

(150004) Published in The Derby Reporter on July 10 2008
RESOLUTION NO. 103-08

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 THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

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. ZON2006-00028

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

All of Lots 1, 2, 3, and 4, Block A, Rocky Ford Industrial Park, Sedgwick County, Kansas, TOGETHER with Lot 5 in said Block A, except that part of said Lot 5 described as follows: Beginning at the SW corner of said Lot 5; thence N00°00'00"E along the west line of said Lot 5, 150.02 feet; thence S89°01'15"E, 250.03 feet to a point on the east line of said Lot 5; thence S00°00'00"E along the east line of said Lot 5, 150.02 feet to the SE corner of said Lot 5; thence N89°01'19"W along the south line of said Lot 5, 250.03 feet to the point of beginning, TOGETHER with Lot 6 in said Block A, except that part of said Lot 6 described as follows: Beginning at the SW corner of said Lot 6; thence N00°00'00"E along the west line of said Lot 6, 150.02 feet; thence S89°01'15"E, 330.19 feet; thence N43°53'33"E, 158.46 feet to a point 15.00 feet normally distant west of the east line of said Lot 6; thence N00°00'00"E parallel with the east line of said Lot 6, 986.61 feet to a point on the north line of said Lot 6; thence easterly along the north line of said Lot 6, being a curve to the right, having a central angle of 03°04'35" and a radius of 282.50 feet, an arc distance of 15.17 feet, (having a chord length of 15.17 feet bearing N81°28'02"E), to the NE corner of said Lot 6; thence S00°00'00"E along the east line of said Lot 6, 1255.20 feet to the SE corner of said Lot 6; thence N89°01'19"W along the south line of said Lot 6, 455.07 feet to the point of beginning, TOGETHER with Reserve "A" in said Rocky Ford Industrial Park, except that part of said Reserve "A" described as follows: Beginning at the NE corner of said Reserve "A"; thence S00°00'00"E along the east line of said Reserve "A", 6.10 feet to the most easterly SE corner of said Reserve "A"; thence westerly along the south line of said Reserve "A", being a curve to the left, having a central angle of 02°27'20" and a radius of 352.50 feet, an arc distance of 15.11 feet, (having a chord length of 15.11 feet bearing S83°10'18"W), to a point 15.00 feet normally distant west of the east line of said Reserve "A"; thence N00°00'00"E parallel with the east line of said Reserve "A", 8.07 feet to a point on the north line of said Reserve "A"; thence S89°20'47"E along the north line of said Reserve "A", 15.00 feet to the point of beginning.

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 by the Governing Body.

Commissioners present and voting were:

DAVID M. UNRUH
TIM R. NORTON
THOMAS G. WINTERS
LUCY BURTNETT
BEN SCIORTINO

Aye
Aye
Aye
Aye
Aye

DATED this 30th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Thomas G. Winters
THOMAS G. WINTERS, CHAIRMAN
District III

ATTEST:

Don Brace
DON BRACE, County Clerk



APPROVED AS TO FORM:

Robert W. Parnacott
ROBERT W. PARNACOTT,
Assistant County Counselor



FILE COPY



AGENDA ITEM NO.

STAFF REPORT

MAPC August 17, 2006

CASE NUMBER: CUP2006-32 AND ZON2006-28 DP-300 Rocky Ford Commercial Community Unit Plan

APPLICANT/AGENT: Builders, Inc., c/o Brad Smisor (owner); Baughman Company, PA, c/o Terry Smythe (agent)

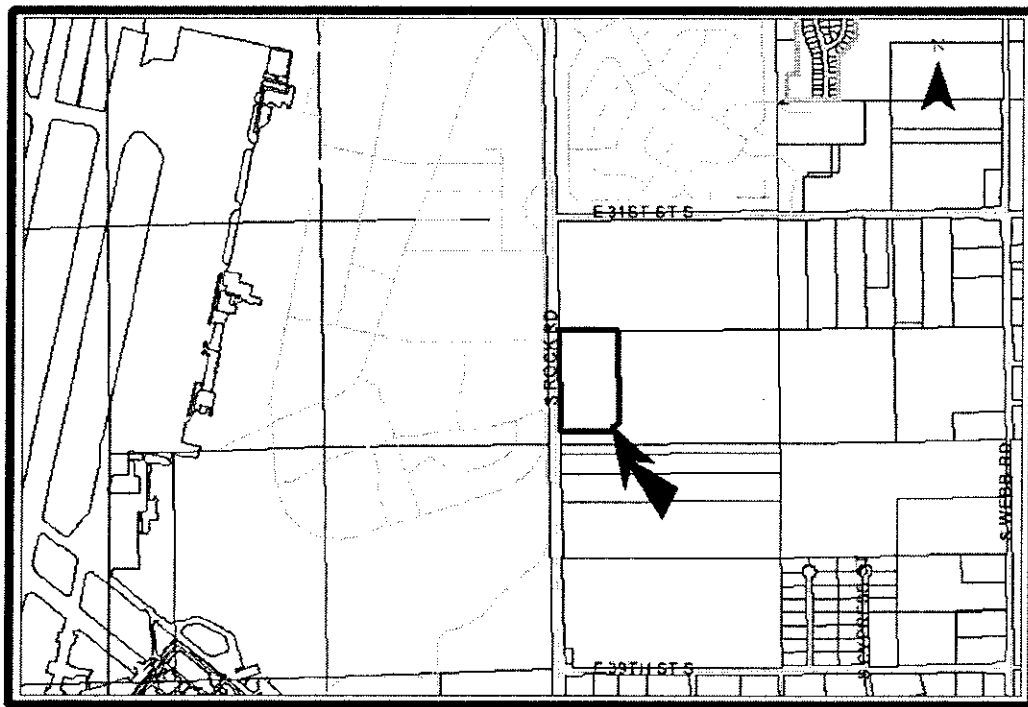
REQUEST: Create DP-300 Rocky Ford Commercial Community Unit Plan; zone change to "LC" Limited Commercial

