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Sedgwick County

525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Details (With Text)

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On agenda: 4/6/2016 **Final action:** 4/6/2016
Title: ZON2016-00005 and CUP2016-00004 - ZONE CHANGE FROM SF-20 SINGLE-FAMILY RESIDENTIAL TO LC LIMITED COMMERCIAL AND CREATION OF DP-339, THE REDMOND COMMERCIAL COMMUNITY UNIT PLAN (CUP) ON PROPERTY LOCATED NORTHWEST OF SOUTH 119TH STREET WEST AND WEST PAWNEE AVENUE (DISTRICT 3).
Presented by: Dale Miller, Director, Metropolitan Area Planning Department.

RECOMMENDED ACTION: Adopt the findings of the Metropolitan Area Planning Commission (MAPC), approve the zone change and CUP subject to MAPC approved conditions; authorize the Chairman to sign the resolution and authorize the resolution to be published.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ZON2016-00005 and CUP2016-00004 3-3-16 MAPC MINUTES EXCERPT, 2. ZON2016-05 cup2016-04 protest map, 3. ZON2016-00005 and CUP2016-00004 Correspondence Pappas 2, 4. ZON2016-00005 and CUP2016-00004 Correspondence - Pappas 1, 5. ZON2016-00005 and CUP2016-00004 Correspondence Bell, 6. ZON2016-00005 and CUP2016-00004 Resolution, 7. ZON2016-00005 and CUP2016-00004 Site Map, 8. ZON2016-00005 and CUP2016-00004 Site Plan

Date	Ver.	Action By	Action	Result
4/6/2016	1	Board of Sedgwick County Commissioners	Adopted	Pass

ZON2016-00005 and CUP2016-00004 - ZONE CHANGE FROM SF-20 SINGLE-FAMILY RESIDENTIAL TO LC LIMITED COMMERCIAL AND CREATION OF DP-339, THE REDMOND COMMERCIAL COMMUNITY UNIT PLAN (CUP) ON PROPERTY LOCATED NORTHWEST OF SOUTH 119TH STREET WEST AND WEST PAWNEE AVENUE (DISTRICT 3).

Presented by: Dale Miller, Director, Metropolitan Area Planning Department.

RECOMMENDED ACTION: Adopt the findings of the Metropolitan Area Planning Commission (MAPC), approve the zone change and CUP subject to MAPC approved conditions; authorize the Chairman to sign the resolution and authorize the resolution to be published.

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 six 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.

Analysis: The request was heard by the Metropolitan Area Planning Commission (MAPC) on March 3rd, 2016. Neighboring property owners spoke at the hearing, asking what types of businesses would be developed and asking that the six to eight foot wall requirement be increased to a minimum of eight feet. The MAPC approved the request subject to 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.
- B. The masonry wall separating the CUP from abutting residentially zoned properties shall be eight feet in height.

One valid protest was received, accounting for 4.5% of the protest area. Another protest was received after the conclusion of the protest period and without signatures reflecting the full ownership of the property, therefore this protest is not valid. Because the protest is less than 20%, the application may be approved with a simple majority vote.

Alternatives:

- 1. Adopt the findings of the MAPC, approve the zone change and CUP subject to the MAPC recommended conditions. Authorize the Chairman to sign the resolution plat is recorded and authorize the resolution to be published (requires a simple majority vote).
- 2. Deny the zone change and CUP and override the MAPC's recommendation (requires a two-thirds majority vote).
- 3. Return such recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove (requires a simple majority vote).

Financial Considerations: There are no additional financial considerations to the County associated with this application.

Legal Considerations: Approved as to form and signed by County Counselor's Office: The City and County are authorized by K.S.A. 12-741, et seq. to adopt and amend a comprehensive plan, joint zoning code and official zoning map. The City and County have done so, and in that code have provided for the zoning of properties, including overlay districts, planned unit developments, protective overlays, conditional uses and community unit plans.

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Outside Attendees: Russ Ewy, Baughman Company, PA (Agent)

Multimedia Presentation: PowerPoint