

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

**SECTION I.** That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. ZON2004-00068

Zone change request from SF-20 Single-family Residential to LC Limited Commercial.

Legally described as: A tract of land lying in the North Half of the Northwest Quarter, Section 8, Township 28 South, Range 2 East, of the 6th Principal Meridian, Sedgwick County, Kansas; said tract being more particularly described as follows:

BEGINNING at northwest corner of said Northwest Quarter; thence along the north line of said Northwest Quarter on a Kansas coordinate system of 1983 south zone bearing of, N89°13'33"E, 989.18 feet; thence S00°46'27"E, 60.00 feet; thence S42°24'47"W, 317.88 feet; thence S01°05'29"E, 1039.87 feet to the south line of said North Half; thence along said south line S89°33'35"W, 770.05 feet to the west line of said Northwest Quarter; thence along said west line, N01°05'29"W, 1327.16 feet to the POINT OF BEGINNING, EXCEPT, the north 600 feet of the west 600 feet thereof.

**SECTION II.** That upon the taking effect of this Resolution, the notation of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**SECTION III.** That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

Commissioners present and voting were:

DAVID M. UNRUH  
TIM R. NORTON  
KARL PETERJOHN  
RICHARD RANZAU  
JAMES M. HOWELL

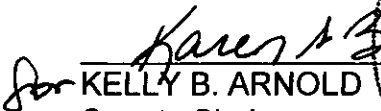
Aye  
Aye  
Aye  
Aye  
Aye

DATED this 19<sup>th</sup> day of October, 2016

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

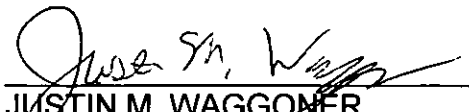
  
\_\_\_\_\_  
JAMES M. HOWELL  
Commissioner, Fifth District

ATTEST:

  
\_\_\_\_\_  
KELLY B. ARNOLD  
County Clerk



APPROVED AS TO FORM ONLY:

  
\_\_\_\_\_  
JUSTIN M. WAGGONER  
Assistant County Counselor

## STAFF REPORT

MAPC August 16, 2007

CASE NUMBER: CUP2004-60 AND ZON2004-68 DP-281 Rock Road Plaza Community Unit Plan

APPLICANT/AGENT: Il Sik Hong and Deborah K Hong (owner); MKEC Engineering Consultants, Inc, c/o Greg Allison (agent)

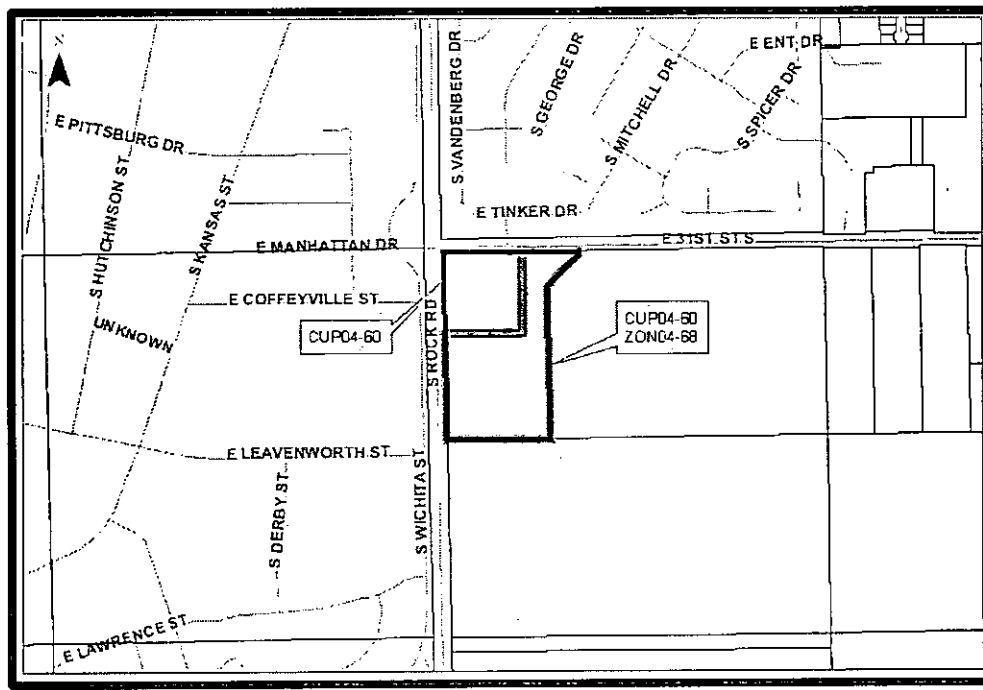
REQUEST: Create DP-281 Rock Road Plaza Community Unit Plan; zone change to "LC" Limited Commercial

