

**EXCERPT MINUTES OF THE FEBRUARY 18, 2016 WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION HEARING**

**Case No.: DER2015-00007** - Larry Lampe (Mayor of Garden Plain) requests an Amendment to expand the Urban Area of Influence of Garden Plain.

**BACKGROUND:** On Wednesday October 21, 2015, the Board of Sedgwick County Commissioners (BoCC) adopted an amendment (Resolution No. 185-2015) to the Wichita-Sedgwick County Unified Zoning Code (UZC) that abolished “zoning area of influence” (ZAOI) review authority and the ZAOI map. “Zoning area of influence” authority and its accompanying map were replaced with “urban areas of influence” (UAOI) review authority and an UAOI map. The UAOI map depicts the land that is subject to UAOI review. “Urban area of influence” authority permits certain development applications that deal with land use associated with properties located within the specifically defined geographic areas surrounding 17 of Sedgwick County’s cities to be presented for consideration and recommendation by the designated cities’ planning commissions. The UAOI boundaries for all 17 cities are shown on the attached 2035 Urban Growth Areas Map, and are labeled as “small city urban growth areas.” The boundaries of each city’s territory that is subject to UAOI review is currently the same as the “small city urban growth areas” depicted on the 2035 Urban Growth Areas Map. The City of Garden Plain is one of the 17 cities that was granted UAOI authority.

The City of Garden Plain has requested that its UAOI boundary be expanded from its current boundary (as depicted in blue on attachment 2) to an expanded area (shown in red on attachment 2) enclosed by West 6<sup>th</sup> Street South (north), South 263<sup>rd</sup> Street West (east), West 23<sup>rd</sup> Street South (south) and South 311<sup>th</sup> Street West (west). (See attached letter from Garden Plain.) The overwhelming majority of the land included in the expansion area is farmland that is zoned RR Rural Residential.

The request would expand Garden Plain’s UAOI to a total of six square-miles. Currently, Garden Plain has approximately 0.7 of a square-mile of UAOI territory. Garden Plain’s UAOI territory is the smallest of those cities having such review authority. Garden Plain’s request to expand its UAOI is permitted by

UZC Sec. II-V.K. Garden Plain’s existing urban growth area and UAOI boundary were developed in 2014 as part of the development of the County’s *Community Investments Plan* (comprehensive plan). Since that time staff has received additional information regarding Garden Plain’s projected growth expectations and recent annexation activities (see Garden Plain’s attached letter).

Data developed as part of the update of the Wichita-Sedgwick County *Community Investments Plan* reports that over the time period 2005 to 2014 Garden Plain added, in a typical year, three new dwellings units. In contrast, in an average year during that same ten-year period Derby added the most dwelling units with 108 dwelling units; Goddard added 39 dwelling units and Cheney added 29 dwelling units. Of the 17 cities that have UAOI authority, Garden Plain’s

estimated 2014 population (879) ranks 14<sup>th</sup>. Derby has the largest population of the cities that have UAOI authority (23,234); Bentley is the smallest (524) excluding that portion of the City of Sedgwick located in Sedgwick County. By 2035 Garden Plain is projected to grow in population by 121 people to 1,000 people. Assuming an average household size of 2.5 that equates to a projected need for 48 additional dwelling units over the next 20 years or 2.4 dwelling units per year.

Under the provisions of UAOI review authority, cities are provided the opportunity to review certain land use applications within 30 days of notice that an application that is subject to potential review has been filed. If the city planning commission recommends denial, the BoCC can override the denial recommendation with a two-thirds vote upon first hearing. If the case were to be returned to the MAPC for reconsideration, the BoCC can approve the request with a simple majority vote upon second hearing.

**CASE HISTORY:** Prior to the adoption of UAOI, the UZC had provisions for “zoning area of influence” review authority that was similar to UAOI review authority. “Zoning area of influence” review authority was initiated in 1985 and utilized different boundaries, usually larger than that granted under UAOI. “Zoning area of influence” also had a requirement for a unanimous vote requirement to override a city’s recommendation for denial, instead of a two-thirds majority vote or simple majority on second hearing.

