

**EXCERPT MINUTES FROM THE MARCH 3, 2016 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION**

Case No.: ZON2016-00005 and CUP2016-00004 - Christopher and Rosalynn Redmond (Owners) and Baughman Company, P.A. c/o Russ Ewy (Agent) request a County zone change request from SF-20 Single-family Residential to LC Limited Commercial and associated Community Unit Plan (CUP) request on property described as:

A tract of land described as the East 660 feet of the South 660 feet of the Southeast Quarter of Section 36, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; EXCEPT for road rights-of-way and EXCEPT that part deed to the City of Wichita.

BACKGROUND: The applicant requests LC Limited Commercial (LC) zoning subject to the development standards contained in the proposed Redmond Commercial Community Unit Plan (CUP) DP-339. The unincorporated, 8.3-acre site is zoned SF-20 Single-family Residential (SF-20); it is unplatted and undeveloped. The Wichita-Sedgwick County Unified Zoning Code (UZC) requires a CUP for LC zoned sites of 6-acres or more that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and organized commercial development to certain standards prescribed by the UZC.

The site is located at the northwest corner of South 119th Street West and West Pawnee Avenue. The unincorporated site is surrounded on four sides by the City of Wichita. North and west of the site are SF-5 Single-family Residential (SF-5) zoned residential neighborhoods in the Turkey Creek 2nd Addition. South of the site, across West Pawnee is LC and GO General Office (GO) zoned property under DP-312, The Girrens Addition Commercial CUP. DP-312 is undeveloped and used for agriculture and one single-family residence. DP-312 has similar development standards as those proposed for the application area, and identical use restrictions. East of the application area, across South 119th Street West, is an SF-5 zoned church. Southeast of the site, at the southeast corner of South 119th Street West and West Pawnee Avenue, is unincorporated, SF-20 zoned land that is used for agriculture with no improvements.

The proposed DP-339 is divided into three Parcels. The applicants propose all permitted uses in the LC zoning district with the following prohibitions: adult entertainment, sexually oriented business, correctional placement residences, night club in the city or county, and tavern/drinking establishment. Restaurants with drive-through windows, convenience stores, service stations and vehicle repair uses are not permitted within 200 feet of residential uses. Restaurants with drive-through windows shall be designed to ensure queuing lanes will not align vehicle headlights to face residential zoning. No overhead doors shall be allowed within 200 feet of residential uses and shall not be facing any residential zoning district. Exterior audio systems that project sound beyond the boundaries of the CUP are prohibited.

The proposed DP-339 includes the UZC required masonry wall where abutting residential zoning. It also includes parking, setback, signage, lighting, landscaping and screening standards that meet or exceed code requirements and restrictions. The proposed CUP includes standards for architectural consistency, cross-lot circulation, and pedestrian circulation connected to the sidewalks along arterial streets.

CASE HISTORY: The site is unplatted and undeveloped.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residential
SOUTH:	LC, GO	Agriculture, single-family residential
EAST:	SF-20	Church
WEST:	SF-5	Single-family residential

PUBLIC SERVICES: South 119th Street West and Pawnee are both section line arterial streets at this location with 50-foot half-width right-of-way (ROW) adjacent to the application area, tapering to 75-foot half-width ROW at the intersection. The applicant anticipates dedicating 10 feet of ROW on each frontage through platting, putting each frontage at the Access Management standard of 60 feet. Proposed access points on the CUP meet Access Management spacing. Access controls, turn lanes, decel lanes, a drainage plan and other improvements will be finalized during platting. 119th currently has four travel lanes, a central turn lane and an intersection right turn lane at this location. Pawnee currently has two lanes with a central turn lane and right turn lane at the intersection. Current traffic counts on this portion of 119th and Pawnee are 4,825 and 1,095 vehicles per day respectively. The proposed CUP could have a total of 126,167 commercial square feet. With the ITE Manual estimate of 42 cars per day trip generation per 1000 square feet of shopping center space, this CUP could generate an additional 5,292 vehicles per day to this intersection. All utilities are available to the site, and the CUP indicates that all utilities will be placed underground.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita Growth Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "Residential and Employment Mix." The Locational Guidelines of the Comprehensive Plan encourage major commercial development at arterial street intersections. This application meets the Comprehensive Plan Land Use Compatibility and Design recommendations regarding screening, buffering, shared internal vehicular and pedestrian circulation, access controls, noise and lighting controls and aesthetic considerations.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the proposed CUP and zone change be APPROVED, subject to platting within one-year and the following conditions:

