

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0770 - Zone Change from "RR" Rural Residential DR 74-34, which permits a multi-purpose facility for indoor and outdoor uses and "LC" Limited Commercial, located south of 85th Street North, between I-135 and Hydraulic.

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: October 7, 1998

COMMISSION DISTRICT #4

MAPC Recommendation: Approve, subject to the additional provisions of a (P-O) Protective Overlay (7-5).

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

Background/Discussion: The applicant requests "GC", General Commercial zoning on 128.98 acres of land located south of 85th Street North, between I-135 and Hydraulic in order to install signage that includes off-site advertising and to permit other "GC" permitted uses not expressly permitted under the site's current zoning: "LC", Limited Commercial and "RR", Rural Residential with a special permit (DR 74-34) for governmental uses. Five new directional signs containing "off-site" advertising are anticipated at each of the entrances to the Coliseum on 85th Street North and Hydraulic. The proposed zoning would permit off-site advertising, and permit the existing and contemplated uses without the requirement of amending the special permit and site plan. Potential future uses might be an outdoor amphitheater or restaurant.

The site is currently developed with the Kansas Coliseum multi-use facility - the Coliseum, the Sam E. Fulco pavilion, the Arena building, Pavilion 2 and Weidemann Park. Sporting events, trade shows, musical concerts, animal exhibitions or large scale spectator activities are typical Coliseum events. An existing sign is located on the west side of the site, adjacent to I-135 on "LC", Limited Commercial land.

Agricultural uses are located on "C-2, Service Business" zoned land located north of the application area. Agricultural uses are located on "RR", Rural Residential zoned land east of the application area. Agricultural uses are also located west of I-135 in Park City. South of the application area is the Greyhound Park race track on "GC",

CU-301 and DR 87-1 zoned land. There are three homes located east of Hydraulic and one north of 85th Street.

The "Unified Zoning Code" requires a "Community Unit Plan" ("CUP") to be developed for all nonresidential projects located on six acres or larger zoned "LC" or "GC" and under unified ownership. However, a "Protective Overlay" ("PO") district may be substituted for the CUP. The purpose of the PO is the same as the CUP - to ensure compatibility among potentially incompatible land uses and to address land uses with special requirements in unusual situations. The Coliseum, due to its size and potential activities, is an unusual land use with a need for special development standards.

The Planning Commission approved the request subject to a Protective Overlay by a 7 to 5 vote. The Protective Overlay contains the following restrictions: 1. Off-site advertising is permitted only on signs identifying the Coliseum or its activities, and off-site advertising must be less in area than the area of the on-site advertising. 2. The maximum size of any one sign is 300 square feet. 3. Maximum sign height shall be 35 feet. 4. No banners, streamers, flashing, rotating or portable signs shall be permitted along the street frontage of the property. Much of the Planning Commission's discussion centered around the appropriateness of off-site signage on a County operated facility, the size of the signs, and the removal of the existing special permit and its associated site plan for General Commercial zoning public review.

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 Protective Overlay 42 (P-O 42) district; adopt the resolution;

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:

Sedgwick County 525 North Main Wichita KS 67203

John W. Nath 1229 E. 85th Street North Valley Center KS 67147

Protestors:

None

Macoin

RESOLUTION NO. 168-98

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. 178-1997.

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- 0770

Zone change request from "RR" Rural Residential, DR 74-34 which permits a multi-purpose facility for indoor and outdoor uses, and "LC" Limited Commercial to "GC" General Commercial on property described as:

Lots 1, 2 and 3, Block A. Coliseum Park Addition, Sedgwick County, Kansas, generally located south of 85th Street North, between I-135 and Hydraulic.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. Off-site advertizing is allowed only on signs used to identify the Coliseum or its activities and must be less in area than the area of on-site signage.
2. The maximum size of any one sign shall be 300 square feet, except for signage located on the coliseum's water tank.
3. The maximum height shall be 35 feet.
4. No banners, streamers, flashing, rotating or portable signs shall be permitted along the street frontage of the property.

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>absent</u>
MARK F. SCHROEDER	<u>aye</u>

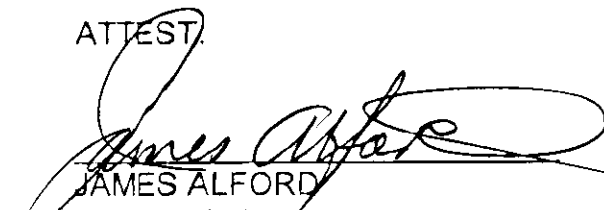
DATED this 7th day of October, 1998.