CURRENT ZONING: "SF-20" Single-family Residential

SITE SIZE: CUP 24.38 acres (20.99 net acres); zone change 16.12 acres

LOCATION: Southeast corner of Rock Road and 31<sup>st</sup> Street South

PROPOSED USE: Commercial development



BACKGROUND: The applicant proposes to create a commercial community unit plan, DP-281 Rock Road Plaza Community Unit Plan, on a 24-acre tract (net size 20.99 acres) and rezone a 16-acre tract from "SF-20" Single-family Residential to "LC" Limited Commercial. The property is located on the southeast corner of Rock Road and 31<sup>st</sup> Street South. The CUP would have five parcels for commercial use. Parcel 1 (1.27 acre) would be located at the intersection. Parcels 3 (1.49 acre) and 5 (1.27 acre) would be small parcels located along Rock Road. Parcel 2 (10.02 acres) would surround Parcel 1 and have frontage on both Rock Road and 31<sup>st</sup> Street South. Parcel 4 (6.92 acres) would be located farther south and have a narrow strip of land connecting to Rock Road.

The proposed CUP is within the study area of the Joint Land Use Study "JLUS" conducted jointly by Sedgwick County, the City of Wichita and the City of Derby to identify compatible land use with the continued operation of McConnell Air Force Base, and is within the "AT/FP-O" Anti-Terrorism/Force Protection Overlay District.

Requested uses are those allowed by right in LC except excluding uses considered incompatible due to proximity of the site to McConnell Air Force Base, including the following excluded uses: all residential uses; church or place of worship; college or university; convalescent care facility, limited and general; group home, limited, general and commercial; hospital; library; school, elementary, middle and high; bed and breakfast inn; hotel or motel; vocational school; night club in the city; night club in the county; tavern and drinking establishment; and recreation and entertainment, indoor, adult entertainment establishments, sexually oriented businesses, correctional placement residences, safety service, bed and breakfast inn, hotel and motel, vocational school, night club in the city, pawn shop, agricultural sales and service, and asphalt/concrete plants. Restaurants shall not have drive-through windows or in-car service located within 200 feet of residential zoning and order boards shall not be audible from the residential property lines. No overhead doors shall be permitted within 200 feet of residential zoning and shall not be facing any residential zoning district.

The CUP references the need for noise attenuation methods in construction and a real estate disclosure process of the locating near a military base.

Maximum height is 25 feet. Maximum building coverage would be 30 percent and maximum gross floor area would be 35 percent for each parcel, but the overall total for the CUP would be limited to 30 percent, indicating that densities may be lessened on some parcels if others are built out to the full 35 percent capacity. The number of buildings permitted would be two on Parcels 1, Parcels 3 and 5, and five on Parcels 2 and 4. Setbacks would be 35 feet on along Rock Road and 31<sup>st</sup> Street South and exterior property lines. Internal setbacks are 15 feet. A six-foot masonry wall would be required along residential zoning, except the applicant asked to waive this requirement along the existing trees if the trees are maintained as a solid screening buffer.

