

(150004) Published in The Wichita Eagle on JANUARY 9, 2015
RESOLUTION NO. 001-2015

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. ZON2014-00019 (assoc. with CUP2014-00024)

Zone change request from SF-20 Single-family Residential to LC Limited Commercial subject to the development standards contained in the Socora West Community Unit Plan DP-335 on property described as:

Lot 1, Block a, Countryside Pentecostal Holiness Addition, Sedgwick County, Kansas and Lot 1, Block 1, Roberts and Morriss 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 were:

DAVID M. UNRUH	<u>AYE</u>
TIM R. NORTON	<u>AYE</u>
RICHARD RANZAU	<u>AYE</u>
JAMES B. SKELTON	<u>AYE</u>
KARL PETERJOHN	<u>AYE</u>

DATED this 7th day of JANUARY, 2015.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

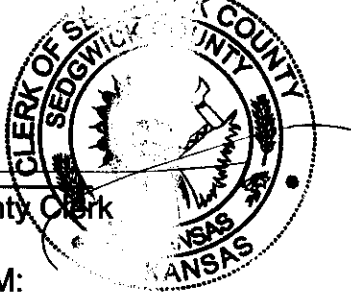
David M. Unruh

DAVID M. UNRUH, CHAIRMAN
First District

ATTEST:

Kelly B. Arnold

KELLY B. ARNOLD, County Clerk



APPROVED AS TO FORM:

Robert W. Parnacott

ROBERT W. PARNACOTT,
Assistant County Counselor



STAFF REPORT
MAPC 8-21-2014
MAPC 11-20-2014

CASE NUMBER: CUP2014-00024 and ZON2014-00019

APPLICANT/AGENT: Socora West, LLC (Attn: Lori Ward) / Baughman Company, P. A. (Phil Meyer)