**PUBLIC SERVICES:** “Urban area of influence” review provides an early notice to a city that development is planned in an area that the city may currently serve or is likely to serve, and may serve to facilitate the planning for and the delivery of services where multiple jurisdictions may be involved. Other methods other than current UAOI procedures can or have been implemented to provide early notice of zoning applications, such as the “early warning notice.”

**CONFORMANCE TO PLANS/POLICIES:** As noted above, the authority for UAOI review is contained within the UZC. There is not any statutory requirement that a county has to grant a city zoning review authority in areas where a county has established county zoning. As described on the 2035 Urban Growth Areas Map, Small City Urban Growth Areas are generally located adjacent to existing municipal boundaries. The designated areas indicate the likely direction and magnitude of growth these communities can expect to experience out to the year 2035. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

**RECOMMENDATION:** A windshield survey of land located within the city limits of Garden Plain reveals 67.5 acres of undeveloped ground located at the northeast corner of 295<sup>th</sup> Street and U. S. 54. Another vacant 133 acres are located at the southeast corner of 295 Street and U. S. 54. The two vacant tracts total 200.5 acres. Finally, there are approximately 60 platted vacant lots located in the Pretty Flowers Addition located in the southeast section of Garden Plain (east of 295 Street, one-half mile north of 23<sup>rd</sup> Street. Over the last ten years Garden Plain has built an average of three new dwelling units per year. The projected 2035 population growth for Garden Plain results in a projected housing need of an average of 2.4 dwelling units per year. If all projected 48 dwelling units were developed on 4.5-acre lots or tracts that equals the need for 216 acres to accommodate the projected growth rate.

At the time the Board of County Commission converted the zoning area of influence to the urban area of influence there was much discussion about ensuring that the urban area of influence be applied to lands that were likely to be developed within the projected time frames. Inclusion of land in the urban area of influence located beyond the projected time frame adds an extra layer of review that can be considered by land owners, developers and builders as excessive.

Although land located within Garden Plain's existing city limits can accommodate projected growth, Garden Plain should be afforded an expanded UAOI to account for unexpected growth that can accommodate a range of housing choices. It is recommended that Garden Plain's UAOI boundary be expanded to the following boundary depicted on attachment 2 in yellow: West 6<sup>th</sup> Street South (north), South 279<sup>th</sup> Street West (east), West 23<sup>rd</sup> Street South (south) and South 311<sup>th</sup> Street West (west). The recommendation is based upon the documented ten-year rate of an average of three new dwelling units per year cited above and the presence of 200 acres of vacant land and approximately 60 undeveloped lots located inside Garden Plain's existing city limits.

**DAVE BARBER**, Planning Staff presented the Staff Report.

**DOOL** asked if Garden Plains has any plans for expansion into the yellow area that is outlined on the map.

**BARBER** replied not that Planning Staff is aware of.

**RANDAL HUBERT, 150 SOUTH BLUEBELLS, GARDEN PLAIN, KANSAS, MEMBER OF THE GARDEN PLAIN PLANNING COMMISSION** introduced Chris Drum, President of the Garden Plain Planning Commission, Bonnie Kooper, Deputy City Clerk and Bobby Thompson, City Council Member.

**HUBERT** referred to the aerial map of Garden Plain and indicated the low lying area in the floodplain on the west side of town which prohibits expansion to the west. He also indicated where the floodplain areas were on the east and south sides of the City. He presented a PowerPoint presentation on the City's request for modification of their urban area of influence boundary. He referred to a map indicating their request and said the area included the area enclosed by West 6th Street South (north), South 263rd Street West (east), West 23rd Street South (south) and South 311th Street West (west).

**HUBERT** indicated the purpose of the request for modification of the boundary was to: (1) Protect the integrity of the lifestyle currently existing in and surrounding the city and community of Garden Plain; (2) Provide a local government body for local citizens to present issues affecting them that is convenient and available after work hours; and (3) Have formal input over infrastructure and development patterns that will impact city government and citizens in the area in future years. He said the reason they were making the request was the Change to ZAOI's to UAOI's on October 21, 2015 greatly reduced size of areas of influence; and the new areas and maps were keyed to growth projections included in the Wichita-Sedgwick County community investment plan approved by the MAPC in August of 2015.

