RESOLUTION NO 254-2019

Published on: 2/12/2020

A RESOLUTION FOR A ZONE CHANGE FROM SF-20 SINGLE FAMILY RESIDENTIAL TO OW OFFICE WAREHOUSE 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 SF-20 Single Family Residential to OW Office Warehouse.

Case No. ZON2019-00037

A Zone Change from SF-20 Single Family Residential to OW Office Warehouse, legally described as follows:

Beginning at the Northwest corner of the Northeast Quarter of Section 1, Township 28 South, Range 2 East of the 6th P.M., thence East along the North line of said Quarter, 406 feet; thence South parallel with the West line of said Quarter, 643.76 feet; thence West parallel with said North line 406 feet to said West line; then north along said West line, 643.76 feet to the point of beginning, Sedgwick County, Kansas.

EXCLUDING: Beginning at the Northwest corner of said Quarter, thence East along the North line of said Quarter, 200 feet; thence south parallel with the West line of said Quarter, 435.6 feet; then West parallel with the North line of said Quarter, 200 feet; thence North along said West line, 435.6 feet to the point of beginning, Sedgwick, County, Kansas.

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 and publication in the official county newspaper.

The zone change is subject to the following provisions contained within Protective Overlay #343:

1. The property, if approved for zoning in the OW Office Warehouse District, shall be utilized solely and exclusively for landscape and landscape maintenance services and equipment as permitted by the Wichita Sedgwick County Unified Zoning Code. The sole exception shall be those SF-20 Single Family Residential uses which are currently permitted in the existing district. No other OW Office Warehouse uses, even though permitted by code, shall be permitted upon the subject property.

2. The applicant shall submit a site plan and screening/landscape plan showing the required screening to be in compliance with the Unified Zoning Code Section III-B.15.3 and Section IV-B.3. The plan must be

