RESOLUTION NO 161-2019

Published on: July 31, 2019

A RESOLUTION FOR A ZONE CHANGE FROM RR RURAL RESIDENTIAL GC GENERAL COMMERCIAL 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 RR Rural Residential to GC General Commercial.

Case No. ZON2019-00015

A Zone Change from RR Rural Residential to GC General Commercial, legally described as follows:

The East half of a tract in Section 33, Township 25 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas described as: Beginning 2331 feet north of the Southeast corner of the Northeast Quarter; thence North to the North line of said Northeast Quarter; thence West 1318.3 feet; thence South 330.15 feet more or less; thence East to beginning except 40 feet take for road.

SECTION II. That upon the taking effect of this Resolution, the notation of such Zone Change 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.

The zone change is subject to the following Protective Overlay #340

1. All uses permitted in RR Rural Residential in addition to Warehouse/Self-Service Storage.

2. Approval of the requested zone change must coincide with approval of the reduction in side compatibility setback from 25feet to 13 feet. Recommendation must be made by the Metropolitan Area Planning Commission. Final action is made by the Board of County Commissioners as permitted by UZC Sec. VI-B.7.

3. A screening/landscape plan shall be submitted to Planning showing the required additional screening along all property lines except for the area occupied by the single family dwelling unit. Screening may be in the form of trees with general guidelines taken from the City of Wichita Landscape Ordinance or in the form of a solid 6-8-foot fence or masonry wall parallel to the south, west, and north property lines and that portion of the east property line commencing south of the entrance drive to property line. The plan shall be submitted within 30 days of approval from the Board of County Commission, and it will be

reviewed and approved by the Planning Director.

4. All applicable screening shall be installed within 90 days of approval from the Board of County Commission.

5. Outdoor lighting shall be in compliance with UZC Sec. IV-B.4

6. Surface for parking and for the entrances shall be per County Standards. The entrance shall remain in its current location.

7. All landscape buffers and/or screening shall be maintained in compliance with the approved landscape/screening plan and The Unified Zoning Code.

8. All State, County, and any other applicable permits, inspections, and standards shall be met.

Commissioners present and voting were:

PETER F. MEITZNER	Aye
MICHAEL B. O'DONNELL, II	Aye
DAVID T. DENNIS	Aye
LACEY D. CRUSE	Aye
JAMES M. HOWELL	Aye

Dated this 17th day of July, 2019.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

DAVID T. DENNIS, Chairman
Commissioner, Third District

PETER F. MEITZNER, Chair Pro Tem
Commissioner, First District

ATTEST:

KELLY B. ARNOLD, [illegible] Clerk

SEDGWICK COUNTY CLERK SEDGWICK COUNTY KANSAS KANSAS

APPROVED AS TO FORM:

