

150004) Published in The Wichita Eagle on April 15+22, 2016
RESOLUTION NO. 059-2016

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-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND 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-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. ZON 2016-00005 and CUP2016-00004

Zone change request from SF-20 Single-family Residential to LC Limited Commercial and DP-339, the Redmond Commercial Community Unit Plan.

Legally described as: A tract of land described as the East 660 feet of the South 660 feet of the Southeast Quarter of Section 36, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; EXCEPT for road rights-of-way and EXCEPT that part deeded to the City of Wichita; generally located at the northwest corner of South 119th Street West and West Pawnee Avenue.

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


Commissioners present and voting were:

DAVID M. UNRUH
TIM R. NORTON
KARL PETERJOHN
RICHARD RANZAU
JAMES M. HOWELL

Aye
Aye
Aye
Aye
Aye

DATED this 6th day of April, 2016

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS



JAMES M. HOWELL, Chairman
Commissioner, Fifth District

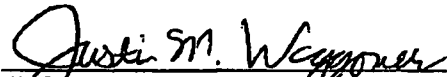
ATTEST:



KELLY B. ARNOLD
County Clerk



APPROVED AS TO FORM ONLY:



JUSTIN M. WAGGONER
Assistant County Counselor



AGENDA ITEM NO. 5

STAFF REPORT
MAPC March 3, 2016
BoCC April 6, 2016

CASE NUMBER: ZON2016-05 and CUP2016-04

APPLICANT/AGENT: Christopher and Rosalynn Redmond (owners), Baughman Company, P.A.
c/o Russ Ewy (agent)

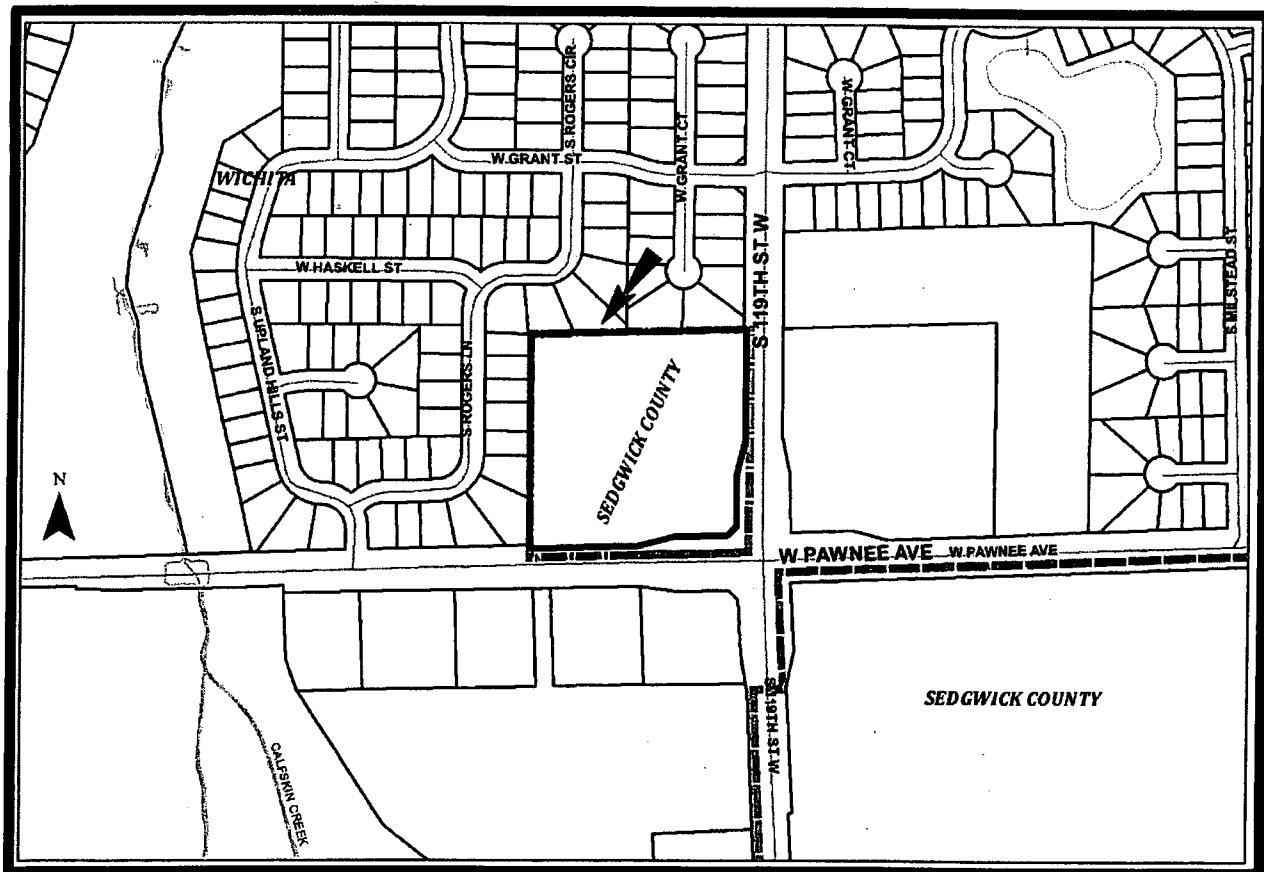
REQUEST: County zone change to LC Limited Commercial (LC) and creation of DP-339 Redmond Commercial Community Unit Plan (CUP)

CURRENT ZONING: SF-20 Single-family Residential (SF-20)

SITE SIZE: 8.3 acres

LOCATION: Generally located northwest of South 119th Street West and West Pawnee Avenue

PROPOSED USE: Commercial development



BACKGROUND: The applicant requests LC Limited Commercial (LC) zoning subject to the development standards contained in the proposed Redmond Commercial Community Unit Plan (CUP) DP-339. The unincorporated, 8.3-acre site is zoned SF-20 Single-family Residential (SF-20); it is unplatted and undeveloped. The Wichita-Sedgwick County Unified Zoning Code (UZC) requires a CUP for LC zoned sites of 6-acres or more that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and organized commercial development to certain standards prescribed by the UZC.

