

(150004) Published in The Wichita Eagle on

January 29, 2014
RESOLUTION NO. 15-2014

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. ZON2002-00004

Zone change request from SF-20 Single-family Residential to LC Limited Commercial on property described as:

Hongs Village Addition, Sedgwick County, Kansas; and Hongs Addition,
Sedgwick County, Kansas.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office 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 when the matter was considered on June 5, 2002, were:

BETSY GWIN	<u>Aye</u>
TIM R. NORTON	<u>Absent</u>
THOMAS G. WINTERS	<u>Aye</u>
CAROLYN MCGINN	<u>Aye</u>
BEN SCIORTINO	<u>Aye</u>

DATED this 24th day of January, 2014.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS



DAVID M. UNRUH, CHAIRMAN
First District

ATTEST:


for KELLY B. ARNOLD, County Clerk



APPROVED AS TO FORM:

Robert W. Parnacott

ROBERT W. PARNACOTT,
Assistant County Counselor



STAFF REPORT
MAPC 05-09-02

10A/
10B
AGENDA ITEM NO.

FILE COPY

CASE NUMBER: ZON2002-00004, CON2002-00019

APPLICANT/AGENT: Il Sik Hong (owner); Austin Miller, Inc, Kim Edgington (agent)

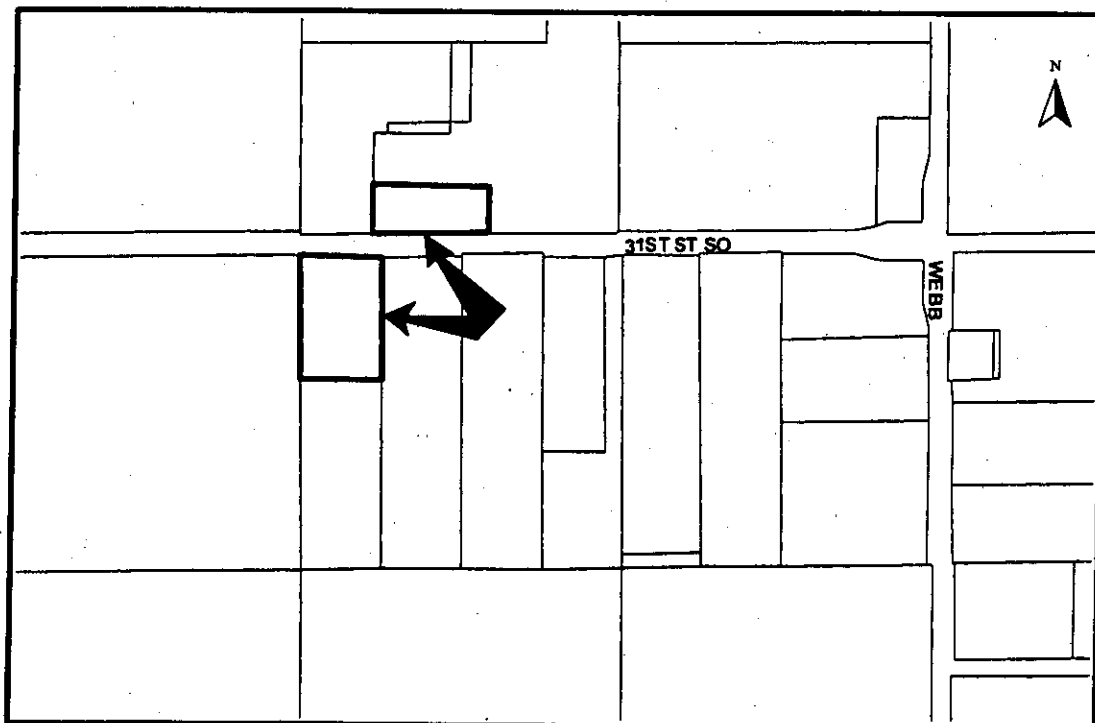
REQUEST: Zone change to "LC" Limited Commercial; associated with Conditional Use request for Outdoor Display and Storage

CURRENT ZONING: "SF-20" Single Family Residential

SITE SIZE: 8.71 acres (on two sites)

LOCATION: On 31st Street South (8825 and 8904 31st Street South) between Rock Road and Webb Road.