JUSTIN M. WAGGONER
Assistant County Counselor

MICHAEL B. O'DONNELL, II
Commissioner, Second District

LACEY D. CRUSE
Commissioner, Fourth District

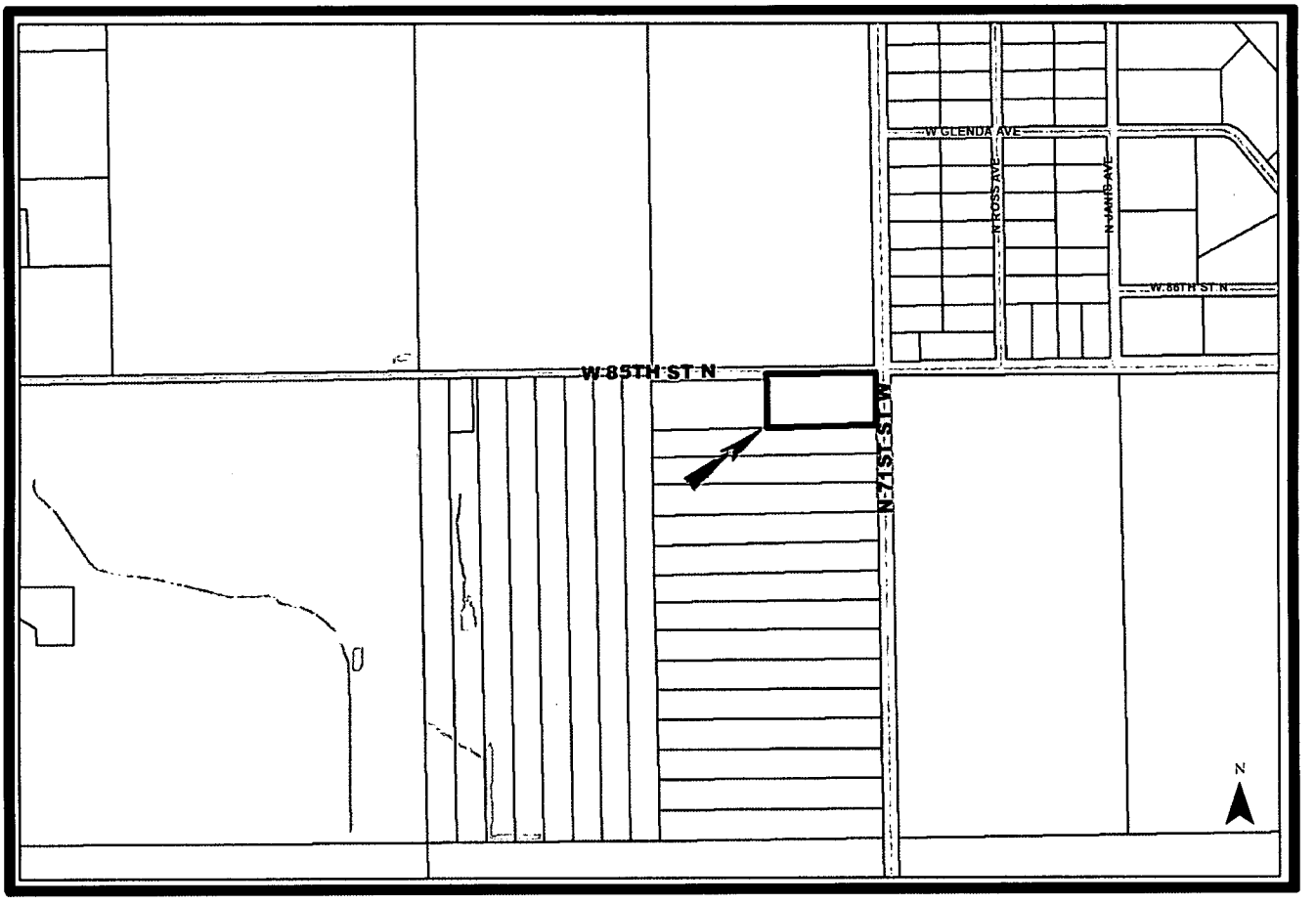
JAMES M. HOWELL
Commissioner, Fifth District

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 11

STAFF REPORT
MAPC-June 6, 2019

CASE NUMBER:	ZON2019-00015
APPLICANT/AGENT	Westridge 1, LLC (Applicant)/ Garber Surveying (Agent)
REQUEST:	GC General Commercial and Reduction of Compatibility Setbacks.
CURRENT ZONING:	RR Rural Residential
SITE SIZE:	4.3 acres
LOCATION:	On the southwest corner of North Ridge Road and West 85th Street North
PROPOSED USE:	To bring an existing commercial use into compliance with the zoning code.



BACKGROUND: This application was filed to rezone the subject property from RR Rural Residential to GC General Commercial and to reduce the compatibility setbacks on the south property line. The subject property is located in Sedgwick County on the southwest corner of North Ridge Road and West 85th Street North. The subject property is outside the Valley Center Area of Influence. With this request, the applicant would like to rezone the property to a GC to bring an existing commercial Warehouse, Self-Service Storage use into compliance with the Unified Zoning Code. In addition, the applicant is seeking to reduce the side compatibility setback from 25 feet to 13 feet.

The existing lot is 4.3 acres, and consists of 4 metal storage buildings approximately 6,500 square feet each with garage bay doors and one single family dwelling unit. The dwelling unit was constructed in 1940. The storage buildings were built between 2003 and 2018. The purpose of the storage units is to lease storage space to individuals who are looking to store recreational vehicles that require more space than a typical self-storage warehouse such as all-terrain vehicles (ATVs), RVs/ campers, boats, etc. All buildings near the south property line encroach into the 25-foot compatibility setback by at least 3 feet (see attached site plan exhibit). The building closest to the south property line is 13.7 feet north of the line.

