

RESOLUTION NO. 118-2017

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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 2017-00018**

Zone change request from SF-20 Single-Family Residential to LC Limited and legally described as follows:

A portion of the Southwest  $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th Principal Meridian, Sedgwick County, Kansas, more particularly described as follows: Beginning at a point 1,040 feet North and 50 feet East of the Southwest corner of said Southwest  $\frac{1}{4}$ ; thence North parallel with the west line of said Southwest  $\frac{1}{4}$  a distance of 716 feet, more or less; thence East parallel with the South line of said Southwest  $\frac{1}{4}$  a distance of 600 feet, more or less; thence South parallel with the west line of said Southwest  $\frac{1}{4}$  a distance of 716 feet, more or less; thence West parallel with the South line of said Southwest  $\frac{1}{4}$  a distance of 600 feet, more or less, to the point of beginning; generally located approximately 1,000 feet north of 13th Street North on the east side of 135th Street West.

**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.

DATED this 5th day of July, 2017

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

*Karen S Bailey*  
KELLY B. ARNOLD, County Clerk



APPROVED AS TO FORM:

*Justin M Waggoner*  
JUSTIN M. WAGGONER,  
Assistant County Counselor

*David M Unruh*  
DAVID M. UNRUH, Chairman  
Commissioner, First District

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

*David T Dennis*  
DAVID T. DENNIS  
Commissioner, Third District

*Richard Ranzau*  
RICHARD RANZAU  
Commissioner, Fourth District

*James M Howell*  
JAMES M. HOWELL  
Commissioner, Fifth District



**BACKGROUND:** The applicant is seeking LC Limited Commercial zoning on the SF-20 Single-Family Residential zoned 12.1-acre unplatted tract, subject to the development standards contained in the proposed R.D. Wood Commercial Community Unit Plan CUP DP-343. The proposed CUP will be developed with self-storage warehouses and neighborhood retail development.

The Unified Zoning Code (UZC) requires a CUP or a PO Protective Overlay for LC and GC General Commercial zoned sites of six (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 well organized residential, commercial and mixed development. The applicant provided the attached narrative indicating how the application meets these requirements.

The site is located approximately 1,000 feet north of 13<sup>th</sup> Street North on the east side of 135<sup>th</sup> Street West. The site is currently farmland. The applicant owns the abutting SF-20 zoned property to the north and east, which is also farmland with a stockpile of asphalt and concrete on it. The properties south and west of the site are developed with single-family residences and duplexes on properties zoned SF-20, LC, and SF-5 Single-Family Residential. The nearest properties zoned for commercial development are located at the northwest and southwest corners of 13<sup>th</sup> Street North and 135<sup>th</sup> Street West and approximately 500 feet east of 135<sup>th</sup> Street West on the north side of 13<sup>th</sup> Street North.

According to the applicant's narrative, the applicant's property to the north and east is proposed to be developed in the future with a residential subdivision. The applicant's attached development plan (DP-343) shows that the site is proposed to be developed with a three (3) parcel commercial development with two (2) reserves to be used for drainage and open space. Parcels 1 and 2 are proposed for uses permitted by the NR Neighborhood Retail zoning district. Parcel 3 is proposed for uses permitted by the LC zoning district and self-storage warehouses, subject to the attached provisions of Article III, Section III-D.6.y. of the UZC. The CUP proposes additional restrictions on signage, access, circulation, lighting, landscaping, screening, and architectural design. The proposed architectural design of the self-storage warehouses is attached. The applicant's proposal does not meet the following UZC requirements:

1. Article III, Section III-C.2.b.(2)(a)2) requires a 35-foot building setback along north, south, and east property lines of Parcel 3. The applicant proposes a 10-foot setback along the north and east property lines and no setback along the south property line of Parcel 3.
2. Article III, Section III-C.2.b.(2)(d) requires a six- to eight-foot tall masonry screening wall along the north, south, and east property lines of Parcel 3. The applicant proposes that the walls of the self-storage warehouse buildings be used as screening with wrought iron fencing located in the gaps between the buildings. The walls of the buildings are proposed to have predominately metal siding with a brick veneer wainscot.
3. Article III, Section III-D.6.y.(4) requires a 15-foot deep landscaped yard along the north and east property lines and no setback along the south property line of Parcel 3. No landscaped yard is proposed along these property lines.
4. Article III, Section III-D.6.y.(4) requires architecture that is compatible with the surrounding residential development. The two western-most buildings are proposed to have architecture that is residential in character, but the remaining buildings are proposed to have architecture of an industrial warehouse character.

The development plan would have to be revised significantly to meet these requirements. Article VI, Section VI-C.4. of the UZC authorizes the Planning Commission to recommend modification of the above-stated UZC requirements. Article VI, Section VI-B.4. of the UZC authorizes the Board of County Commissioners approve such modifications upon receipt of a recommendation from the Planning Commission.

