

BACKGROUND: The applicant is requesting "NO" Neighborhood Office zoning on the 2.20-acre Sedgwick County tract. The site is currently zoned "SF-20" Single-family Residential and is an agricultural field. The applicant proposes to develop the site for office/medical office use. FEMA maps show that a portion of the site is in the floodway and the 100-year flood plain. If this request is approved, appropriate minimum pad elevations and floodway reserves will need to be established.

Properties abutting the site's north and east sides are zoned "SF-20" and are agricultural fields. The Cowskin Creek and its drainage define the outer edges of the properties east and north of the site. The property abutting the east side of the site was approved for "NR" Neighborhood Retail zoning with a protective overlay, subject to platting (ZON2004-00009) by the MAPC, April 22, 2004. This site has not been developed nor has it been platted. Properties further east of the site up to 135th Street West are zoned "SF-20" and are developed as a church and single-family residential. There is a zone change request (ZON2006-33) on one of these properties further east of the site along 21st, which is scheduled to be considered by the MAPC, September 21, 2006. Properties south of the site, across 21st, are zoned "GO" General Office (ZON2005-30) and "SF-20". The "GO" site is currently being developed as a medical office. Eberly Farms (CU-281) is also located south of the site. The recently completed Northwest YMCA (DP-276, located on the northwest corner of 135th St West & 21st Street North, zoned "LC" & SF-5") is the largest nonresidential development in the area. From the site, the Wichita city limits are to the east, west and southwest of the site, generally running parallel to the Cowskin Creek's drainage down to 13th Street North.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	agricultural fields
SOUTH:	"SF-20", "GO"	outdoor recreation/large-lot residential, medical office
EAST:	"SF-20"	agricultural fields, Cowskin Creek, city limits
WEST:	"SF-20", "NR"	agricultural fields, church, single-family residential,

PUBLIC SERVICES: This site is in the County and on-site services are available. Municipal sewer is located along the south side of 21st Street. Municipal water is also located along the south side of 21st Street. 21st Street is a paved two-lane facility that is depicted on the 2030 "Transportation Plan" as being a 4-lane arterial. There is approximately 80-feet of half-street right-of-way at this location.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide", as amended in May of 2005, of the *Wichita-Sedgwick County Comprehensive Plan* identifies the site as appropriate for "urban development mix", as being within the "Wichita 2030 Urban Growth Area" and as a potential future park site. The "urban

development mix" category indicates (at this location) a strong likelihood of future urban residential uses, institutional uses, local commercial uses and parks and open space use. The "Wichita 2030 Urban Growth Area" category identifies the site as being on the urban fringe (suburban), but within the projected growth area of Wichita and being in an area where the extension of municipal public services and infrastructure should be focused. The site's proximity to the Cowskin Creek makes it appropriate for consideration as future parkland. The requested "NO" zoning accommodates very low intensity office development and other complimentary land uses that are generally appropriate near residential development. The "NO" zoning fits into the "urban development mix" category at this site, especially when considered with the past rezoning of properties from "SF-20" to "GO" (ZON2006-30) and "NR" (ZON2004-00009) in the immediate area. City water and sewer are also available to support the development allowed by the requested "NO" zoning. This site is significantly impacted by the Cowskin Creek floodplain, thus its designation as a possible park or open space. This is probably the major issue in it being developed as a residential or non-residential use.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties in the area around the application area are zoned "SF-20", "NR", "GO" and "LC" and used for a variety of uses: medical offices, church, outdoor recreation, YMCA, agricultural and large-lot residential. Currently the character of this area is suburban, and now that public sewer and water services are available, more intense development is expected and is in fact happening: medical offices across 21st and the YMCA.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "SF-20". The "SF-20" district is primarily a suburban residential district that also allows a few complimentary nonresidential uses. The site could be developed as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed rezoning would have a minimal affect on nearby property, some which have similar nonresidential zoning. The issue of drainage will be addressed during the required platting of the site and in fact would have to be addressed for development of the site as currently zoned. Code requirements for compatibility setbacks, screening, landscaping, and signage limitations should minimize the impact on residential development.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide depicts this site as appropriate for “urban development mix” uses and within the City of Wichita’s 2030 “urban growth area.” Consistent with that designation, public sewer and water services are available. The purpose statement for the “NO” district states that this district is intended to accommodate office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods. The site conforms to the Comprehensive Plan and policies
5. Impact of the proposed development on community facilities: Existing or planned facilities are in place to adequately address the proposed development’s needs. Drainage is the issue for any development of the site.

AGENDA ITEM REQUEST

Proposed Agenda Item: ZON2006-00032 – Sedgwick County Zone change from “SF-20” Single-family Residential to “NO” Neighborhood Office. Generally located on the north side of 21st Street North, approximately ¼-mile east of 135th Street West. (District 3)

