



Wichita-Sedgwick County Metropolitan Area Planning Department

September 27, 2006

Eagles Nest Fellowship Pentecostal Holy Church
PO Box 12703
Wichita, KS 67277

RE: ZON2006-33 - County Zone change request from "SF-20" Single-family Residential and "NO" Neighborhood Office to "GO" General Office

Dear Ladies and Gentlemen:

At its regular meeting on September 21, 2006, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the zone change to "GO" GENERAL OFFICE subject to Protective Overlay #179, as follows:

1. Vacate/dedicate access control onto 21st Street North to allow one full movement opening aligned with 21st Court North and one aligned with the access drive 400 feet to the west of 21st Court North (or accomplish this condition by replat).
2. Dedicate complete access control onto Forrest View Street.
3. The following uses shall be prohibited:
 - a. single manufactured home
 - b. accessory apartment
 - c. group residence, limited and commercial
 - d. cemetery
 - e. correctional placement residence, limited and commercial
 - f. golf course
 - g. parks and recreation
 - h. recycling collection station
 - i. school, high
 - j. bed and breakfast inn
 - k. broadcast studio
 - l. marine facility
 - m. parking area, commercial
 - n. asphalt/concrete plant, limited

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov

RE: ZON2006-33 - County Zone change request from "SF-20" Single-family Residential and "NO" Neighborhood Office to "GO" General Office

September 27, 2006

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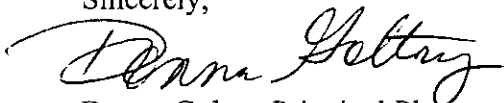
- o. funeral home
- p. hotel or motel
- 4. Lighting shall be limited to 25 feet in height, including base, pole, standard and fixture.
- 5. Maximum building height shall be limited to 45 feet.

This matter will be forwarded to the Board of County Commissioners for consideration at their regular meeting on **Wednesday, October 25, 2006**. The meeting will be held in Room 320, Sedgwick County Courthouse, 525 N. Main, Wichita, Kansas, beginning at 9:00 a.m.

Property owners may also file written protest petitions on zoning-related items heard by the MAPC. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially within 1,000 feet of the property for which the application was filed, and must be submitted to the County Clerk within 14 days of the conclusion of the MAPC hearing, **October 5, 2006 by 5:00 p.m.** Such petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area in the unincorporated area of the County within 1,000 feet of the perimeter of the application area, unless the County Commission overrides such a protest and approves the application by a vote of 4 of its members.

If you have any questions concerning this matter, please contact our office at 268-4421.

Sincerely,



Donna Goltry, Principal Planner, A.I.C.P.
Current Plans Division

DJG:mc

Copies to: Terry Smythe, Baughman Company, 315 Ellis, Wichita, KS 67211
Tom Winters, County Commissioner, District III, Mail Stop, County Room 320
Bill Buchanan, County Manager, Mail Stop, County Room 343
Bob Parnacott, County Law, Mail Stop, County Room 359
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213
Jim Weber, County Public Works, 1144 S. Seneca, Wichita, KS 67213
Ray Boese, 13414 W. 23rd St., North, Wichita, KS 67223

AFFIDAVIT OF PUBLICATION

CASE NO. CW06-023

MAPC SEPTEMBER 21, 2006

STATE OF KANSAS)

ss.

County of Sedgwick)

Susan Pechanec, being first
duly sworn, Deposes and says: That he/she is
Business Manager of

THE DERBY REPORTER

a daily newspaper printed in the State of Kansas,
and published in and of general circulation in
Sedgwick County, Kansas, with a general paid
circulation on a daily basis in Sedgwick County,
Kansas, and that said newspaper is not a trade,
religious or fraternal publication.

Said newspaper is a daily published Monday
through Friday, and has been so published con-
tinuously and uninterrupted in said county and
state for a period of more than five years prior to
the first publication of said notice, and has been
admitted at the post office of Derby, Kansas, in
said county as second class matter.