**CASE HISTORY:** The site is not platted.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-20	Farmland
SOUTH:	SF-20, SF-5	Single-family residences
EAST:	SF-20	Farmland
WEST:	SF-5, LC	Single-family residences, duplexes

**PUBLIC SERVICES:** Access to the site is provided by the three-lane arterial street 135<sup>th</sup> Street West. Necessary street improvements such as turn lanes and access drives would be determined at the time of platting with the associated financial guarantees for the improvements provided at that time. Water and sanitary sewer service are available from the City of Wichita for extension of the site. Guarantees for the extension of water and sanitary sewer service would be submitted at the time of platting and would require annexation of the property into the Wichita city limits. The site connects to a drainage channel south of the site. Necessary drainage improvements would be guaranteed at the time of a platting per a drainage plan to be established at the time of platting.

**CONFORMANCE TO PLANS/POLICIES:** The 2035 Wichita Future Growth Concept Map of the Community Investments Plan identifies the site as appropriate for “New Employment” development. In areas, like the proposed site, that are in proximity to existing residential uses, the Community Investments Plan indicates that it is appropriate to develop New Employment areas with convenience retail centers. The Locational Guidelines of the Community Investments Plan recommend the following:

1. Small, neighborhood serving retail and office uses should be located at the intersection of an arterial street and a collector street, like Kiwi Street to the west.
2. Pedestrian crossings of arterial streets should be provided between arterial intersections to connect such neighborhood serving uses to adjacent residential uses.
3. Non-residential developments should provide appropriate screening and buffering from residential uses.

**RECOMMENDATION:** Based on the information available at the time of the public hearing, staff recommends APPROVAL of the application with following additional recommended conditions intended increase conformance of the application with the requirements of the Unified Zoning Code and the recommendations of the Community Investments Plan:

1. The permitted uses for Parcel 3 shall be: All permitted uses in the GO General Office zoning district of the Wichita-Sedgwick County Unified Zoning Code, except those uses listed in General Provision #18, plus self-storage warehouse as restricted by Article III, Section III-D.6.y. of the UZC.
2. The building setbacks on Parcel 3 shall be 15 feet along the north, south, and east property lines.
3. General Provision #6 shall be modified to add: A financial guarantee for a signalized pedestrian crossing of 135<sup>th</sup> Street West near Kiwi Street to connect the development to the residential area to the west shall be provided at the time of platting. The pedestrian crossing shall be constructed prior to the issuance of a building permit on Parcel 1 or 2.
4. General Provision #12 shall be modified to add: A 15-foot landscaped yard shall be provided along the north, south, and east property lines of Parcel 3 and along the west line of Parcel 3 where abutting 135<sup>th</sup> Street West. The landscaped yard shall be planted with a landscaped earth berm containing one tree every 20 feet, with at least one-third of the trees being evergreen.
5. General provision #13C shall be modified to remove “wrought iron or similar decorative fencing and replace it with “screening wall or fence constructed of materials required by Article IV, Section IV-B.3.h. of the UZC.”

6. The architectural requirements for Parcel 3 shall be: Perimeter storage buildings in Parcel 3 shall have an architectural design that is residential in character with sloped roofs with roofing material consistent with surrounding residential uses and exterior walls facing outward from Parcel 3 having a mixture of siding materials consistent with surrounding residential uses. Siding materials on outward-facing walls shall be predominately brick and shall include pilasters or other architectural treatments to establish a residential architectural character. Interior buildings may be all metal with consistent colors to match exterior buildings but shall not be visible from ground-level view from adjacent properties.
7. The area of Reserves A and B on the site plan shall be corrected to match the parcel descriptions.
8. The applicant shall record a CUP certificate with the Register of Deeds indicating that this tract (referenced as DP-343 R.D. Wood Commercial CUP) has special conditions for development on the property. A copy of the recorded certificate along with four copies of the approved CUP shall be submitted to the Metropolitan Area Planning Department within 60 days of recording the plat for the subject property, 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: The zoning of the neighborhood is a mixture of LC Limited Commercial, SF-20 Single-Family Residential, and SF-5 Single-Family Residential. The uses and character of the neighborhood are currently low-density residential with a mixture of single-family residences and duplexes. Small-scale commercial uses, like the proposed development, are likely to develop in the future in the neighborhood on existing LC zoning at the northwest and southwest corners of 13<sup>th</sup> Street North and 135<sup>th</sup> Street West and approximately 500 feet east of 135<sup>th</sup> Street West on the north side of 13<sup>th</sup> Street North.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: The development plan as proposed may have detrimental effects on nearby properties. The conditions of approval requiring additional landscape buffers, screening, and architectural design that is residential in character should mitigate the detrimental effects on nearby property.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept Map of the Community Investments Plan identifies the site as appropriate for "New Employment" development. In areas, like the proposed site, that are in proximity to existing residential uses, the Community Investments Plan indicates that it is appropriate to develop New Employment areas with convenience retail centers. The Locational Guidelines of the Community Investments Plan recommend the following:
  - a. Small, neighborhood serving retail and office uses should be located at the intersection of an arterial street and a collector street, like Kiwi Street to the west.
  - b. Pedestrian crossings of arterial streets should be provided between arterial intersections to connect such neighborhood serving uses to adjacent residential uses.
  - c. Non-residential developments should provide appropriate screening and buffering from residential uses.

The conditions of approval ensure that the development is consistent with the Locational Guidelines.

4. Impact of the proposed development on community facilities: The subject property will be platted to ensure the provision of adequate public services to site. A signalized pedestrian crossing of 135<sup>th</sup> Street West near Kiwi Street will connect the development to the residential area to the west.