

# AGENDA ITEM REQUEST

# FILE COPY

Proposed Agenda Item: ZON2002-00035 – Zone change from “SF-20” Single-family Residential to “NR” Neighborhood Retail. Generally located north of Pawnee, approximately one-half mile east of 127<sup>th</sup> Street East. (District 5)

Presented By: Dale Miller, Chief Planner, MAPD <sup>DM</sup>

Recommended Action: Approve the zone change subject to platting within one year, direct staff to prepare the appropriate resolution after the plat is approved, and authorize the Chairman to sign the resolution

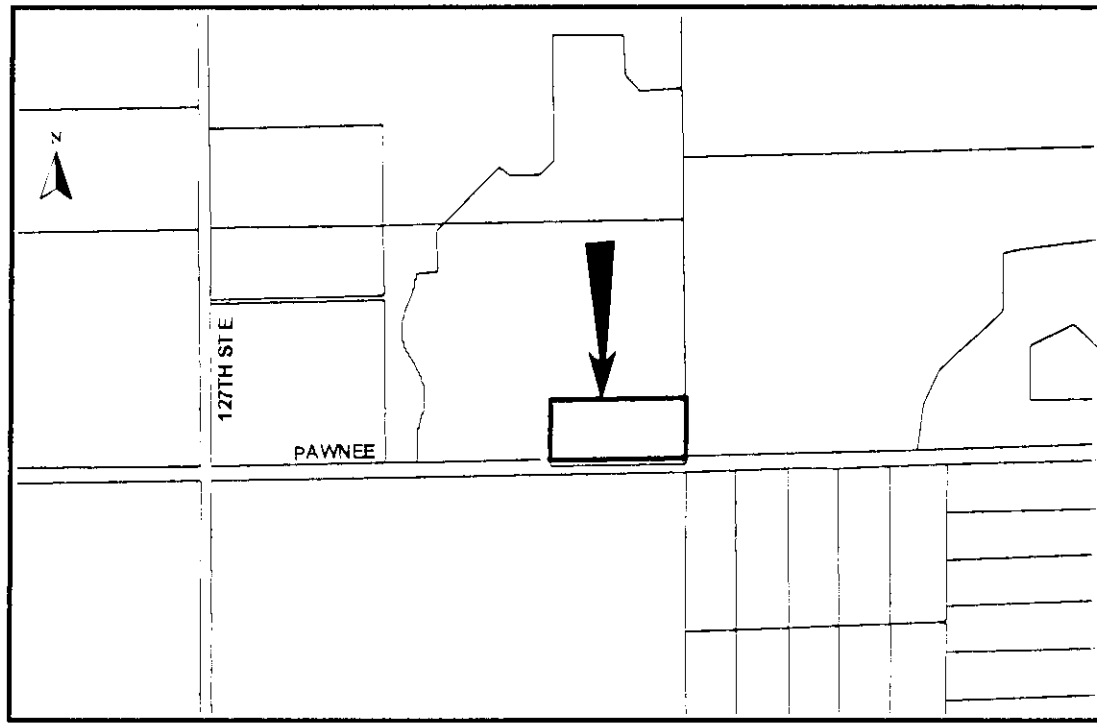
Proposed Agenda Date: September 4, 2002

Outside Attendees: United Golf of Wichita, c/o Gene Vitarelli, 1822 S. Longfellow #10, Wichita, KS 67207

Ruggles and Bohm, P.A., %Chris Bohm, 924 N. Main, Wichita, KS 67203

Multimedia Presentation: PowerPoint

Donations: n/a



**Background:**

The applicant requests a zone change from "SF-20" Single-Family Residential to "NR" Neighborhood Retail on 5.5 acres of unplatted land located north of Pawnee, approximately one-half mile east of 127<sup>th</sup> Street East. The applicant is developing the property as the Sierra Hills Golf Club. A golf course and associated accessory uses such as a clubhouse are permitted by right in the "SF-20" zoning district; however, Sedgwick County's licensing regulations pertaining to the sale of alcoholic beverages require property to be zoned appropriately for a restaurant or tavern (depending upon the type of license sought). Therefore, the applicant is seeking "NR" Neighborhood Retail zoning to permit a restaurant with alcoholic beverage sales to be operated within the golf course clubhouse.

