

**EXCERPT MINUTES OF SEPTEMBER 21, 2017, WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION MEETING**

**Case No. ZON2017-00036** - County Zone Change from SF-20 Single Family to LC Limited Commercial, generally located on the northwest corner of 119<sup>th</sup> Street West and 31<sup>st</sup> Street South on property described as:

The North 510.00 feet of the South 540.00 feet of the West 510.00 feet of the East 550.00 feet of the Southeast Quarter, Section 1, Township 28 South, Range 2 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas.

**BACKGROUND:** The applicant seeks to rezone 5.7 acres from SF-20 Single-Family Residential (SF-20) to LC Limited Commercial (LC). The property is located on the northwest corner of the intersection of West 31<sup>st</sup> Street South and South 119<sup>th</sup> Street West. The applicant owns the 25 acres abutting the application area to the north and west. The parcel is located in unincorporated Sedgwick County; however, the City of Wichita city limit is located 80 feet to the east, across South 119<sup>th</sup> Street West, and 172 feet southeast, across the intersection of South 119<sup>th</sup> Street West and West 31<sup>st</sup> Street.

The applicant’s intention is to expand the range of uses permit on the property to make it more attractive for development. The SF-20 district permits large lot residential uses and a limited range of public and civic uses, by-right, such as: “church,” “park,” “school” and “utility, minor.” The LC district permits a much wider range of uses: single-family residential, multi-family residential, office and retail uses, by-right.

By code, requests for LC zoning containing six acres or more under unified ownership require Community Unit Plans (CUP) or an associated Protective Overlay (PO) to accompany the zone change request. The applicant’s agent has indicated agreement to the inclusion of a requirement for a PO that will require the submission a development plan similar to a CUP prior to the issuance of building permits.

The 25 acres located to the north and west, owned by the applicant, is zoned SF-20, and is used for farming. North of the applicant’s larger ownership, 527 feet north of the application area, are two homes zoned SF-20. Land located to the east, across South 119<sup>th</sup> Street West is also zoned SF-20, but is located within the City of Wichita, is platted as the Sky West 4<sup>th</sup> Addition and is undeveloped. Land located to the southeast is also located within the City of Wichita, is zoned IP Industrial Park (IP) subject to a PO and is undeveloped. Property located south, across West 31<sup>st</sup> Street South is in the County, is zoned SF-20 and is farm land. GC General Commercial zoning is located approximately 3,000 feet north of the application area, and is subject to the development standard of CUP DP-312.

**CASE HISTORY:** The property’s zoning was established when county-wide zoning was established in 1985. The parcel has not been platted.

**ADJACENT ZONING AND LAND USE:**

North: SF-20 (County)	unimproved parcel, single family homes
South: SF-20 (County), IP (City)	unimproved parcel, single family homes
East: SF-20 (City)	unimproved parcel, single family home
West: SF-20 (County)	unimproved parcel, single family home

**PUBLIC SERVICES:** South 119<sup>th</sup> Street South is a paved arterial street. West 31<sup>st</sup> Street South is a gravel arterial street. Public Utilities are not currently available on site. The closest municipal services a located one mile to the north and one mile to the east.

**CONFORMANCE TO PLANS/POLICIES:** The Future Growth Plan Map of the *Community Investment Plan* depicts the subject site as suitable for both Residential and New Employment. A commercial use would fall within the New Employment portion of that category.

**RECOMMENDATION:** Based upon the information available at the time the staff report was prepared, it is recommended that the application be approved, subject to conditions stated in the following Protective Overlay:

1. Prior to the issuance of a building permit a development plan shall be submitted for MAPC approval. The development plan shall address construction standards similar to those found in a CUP, including but limited to: permitted uses, maximum gross floor area, building height, building setback, parking, screening, etc.
2. No building permits shall be issued until the site is served with sewer, water, stormwater or other utilities typically associated with nonresidential uses.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The 25 acres located to the north and west, owned by the applicant, is zoned SF-20, and is used for farming. North of the applicant's larger ownership, 527 feet north of the application area, are two homes zoned SF-20. Land located to the east, across South 119<sup>th</sup> Street West is also zoned SF-20, but is located within the City of Wichita, is platted as the Sky West 4<sup>th</sup> Addition and is undeveloped. Land located to the southeast is also located within the City of Wichita, is zoned IP Industrial Park (IP) subject to a PO and is undeveloped. Property located south, across West 31<sup>st</sup> Street South is in the County, is zoned SF-20 and is farm land. GC General Commercial zoning is located approximately 3,000 feet north of the application area, and is subject to the development standard of CUP DP-312.
2. The suitability of the subject property for the uses to which it has been restricted: The SF-20 zoning is in keeping with the majority of the surrounding zoning and development. However, there is commercial development and zoning not far to the north and there is Industrial Park zoning across the intersection to the southeast. Further, the future land use designations recognize either future Residential or Commercial development for this property.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the zone change would likely not detrimentally affect nearby property. Site design standards and infrastructure issues will be taken care of with the stipulations of the Protective Overlay.
4. Length of time the property has remained vacant as currently zoned: The property is currently undeveloped.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Future Growth Plan Map of the *Community Investment Plan* depicts the subject site as suitable for both Residential and New Employment. A commercial use would fall within the New Employment category.
6. Impact of the proposed development on community facilities: There are not currently Public Utilities available for this site. These factors will be addressed with the stipulations of the Protective Overlay that will have to take place prior to the issuance of a Building Permit.

**KYLE KOBE**, Planning Staff presented the Staff Report.

**WILL CLEVINGER, RUGGLES AND BOHM, 924 N. MAIN STREET, WICHITA, KANSAS, AGENT FOR THE APPLICANT** said the applicant is in agreement with staff comments. He stands for stand for questions.

**TAMIE SHERIDAN 12340 W 34<sup>TH</sup> COURT SOUTH, WICHITA, KS** said she is concerned with having commercial development coming to a single-family zone. She said the neighborhood currently houses about fifty houses and phase two and three has been black topped with thirty-two sold lots. She said her house looks directly into the plat in question and her concern is that at some point it will become a parking lot with rumors that UPS bought the property, however she cannot confirm. She stated that it's a two-lane road at 60 mile per hour and

adding trucks she would highly recommend for it not to be rezoned to commercial but instead keep it single family residential.

**FOSTER** mentions that condition number one in the staff report states the development plan, and when developed it will include permitted uses. He believes the speaker has raised good questions concerning permitted uses. He states that permitted uses have not been settled at this point. .

**SHERIDAN** said her biggest concern is that uses have not been established and if sold she does not know if she has any say to express her concerns after the fact that it has been rezoned.

**KNEBEL** commented that the conditions in the protective overlay do required that there be a development plan approved not by staff but by Planning Commission with another public hearing on the property before it is developed.

**CLEVINGER** said that they would propose that the uses and limitation be addressed at the CUP. He adds that platting will be required.

**RICHARDSON** commented that in some ways it is better to have it re zoned before there are residential uses. He said there have been several cases where people build their homes not knowing they are building next to commercial uses. He added that the same person owns the surrounding property and if there is detriment to this, it will be to the property owners as oppose to other people.

**GREENE** commented that it would be helpful if here were north arrows on maps when presented to the Commission not only in the packets but as well as on the presentation images.

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

**GREEN** moved, **WARREN** seconded the motion, and it carried (12-0).

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