



## STAFF REPORT

MAPC: June 27, 2024

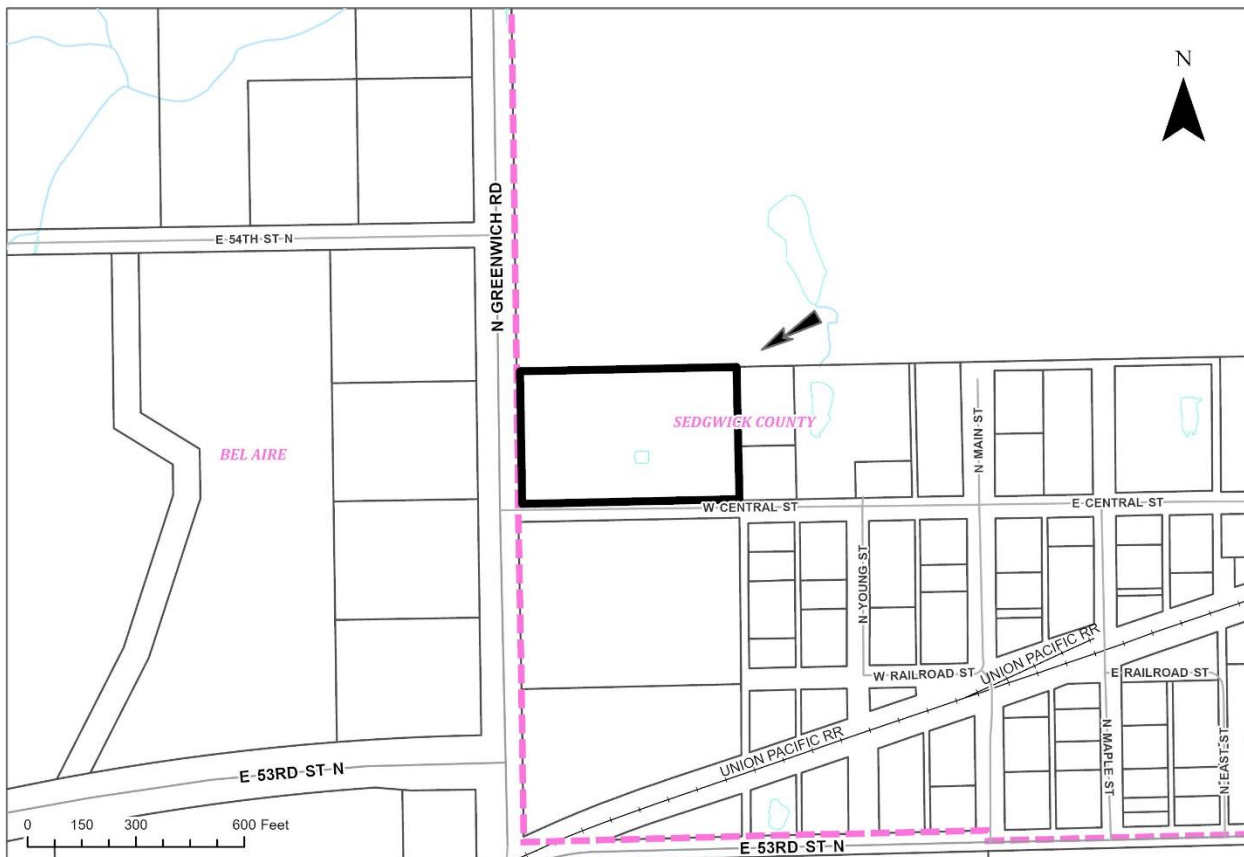
CAB 1: June 17, 2024

Bel Aire Planning Commission: June 13, 2024

AGENDA ITEM NO. \_\_\_\_\_

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<b><u>CASE NUMBER:</u></b>	ZON2024-00027 (County)
<b><u>APPLICANT/AGENT:</u></b>	Sharp Holdings, LLC (Applicant)
<b><u>REQUEST:</u></b>	LC Limited Commercial District
<b><u>CURRENT ZONING:</u></b>	RR Rural Residential District
<b><u>SITE SIZE:</u></b>	5.05 acres
<b><u>LOCATION:</u></b>	Generally located on the east side of North Greenwich Road and one-quarter mile north of East 53 <sup>rd</sup> Street North (350 West Central, Greenwich) (Bel Aire Area of Influence).
<b><u>PROPOSED USE:</u></b>	Uses allowed by the LC zoning.
<b><u>RECOMMENDATION:</u></b>	Approve.