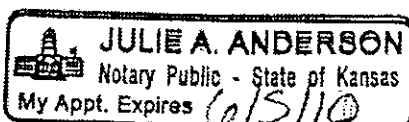
That the attached notice is a true copy there-
of and was published in the regular and entire
issue of said newspaper for 1 DAY the
publication thereof being made as aforesaid on
the 31ST day of AUGUST, 2006.

S. Quant

Subscribed and sworn to before me this
31ST day of AUGUST, 2006.

Julie A. Anderson

Notary Public



Printer's fee: \$ 30.75

Additional copies \$ _____

CW06-023, (Published in The Derby
Reporter, August 30, 2006)
MAPC SEPTEMBER 21, 2006
OFFICIAL HEARING NOTICE
NOTICE IS HEREBY GIVEN that on
Thursday, September 21, 2006, the
Wichita-Sedgwick County
Metropolitan Area Planning
Commission, in the Planning
Department Conference Room, 10th
Floor, Wichita City Hall, 455 N. Main
St., Wichita, Kansas, will consider
the following applications no earlier
than 1:30 p.m. If you have any ques-
tion regarding the meeting or items
on this notice, please call the Wichita-
Sedgwick County Metropolitan Area
Planning Department at (316)
268-4421. CON2006-33 Zone change
request from SF-20 Single-family
Residential and NO Neighborhood
Office to GO General Office general-
ly located on the northeast corner of
Forest View Street and 21st Street
North (13310 West 21st Street
North).
CON2006-00035 Conditional Use
for sand extraction on RR Rural
Residential zoning on 500+ acres
generally located between North
Maize and North Tyler and between
53rd Street North and 69th Street
North.
Complete legal descriptions are
available for public inspection at the
Metropolitan Area Planning
Department, Wichita City Hall, 10th
Floor. As provided in Section V of the
Wichita-Sedgwick County Unified
Zoning Code, the same will then and
there be discussed and considered by
the said MAPC, and all persons inter-
ested in said matters will be heard at
this time concerning their views and
wishes in the premises and any
protest against any of the provisions
of the proposed changes to the zon-
ing regulations will be considered by
the MAPC as by law provided.
WITNESS my hand this 14th day of
AUGUST, 2006.
John L. Schlegel, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
(Aug 31) 2006

RECEIVED

SEP 01 2006

METROPOLITAN PLANNING
ROUTE 9



AGENDA ITEM NO. _____

STAFF REPORT

MAPC September 21, 2006

CASE NUMBER: ZON2006-00033

APPLICANT/AGENT: Eagles Nest Fellowship Pentecostal Holiness Church, Alexander R. Ice (owners), Baughman Company, PA c/o Terry Smythe (agent)

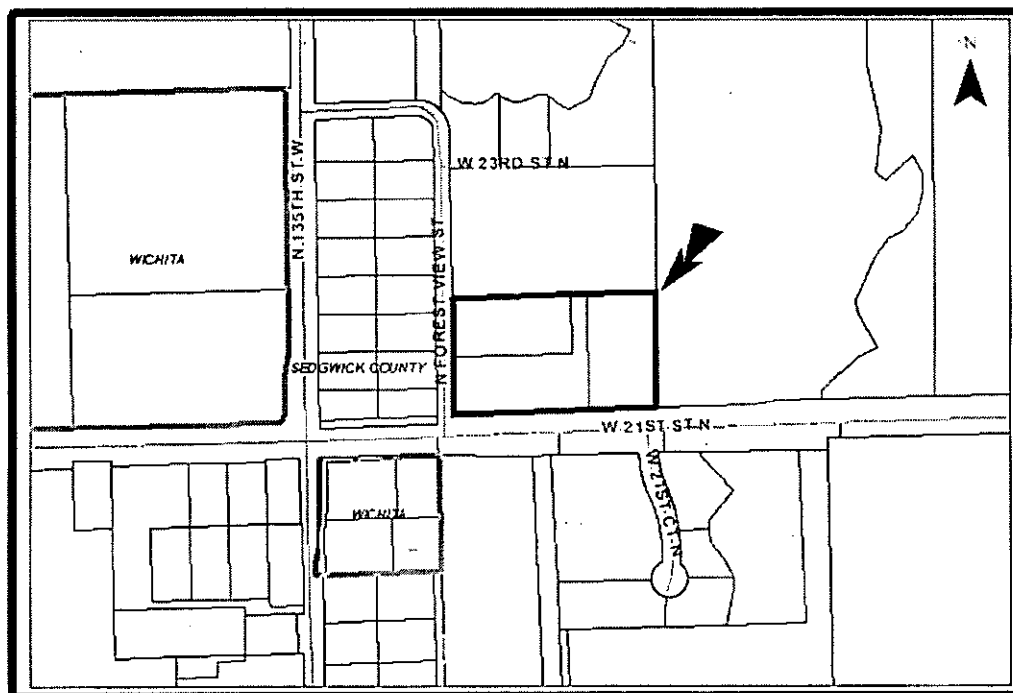
REQUEST: Zone change to "GO" General Office