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. _____

STAFF REPORT
MAPC-October 10, 2019

CASE NUMBER: ZON2019-00037

APPLICANT: William Stuhlsatz

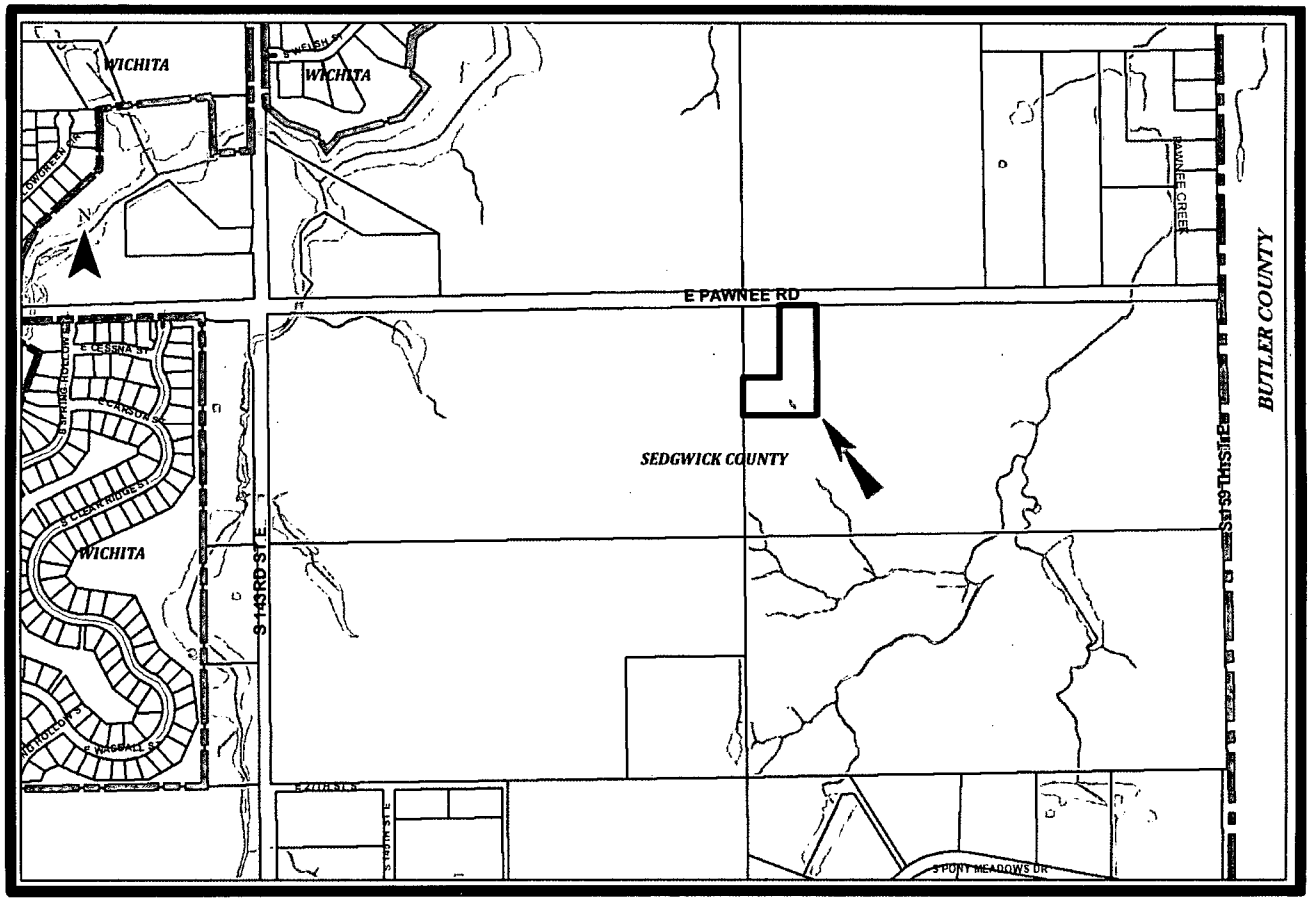
REQUEST: OW Office Warehouse

CURRENT ZONING: SF-20 Single Family Residential

SITE SIZE: 3.78 acres

LOCATION: On the south side of East Pawnee Road and one-half mile west of South 159th Street East.

PROPOSED USE: To build a facility and operate a landscaping business.



BACKGROUND: This application was filed to rezone the subject property from SF-20 Single Family Residential to OW Office Warehouse. The subject property is located in Sedgwick County on the south side of East Pawnee Road and one-half mile west of South 159th Street East. With this request, the applicant would like to rezone the property to OW to build and operate a facility for a landscaping business.

The property is 3.78 acres and wraps around a smaller residential parcel under the same ownership. The smaller of the two parcels is located in the northwest corner of the property and has a dwelling unit and will remain zoned SF-20. The applicant intends to construct a facility to store landscaping equipment for his business on the 3.78 acre property lies to the east and south of the residential parcel. The only landscaping material that will be stored on property will be rock, which will be stored in bins.

A landscaping business is a permitted use in the OW district under the use category of Construction Sales and Service. The Unified Zoning Code (UZC) defines this use category as "an establishment engaged in the retail or wholesale sale of materials used in the construction and/or maintenance of Buildings or other Structures and/or grounds, as well as the Outdoor Storage of Construction Equipment or materials on Lots other than construction sites."

The OW district has limitations on outdoor storage. Any items must be screened in compliance with Sec. IV-B.3. The Unified Zoning Code Sec.III-B.15.e.(2) states that storage of merchandise is allowed outside of an enclosed building only as an accessory use and in compliance with the following standards:

1. No required off-street parking space or loading space shall be utilized for storage
2. The area used for outdoor storage shall not exceed 100% of the floor area of all buildings on the zoning lot.
3. Items stored outdoors shall not be visible from any adjacent non-elevated street nor from ground level view in any adjacent lot.

All properties surrounding the subject site area are zoned SF-20 and are agricultural land. Within one mile in all directions is a mix of large lot County subdivisions and City suburban subdivisions with typical SF-5 Single Family Residential lots.