All properties surrounding the subject site area are zoned RR and are a mix of large lot, single family uses and agricultural fields. There is an existing row of mature, deciduous trees along the south property line approximately 300 feet in length screening the buildings from the residential dwelling unit on the property south of the subject site. Otherwise, there is no screening present on other sides of the property.

CASE HISTORY: The property is unplatted and there was no case history found.

ADJACENT ZONING AND LAND USE:

North:	RR; Agriculture
South:	RR; Large lot single family residential.
East:	RR; Agriculture / Large lot single family residential (northeast).
West:	RR; Large lot single family residential.

PUBLIC SERVICES: North Ridge Road (North 71st Street West) is a fully improved, two-lane arterial street with open ditches. West 85th Street north is fully improved, two-lane, arterial street with open ditches. The property is accessed from North Ridge Road only. The subject property relies on well water and a septic sewer system.

CONFORMANCE TO PLANS/POLICIES: The *Community Investment Plan* depicts the subject site as appropriate for "rural uses" and the site is not encompassed in any of the 2035 Urban Growth Areas for cities in Sedgwick County. The rural use category lists appropriate uses as agriculture, rural based businesses, and larger lot residential exurban subdivisions. Commercial developments in rural areas should be limited to agricultural-oriented uses; rural home occupations, natural resource dependent uses, convenience services; highway-oriented services at interchange areas, or uses that need significant buffering from residential areas (to mitigate nuisance or hazard impacts). This use most closely relates to the "convenience services" as outline in the plan as it provides storage services most likely for individuals in the immediate area.

The Rural Area Compatibility Standards in the *Community Investments Plan* state that commercial uses in rural areas should be separate and distinct from lower intensity land uses and should provide appropriate screening and buffering. Additionally, compatibility setbacks and screening standards as outlined in the Unified Zoning Code (UZC) shall apply as adjacent properties are classified by a residential zoning

district. Compatibility setback standards require a minimum of 15 feet plus one-foot for each five feet of lot (subject tract) width over 50 feet (with a maximum setback of 25 feet) (UZC Sec.IV-C.4). The width of the subject property is 290.15 feet, which will require a maximum setback of 25 feet. The existing structures along the south interior lot line do not conform to this compatibility setback requirement. The applicant has asked to reduce the compatibility setback requirements from 25 feet to 13 feet. UZC Sec.VI-C.7 authorizes the Planning Commission to recommend approval of zoning adjustments when requested in association with an application to amend the Official Zoning Map, and UZC Sec.VI-B.7 authorizes the Board of County Commission to approve said recommendation.

As stated in the UZC Sec.IV-B.2: screening shall be required on all properties for all uses except Single Family and Duplex when those uses are established on properties within, abutting, or across a street or alley from residential zoning districts, except when separated by a Major Barrier. Except for the portion along south property line with the row of trees, there is no screening around this property separating the commercial use from the residential zoning districts. Because there are no specific standards for landscape or screening buffers for properties in unincorporated Sedgwick County, the City of Wichita's Landscape Ordinance may be used to provide guidance to determine appropriate and adequate screening.

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 conditions:

1. Approval of the requested zone change must coincide with approval of the reduction in side compatibility setback from 25feet to 13 feet. Recommendation must be made by the Metropolitan Area Planning Commission. Final action is made by the Board of County Commissioners as permitted by UZC Sec. VI-B.7.

2. A screening/landscape plan shall be submitted to Planning showing the required additional screening along all property lines except for the area occupied by the single family dwelling unit. Screening may be in the form of trees with general guidelines taken from the City of Wichita Landscape Ordinance or in the form of a solid 6-8-foot fence or masonry wall parallel to the south, west, and north property lines and that portion of the east property line commencing south of the entrance drive to property line. The plan shall be submitted within 30 days of approval from the Board of County Commission, and it will be reviewed and approved by the Planning Director.

3. All applicable screening shall be installed within 90 days of approval from the Board of County Commission.

4. All State, County, and any other applicable permits, inspections, and standards shall be met.

The recommendation is also subject to the following provisions of a Protective Overlay.

1. All uses permitted in RR Rural Residential in addition to Warehouse/Self-Service Storage.

2. Approval of the requested zone change must coincide with approval of the reduction in side compatibility setback from 25feet to 13 feet. Recommendation must be made by the Metropolitan Area Planning Commission. Final action is made by the Board of County Commissioners as permitted by UZC Sec. VI-B.7.