PROPOSED USE: Nursery and Garden Center with Outdoor Display and Storage.



BACKGROUND: The applicant requests "LC" zoning and a Conditional Use for outdoor display and storage on 8.71 acres. The "SF-20" zoned application area consists of one platted lot (platted in 1984) south of 31st Street, and one unplatted parcel on the north side of 31st. The platted lot received a Conditional Use (CU 264) in 1984 permitting the establishment of a nursery and barn for storage of gardening/farm equipment. The conditions of CU 264 are:

- a. Platting within one year from the date of approval of the conditional use by the Board of County Commissioners or the case be considered denied and closed; and that the resolution establishing the conditional use not be published until the plat has been recorded with the Register of Deeds
- b. No building shall be erected, enlarged, moved in or reconstructed to extend nearer than 85 feet from the center line of 31st Street South.
- c. The use of land shall be limited to residential, agricultural and nursery purposes.
- d. Sales shall include only plant materials grown on subject property and such sales may be either retail or wholesale in nature. Approval shall not be construed as permitting a garden center.
- e. Any outdoor storage of materials (other than plant materials) associated with the nursery operation shall be completely screened from public view.
- f. No signs shall be permitted except to advertise the uses herein. No signs shall be illuminated, nor shall flashing or oscillating lights be permitted. The sign shall not exceed six feet in height and shall not exceed twenty square feet on one surface with a maximum of two surfaces, back to back, being permitted.

The applicant now wishes to expand the nursery permitted by CU 264 to a garden center with outdoor storage and display, he also wishes to expand this use to his property on the north side of 31st Street.

The *Unified Zoning Code* states that nurseries and garden centers in LC, that do not comply with the outdoor display and storage limitations for LC, may request outdoor display and storage as a Conditional Use, subject to 11 standards listed in the *Unified Zoning Code*. The proposed zone change, from "SF-20" to "LC," and the proposed development would require conformance to all property development standards in the *Unified Zoning Code*.

All property surrounding the application area is zoned "SF-20". The application area sits at a mid-mile location on 31st Street South, between the LC zoned intersections of 31st and Rock, and 31st and Webb. Property north of the application area is owned by the McConnell Air Base family housing area and used for recreational vehicle and boat storage. Property south of the application area is developed with agricultural uses and a large lot single-family residence; east of the application area is agricultural uses, large lot single-family residences, and a church; and west of the application area is agricultural uses and the McConnell Air Base family housing area.

CASE HISTORY: The south lot of the application area is platted as "Hong's Village Addition" and received CU 264 in 1984.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	RV and boat storage for base housing
SOUTH:	"SF-20"	agriculture, single-family residence
EAST:	"SF-20"	agriculture, base housing
WEST:	"SF-20"	agriculture, single-family residences

PUBLIC SERVICES: The property is located along 31st Street South, a two-lane paved county highway with an existing 95-foot right of way. The 2030 Transportation Plan designates this section of 31st as becoming a two-lane arterial road. No traffic count currently exists for this section of 31st; the projected traffic volume for 2030 is 5,300 cars per day.

No utility easements exist within the application area. On-site wells and sewage lagoons serve the application area. The application area is within the 2010 Urban Services Boundary, as designated by the 2002 amendments to the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan*.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide", amended in January 2002, of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area, as well as most of the surrounding area, as "Low Density Residential"; the application area is adjacent to an area designated as "Public/Institutional" and as a "Future Community Park Site". The application area is within the designated 2010 Urban Service Area. The "Commercial Locational Guidelines" of the *Comprehensive Plan* encourage commercial site locations near arterial streets; the guidelines state that commercial development should have required site design features that limit noise, lighting, and other aspects of commercial activity that may adversely impact surrounding residential land uses; and the guidelines state that commercial uses should be located in compact clusters or nodes versus extended strip developments.

