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RESOLUTION NO. 14-01

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 BOARD OF COUNTY COMMISSIONERS 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. ZON2000-00062

Zone change request from "SF-20" Single-Family Residential to "LI" Limited Industrial, and to (P-O) Protective Overlay #86 on property described as:

A tract of land in the Southwest Quarter of Section 3, Township 27 South, Range 2 East of the 6th Principal Meridian more particularly described as follows:

Commencing at the Northwest Corner of the Southwest Quarter of Section 3, T27S, R2E of the 6th P.M.; thence bearing N 89 degrees 07'30"E along the North line of said Southwest Quarter, a distance of 50.00 feet to the point of beginning; thence bearing N 89 degrees 07'30"E along the North line of said Southwest Quarter, a distance of 2597.70 feet to the Northeast Corner of said Southwest Quarter; thence bearing S 0 degrees 35'35"E along the East line of said Southwest Quarter a distance of 1815.28 feet to the intersection of the North Right of Way of K-96 Highway; thence along the North Right of Way of the K-96 Highway the following courses and distances: N 24 degrees 08'08"W, a distance of 532.89 feet to the point of curvature of a curve to the left with a radius of 2039.86 feet and a chord distance of 1696.46 feet bearing N 48 degrees 12'42"W; thence along said curve to the left through a central angle of 49 degrees 08'34", an arc distance of 1749.60 feet; thence bearing N 73 degrees 44'11"W, a distance of 322.28 feet; thence bearing N 85 degrees 58'54"W, a distance of 301.62; thence bearing S 89 degrees 49'11"W, a distance of 522.46 feet; thence bearing N 0 degrees 43'07"W, parallel with the West line of said

FILE COPY

Southwest Quarter, a distance of 49.03 feet to the Point of Beginning, together with:

A tract in the Northwest Quarter of Section 3, Township 27, South Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Northwest Quarter; thence north, on the west line of said Northwest Quarter, on an assumed bearing of North 0 degrees 00' 00" East, a distance of 157 feet; thence North 89 degrees 38' 42" East, parallel with the south line of said Northwest Quarter, a distance of 223 feet to the POINT OF BEGINNING; thence North 0 degrees 00' 00" East, a distance of 138 feet; thence South 89 degrees 38' 42" West, a distance of 223 feet to a point on the west line of said Northwest Quarter; thence North 0 degrees 00' 00" East, on said west line, a distance of 42.00 feet; thence North 89 degrees 38' 42" East, a distance of 240.74 feet; thence South 0 degrees 00' 00" West, a distance of 180.00 feet; thence South 89 degrees 38' 42" West, a distance of 17.74 feet to the POINT OF BEGINNING, together with

A tract in the NW 1/4 of Section 3, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as follows, Beginning at a point 150 feet North of the Southwest corner of said NW 1/4 ; thence East 223 feet; thence North parallel with the West line of said Quarter Section 145 feet; thence West 223 feet; thence South 145 feet to the place of beginning, EXCEPT the South 7 feet thereof. Generally located north of K-96 and east of Greenwich Road.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. Uses: All uses permitted in the "LI" zoning district except that an asphalt or concrete plant, limited, will not be permitted. Should there be a need for more than 100,000 square feet of floor area of non-"IP" uses, a traffic study will then be completed. The maximum square footage of non-"IP" uses may be increased to 300,000 square feet by an adjustment. The City Traffic Engineer may require that additional traffic improvements be guaranteed to support this traffic volume. The total average daily traffic generated by the uses within this property shall not exceed 8,000 ADT.
2. The transfer of the title on all or any portion of the land included in the development does not constitute a termination of the plan or any portion thereof; but said plan shall run with the land for development and be binding upon the present land owners, their successors and assigns and their lessees unless amended. However, the Planning Director, with the concurrence of the OCI Superintendent, may approve minor adjustments to the conditions in this overlay, consistent with the approved development plan, without filing a formal amendment.