3. A screening/landscape plan shall be submitted to Planning showing the required additional screening along all property lines except for the area occupied by the single family dwelling unit. Screening may be in the form of trees with general guidelines taken from the City of Wichita Landscape Ordinance or in the form of a solid 6-8-foot fence or masonry wall parallel to the south, west, and north property lines and that portion of the east property line commencing south of the entrance drive to property line. The plan shall be submitted within 30 days of approval from the Board of County Commission, and it will be reviewed and approved by the Planning Director.

4. All applicable screening shall be installed within 90 days of approval from the Board of County Commission.

5. Outdoor lighting shall be in compliance with UZC Sec. IV-B.4

6. Surface for parking and for the entrances shall be per County Standards. The entrance shall remain in its current location.

7. All landscape buffers and/or screening shall be maintained in compliance with the approved landscape/screening plan and The Unified Zoning Code.

8. All State, County, and any other applicable permits, inspections, and standards shall be met.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is zone RR and is rural in character. Surrounding the development is a mix of large lot, single family residential and agricultural fields.

2. The suitability of the subject property for the uses to which it has been restricted: The site's RR zoning permits agricultural uses as well as low density residential development among a limited number civic, commercial, and industrial uses. It currently has a single family dwelling unit which has remained occupied in addition to the commercial use of the property.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Allow the site to operate as a Self-service Storage/Warehouse will have minimal negative impacts on the area. The site's location at the intersection of 2 arterial streets--that provide direct access to Valley Center and Wichita—make this a convenient location for commercial services that serve the immediate area.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Community Investment Plan* depicts the subject site as appropriate for "rural uses" and the site is not encompassed in any of the 2035 Urban Growth Areas for cities in Sedgwick County. The rural use category lists appropriate uses as agriculture, rural based businesses, and larger lot residential exurban subdivisions. Commercial developments in rural areas should be limited to agricultural-oriented uses; rural home occupations, natural resource dependent uses, convenience services; highway-oriented services at interchange areas, or uses that need significant buffering from residential areas (to mitigate nuisance or hazard impacts). This use most closely relates to the "convenience services" as outline in the plan as it provides storage services most likely for individuals in the immediate area.

The commercial buildings are not in compliance with the 25-foot compatibility setback as set forth by the UZC Sec. IV-C.4 and will require a variance to reduce the setback. Additionally, the site will have to be appropriately screened from residential zoning districts on all sides as set forth in the USC Sec. IV-B.2

