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RESOLUTION NO. 246-1997

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. 57-1997.

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- 0755

Zone change request from "SF-20" Single Family Residential District and "LC" Limited Commercial District to "SF-6" Single-Family Residential District and "LC" Limited Commercial District, and to "P-O" Protective Overlay District #28 described as:

"LC" Limited Commercial District to "SF-6" Single-Family Residential District:

Beginning at the Northwest corner of the Northwest Quarter of Section 10, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence south along the West line of said Northwest Quarter, a distance of 330 feet to the point of beginning; thence south 00 degrees 43'14" east, a distance of 270 feet; thence north 89 degrees 16'46" east, a distance of 600 feet; thence north 00 degrees 43' 14" west, a distance of 270 feet; thence south 89 degrees 16'46" west, a distance of 600 feet to the point of beginning, subject to existing road right-of-ways of record. Generally located at the southeast corner of 21st Street North and Greenwich Road; AND

"SF-20" Single Family Residential District to "LC" Limited Commercial District:

Beginning at the Northwest corner of the Northwest quarter of Section 10, Township 27 south, Range 2 east of the 6th P.M., Sedgwick County, Kansas; thence east along the north line of said northwest quarter, a distance of 600 feet to the point of beginning; thence south 00 degrees 43'14" east, a distance of 330 feet; thence north 89 degrees 16'46" east, a distance of 439.28 feet; thence north 30 degrees 00'00" east, a distance of 314.07 feet; thence north 00 degrees 43'14" west, a distance of 60 feet to a point on the north line of said northwest quarter; thence west along said north line, a distance of 599.87 feet to the point of beginning, subject to existing road right-of ways of record. Generally located at the southeast corner of 21st Street North and Greenwich Road.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS

1. Landscaping shall be in accordance with the Landscape Ordinance of the City of Wichita. A landscape plan indicating the location, type, and specification of plant materials shall be submitted to the Planning Department for their review and approval prior to the issuance of any building permit(s). The landscape plan shall be required prior to the issuance of any occupancy permit if the required landscaping has not been installed.
   In addition, the landscape plan shall include the preservation of all existing trees along the northern property line exceeding 14 feet in height (excluding those trees located in an access opening) in addition to the minimum landscape requirements. There shall be no clear cutting of the existing trees along the northern property line.

2. A screening wall shall be constructed of brick, stone, masonry, architectural tile or other similar material (not including wood or woven wire) at least six feet but not more than eight feet where adjacent to residential zoning.

3. Screening of all dumpsters, outside storage, and utilities, such as AC units; will be constructed of material to match and preferably be connected to the buildings they support. No dumpsters, outside storage and utilities, such as AC units, will be visible by the residents adjoining the property and this screening will not rely solely on trees within the buffer strip to block the view.

4. If multiple buildings are constructed, then all buildings shall have predominant exterior building materials of consistent architectural character, color, and texture.

5. Light poles shall be of the same color and design, and shall have cut-off fixtures which direct light away from nearby residential areas. Light poles must be limited to a maximum height of 20 feet.

6. Signs shall be in accordance with Chapter 24.04 of the Sign Code of the City of Wichita with the following exceptions:

   A. No off-site, portable signs, or signs with rotating or flashing lights shall be permitted.

   B. All signs along 21st Street North and Greenwich Road shall be monument type signs solid to the ground, with a maximum height of 20 feet.

   C. The maximum square footage of sign area permitted for ground monument signs shall be 200 square feet All signs shall be spaced a minimum of 150 feet apart, irrespective of how land is leased or sold.

7. Prior to issuing building permits, a plan for a pedestrian walk system shall be submitted and approved by the Director of Planning. This walk system shall link sidewalks along 21st Street North and Greenwich Road with proposed buildings within the subject property.

8. The transfer of the title on all or any portion of the land included in the development does not constitute a termination of these provisions or any portion thereof, but said provisions shall run with the land for development and be binding upon the present land owners, their successors and assigns and their lessees unless amended.

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	Aye
PAUL W. HANCOCK	Aye
THOMAS G. WINTERS	Aye
MELODY C. MILLER	Aye
MARK F. SCHROEDER	Aye

DATED this 10th day of December, 1997.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

THOMAS G. WINTERS, Chairman

ATTEST:

JAMES ALFORD
County Clerk

APPROVED AS TO FORM ONLY:

~~Assistant~~ County Counselor

sidewalks along 21st Street North and Greenwich Road with proposed buildings within the subject property.