Buildings would have uniform architectural compatibility and parking lots and similar or consistent lighting elements, limited to 24 feet in height (lowered to 15 feet within 100 feet of residential zoning or residential use) and share a similar landscape palette. It includes

provisions for cross-lot circulation, internal parking lot circulation and pedestrian connectivity.

Monument signage is requested with a maximum height of 20 feet. Portable and off-site signs would be prohibited. Flashing signs (except for signs showing only time, temperature and other public service messages), rotating or moving signs, signs with moving lights or creating the illusion of movement would be prohibited. Ground signage would be limited to monument style signage with a maximum height of 20 feet and sign face area of 120 square feet per sign, and the total amount of sign face area not exceeding 0.8 times the linear frontage for Rock Road; an arterial street, and 0.5 times linear frontage for 31<sup>st</sup> Street South, a two-lane urban collector street located across the street from residential use.

The site currently is in agricultural use. The property to the north and west is zoned "AFB" Air Force Base and is the site of McConnell Air Force Base on the west and base housing on the north. The property to the east is zoned SF-20 and is in agricultural use. The property to the south is zoned SF-20 and is in agricultural use, but was approved for LC and DP-300 Rocky Ford CUP subject to platting. Similarly, the property to the southeast is zoned SF-20 and in agricultural use, but was approved for "IP" Industrial Park zoning subject to platting.

**CASE HISTORY:** The property is not platted. The zone change/CUP request originally was filed in 2004 but was deferred pending the JLUS study and adoption of the AT/FP-O. The request originally included a 19-acre tract to the south that was re-filed and approved for commercial development as a separate tract (CUP2006-32/ZON2006-28 DP-300 Rocky Ford Commercial CUP).

**ADJACENT ZONING AND LAND USE:**

|        |       |                                              |
|--------|-------|----------------------------------------------|
| NORTH: | AFB   | Residential (base housing)                   |
| SOUTH: | SF-20 | Vacant (approved for LC subject to platting) |
| EAST:  | SF-20 | Agricultural/undeveloped                     |
| WEST:  | AFB   | McConnell Air Force Base                     |

**PUBLIC SERVICES:** Currently, Rock Road is improved as a four-lane undivided principal arterial roadway. 31<sup>st</sup> Street South is a two-lane urban collector. Requested access consists of two full movement openings and one right-in/right-out opening onto Rock Road and one full movement opening and two right-in/right-out openings onto 31<sup>st</sup> Street South.

Traffic counts in 2006 (county counts) were 17,404 vehicles on Rock Road and 923 vehicles on 31<sup>st</sup> Street South. The 2030 projection for Rock Road is 31,500 vehicles per day in 2030.

The nearest public water and sewer service are approximately ¼ to ½ mile north of the property.

**CONFORMANCE TO PLANS/POLICIES:** The "Wichita Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "employment/industry center" use and shows the property as a "Potential Future Park Site". The employment/industry center recommendation was based upon the 1994 Air Installation Compatible Use Zone (AICUZ) study for McConnell AFB and the property remains within the "Maximum Mission Area" identified by the Joint Land Use Study. The site is within the anti-terrorism/force protection zone around McConnell.

**Commercial Objective III.B** encourages future commercial areas to "minimize detrimental impacts to other adjacent land uses", with **Strategy III.B.2** seeking to integrate out parcels to planned centers through shared internal circulation, combined signage, similar landscaping and building materials, and combined ingress/egress location. The proposed CUP incorporates architectural and lighting compatibility, similar landscaping, and shared or similar signage. It provides for cross-lot circulation, an overall site circulation and pedestrian circulation plan and a site plan for each parcel to ensure compatibility with the overall plan.

**Commercial Locational Guideline #1** of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterial streets. The proposed development complies with this guideline. **Commercial Locational Guideline #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use. The CUP incorporates provisions for more restrained signage, less impact from drive-through lanes as well as lighting provisions.

