

RESOLUTION NO 178-2017

Published on: November 15, 2017

A RESOLUTION FOR A ZONE CHANGE FROM SF-20 SINGLE FAMILY RESIDENTIAL TO LC LIMITED COMMERCIAL 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 LC Limited Commercial.

Case No. ZON2017-00036

A Zone Change from SF-20 Single Family Residential to LC Limited Commercial, legally described as follows:

The North 510.00 feet South 540.00 feet of the West 510.00 feet of the East 550.00 feet of the SE 1/4 of Sec. 1, T28S, R2W of the 5th P.M., Sedgwick County, Kansas.

SECTION II. In addition to those conditions voted upon and approved by the Metropolitan Area Planning Commission, any future development plan on this property must: (a) be reviewed and approved by the governing body; and (b) notices of hearings must be sent to property owners in the notice area before the Metropolitan Area Planning Commission and the Board of County Commissioners hear any such development plans.

SECTION III. 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 IV. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

Commissioners present and voting were:

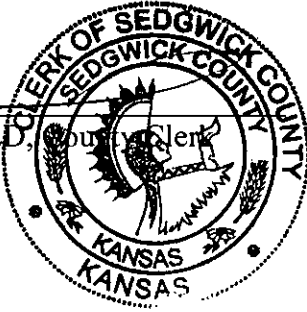
DAVID M. UNRUH	<u>aye</u>
MICHAEL B. O'DONNELL, II	<u>aye</u>
DAVID T. DENNIS	<u>aye</u>
RICHARD RANZAU	<u>no</u>
JAMES M. HOWELL	<u>aye</u>

Dated this 1st day of November, 2017.

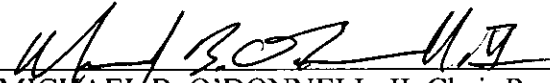
BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:



KELLY B. ARNOLD, County Clerk






DAVID M. UNRUH, Chairman
Commissioner, First District



MICHAEL B. O'DONNELL, II, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:


JUSTIN M. WAGGONER
Assistant County Counselor


DAVID T. DENNIS
Commissioner, Third District


RICHARD RANZAU
Commissioner, Fourth District


JAMES M. HOWELL
Commissioner, Fifth District

STAFF REPORT
MAPC – September 21, 2017

CASE NUMBER: ZON2017-00036

APPLICANT/AGENT: Brian E. Becker / Ruggles & Bohm, P.A., Will Clevenger

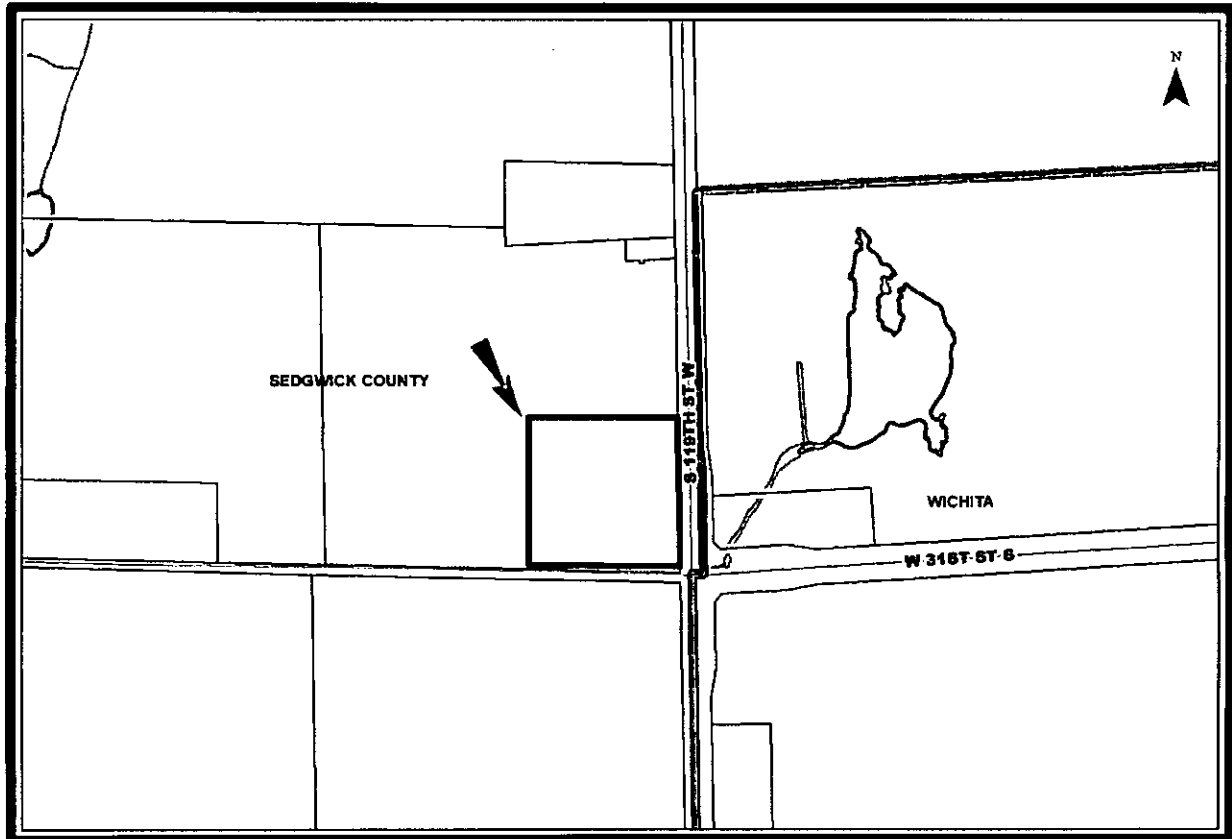
REQUEST: LC Limited Commercial

CURRENT ZONING: SF-20 Single Family

SITE SIZE: 5.97 acres

LOCATION: The northwest corner of the intersection of West 31st Street South and South 119th Street West