8. Taverns, drinking establishments, and adult entertainment establishments shall be prohibited.

9. The transfer of the title on all or any portion of the land included in the development does not constitute a termination of these provisions or any portion thereof, but said provisions shall run with the land for development and be binding upon the present land owners, their successors and assigns and their lessees unless amended.

The staff recommendation for approval is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the 21st Street and Greenwich Road intersection is one of expanding commercial and industrial uses. Areas to the northeast, across 21st Street, have been approved for a cemetery, with the surrounding areas to the east, south, and west remaining undeveloped.

2. The suitability of the subject property for the uses to which it has been restricted: This request would not affect the use of the subject property. Under its current configuration, the site still has approximately 6 acres of "LC" zoned property.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The request, with the recommended protective overlay, should not have any negative impact on nearby property. The properties to the west and north are zoned for commercial activity, while property to the east and south are owned by the applicant with the intent on developing a church.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The request is consistent with the Comprehensive Plan's objectives for commercial uses at the 21st Street North and Greenwich Road intersection.

5. Impact of the proposed development on community facilities: Municipal water and sewer services are currently available, or planned, to serve this site. With the City and County's substantial investment in infrastructure to this area, the request should not have a negative impact of community facilities.

CASE NUMBER: SCZ-0755

APPLICANT/AGENT: Eastside Community Limited Partnership (property owner); Chris Young, Young and Associates (agent)

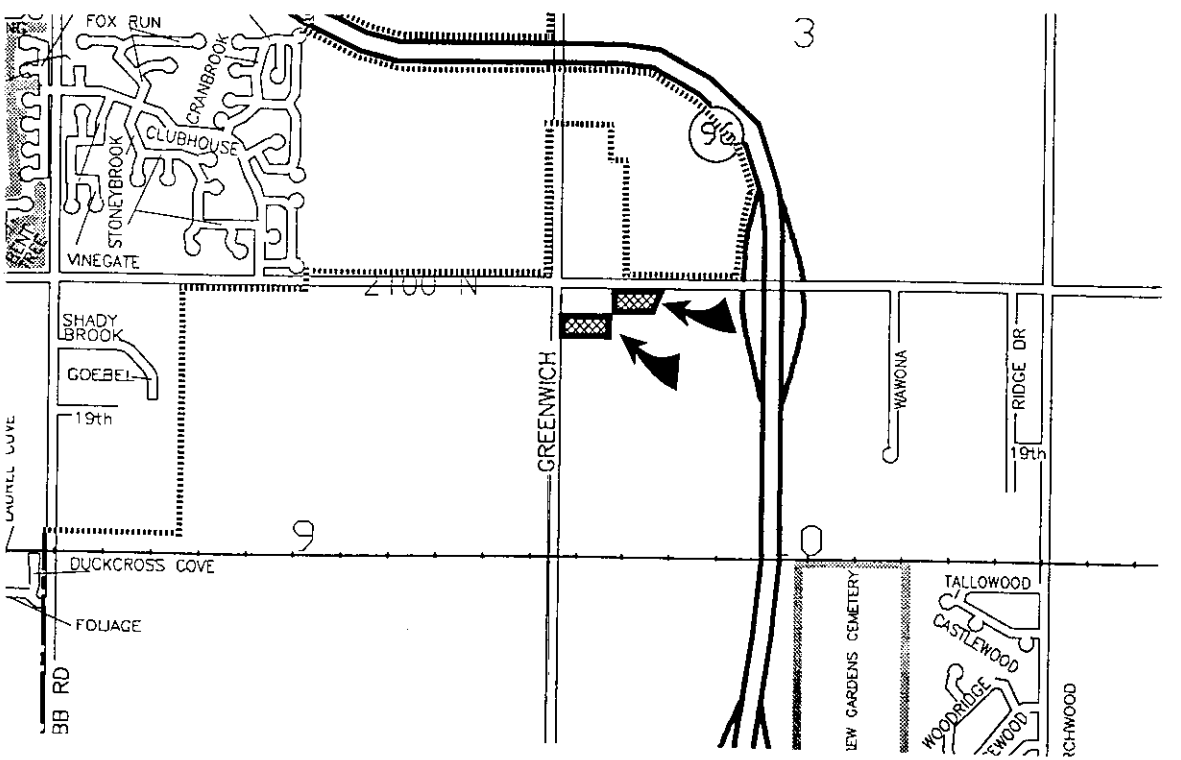
REQUEST: Zone change to "SF-6" Single-Family Residential and "LC" Limited Commercial

CURRENT ZONING: "SF-20" Single-Family Residential and "LC" Limited Commercial

SITE SIZE: 3.4 acres ("SF-6") and 3.2 acres ("LC")

