

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

Construction of
63rd -
2002
1/11/99

PROPOSED AGENDA ITEMS : SCZ-0789 - request for zone
Residential to "GC" General C

DP-233 - request for the amen
Commercial Community Plan, loc
corner of K-15 and 63rd Street S.

PRESENTED BY: Marvin S. Krout, Director of Planni.

PROPOSED AGENDA DATE: May 26, 1999

COMMISSION DISTRICT #1

Derby Planning Commission: Approve, subject to conditions (8-0).

MAPC Recommendation: Approve, subject to conditions (13-0).

Staff Recommendation: Approve, subject to conditions.

Background/Discussion: The applicant owns 52.7 acres, generally located at the northwest corner of K-15 and 63rd Street South. In 1994, six acres of his ownership were approved for "GC" General Commercial zoning (SCZ-0668). Mr. Kuhn constructed a retail store, with trailer sales and self-storage units on the six acres. In 1996, the applicant received approval of a two parcel commercial Community Unit Plan for 16.14 acres of his total ownership and "GC" General Commercial zoning for the additional 10.14 acres. This current request would expand the commercial Community Unit Plan by 17.8 acres, would bring the total size of Kuhn Co. Commercial C.U.P. to 33.95 acres.

Parcel 1A of the C.U.P. contains a retail store, trailer sales and self storage units. Parcel 1B, located north of the self storage facilities contains enclosed and outdoor storage of recreational equipment, including 'RV's, boats, campers, trailers and operable vehicles.

The amendment proposes to add Parcels 2A, 2B, and 3 to the C.U.P and amend the uses permitted in Parcel 1A. The three parcels fronting onto 63rd Street South (Parcels 1A, 2A, and 3) would be restricted to the same set of "GC" uses, those being vehicle sales, equipment rental and sales, and other uses allowed in "GC" General Commercial, with all uses being limited to on-site sewage for domestic uses only and being limited to less than 1000 gallons per day on each parcel; and also excluding those uses excluded in the "A-O" Airport Overlay Sec.III-C5(g)(3). This set of uses responds to three different concerns of MAPD and the Derby planning staffs: (1) eliminating land uses that involve a high

concentration of population, due to the presence of the McConnell flight pattern overhead; (2) restricting the commercial uses to those that generate small amounts of wastewater (rated for domestic uses only) and therefore avoid the need to expand municipal wastewater treatment; and (3) restricting the uses indirectly through the sewage limitation to ones that do not generate high traffic levels necessitating traffic improvements on 63rd Street by the developer.

The applicant proposes to construct a retail building with a maximum building coverage area of 12,000 square feet on Parcel 2A and on Parcel 3. For Parcel 3, an additional 60,000 maximum building coverage would be permitted for nurseries and other uses that would not cause domestic sewage usage in excess of 1,000 gallons per day on the parcel. This would result in a development with a modestly sized retail building on each parcel and the potential for nursery and other non-retail structures on the rear of Parcel 3.

The allowed uses for Parcels 1B and 2B are more restrictive. The applicant proposes to limit the "GC" uses to only the enclosed and outdoor storage for recreational equipment and operable vehicles such as "R.V"s, boats, campers, and trailers. This is the use that has been developed for Parcel 1B. Parcel 2B would be developed in a similar manner as Parcel 1B.

The parcels have a 60 foot setback from the right-of-way of 63rd Street South. No display of merchandise would be permitted in this setback. Landscaping would be provided along the setback, consisting of planting of trees on 45 foot centers with mixed shrubs underneath and berming along the west 530 feet of the south line of 63rd Street. All outside storage and work areas would need to be screened in accordance with the Uniform Zoning Code screening requirements.

Land uses bordering the application area are: to the north and west is agricultural property owned by the applicant which also contains two suburban residences; to the east are the Burlington Northern-Santa Fe railroad tracks, K-15 Expressway, a welding shop and a mini-storage facility; and to the south across 63rd Street are single-family homes on suburban acreages.

The site is located within the Derby Zoning Area of Influence, and is immediately adjacent to the Derby City Limits. Also, it is within Derby's projected small cities growth area, and in Derby's area of subdivision jurisdiction.

