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Legislation Details (With Text)

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Title: ZON2017-00018 & CUP2017-00016 - ZONE CHANGE FROM SF-20SINGLE FAMILY RESIDENTIAL TO LC LIMITED COMMERCIAL AND THE CREATION OF THE R.D. WOOD COMMERCIAL COMMUNITY UNIT PLAN (CUP) DP-343 (DISTRICT 3).
Presented by: Dale Miller, Director of the Metropolitan Area Planning Department.

RECOMMENDED ACTION: Adopt the findings of the Metropolitan Area Planning Commission (MAPC); approve the zone change and CUP subject to the conditions recommended by MAPC as suggested to be modified by the Citizens Advisory Board; approve the resolution and authorize the resolution to be published.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ZON2017-00018 & CUP2017-00016 Map, 2. ZON2017-00018 & CUP2017-00016 Site Plan, 3. ZON2017-00018 Resolution, 4. EXCERPT MINUTES OF ZON2017-00018 and CUP2017-00016

| Date | Ver. | Action By | Action | Result |
|----------|------|--|---------|--------|
| 7/5/2017 | 1 | Board of Sedgwick County Commissioners | Adopted | Pass |

ZON2017-00018 & CUP2017-00016 - ZONE CHANGE FROM SF-20SINGLE FAMILY RESIDENTIAL TO LC LIMITED COMMERCIAL AND THE CREATION OF THE R.D. WOOD COMMERCIAL COMMUNITY UNIT PLAN (CUP) DP-343 (DISTRICT 3).

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

RECOMMENDED ACTION: Adopt the findings of the Metropolitan Area Planning Commission (MAPC); approve the zone change and CUP subject to the conditions recommended by MAPC as suggested to be modified by the Citizens Advisory Board; approve the resolution and authorize the resolution to be published.

Background: The applicant is seeking LC Limited Commercial zoning on the SF-20 Single-Family Residential zoned 12.1-acre unplatted tract, subject to the development standards contained in the proposed R.D. Wood Commercial Community Unit Plan CUP DP-343. The proposed CUP will be developed with self-storage warehouses and neighborhood retail development.

The Unified Zoning Code (UZC) requires a CUP or a PO Protective Overlay for LC and GC General Commercial zoned sites of six (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 well organized residential, commercial and mixed development. The applicant provided the attached narrative indicating how the application meets these requirements.

The site is located approximately 1,000 feet north of 13th Street North on the east side of 135th

Street West. The site is currently farmland. The applicant owns the abutting SF-20 zoned property to the north and east, which is also farmland with a stockpile of asphalt and concrete on it. The properties south and west of the site are developed with single-family residences and duplexes on properties zoned SF-20, LC, and SF-5 Single-Family Residential. The nearest properties zoned for commercial development are located at the northwest and southwest corners of 13th Street North and 135th Street West and approximately 500 feet east of 135th Street West on the north side of 13th Street North.

According to the applicant's narrative, the applicant's property to the north and east is proposed to be developed in the future with a residential subdivision. The applicant's attached development plan (DP-343) shows that the site is proposed to be developed with a three (3) parcel commercial development with two (2) reserves to be used for drainage and open space. Parcels 1 and 2 are proposed for uses permitted by the NR Neighborhood Retail zoning district. Parcel 3 is proposed for uses permitted by the LC zoning district and self-storage warehouses, subject to the attached provisions of Article III, Section III-D.6.y. of the UZC. The CUP proposes additional restrictions on signage, access, circulation, lighting, landscaping, screening, and architectural design. The proposed architectural design of the self-storage warehouses is attached. The applicant's proposal does not meet the following UZC requirements:

1. Article III, Section III-C.2.b.(2)(a)2) requires a 35-foot building setback along north, south, and east property lines of Parcel 3. The applicant proposes a 10-foot setback along the north and east property lines and no setback along the south property line of Parcel 3.
2. Article III, Section III-C.2.b.(2)(d) requires a six- to eight-foot tall masonry screening wall along the north, south, and east property lines of Parcel 3. The applicant proposes that the walls of the self-storage warehouse buildings be used as screening with wrought iron fencing located in the gaps between the buildings. The walls of the buildings are proposed to have predominately metal siding with a brick veneer wainscot.
3. Article III, Section III-D.6.y.(4) requires a 15-foot deep landscaped yard along the north and east property lines and no setback along the south property line of Parcel 3. No landscaped yard is proposed along these property lines.
4. Article III, Section III-D.6.y.(4) requires architecture that is compatible with the surrounding residential development. The two western-most buildings are proposed to have architecture that is residential in character, but the remaining buildings are proposed to have architecture of an industrial warehouse character.