LOCATION: Southeast of 21st Street North and Greenwich Road

PROPOSED USE: Reconfigure the existing commercial zoning



EXCERPT FROM PLANNING COMMISSION MINUTES OF NOVEMBER 13, 1997

SCZ-0755 - Eastside Community Limited Partnership (property owner); Chris Young, Young and Associates (agent) request zone change from "SF-20" Single-Family Residential and "LC" Limited Commercail to "SF-6" Single-Family Residential and "LC" Limited Commercial on property described as:

Tract 1

Beginning at the Northwest corner of the Northwest Quarter of Section 10, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence south along the West line of said Northwest Quarter, a distance of 330 feet to the point of beginning; thence south 00 degrees 43'14" east, a distance of 270 feet; thence north 89 degrees 16'46" east, a distance of 600 feet; thence north 00 degrees 43' 14" west, a distance of 270 feet; thence south 89 degrees 16'46" west, a distance of 600 feet to the point of beginning, subject to existing road right-of-ways of record.

AND

Tract 2

Beginning at the Northwest corner of the northwest quarter of section 10, township 27 south, range 2 east of the 6th P.M., Sedgwick County, Kansas; thence east along the north line of said northwest quarter, a distance of 600 feet to the point of beginning; thence south 00 degrees 43'14" east, a distance of 330 feet; thence north 89 degrees 16'46" east, a distance of 439.28 feet; thence north 30 degrees 00'00" east, a distance of 314.07 feet; thence north 00 degrees 43'14" west, a distance of 60 feet to a point on the north line of said northwest quarter; thence west along said north line, a distance of 599.87 feet to the point of beginning, subject to existing road right-of ways of record. Generally located southeast of 21st Street North and Greenwich Road.

RUSS EWY, Senior Planner, pointed out land use and zoning; and showed slides of the general area. He reviewed the following staff report:

BACKGROUND: The applicant requests a zone change from "SF-20" Single-Family Residential and "LC" Limited Commercial to "LC" Limited Commercial and "SF-6" Single-Family Residential for a 6.6 acre tract located at the southeast corner of 21st Street North and Greenwich Road. The applicant is seeking the zone change in order to reconfigure the existing zoning pattern on the site.

The subject property is currently undeveloped and includes a large number of existing

trees and vegetation along the northern property line. The property is bounded by the West Branch of Four-Mile Creek to the east, and agricultural/large-lot residential uses to the south and southwest. The southwest corner of the intersection is zoned "LC" in the standard configuration. Property located at the northeast corner of the 21st Street and Greenwich Road intersection is proposed for a theater complex and other commercial development. Approximately 70 acres on the west side of Greenwich Road and north of 21st Street has been approved for a mixture of commercial and industrial uses.

The Unified Zoning Code allows an applicant to avoid filing a commercial Community Unit Plan on more than 6 acres of property zoned "LC" Limited Commercial or "GC" General Commercial, provided the application is accompanied with a protective overlay.

The site plan (copy attached) submitted with the application shows the entire 40 acre ownership divided into 6 lots. Lots 2, 3 and a small portion of 4 are currently zoned "LC" with the remainder of Lot 4 and all of Lot 5 included in the zone change request. Lots 1 and 6 will remain zoned "SF-6" (when annexed), and are proposed for church use. The plan shows a large reserve separating Lot 6 from the rest of the development. Access to the commercial lots from 21st Street is as follows: one major entrance between Lots 3 and 4, one joint opening between Lots 2 and 3, and one joint opening between Lots 4 and 5. Lot 2 will also have one opening to Greenwich Road.

CASE HISTORY: The subject property is currently being platted as the Eastside Community Church Addition (S/D 97-74).

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	Proposed theater complex; Proposed commercial development; Proposed cemetery
SOUTH:	"SF-20"	Proposed church; Single-family residence; Agricultural uses
EAST:	"SF-20"	West Branch of Four-Mile Creek; Proposed church
WEST:	"SF-20"	Undeveloped commercial; Agricultural Uses

PUBLIC SERVICES: Municipal water is currently being installed to serve this site, with sewer service available for extension. The site has access to 21st Street North, a newly constructed 4-lane arterial, and Greenwich Road, a 2-lane arterial.

