

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

**PROPOSED AGENDA ITEMS :** DP-231 - Approval of the Copper Gate Commercial Community Unit Plan; and

SCZ-0761 - Zone change from "SF-20" Single-Family Residential to "LC" Limited Commercial, on property located at the northwest and southwest corners of 13th Street North and 135th Street West.

**PRESENTED BY:**

Marvin S. Krout, Director of Planning



**PROPOSED AGENDA DATE:** February 25, 1998

**COMMISSION DISTRICT #4**

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MAPC Recommendation: Approve, subject to conditions (9-1-1).

Staff Recommendation: Approve, subject to conditions.

Background/Discussion: The applicant requests approval of the Copper Gate Commercial Community Unit Plan, and an associated zone change from "SF-20" Single-Family Residential to "LC" Limited Commercial, for property located at the northwest and southwest corners of 13th Street North and 135th Street West.

The proposed C.U.P. contains a gross area of 23.78 acres, permits 362,549 square feet of gross floor area, and would permit a maximum of 10 buildings. The C.U.P. shows Parcels 1 through 3 located at the southwest corner of the intersection, with Parcels 4 through 7 located at the northwest corner. The applicants are seeking seven openings onto 135th Street, two of which to be designed to major opening specification, and six openings onto 13th Street. Parcels 2 through 6 are also limited to a maximum building height of 35 feet, with Parcels 1 and 7 limited to a building height of 50 feet.

The applicants have also added the City of Wichita sign code restrictions, the City of Wichita landscape requirements, lighting restrictions, architectural controls, and screening requirements to the C.U.P. As part of the C.U.P., staff will be requesting a guarantee for road improvements to 13th Street and 135th Street, including additional turn lanes.

As proposed, the C.U.P. includes the following permitted uses: Single-family, duplex, multi-family, assisted living, cemetery, church or place of worship, college or university, community assembly, convalescent care (limited and general), cultural group, day care (limited and general), golf course, government service, group home (limited, general, commercial), hospital, library, parks and recreation, recycling collection station (private and public, subject to conditions), recycling processing center (subject to conditions), reverse vending machine (subject to conditions), safety service, school (elementary, middle, and high), utility (minor), animal care (limited), automatic teller machine, bank or financial institution, bed and breakfast inn, broadcast/recording studio, car wash (subject to conditions), communication tower (commercial, subject to conditions), construction sales and service (subject to conditions), convenience store, funeral home, hotel or motel, marine facility (recreational), medical service, marine facility (recreational), office (general), parking area (commercial, subject to conditions), pawnshop, personal care service, personal improvement service, post office substation, printing and copying (limited), recreation and entertainment (indoor), restaurant, retail (general), second hand store, service station, vehicle repair (limited), vocational school, manufacturing (limited and general), research services, storage (outdoor, subject to conditions), agriculture, agricultural research, and agricultural sales and service.

All surrounding land is zoned "SF-20" Single-Family Residential, with three single-family homes within ¼ mile of the application area. There is suburban- and urban-density residential developments located approximately ½ mile to the east within the city limits on property zoned "SF-6" Single-Family Residential. The site is across from a utility substation located at the southeast corner of this intersection. Power lines from that facility run through the application area, and will be contained within a 50 foot utility easement as shown on the plan.

During the January 29, 1998 MAPC meeting, the agent for the applicant stated that most conditions for the development were discussed and agreed upon with planning staff. Areas of disagreement include the reduction in acreage, the limitation on business size, and the number and locations of access openings to 135th Street. There was one neighbor opposing the request, stating concern that urban development was encroaching on her property. After the discussion, the MAPC voted (9-1-1) to approve the request subject to staff's recommendations, including a reduction in total acreage.

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 reduced acreage and revised conditions, and subject to the condition of platting; adopt the 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).

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Applicants:

John E. Dugan Family Partnership, LP 2416 Morning Dew Wichita KS 67205  
Baughman Company, PA 315 Ellis Wichita KS 67211

Protestors:

Doug and Sheila Hays 14023 W. 13th Street N Wichita KS 67235

RESOLUTION NO. 22-1998

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. 57-1997.

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- 0761**

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

The east 585 feet of the south 1058.67 feet of the Southeast Quarter of Section 11, Township 27 South, Range 2 West of the 6th P.M. Sedgwick County, Kansas, AND the east 585 feet of the north 1058.67 feet of the Northeast Quarter of Section 14, Township 27 South, Range 2 West of the 6th P.M. Sedgwick County, Kansas. Generally located on the northwest and southwest corners of 13th Street North and 135th Street West.

**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.

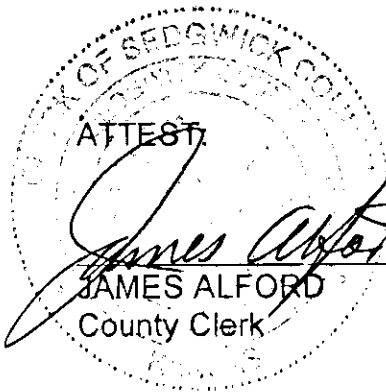
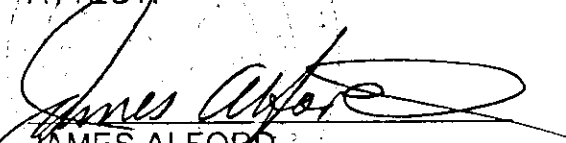
Commissioners present and voting were:

BETSY GWIN	<u>Aye</u>
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 25<sup>th</sup> day of February, 1998.

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

  
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Mark F. Schroeder, Chairman

  
ATTEST  
  
JAMES ALFORD  
County Clerk

APPROVED AS TO FORM ONLY:

  
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Assistant County Counselor