BOARD OF COUNTY COMMISSIONERS
PLANNING AGENDA
June 6, 2001

1. ZON2001-00014 Zone change from "LC" Limited Commercial and "OW" Office Warehouse to 'SF-20" Single-Family Residential and "LC" Liited Commercial, located north of Pawnee approximately 1/8 mile east of Webb.

2. ZON2001-00017 Zone change from "RR" Rural Residential to "OW" Office Warehouse, located south of 53rd Street North and west of Tyler Road, Maize, Kansas.

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEM: ZON2001-00014 – Zone change from "SF-20" Single-Family Residential to "LC" Limited Commercial and "OW" Office Warehouse, located north of Pawnee approximately 1/8 mile east of Webb Road.

PRESENTED BY: Marvin S. Krout, Director of Planning

PROPOSED AGENDA DATE: June 6, 2001

COMMISSION DISTRICT #5

MAPC Recommendation: Approve, subject to subject to platting within one year and to the additional provisions of a (P-O) Protective-Overlay (11-2).

Staff Recommendation: Deny "OW"; Approve "LC" zoning.

Background/Discussion The applicant is requesting rezoning of a tract of land near the northeast corner of the intersection of Webb and Pawnee to establish a construction yard. Except for the eastern 60 feet of the proposed construction yard, the property is already zoned "LC". The applicant is seeking to expand the eastern boundary of "LC"/"OW" zoning by 60 feet. The southern 200 feet would remain zoned as "LC", presumably for typical "LC" convenience commercial uses.

A 175' X 190' tract would be converted to a construction yard for the storage of building construction materials. The site plan provided by the applicant shows the area being developed with a 7,500 sq. ft. building and roughly the same size are being used for outdoor storage. Access to the "OW" tract would be on a 30-foot access easement positioned along the eastern property line of the applicant.

Currently, the subject tract is undeveloped. The tract to the north, also owned by the applicant, is used for "indoor storage only" of construction materials, and was approved for this as a Special Use by the Board of Zoning Appeals (BZA 8-89; BZA 9-89) on October 10, 1989.

The surrounding area is undergoing urban development. Two residential subdivisions are being developed west of Webb. Pebblebrook 11 is located to the northwest; there is a small tract zoned "LC" at the corner, apparently reserved for commercial use. Turtle Run is the subdivision being developed to the southwest. Cottage Grove Addition is a tract on the corner that also may be developed with commercial use.

The area north of the application area is the Sedgwick County yard, used for storage of road maintenance equipment and materials. However, the County Public Works Director confirmed that this use will likely be relocated in the future as urbanization occurs in the vicinity. A church is located to the north of the Sedgwick County yard.

The property to the east and south is in agricultural use. There are some large-lot residences located ¾ mile to the east of the application area, closer to Greenwich Road.

At the MAPC meeting held May 14, 2001, MAPC recommended that the "OW" zoning be approved subject to a protective overlay that included restricting use to the contractor's storage yard as shown on the site plan, requiring the access drive to the outdoor storage area be located at least 20 feet west of the eastern property line, and that a 6-8 foot screening fence with trees planted at a rate of 1 tree every 26.6 feet be provided along the eastern property line.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Planning Commission and approve the zone change subject to the condition of platting and subject to the recommended conditions; adopt the resolution and authorize the chairman to sign; and instruct the Planning Department to withhold publication until the plat has been recorded with the Register of Deeds; or

2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

Applicants:
Nies Builders Inc % Clifford Nies 9415 E. Harry Ste #102 Wichita KS 67207
Baughman Company % Russ Ewy 315 Ellis Wichita KS 67211

Protestors:
None

Knebel, Scott

From: Knebel, Scott
Sent: Thursday, March 14, 2002 8:59 AM
To: Burnett, Patricia; Pewewardy, Kathy
Subject: Zoning Ordinances

Sensitivity: Private

Publication of the ordinance for the following zoning cases was to be withheld pending notification by Planning that platting or other conditions have been met. The conditions for the following zoning cases have been met; therefore, the ordinances for the following zoning cases should now be published.

Case No.	1st Reading Date
ZON2001-00050	10-2-01
SCZ-0785	12-18-01
ZON2001-00014	1-8-02
ZON2000-00022	1-15-02
Z-3329	2-5-02

Thank you for your assistance.