The development plan would have to be revised significantly to meet these requirements. Article VI, Section VI-C.4. of the UZC authorizes the Planning Commission to recommend modification of the above-stated UZC requirements. Article VI, Section VI-B.4. of the UZC authorizes the Board of County Commissioners approve such modifications upon receipt of a recommendation from the Planning Commission.

Analysis: The request was heard by the Metropolitan Area Planning Commission (MAPC) on May 18, 2017. Several citizens spoke at the hearing and expressed concerns with drainage and compatibility of the storage building design with their residences. No protest petitions were submitted against this request. The MAPC recommended approval of the request (12-0) subject to the following conditions:

1. The permitted uses for Parcel 3 shall be: All permitted uses in the GO General Office zoning district of the Wichita-Sedgwick County Unified Zoning Code, except those uses listed in General

Provision #18, plus self-storage warehouse as restricted by Article III, Section III-D.6.y. of the UZC.

2. The building setbacks on Parcel 3 shall be 15 feet along the north and east property lines.
3. General Provision #6 shall be modified to add "pedestrian crossings" to the list of guarantees to be considered at the time of platting.
4. General Provision #12 shall be modified to add: A 15-foot landscaped yard shall be provided along the north, south, and east property lines of Parcel 3 and along the west line of Parcel 3 where abutting 135th Street West. The landscaped yard along the south property line may be located in Reserve A. The landscaped yard shall be planted with a landscaped earth berm containing one tree every 20 feet, with at least one-third of the trees being evergreen.
5. General provision #13C shall be modified to remove "wrought iron or similar decorative fencing and replace it with "screening wall or fence constructed of materials required by Article IV, Section IV-B.3.h. of the UZC."
6. General Provision #16 shall be modified to add: The architectural design of the storage buildings in Parcel 3 shall be consistent with the architectural renderings reviewed and approved by the Planning Commission.
7. The area of Reserves A and B on the site plan shall be corrected to match the parcel descriptions.
8. The applicant shall record a CUP certificate with the Register of Deeds indicating that this tract (referenced as DP-343 R.D. Wood Commercial CUP) has special conditions for development on the property. A copy of the recorded certificate along with four copies of the approved CUP shall be submitted to the Metropolitan Area Planning Department within 60 days of recording the plat for the subject

The request was heard by the Citizen Advisory Board (CAB) on June 5, 2017. Several citizens spoke at the hearing and requested modifications to the MAPC recommendation. The CAB recommended approval of the request (8-0) subject to the following requested modifications to the MAPC recommendation:

1. Reserve A shall extend to the eastern boundary of the CUP.
2. The landscaped yard required by General Provision #12 shall be planted with one-half evergreen trees.
3. The fence between the storage buildings on Parcel 3 required by General Provision #13C shall be wrought-iron or similar decorative fencing.
4. Two additional elevations of storage buildings in Parcel 3 as noted on the CUP shall be required by General Provision #16 to be a combination of masonry siding and partial brick veneer.

The attached CUP DP-343 contains the recommended conditions of the MAPC as modified by the CAB.

Alternatives:

1. Approve the zone change and CUP subject to the conditions recommended by the MAPC as modified by the CAB (recommended action). Approve the resolution. Authorize the resolution to be published. (Requires a two-thirds majority vote)
2. Adopt the zone change and CUP subject solely to the conditions recommended by the MAPC. Approve the resolution. Authorize the resolution to be published. (Requires a simple majority vote)
2. Deny the zone change and CUP and override the MAPC's recommendation establishing alternative findings. (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: The Board of County Commissioners is authorized to consider this zone change pursuant to K.S.A. 12-741 et seq. and Sec. V-C of the Wichita-Sedgwick County Unified Zoning Code. The options and vote requirements are included within the "Alternatives" section above.

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

Outside Attendees: Russ Ewy, Baughman Company (Agent) R.D. Wood (Applicant)

Multimedia Presentation: PowerPoint