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525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Text

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DER2015-00007 - PROPOSED AMENDMENT TO EXPAND THE GARDEN PLAIN URBAN AREA OF INFLUENCE (DISTRICT 3).

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

RECOMMENDED ACTION: Adopt the findings of the Metropolitan Area Planning Commission, amend the Garden Plain Urban Area of Influence boundary as recommended by the MAPC, and authorize the Chairman to sign the resolution.

Background: On Wednesday October 21, 2015, the Board of Sedgwick County Commissioners (BoCC) adopted an amendment (Resolution No. 185-2015) to the Wichita-Sedgwick County Unified Zoning Code (UZY) that abolished "zoning area of influence" (ZAOI) review authority and the ZAOI map. "Zoning area of influence" authority and its accompanying map were replaced with "urban areas of influence" (UZOI) review authority and an UZOI map. The UZOI map depicts the land that is subject to UZOI review. "Urban area of influence" authority permits certain development applications that deal with land use associated with properties located within the specifically defined geographic areas surrounding 17 of Sedgwick County's cities to be presented for consideration and recommendation by the designated cities' planning commissions. The UZOI boundaries for all 17 cities are shown on the Urban Area of Influence map (attachment 1). The City of Garden Plain is one of 17 Sedgwick County cities that was granted UZOI authority.

The City of Garden Plain has requested that its UZOI boundary be expanded from its current boundary (as depicted in blue on attachment 2) to an expanded area (shown in red on attachment 2) enclosed by West 6th Street South (north), South 263rd Street West (east), West 23rd Street South (south) and South 311th Street West (west). See the October 12, 2015, letter from Garden Plain (attachment 3). The overwhelming majority of the land included in the expansion area is farmland that is zoned RR Rural Residential.

The request would expand Garden Plain's UZOI to a total of six square-miles. Currently, Garden Plain has approximately 0.7 of a square-mile of UZOI territory. Garden Plain's UZOI territory is the smallest of those cities having such review authority. Garden Plain's request to expand its UZOI is permitted by UZY Sec. II-V.K. Garden Plain's existing urban growth area and UZOI boundary were developed in 2014 as part of the development of the County's Community Investments Plan (comprehensive plan). Since that time staff has received additional information regarding Garden Plain's projected growth expectations and recent annexation activities (see Garden Plain's attached letter).

Data developed as part of the update of the Wichita-Sedgwick County Community Investments Plan reports that over the time period 2005 to 2014 Garden Plain added, in a typical year, three new dwellings units. In contrast, in an average year during that same ten-year period Derby added the most dwelling units with 108 dwelling units; Goddard added 39 dwelling units and Cheney added 29 dwelling units. Of the 17 cities that have UZOI authority, Garden Plain's estimated 2014 population

(879) ranks 14th. Derby has the largest population of the cities that have UAOI authority (23,234); Bentley is the smallest (524) excluding that portion of the City of Sedgwick located in Sedgwick County. By 2035 Garden Plain is projected to grow in population by 121 people to 1,000 people. Assuming an average household size of 2.5 that equates to a projected need for 48 additional dwelling units over the next 20 years or 2.4 dwelling units per year.

Under the provisions of UAOI review authority, cities are provided the opportunity to review certain land use applications within 30 days of notice that an application that is subject to potential review has been filed. If the city planning commission recommends denial, the BoCC can override the denial recommendation with a two-thirds vote upon first hearing. If the case were to be returned to the MAPC for reconsideration, the BoCC can approve the request with a simple majority vote upon second hearing.

Staff recommended approval of a smaller UAOI area-West 6th Street on the north, South 279th Street West on the east, West 23rd Street South on the south and South 311th Street West on the west. Staff's recommendation is the yellow boundary shown on attachment 2. In contrast, Garden Plain had requested the same northern, western and southern boundary as recommended by staff, but Garden Plain asked for the eastern boundary to be moved one mile east to South 263rd Street West. Garden Plain's proposed boundary is shown in red on attachment 2.

Analysis: Garden Plain's request was initially scheduled for Metropolitan Area Planning Commission (MAPC) review on December 3, 2015; however, Garden Plain asked for it to be deferred until February 18, 2016. On February 18, 2016, Randal Hubert, a member of Garden Plain's Planning Commission, narrated a comprehensive PowerPoint presentation. Mr. Hubert indicated there was flood plain located to the north, west and south of Garden Plain that limited Garden Plain's expansion options (attachment 4). It was also noted that Garden Plain's UAOI area was one of the smallest when compared to other Sedgwick County communities. There had been turnover in Garden Plain's staffing at the time its urban growth area was analyzed and established, and that turnover had led to miscommunication that resulted in a smaller urban growth area and subsequent UAOI boundary. Mr. Hubert commented that staff had indicated from 2005 to 2014 Garden Plain had an average construction rate of three new dwelling units per year. However, he noted that for the time period 2012 to 2015 the average construction rate had increased to 4.5 new dwelling units per year. It was also pointed out that the city's wastewater treatment plant has at least 30 percent unused capacity. He also noted that Garden Plain's police department provides assistance to Sedgwick County Sheriff's officers in areas located beyond the city's limits. Finally, Mr. Hubert noted there were a number of homes served by on-site wastewater and water wells that are located outside of Garden Plain's city limits but in close enough proximity to be able to be served by Garden Plain services.

Planning commissioners asked questions regarding: Garden Plain's annexation policies; when the city's comprehensive plan was last updated and the city's policy position relative to the extension outside the city of wastewater and water services.

A motion to approve the request subject to staff's recommended boundary (West 6th Street on the north, South 279th Street West on the east, West 23rd Street South on the south and South 311th Street West on the west) garnered a seven to two vote. At the February 18, MAPC meeting, staff was of the opinion that it took a minimum of eight positive votes to approve the motion. The MAPC and the applicants were advised that the motion had failed; however, later it was determined that a simple majority of a quorum was all that was necessary for approval. The request was placed on the

March 3, 2016, MAPC agenda to allow the MAPC to determine if the new knowledge that the seven to two vote was an approval instead of a denial would have changed any of the commissioner's vote or, in light of the new determination, if the MAPC wanted to rehear the request. By consensus the MAPC indicated they were comfortable with allowing the seven to two vote to stand and a new hearing was not necessary.

A simple majority of three votes is required to approve the request as recommended by the MAPC.

Alternatives:

1. Follow the MAPC recommendation (requires a simple majority or three votes).
2. Approve the UAOI increase as requested by the city (requires a simple majority or three votes).
3. Disapprove the UAOI increase requested by the city (requires a simple majority or three votes).
4. Modify the recommendation of the MAPC (requires a simple majority vote or three votes).

Financial Considerations: There are not any 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 an urban area of influence map depicting the boundary of lands subject to said review processes and the zoning of properties, including overlay districts, planned unit developments, protective overlays, conditional uses and community unit plans. Pursuant to Art. V-K., and consistent with the alternatives mentioned above, the Board of County Commissioners may enlarge the urban area of influence for the City of Garden Plain.

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

Outside Attendees: Randal Hubert

Multimedia Presentation: PowerPoint