**BACKGROUND:** The applicant is requesting a zone change from RR Rural Residential District (RR) to LC Limited Commercial District (LC). The 5.05-acre property is made of up two platted lots and is generally located on the east side of North Greenwich Road and one-quarter mile north of East 53<sup>rd</sup> Street North (350 West Central, Greenwich). On the west side of the subject site there are currently two warehouse-like buildings on the property. The east side of the site is developed with a single-family dwelling. The applicant is proposing to develop the property with uses permitted by-right in the LC District. They applicant did not specify a specific use.

The minimum lot size for RR is two acres (87,120 square feet), and there is no minimum lot size in the LC District. The requested zone change to LC would result in a reduction in minimum lot area, setbacks, maximum height, and minimum lot width, as represented in the table below:

Property Development Standards	RR Rural Residential	LC Limited Commercial
Minimum lot area	2 acres	0 square feet
Front setback	30 feet	20 feet
Rear setback	25 feet	10 feet*
Interior Side setback	20 feet	0 feet*
Maximum height	35 feet	80 feet*
Minimum lot width	200 feet	0 feet

\*Subject to compatibility standards detailed below.

Section IV-C.4 of the UZC sets forth compatibility setback standards for rear and side lot lines for non-residential developments abutting zoning districts TF-3 Two-Family Residential District (TF-3) or more restrictive. Based on the width of the subject site, any commercial building would be required to be setback at least 25 feet from the north and east property lines. Additionally, Section IV-C.5 of the UZC sets forth compatibility height standards for non-residential development abutting or across the street from property zoned TF-3 or more restrictive. This section states: “No structure shall exceed 35 feet in height within 50 feet of the lot line of a property zoned TF-3 or more restrictive. Structures located more than 50 feet from the lot line of property zoned TF-3 or more restrictive may increase height (if permitted by the base District regulation) at a ratio of one foot in height for each three feet of setback beyond 50 feet.” For example, a structure 53 feet away from the lot line of a property zoned TF-3 or more restrictive can be 36 feet tall. A structure 56 feet away from the same lot line can be 37 feet tall, and so on. This compatibility height standard applies to the north, east, and south property lines.

Section IV-B of the Unified Zoning Code (UZC) requires a minimum of a six-foot solid screening fence between non-residential developments and residential zoning district. If developed with non-residential uses, the subject site will have to provide a screening fence along the north, east, and south property lines where abutting or across the street from residential zoning.

The character of the neighborhood is rural and low-density residential. Properties to the north, south, and east are zoned RR. Property to the west is zoned M-1 Industrial District (Bel Aire, KS City Code). Property to the north and west of the subject site are in use as agricultural land. Property to the east is developed with a single-family residence and agricultural land. Property to the south is zoned RR and developed with a church.

**CASE HISTORY:** In 2003, the property was platted as part of the McNeil Addition. There are no zoning cases associated with this property.

**ADJACENT ZONING AND LAND USE:**

NORTH:	RR	Agricultural land
SOUTH:	RR	Church
EAST:	RR	Single-family residences

WEST: M-1 Agricultural land

**PUBLIC SERVICES:** The subject site has access to West Central Street (Greenwich, KS) and North Greenwich Road. West Central Street is a gravel, two-lane local street with open ditches, and North Greenwich Road is a paved, two-lane arterial with open ditches. The property uses an on-site sewer system, and water is provided by the Sedgwick County Rural Water District 1.

**CONFORMANCE TO PLANS/POLICIES:** The requested zone change is in partial conformance with *The Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for “Small City Urban Growth Area”, which the *Plan* defines as: “*Generally located adjacent to existing municipal boundaries, these areas indicate the likely direction and magnitude of growth these communities can expect to experience out to the year 2035. Growth direction and amount is based upon municipal political considerations, anticipated population growth, efficient patterns of growth, current infrastructure limitations, cost effective delivery of future municipal services, and environmental factors.*”