**HUBERT** indicated the map used to determine the new urban area of influence boundary was in large part based upon a 9 year old published Garden Plain comprehensive plan which was based on figures from the 5-10 year period prior to 2007 and does not adequately represent recent

growth and changes in the City of Garden Plain and the surrounding area. He said much of the area on the new urban boundary map is unavailable for development because of the floodplain. He said the new UAOI maps also reflected a discussion with representatives from each of the cities; however, the discussion with the Garden Plain representative was based upon a miscommunication (a communication failure due to turnover among staff), and the Garden Plain City Council and Mayor were not a party to these discussions and believe the map area represented is insufficient.

**HUBERT** asked that the staff recommendation in the Staff Report dated December 3, 2015 be adopted. He continued by stating that Garden Plain has experienced a 6.25% population growth from 2000 to 2010. He reviewed housing statistics stating that the housing growth rate change was 24 new dwelling units were added from 2005 to 2014 for an average of 3 new dwelling units per year. He said 18 new dwelling units were added from 2012 to 2015 which was an average of 4.5 new units per year or a growth rate of 5.2%. He reviewed annexation activity consisting of 233.6 acres acquired in 2014 to the east and north of the City and possible annexation of 40 acres to the west. He briefly reviewed gas, sewer and water services outside the city limits.

**HUBERT** indicated that the City's large sewer plant on the southern border of the City was not included within the projected growth area for the City on the 2035 Urban Growth Area Map and the City's own plant was not included in the new UAOI. In addition, he added that there were three dwellings immediately bordering the south side of the city limits that are connected and using the city sewer line but were not included in the 2035 Urban Growth Area Map or the new UAOI area. He added that the City has an additional capacity of at least 30%.

**MOTION:** To allow the speaker an additional two minutes.

**RICHARDSON** moved, **DENNIS** seconded the motion and it carried (10-0).

**HUBERT** indicated that the Garden Plain police department courtesy assists in serving many of the outlying areas near the city with courtesy assistance to the Sedgwick County Sheriff's department which include the large housing development to southwest; large housing development to south; and large housing area to the west of the city; in addition to assisting in every direction.

**HUBERT** concluded by saying that there are several clusters of housing additions outside the city limits to the west, southwest, and south on water well and sewer lagoons that are located within a mile or two of city borders and in the future may very well require sewer and water services. He said the City of Goddard project will likely greatly enhance desirability of housing in the western Sedgwick County and increase housing growth in the area. He thanked the Commission for the opportunity to present their request and asked for approval.

**ELLISON** asked if the City had an industrial park and if the railroad that goes into town was still active.

**HUBERT** said they have the coop elevator and some industrial areas within the City, but not an "industrial park" per se. He said the railroad corridor is no longer active and has been turned into a walking trail that goes east to Goddard.

**MCKAY** asked if they agreed with the staff recommendation on the latest map.

**HUBERT** said they were staying with their original request. He said they were unaware of staff's latest recommendation and he was not in a position to address that. He said homes have been built in the area outside of the staff recommendation.

**MCKAY** asked about project housing growth within the next ten years.

**HUBERT** said he has no idea and referred to previous housing growth figures. He said growth in Pretty Flowers Addition has really taken off within the last couple of years.

**MCKAY** referred to numbers in the Staff Report and asked if those accurately represent projected growth in the area.

**HUBERT** said a lot of the 200 acres referred to in the Staff Report were he believed located in the floodplain.

**MCKAY** said based on the acreage and the lots it will take the City approximately 25-30 years to develop the land they were requesting. He said during development of the revised Comprehensive Plan small towns were requesting vast areas that they would never be able to provide services for. He said it hinders industry development because the local jurisdiction may not like what was being proposed. He commented that the County Commission did not even want the UAOI the Planning Commission recommended and wanted to cut back the areas even more. He said he believed their request was excessive.