Existing traffic volumes on Greenwich Road range from 2,883 average daily trips (ADT) ¼ mile south of the 21st Street. Existing traffic volumes on 21st Street range

from 6,560 ADT from Greenwich to K-96. The 2020 Transportation Plan projects that traffic on Greenwich Road will increase to approximately 5,058 ADT south of the intersection, while traffic volumes on 21st Street are projected to increase to 17,735 ADT from Greenwich to K-96.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan's Land Use Guide identifies the application area as appropriate for "commercial uses" and within the "New Growth" boundary, a category that is intended to identify an adequate amount of land to accommodate anticipated growth through the year 2001.

The Land Use Guide of the Comprehensive Plan identifies the 21st Street North and Greenwich Road intersection to the K-96 Expressway as appropriate for "large-scale retail" uses which serve a regional or subregional market. New growth will require the development of additional commercial areas which meet the convenience and shopping needs of new residents. The "Wichita Land Use Guide" does not indicate specific mapped locations for these uses, leaving it to the private market to identify the most appropriate and available tracts of land.

The "Commercial Locational Guidelines" found in the Plan state that (1) commercial sites should be located adjacent to arterials or major thoroughfares which provide needed ingress and egress in order to avoid congestion, (2) the location of major commercial uses should be coordinated with mass transit routes, high-density residential, employment and other intensive uses, and (3) commercial development should have required site design features which limit noise, lighting, and other activity so as to not adversely impact surrounding residential areas.

RECOMMENDATION: Given the substantial public investment in the K-96 Expressway, and the widening of 21st Street, we feel that higher intensity development is appropriate along this corridor. Therefore, based upon information available prior to the public hearings, planning staff recommends that the zone change be APPROVED, subject to platting the property within 1-year to the additional provisions of a Protective Overlay (P-O) district, as outlined below:

1. Landscaping shall be in accordance with the Landscape Ordinance of the City of Wichita. A landscape plan indicating the location, type, and specification of plant materials shall be submitted to the Planning Department for their review and approval prior to the issuance of any building permit(s). The landscape plan shall be required prior to the issuance of any occupancy permit if the required landscaping has not been installed. In addition, the landscape plan shall include the preservation of all existing trees along the northern property line exceeding

14 feet in height (excluding those trees located in an access opening) in addition to the minimum landscape requirements. (*Planning staff feels that the existing tree row along the northern property line does not inhibit the site from being developed, but rather offers an exceptional opportunity to create an attractive commercial development, similar to the tree row preserved along the north side of 21st Street, east of Rock Road.*)

2. A screening wall shall be constructed of brick, stone, masonry, architectural tile or other similar material (not including wood or woven wire) at least six feet but not more than eight feet where adjacent to residential zoning.

3. Screening of all dumpsters, outside storage, and utilities, such as AC units; will be constructed of material to match and preferably be connected to the buildings they support. No dumpsters, outside storage and utilities, such as AC units, will be visible by the residents adjoining the property and this screening will not rely solely on trees within the buffer strip to block the view.

4. If multiple buildings are constructed, then all buildings shall have predominant exterior building materials of consistent architectural character, color, and texture. Variations shall be approved by the Director of Planning.

5. Light poles shall be of the same color and design, and shall have cut-off fixtures which direct light away from nearby residential areas. Light poles must be limited to a maximum height of 20 feet.

