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525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Text

File #: 18-579, Version: 3

ZON2018-00017 - A County Zoning Case to Amend Protective Overlay #214 to Expand Permitted Uses, Especially Event Center in the County and Farmer's Market in the County on Land Zoned LC Limited Commercial, on the South Side of East 21st Street North and West of 159th Street East (15621 East 21st Street North).

Recommended Action: Approve the amendment to the Protective Overlay #214 subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC, and authorize the Chairman to sign the prepared resolution.

Background: The applicant is seeking to modify the provisions of the Protective Overlay (PO #214) which was placed on the property when it was rezoned to LC Limited Commercial ("LC") zoning in July, 2008. The application area consists of one unplatted tract zoned LC Limited Commercial ("LC"). The site is located on the south side of 21st Street North and approximately 1/5 mile west of 159th Street East and is developed with a single-family residence and several accessory buildings. The site has approximately 445 feet of frontage on 21st Street. The owners have had a home occupation on the property in the past which utilized many of the accessory buildings, but the owners are now engaged in the development of a small "organic" farming operation with a small orchard and garden areas. They also host a "farm-to-market" dinner on a regular basis and have "farmer's market" sales on-site for their own produce, as well as commodities from other vendors.

The original Protective Overlay was intended to address development requirements in anticipation of the conversion of the property to a new commercial development; however, the recession resulted in no redevelopment and the original real estate project was abandoned.

The applicant is requesting modifications to allow the use of the property in support of the small farming operation with retail sales.

Analysis: All property surrounding the applicant's property is zoned RR Rural Residential and is generally used for agriculture or developed with single-family residences.

The request was heard by the Metropolitan Area Planning Commission (MAPC) on June 21, 2018. MAPC recommended approval of the request by a 10-0-1 vote as recommended by staff. The MAPC recommended amended Protective Overlay #214 reads as follows:

Protective Overlay PO #214:

1. All allowed uses permitted within the LC, Limited Commercial Zoning District with the following EXCEPTIONS; Manufactured Home; Group Residence, Limited and General; Cemetery; Correctional Placement Residence, Limited and General; Golf Course; Recycling Collection Station, Private and Public; Recycling Processing Center; Reverse Vending Machine; Utility, Minor; Car Wash; Construction Sales and Service; Convenience Store; Funeral Home; Marine Facility, Recreational;

Monument Sales; Nightclub in the County; Pawn Shop; Recreation and Entertainment, Indoor; Restaurant with drive-in or drive-through services; Secondhand Store; Sexually Oriented Business in the County; Tavern or Drinking Establishment; Vehicle and Equipment Sales; Vehicle Repair, Limited and General; Asphalt or Concrete Plant, Limited and General; Storage, Outdoor; Agricultural Research; and Agricultural Sales and Services.

2. Front, interior side and rear building setbacks shall be 35 feet, where adjacent to residential zoning.
3. If redeveloped commercially, a masonry screening wall or landscaped berm shall be installed along the side or rear property lines where adjacent property is zoned TF-3 or more restrictive unless already existing on adjacent properties; otherwise applicable code screening standards shall be required.
4. If redeveloped commercially, all buildings within the tract are to share similar architectural character, color and predominate exterior building materials, as approved by the Planning Director. Building walls shall not utilize metal as a predominate exterior façade material.
5. Lighting elements (pole, fixtures, lamps, hoods, etc.) shall be similar in character with a maximum height of 25 feet above ground. If the light pole is to be located within 100 feet of a residence pole height is limited to 15 feet above ground. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted and is prohibited.
6. Signage shall be per code except: no flashing, moving, portable, billboard, off-site, banner or pennant signs (except time and temperature) shall be permitted; ground signs shall be monument style, sharing similar elements of design; spaced 150 feet apart with a maximum height of 20 feet and have a maximum sign face area of 150 square feet. Window signage shall be limited to 25 percent of window area. Building wall signage shall not be permitted on any façade that faces an abutting lot zoned TF-3 or more restrictive.
7. No occupancy permits shall be issued for any commercial redevelopment without public sewer and water service.
8. Platting shall be required prior to any commercial redevelopment. Access shall be as approved by the appropriate traffic engineer. Internal and cross lot circulation shall be provided at the time of platting to ensure smooth circulation between abutting tracts and within the tract. Prior to the issuance of a building permit the Traffic Engineer shall approve all access and circulation improvements.
9. Prior to any commercial redevelopment, a pedestrian circulation system shall be provided that connects all buildings within the development and with each other and sidewalks.

There were no neighbors that spoke at the MAPC hearing. No protest petitions were filed; therefore this may be approved by a simple majority, or at least 3 of the 5 Commissioners.

Alternatives:

1. Approve the amended Protective Overlay #214 as recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign

the prepared resolution. (Requires a simple majority vote, or 3 of the 5 County Commissioners); or

2. Deny the application, by making alternative findings, and override the MAPC recommendation. (Requires a two-thirds majority, or 4 of the 5 County Commissioners); or

3. Return the case to the MAPC for further consideration with a statement specifying the basis for the BoCC's failure to approve or deny the application. (Requires a simple majority vote).

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

Legal Considerations: Approval is pursuant to K.S.A. 12-741, et seq. Possible actions for the BoCC and the corresponding vote requirements for such actions are included above in the "Alternatives" section.

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