

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

June 9, 1994

Francis J. Anderson
Route 2
Aledo, IL 61231

RE: SCZ-0667 - Zone change request from "R" Rural Residential to "C" General Commercial and "E" Light Commercial; AND

CU-371 - Conditional Use permit for residential and commercial truck rental on property to be rezoned "C" General Commercial.

Dear Mr. Anderson:

On June 8, 1994, the Board of County Commissioners reconsidered the above-caption requests. The action taken by the Commission was to DENY the requested zone change and Conditional Use permit.

Should you have any questions, please call me at 268-4421.

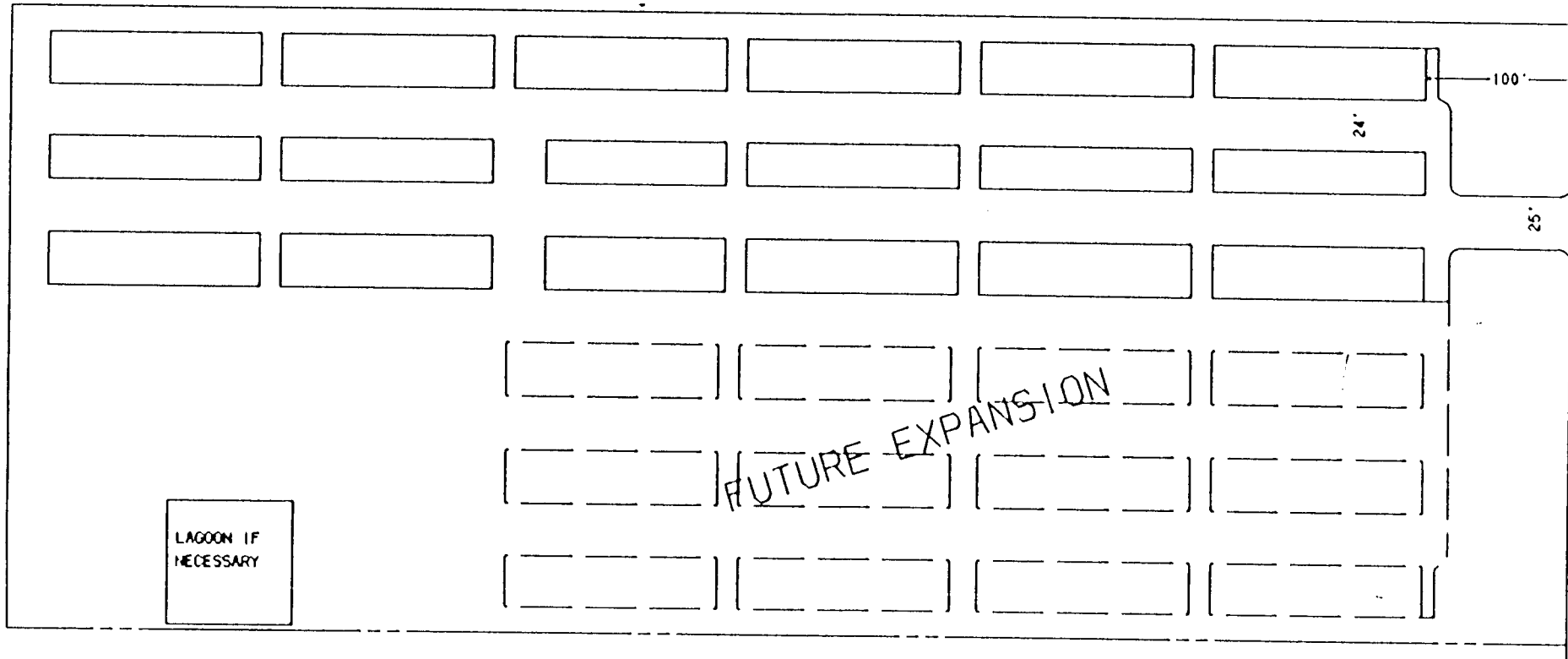
Sincerely

Kevin Kokes

hm

cc: Phil Meyer, Baughman Co., 315 Ellis, Wichita, KS 67211
Brad Burns & Art Small, 3500 N. Rock Rd., Wichita, KS 67226
Robert Morrison; 4439 S. Rock Road; Wichita, KS 67210
Vince Painter; 8600 E. 44 South, Wichita, KS 67037
Neil & Barbara Marcus; 8300 E. 44 St. South; Derby, KS 67037
Lan Tran; 8120 E. 44 St. South; Derby, KS 67037
Cenia Wedekind; 4555 S. Wind; Derby KS 67037
Nancy Blanks; 4520 S. Rock Rd; Derby, KS 67037
Katherine Morrison; 4361 S. Rock Rd; Derby, KS 67037
Sedgwick Co. Dept. of Code Enforcement

SC 2-0667
CU-371
(NORTH PARCEL)



Rock Road

6A + 6B



AGENDA ITEM NO. ____

