

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0755 - Zone Change from "SF-20" Single-Family Residential (3.4 acres) and "LC" Limited Commercial (3.2 acres) to "SF-6" Single-Family Residential and "LC" Limited Commercial on property located southeast of 21st Street North and Greenwich Road.

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: December 10, 1997

COMMISSION DISTRICT #1

MAPC Recommendation: Approve, subject to platting within 1 year, and to the additional provisions of a Protective Overlay (P-O) (11-0-1).

Staff Recommendation: Approve, subject to platting within 1 year, and to the additional provisions of a Protective Overlay (P-O).

Background/Discussion: 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 (total) 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.

During the November 13, 1997 MAPC meeting, the agent for the applicant stated that his client objected to several provisions of the Protective Overlay, specifically the landscaping requirements, sign controls, and use limitations. The Planning Commission discussed the various recommended conditions contained in the required P-O with the agent and staff. After a motion to approve the request with an amended set of conditions failed, the MAPC voted (11-0-1) to approve the zone change, subject to platting within 1 year and to the additional provisions of a Protective Overlay, as generally recommended by staff.

- Recommended Action:
1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the additional provisions of a Protective Overlay (P-O) district and subject to platting within 1-year; adopt the resolution and authorize the chairman to sign; and instruct the Planning Department to withhold publication until all conditions have been complied with; 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:

Eastside Community Limited Partnership 9430 E Central Wichita KS 67206
Young & Associates PA 100 S Georgie Derby KS 67037

Protestors:

None

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.

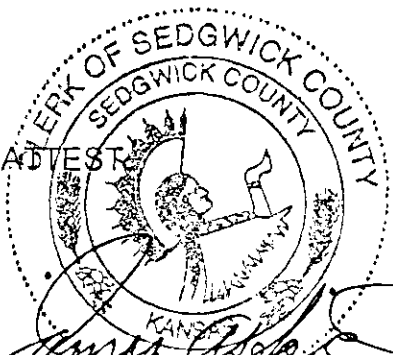
Commissioners present and voting were:

BETSY GWIN	<u>Aye</u>
PAUL W. HANCOCK	<u>Aye</u>
THOMAS G. WINTERS	<u>Aye</u>
MELODY C. MILLER	<u>Aye</u>
MARK F. SCHROEDER	<u>Aye</u>

DATED this 10th day of December, 1997.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Thomas G. Winters
THOMAS G. WINTERS, Chairman


James Alford
JAMES ALFORD
County Clerk

APPROVED AS TO FORM ONLY:

Julius Kenson
Assistant County Counselor