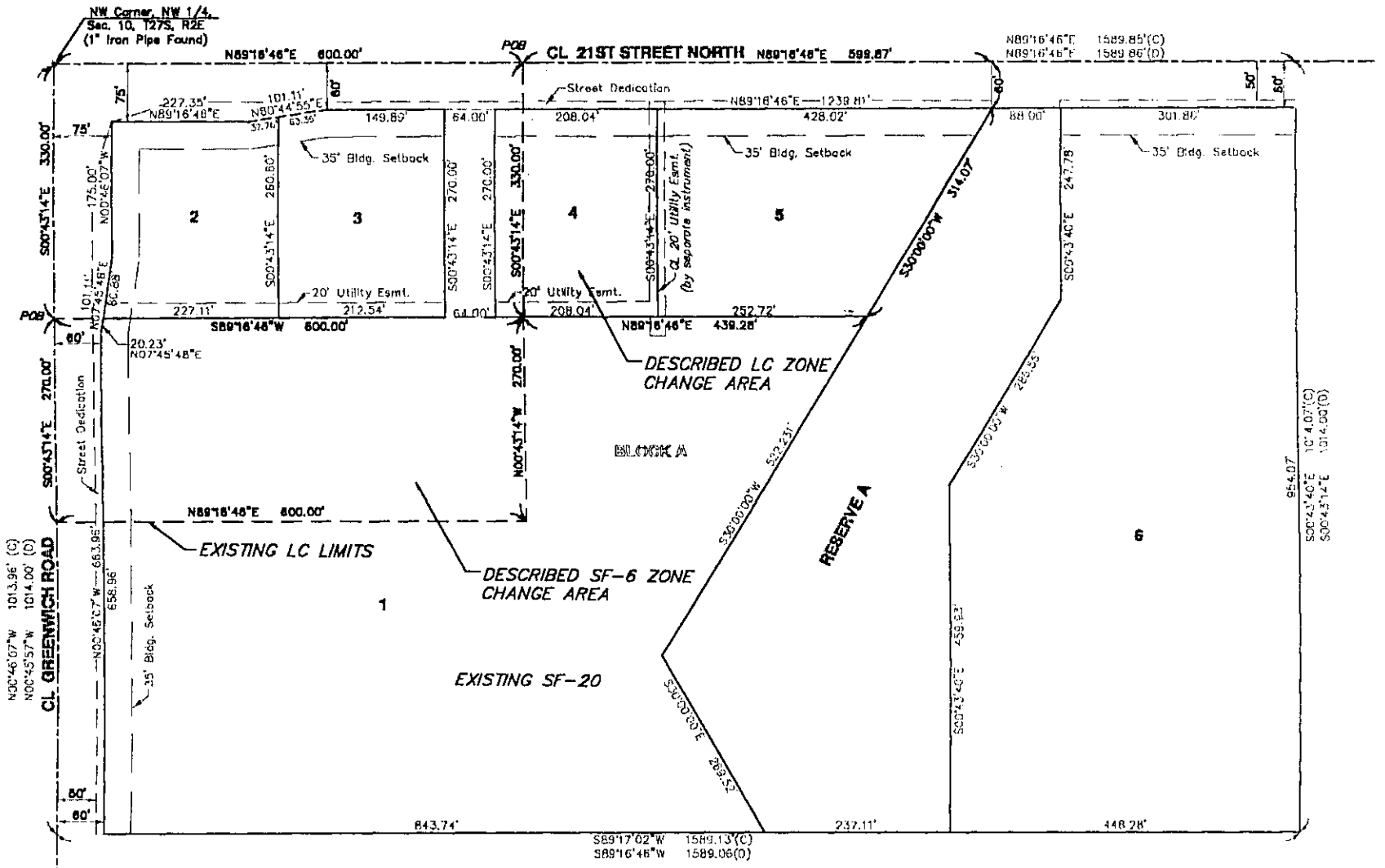
6. Signs shall be in accordance with Chapter 24.04 of the Sign Code of the City of Wichita with the following exceptions:

   A. No off-site, portable signs, or signs with rotating or flashing lights shall be permitted.

   B. All signs along 21st Street North and Greenwich Road shall be monument type signs solid to the ground, with a maximum height of 20 feet.

   C. The maximum square footage of sign area permitted for ground monument signs shall be 200 square feet All signs shall be spaced a minimum of 150 feet apart, irrespective of how land is leased or sold.

7. Prior to issuing building permits, a plan for a pedestrian walk system shall be submitted and approved by the Director of Planning. This walk system shall link



LEGAL DESCRIPTION OF PROPOSED SF-6:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 27 SOUTH, RANGE 2 EAST, OF THE 6TH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS; THENCE SOUTH ALONG THE WEST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING; THENCE S00°43'14"E A DISTANCE OF 270.00'; THENCE N89°16'46"E A DISTANCE OF 600.00 FEET; THENCE N00°43'14"W A DISTANCE OF 270.00 FEET; THENCE S89°16'46"W A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING, SUBJECT TO EXISTING ROAD RIGHT-OF-WAYS OF RECORD, AND CONTAINING 3.35 ACRES MORE OR LESS.

LEGAL DESCRIPTION OF PROPOSED LC:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 27 SOUTH, RANGE 2 EAST, OF THE 6TH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS; THENCE EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING; THENCE S00°43'14"E A DISTANCE OF 330.00'; THENCE N89°16'46"E A DISTANCE OF 439.28 FEET; THENCE N30°00'00"E A DISTANCE OF 314.07 FEET; THENCE N00°43'14"W A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE WEST ALONG SAID NORTH LINE A DISTANCE OF 599.87 FEET TO THE POINT OF BEGINNING, SUBJECT TO EXISTING ROAD RIGHT-OF-WAYS OF RECORD, AND CONTAINING 3.22 ACRES MORE OR LESS.

YOUNG & ASSOCIATES, P.A.
Civil and Environmental Engineer's
100 South Georgie
Derby, KS 67037
(316) 788-2332