

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0711& DP223 - Commercial Community Unity Plan and zone change to 'GC' General Commercial, located on the Northwest corner of K-15 and 63rd Street South.

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: May 22, 1996

COMMISSION DISTRICT #6

Derby Planning Commission Approve (8-0).

MAPC Recommendation: Approve, subject to conditions (9-0).

Staff Recommendation: Approve, subject to conditions.

Background/Discussion: The applicant owns 52.7 acres, generally located at the northwest corner of K-15 and 63rd Street South. In 1994, six acres of his ownership were approved for "GC" General Commercial zoning (SCZ-0668). Mr. Kuhn constructed a retail store, with trailer sales and self-storage units on the six acres. Today, the applicant requests approval of a two parcel commercial community unit plan for 16.14 acres of his total ownership. The applicant is also requesting approval of an additional 10.14 acres of "GC" General Commercial zoning.

Parcel 1A of the proposed CUP contains six acres previously zoned "GC" General Commercial, containing the retail store, trailer sales and self storage units. Parcel 1B contains the remaining 10.14 acres, located north of the self storage facilities, and is the area proposed to be rezoned to "GC" to allow the storage area. Both enclosed and / or outdoor storage of recreational equipment - 'RV's, boats, campers, trailers and vehicles - is proposed.

Land uses bordering the application area are: to the north and west is agricultural property owned by the applicant; to the east are railroad tracks, K-15 Expressway, a welding shop, two single family residences and a mini-storage facility; and to the south are single-family homes across 63rd Street.

The site is located within the Derby Zoning Area of Influence, and is within one-half mile of the Derby City Limits on 63rd Street east of Oliver.

The application area is also located in Airport Overlay District III South (AOD III-S). The intent and purpose of the AOD is to ensure a compatible relationship between Air Force base operations and other land uses in the vicinity of the base, and its operations, by reducing to a minimum, land uses that concentrate large numbers of persons underneath runway takeoff and approach paths, where aircraft accidents are most likely to occur. Uses not permitted in this area include: residential uses with less than 40,000 square feet of lot area per dwelling unit, transient lodging, hotels, motels, recreational vehicle parks, restaurants, drinking establishments, taverns, private clubs, retail food stores with gross floor area exceeding 3,000 square feet, hospitals, sanitariums, nursing homes, day care centers, halfway houses, group homes, public and private schools (all levels), libraries, museums, churches and related facilities, correctional facilities, all indoor / outdoor entertainment and / or recreational facilities that would attract more than 25 spectators and / or participants per acre at any one time.

This matter was heard by the Derby Planning Commission during their April 18th meeting. Concerns over the amount of landscaping along the eastern side of the property were expressed before the Commission voted (8-0) to approve the request as recommended by staff.

During the Planning Commission's discussion of this matter, the applicant briefly described the proposed development and use of the site. Staff noted their appreciation that the applicant voluntarily filed their request as a community unit plan in order to address concerns for the development of the site. After discussion, the MAPC voted (9-0) to approve the request 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 recommended conditions; adopt a resolution and authorize the chairman to sign; 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: Dale V. Kuhn, 4640 SE Blvd, Derby KS 67037
Mark Savoy, 924 N. Main Wichita KS 67203

Protestors: None

RESOLUTION NO. 112-1996

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 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. SCZ-0711

Zone Change from 'RR' Rural Residential to 'GC' General Commercial

That part of the SE 1/4 of Section 26, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as beginning at the NE Corner of Lot 1, Block A, Kuhn Co Commercial Addition to Sedgwick County, Kansas; thence N12°06'27"W, along the westerly right-of-way line of the AT&SF Railroad, 995 feet; thence S77°53'33"W, 340 feet; thence S89°59'58"W 128.27 feet; thence S12°06'27"E, 922.07 feet to the NW corner of said Lot 1; thence N89°59'58"E, along the north line of said Lot 1, 476 feet to the place of beginning. Generally located on the west side of K-15 Highway in an area north of 63rd Street South.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director 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>yes</u>
PAUL W. HANCOCK	<u>yes</u>
THOMAS G. WINTERS	<u>yes</u>
MELODY C. MILLER	<u>yes</u>
MARK F. SCHROEDER	<u>yes</u>

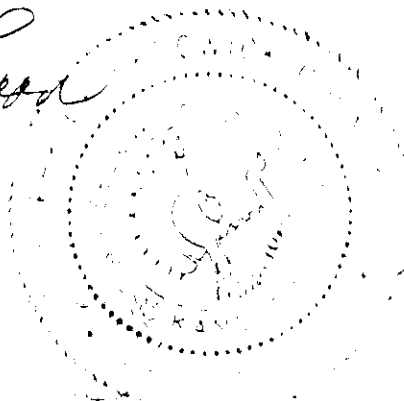
DATED this 22nd day of May, 1996.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Thomas G. Winters
THOMAS G. WINTERS, Chairman

ATTEST:

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



APPROVED AS TO FORM ONLY:

Richard Kelson
Assistant County Counselor