The character of the surrounding area is that of suburban property on the developing fringe of Wichita. Currently all of the property surrounding the subject property is zoned "SF-20" Single-Family Residential and is undeveloped; however, plans for urban scale residential development are under review for property to the east and were approved within the last couple of years for property to the north.

**Analysis:**

At the MAPC hearing on July 25, 2002, no speakers other than the applicant appeared either in favor of or in opposition to the request. The MAPC voted 12-0 to approve the request subject to platting the property within one year

**Alternatives:**

1. Concur with the findings of the MAPC, approve the zone change subject to platting within one year, direct staff to prepare the appropriate resolution after the plat is approved, and authorize the Chairman to sign the resolution.
2. Return the application to the MAPC for reconsideration.
3. An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.

**Financial Considerations:** n/a

**Policy Considerations:** n/a

**Legal Considerations:**   *AWP* Approved as to form and signed by County Counselor's Office

The zone change resolution has been reviewed and approved as to form by the County Counselor's Office.

(150004)Published in The Wichita Eagle on \_\_\_\_\_.

RESOLUTION NO. 204-02

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. ZON2002-00035

Zone change from "SF-20" Single-Family Residential to "NR" Neighborhood Retail on property described as:

The east 750 feet of the south 320 feet of Reserve A, Sierra Hills Golf Club Addition, Sedgwick County, Kansas, containing 5.5 acres, more or less. Generally located north of Pawnee, approximately one-half mile east of 127<sup>th</sup> Street East.

**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 and publication.

Commissioners present and voting were:

BETSY GWIN	<u>    Aye    </u>
TIM R. NORTON	<u>    Aye    </u>
THOMAS G. WINTERS	<u>    Aye    </u>
CAROLYN McGINN	<u>    Aye    </u>
BEN SCIORTINO	<u>    Aye    </u>



AGENDA ITEM NO. 14

## STAFF REPORT

MAPC, July 25, 2002

CASE NUMBER: ZON2002-00035

APPLICANT/AGENT: United Golf of Wichita c/o Gene Vitarelli (Owner/Applicant);  
Ruggles and Bohm, PA c/o Chris Bohm (Agent)