STAFF REPORT

May 5, 1994

CASE NUMBER: SCZ-0667 & CU-371

APPLICANT/AGENT: Francis J. Anderson /
Baughman Company, Brad Burns & Art Small

REQUEST: Zone change to "C" General Commercial and "E" Light Commercial; AND

Conditional Use permit for residential and commercial truck rental on property to be rezoned "C" General Commercial

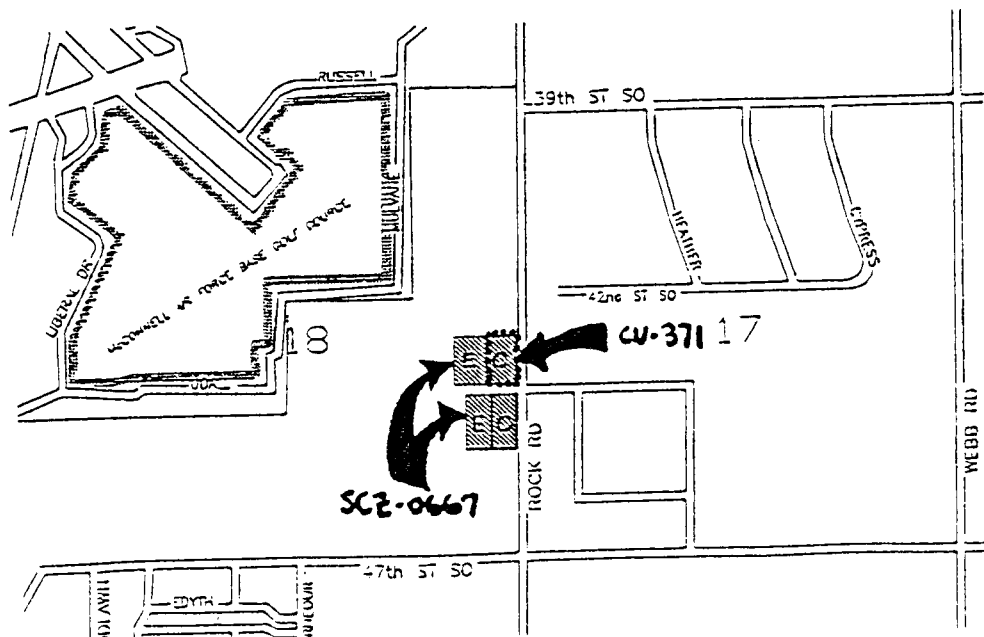
CURRENT ZONING: "R" Rural Residential District

SITE SIZE: Zone change: 20 acres
Conditional use permit: 5 acres

LOCATION: ¼ mile north of 47th Street South on the west side of Rock Road

PROPOSED USE: North parcel: residential storage, outdoor storage, residential and commercial truck rental

South parcel: lawn and garden center



BACKGROUND: The applicants request a zone change from "R" Rural Residential District to "C" General Commercial and "E" Light Industrial Districts for two 10 acre unplatted parcels generally located 1/4 mile north of 47th Street South on the west side of Rock Road. The applicant also requests a conditional use permit for the north parcel to allow outdoor storage on property to be rezoned "C" General Commercial. The request is separated into two parcels (north parcel and south parcel) to allow for the development of a roadway (42nd Street South) to serve future development to the west. 41