- A. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after 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: North and west of the site are SF-5 zoned residential neighborhoods in the Turkey Creek 2nd Addition. South of the site, across West Pawnee is LC and GO zoned property under DP-312. DP-312 is undeveloped and used for agriculture and one single-family residence. East of the application area, across South 119th Street West, is an SF-5 zoned church. Southeast of the site, at the southeast corner of South 119th Street West and West Pawnee Avenue, is unincorporated, SF-20 zoned land that is used for agriculture with no improvements.

2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned SF-20 and could be developed with single-family residences on half-acre lots. If the site were annexed into the City of Wichita, the zoning would automatically become SF-5, and the site could be developed with urban scale lots. However, this arterial street intersection location is not conducive to low density residential development. Arterial street intersections are suitable for commercial development, as proposed by the applicant.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The LC zoning request and CUP will allow significantly more intense development on this site. Nearby property could be most affected by increased traffic to this site, and will be affected by increased light, noise, trash and other impacts of commercial development. The proposed CUP and existing development codes should mitigate those impacts.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:

The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita Growth Area. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "Residential and Employment Mix." The Locational Guidelines of the Comprehensive Plan encourage major commercial development at arterial street intersections. This application meets the Comprehensive Plan Land Use Compatibility and Design recommendations regarding screening, buffering, shared internal vehicular and pedestrian circulation, access controls, noise and lighting controls and aesthetic considerations.

5. Impact of the proposed development on community facilities: The project will generate increased traffic and demand for City services at this site. However, the Comprehensive Plan anticipates commercial development to occur at arterial intersections such as this location. Final access controls and improvements will be determined during platting.

JESS MCNEELY, Planning Staff presented the Staff Report. He reported that he has received e-mail contact from two neighbors. He said one e-mail was included with the Staff Report in the agenda packet and one e-mail was provided at today's hearing as a handout. He said both correspondence requested that the screening wall requirement be eight feet. He said some neighbors received incorrect information that a five foot wall was being proposed, which would not meet the requirements of the UZC. He said the CUP calls for a 6-8 foot wall which is typical of most CUP's. In addition, there is a requirement that dumpsters and trash collectors be

screened from view and this CUP proposes a 20 foot setback. He added that building setbacks will be at least 40 feet from property lines. He said the real concern from surrounding neighbors is what is being developed at the site. He said there is no identified commercial activity at the location.

MILLER STEVENS requested clarification on surrounding zoning.

MCNEELY clarified that the church located to the east is zoned SF-5.

FOSTER asked if trash and screening can be located in the setback.

MCNEELY said screening does not require a foundation and they have never considered screening building walls and subject to the setback.

KNEBEL clarified that screening is allowed in the setback by the UZC.

RICHARDSON said access controls are shown on the CUP drawing but this has not been platted.

MCNEELY clarified those are proposed access controls to be determined at platting.

RICHARDSON suggested that the CUP drawing needs to have dimensions on the parcels. In addition, he added as a general comment that the Commissioners need CUP drawings that they can read. He asked about #7, and how it compares with the sign ordinance.

MCNEELY commented that provision #7 is more restrictive than the Sign Code.

RICHARDSON referenced #10 and asked for a definition of the phrase “extensive use” and how that would be enforced. He also asked about the terms fluorescent and backlit.

MCNEELY responded that there is no definition of “extensive use” in the UZC so he sees Commissioner Richardson’s point. He read provision #10.

WAGGONER indicated that would be difficult to prosecute.