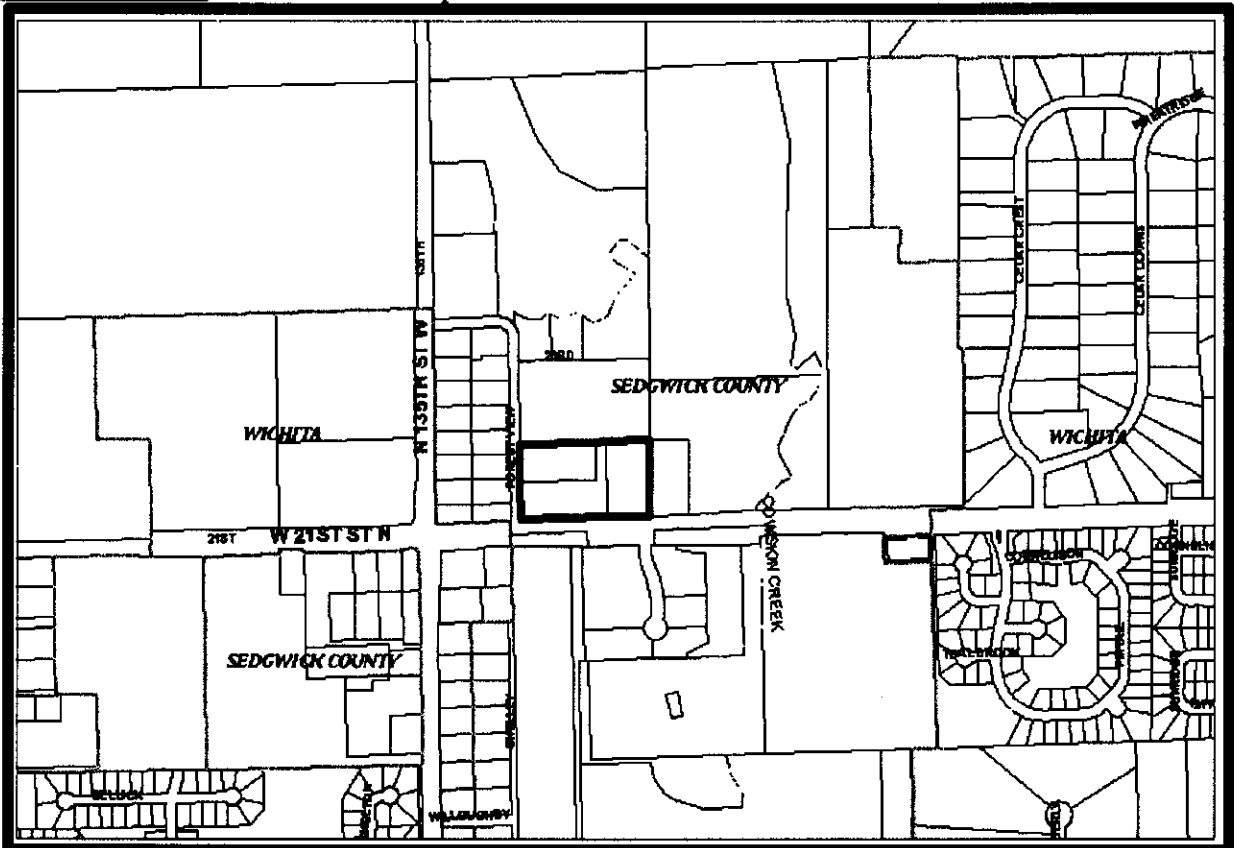
REQUEST: LC Limited Commercial

CURRENT ZONING: SF-20 Single-family Residential

SITE SIZE: 7.5 acres

LOCATION: Northeast corner of West 21st Street North and North Forest View Street (600 feet east of North 135th Street West)

PROPOSED USE: Uses permitted in the LC Limited Commercial District



BACKGROUND: The applicant requests creation of the Socora West Commercial Community Unit Plan (CUP) DP-335 on 7.5 platted acres located at the northeast corner of West 21st Street North and North Forest View Street. In addition to the creation of CUP DP-335 the applicant seeks to rezone the 7.5 acres from SF-20 Single-family Residential (SF-20) to LC Limited Commercial (LC). The proposed CUP is to contain two parcels, a 5.02-acre parcel and a 2.51-acre parcel. Proposed uses are those uses permitted by right in the LC district except for those uses typically excluded within a CUP, such as a: sexually oriented business, nightclub, tavern or drinking establishment; see General Provision 15 for the uses permitted and the complete list of prohibited uses. The property is currently vacant except for a vacant church and associated parking. The property is located in Sedgwick County.

A summary of the additional development standards proposed by the applicant is as follows. Maximum building coverage is to be 30 percent; maximum floor area ratio is 35 percent (Parcel 1.B and C and Parcel 2.B and C). The CUP proposes to allow building height up to 45 feet (Parcel 1.G and Parcel 2.G). Absent the proposed CUP standard, the LC zoning district allows building heights up to 80 feet. Building setbacks vary from 35 feet to 15 feet to zero along the proposed floodway reserve (General Provision 4 and the CUP drawing). Signage is to be per city code or as described on the CUP. L.E.D./digital signs, offsite billboard and portable signs are prohibited (General Provision 6.A-G). Exterior lighting is to be shielded and directed downward. All parcels are to share parking lot lighting fixtures, poles, lamps and bases. Light poles associated with a commercial use are limited to 15 feet in height when the light pole is located within 200 feet of residential zoning; otherwise light poles may be 25 feet tall (General Provisions 7 and 8). The applicant is proposing to provide landscaping (General Provision 10). Screening walls are to be constructed along the west, north and east property lines (General Provision 11). Outdoor work areas and trash receptacles and rooftop equipment are to be reasonably screened from ground view (General Provision 12). All buildings within the CUP will share uniform architectural character (General Provision 13). The applicant is proposing two points of access from Forest View Street and two points of access from West 21st Street North.

Land located to the north, south and west of the application area is zoned SF-20, is either used for farm land or is platted and developed with single-family residences. Land to the east of the subject site is zoned NO Neighborhood Office (NO) subject to Protective Overlay 178, and is used for farm land. In the larger area surrounding subject site there is urban scale development, such as the medical offices located to the southeast of the application area; a YMCA to the west and farther west a Via Christi Hospital. West 21st Street North is a significant arterial that is scheduled to be widened to four lanes when traffic volume warrants the improvements.