North Parcel

The applicant proposes to rezone the east 5 acres (adjacent to Rock Road) to "C" General Commercial and rezone the west 5 acres to "E" Light Industrial. The applicant intends to develop a residential mini-warehouse storage complex on the 10 acre site with as many as 30 structures when fully developed. The west half of the application area would also accommodate outdoor storage, including outdoor storage of vehicles. Also requested is a conditional use permit to permit residential and commercial truck rental within the east 5 acres to be rezoned to "C" General Commercial.

South Parcel

The applicant proposes to rezone the east 5 acres (adjacent to Rock Road) to "C" General Commercial and rezone the west 5 acres to "E" Light Industrial. The applicant intends to develop a lawn and garden center with outdoor storage of trees, shrubs, and other landscape materials. The site would also include greenhouses for plants and indoor equipment storage for tractors and trucks. The applicant has offered to landscape the frontage along Rock Road as part of this development. The County does not have landscape requirements, and there is no way to enforce a requirement to install or maintain landscaping for this development. However, the plat could provide for a landscape reserve area along Rock Road that cannot be used for buildings or parking.

The adjacent surrounding area is zoned "R" Rural Residential and used for agricultural or large lot suburban residential purposes. The Saturday Wood Service is located less than 1/4 mile to the north which includes outdoor storage of firewood. McConnell Air Force Base/Golf Course is located in an area northwest of the application area. This site is located within Area B of the Wichita Airport Hazard Zoning Map, which permits a maximum building height of 75 feet. The proposed development would need to obtain an Airport Hazard Zoning Permit from the City of Wichita's Office of Central Inspection prior to any building permits being issued.

All four corners of the intersections at 39th Street South (MacArthur)/Rock Rd and 47th Street South/ Rock Rd were zoned "LC" Light Commercial as part of the 3-mile zoning around Wichita in 1958. These non-residential areas have remained

undeveloped since being zoned "LC" over 35 years ago. During preliminary discussions with the applicants, planning staff suggested that the applicants consider locations for the proposed uses at the section line arterial intersections (39th Street South (MacArthur)/Rock Road and 47th Street South/Road) which are currently zoned for non-residential uses and would be consistent with the Comprehensive Plan's recommendation to locate commercial uses at such locations. The Comprehensive Plan recommends against strip commercial development unless it is located along segments of Kellogg and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support such uses. However, the applicants indicated that they could purchase the subject property at much lower land values than what is available at the arterial intersections. Therefore, the applicants did not want to pursue development at those nearby locations.

CASE HISTORY: This area was zoned "R" Rural Residential as part of countywide zoning in 1984.

ADJACENT ZONING AND LAND USE:

NORTH:	"R"	Single family residence, Saturday Wood Service
SOUTH:	"R"	Agricultural uses
EAST:	"R"	Suburban large lot residential development
WEST:	"R"	Agricultural uses, McConnell Air Force Base/Golf Course

PUBLIC SERVICES: The application areas are located within the City of Wichita service area for municipal water and sewer. However, there are no plans to serve this area in the near future with such municipal services. Rural Water District (RWD) No. 3 includes properties located on the east side of Rock Road and south of 47th Street South.

Access to the site is from Rock Road, a 4-lane paved F.A.S. designated roadway with 55 feet of existing half street right-of-way. The standard half street right-of-way for such roadways is 60 feet.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area for agricultural uses. The Plan identifies Suburban development on the east side of Rock Road; typically areas for large-lot residential living where a full range of municipal services, including public water and sewer, is not available nor planned.

The Plan recommends that commercial development in rural areas should be limited to activities which are agriculturally-oriented or provide necessary convenience services to residences in the immediate area, or provide highway - oriented services

at interchange areas (Goal III, B, 5). Industrial uses in rural areas are recommended by the Plan only when it such uses are agriculturally - oriented, dependent upon a natural resource, or as part of an appropriate expansion of an existing industrial area (Goal IV, A, 3).