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

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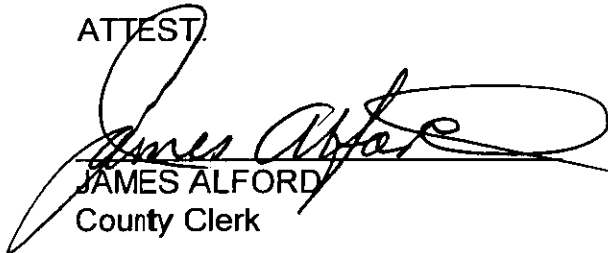
DATED this 7th day of October, 1998.

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

STAFF REPORT

Park City PC 8/17/98
MAPC 8/27/98

CASE NUMBER: SCZ-0770

APPLICANT/AGENT: Sedgwick County Board of County Commissioners
(Applicant / Owner) / John Nath (Agent)

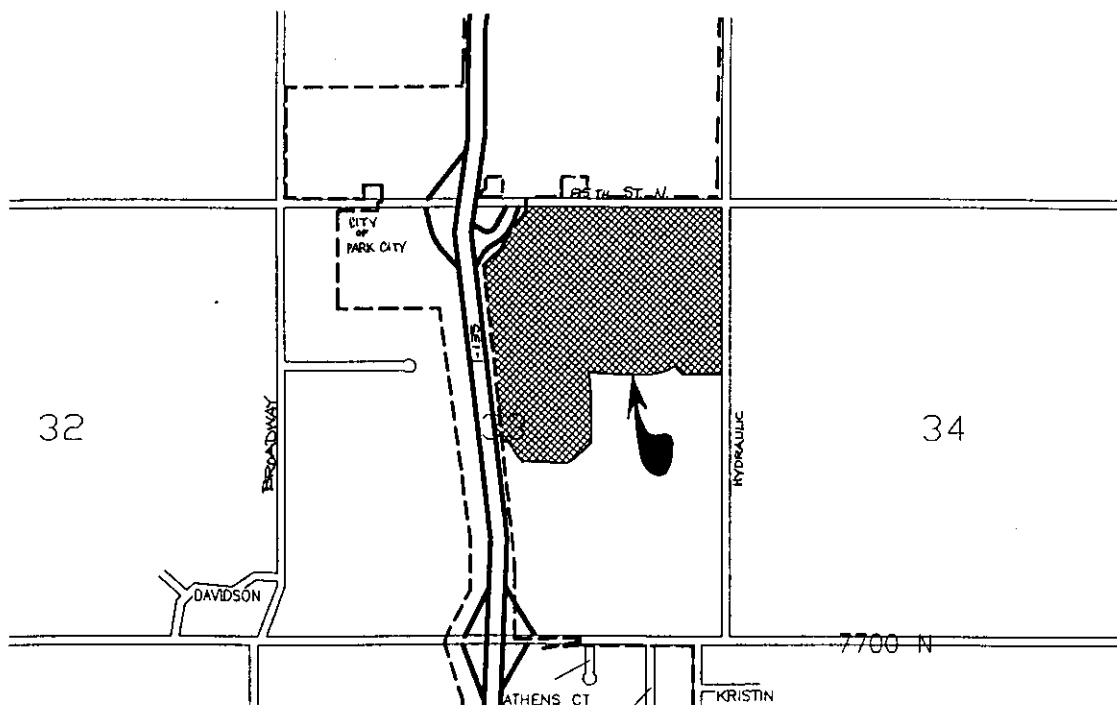
REQUEST: "GC", General Commercial

CURRENT ZONING: "RR", Rural Residential, DR 74-34 which permits a multi-purpose facility for indoor and outdoor uses and "LC", Limited Commercial.

SITE SIZE: 128.98 acres

LOCATION: South of 85th Street North, between I-135 and Hydraulic

PROPOSED USE: Signage with off-site advertising and other multi-use facilities permitted in the "GC" district



BACKGROUND: The applicant requests "GC", General Commercial zoning on 128.98 acres of land located south of 85th Street North, between I-135 and Hydraulic in order to install signage that includes off-site advertising and to permit other "GC" permitted uses not expressly permitted under the site's current zoning: "LC", Limited Commercial and "RR", Rural Residential with a special permit (DR 74-34) for governmental uses. Five new directional signs containing "off-site" advertising are anticipated at each of the entrances to the Coliseum on 85th Street North and Hydraulic. The proposed zoning would permit off-site advertising, and permit the existing and contemplated uses without the requirement of amending the special permit and site plan. Potential future uses might be an outdoor amphitheater or restaurant.