CURRENT ZONING: "SF-20" Single-family Residential and "NR" Neighborhood Retail

SITE SIZE: 7.5± acres

LOCATION: Northeast corner of Forest View Street and 21st Street North (13310 West 21st Street North)

PROPOSED USE: General office uses



BACKGROUND: The applicant requests a zone change from "SF-20" Single-family Residential and "NR" Neighborhood Retail to "GO" General Office on 7.5± acres generally located on the northeast corner of Forest View Street and 21st Street North (13310 West 21st Street North), one block east of 135th Street West. The intended purpose of the rezoning is for general office uses.

Currently a church is located on the northwest portion of the tract. The eastern third was rezoned NR but restricted to "NO" Neighborhood Office uses plus portrait shop and photography studio (PO #137). The southwest portion is undeveloped. Forrest View Addition, a suburban addition with lots approximately three-fourths acre in size, is located to the west. Suburban estates and land in agricultural land or open space (Cowskin Creek) is located to the north and east. A request for NO zoning on the abutting land to the east (ZON2006-32) currently is under review by the governing bodies. The property to the south is Eberly Farms, an outdoor recreation retreat center on SF-20 zoning (CU-281), and a medical office building under construction on zoning approved for GO (ZON2005-30 with PO #161). Other uses in the vicinity farther west on 21st Street North include a large YMCA located approximately one-fourth mile west on "LC" Limited Commercial, a church and a utility pump station.

CASE HISTORY: Lot 1, Block A, Countryside Pentecostal Holiness Church Addition, recorded July 2, 1987. It has 35-foot platted building setbacks along the south property line bordering 21st Street North and along the west property line bordering Forest View Street. Lot 1 is divided into two separate ownerships, but no evidence of a lot split was found. Sedgwick County BZA1-90 for this property allowed an internally illuminated sign with a maximum size of 48 square feet, plus the additional conditions that the sign would be located no closer than 100 feet from the east or west property line, not be located within any utility easement, and not be illuminated later than 11 p.m. Rezoning the tract from SF-20 would supersede this sign variance.

Lot 1, Block 1, Roberts & Morriss Addition, was recorded August 18, 2005. It has a 20-foot platted setback along 21st Street North and a substantial floodway reserve comprising approximately 40 percent of the tract. ZON2004-09 rezoned the Roberts & Morriss Addition tract from SF-20 to NR subject to PO #137. This protective overlay restricted the property to those uses permitted by right in the NO district plus portrait shop and photography studio.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20	Agriculture, suburban estates
SOUTH:	SF-20, GO	Eberly Farms, office building under construction, agriculture
EAST:	SF-20	Agriculture
WEST:	SF-20	Suburban residential

PUBLIC SERVICES: 21st Street North is a paved two-lane county road and is designated on the 2030 Transportation Plan as a four-lane arterial. Current traffic counts are 6,269 vehicles per day, but this is projected to increase to 14,000 vehicles per day in 2030. The half-width right-of-way is 80 feet to accommodate a large water transmission line. Municipal water and municipal sewer is located along the south side of 21st Street North. Currently the plats allow two openings on 21st Street North from the Countryside plat and one opening from the Roberts & Morriss plat. The maximum number of access points allowed by urban standard access management policy would be two full movement openings. Forrest View Street is a two lane unpaved residential