The Visual Form Map of the Comprehensive Plan (pg. 68) identifies Rock Road as a major roadway in Sedgwick County. The Plan says that such roadways are critical in forming overall community perceptions, and therefore deserve more attention to its context, unique character, and image. Rock Road is a major entrance for both the City of Derby and the City of Wichita.

The application area is located just north of the Derby Zoning Area of Influence. The adopted Derby Comprehensive Plan (1975-1995) recommends that areas located north of the City's projected urban area should be limited to very low density residential development, except for commercial areas along Highway K-15.

RECOMMENDATION: Planning staff recommends the following:

- A. APPROVE the requested zone change (SCZ-0667) for both the north and south parcels, subject to platting within one year. As conditions of platting, access should be limited only to the proposed street (42nd Street South), and left turn lanes and accel/decel lanes should be guaranteed as directed by the County Bureau of Public Services. Both parcels should include platted landscape reserves at least 50 feet in depth along the Rock Road frontage.
- B. APPROVE the requested conditional use permit (CU-371), subject to the following conditions:
 1. Prior to the publication of the resolution effectuating the conditional use, the applicant shall submit 4 copies of a site plan for approval by the Planning Department denoting the location of all structures and outdoor storage areas associated with the proposed residential and commercial truck rental property. Development of the site shall generally conform to the approved site plan.
 2. Prior to the publication of the resolution effectuating the conditional use, the applicant shall submit 4 copies of a landscape plan for approval by the Planning Department denoting the location, types and size of plant and screening materials to be utilized along the northern boundary of the property as a buffer from the existing single family residence to the north of the application area and the homes across Rock Road. Said materials shall be placed as indicated on the approved plan prior to issuing an occupancy permit, and their planting and maintenance shall be the responsibility of the owner.

3. No off-site, portable, flashing, or moving signs are permitted on the site.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding property is mixed, with agricultural and suburban residential development, as well as the air force facilities. Property located less than ¼ mile to the north is used for outdoor storage of firewood, which is permitted by right in the current County Zoning Code.

2. The suitability of the subject property for the uses to which it has been restricted: Although noise contours indicate most of this property experiences noise levels below 65 Ldn, due to the site's proximity to the McConnell Air Force Base, it seems unlikely that the area on the west side of Rock Road will develop with residential uses. Typically, areas surrounding airports have developed with non-residential uses associated with the aircraft industry or other airport related industries.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The landscape and screening proposed by the applicants should buffer the proposed development from the adjacent residential property to the north and the suburban residential development on the east side of Rock Rd. Officials at McConnell Air Force Base have been notified of the request and are expected to forward any comments to MAPD prior the MAPC hearing.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Wichita-Sedgwick County Comprehensive Plan identifies this area for agricultural uses, and the proposed commercial uses do not fit within the guidelines for commercial uses in rural areas. However, due to the site's proximity to the McConnell Air Force Base, it is unlikely that the area on the west side of Rock Road will develop residentially. Because it is so close to both Wichita and Derby, there will be continued pressure to use property in this vicinity for more than just agricultural uses. Therefore, it is logical for this area to develop with non-residential uses. The lack of municipal water and sewer should restrict development to the type of low-intensity uses that are planned for the properties.

It should be noted that approval of this request will set a precedent for additional commercial zoning and commercial uses on the west side of Rock Road from 39th Street South (MacArthur) to 47th Street South. Therefore, should this request be approved, the Comprehensive Plan should be amended to reflect commercial and industrial development as being appropriate in this area southeast of McConnell Air Force Base.

The proposed landscaping plans for both the north and south parcels will help maintain the appearance of Rock Road, which is identified by the Comprehensive Plan as deserving more attention to its context and image.

5. Impact of the proposed development on community facilities: The proposed uses will increase traffic in the area. However, Rock Road has available capacity to serve the proposed development. At the time of platting, the proposed development will be required to guarantee any necessary turn lanes and accel/decel lanes. No municipal utilities are planned to be extended to this general area.