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RESOLUTION NO. 008-2017

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 2016-00059

Zone change request from LC Limited Commercial to GC General Commercial.

Lot 1, The Sheiling at Glencoe Addition, Wichita, Sedgwick County, Kansas; generally located at the southeast corner of Pawnee and Greenwich (2400 S. Greenwich).

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	<u>Aye</u>
MICHAEL B. O'DONNELL II	<u>Aye</u>
DAVID T. DENNIS	<u>Aye</u>
RICHARD RANZAU	<u>Aye</u>
JAMES M. HOWELL	<u>Aye</u>


DATED this 18th day of January, 2017

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS



DAVID M. UNRUH, Chairman
Commissioner, First District


ATTEST:

Ar 

KELLY B. ARNOLD
County Clerk



APPROVED AS TO FORM ONLY:



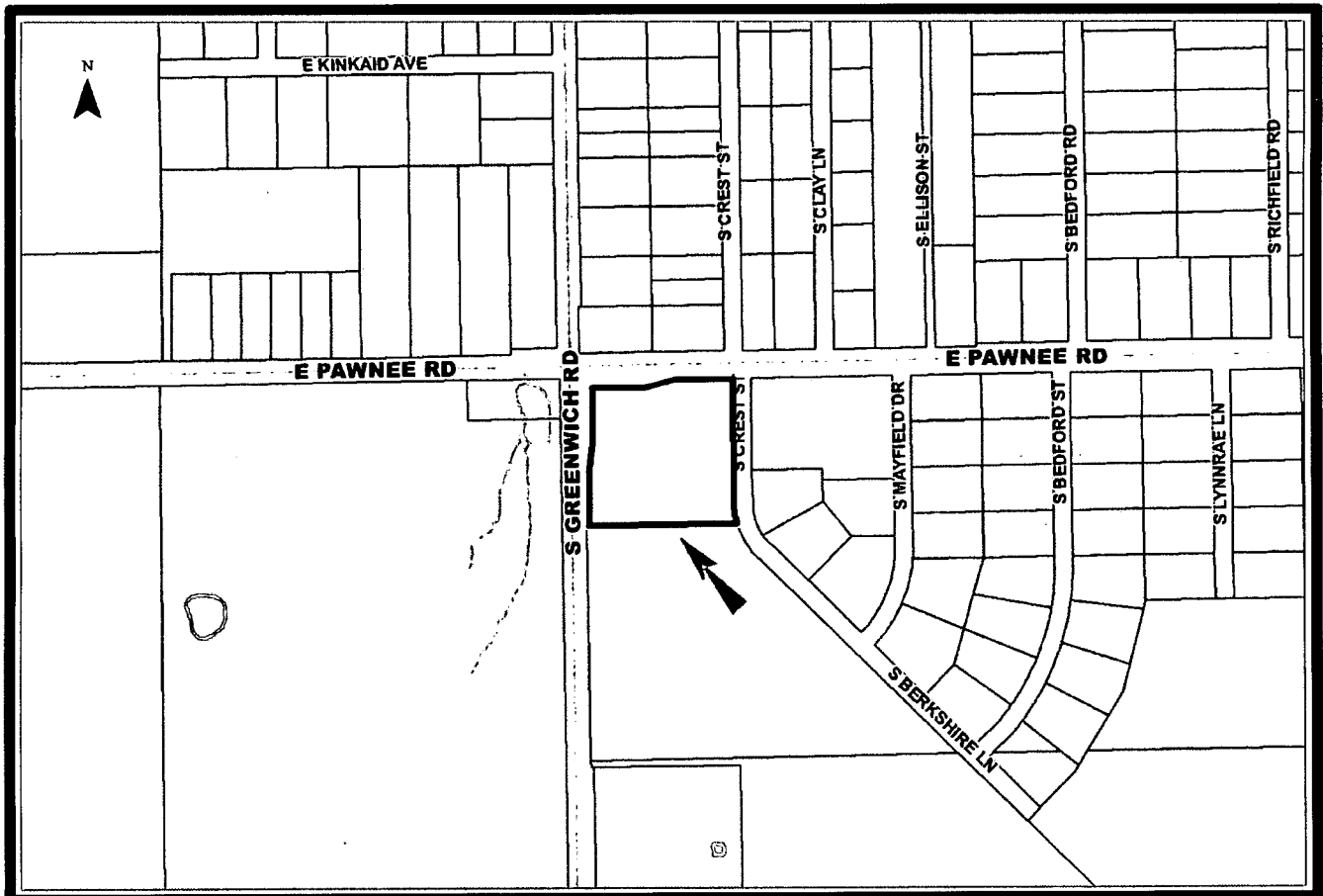
JUSTIN M. WAGGONER
Assistant County Counselor