The site is located at the northwest corner of South 119th Street West and West Pawnee Avenue. The unincorporated site is surrounded on four sides by the City of Wichita. North and west of the site are SF-5 Single-family Residential (SF-5) zoned residential neighborhoods in the Turkey Creek 2nd Addition. South of the site, across West Pawnee is LC and GO General Office (GO) zoned property under DP-312, The Girrens Addition Commercial CUP. DP-312 is undeveloped and used for agriculture and one single-family residence. DP-312 has similar development standards as those proposed for the application area, and identical use restrictions. East of the application area, across South 119th Street West, is an SF-5 zoned church. Southeast of the site, at the southeast corner of South 119th Street West and West Pawnee Avenue, is unincorporated, SF-20 zoned land that is used for agriculture with no improvements.

The proposed DP-339 is divided into three Parcels. The applicants propose all permitted uses in the LC zoning district with the following prohibitions: adult entertainment, sexually oriented business, correctional placement residences, night club in the city or county, and tavern/drinking establishment. Restaurants with drive-through windows, convenience stores, service stations and vehicle repair uses are not permitted within 200 feet of residential uses. Restaurants with drive-through windows shall be designed to ensure queuing lanes will not align vehicle headlights to face residential zoning. No overhead doors shall be allowed within 200 feet of residential uses and shall not be facing any residential zoning district. Exterior audio systems that project sound beyond the boundaries of the CUP are prohibited.

The proposed DP-339 includes the UZC required masonry wall where abutting residential zoning. It also includes parking, setback, signage, lighting, landscaping and screening standards that meet or exceed code requirements and restrictions. The proposed CUP includes standards for architectural consistency, cross-lot circulation, and pedestrian circulation connected to the sidewalks along arterial streets.

CASE HISTORY: The site is unplatted and undeveloped.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residential
SOUTH:	LC, GO	Agriculture, single-family residential
EAST:	SF-20	Church
WEST:	SF-5	Single-family residential

PUBLIC SERVICES: South 119th Street West and Pawnee are both section line arterial streets at this location with 50-foot half-width right-of-way (ROW) adjacent to the application area, tapering to 75-foot half-width ROW at the intersection. The applicant anticipates dedicating 10 feet of ROW on each frontage through platting, putting each frontage at the Access Management standard of 60 feet. Proposed access points on the CUP meet Access Management spacing. Access controls, turn lanes, decel lanes, a drainage plan and other improvements will be finalized during platting. 119th currently has four travel lanes, a central turn lane and an intersection right turn lane at this location. Pawnee currently has two lanes with a central turn lane and right turn lane at the intersection. Current traffic counts on this portion of 119th and Pawnee are 4,825 and 1,095 vehicles per day respectively. The proposed CUP could have a total of 126,167 commercial square feet. With the ITE Manual estimate of 42 cars per day trip generation

per 1000 square feet of shopping center space, this CUP could generate an additional 5,292 vehicles per day to this intersection. All utilities are available to the site, and the CUP indicates that all utilities will be placed underground.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita Growth Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "Residential and Employment Mix." The Locational Guidelines of the Comprehensive Plan encourage major commercial development at arterial street intersections. This application meets the Comprehensive Plan Land Use Compatibility and Design recommendations regarding screening, buffering, shared internal vehicular and pedestrian circulation, access controls, noise and lighting controls and aesthetic considerations.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the proposed CUP and zone change be APPROVED, subject to platting within one-year and the following conditions:

- A. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** North and west of the site are SF-5 zoned residential neighborhoods in the Turkey Creek 2nd Addition. South of the site, across West Pawnee is LC and GO zoned property under DP-312. DP-312 is undeveloped and used for agriculture and one single-family residence. East of the application area, across South 119th Street West, is an SF-5 zoned church. Southeast of the site, at the southeast corner of South 119th Street West and West Pawnee Avenue, is unincorporated, SF-20 zoned land that is used for agriculture with no improvements.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-20 and could be developed with single-family residences on half-acre lots. If the site were annexed into the City of Wichita, the zoning would automatically become SF-5, and the site could be developed with urban scale lots. However, this arterial street intersection location is not conducive to low density residential development. Arterial street intersections are suitable for commercial development, as proposed by the applicant.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The LC zoning request and CUP will allow significantly more intense development on this site. Nearby property could be most affected by increased traffic to this site, and will be affected by increased light, noise, trash and other impacts of commercial development. The proposed CUP and existing development codes should mitigate those impacts.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita Growth Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "Residential and Employment Mix." The Locational Guidelines of the Comprehensive Plan encourage major commercial development at arterial street intersections. This application meets the Comprehensive Plan Land Use Compatibility and Design recommendations regarding screening, buffering, shared internal vehicular and pedestrian circulation, access controls, noise and lighting controls and aesthetic considerations.

5. Impact of the proposed development on community facilities: The project will generate increased traffic and demand for City services at this site. However, the Comprehensive Plan anticipates commercial development to occur at arterial intersections such as this location. Final access controls and improvements will be determined during platting.