Dup) Publish in the Wichita Eagle on MAR 1 2002

ORDINANCE NO. 45-195

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY CITY OF WICHITA CODE SEC. 28.04.010.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That after having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2001-14

Zone change request from "SF-20" Single-Family Residential District to "OW" Office Warehouse District, and to "P-O" Protective Overlay District #97, described as:

Lot 2, Nies Fourth Addition, Wichita, Sedgwick County, Kansas;

and;

Zone change request from "SF-20" Single-Family Residential District to "LC" Limited Commercial District, and to "P-O" Protective Overlay District #97, described as:

The east 60 feet of the south 192.71 feet of Nies Fourth Addition, Wichita, Sedgwick County, Kansas;

Generally located on the northeast corner of Pawnee and Webb Road.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The property shall be limited to use as a contractor's storage yard as shown on the Site Plan attached hereto.

2. The eastern property line shall be screened by a screening wall/fence at least six feet in height and by a buffer of trees planted at one shade or evergreen tree every 26.6 feet, with at least 1/3 of the trees being evergreen. Minimum size at installation is 2-inch or greater caliper for shade trees and 5-6 feet in height for evergreen trees.

3. No materials shall be stored above the height of the screening wall.

4. The drive from Pawnee to the "OW" parcel shall be located at least 20 feet west of the east property line.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

AGENDA ITEM NO. 10

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC May 10, 2001

CASE NUMBER: ZON2001-00014

APPLICANT/AGENT: Nies Investments, LC (owners); Baughman c/o Russ Ewy (agent)

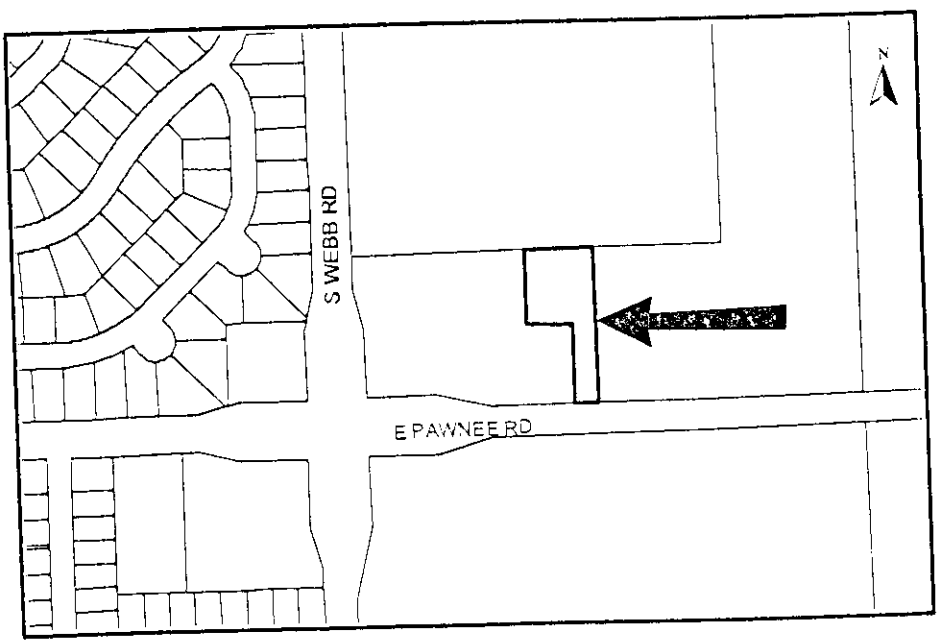
REQUEST: Sedgwick County zone change to "LC" Limited Commerical and "OW" Office Warehouse

CURRENT ZONING: "SF-20" Single-Family

SITE SIZE: 0.28 acre for "LC"; 0.76 for "OW"

LOCATION: North of Pawnee approximately 1/8 mile east of Webb Road

PROPOSED USE: Construction yard



FILE COPY

BACKGROUND: The applicant is requesting rezoning of a tract of land near the northeast corner of the intersection of Webb and Pawnee to establish a construction yard. Except for the eastern 60 feet of the proposed construction yard, the property is already zoned "LC". The applicant is seeking to expand the eastern boundary of "LC"/"OW" zoning by 60 feet. The southern 200 feet would remain zoned as "LC", presumably for typical "LC" convenience commercial uses.

A 175' X 190' tract would be converted to a construction yard for the storage of building construction materials. The site plan provided by the applicant shows the area being developed with a 7,500 sq. ft. building and roughly the same size are being used for outdoor storage. Access to the "OW" tract would be on a 30-foot access easement positioned along the eastern property line of the applicant.

Currently, the subject tract is undeveloped. The tract to the north, also owned by the applicant, is used for "indoor storage only" of construction materials, and was approved for this as a Special Use by the Board of Zoning Appeals (BZA 8-89; BZA 9-89) on October 10, 1989.

