

RESOLUTION NO. R# 170-1996

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. 46-1996.

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-0717

Zone change request from 'SF-20' Single Family District to 'GO' General Office District and to 'P-O' Protective Overlay District #1 on property described as:

The east 431.02 feet of the south 431.02 feet of the SE quarter of Section 23, Township 27 south, Range 2 west of the 6th P.M., Sedgwick County, Kansas, EXCEPT the east 30 feet and the south 30 feet thereof. Generally located at the northwest corner of 135th Street West and Maple Street.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. All freestanding signs must be monument type.
2. Light poles must be limited to a maximum height of 14 feet.
3. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
4. Landscaping shall comply with the Landscape Ordinance of the City, except that requirements for streetyard landscaping and buffer strip trees must be calculated at 1.5 times the minimum ordinance requirements.
5. All buildings on the site must share similar architectural character, color, texture, and the same predominate exterior building material. Building walls and roofs must have predominantly earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas.

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 17th day of July, 1996.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Thomas G. Winters
THOMAS G. WINTERS, Chairman

ATTEST:

Susan E. Crockett-Spoon
SUSAN E. CROCKETT-SPOON
County Clerk



APPROVED AS TO FORM ONLY:

Paula Carson
Assistant County Counselor

STAFF REPORT

June 13, 1996

CASE NUMBER: SCZ-0717

APPLICANT/AGENT: Riverside Health System, Inc. (Contract Purchaser) & Maryan E. Thomas (Applicant)

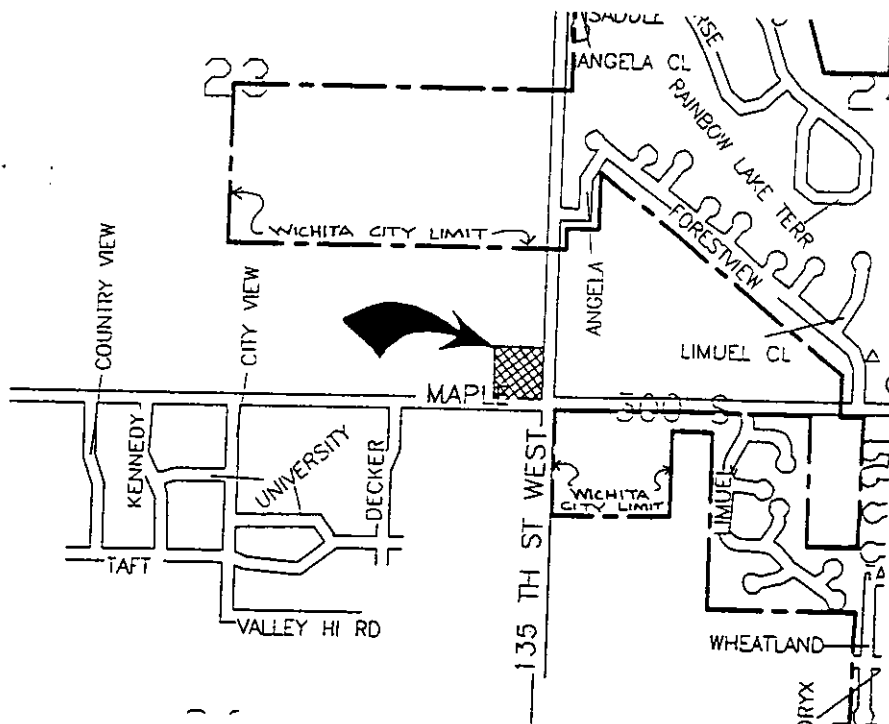
REQUEST: Zone change to 'GO' General Office

CURRENT ZONING: 'SF-20' Single-Family Residential

SITE SIZE: 3.7 acres

LOCATION: Northwest corner of 135th Street West and Maple

PROPOSED USE: Development of a medical clinic



BACKGROUND: The applicant requests a zone change from 'SF-20' Single-Family Residential to 'GO' General Office for a 3.7 acre unplatted tract located at the northwest corner of 135th Street West and Maple. Riverside Health Systems, Inc. plans to develop a medical clinic at this site. Development would take place on 3 net acres.

The surrounding area is predominately zoned 'SF-20' with agricultural uses to the north, south, and west. To the east of the application area is a horse stable. The recently approved Auburn Hills Commercial Community Unit Plan is located on 12 acres of the southeast corner of the same intersection.

The intersection of 135th Street and Maple is designated as an appropriate commercial intersection under the Far West Wichita Commercial Policy (although this policy was not adopted by the Board of County Commissioners, the site will be annexed when platted).