The "Land Use Categories" section of the *Comprehensive Plan* describes "Convenience Centers" ranging from 2-4 acres with small-scale tenants which would be expected to develop at arterial intersections, or these uses "...could also be appropriately located at the intersection of an arterial and collector street, where proper turn lanes are in place or planned, in order to be more accessible to the residents of the immediate neighborhood served by the collector street." The 2002 amendments to the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* also include a "Commercial Locational Guideline" which allows for local and collector residential streets to be used as access to adjacent commercial developments if such use will not negatively impact residentially developed areas.

RECOMMENDATION: This zone change request is not in conformance with the *Comprehensive Plan "Wichita Land Use Guide"* map, but it is consistent with several of the "Commercial Locational Guidelines" and potentially the "Convenience Centers" land use category designation. Because the applicant's nursery business requires an agricultural location to grow products, staff feels that this request is in character with the surrounding area. The existing Conditional Use 264, on a portion of the application area, currently mitigates negative impacts from this use on the surrounding neighbors; likewise, as this property is further developed, the *Unified Zoning Code* property development standards for screening and lighting should mitigate any negative impacts on nearby residential properties.

The entire application area is within the 2010 Urban Service Area, and the south lot of the application area is surrounded by large lots and agriculturally developed property. Planning staff feels that commercial zoning at this location could be appropriate if adjacent to a future collector street which would reach the interior of the mostly undeveloped mile section. Because future residential development is anticipated within this mile section, planning staff is supportive of "LC" zoning at this location, subject to contingent dedication of a half width right of way for a collector street on the east side of the south lot of the application area.

Based upon information available prior to the public hearings, planning staff recommends that the zone change request be APPROVED, subject to platting the north parcel of the application area within one year; and subject to contingent dedication of a half width right of way for a collector street along the east boundary of the south lot of the application area.

Staff also recommends that the associated Conditional Use request for Outdoor Display and Storage in "LC" be APPROVED, subject to all of the conditions in the *Unified Zoning Code* (see attached pp. 144 – 145 of the UZC) and the following special conditions:

1. The Conditional Use shall be subject to the approved site plan.
2. No signs shall be permitted except to advertise the uses herein. Signage shall be limited to that permitted in the "NR" zoning district.
3. Off street parking shall be provided at the number of spaces designated by the approved site plan.
4. Failure to comply with any of these conditions at any time shall render the Conditional Use null and void.

This recommendation is based on the following findings:

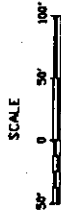
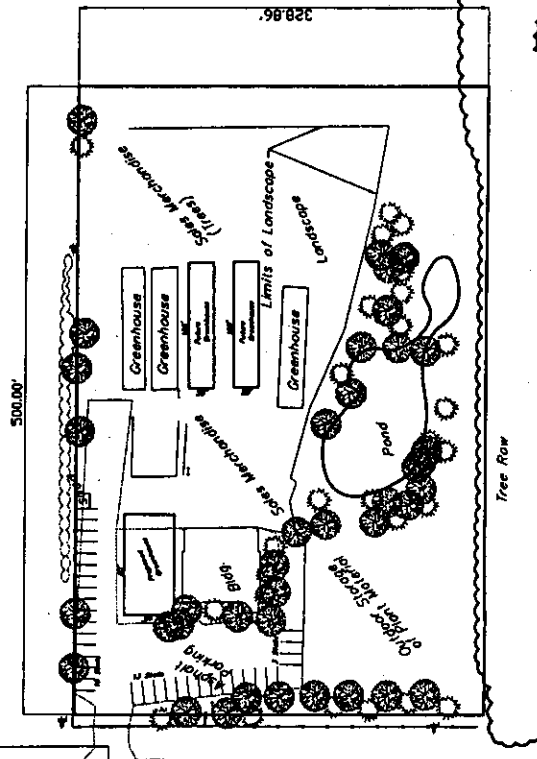
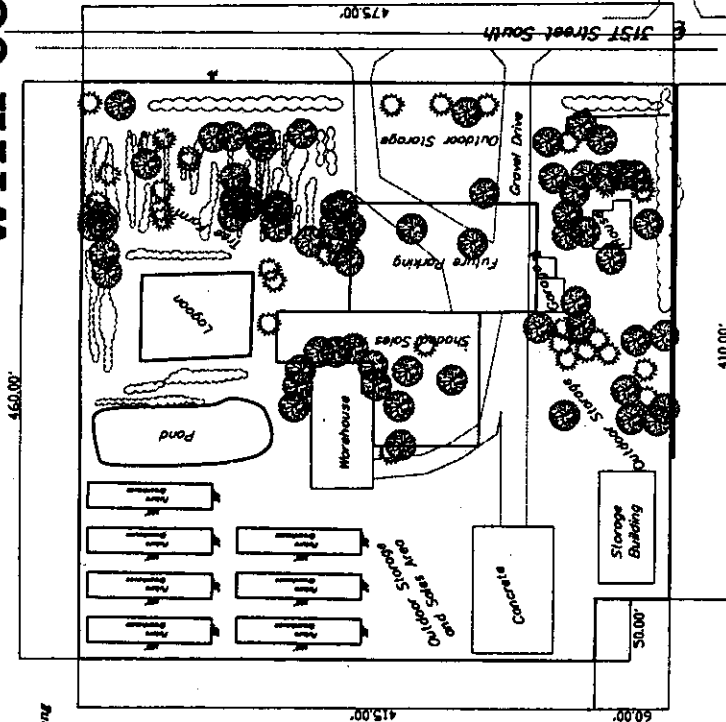
1. The zoning, uses and character of the neighborhood: All property surrounding the application area is zoned "SF-20"; the surrounding uses vary from base housing and vehicle storage to large lot residences and agricultural uses. The existing nursery use is in character with the neighborhood; the recommended conditions should ensure that the proposed development does not detract from the character of the