MCNEELY said the “use of backlit canopies, neon or fluorescent tube lighting on buildings is not permitted” lumps them in all together so that any one of those extensively used is not permitted. He said Code Enforcement would consider it extensive if any one of those went the entire length of the façade.

DIRECTOR MILLER said that language is 16-18 years old and was developed to prevent a canopy or an awning that is loaded up with light so that the fabric becomes a magnifier. He said the language was designed to minimize light pollution.

RICHARDSON asked about the 6-8 foot wall and who decides that.

MCNEELY said that language is from the UZC and it’s a minimum of 6 feet, not to exceed 8 feet, or anywhere in between those two heights.

RUSS EWY, BAUGHMAN COMPANY, AGENT FOR THE APPLICANT said they are in agreement with staff comments. He said he would address any questions.

FOSTER asked about room for the landscape buffer on the north side of the property.

EWY said there is approximately 15 feet for the landscape buffer and 30 feet for the drive. He clarified that there was a five foot wall “easement”. He said a five foot wall was never proposed.

DAILEY asked if it would be unreasonable to ask for an eight foot wall up against residential areas.

EWY said he did not believe it would be an unreasonable request. He said no specific user is currently going into the location. He said when they did the Turkey Creek 3rd Addition at 135th and Pawnee they did a commercial intersection. However, with Turkey Creek 1st and 2nd Additions, they regrettably did not do the commercial corner and are now having to notify 65 property owners in the area so he does not believe an eight foot fence is an unreasonable request at this juncture.

LINDA PAPPAS, 2211 SOUTH ROGERS LANE said she was present to speak for **WALLY BELL, 2222 SOUTH ROGERS LANE** who was out of town. She said his property is adjacent to the commercial property. She said they are not opposed to commercial development but they are opposed to the height of the fence. She said Mr. Bell lived next to a commercial property with a six foot fence and when the property was robbed the person jumped over the fence into his backyard. She said they want eight foot fencing or concrete. She said this would also cut down on trash which they get enough of from the vacant lot.

ERNIE ALONZA, 2311 SOUTH ROGERS LANE said his only concern is what exactly is going in the location. He said he doesn’t know what the boundaries are on what can go in there once this is approved. He said Pawnee Road is not made for any more traffic and they are constantly filling potholes in it every month. He said he is also concerned about any flashing signs. He said this is a new, quiet neighborhood that they try to keep clean. He also mentioned blowing trash and weeds on the site. He concluded by saying that he would like to find out exactly what was going in there.

MARK GRABER, 2226 SOUTH ROGERS LANE which is adjacent to the property. He said he is concerned about the height of the signage and would also like the height of wall to be at least eight feet. He said he was curious if there was a rule about signage being higher than the wall and also light from signage causing light pollution in the area. He concluded by mentioning that there was no shoulder on Pawnee west of 119th Street and he doesn’t know if that is going to be fixed before this is developed or not.

EWY said although they have dedicated right-of-way to the City under separate instrument, once they replat the property all paving and accelerator, decelerator lanes and any road improvements will be guaranteed at that time. He said they really don’t have a timeframe for development of this property; however, residential is typically around this type of commercial development so they are “catching up” so to speak. He said sign height in the CUP is 15 feet.

FOSTER clarified that any signage will probably occur along the arterial road. He also asked about restricted uses in the CUP document.

EWY said signage would occur along the arterial road. He said language in the CUP is standard and is the exact same use list as used for the CUP at 135th and Pawnee. He said all standard uses that residential would find offensive such as adult uses, liquor stores and those types of businesses are prohibited which opens it up for standard commercial retail and office type uses.

MOTION: To approve subject to staff recommendation with the addition of an eight foot wall.

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

MCKAY mentioned that this property is asking for LC Limited Commercial zoning and there is a big difference between that and GC General Commercial development.

DENNIS mentioned that he was also having difficulty reading the electronic version of the CUP drawings. He said he realizes that the Subdivision Committee gets hard copies of the plats and makes a recommendation to the entire Commission. He said he would like to get a better view of the CUP's electronically.

DIRECTOR MILLER said staff would look into that.