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

ADJACENT ZONING AND LAND USE:

North:	SF-20; Agriculture
South:	SF-20; Agriculture
East:	SF-20; Agriculture
West:	SF-20; Agriculture

PUBLIC SERVICES: East Pawnee Road is a fully improved, two-lane arterial street with open ditches. The property has one driveway off East Pawnee providing access to the residence. The subject property relies is in Butler County Rural Water District #8 and has onsite sewer.

CONFORMANCE TO PLANS/POLICIES: The *Community Investment Plan* depicts the subject site is within the 2035 Wichita Urban Growth Area and is depicted to be appropriate for "agricultural or vacant" uses. The agricultural or vacant use category lists appropriate uses as areas of undeveloped land or used for agricultural production. Though a commercial use is not explicitly stated as an appropriate use, a Protective Overlay can ensure the property harmoniously incorporates into fringe development as more development occurs in the future.
The Land Use 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 (+/-) 400 feet, which will require a maximum setback of 25 feet for structures used for commercial uses.

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 west property line with the row of trees, there is no screening around this property that would separate the commercial use from the residential zoning districts. Screening of the property shall comply with the standard set forth in Sec.IV-B.3.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it is recommended the application be **APPROVED**.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All properties surrounding the subject site area are zoned SF-20 and are agricultural land. Within one mile in all directions is a mix of large lot County subdivisions and City suburban subdivisions with typical SF-5 Single Family Residential lots.

2. The suitability of the subject property for the uses to which it has been restricted: The site's SF-20 zoning permits agricultural uses as well as low density residential development among a very limited number civic, commercial, and industrial uses. It currently has a single family dwelling unit which will remain in addition to the business.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Allowing the site to operate as Construction Sales and Service will have minimal negative impacts on the area. The site's location at an arterial street between populated areas of Wichita and Butler County 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 is within the 2035 Wichita Urban Growth Area and is depicted to be appropriate for "agricultural or vacant" uses. The agricultural or vacant use category lists appropriate uses as areas of undeveloped land or used for agricultural production. Though a commercial use is not explicitly stated as an appropriate use, a Protective Overlay can ensure the property harmoniously incorporates into fringe development as more development occurs in the future. The Land Use 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.

   The commercial buildings shall be constructed in compliance with the 25-foot compatibility setback as set forth by the UZC Sec. IV-C.4. 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

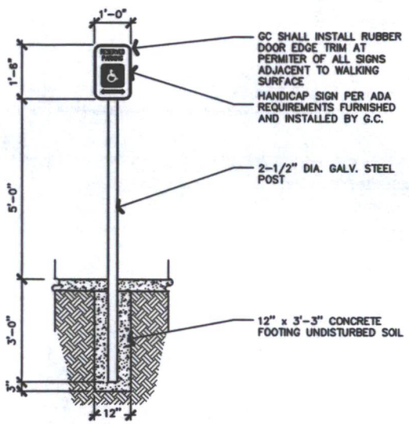
5. Impact of the proposed development on community facilities: Detrimental impacts on community facilities should be minimal.

SITE PLAN

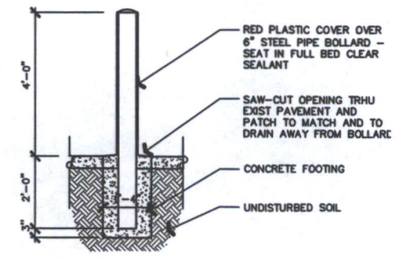
APPROVED 2-4-20 BY: [signature] Interim Planning Director



1 HANDICAP SYMBOL
(24X36) = 1/2" = 1'-0" (11X17) = 1/4" = 1'-0"



2 HANDICAP ACCESSIBLE SIGN
(24X36) = 1/2" = 1'-0" (11X17) = 1/4" = 1'-0"



3 6" STEEL PIPE BOLLARD
(24X36) = 1/2" = 1'-0" (11X17) = 1/4" = 1'-0"