With the subject site being in the Bel Aire Urban Growth Area, staff reviewed the Bel Aire Comprehensive Plan to identify the proposed future land use of the subject site. The attached Preferred Balanced Growth Scenario Map from the City of Bel Aire’s comprehensive plan does not specifically identify an appropriate future land use for the subject site. That being said, property adjacent to the west, in the city limits of Bel Aire, is zoned for industrial development. Commercial development with the LC District is less intense than what would be permitted in Bel Aire’s industrial zoning and can be a buffer between those higher intensity uses to the west and the low density residential to the east. Additionally, commercial development along an arterial road is generally considered reasonable. Furthermore, the UZC permits a number of commercial home occupations by-right that are akin to some uses permitted in the requested zone change to LC. The compatibility standards and screening requirements of the UZC are designed to mitigate possible negative impacts with nearby residential uses.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is rural and low-density residential. Properties to the north, south, and east are zoned RR. Property to the west is zoned M-1 Industrial District. Properties to the north and west are in use as agricultural land. Properties to the south and east are developed with single-family residences.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned RR, which is suitable for a limited number of residential, public, and civic uses, including single-family residences. Additionally, the UZC permits a number of commercial home occupations by-right that are akin to some uses permitted in the requested zone change to LC.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested zone change and proposed development may bring additional traffic to the area. However, it will be able to act as a buffer to the nearby residential properties from the M-1 Industrial zoning to the west. Furthermore, the compatibility standards and the screening requirements of the UZC are designed to mitigate possible negative impacts on nearby residential properties.
4. **Length of time subject property has remained vacant as zoned:** The site is currently developed with two warehouse-like structures and a single-family dwelling.
5. **Relative gain to public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval would permit additional uses of the land. Approval should provide

appropriate screening and buffering to ensure compatibility among land uses. Denial may represent a loss of economic opportunity for the applicant.

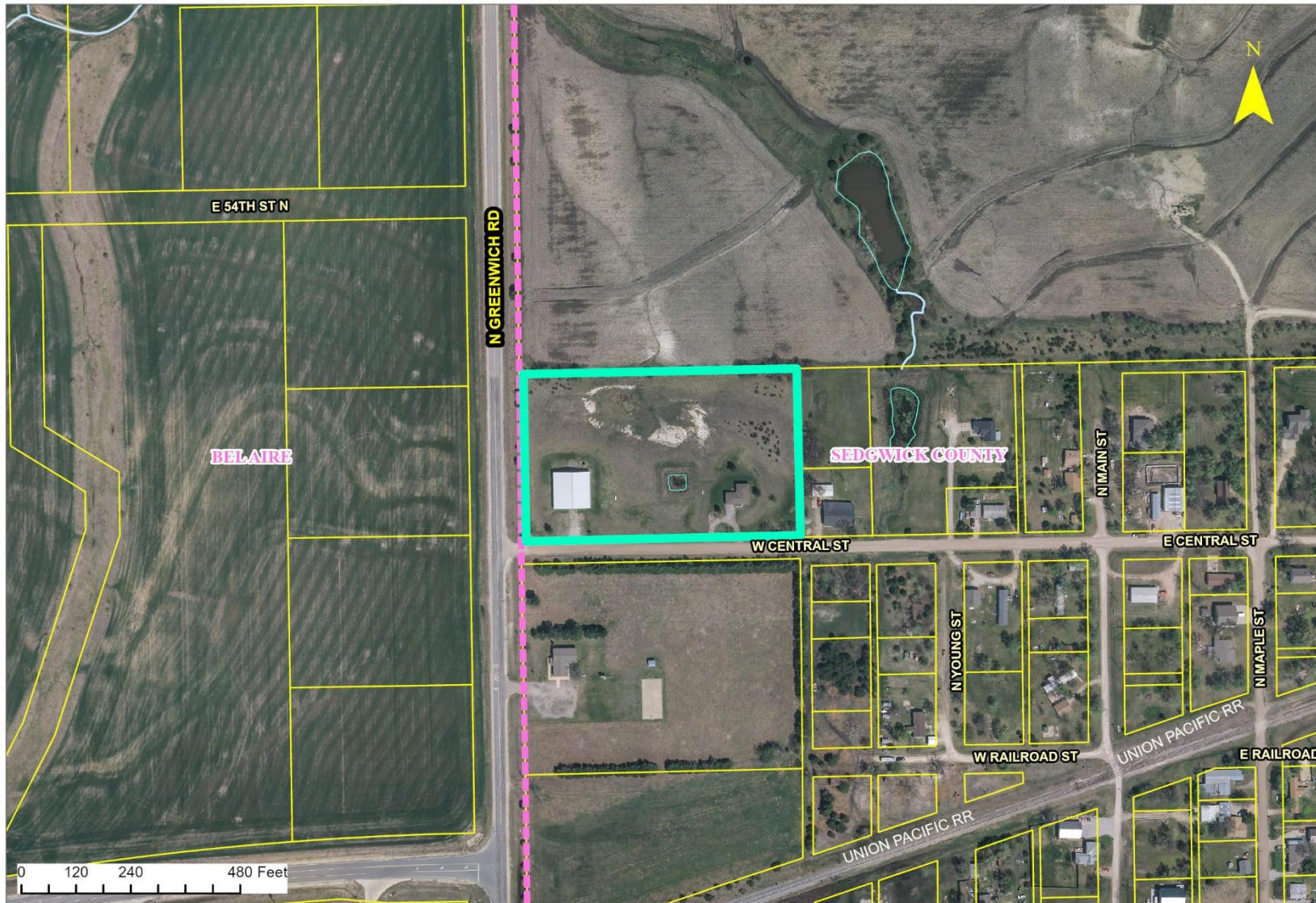
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zoning is in partial conformance with the *Community Investments Plan*, as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** The subject site is in Rural Water District 1. If approved, development is not likely to have significant detrimental impacts on community facilities.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has received one comment in opposition to this request.

