

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

**PROPOSED AGENDA ITEMS :** SCZ-0705 - Request for zone change from 'AA' One Family Dwelling District to 'LC' Light Commercial for commercial development, located 300 feet east of Greenwich Road on the south side of Central.

**PRESENTED BY:** Marvin S. Krout, Director of Planning



**PROPOSED AGENDA DATE:** March 13, 1996

**COMMISSION DISTRICT #1**

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MAPC Recommendation: Approve, subject to replatting within 1 year, and recording the development plan agreement (11-0).

Staff Recommendation: Approve, subject to replatting within 1 year and recording the development plan agreement.

Background/Discussion: The applicant requests a zone change from the 'AA' One Family Dwelling District to the 'LC' Light Commercial District for the north 230 feet of Lot 1, Block 1, The Fountains Addition. The a 2.44 acre tract, located 300 feet east of Greenwich on the south side of Central, is currently undeveloped and used for agricultural purposes. The applicant proposes to develop commercial uses on the property.

The subject property is currently bordered by a church to the east, undeveloped property zoned 'AA' to the south with a Conditional Use Permit that allows for the development of multiple family dwellings, a single family home on property zoned 'LC' to the west, and property to the north that was approved for 'LC' zoning by the Board of County Commissioners on December 28, 1994. The property on the north side of Central includes a development plan that was volunteered by the developer during the rezoning hearings. The development plan places restrictions on the development of that property that include use restrictions, sign controls, architectural controls, landscaping and screening requirements, and access controls.

A preliminary plan submitted by the applicant for the subject property indicates that the area proposed for rezoning would be split into two lots, with a public street running between the lots and extending southward to serve future residential development. The preliminary plan indicates that the area to the south would be

replatted and developed with single family homes. However, the applicant chose to retain the approved Conditional Use Permit for multiple family dwellings in order to have the flexibility of developing other uses if single family homes are not feasible for that area in the future. Whether the area to the south is developed with single family or multiple family uses, the development area is planned to gain access to Central through the property proposed for 'LC' zoning.

In order to address concerns about the impact of additional 'LC' uses on the south side of Central, the applicant has volunteered a development plan agreement that includes restrictions similar to those volunteered by the developer on the north side of Central. The development plan would require consistent architectural design among all buildings to be constructed on the site, required landscaping and screening according to the City Code and a masonry wall and a landscape buffer where adjacent to residential zoning, restrict loud speakers for drive through windows from being audible from adjacent residential properties, require cross-lot access to the properties to the east and west, require monument signs, and prohibit taverns, drinking establishments, and adult entertainment establishments.

These restrictions offered by the applicant would be part of the agreement for Wichita water service, and made enforceable by the City, since this property is close to the City limits and will eventually be annexed into the City. In the proposed "Unified Zoning Code for Wichita-Sedgwick County" these development plans would be filed as either a Community Unit (CUP) or a Protective Overlay (PO).

At the MAPC public hearing on February 15, 1996, no members of the public spoke to the Commission concerning this matter. However, MAPD received two written correspondences (attached) in opposition to the the request. The protestors stated that they feel the request is spot zoning and that adequate 'LC' zoning already exists in the area. After discussion, the MAPC voted 11-0 to recommend approval, subject to the development plan submitted at he MAPC meeting.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Commission and approve the zone change subject to the condition of platting, and subject to recording the voluntary development plan agreement; adopt a resolution and authorize the chairman to sign; and instruct the Planning Department to withhold publication until the plat and development plan 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).

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Applicants: Karl Solomon, REInvestments; 1831 N Rock Road Ct. Wichita, 67203  
Kenny E. Hill, Poe & Assoc. 434 N. Oliver Wichita, KS 67208

Protestors: R.W. & DUBY Hayden, 11811 E Central, Wichita, KS 67206  
Roy & Nadine Hayden, 434 N Ellson, Wichita, KS 67206

RESOLUTION NO. 48-1996

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 7.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

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 17.C of the Zoning Regulations, the zoning district of the lands legally described below are hereby changed as follows:

Case No. SCZ-0705

Zone change request from 'AA' One Family Dwelling District to 'LC' Light Commercial for commercial development, described as:

The north 230 feet of Lot 1, Block 1, The Fountains, an addition to Sedgwick County, Kansas, located 300 feet east of Greenwich Road on the south side of Central.

**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>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>

FILE COPY

DATED this 13<sup>th</sup> day of March, 1996.

