

**EXCERPT MINUTES OF JULY 7, 2016 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION MEETING**

Case No.: PUD2016-00005 - Michael and Tina Andra Living Trust (applicant/owner); Baughman Company, P.A. c/o Russ Ewy (agent) request to create a County PUD Planned Unit Development on RR Rural Residential zoned property on property described as:

Commencing at the Northwest Corner of the Northwest Quarter of the Northeast Quarter, Section 15, Township 28 South, Range 1 West of the 6th Principal Meridian; thence with an assumed bearing of South 01°38'53" West along the West line of the Northwest Quarter of said Northeast Quarter 40.02 feet, more or less; thence South 90°00'00" East parallel with the North line of the Northwest Quarter of said Northeast Quarter 365.00 feet, more or less, for a point of beginning; thence continuing South 90°00'00" East parallel with the North line of the Northwest Quarter of said Northeast Quarter 100.00 feet; thence South 01°38'53" West parallel with the West line of the Northwest Quarter of said Northeast Quarter 350.10 feet, more or less; thence South 90°00'00" East parallel with the North line of the Northwest Quarter of said Northeast Quarter 515.84 feet, more or less; thence South 01°07'30" West parallel with the East line of the Northwest Quarter of said Northeast Quarter 837.15 feet, more or less; thence North 89°52'32" West parallel with the South line of the Northwest Quarter of said Northeast Quarter 738.33 feet, more or less; thence North 01°38'53" East parallel with the West line of the Northwest Quarter of said Northeast Quarter 835.73 feet, more or less; thence South 90°00'00" East parallel with the North line of the Northwest Quarter of said Northeast Quarter 114.88 feet, more or less; thence North 01°38'53" East parallel with the West line of the Northwest Quarter of said Northeast Quarter 350.10 feet, more or less, to the to the point of beginning.

BACKGROUND: The undeveloped application area is in the unincorporated county and located south of West Macarthur Road, between South Ridge and South Hoover Roads. The southwest corner of the site is within mapped flood zone. The applicants propose rezoning this property from RR Rural Residential (RR) to PUD #50, the Andra Commercial Planned Unit Development (PUD). According to the Unified Zoning Code (UZC), a PUD is intended to:

- (1) Reduce or eliminate the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;
- (2) Allow greater freedom in selecting the means to provide access, light, open space and design amenities;
- (3) Promote quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses; and
- (4) Allow deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this Code.

The un-platted 14.9-acre site is used for agriculture and sits within the applicant's larger 38.8-acre site. The PUD proposes keeping the balance of the 38.8-acre site as an open-space buffer. The PUD (see attached) specifies that landscaping and berm screening identified on the PUD is to be approved by staff, and is contingent upon the surrounding area remaining as open space.

The PUD states “The applicant may define this area as a reserve when platted, and/or as a conservation easement, in order to preserve this open space.” The PUD anticipates the extension of municipal water and sewer and platting. Annexation into the City of Wichita will occur along with these actions. The PUD is limited to 45,000 square feet of building coverage, 75,000 square feet of building space, 45-foot maximum building height and 50-foot building setbacks.

The PUD demonstrates access from one 24-foot drive. Parking for the first 20,000 square feet is 115 paved spaces. Additional building space will be provided parking at the rate of one parking space per 333 square feet of building space, or one parking space per four occupants for community assembly use. Demonstrated overflow parking on the PUD may be surfaced with an all-weather surface other than paving. Signage will be per commercial district regulations under the County Sign Code or under GC General Commercial signage under the City Sign Code. LED, billboard, portable and off-site signs are prohibited. Uses in the PUD are limited to those in the SF-20 Single-family Residential (SF-20) zoning district and the following: nightclub (as restricted for an event center in the PUD), agriculture, community assembly, broadcast/recording studio, event center, farmers market, office, restaurant and retail. Overnight accommodations are permitted accessory to the multi-use facility. The night club is limited to the UZC definition of an event center, limited to 500 persons, limited to a rental venue, may allow the service of food and alcoholic beverages and may allow music and dancing. The PUD limits event center hours to 8:00 am to 1:00 am Friday and Saturday, and 8:00 am to midnight Sunday to Thursday. The PUD designated outdoor activity area is accessory to the event center and farmer’s market. Tents are permitted in the outdoor activity area. Use of the outdoor activity area and outdoor music is limited to the hours of 10:00 am to 10:00 pm and subject to the UZC compatibility noise standard. Outdoor speakers in this area are further limited to 8:00 pm and shall be oriented to the interior of the site. Outdoor lighting requires shielding away from surrounding properties and is limited to 30 feet in height.