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Agricultural uses are located on "C-2, Service Business" zoned land located north of the application area. Agricultural uses are located on "RR", Rural Residential zoned land east of the application area. Agricultural uses are also located west of I-135 in Park City. South of the application area is the Greyhound Park race track on "GC", CU-301 and DR 87-1 zoned land. There are three homes located east of Hydraulic and one north of 85th Street.

The "Unified Zoning Code" requires a "Community Unit Plan" ("CUP") to be developed for all nonresidential projects located on six acres or larger zoned "LC" or "GC" and under unified ownership. However, a "Protective Overlay" ("PO") district may be substituted for the CUP. The purpose of the PO is the same as the CUP - to ensure compatibility among potentially incompatible land uses and to address land uses with special requirements in unusual situations. The Coliseum, due to its size and potential activities, is an unusual land use with a need for special development standards.

CASE HISTORY: DR 74-34 was approved in 1975 granting a special permit for a multi-purpose indoor and outdoor use. The site was platted as Coliseum Park Addition in 1976. In 1987 CU-403 permitted the establishment of a pari-mutual race track on the land located south of the application area.

ADJACENT ZONING AND LAND USE:

NORTH: "C-2", Service Business; agriculture, residence, cemetery
SOUTH: "GC", General Commercial; Greyhound Park Race Track, vacant
EAST: "RR", Rural Residential; agriculture, residences

PUBLIC SERVICES: The Coliseum is served by Park City sanitary sewer and water service. 85th Street is a four-lane facility between I-135 and Hydraulic with a 1996 average daily traffic count of 1,501. Hydraulic is a four-lane facility between 85th Street North and 77th Street North with an average daily traffic count of 1,128. The application area has two access points located on 77th Street North and three access points to Hydraulic. Full interchanges are located on I-135 at both 77th Street North and 85th Street North.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Development Guide does not identify any specific land uses, only broad areas for growth; it indicates the Coliseum site to be in the "Agricultural" category. Agricultural areas are those where uses are intended to protect agricultural resources and uses are compatible with large-scale agricultural operations. The Planning Commission has an unofficial policy of supporting the expansion of existing businesses and facilities. Park City has annexed, rezoned as C-2, Service Business and approved a plat on the property to the north of 85th Street, east of I-135, .

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to a Protective-Overlay with the following conditions:

1. Off-site advertizing is allowed only on signs used to identify the Coliseum or its activities and must be less in area than the area of on-site signage.
2. The maximum size of any one sign shall be 300 square feet, except for signage located on the coliseum's water tank.
3. The maximum height shall be 35 feet.
4. No banners, streamers, flashing, rotating or portable signs shall be permitted along the street frontage of the property.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Agricultural uses are located on "C-2, Service Commercial" (Park City zoning) zoned land located north of the application area. This area is also platted. Agricultural uses are located on "RR", Rural Residential zoned land east of the application area. Agricultural uses on are also located west of I-135 in Park City. South of the application area is the Greyhound Park race track on "GC", CU-301 and DR 87-1 zoned land. There are three homes located east of Hydraulic and one north of 85th Street. Overall the area's character is agricultural, except for the Coliseum and scattered large lot residential uses.

2. The suitability of the subject property for the uses to which it has been restricted. The site is primarily zoned "RR", Rural Residential with a special permit which allows outdoor and indoor recreational uses. "RR" zoning does not permit off-site advertising. The site has operated since its inception without off-site signage, so it is possible that the site could continue as restricted today. However, in a market climate where the Coliseum must more actively compete for customer's disposable income, additional signage could help the facility be more successful. Also, the ability of the Coliseum to generate income by marketing off-site advertising at the site could also reduce the amount of tax support needed for the facility.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Allowing additional signage should not detrimentally affect nearby property. The proposed Protective Overlay restrictions should minimize any negative characteristics posed by the addition of additional signs. Approval of "GC" zoning in lieu of the current "special permit" and associated site plan will allow additional uses not now permitted, however the size of the site and the County's desire to develop and operate a world class facility that all its constituents can be proud of should minimize any detrimental impacts on adjacent properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Sedgwick County Development Guide indicates the Coliseum site to be in the "Agricultural" category. However, this map is very generalized, and the plan is also outdated in not recognizing the development plans of Park City and the owner of the land north of the Coliseum. The planning commission has an unofficial policy of supporting the expansion of existing businesses and facilities.
5. Impact of the proposed development on community facilities: None identified.