**RECOMMENDATION:** Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2004-68) to LC Limited Commercial subject to platting of the entire property within one year;
- B. APPROVE the Community Unit Plan (DP-281), subject to the following conditions:
  - 1. Transportation improvements (to be added to General Provision #14):
    - a. Continuous accel/decel lanes (including extension of box culvert if necessary) shall provided for the three access points on Rock Road and shall be platted to be in conformance with Access Management Standards for distance separation.
    - b. Left-turn lanes for the two full-movement entrances on Rock Road shall be provided.
    - c. Additional right-of-way as needed to accommodate the extra lanes shall be provided at platting.
  - 2. No development shall be permitted until public water and sewer is available.
  - 3. The site shall be developed in substantial conformance to the approved community unit plan's site plan, general provisions and individual parcel standards.
  - 4. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

5. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
6. All property included within this CUP and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
7. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-281) includes special conditions for development on this property.
8. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.
9. Add a General Provision to state: "In the event the United States Air Force requests closure of Rock Road in the vicinity of McConnell Air Force Base, the applicant acknowledges there will be a potential loss of business to the properties with the CUP."

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site currently is in agricultural use. The property to the north and west is zoned "AFB" Air Force Base and is the site of McConnell Air Force Base on the west and base housing on the north. The property to the east is zoned SF-20 and is in agricultural use. The property to the south is zoned SF-20 and is in agricultural use, but was approved for LC and DP-300 Rocky Ford CUP subject to platting. Similarly, the property to the southeast is zoned SF-20 and in agricultural use, but was approved for "IP" Industrial Park zoning subject to platting.
2. The suitability of the subject property for the uses to which it has been restricted: The area is less suitable for the use as currently zoned (suburban residential) since it is within the "Maximum Mission Area" of McConnell Air Force Base and within the one-half mile buffer zone of the base.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The recommended conditions are designed to minimize conflicts between the commercial development and McConnell Air Force Base by limiting heights and eliminating uses the base finds to be an anti-terrorism and force protection risk.
4. Length of time the subject property has remained vacant as zoned: The property is in agricultural use. Water and sewer service has not been extended to the site so that it not ready for urban-type use yet.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: According to a recent article

"McConnell Air Force Base puts nearly \$370 million into Wichita's economy, according to Air Force Data. The base itself is worth nearly \$1.4 billion." ("Defending Kansas Bases: McConnell, others hope to avoid closing list," The Wichita Eagle, January 17, 2005, p. 1). The proposed development plan and recommended conditions are designed to lessen concerns of the base.

6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "Wichita Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "employment/industry center" use and shows the property as a "Potential Future Park Site". The employment/industry center recommendation was based upon the 1994 Air Installation Compatible Use Zone (AICUZ) study for McConnell AFB and the property remains within the "Maximum Mission Area" identified by the Joint Land Use Study. The site is within the anti-terrorism/force protection zone around McConnell. **Commercial Objective III.B** encourages future commercial areas to "minimize detrimental impacts to other adjacent land uses", with **Strategy III.B.2** seeking to integrate out parcels to planned centers through shared internal circulation, combined signage, similar landscaping and building materials, and combined ingress/egress location. The proposed CUP incorporates architectural and lighting compatibility, similar landscaping, and shared or similar signage. It provides for cross-lot circulation, an overall site circulation and pedestrian circulation plan and a site plan for each parcel to ensure compatibility with the overall plan. **Commercial Locational Guideline #1** of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterial streets. The proposed development complies with this guideline. **Commercial Locational Guideline #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use. The CUP incorporates provisions for more restrained signage, less impact from drive-through lanes as well as lighting provisions.
7. Impact of the proposed development on community facilities: The additional traffic is expected to generate significant additional traffic on Rock Road. The accel/decel lanes are designed to mitigate the potential conflicts from traffic entering and exiting the site with the high speed through traffic. Water and sewer lines will need to be extended approximately ¼ to ½ mile or more to serve this and other areas to be developed south of 31<sup>st</sup> Street South.