

CONDITIONAL USE RESOLUTION NO. CU-557
REVISED LEGAL DESCRIPTION

WHEREAS, Southwestern Bell (owner); Mid Kansas Engineering Consultants, Inc., % Jason Gish (agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow utility, major on 0.66 acre zoned "LI" Limited Industrial described as:

REVISED LEGAL DESCRIPTION

The W 130' of the S 200' of Lot 2, Block 2, Hi-Tech Industrial Park 2nd Addition, Sedgwick County, Kansas. Generally located at the northwest corner of 37th Street North and Comotara Street.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of January 13, 2000, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a conditional use to allow utility, major on 0.66 acre zoned "LI" Limited Industrial described as:

REVISED LEGAL DESCRIPTION

The W 130' of the S 200' of Lot 2, Block 2, Hi-Tech Industrial Park 2nd Addition, Sedgwick County, Kansas. Generally located at the northwest corner of 37th Street North and Comotara Street.

subject to the following conditions:

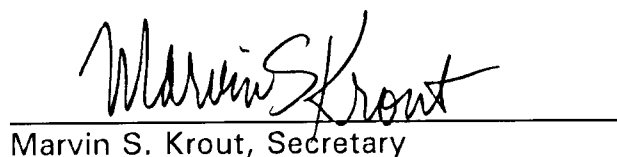
1. The building expansion shall be developed with uniform exterior roof and wall materials and colors, and in general conformance with the site plan, attached hereto and made a part of this application.
2. Landscaping, including a landscape street yard and parking lot screening, shall be provided along 37th Street North in accordance with the Landscape Ordinance.
3. Screening shall be provided so that mechanical equipment and the emergency generator shall not be visible off-site.
4. Any violation of the conditions approved as a part of this request shall render the "Conditional Use" null and void.

Adopted this 13th day of January, 2000. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION


Frank Garofalo, Chair

ATTEST:


Marvin S. Krout, Secretary



AGENDA ITEM NO. 11

STAFF REPORT
MAPC January 13, 2000

CASE NUMBER: CU-557

APPLICANT/AGENT: Southwestern Bell (owner); Mid Kansas Engineering Consultants, Inc. c/o Jason Gish (agent)

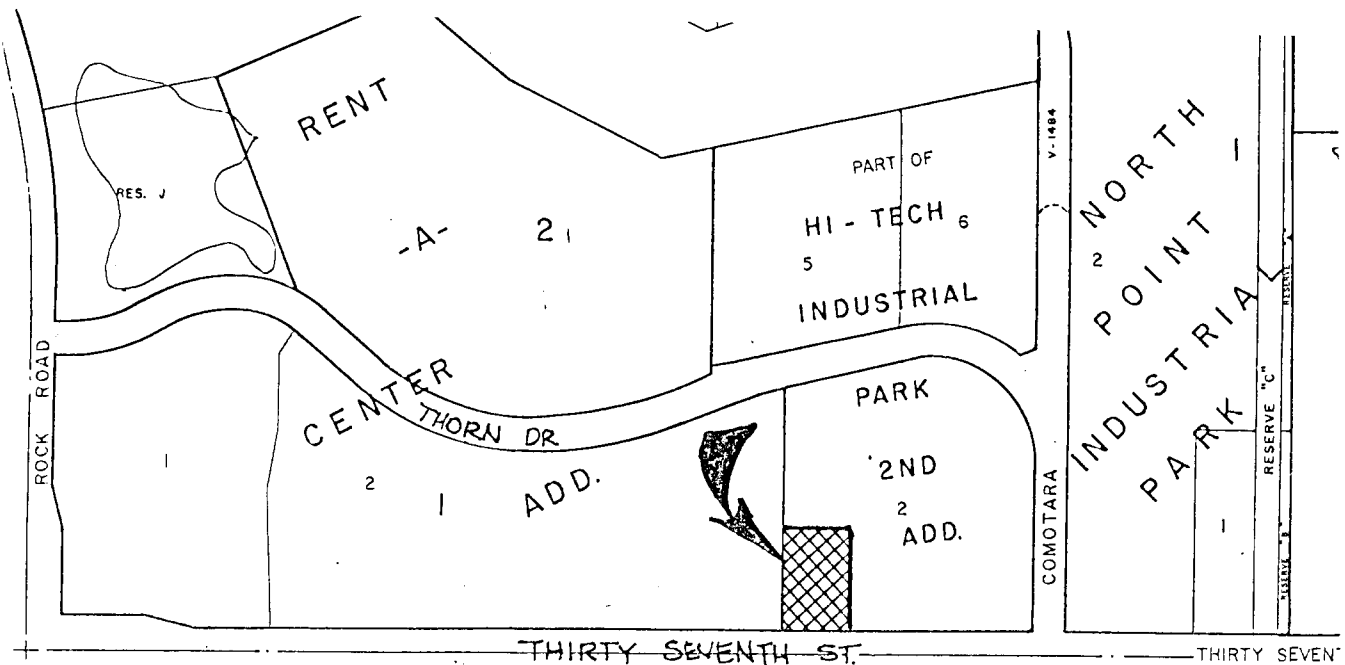
REQUEST: Conditional Use to allow utility, major