PARKING INFO

WAREHOUSE SIDE: 1/ 2,000
3,750 SF TOTAL
3,750 / 2,000=
1.88 STALLS

OFFICE SIDE: 1/333 1,250 SF TOTAL
1,382 / 333 =
3.75 STALLS

TOTAL REQUIRED PARKING IS 5.63 OR 6 STALLS

ACCESSIBLE STALLS: 1-25 STALLS 1 MUST BE ADA

STALLS REQUIRED: 6 STALLS TOTAL, 1 SHALL BE ACCESSIBLE
STALLS PROVIDED: 16 STALLS TOTAL, 1 IS ACCESSIBLE

SITE IMPROVEMENT PLAN NOTES

1. 30' ACCESSIBLE DRIVE WITH 6" DEEP CONCRETE W/ REINFORCEMENT OVER 8" MIN LVC OVER PREPARED SUBGRADE
2. 6" DEEP CONCRETE W/ REINFORCEMENT OVER 8" MIN LVC OVER PREPARED SUBGRADE
3. CONSTRUCT NEW DRIVE CURB CUT PER STD. DTL. FOR NEW ENTRY/EXIT DRIVE
4. CONSTRUCT 4" MIN. REINFORCED CONCRETE SIDEWALK WITH LONGITUDINAL SLOPE NOT TO EXCEED 1:20 AND CROSS SLOPE NOT TO EXCEED 1:50.
5. NEW HC STALL PER 2010 ADA STDS.
6. ALL PARKING STRIPING SHALL BE 4" MIN. WIDE SOLID STRIPE WHITE OR YELLOW AS SELECTED BY OWNER
7. PAINT HANDICAP SYMBOLS WHITE ON BLUE BACKGROUND (TYP.) OR PER MABCD STDS.
8. ACCESSIBLE PARKING SIGN R7-8 RE: 2-SA1
9. ACCESSIBLE AISLE DIRECTLY NEXT TO HC STALL PER ADA STANDARDS
10. HOSE BIB
11. SERVICE DRIVE TURN-A-ROUND HAMMERHEAD ALTERNATE #2 PER SEDGWICK CO. SPECIFICATIONS
12. NEW PRIVATE WELL
13. (1) 1,000 GAL SEPTIC TANKS
14. 8" D. ROCK OR GRAVEL PREPAIRED SUB-BASE FOR UPTO 46,000 LB FIRE APPARATUS
15. FREEZE PROOF WATER HYDRANT
16. SAN. SEWER TREATMENT – 200 L.F. 3' W. TRENCH @ 6' O.C. REQUIRED – 25' FROM PROP LINE AND BLDG. FOUNDATION
17. EXISTING IRON FENCE TO REMAIN
18. EXISTING RESIDENCE TO REMAIN

PLANT MATERIAL LEGEND

TREE		SIZE	SPACING
Eastern Red Cedar	*Juniperus virginiana*	6' tall	plant 12' apart
Hedge row icon			