neighborhood.

2. The suitability of the subject property for the uses to which it has been restricted: The application area could be developed as zoned for single-family housing. The application area could also continue to be used as it is currently zoned under the current Conditional Use. As the surrounding area develops, the application area could be an appropriate commercial location if adjacent to a planned collector street.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of "LC" zoning at the application area will allow for more intensive development than the current zoning permits. The *Unified Zoning Code* property development standards for screening, noise, and lighting will mitigate any negative impacts on the nearby residential properties to the west; likewise, recommended conditions for the proposed outdoor display and storage Conditional Use should mitigate any negative impacts on the nearby residential properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zone change is not in conformance with the *Comprehensive Plan "Wichita Land Use Guide"* map. As 31st Street South is a designated future arterial, the application area is in conformance with the commercial locational guidelines of the plan, should it be adjacent to a planned collector street.
5. Impact of the proposed development on community facilities: The proposed expansion of the existing commercial nursery will generate additional traffic on 31st Street South. The proposed contingent dedication of the half-width right of way for a collector street could position a commercially zoned property for more efficient access, and could assist in planning the future orderly development of the surrounding area.

Site Exhibit ZONE 2002-00004 WITH CONDITIONAL USE

APPLICANT: II Silk Hong



LEGAL DESCRIPTION

Tract I
A tract of land in the SE 1/4, Section 5, Township 28 South, Range 2 East, of the 6th Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: Beginning 300 feet East of the SW corner of said SE 1/4; thence North Parallel with west line of said SE 1/4 for a distance of 450 feet; thence East parallel with south line of said SE 1/4 for a distance of 60 feet; thence North parallel with west line of said SE 1/4 for a distance of 50 feet; thence East parallel with south line of said SE 1/4 for a distance of 415 feet; thence South parallel with west line of said SE 1/4 for a distance of 300 feet to the South line of said SE 1/4; thence West along the south line of said SE 1/4 for a distance of 475 feet to the Point of Beginning. Except for road right-of-way.

Tract II
The North 500 feet of Lot 1 Hong's Village Addition, Sedgwick County, Kansas.
Sold Tracts contain 215,500 Square feet more or less.

		AUSTIN MILLER & SONS REAL ESTATE BROKERS 1001 N. 10th St., Suite 100, Topeka, KS 66606 Phone: (781) 234-1234	
PROJECT NUMBER 2002-00004	DATE 10/24/02	DRAWN BY JLM	SCALE 1" = 50'
HONG'S VILLAGE Site Exhibit Topeka, Kansas			