The application area is also located in Airport Overlay District III South (AOD III-S). The intent and purpose of the AOD is to ensure a compatible relationship between Air Force base operations and other land uses in the vicinity of the base, and its operations, by reducing to a minimum, those land uses that concentrate large numbers of persons underneath runway takeoff and approach paths, where aircraft accidents are most likely to occur. Uses not permitted in this area include: residential uses with less than 40,000 square feet of lot area per dwelling unit, transient lodging, hotels, motels, recreational vehicle parks, restaurants, drinking establishments, taverns, private clubs, retail food stores

with gross floor area exceeding 3,000 square feet, hospitals, sanitariums, nursing homes, day care centers, halfway houses, group homes, public and private schools (all levels), libraries, museums, churches and related facilities, correctional facilities, all indoor/outdoor entertainment and/or recreational facilities that would attract more than 25 spectators and/or participants per acre at any one time.

This matter was heard by the Derby Planning Commission on April 22, 1999. Concerns were expressed on the need to address sharing of the costs of future extension of public services at the time of platting. Derby recommended as additional conditions that lighting be shielded away from street rights-of-way and roof-top equipment be screened from adjoining street rights-of-way, in addition to shielding of lighting and screening of roof-top equipment from residential areas. The Commission voted (8-0) to approve the request as recommended by staff with these additions. A copy of the minutes is attached.

At the MAPC meeting of April 29, 1999, the applicant briefly described the proposed development. There was no opposition expressed from the public. MAPC voted (13-0) to approve the request as recommended by staff, with the additions recommended by Derby Planning Commission.

- Recommended Action:
1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change and C.U.P., subject to the recommended conditions and subject to the condition of platting within one year; adopt a resolution authorizing the zone change and instruct the Planning Department to withhold publication until the plat has been recorded with the Register of Deeds; or
 2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

Applicants:

Dale Kuhn 4640 E 63rd Street South Derby KS 67037

Mark Savoy Savoy Ruggles & Bohm 924 N Main Wichita KS 67203

Protestors:

None

RESOLUTION ON NO. 132-99 :

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 RESOLUTION NO. 178-1997.

BE IT RESOLVED BY THE GOVERNING BODY 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. SCZ- 0789

And

DP-223 Kuhn Co. Commercial Community Unit Plan

Zone change request from "RR" Rural Residential to "GC" General Commercial on property described as:

That part of the SE1/4 of Sec. 26, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, described as commencing at the intersection of the north line of 63rd Street South, as established on Film 265, Page 1276 and the westerly right-of-way line of the AT&SF Railroad; thence S89 °59'58"W, along the north line of said 63rd Street South, 225.52 feet to the PC of a curve to the right, having a radius of 2,804.79 feet; thence continuing westerly, along the north line of said 63rd Street South, and through a central angle of 07 °19'22", an arc distance of 358.47 feet to the SW Corner of Lot 1, Block A, Kuhn Co Commercial 2nd Addition to Sedgwick County, Kansas, for a place of beginning; thence continuing westerly along the north line of said 63rd Street South, said north line being a curve to the right, having a radius of 2,804.79 feet, and through a central angle of 08 °35' 44", an arc distance of 420.78 feet to the P.T. of said curve; thence N74 °04'56"W, along the north line of said 63rd Street South, 1025 feet; thence N70 °55'04"E, 840 feet to the P.C. of a curve to the left, having a radius of 235 feet; thence northeasterly and northerly, along said curve, through a central angle of 66 °00'00", an arc distance of 270.70 feet to the P.T. of said curve; thence N04 °55'04"E, tangent to said curve, 440 feet; thence N89 °59'58"E, 136 feet; thence N12 °06'27"W, 99.03 feet; thence N89 °59'58"E, 99.96 feet to the NW corner of Lot 1; thence S12 °06'27"E, along the west line of said Lot 1, 922.07 feet; thence S00 °00'02"E, and continuing along the west line of said Lot 1, 476 feet to the place of beginning. Generally located at the northwest corner of K-15 and 63rd Street South.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

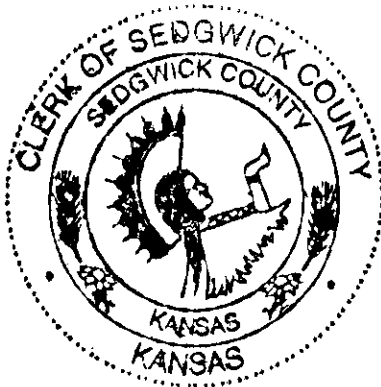
SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

BETSY GWIN
BILL HANCOCK
THOMAS G. WINTERS
CAROLYN McGINN
BEN SCIORTINO

Ag
Ag
Ag
Ag
Ag

DATED this 26 day of May, 1999.



BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Bill Hancock
BILL HANCOCK, Chairman

ATTEST:

James Alford
JAMES ALFORD
County Clerk

APPROVED AS TO FORM ONLY:

Rich Euson
RICH EUSON
County Counselor