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 0.66 acre

LOCATION: Northwest corner of 37th Street North and Comotara Street

PROPOSED USE: Expansion of telephone switching building



BACKGROUND: The applicant is requesting a "Conditional Use" for 0.66 acre of property zoned "LI" Limited Industrial for expansion of a telephone switching facility.

The application area is located on the north side of 37th Street North, about ¼ mile east of Rock Road and near the northwest corner of Comotara Street and 37th, and is developed with a telephone switching building. A "Conditional Use" was not required at the time the initial building was constructed in 1987. However, under the existing Unified Zoning Code an expansion of more than 30 percent of the original size of the building would require it to come into compliance with the current code, which would require a "Conditional Use." The proposed expansion would increase the building from approximately 5,000 square feet to 8,525 square feet, with a future addition of 1,104 square feet, for a total building size of 9,629 square feet.

The existing building is designed to blend with surrounding land uses. It has a pitched roof with a low profile and somewhat of a residential character. The applicant has proposed to maintain the façade on 37th Street North in its current appearance and blend the addition to the existing building. The addition will be located on the east, west and north sides of the building. It consists of wing-wall extensions on the east and west sides with a flat roof line and an extension of the pitched roof to the north.

The site is located immediately to the south of a large parcel that is occupied by the Thorn building. Industrial and office park uses are located to the south and east, except the tract immediately to the east is still vacant. The Inn at Willowbend is located approximately 1/3 mile north of the subject tract at the end of Comotara Street.

CASE HISTORY: The building is located in Hi-Tech Industrial Park 2nd Addition, platted March 13, 1986. A lot split created Tract A, the subject tract, on December 22, 1987. As part of the lot split access control was vacated to allow one point of access to Tract A. This is the only point of access onto 37th Street North.

ADJACENT ZONING AND LAND USE:

NORTH:	"LI" Limited Industrial	Thorn building, Inn at Willowbend
EAST:	"LI" Limited Industrial	Vacant, industrial/office park uses
SOUTH:	"LI" Limited Industrial	Industrial/office park uses
WEST:	"LI" Limited Industrial	Vacant

PUBLIC SERVICES: The site has access on 37th Street North, a four-lane arterial street. Traffic volume at Rock and 37th was rated at 5,310 ADT in 1997. The proposed expansion would generate very little traffic. Water and sewer services are available.

CONFORMANCE TO PLANS/POLICIES: The "Land Use Guide" of the Comprehensive Plan identifies this property as "industrial." The proposed utility use would not be anticipated to generate large amounts of noise, odor, or nuisances and is compatible

in design with residential uses and surrounding large-scale office park/industrial uses.

RECOMMENDATION: The Wichita Land Use Guide recommends this area for industrial use, and major utility facilities are allowed as a "Conditional Use" in "LI" Limited Industrial. Based on these factors, the lack of externalities anticipated from the proposed use, and the information available prior to the public hearing, Staff recommends the application be APPROVED, subject to the following conditions:

1. The building expansion shall be developed with uniform exterior roof and wall materials and colors, and in general conformance with the site plan, attached hereto and made a part of this application.
2. Landscaping, including a landscape street yard and parking lot screening, shall be provided along 37th Street North in accordance with the Landscape Ordinance.
3. Screening shall be provided so that mechanical equipment and the emergency generator shall not be visible off-site.
4. Any violation of the conditions approved as a part of this request shall render the "Conditional Use" null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area and the adjacent land is zoned "LI" Limited Industrial. The character to the north, south and east is large industrial/office park uses. Farther to the north the character is that of a residential community with an inn, a country club facility and golf course.
2. The suitability of the subject property for the uses to which it has been restricted: The use of the property for a telephone switching facility is an appropriate "Conditional Use" for this "LI" Limited Industrial tract.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. No detrimental effects are anticipated because of maintaining the low profile, residential character of the existing telephone switching building throughout the expansion, and by screening of any mechanical equipment.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested "Conditional Use" is in conformance with the Wichita Land Use Guide.

5. Impact of the proposed development on community facilities: The projected impact on community facilities is minimal, generating little traffic, need for additional services, or externalities.