The surrounding area is undergoing urban development. Two residential subdivisions are being developed west of Webb. Pebblebrook 11 is located to the northwest; there is a small tract zoned "LC" at the corner, apparently reserved for commercial use. Turtle Run is the subdivision being developed to the southwest. Cottage Grove Addition is a tract on the corner that also may be developed with commercial use.

The area north of the application area is the Sedgwick County yard, used for storage of road maintenance equipment and materials. However, the County Public Works Director confirmed that this use will likely be relocated in the future as urbanization occurs in the vicinity. A church is located to the north of the Sedgwick County yard.

The property to the east and south is in agricultural use. There are some large-lot residences located ¾ mile to the east of the application area, closer to Greenwich Road.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Limited Commercial	Construction storage (indoor); Sedgwick County yard; church
SOUTH:	"SF-20" Single-Family	Agriculture
EAST:	"SF-20" Single-Family	Agriculture
WEST:	"LC" Limited Commercial; "SF-6" Single-Family	Vacant; residential

PUBLIC SERVICES: The property is located along Pawnee, a two-lane arterial east of

Webb. Pawnee becomes a four-lane arterial west of Webb. Webb is a four-lane arterial north of Pawnee and becomes a local street south of Pawnee. Traffic counts were unavailable.

Public water is available. Sewer services would be from the Four-Mile Creek District, which was recently acquired by the City of Wichita.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as "low density residential", but shows the intersection as a potential commercial node. This conforms with the presence of commercial zoning at the "commercial corner" both on this site and on the two intersections west of Webb. According to the Plan, non-retail commercial uses are not intended to be located at intersections like this.

RECOMMENDATION: This property represents the edge of urbanization. The property west of Webb is being developed with low-density residential subdivisions; development is poised to cross Webb into the application area and the surrounding large agricultural holdings to east and south. It is important that the use of this property not be allowed to compromise the future of other nearby tracts. One of the surrounding property owners has raised the issue of whether the addition of this use would influence the value of surrounding land for future residential development.

In terms of the land already zoned "LC", the eastern side of the intersection is shown on the Comprehensive Plan as being a future commercial node and the western side is shown for commercial use, surrounded by "low density residential." It can be viewed as the appropriate location for convenience shopping serving nearby future residential areas. The presence of large outdoor storage facilities would be incompatible with typical convenience retail shopping areas.

While the applicant already has construction storage on the adjoining tract to the north, it is a smaller building and limited to "indoor storage only" by the BZA and would not have the potential impact of outdoor storage requested by this application. The Sedgwick County yard is similar in character to the proposed use, but this should not be relied upon to determine this use since Sedgwick County most likely will be moving this yard sometime in the future away from urban-type uses.

Finally, an access road is proposed to be located on the eastern property boundary. This helps protect the owner from the impacts of the heavy construction-type vehicles on the use of the remainder of his commercial tract. But It shifts the burden of the construction vehicle traffic onto the neighboring property to the east.

Based on these considerations and upon information available prior to the public hearings, Staff recommends that the request for "OW" zoning be DENIED, but "LC" be approved for the entire 60 foot wide area that was advertised. However, should MAPC

choose to approve the request, Staff recommends it be APPROVED, subject to platting within one year and subject to a Protective-Overlay with the following conditions:

1. All outdoor storage and parking of vehicles and equipment shall be completely screened from adjoining residential property by a masonry screening wall and a buffer with trees spaced every 40 feet. At least 1/3 of the trees shall be evergreen.

2. No materials shall be stored above the height of the screening wall.

3. The drive from Pawnee to the "OW" parcel shall be located at least 30 feet west of the east property line. A landscape buffer of solid evergreens in two staggered rows or a masonry screening wall with a buffer of trees shall be located on the eastern-half of this area.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The land to the north is used for construction storage, however, one tract is limited to indoor storage only and the other will probably be relocated in the future. The areas on the corner of Webb and Pawnee are undeveloped, but intended for commercial/retail type of development. The surrounding land is zoned "SF-6" and "SF-20" and shown for low-density residential development. Currently, Pebblebrook and Turtle Run subdivisions are being developed on the western side of Webb.

2. The suitability of the subject property for the uses to which it has been restricted: The entire application area would be suitable for use as a convenience retail shopping area. This is compatible with the zoning requested for the southern 200 feet of the property, and would be appropriate for the entire tract.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Long-term use of the property for outdoor storage of construction yard could jeopardize the future residential use of the properties to the east and south and transition this from its uses as shown on the Comprehensive Plan to a higher intensity non-residential type of district.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested change in zoning classification is not in conformance with the Wichita Land Use Guide.

5. Impact of the proposed development on community facilities: The use would increase non-residential traffic on Pawnee.