street.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "urban development mix", and also is shown as part of a "Potential Future Park Site" due to its location within the environs of the Cowskin Creek. The urban development mix category allows for the possibility of local commercial uses. Commercial Location Guideline #3 stipulates that any commercial use in proximity to residential development, such as in this case, the development "should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses." NO zoning with its limitations on uses and heights conforms to this guideline. In contrast, the requested GO district allows more intensive uses such as funeral homes and hotel or motel, plus allows heights to increase from 35 feet to 60 feet. Guideline #4 stipulates, "locate commercial uses in compact clusters or nodes versus extended strip developments." This request could form a cluster with the abutting property on the east requesting NO (ZON2006-32) and the office development occurring to the south. However, it is important to confine the edges of this cluster no farther east than the Cowskin floodplain and no farther west than Forrest View Street. The property is within the "2030 Urban Growth Area" for Wichita.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED for GO General Office but APPROVED for NO Neighborhood Office on the property described as Lot 1, Block A, Countryside Pentecostal Holiness Church Addition and with no change to the NR Neighborhood Retail with PO #137 on Lot 1, Block 1, Roberts & Morriss Addition, subject to these additional conditions:

1. Vacate/dedicate access control onto 21st Street North to allow one full movement opening aligned with 21st Court North and aligned with the access drive 400 feet to the west of 21st Court North (or accomplish this condition by replat).
2. Dedicate complete access control onto Forrest View Street.

This recommendation is based on the following findings.

1. The zoning, uses and character of the neighborhood: Currently a church is located on the northwest portion of the tract. The eastern third was rezoned NR but restricted to "NO" Neighborhood Office uses plus portrait shop and photography studio (PO #137). The southwest portion is undeveloped. Forrest View Addition, a suburban addition with lots approximately three-fourths acre in size, is located to the west. Suburban estates and land in agricultural land or open space (Cowskin Creek) is located to the north and east. A request for NO zoning on the abutting land to the east (ZON2006-32) currently is under review by the governing bodies. The property to the south is Eberly Farms, an outdoor recreation retreat center on SF-20 zoning (CU-281), and a medical office building under construction on zoning approved for GO (ZON2005-30 with PO #161). Other uses in the vicinity farther west on 21st Street North include a large YMCA located approximately one-fourth mile west on "LC" Limited Commercial, a church and a utility pump station.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-20 and NR with PO #137. The property could continue to be used as a church site and the vacant portions could be developed as zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: GO development allows more intensive uses than is desirable directly across from single-family residences in the Forrest View Addition.
4. The length of time the subject property has remained vacant as zoned. The eastern portion has been rezoned and platted one year. The western portion was developed with a church shortly after it was platted in 1987.
5. The relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant. If the property is zoned NO, the applicant retains the value for general office use, but the impact would be less on the nearby residential properties.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "Wichita Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "urban development mix", and also is shown as part of a "Potential Future Park Site" due to its location within the environs of the Cowskin Creek. The urban development mix category allows for the possibility of local commercial uses. Commercial Location Guideline #3 stipulates that any commercial use in proximity to residential development, such as in this case, the development "should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses." NO zoning with its limitations on uses and heights conforms to this guideline. In contrast, the requested GO district allows more intensive uses such as funeral homes and hotel or motel, plus allowable heights increase from 35 feet to 60 feet. Guideline #4 stipulates "locate commercial uses in compact clusters or nodes versus extended strip developments." This request could form a cluster with the property requesting NO (ZON2006-32) to the east and the office development occurring to the south. However, it is important to confine the edges of this cluster to no farther east than the Cowskin floodplain and to no farther west than Forrest View. The property is within the "2030 Urban Growth Area" for Wichita.
7. Impact of the proposed development on community facilities: As currently allowed by the plats, the openings conflict with access management guidelines by allowing three openings instead of two and by conflicting with the alignment of 21st Court North. 21st Street North is a major traffic carrier and should not be interrupted with conflicting access points or driveways spaced at too close of an interval. Forrest View is an unpaved residential county road and cannot be used for access to a commercial/office use without negatively affecting the residents by having nonresidential traffic in front of their homes and by stirring dust and deteriorating the road condition.