

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0740 & DP-227 - Zone change from "SF-20" Single-Family Residential to "LC" Limited Commercial and associated Prairie Pond Plaza Commercial Community Unit Plan, located at the northeast corner of U.S. Highway 54 and 143rd Street East.

PRESENTED BY: Marvin S. Krout, Director of Planning *MK*
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PROPOSED AGENDA DATE: July 30, 1997

COMMISSION DISTRICT #1

MAPC Recommendation: Deny (6-5).

Staff Recommendation: Approve the zone change to "LC" Limited Commercial, subject to platting within 1 year; and approve the Community Unit Plan, subject to conditions.

Background/Discussion: The applicant requests a zone change for 20 acres from "SF-20" Single-Family Residential to "LC" Limited Commercial with an associated Community Unit Plan (CUP), located on an unplatted tract of land at the northeast corner of U.S. Highway 54 and 143rd Street East.

As currently proposed, the applicant is seeking approval to develop Prairie Pond Plaza Commercial Community Unit Plan, that includes 6 parcels ranging in size from 1.06 acres to 4.61 acres with a 2.19 acre detention pond and a 0.27 acre reserve. The proposed CUP as originally submitted would permit all uses allowed in the "LC" Limited Commercial district except the following: recycling collection station, private clubs, tavern and drinking establishments, adult entertainment, group homes, correctional placement residences, group residences. Over the course of public hearings, the uses permitted by the CUP have been further restricted. The revised CUP could allow a maximum gross floor area of 227,722 square feet to be developed on 13.07 net acres (excluding the two reserves and frontage road).

As part of the CUP general provisions, buildings within each parcel would have consistent architectural design, color, and exterior building materials. The CUP includes special development restrictions for vehicle and equipment sales. Other issues addressed by the development plan include: special lighting restrictions, screening of roof top equipment and trash receptacles, landscape buffers, and access controls.

The application area is currently undeveloped. The surrounding areas to the east, north, and west are zoned "SF-20" with residential uses to the north and east. Across Kellogg to the south is property zoned "SF-20" and "SF-6" developed as a residential subdivision. The tract to the west is currently undeveloped.

The case was originally heard by the MAPC on April 10, 1997, and after a lengthy debate between the Commission and the agent for the applicant on the merits of the proposed CUP, and the number of area residents speaking against the request, the matter was deferred to the May 29, 1997 MAPC hearing in order for the neighborhood and the applicant to meet to try to reach a compromise. Prior to the May 29th meeting, the agent for the applicant contacted staff, agreeing to staff's recommended conditions -- namely additional sign restrictions, complete access control to U.S. Highway 54, additional setback distance from the highway, and limiting Parcels 1, 2, 3, and 6 to "NR" Neighborhood Retail uses.

During the May 29th meeting, it was apparent that no agreement was reached between the applicant and the neighborhood. Again, the issue was debated and after a failed (6-8) motion to approve the CUP with all the staff recommendations, the MAPC voted (6-5) to deny the request.

A total of 183 protest petitions have been filed on this request, with 73 of those petitions comprising 62.9% of the property within 1000 feet of the application area, and would therefore require a 3/4 majority vote by the County Commission to approve the request.

- Recommended Action:
1. Adopt the findings of fact of the Metropolitan Area Planning Commission and deny the zone change and C.U.P.; or
 2. Override the findings of fact of the Metropolitan Area Planning Commission with a 3/4 majority vote and approve the zone change and C.U.P. subject to the recommended conditions and to the condition of platting; adopt the resolution and authorize the chairman to sign; and instruct the Planning Department to withhold publication until the plat has been recorded with the Register of Deeds; or
 3. Return to the Planning Commission for reconsideration.
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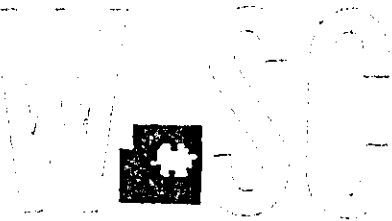
Applicants:

Property Management Corporation 9323 E. 37 North Wichita 67226
Baughman Co. c/o Terry Smythe 315 Ellis Wichita 67211

Protestors:

Don Harp, 1111 S. Stagecoach Wichita 67230
Jan Gustafson, 222 Hillsdale Drive Wichita 67230
Lawrence Bannon, 650 S. Stagecoach Wichita 67230
Terry Pullman, 14724 East Siefkes Wichita 67230
Ben Shortino, 14310 Lakeview Drive Wichita 67230
Frances Nogy, 266 Hillsdale drive Wichita 67230
Wes Reed, 121 North Cardinal Wichita 67230
Dick Randall, 371 Hillsdale Drive Wichita 67230
Irene Shaw, 316 Cardinal Lane Wichita 67230
Vicki McKanless, 1240 Pin Oak Wichita 67230
Neil Sanders, 1120 S. Stagecoach Wichita 67230
Ron Pierron, 340 Hillsdale Drive Wichita 67230
Don Bennis, 340 Cardinal Lane Wichita 67230
David Sutton, 330 Cardinal Lane Wichita 67230
Jack Shelton, 14802 E. Kellogg Wichita 67230
Bess Wyler, 356 Hillsdale Wichita 67230

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

July 31, 1997

Property Management Corporation
9323 E. 37th Street North
Wichita, KS 67226

RE: DP-227 Prairie Pond Plaza Commercial Community Unit Plan; AND

SCZ-0740 Zone change from "SF-20" Single-Family Residential from "LC"
Limited Commercial, located on the northeast corner of US
Highway 54 and 143rd Street East.

Dear Sirs:

On July 30, 1997, the Board of County Commissioners considered the above-captioned request. The action of the Commission was to DENY the request.

If you have any questions, please call the Planning Department at 268-4421.

Sincerely,

Russ Ewy
Associate Planner

RE/sah