3. Minimum setback requirements for all front setbacks will be 25 feet, rear-25 feet, interior side-15 feet, and street side yard-35 feet.
4. Outdoor storage and work areas shall not be located in front yard setback areas, and shall be screened from view of all internal and external streets and other ownership's within and abutting the property.
5. Height: 55 feet maximum height for all structures.
6. Signs: All signs along Greenwich, 29th Street North, and K-96 shall be limited to the standards for the "IP" district in the City of Wichita's sign code. No signs with rotating or flashing lights shall be permitted, nor shall any portable signs or off-site signs be permitted.
7. Access: Based upon a previous agreement with KDOT and Sedgwick County's Public Works Department, there will be complete access control along the western perimeter of the application area. Access will need to be provided to the application area from the 159-acre tract to the north.
8. No building permits shall be issued for any development without municipal water and sewer service.
9. Cross-lot circulation is to be provided for all lots developed for retail, commercial or office uses, through the approval of site plans by the Director of Planning.

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>
TIM R. NORTON	<u>aye</u>
THOMAS G. WINTERS	<u>aye</u>
CAROLYN MCGINN	<u>aye</u>

BEN SCIORTINO

aye

DATED this 14th day of February, 2001

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS



CAROLYN MCGINN, Chair

ATTEST:


DON BRACE
County Clerk

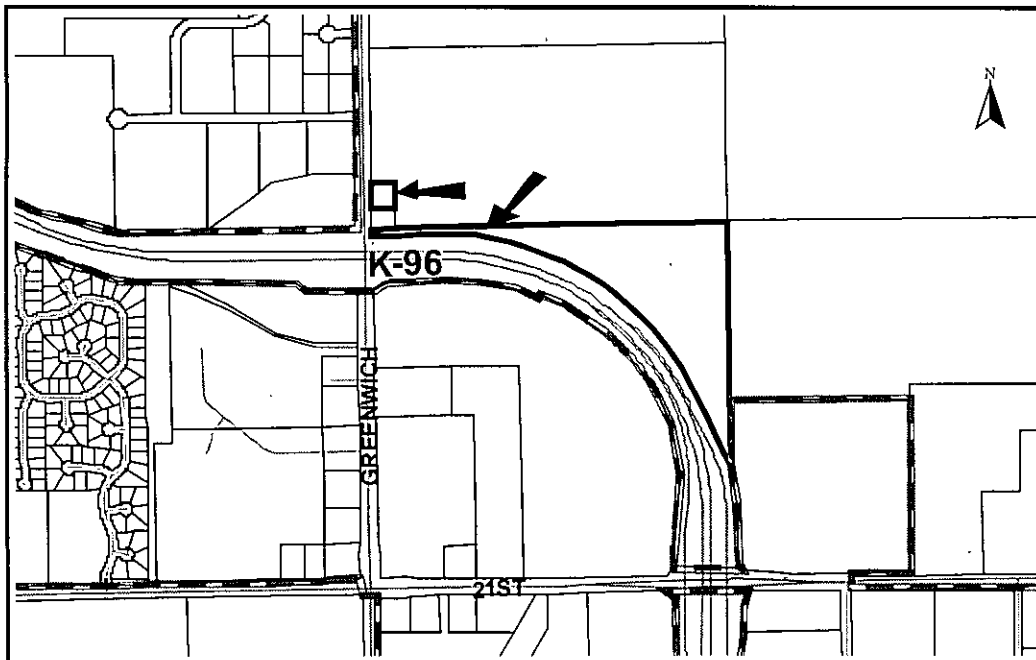


APPROVED AS TO FORM ONLY:


ROBERT W. PARNACOTT
Assistant County Counselor

STAFF REPORT
MAPC – January 18, 2001

- CASE NUMBER:** ZON2000-00062
- APPLICANT/AGENT:** Harry B. Brown, Jr. (Owner)
Beltway Partners, LLC & Hope Chandler
c/o & Ritchie Associates (Applicants)
PEC, c/o Rob Hartman (Agent)
- REQUEST:** "LI" [Limited Industrial]
- CURRENT ZONING:** "SF-20" [Single Family Residential]
- SITE SIZE:** 26.4 acres
- LOCATION:** North of K-96 and east of Greenwich Road
- PROPOSED USE:** To develop the property for an industrial park



BACKGROUND: The applicants are requesting a zone change from "SF-20" Single-Family Residential to "LI" Limited Industrial on a 26.4-acre unplatted tract located north of K-96 and east of Greenwich Road. The area has a triangular shape with the southern boundary curving along K-96. The application area is currently outside the corporate City limits and in Sedgwick County. The land is undeveloped. There is a KGE power line that runs along the northern property line. There are two residential homes on five-acre tracts of land, north of K-96 that abut Greenwich Road to the west. The northern tract is also included in this application area.