PAVING MATERIAL LEGEND

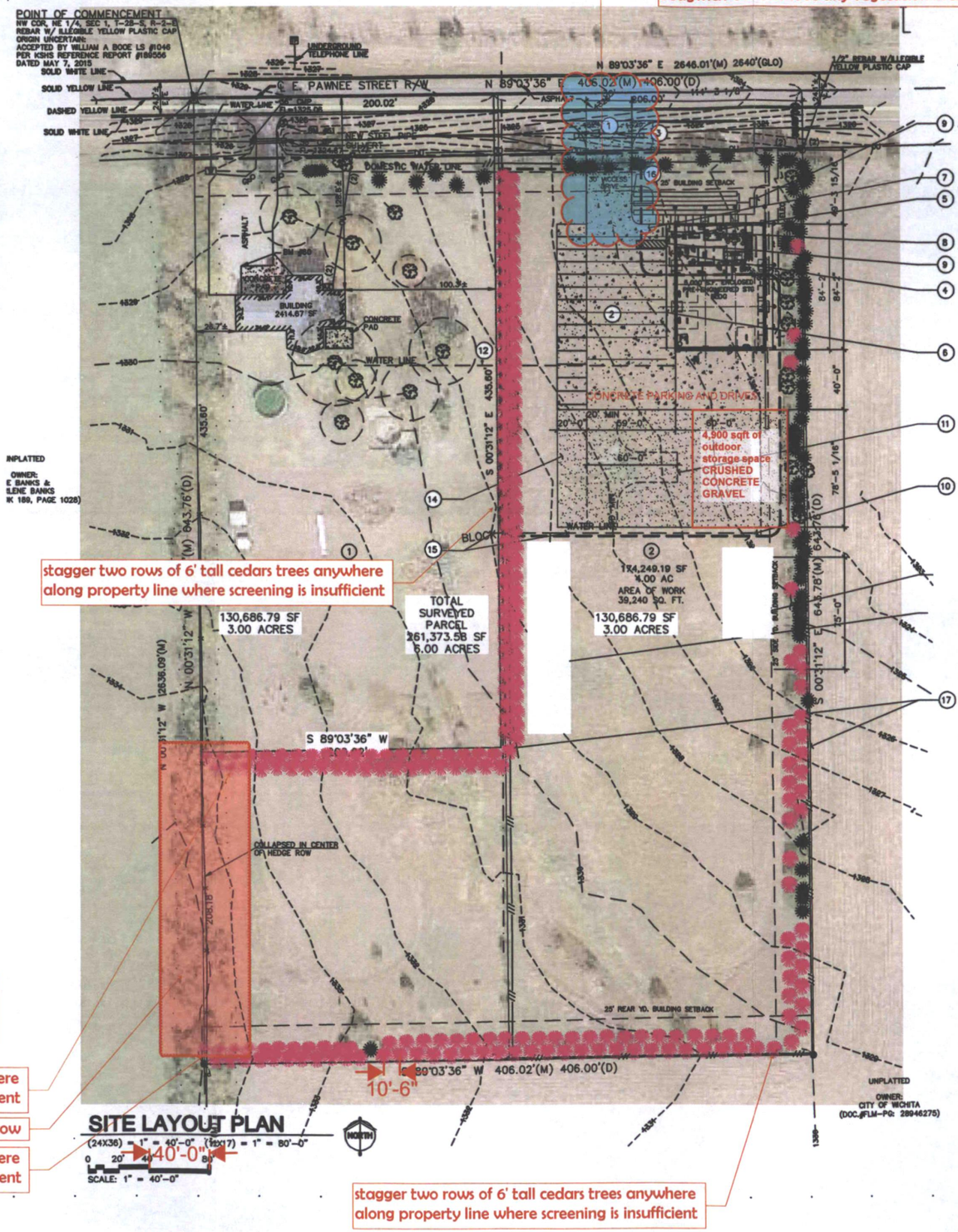
- 6" DEEP CONCRETE W/ REINFORCEMENT OVER 8" MIN LVC OVER PREPARED SUBGRADE
- 8" D. ROCK OR GRAVEL PREPAIRED SUB-BASE FOR UPTO 46,000 LB FIRE APPARATUS

stagger two rows of 6' tall cedars trees anywhere along property line where screening is insufficient

existing hedge row

stagger two rows of 6' tall cedars trees anywhere along property line where screening is insufficient

indicated driveway has been approved by Sedgwick Co. Remove any vegetation in this area



SITE LAYOUT PLAN
(24X36) = 1" = 40'-0" (11X17) = 1" = 80'-0"
SCALE: 1" = 40'-0"

stagger two rows of 6' tall cedars trees anywhere along property line where screening is insufficient

PREMIER LANDSCAPE
18209 E. PAWNEE
WICHITA, KANSAS 67002

PREMIER LANDSCAPE CONSTRUCTION AND MAINTENANCE

MJC

NOT FOR CONSTRUCTION

MJC Architecture
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PRINTS ISSUED
1.24.20 – 50% RVW

MJC No. 19022
drawn: MJC
checked: MJC

SITE LAYOUT

SA1

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