CASE HISTORY: The application area is Lot 1, Block A, Countryside Pentecostal Holiness Church Addition and Lot 1, Block 1, Roberts & Morriss Addition, 1987 and 2005 respectively. The site's existing zoning was granted most likely in 1985 when the county adopted county-wide zoning.

ADJACENT ZONING AND LAND USE:

North: SF-20; farm land
South: SF-20 and GO; farm land and medical office
East: NO subject to PO-178; farm land
West: SF-20; single-family residences

PUBLIC SERVICES: North Forest View Street has 60 feet of full street right-of-way and is a two-lane sand and gravel local street. Along the frontage of the application area West 21st Street North has 80 feet of half-street right-of-way and is a two-lane road. At 135th Street, West 21st Street North carries on average approximately 11,600 daily vehicle trips. The existing church located on part of the application

area appears to be served by private water well and lagoon. City sewer and water services are located on the south side of West 21st Street.

CONFORMANCE TO PLANS/POLICIES: The application area is located within the Wichita 2030 Urban Growth Area. The 2030 Wichita Functional Land Use Guide depicts the site as appropriate for “urban development mix” use. The “urban development mix” category encompasses areas of land that will likely be developed or redeveloped within the next 30 years with uses predominately found in the “urban residential use” category. However, there is a strong likelihood that the area will also contain major institutional uses, local commercial uses and park and open space uses. Selected Comprehensive Plan commercial locational guidelines state: 1) Commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. 2) 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. 3) Locate commercial uses in compact clusters or nodes versus extended strip development. 4) Commercially generated traffic should not feed directly onto local residential street.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, staff recommends the proposed zone change and CUP DP-335 be approved per the development standards contained on the face of the proposed CUP and the following conditions:

- A. Approval of the zone change and CUP DP-335 shall not be final until the applicant has recorded a document with the Register of Deeds indicating that this tract (referenced as DP-335) includes special conditions of development on this property.
- B. If required, the applicant shall submit four revised final copies of the CUP to the Metropolitan Area Planning Department within 60 days after final approval of this case by the Governing Body, 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 application area is part of a transition area that is slowly converting from rural and suburban uses to more intense urban uses. Land located to the north, south and west is zoned SF-20 and is farm land or platted land developed with single-family residences. Land to the east is zoned NO Neighborhood Office (NO) subject to Protective Overlay 178 and is farm land. In the larger area there has been urban scale development such as the medical offices located to the southeast of the application area; a YMCA to the west and farther west a Via Christi Hospital. West 21st Street North is a significant east-west arterial street scheduled to become a four-lane arterial that carries approximately 11,600 average daily vehicle trips.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is currently zoned SF-20 Single-family Residential which primarily permits large-lot residential uses and a few civic and institutional uses by right, such as a church. The site is developed with a church and could continue as currently developed. The site has some economic opportunity as currently zoned; however, given its proximity to the intersection of West 21st Street North and 135th Street, the requested zone change will increase the site’s economic potential and be consistent with typical development patterns along most developing arterials.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of LC zoning will increase the intensity of permitted uses and increase traffic volumes; however, the development standards contained in the accompanying CUP should mitigate known detrimental

impacts.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial would presumably represent a loss of economic opportunity for the applicant and/or future purchasers. Approval would increase the amount of LC permitted uses available to area residents.
5. Length of time the property has been vacant as currently zoned: The property has been developed with a church since approximately 2005.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The application area is located within the Wichita 2030 Urban Growth Area. The 2030 Wichita Functional Land Use Guide depicts the site as appropriate for “urban development mix” use. The “urban development mix” category encompasses areas of land that will likely be developed or redeveloped within the next 30 years with uses predominately found in the “urban residential use” category. However, there is a strong likelihood that the area will also contain major institutional uses, local commercial uses and park and open space uses. Selected Comprehensive Plan commercial locational guidelines state: 1) Commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. 2) 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. 3) Locate commercial uses in compact clusters or nodes versus extended strip development. 4) Commercially generated traffic should not feed directly onto local residential street. The application as recommended for approval is in substantial conformance to adopted policies.
7. Impact of the proposed development on community facilities: Existing or planned improvements are available to serve the site.