It is intention of the applicants to combine the application area with a 159-acre tract of land, owned by Ritchie Associates, directly to the north and create an industrial park. On August 9, 2000, the Board of County Commissioners approved "LI" Limited Industrial zoning (ZON2000-00023) with a Protective Overlay #74 for a 159-acre tract, north of the application area, subject to platting within one year. The tract will be platted as part of the "*Beltway Business Park.*" The platting has not been completed to date. Although there are no specific uses for the application area and proposed industrial park, a "concept plan" has been developed (see attachment).

South of K-96 is the Kensington Garden Addition that is zoned "SF-6" Single-Family Residential. West of the site is the Greenwich Business Park Addition, and a new soccer complex, on property zoned "LI" Limited Industrial. To the southwest is the Regency Park Addition that is also zoned "LI." To the east is the proposed "Fairmount Addition" consisting of 86.5 acres that is currently zoned "SF-20." At the applicant's request [Ritchie Associates] the platting process was deferred on December 14, 2000. Once platted, the area will be annexed, rezoned to "SF-6" and will contain 242 single-family residential lots. To the southeast is the Messiah Baptist Church 4th Addition [and two churches -Messiah Baptist & Magdalene Catholic] that is zoned "SF-6" Single-Family Residential.

Since the subject property is adjacent to the Wichita City limits, it should be annexed and developed under the City landscape requirements. Also, the subject property should be platted in a manner that provides for internal circulation in conjunction with the 159-acre tract located immediately to the north. As noted, the application area is to be combined with the tract of land to the north that is zoned "LI" and subject to a Protective Overlay. Consequently, the conditions of approval for this application area should be consistent with the terms for the property to the north.

Based upon a previous agreement between KDOT and Sedgwick County's Public Works Department, there will be complete access control along the western perimeter of the application area. Staff will be requesting that the two tracts be planned in one unit, with a loop street concept, to avoid the long cul-de-sac depicted in the "concept plan." It is anticipated that, as part of the platting process, staff will be reviewing the guarantees for this tract and the 159-acres to the north for widening Greenwich Road. Additional signalization on Greenwich Road may also be needed, depending on the proposed access pattern. Apparently no guarantees for street improvements were taken with the plat of Regency Park Addition in 1997, an oversight at the time.

CASE HISTORY: The site is undeveloped and unplatted. The tract will be platted as part of the "Beltway Business Park." On August 9, 2000, the Board of County Commissioners approved (subject to pending platting) "LI" Limited Industrial zoning with a Protective Overlay #74 for a 159-acre tract located immediately north of the subject property.

ADJACENT ZONING AND LAND USE:

NORTH: "LI" Limited Industrial	Undeveloped
SOUTH: "SF-6" Single-Family Residential	Kensington Gardens Cemetery
EAST: "SF-20" & "SF-6"	Undeveloped & Churches-southeast
WEST: "LI" Limited Industrial	Soccer Fields & Residential

PUBLIC SERVICES: The site will have no access from Greenwich Road, which is a paved two-lane arterial, due to a previous agreement with KDOT. In 1997, Greenwich Road, north of K-96, had traffic volumes of 1,088 vehicles per day. K-96, near Greenwich Road, had traffic volumes of 10,028 vehicles per day. The 2030 Transportation Plan estimates traffic volumes along Greenwich Road, north of K-96, will increase to 16,200 vehicles per day. In 2030, K-96, at Greenwich Road, will increase to 44,718 vehicles per day. The site currently does not have public water or sewer service. The applicant will need to guarantee the extension of public water and sewer to site as a part of the platting process if the zone change is approved.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The update to the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development; however, the update also indicates that a new area immediately north of this site is appropriate for major industrial development in the future. The Industrial Locational Guidelines of the Comprehensive Plan indicate that the factors to be considered when locating industrial uses are: the characteristics of the individual use, the surrounding uses, the zoning district, and the degree to which the specific use would clash with adjacent uses. The uses surrounding this site already exhibit a mixture of commercial/industrial uses with residential uses, indicating a general acceptance of mixed-use development in the area. The proposed zoning district ("LI" Limited Industrial) supports industrial uses that can meet high development and performance standards.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the request be **APPROVED**, subject to platting within a period of one year and subject to the additional provisions of a **Protective Overlay #86** (P-O) district as outlined below:

1. Uses: All uses permitted in the "LI" zoning district except that an asphalt or concrete plant, limited, will not be permitted. Should there be a need for more than 100,000 square feet of floor area of non-"IP" uses, a traffic study will then be completed. The maximum square footage of non-"IP" uses may be increased to 300,000 square feet by an adjustment. The City Traffic Engineer may require that additional traffic improvements be guaranteed to support this traffic volume. The total average daily traffic generated by the uses within this property shall not exceed 8,000 ADT.
2. The transfer of the title on all or any portion of the land included in the development does not constitute a termination of the plan or any portion thereof; but said plan shall run with the land for development and be binding upon the present land owners, their successors and assigns and their lessees unless amended. However, the Planning Director, with the concurrence of the OCI Superintendent, may approve minor adjustments to the conditions in this overlay, consistent with the approved development plan, without filing a formal amendment.
3. Minimum setback requirements for all front setbacks will be 25 feet, rear-25 feet, interior side-15 feet, and street side yard-35 feet.
4. Outdoor storage and work areas shall not be located in front yard setback areas, and shall be screened from view of all internal and external streets and other ownership's within and abutting the property.
5. Height: 55 feet maximum height for all structures.
6. Signs: All signs along Greenwich, 29th Street North, and K-96 shall be limited to the standards for the "IP" district in the City of Wichita's sign code. No signs with rotating or flashing lights shall be permitted, nor shall any portable signs or off-site signs be permitted.
7. Access: Based upon a previous agreement with KDOT and Sedgwick County's Public Works Department, there will be complete access control along the western perimeter of the application area. Access will need to be provided to the application area from the 159-acre tract to the north.
8. No building permits shall be issued for any development without municipal water and sewer service.
9. Cross-lot circulation is to be provided for all lots developed for retail, commercial or office uses, through the approval of site plans by the Director of Planning.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Surrounding properties to the north and east are largely undeveloped and used for agricultural and residential uses. North of the application area is a 159-acre undeveloped tract of land owned by Ritchie Associates that was recently zoned "LI" Limited Industrial. South of K-96 is the Kensington Garden Addition that is zoned "SF-6" Single-Family Residential. West of the site is the Greenwich Business Park Addition, and a new soccer complex, on property zoned "LI" Limited Industrial. To the east is the proposed "Fairmount Addition" consisting of 86.5 acres that is currently zoned "SF-20." At the applicant's request [Ritchie Associates] the platting process was deferred on December 14, 2000. Once platted, the area will be annexed, rezoned to "SF-6" and will contain 242 single-family residential lots. To the southwest is the Regency Park Addition that is also zoned "LI." To the southeast is residential zoning ("SF-20") and to the southeast is the Messiah Baptist Church 4th Addition [and two churches -Messiah Baptist & Magdalene Catholic] that is zoned "SF-6" Single-Family Residential.
2. The suitability of the subject property for the uses to which it has been restricted. The location of the site north along the K-96 Expressway, south and east from "LI" zoning, makes at least a portion of this area less desirable for residential development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. The proposed rezoning would permit commercial and industrial uses that would generate increased traffic, noise and lighting, as compared to uses that would otherwise develop under the existing residential zoning. However, the "LI" zoning to the north and west already impacts this area.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The request is consistent with the City and County's typical zoning pattern of locating nonresidential uses at arterial intersections or freeway interchanges. The industrial locational guidelines of the Comprehensive Plan indicate that such uses should be located in close proximity to support services and provided good access to major arterials, belt highways, utility lines, along railroad spurs, near airports, and as extensions of existing industrial areas. The 1993 Land Use Guide did not anticipate industrial uses in this location since there was an estimated 80 years of industrially zoned land in 1993. However, not all of that land is available or marketable. MAPC recommended updating the plan designates this area as appropriate for new growth within the next 10 years.
5. Impact of the proposed development on community facilities: Neither municipal water or sewer services are currently available to serve this site. However, the City plans for future extensions of water service to this area and staff from both the City and County indicate that this area could be served with sewer service by one of the two sewer utilities. Depending on the nature of the development that occurs on this property, significant improvements may be necessitated. Without a traffic study to assess these impacts, it is appropriate to limit the traffic generated by development on the property.