STAFF REPORT

MAPC December 15, 2016

- CASE NUMBER:** ZON2016-00059
- APPLICANT/AGENT:** Green Pawn, LLC c/o Scott and Ashley Thill and David and Janet Zerngast (owners/applicants); Zernco, Inc. c/o Scott Marko (agent)
- REQUEST:** GC General Commercial
- CURRENT ZONING:** LC Limited Commercial
- SITE SIZE:** 5.0 acres
- LOCATION:** Southeast corner of Pawnee and Greenwich
- PROPOSED USE:** Construction office, warehouse, and outdoor vehicle and material storage



BACKGROUND: The subject property is 5.0 acres zoned LC Limited Commercial located at the southeast corner of Pawnee and Greenwich. The subject property is partially developed with an office building for Zernco, Inc., a commercial general contractor and specialty construction firm. Zernco proposes to construct a new office/warehouse building on the subject property as well store construction vehicles and materials outside. The proposed new uses for the subject property are not permitted in LC; thus, the applicant has filed the request for GC General Commercial zoning. In the GC district, outdoor storage of construction vehicles and equipment is permitted as long as the storage area is screened from view from abutting streets and residential properties.

North of the subject property are retail stores and single family residences on properties zoned LC. South of the subject property is a vacant property zoned LC and SF-20 Single Family Residential. East of the subject property are single-family residences on properties zoned SF-20. West of the subject is property is agricultural land zoned LC and SF20.

CASE HISTORY: The subject property was zoned LC in 1958 when County zoning was established within a three-mile ring of Wichita, including LC zoning at most arterial intersections. The subject property is platted as the Sheiling at Glencoe Addition, which was recorded March 5, 1996. The subject property is in unincorporated Sedgwick County.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Retail, single-family
SOUTH:	LC, SF-20	Vacant
EAST:	SF-20	Single-family
WEST:	LC, SF-20	Agriculture

PUBLIC SERVICES: The subject property has one permitted access point to both Pawnee and Greenwich, which are both two-lane arterial streets with a four way stop sign at the intersection. A capital improvement project is scheduled for 2018 to reconstruct the intersection to five lanes and install traffic signals. The subject property is not permitted access to Crest Street, an unimproved local street abutting the east side of the subject property. All public services are available to the subject property. Water and sanitary sewer service may need to be further extended at the applicant's expense depending upon the type and location of new construction on the site.

CONFORMANCE TO PLANS/POLICIES: The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as "commercial." The "commercial" category encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. The Locational Guidelines of the Comprehensive Plan recommend that the expansion of existing uses to adjacent areas be supported. The Locational Guidelines also recommend that non-residential uses should provide appropriate screening and buffering from residential uses and should have site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential land uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that a zone change to GC General Commercial be **APPROVED**.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The subject property is located at an arterial intersection that has been zoned for commercial uses for almost 50 years. One mile to the west similar construction uses with outdoor storage exist in the same proximity to residential uses without any noticeable adverse impacts. The immediate neighborhood also has a mixed-use character of commercial and residential uses located in close proximity to one another.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The subject property is currently zoned LC, which does not permit the proposed warehousing or outdoor storage uses. If the zoning is not approved, the existing business cannot expand on the subject property as proposed, and the applicant will have look for alternative locations to expand the business.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The use restrictions and development standards of the Unified Zoning Code, such as screening of outdoor storage areas, should mitigate detrimental impacts on nearby properties. The plat of the subject property requires 35-foot building setbacks on the north, east, and west property lines, which should provide a buffer between uses on the subject property and residential uses on nearby properties.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as “commercial.” The “commercial” category encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. The Locational Guidelines of the Comprehensive Plan recommend that the expansion of existing uses to adjacent areas be supported. The Locational Guidelines also recommend that non-residential uses should provide appropriate screening and buffering from residential uses and should have site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential land uses.
- (5) **Impact of the proposed development on community facilities:** The subject property has access one permitted access point to both Pawnee and Greenwich, which are both two-lane arterial streets with a four way stop sign at the intersection. A capital improvement project is scheduled for 2018 to reconstruct the intersection to five lanes and install traffic signals. The subject property is not permitted access to Crest Street, an unimproved local street abutting the east side of the subject property. All public services are available to the subject property. Water and sanitary sewer service may need to be further extended at the applicant’s expense depending upon the type and location of new construction on the site.