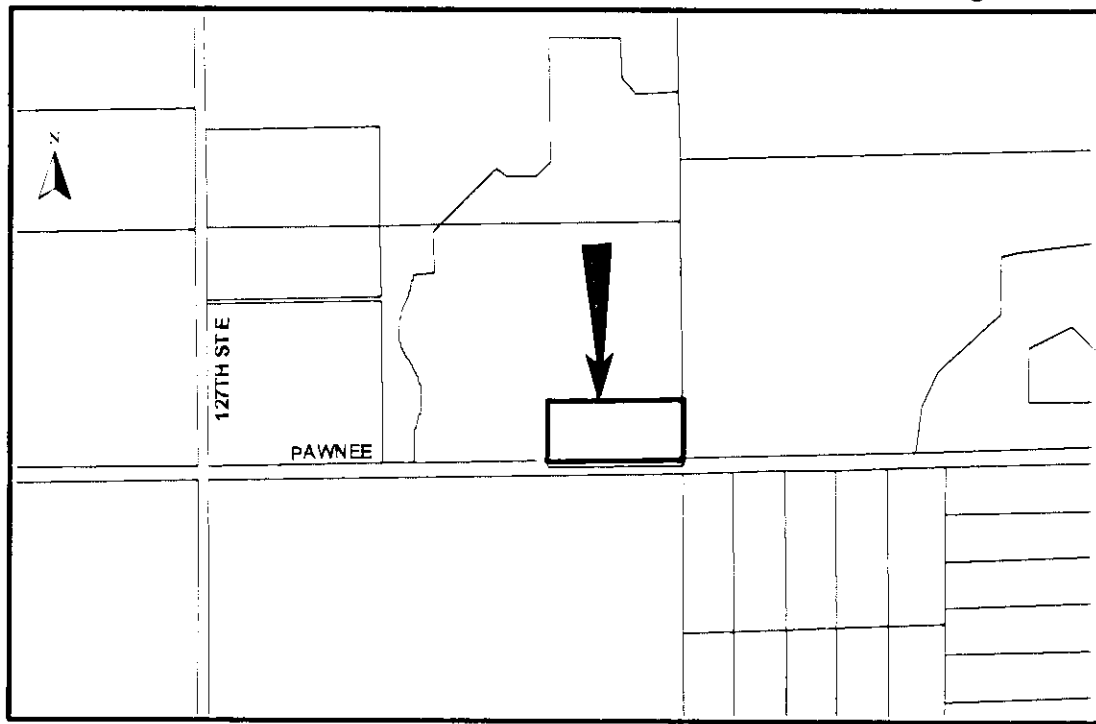
REQUEST: "NR" Neighborhood Retail

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

SITE SIZE: 5.5 acres

LOCATION: North of Pawnee, approximately one-half mile east of 127<sup>th</sup>  
Street East

PROPOSED USE: Golf course clubhouse with alcoholic beverage sales



**BACKGROUND:** The applicant requests a zone change from "SF-20" Single-Family Residential to "NR" Neighborhood Retail on 5.5 acres of unplatted land located north of Pawnee, approximately one-half mile east of 127<sup>th</sup> Street East. The applicant is developing the property as the Sierra Hills Golf Club. A golf course and associated accessory uses such as a clubhouse are permitted by right in the "SF-20" zoning district; however, Sedgwick County's licensing regulations pertaining to the sale of alcoholic beverages require property to be zoned appropriately for a restaurant or tavern (depending upon the type of license sought). Therefore, the applicant is seeking "NR" Neighborhood Retail zoning to permit a restaurant with alcoholic beverage sales to be operated within the golf course clubhouse.

The character of the surrounding area is that of suburban property on the developing fringe of Wichita. Currently all of the property surrounding the subject property is zoned "SF-20" Single-Family Residential and is undeveloped; however, plans for urban scale residential development are under review for property to the east and were approved within the last couple of years for property to the north.

**CASE HISTORY:** The property is proposed to be platted as the Sierra Hills Golf Club Addition (SUB2002-00049), which was approved by the Subdivision Committee on June 27, 2002 and is scheduled for consideration by the MAPC on July 25, 2002.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"SF-20"	Agriculture
SOUTH:	"SF-20"	Agriculture
EAST:	"SF-20"	Agriculture
WEST:	"SF-20"	Agriculture

**PUBLIC SERVICES:** The subject property has access to Pawnee, a two-lane arterial street. Current traffic volumes on Pawnee are approximately 2,000 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on Pawnee will increase to approximately 8,000 vehicles per day. Municipal water and sanitary sewer service are not currently available to serve the subject property; therefore, the scale of the restaurant and associated clubhouse activities will be limited to those that can be supported by on-site water and sanitary sewer systems until municipal services can be extended.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The Land Use Guide also identifies this area as within the 2010 Urban Service Area. Golf courses are compatible with the "Low Density Residential" land use classification. The proposed "NR" Neighborhood Retail zoning is requested to allow retail and restaurant uses as accessory uses to the golf course.

**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: All property in the neighborhood is zoned "SF-20" Single Family Residential and is used for agriculture. The character of the neighborhood is that of developing suburban residential neighborhood. Golf courses with retail and restaurant activities within a clubhouse are traditionally found in suburban residential neighborhoods; therefore, the proposed rezoning of the subject property to permit a golf course clubhouse is compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-20" Single-Family Residential. A golf course and associated accessory uses such as a clubhouse are permitted by right in the "SF-20" zoning district; however, Sedgwick County's licensing regulations pertaining to the sale of alcoholic beverages require property to be zoned appropriately for a restaurant or tavern (depending upon the type of license sought). Therefore, "NR" Neighborhood Retail zoning is required to permit a restaurant with alcoholic beverage sales to be operated within the golf course clubhouse.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on residential properties in the area should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code, which should limit noise, lighting, and other activity from adversely impacting residential properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The Land Use Guide also identifies this area as within the 2010 Urban Service Area. Golf courses are compatible with the "Low Density Residential" land use classification. The proposed "NR" Neighborhood Retail zoning is requested to allow retail and restaurant uses as accessory uses to the golf course.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.