All property surrounding the application area is owned by the applicant, zoned RR, and used for agriculture. One 0.44-acre home-site, split off from the original 40-acres, exists 150-feet northeast of the site. Property further north (across Macarthur Road) and further east of the site is in the City of Wichita, zoned SF-5 Single-family Residential (SF-5) and developed with urban scale residential lots. Property further south and further west of the site is zoned RR and used for agriculture and large-lot residences.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residential
SOUTH:	RR	Agriculture, large-lot residential
EAST:	RR, SF-5	Agriculture, single-family residential
WEST:	RR	Agriculture, large lot residential

PUBLIC SERVICES: The site has frontage along Macarthur Road, a paved, two-lane arterial at this location with a daily traffic count of 5,232. Municipal services are available to the north and east of the site. The PUD requires connection to public water and sewer for development. Platting is required for utility extension and building permits. Access improvements will be determined at the time of platting. A drainage plan will be required at the time of platting.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies this location as within the 2035 Wichita growth area. The *2035 Wichita Future Growth Concept Map* identifies the site as “New Residential.” The Locational Guidelines of the Comprehensive Plan encourage commercial development at arterial street intersections, along highways and commercial corridors. This application meets the Comprehensive Plan Land Use Compatibility and Design recommendations regarding screening, buffering, access controls, noise and lighting controls and aesthetic considerations. The Plan’s *Priority Enhancement Areas for Wichita Infrastructure Projects Map* identifies this portion of Macarthur Road as a “Targeted Arterial,” and recommends considering the inclusion of site design features that increase the sense of quality of life through emphasis of visual character and aesthetic improvements.

RECOMMENDATION: Planning Staff worked with the applicant’s agent to modify this PUD request, ensuring compatibility with surrounding property and mitigation of potential impacts on nearby residential properties. The proposed open-space buffer keeps the PUD over 340 feet from nearby residential subdivisions. Based on information available prior to the public hearing, staff recommends the request be **APPROVED** subject to the following conditions:

- A. The applicant shall submit four revised copies of the PUD 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: All property surrounding the application area is owned by the applicant, zoned RR, and used for agriculture. One 0.44-acre home-site, split off from the original 40-acres, exists 150-feet northeast of the site. Property further north (across Macarthur Road) and further east of the site is in the City of Wichita, zoned SF-5 and developed with urban scale residential lots. Property further south and further west of the site is zoned RR and used for agriculture and large-lot residences.
- (2) The suitability of the subject property for the uses to which it has been restricted: The site could be developed with single-family residences on 2-acre minimum size lots under the current RR zoning.
- (3) Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed PUD permits uses which could impact nearby property owners. However, the proposed open space buffer surrounding the PUD, along with required landscaping, screening and development limitations, should mitigate impact on nearby properties.
- (4) Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will add mixed-use commercial development at the southwest Wichita City limit along W. Macarthur Road. Vehicle traffic and activity on the site could minimally impact Macarthur; mitigating development limits are included in the PUD. Denial of this request would presumably be a loss of economic opportunity for the land owner.

- (5) 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 this location as within the 2035 Wichita growth area. The *2035 Wichita Future Growth Concept Map* identifies the site as “New Residential.” The Locational Guidelines of the Comprehensive Plan encourage commercial development at arterial street intersections, along highways and commercial corridors. This application meets the Comprehensive Plan Land Use Compatibility and Design recommendations regarding screening, buffering, access controls, noise and lighting controls and aesthetic considerations. The Plan’s *Priority Enhancement Areas for Wichita Infrastructure Projects Map* identifies this portion of Macarthur Road as a “Targeted Arterial,” and recommends considering the inclusion of site design features that increase the sense of quality of life through emphasis of visual character and aesthetic improvements.
- (6) Impact of the proposed development on community facilities: The proposed development will increase traffic on this portion of West Macarthur Road. This portion of Macarthur can accommodate the proposed traffic increases which will occur at non-peak traffic hours. Access improvements will be determined at the time of platting. The proposed development could increase demand of public safety services at this location.

SCOTT KNEBEL, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

MCKAY moved, **RAMSEY** seconded the motion, and it carried (12-0).