**HUBERT** relayed a discussion the Garden Plain Planning Commission had stating that Garden Plain has been very conservative over the years in not annexing areas and pushing things and now they feel like they are being punished for not being aggressive in the past. He said growth is occurring now and those areas outside the City limits are trapping future growth.

**MCKAY** (OUT @2:46 p.m.)

**DAILEY** suggested requiring people outside the City limits to request annexation if they want City services.

**HUBERT** said right now the majority opinion is that they don't want to be in the City limits. He added that they do provide police services on a courtesy basis.

**DAILEY** asked Mr. Hubert to justify why they think they need so much area.

**HUBERT** said some of the housing developments that have their own sewer and lagoons will at some point as the City grows eventually be within the City limits. He said that will increase costs for services if the lots area bigger. He said they would like to control growth on the borders of the City so that services are used in an efficient manner.

**DAILEY** commented so Garden Plain wants to control the area and not the Sedgwick County Commission.

**HUBERT** indicated that Garden Plain was a small, tight knit community and citizens want to address their concerns on zoning issues to people who live in the same community.

**GOOLSBY** commented that Garden Plain did not have much urban growth area outside the City limits according to the 2035 Urban Growth Area Map compared to other small cities. He asked if the Commission approved staff's recommendation, how long Mr. Hubert thought that would serve the community.

**HUBERT** replied that was a good question and he said the City needs to update its own Comprehensive Plan and see where we are at and where we are going. He said the fact that their Comprehensive Plan is from 2007 was a disadvantage because they did not have all the facts and figures to best address their request for a larger area.

**GOOLSBY** commented that staff recommendation would probably more than serve the area for the next 20 years.

**HUBERT** commented that they would be pleased with that.

**RICHARDSON** asked if the City has allowed people to buy water and sewer services without being annexed. He referred to the map of the area and whether the City could provide services within a certain area.

**HUBERT** said he was not sure he could answer that. Garden Plain staff present said the City would require annexation to provide water and sewer.

**DAILEY** indicated they need to update their Comprehensive Plan prior to requesting this change because they have not provided the Planning Commission enough information.

**TODD** asked about the population of Garden Plain and commented that growth is market driven.

**HUBERT** commented that the last several years' growth in the area has been really good. He mentioned two developments in addition to new private homes.

**CHAIR NEUGENT** asked about the December 3, 2015 document Mr. Hubert referred.

It was clarified that he was referring to a Staff Report.

**DAILEY** asked staff to clarify what vote was needed to do what action.

**KNEBEL** stated that this would amend text in the UZC so they would need a majority of the body to pass the motion.

**CHAIR NEUGENT** clarified so with nine Commissions if two people vote not, the request does not pass.

**RICHARDSON** clarified that the issue would go to the County Commission for a final decision.

**GOOLSBY** said he supports staff's recommendation which he believes will serve the community's needs for the next 20 years. He added that he agreed with Commissioner Dailey's comment that it would be better if they had an updated Comprehensive Plan.

**CHAIR NEUGENT** said she supports staff recommendation and added that although the Garden Plain Comprehensive Plan may not be up-to-date, MAPD Staff spent time coming up with the adjusted recommendation.

**MOTION:** To approve subject to staff recommendation.

**RICHARDSON** moved, **GOOLSBY** seconded the motion, and it failed (7-2). **DAILEY** and **TODD** – No. It was later determined that the vote **PASSED.**

**JUSTIN WAGGONER, ASSISTANT COUNTY COUNSELOR** indicated that meant the proposed action did not pass because it would be a change in the UZC.

**CHAIR NEUGENT** asked if there was another opportunity for a motion or was that it. She asked the Commission if anyone had a substitute motion.

**WAGGONER** indicated the motion was the compromise and added that there would be an appeal to the County Commission.

**KNEBEL** indicated that the request would automatically go before the County Commission. He added that he believed the County Commission could approve the request with a two thirds majority vote.