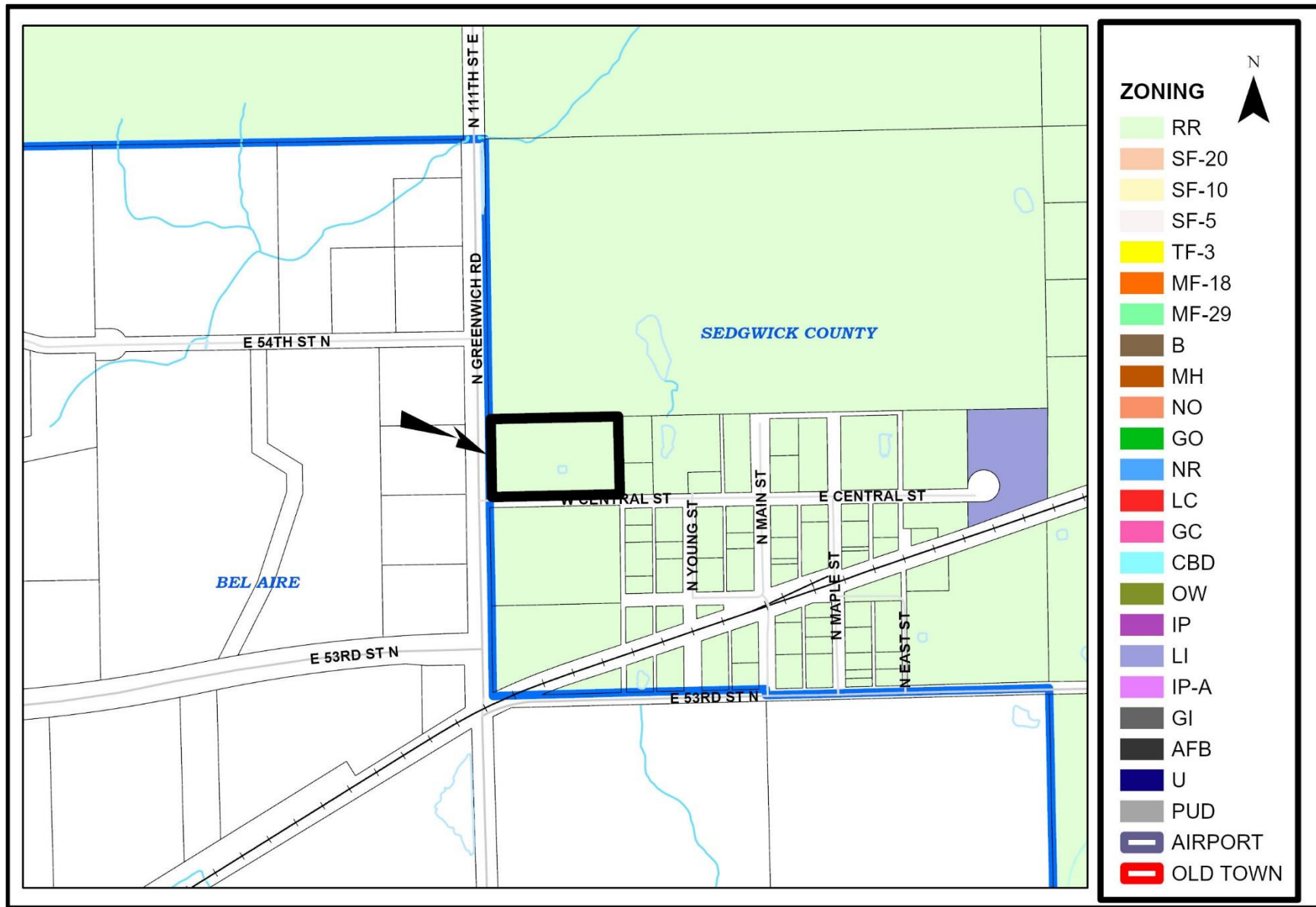
Staff Report Attachments:

