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# Sedgwick County

525 North Main Street 3rd  
Floor  
Wichita, KS 67203

## Legislation Text

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File #: 16-498, Version: 1

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**PUD2016-05 - ZONE CHANGE FROM RR RURAL RESIDENTIAL TO PUD #50, THE ANDRA COMMERCIAL PLANNED UNIT DEVELOPMENT ON PROPERTY LOCATED SOUTH OF WEST MACARTHUR ROAD AND WEST OF SOUTH HOOVER ROAD (DISTRICT 2).**

Presented by: Scott Knebel, Senior Planner, MAPD.

RECOMMENDED ACTION: Adopt the findings of the Metropolitan Area Planning Commission (MAPC) and approve the PUD; authorize the Chairman to sign the resolution and authorize the resolution to be published.

### PUBLIC COMMENT

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 a mapped flood zone. The applicants propose rezoning this property from RR Rural Residential (RR) to PUD #50, the Andra Commercial Planned Unit Development (PUD) to permit an event center. According to the Unified Zoning Code (UZO), 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.

**Analysis:** The request was heard by the Metropolitan Area Planning Commission (MAPC) on July 7, 2016. The MAPC approved the request (12-0). No citizens spoke at the public hearing. No protests were submitted against this request.

**Alternatives:**

1. Adopt the findings of the MAPC and approve the zone change. Authorize the Chairman to sign the resolution and authorize the resolution to be published (requires a simple majority vote).
2. Deny the zone change 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:** 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 of fact stated in the MAPC minutes.

**Outside Attendees:** Michael and Tina Andra (Owners); Baughman Company, P.A. c/o Russ Ewy (Agent)

**Multimedia Presentation:**

