

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0732 - request for zone change from "SF-20" Single Family Residential District to "LC" Limited Commercial District ; and

DP-226 - Belle Terre South Commercial Community Unit Plan, located at the northwest corner of U.S. Highway 54 and 159th Street East.

PRESENTED BY: Marvin S. Krout, Director of Planning 

PROPOSED AGENDA DATE: March 26, 1997

COMMISSION DISTRICT #1

MAPC Recommendation: Approve zone change subject to platting within 1 year, and approve CUP subject to conditions (10-1).

Staff Recommendation: Approve zone change, subject to platting within 1 year, and approve CUP, subject to conditions.

Background/Discussion: The applicant requests a zone change for 43.34 acres from "SF-20" Single-Family Residential to "LC" Limited Commercial with an associated 43.34 acre Community Unit Plan (CUP), located on an unplatted tract of land at the northwest corner of U.S. Highway 54 and 159th Street East.

The proposed Belle Terre South Commercial CUP includes 3 parcels and 2 floodway reserves, and is adjacent to a larger residential subdivision proposed to the north. The two floodway reserves are located along both the Four-Mile Creek and Brookhaven Creek floodways. These floodways create three naturally defined commercial parcels. A substantial portion of the application area is located within these two waterways' 100 and 500 year floodplains. There is a 1 acre reserve, measuring 30 feet deep along the southern boundary of Parcel 1, with a 50 foot frontage road shown adjacent to the north of the reserve.

Parcel 1 (21.71 acres) has over 1,400 feet of frontage on U.S. Highway 54 and is located in the western third of the CUP. Parcel 1 includes all uses allowed in the 'LC' Limited Commercial district except manufactured/mobile homes, hospital, recycling collection station, reverse vending machine, elementary, middle, and high schools, ATM's, bank or financial institution, car wash, construction sales, convenience stores,

night clubs, pawn shop, general retail, restaurants, service stations, tavern and drinking establishments, and vehicle repair. The parcel description allows a maximum of 12 buildings with a maximum gross floor area of 200,000 square feet. Access to Parcel 1 will be from one opening located approximately 1/2 mile west of 159th Street East on the north side of U.S. Highway 54.

Parcel 2 (14.75 acres) is located in the center of the CUP with access off of a proposed collector street, and will include the following uses: assisted living, nursing home, church, library, park, bed and breakfast, hotel/motel (100 rooms total), medical and dental offices, and general offices. The parcel description allows a maximum of 8 buildings with a maximum gross floor area of 150,000 square feet.

Parcel 3 (6.88 acres) is the eastern most parcel of the CUP, and is separated from Parcel 2 by a pond and a floodway reserve. The parcel will allow all uses permitted in the 'LC' Limited Commercial district except night clubs. The parcel description allows a maximum of 5 buildings with a maximum gross floor area of 45,000 square feet. The CUP shows 4 openings to Parcel 3 along the west side of 159th Street.

As part of the CUP general provisions, all buildings will have consistent architectural design, color, and exterior building materials within each parcel. Other issues addressed by the development plan include: road improvements on U.S. Highway 54, special lighting and signage restrictions, screening of roof top equipment and trash receptacles, landscape buffers, and access controls.

The applicant is also asking for a waiver of the wall requirement between residential and non-residential uses on the west and north sides of Parcel 1. The applicant proposes a 25 foot wide landscaped buffer consistent with the City of Wichita Landscape Code buffer requirements (1 tree per 40 feet).

The application area is currently undeveloped and used for agricultural purposes. The surrounding area to the north, west, and south is predominately zoned "SF-20" with agricultural uses to the west, north and south. Across 159th Street to the east is land located in Butler County and restricted by the Green Valley Planned Unit Development, that is comprised of a proposed mix of single- and multi-family residential and neighborhood business uses.

The case was deferred during the January 16, 1997 Planning Commission hearing in order to address access issues along the U.S. Highway 54 frontage, specifically the access point to Parcel 1 at the southwest corner of the CUP, as well as setbacks and interior street dedications. The Planning Commission requested that the applicant, staff, and K-DOT meet to address these issues.

The applicants, along with K-DOT officials, County and City Engineering staff, and Planning staff, met on two occasions following the deferral in an effort to address several concerns with the proposed commercial CUP. Through these meetings it was

determined that K-DOT reserves the right to close the applicant's left-turn access from US Highway 54 to the western portion of the CUP at the half-mile line, but expects to allow full access at the half-mile line until the time that this segment of US Highway 54 is improved to a freeway standard. The applicants have also agreed to contingently dedicate right-of-way for the extension of a service road to connect 159th Street across the property to the west property line, as shown on the revised CUP drawing, and agreed to dedicate full access control to Kellogg, eliminating the half-mile access, if and when the parallel road is constructed from 143rd to 159th Street.

During the Planning Commission's discussion of this matter on February 13, 1997, staff summarized the results of these meetings. K-DOT officials were in attendance to discuss their general policy for the U.S. Highway 54 corridor. The attorney representing the property owner adjacent to this site to the west spoke in opposition to the left-turn access at the half-mile line entrance. After discussion, the MAPC voted (10-1) to approve the request subject to the conditions of approval as recommended by staff.

- 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 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
 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:

Downing Development Co. 3505 N Webb Ste 600 Wichita KS 67226
Rob Hartman c/o PEC 303 S Topeka Wichita KS 67202

Protestors:

Tom Powell, Hinkle, Eberhart & Elkouri 2000 Epic Center 301 N Main Wichita KS 67202

RESOLUTION NO. 104-1998

A CORRECTING 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-0732

Zone change request "SF-20" Single-Family Residential District to "LC" Limited Commercial on property described as:

Lot 1, Block 1, Lots 1-3, Block 2, and Reserve "L", Belle Terre South Addition, Sedgwick County, Kansas. Generally located at the northwest corner of 159th Street East and U.S. Highway 54.

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. This resolution is made to provide a corrected legal description for Sedgwick County Resolution No. 74-1997 adopted March 26, 1997.

SECTION IV. 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>

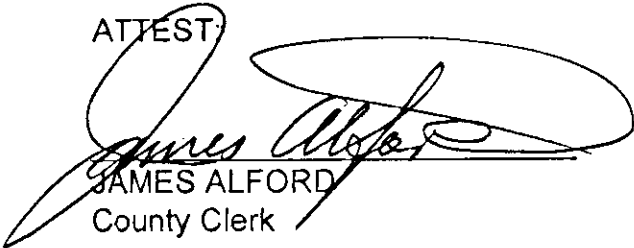
DATED this 1st day of July, 1998.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS



MARK F. SCHROEDER, Chairman

ATTEST:



JAMES ALFORD
County Clerk



APPROVED AS TO FORM ONLY:



RICH EUSON
County Counselor