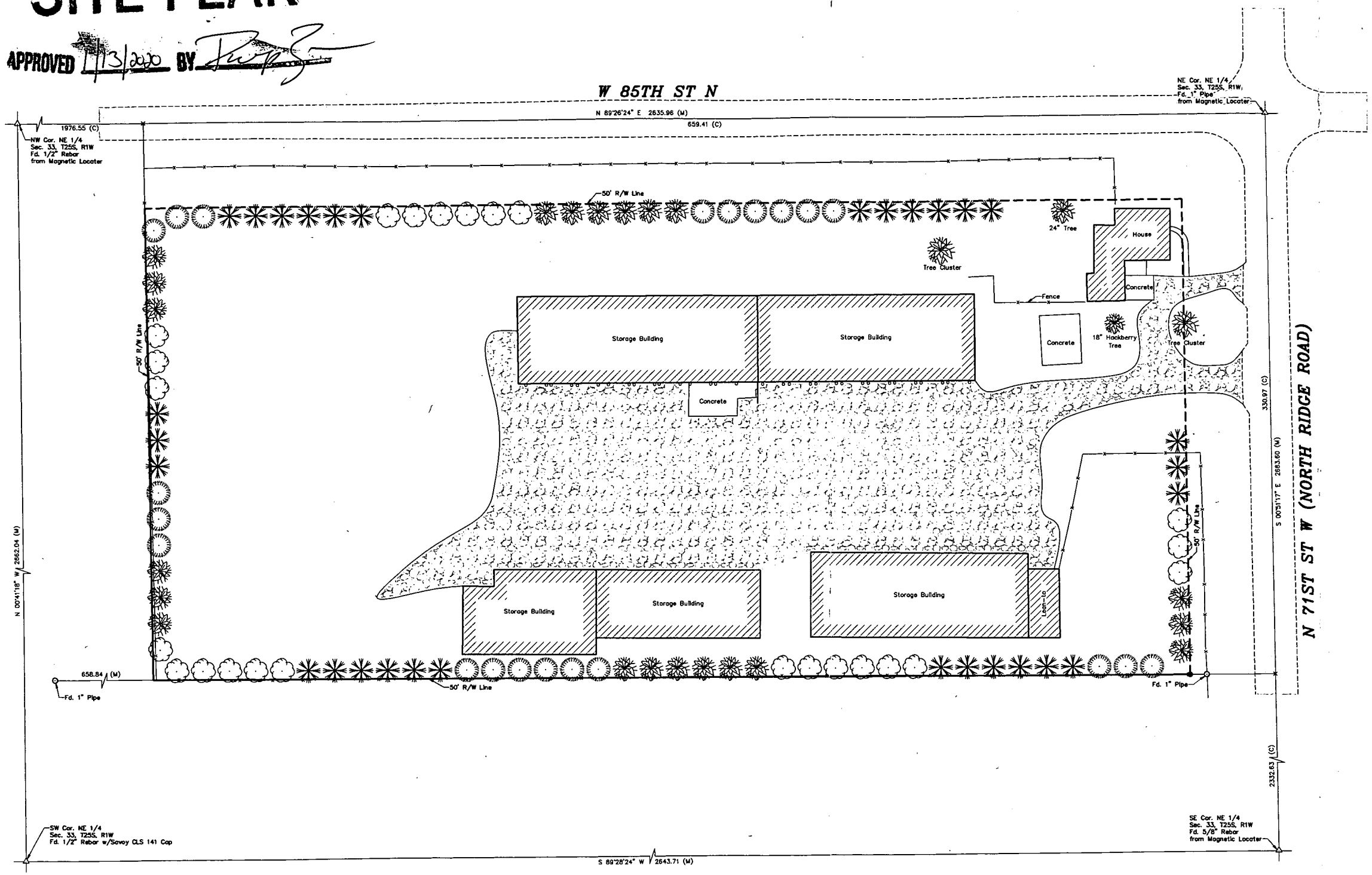
5. Impact of the proposed development on community facilities: Detrimental impacts on community facilities should be minimal.

Staff Report Attachments:

1. Area Map
2. Zoning Map
3. Land Use Map
4. Site Plan Submitted By Applicant
5. Site Plan Exhibit

SITE PLAN

APPROVED 1/13/2020 BY



GENERAL LANDSCAPING NOTES

1. Landscape contractor to provide all materials, labor, service and equipment necessary to provide a complete installation of plantings, planting beds, soil amendments, and reestablishment of disturbed areas according to the plans and specifications.
2. Landscape contractor to coordinate installation of landscaping with all other required trades and subcontractors.
3. Unless noted otherwise, installation of plant material shall be in accordance with the "American Standard for Nursery Stock" as published by AmericanHort.
4. All contractor(s) to familiarize themselves with all underground utilities. Notify landscape architect of any underground obstructions that may prevent the effective placement of materials. Where required, adjustments may be made with the approval of the landscape architect.
5. Quantities of materials shown on the plans take precedence over quantities shown on the quantities summary. Landscape contractor shall be responsible for verifying all quantities on the planting plan.
6. Report any discrepancies in the planting plan to the landscape architect, prior to starting construction.
7. Landscape contractor to maintain the work site in a reasonably neat and clean condition.
8. Apply anti-dessicant to foliage prior to transportation to site. If required, re-apply anti-dessicant after planting to reduce transpiration.
9. Amended fill as noted on the plans shall be free of clay lumps, stones, roots and other foreign matter.
10. All plants delivered to site for installation to be healthy, vigorous and representative of species specified. Prior to final acceptance of work, the owner and landscape architect reserve the right to reject any and all plants, that in their opinion, fail to meet these requirements.
11. All plants to be free of insects, diseases, bruises, scrapes, cracked branches and physical damage.
12. All plants shall be guaranteed to live for twelve (12) months. The guarantee shall commence upon final acceptance of the project. Any plants that are dead or in an unhealthy condition before final acceptance, will be replaced by the landscape contractor at the landscape contractor's expense. This replacement shall not be considered a guaranteed replacement.
13. Mulch (3" depth) as noted on plans shall be double ground shredded cedar mulch. Place 4" of mulch in all tree saucers within turf areas. Tree saucers to be a minimum of 5'-0" diameter.
14. Notify landscape architect of conditions that might adversely affect the establishment and maintainability of plant materials and beds.
15. Reseed all disturbed areas due to construction activity with similar vegetation. Contact landscape architect for appropriate turf seed mixes.
16. Place backfill at all plantings around base and sides of root ball to two-thirds (2/3) depth of ball, thoroughly soak with water to allow settlement. Upper one-third of planting hole shall then be backfilled, allowing for depth of mulch, saucer and settlement of backfill and thoroughly soaked again.
17. Treat beds with "Treflan" or other approved equal pre-emergent herbicide prior to planting and mulch placement. Apply per manufacturer's recommendations. Do not apply herbicide in perennial beds. Apply at a rate of 1lbs./1,000s.f.
18. Landscape contractor shall familiarize themselves with the project and site prior to bidding. If landscape contractor encounters any areas of concern, notify landscape architect to discuss prior to bidding.
19. Planting beds next to walks, curbs, and other paved areas scheduled to receive mulch shall be graded to a depth that allows top of mulch to be placed ½" below adjacent paving.
20. Utilities shown were located by respective owners. Any Utilities not shown are due to no response to Kansas One Call "1-800-DIG-SAFE" Ticket #15259197. Utility locations shown hereon are based on information received from Kansas One-Call (1-800-DIG-SAFE) identified by Ticket #15259197 on June 10, 2015. Before any digging, contractor should verify utility locations by calling 1-800-DIG-SAFE.