Presented By: John L. Schlegel, Planning Director *DM for*

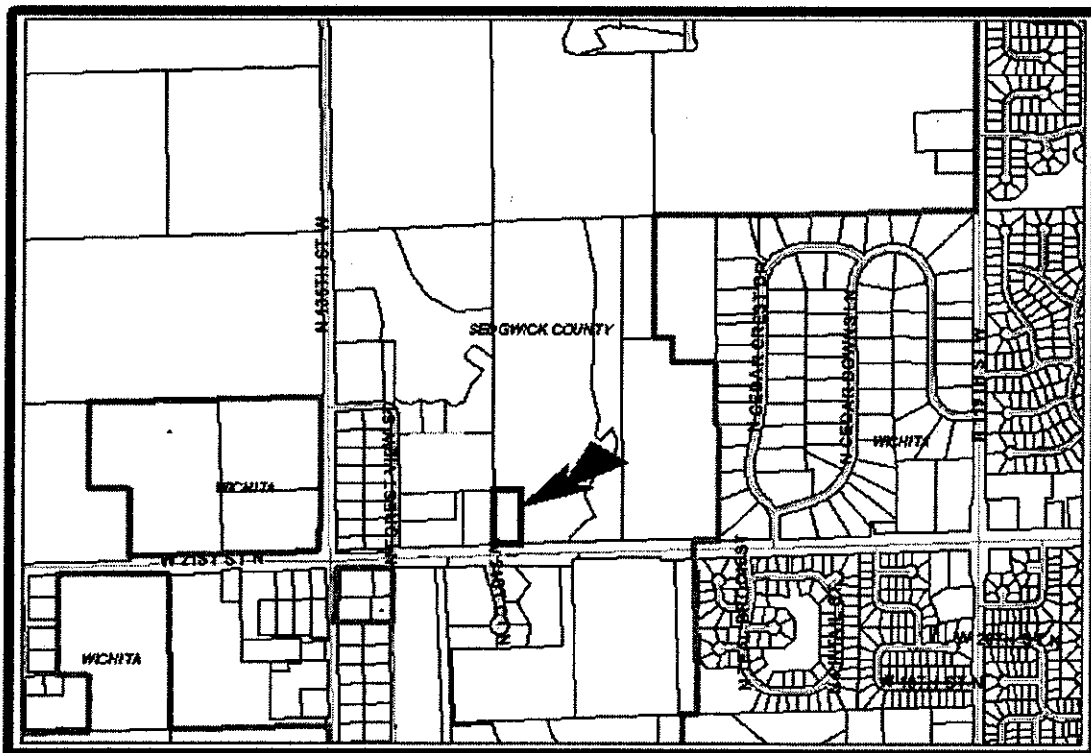
Recommended Action: Approve the zone change to “NO”, subject to platting within one year and provisions of Protective Overlay #178; adopt the findings of the Metropolitan Area Planning Commission; direct staff to prepare an appropriate resolution after the plat has been approved and authorize the Chairman to sign the resolution.

Proposed Agenda Date: November 1, 2006

Outside Attendees: Ruggles & Bohm c/o Chris Bohm (agent), 924 N Main Street, Wichita, KS, 67203

Multimedia Presentation: Powerpoint

Donations: Not applicable



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Analysis: At the MAPC meeting held September 7, 2006, the applicant offered up a protective overlay that prohibited certain uses permitted by right in the "NO" zoning district, which Staff agreed to. One adjacent property owner was present and said he was in support of the requested zoning and the proposed protective overlay. He also expressed concern regarding entrance and exit to property, the increase of traffic into the area and the impact of development on the flood plain. The MAPC voted (10-0) to recommend "NO" zoning subject to platting within one year and Protective Overlay #178, as follows:

1. The following uses shall be prohibited:
 - (a) residential uses
 - (b) golf course
 - (c) group home (limited and general)
 - (d) parks and recreation
 - (e) automated teller machine.

Alternatives:

1. Approve the zone change, subject to platting within one year and the provisions of Protective Overlay #178; adopt the findings of the Metropolitan Area Planning Commission; direct staff to prepare an appropriate resolution after the plat has been approved and authorize the Chairman to sign the resolution; or
2. Return such recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove.

3. Deny the zone change and override the MAPC recommendation with a 2/3 vote.

Financial Considerations: Not applicable.

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Legal Considerations:    

17-08

(150006) Published in The Derby Reporter on 3-14-08
RESOLUTION NO. 17-08

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. ZON2006-00032

Zone change request to "NO" Neighborhood Office, subject to platting within one year and provision of Protective Overlay #178 on property described as:

Lot 1, Block 1, Matthew's Office, an addition to Sedgwick County, Kansas. Generally located on the north side of 21st Street North, approximately 1/4-mile east of 135th Street West.

SUBJECT TO PLATTING WITHIN ONE YEAR AND THE PROVISION OF PROTECTIVE OVERLAY #178 AS FOLLOWS:

- (a) Prohibited uses shall be residential uses, golf course, parks and recreation and automated teller machine.

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.

Commissioners present and voting at the meeting on November 1, 2006, were:

BEN SCIORTINO
TIM R. NORTON
THOMAS G. WINTERS
LUCY BURTNETT
DAVID M. UNRUH

Aye
Aye
Aye
Aye
Aye

DATED this 6th day of February, 2008.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Thomas G. Winters
THOMAS G. WINTERS, CHAIRMAN
Third District

ATTEST:

Don Brace
DON BRACE, County Clerk



APPROVED AS TO FORM:

Robert W. Parnacott
ROBERT W. PARNACOTT,
Assistant County Counselor

STAFF REPORT

MAPC September 7, 2006

CASE NUMBER: ZON2006-00032

APPLICANT/OWNER: Dr. Raymond Matthew

AGENT: Ruggles & Bohm c/o Chris Bohm

REQUEST: "NO" Neighborhood Office

CURRENT ZONING: "SF-20" Single-family Residential

SITE SIZE: 2.20-acres

LOCATION: Generally located on the north of 21st Street North,
approximately ¼-mile east of 135th Street West

PROPOSED USE: Office