PROPOSED USE: Commercial Development



BACKGROUND: The applicant seeks to rezone 5.7 acres from SF-20 Single-Family Residential (SF-20) to LC Limited Commercial (LC). The property is located on the northwest corner of the intersection of West 31st Street South and South 119th Street West. The applicant owns the 25 acres abutting the application area to the north and west. The parcel is located in unincorporated Sedgwick County; however, the City of Wichita city limit is located 80 feet to the east, across South 119th Street West, and 172 feet southeast, across the intersection of South 119th Street West and West 31st Street.

The applicant's intention is to expand the range of uses permit on the property to make it more attractive for development. The SF-20 district permits large lot residential uses and a limited range of public and civic uses, by-right, such as: "church," "park," "school" and "utility, minor." The LC district permits a much wider range of uses: single-family residential, multi-family residential, office and retail uses, by-right.

By code, requests for LC zoning containing six acres or more under unified ownership require Community Unit Plans (CUP) or an associated Protective Overlay (PO) to accompany the zone change request. The applicant's agent has indicated agreement to the inclusion of a requirement for a PO that will require the submission a development plan similar to a CUP prior to the issuance of building permits.

The 25 acres located to the north and west, owned by the applicant, is zoned SF-20, and is used for farming. North of the applicant's larger ownership, 527 feet north of the application area, are two homes zoned SF-20. Land located to the east, across South 119th Street West is also zoned SF-20, but is located within the City of Wichita, is platted as the Sky West 4th Addition and is undeveloped. Land located to the southeast is also located within the City of Wichita, is zoned IP Industrial Park (IP) subject to a PO and is undeveloped. Property located south, across West 31st Street South is in the County, is zoned SF-20 and is farm land. GC General Commercial zoning is located approximately 3,000 feet north of the application area, and is subject to the development standard of CUP DP-312.

CASE HISTORY: The property's zoning was established when county-wide zoning was established in 1985. The parcel has not been platted.

ADJACENT ZONING AND LAND USE:

North: SF-20 (County)	unimproved parcel, single family homes
South: SF-20 (County), IP (City)	unimproved parcel, single family homes
East: SF-20 (City)	unimproved parcel, single family home
West: SF-20 (County)	unimproved parcel, single family home

PUBLIC SERVICES: South 119th Street South is a paved arterial street. West 31st Street South is a gravel arterial street. Public Utilities are not currently available on site. The closest municipal services a located one mile to the north and one mile to the east.

CONFORMANCE TO PLANS/POLICIES: The Future Growth Plan Map of the *Community Investment Plan* depicts the subject site as suitable for both Residential and New Employment. A commercial use would fall within the New Employment portion of that category.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it is recommended that the application be approved, subject to conditions stated in the following Protective Overlay:

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1. Prior to the issuance of a building permit a development plan shall be submitted for MAPC approval. The development plan shall address construction standards similar to those found in a CUP, including but limited to: permitted uses, maximum gross floor area, building height, building setback, parking, screening, etc.
2. No building permits shall be issued until the site is served with sewer, water, stormwater or other utilities typically associated with nonresidential uses.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The 25 acres located to the north and west, owned by the applicant, is zoned SF-20, and is used for farming. North of the applicant's larger ownership, 527 feet north of the application area, are two homes zoned SF-20. Land located to the east, across South 119th Street West is also zoned SF-20, but is located within the City of Wichita, is platted as the Sky West 4th Addition and is undeveloped. Land located to the southeast is also located within the City of Wichita, is zoned IP Industrial Park (IP) subject to a PO and is undeveloped. Property located south, across West 31st Street South is in the County, is zoned SF-20 and is farm land. GC General Commercial zoning is located approximately 3,000 feet north of the application area, and is subject to the development standard of CUP DP-312.
2. The suitability of the subject property for the uses to which it has been restricted: The SF-20 zoning is in keeping with the majority of the surrounding zoning and development. However, there is commercial development and zoning not far to the north and there is Industrial Park zoning across the intersection to the southeast. Further, the future land use designations recognize either future Residential or Commercial development for this property.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the zone change would likely not detrimentally affect nearby property. Site design standards and infrastructure issues will be taken care of with the stipulations of the Protective Overlay.
4. Length of time the property has remained vacant as currently zoned: The property is currently undeveloped.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Future Growth Plan Map of the *Community Investment Plan* depicts the subject site as suitable for both Residential and New Employment. A commercial use would fall within the New Employment category.
6. Impact of the proposed development on community facilities: There are not currently Public Utilities available for this site. These factors will be addressed with the stipulations of the Protective Overlay that will have to take place prior to the issuance of a Building Permit.

Staff Report Attachments:

1. Zoning Map
2. Aerial Orientation
3. Future Growth Concept Map