LEGEND

- △ – Sectional Monument Found
- ○ – Survey Monument Found
- ● – 5/8" x 24" Iron Rebar Set w/G.S.S. Cap
- -x- – Fence
- (C) – Calculated
- (M) – Measured
- – Southwestern White Pine (Typ.)
- – Eastern Red Cedar (Typ.)
- – Black Hills Spruce (Typ.)
- – Ponderosa Pine (Typ.)

Tree Landscape Info		
Type	Amount	Spacing
Southwestern White Pine	21	25'
Eastern Red Cedar	21	25'
Black Hills Spruce	24	25'
Ponderosa Pine	30	25'
Total New Trees:	96	
Note: 1 tree can be used in place of 10 shrubs.		
All trees are 5' inside of R/W line.		

UTILITIES SHOWN REPRESENT THE BEST INFORMATION AVAILABLE FOR DESIGN. ADDITIONAL UTILITIES MAY BE PRESENT ON THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION, DEPTH AND SIZE OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE LIABLE FOR ANY DAMAGE CAUSED BY THE FAILURE TO DO SO.

SEEDING PERIODS	
COOL SEASON	WARM SEASON
February 15 to April 20 and August 15 to Sept. 30	December 1 to April 30
SPECIES	SPECIES
Bluegrasses	Bluestems
Bromegrasses	Buffalograss
Fescues	Eastern Gamagrass
Ryegrasses	Gramas
Wheatgrasses	Indiangrass
Reed Canarygrass	Lovegrasses
	Switchgrass
	Wildflower Mixes

When "Cool Season" species are mixed with "Warm Season" species, in areas of 5 acres of more, the mixture shall be seeded during the "Warm Season". In areas of less than 5 acres, the mixture of "Cool Season" and "Warm Season" species may be seeded during the "Warm or Cool Seasons".

-30 0 30 60 90

BASIS OF BEARING = NAD 83 KANSAS SOUTH ZONE

LANDSCAPING PLAN

Prepared For: WESTRIDGE 1, LLC	Description: A PORTION OF THE NE 1/4 SECTION 33, T25S, R1W SEDGWICK COUNTY, KANSAS

Prepared By: Garber Surveying Service, P.A.

HUTCHINSON (Main Office) 2908 North Plum St. 67502 Ph. 620-665-7032 Fax 620-663-7401
McPHERSON (Branch Office) 115 East Marlin 67460 Ph. 620-241-4441 Fax 620-241-4458
NEWTON (Branch Office) 511 North Poplar St. 67114 Ph. 316-283-5053 Fax 316-283-5073
MANHATTAN (Branch Office) 3226 Kimball Ave Ste.#2 66503 Ph. 785-320-4810

Drawn By: EWS TEY	Scale: 1"= 30'	Date of Field Work: April 30, 2019	Job No: G2019-240
Checked By: DEG	Date: 01/08/2020	Sheet 1 of 1 Sheet(s)	

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