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	'SF-20'	Agriculture
SOUTH:	'SF-20'	Agriculture
EAST:	'SF-20'	Agriculture
WEST:	'SF-20'	Agriculture

PUBLIC SERVICES: Municipal water service is located at the northeast corner of 135th Street and Maple, and municipal sewer service is available approximately 1/8 mile to the north of the site, on the east side of 135th Street. Maple is currently a 2-lane paved section-line road, while 135th is an unimproved section-line road.

The 2020 Transportation Plan identifies 135th Street and Maple at this site as remaining 2-lane roads; however, the City's adopted Capital Improvement Program (CIP) plans to pave 135th Street from Maple to Central in 2001. The CIP also plans to widen Maple between 119th Street to 135th Street to 4-lanes in 2002. Traffic volume along 135th Street and Maple at this site is below current and projected capacity.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as developing with low density residential uses. However, the Plan does indicate that local-serving commercial uses are appropriate at arterial intersections.

This request is in conformance with the Comprehensive Plan's objective of developing office uses which complement existing commercial activities (which have been approved at this intersection) and provide convenient access to the public. Furthermore, this request is in conformance with the locational guidelines of the Plan for office uses, which calls for office development to be incorporated within or adjacent to neighborhood and community commercial developments, as well as to act as a transitional land use between residential uses and uses of a higher intensity.

The Wichita City Council recently adopted a policy dealing with the amount and character of commercial development for an area west of Maize Road, including this intersection. Applying that policy to this property, assuming that office uses were included in the term "commercial" (that was staff's intent), this 3 acres plus the 12 acres approved by the City Council at the southeast corner of the intersection would still leave another 9 acres for rezoning to office or commercial uses in the future. The policy would also require additional restrictions on signage, landscaping, and architecture beyond the requirements under the zoning code (and, assuming the property is annexed when it is platted, beyond the requirements of the City's sign and landscape codes).

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year and subject to the additional provisions of a P-O (protective overlay) district as outlined below. The use of the 3 acre property for a medical clinic is certainly consistent with the Comprehensive Plan and the recently adopted City policy for commercial development. Planning staff supports the 'GO' request, but we recommend that the overlay be added to deal with the "character" recommendations in the City policy.

The 'NO' Neighborhood Office district has a 35 foot height limit, and excludes a number of uses which are allowed "by right" in 'GO', including multi-family, group residences, halfway houses, hospital, hotel or motel. Building height will probably be limited by the site size and economics. Although some of the uses in 'GO' may be troublesome for neighbors, and the applicant may want to offer to limit some of those uses, they are no more intensive than other typical commercial uses. Regarding character, and following the precedent established by the CUP approved at the southeast corner of this intersection, staff recommends the following conditions in the Protective Overlay:

1. All freestanding signs must be monument type.
2. Light poles must be limited to a maximum height of 14 feet.
3. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.

4. Landscaping shall comply with the Landscape Ordinance of the City, except that requirements for streetyard landscaping and buffer strip trees must be calculated at 1.5 times the minimum ordinance requirements.
5. All buildings on the site must share similar architectural character, color, texture, and the same predominate exterior building material. Building walls and roofs must have predominantly earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas.

The policy also calls for a maximum floor area of 8,000 square feet per business. A building with 40,000 square feet or more could easily be built on this site. However, staff does not believe it is necessary to limit the floor area for the limited uses permitted in the 'GO' district.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site is surrounded by agricultural uses and 'SF-20' zoning. The recently approved Auburn Hills Commercial Community Unit Plan is located on 12 acres of the southeast corner of the same intersection. Residential development is expanding toward, and will ultimately surround, this area.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: With the majority of the surrounding land currently undeveloped, and given the limited site size, the limited uses permitted in 'GO', and the recommended "character" conditions, the change in zoning district should not detrimentally affect nearby property.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: This request is in conformance with the Comprehensive Plan's objective of developing office uses which complement existing commercial activities and provide convenient access to the public. Furthermore, this request is in conformance with the locational guidelines of the Plan for office uses. The intersection of 135th Street and Maple is designated as appropriate for up to 24 acres of commercial development under the Far West Wichita Commercial Policy.

4. Impact of the proposed development on community facilities: Municipal water service is located at the northeast corner of 135th Street and Maple. Municipal sewer service is available approximately 1/8 mile to the north of the site, on the east side of 135th Street. Traffic volume along both 135th Street and Maple at this site is below current and projected capacity. With the development of the area around 135th Street and Maple, it is reasonable to assume that public improvements will be made in the future that would support this rezoning.