

EXCERPT MINUTES OF THE NOVEMBER 20, 2014 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: CUP2014-00024 and ZON2014-00019(deferred from 8-21-14) – Socora West, LLC (Attn: Lori Ward) / Baughman Company, P.A. (Phil Meyer) request a County zone change from SF-20 Single-family Residential to LC Limited Commercial and County request to create commercial Community Unit Plan CUP DP-335 on property described as:

Lot 1, Block A, Countryside Pentecostal Holiness Church Addition to Wichita, Sedgwick County, Kansas.

AND

Lot 1, Block 1, Roberts and Morriss Addition to Wichita, Sedgwick County, Kansas.

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.

DALE MILLER, Planning Staff presented the Staff Report.

RUSS EWY, BAUGHMAN COMPANY, PA, AGENT FOR APPLICANT mentioned that the case was originally scheduled to be heard in late August; however, there were some notification issues that delayed the hearing. He said staff has received comments from area residents and he was able to speak with several surrounding property owners at the August 21, 2014 Planning Commission Meeting. He said the applicant has tried to address issues concerning the neighborhood as best they can. He said there was a desire to limit or prohibit commercial access on to Forest View. He said the applicant has agreed to that with the caveat that there is a church access point on to Forest View. He said other issues included more intensive 24/7 types of uses such as convenience stores and fast food restaurants, which they have prohibited on the west 200 feet of parcel 1, that is adjacent to residential zoning. He said other than those concessions; the CUP is comparable to other developing CUP's adjacent to existing residential areas.

CHARLES PEASTER, 9453 NORTH 135TH STREET WEST said he was present to represent Ray Bose, 13414 W. 23rd Street North. He indicated that Mr. Bose owns property to the north of the site. He said Mr. Bose would like to see car washes, nightclubs in the county, restaurants, service stations, taverns

and drinking establishments excluded in the CUP. He added that Mr. Bose would also like to see the trees on the backside of the property maintained as cover for protection of the land he farms.

EWY said taverns, car washes, nightclubs and service stations are already precluded in the CUP so they have no problem accepting those restrictions. He said as far as restaurants are concerned, they restricted drive through facilities to 200 feet away from residential uses. He said they would like to keep the provision for “sit down” types of restaurants and would be willing to discuss keeping them 200 feet from residential zoning as well. He said the applicant plans to maintain the existing vegetation to provide screening. He concluded by stating that in general terms, they are in agreement with Mr. Bose’s requests.

FOSTER asked for clarification of the restaurant provision.

EWY clarified that there would be a 200 foot buffer along the north and west property lines so that would exclude restaurants (both fast food and sit down) within 200 feet of residential zoning. He indicated where fast food and sit down restaurants would be allowed in the CUP. He said if someone wanted the northeast corner for either a fast food restaurant or a car wash, the applicant would need to come back before the Planning Commission to amend the CUP.

MOTION: To approve subject to the staff recommendation with the inclusion of the restrictions on restaurants.

DENNIS moved, **MCKAY** seconded the motion, and it carried (8-0).