

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ- 0714 - request for zone change from 'SF-20' Single Family District to 'LC' Limited Commercial; and

DP-224 - request for approval of Commercial Community Unit Plan for commercial development, located at the northwest corner of 13th Street North and Greenwich Road.

PRESENTED BY: Marvin S. Krout, Director of Planning 

PROPOSED AGENDA DATE: June 26, 1996

COMMISSION DISTRICT #1

MAPC Recommendation: Approve 'LC' zoning and the CUP for parcels 1 & 2 (12-0).
Approve 'LC' zoning and the CUP for parcels 3 & 4 (7-5).

Staff Recommendation: Approve 'LC' zoning and CUP for Parcels 1 & 2, but deny rezoning
and CUP for eastern portion.

Background/Discussion: The applicant requests a zone change for 13.5 acres from 'SF-20' Single-Family Residential to 'LC' Limited Commercial with an associated Commercial Community Unit Plan (CUP), located on an unplatted tract of land near the northeast corner of 13th Street North and Greenwich. The application area is currently undeveloped. The 13.5 acres abuts 6.5 acres at the corner which is already zoned 'LC'. A proposed CUP for the total 20 acre tract is associated with this rezoning.

The area to the west of this site has a mix of General Industrial zoning for Raytheon's landfill, as well as some Limited Commercial zoning near the intersection. The areas to the north, east, and south are currently characterized by agricultural uses and developing single-family uses.

The CUP shows development occurring on 20 net acres divided among 4 parcels ranging in size from 11.24 to 0.92 acres. Proposed uses for the 4 parcels include all uses in the 'LC' Limited Commercial district except night clubs, adult entertainment, and drinking establishments. The maximum gross floor area permitted by the proposed

CUP is 261,368 square feet, which could be developed with as many as 9 buildings. A six to eight foot solid or semi-solid wall of brick, stone, masonry, architectural tile or similar material would be constructed along the east and north property line where adjacent to residential zoning. All buildings would have consistent architectural design and exterior building materials.

Other issues addressed by the development plan include: drainage, parking, lighting, screening of roof top equipment and trash receptacles, guarantees for left turn and right turn lanes, landscape buffers, access control, cross-lot circulation, and pedestrian walkway system.

During the Planning Commission's discussion of this matter, questions concerning the appropriateness of 'LC' zoning for the entire 20 acre C.U.P. were raised. Planning staff voiced concerns over setting precedent with this C.U.P. that would allow this area of 13th Street North to "strip out" with commercial uses. Staff reviewed the staff report that called for less commercial zoning and more "transitional" uses for the eastern portion of the C.U.P. After discussion, the MAPC voted (12-0) to approve 'LC' zoning for Parcels 1 and 2 of the C.U.P., and (7-5) to approve 'LC' zoning for Parcels 3 and 4.

- 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 a 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:

Harry B Brown Jr 800 Dublin Wichita KS 67206
P.E.C. Rob Hartman 303 S Topeka Wichita KS 67202
Dillon Real Estate Co Inc Box 1608 Hutchinson KS 67504

Protestors:

None

RESOLUTION NO. 145-1996

FILE COPY

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. 46-1996.

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-0714

Zone change request from 'SF-20' Single Family Dwelling District to 'LC' Limited Commercial District on property described as:

A tract of land in S.W. 1/4 of Section 10, Township 27 South, Range 2 East of the 6th P.M., described as:

Beginning at the southwest corner of said Section 10; thence bearing $NO^{\circ}47'40''W$ along the west line of said Section 10 a distance of 758.12 feet; thence bearing $N89^{\circ}12'20''E$ a distance of 1320.00 feet; thence bearing $SO^{\circ}47'40''E$ a distance of 755.95 feet to a point in the south line of said Section 10; thence along said south line bearing $S89^{\circ}06'40''W$ a distance of 1320.00 to the point of beginning. Except the south 600 feet of the west 600 feet and except existing right-of-way. Containing 13.5 AC.

Generally located at the northwest corner of 13th Street North and Greenwich Road.

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>Absent</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>

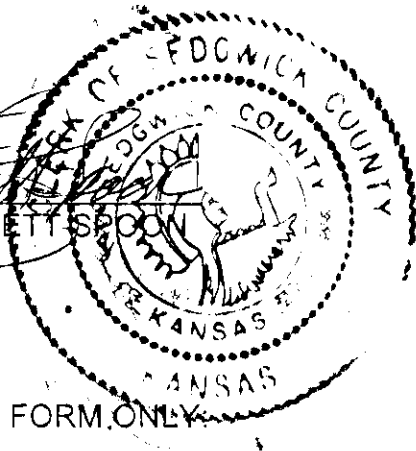
DATED this 26th day of June, 1996.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Thomas Winters
THOMAS G. WINTERS, Chairman

ATTEST:

Susan E. Crockett Spoon
SUSAN E. CROCKETT SPOON
County Clerk



APPROVED AS TO FORM ONLY

Lillian Clawson
Assistant County Counselor