4.3 acres will be utilized for street and floodway purposes. On the remaining portion, the applicant proposes to construct garden apartments and/or townhouses at the permitted density of 15 dwelling units per acre or a total of 75 dwelling units.

2. In the event the Planning Commission determines that the proposed development can be compatible with existing and future development in the general area and recommends approval of the Conditional Use Permit, it should be approved subject to the following conditions:
 - A. Approval of the associated zone case SCZ-0427 by the Board of County Commissioners.
 - B. The maximum building height shall not exceed 2-1/2 stories, excluding basement, or 35 feet and the maximum number of dwelling units shall not exceed 75.
 - C. Not less than 1-1/2 off-street parking spaces shall be provided for each dwelling unit.

GALBRAITH stated that the staff questioned the type of sewer system that could finally be approved. The staff's preference is that the Crestview sewer system be enlarged so that there was not another lagoon.

KENNY HILL, Reiss & Goodness Engineers, representing the applicant, stated that there were 82 single family lots proposed on this tract, so that the density is low. He said that there would be a floodway through the southeast part of the tract that was proposed for multiple family usage which will be an open area.

There was no one present in opposition to the applications.

MOTION: Having considered the factors as contained in Policy Statement No. 10, in conjunction with zoning case no. SCZ-0427, and Conditional Use case no. CU-219, I move that we recommend to the Governing Body that the applications be approved for the following reasons:

The extent to which removal of the restrictions would affect nearby property, the lack of opposition by area residents, and the recommendations of professional staff. Said approval subject to platting within one year from the date of zone change approval by the Board of County Commissioners; or the case be considered denied and closed; and that the resolution effectuating the zone change not be published until the plat has been recorded with the Register of Deeds. In regard to the conditional use permit, said approval subject to the following conditions:

- A. Approval of the associated zone case SCZ-0427 by the Board of County Commissioners.
- B. The maximum building height shall not exceed 2-1/2 stories, excluding basement, or 35 feet and the maximum number of dwelling units shall not exceed 75.
- C. Not less than 1-1/2 off-street parking spaces shall be provided for each dwelling unit.

Jones moved, Bayouth seconded and it carried unanimously.