1. Aerial Map
2. Zoning Map
3. 2035 Future Land Use Map
4. Preferred Balanced Growth Scenario Map
5. Site Photos



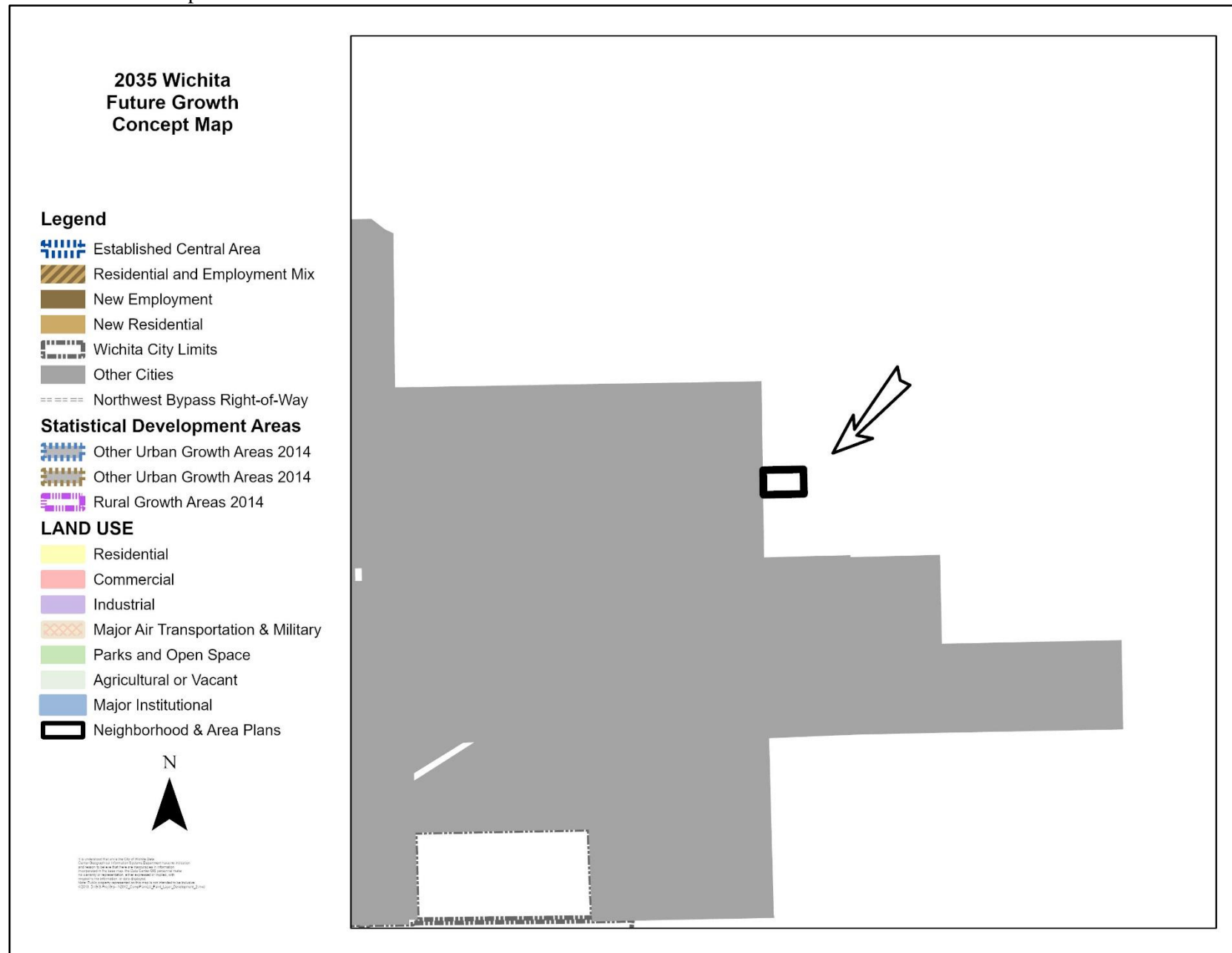
## Aerial Map



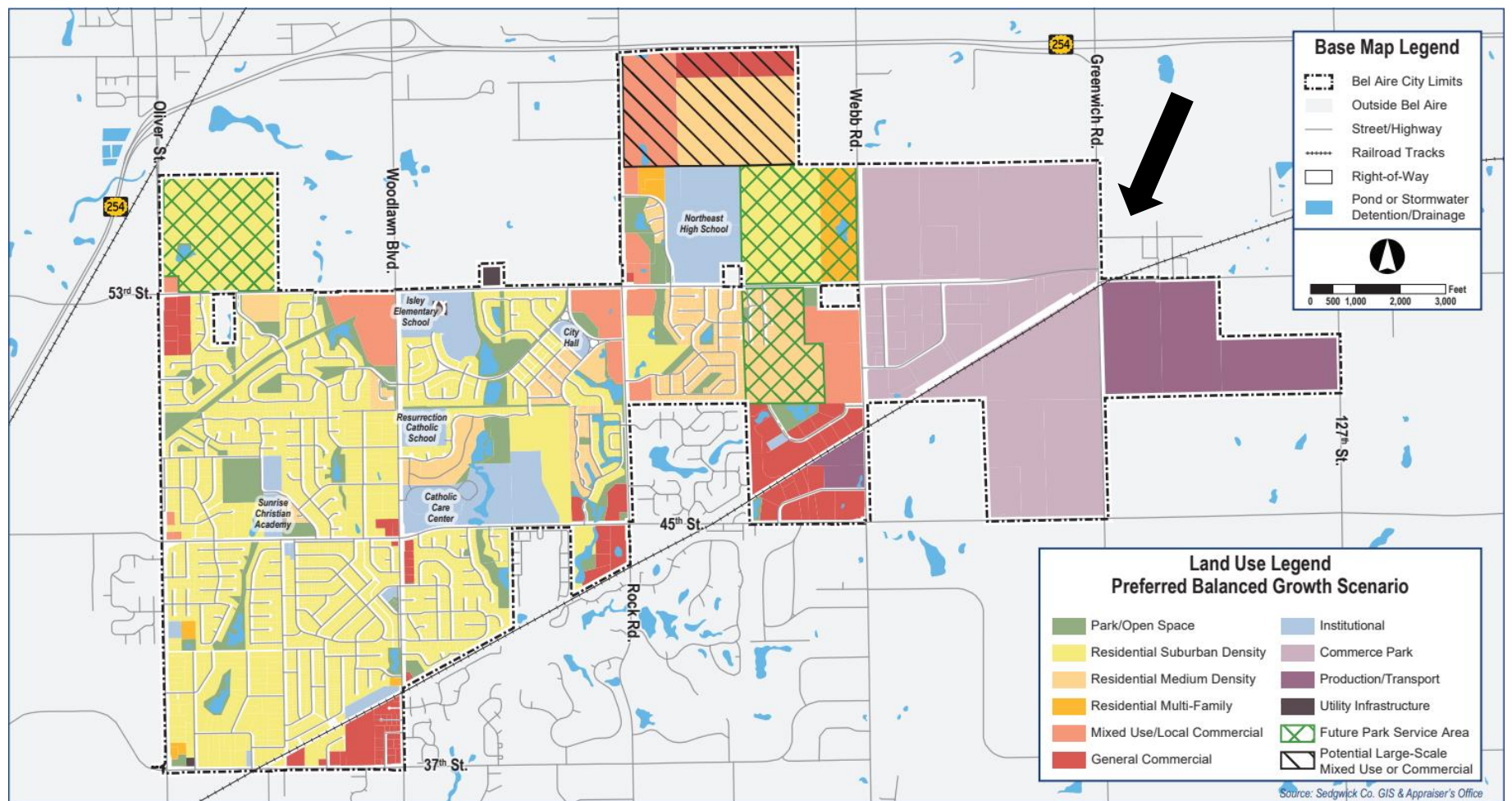


Zoning Map

## Future Land Use Map







Preferred Balanced Growth Scenario Map (Arrow pointing towards location subject site)



**Looking north into property**



**Looking south away from property**



**Looking east away from the property**



**Looking east into property**



**Looking west away from property**