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

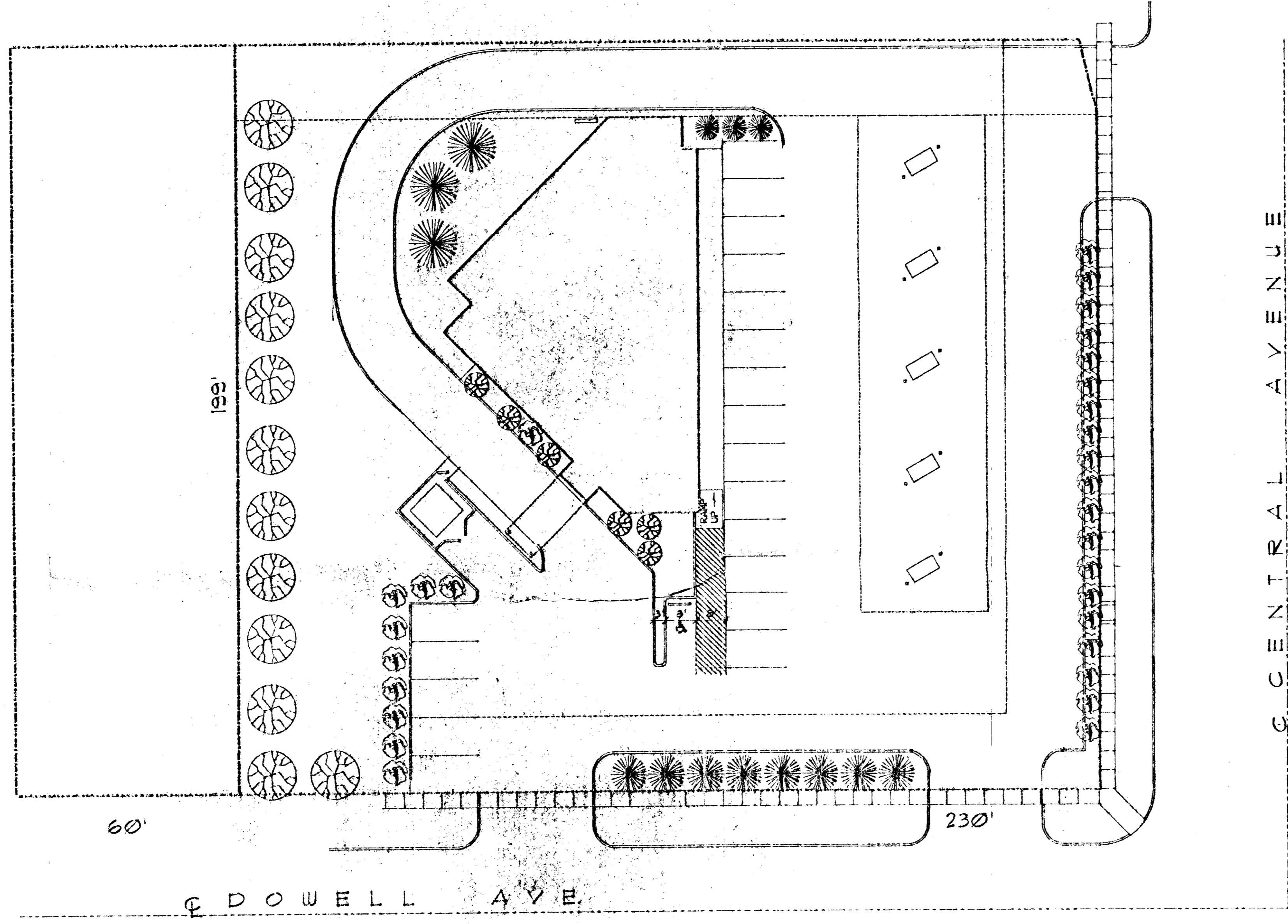
Thomas G. Winters  
THOMAS G. WINTERS, Chairman

ATTEST

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

APPROVED AS TO FORM ONLY:

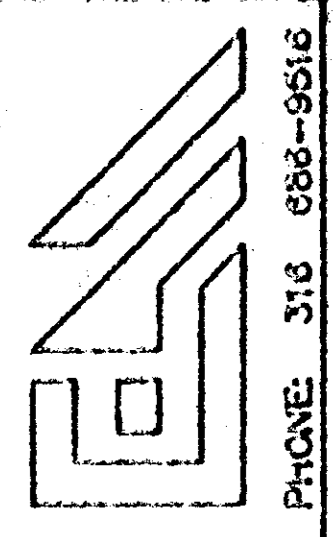
Julian Ellison  
Assistant County Counselor



**S I T E P L A N**

SCALE: 1" = 20'-0"

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