CURRENT ZONING: "SF-20" Single-family Residential

SITE SIZE: 18.98 ± acres

LOCATION: East of Rock Road, one-fourth mile south of 31st Street South

PROPOSED USE: Commercial development



BACKGROUND: The applicant proposes to create a commercial community unit plan and rezone an 18.98-acre tract from "SF-20" Single-family Residential to "LC" Limited Commercial. The property is located east of Rock Road between one-fourth mile and one-half mile south of 31st Street South. The CUP would have six parcels for commercial use. Parcels 1-5 would be small parcels located along Rock Road ranging in size from 1.14 to 1.43 acre (Parcel 1-1.44 acres, Parcel 2-1.43 acres, Parcel 3-1.15 acres, Parcel 4-1.15 acres, Parcel 5-1.14 acres). Parcel 6 would be 12.67 acres in size and would be located along to the east of Parcels 1-5, with one direct connection to Rock Road.

The proposed CUP is within the study area of the Joint Land Use Study "JLUS" conducted jointly by Sedgwick County, the City of Wichita and the City of Derby to identify compatible land use with the continued operation of McConnell Air Force Base.

Requested uses would be those allowed by right in LC except: adult entertainment establishments, sexually oriented businesses, correctional placement residences, asphalt/concrete plants, safety service, pawn shop, agricultural sales and service. Additional use restrictions to complement the proximity of the site to McConnell Air Force Base are recommended, including 1) prohibiting all residential uses; church or place of worship; college or university; convalescent care facility, limited and general; group home, limited, general and commercial; hospital; library; school, elementary, middle and high; bed and breakfast inn; hotel or motel; vocational school; night club in the city; night club in the county; tavern and drinking establishment; and recreation and entertainment, indoor; 2) recommendation of noise attenuation methods in construction and 3) a real estate disclosure process.

Maximum height of 25 feet (and two-story) is recommended, also in response to anti-terrorism and force protection concerns of McConnell Air Force Base. Maximum building coverage would be 30 percent and maximum gross floor area would be 35 percent. A maximum of one building is proposed for Parcels 1-5 each and four buildings for Parcel 6. Building setbacks would be 35 feet on along Rock Road; it is recommended that the 15-foot setbacks along exterior property lines of Parcels 1 and 5 be increased to the standard 35 feet for CUPs. Internal setbacks are 15 feet. A six-foot masonry wall would be required along residential zoning.

Buildings would have uniform architectural compatibility and parking lots would have similar or consistent lighting elements, limited to 24 feet in height.

Monument signage is requested with a maximum height of 20 feet. Portable and off-site signs would be prohibited. Flashing signs (except for signs showing only time, temperature and other public service messages), rotating or moving signs, signs with moving lights or creating the illusion of movement would be prohibited. The amount of signage initially requested exceeds the Sign Code square footage requirements for 0.8 times the linear frontage on Rock Road; it is recommended that signage be revised to limit signage to one monument sign per parcel with a maximum size of 120 square feet on Parcels 1-5 and 250 square feet on Parcel 6 located at the main entrance along Rock Road.

The site currently is in agricultural use. The property to the north, east and south is zoned SF-20 and is in agricultural use. A single-family residential plat has been filed for the property to the east. McConnell Air Force Base is located west of Rock Road and is zoned SF-20.

CASE HISTORY: The property is unplatted, but is included in the sketch plat, Rocky Ford Addition filed July 6, 2006.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20	Agricultural
SOUTH:	SF-20	Agricultural/farmstead
EAST:	SF-20	Agricultural/undeveloped
WEST:	SF-20	McConnell Air Force Base

PUBLIC SERVICES: Currently, Rock Road is improved as a four-lane undivided principal arterial roadway. Requested access consists of one full movement opening and two right-in/right-out openings onto Rock Road. The CUP also would have one point of access to the street being platted along its southern boundary.

Traffic counts on Rock Road south of 31st Street South were 17,221 vehicles in 2004 (county count). The 2030 projection for Rock Road is 31,500 vehicles per day.

The nearest public water and sewer service are approximately three-fourth to one mile north of the property.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "employment/industry center" use and shows the property as a "Potential Future Park Site". The employment/industry center recommendation was based upon the 1994 Air Installation Compatible Use Zone (AICUZ) study for McConnell AFB and the property remains within the "Maximum Mission Area" identified by the Joint Land Use Study. The site is within the proposed one-half mile wide anti-terrorism/force protection zone around McConnell.

Commercial Objective III.B encourages future commercial areas to "minimize detrimental impacts to other adjacent land uses", with **Strategy III.B.2** seeking to integrate out parcels to planned centers through shared internal circulation, combined signage, similar landscaping and building materials, and combined ingress/egress location. The proposed CUP incorporates architectural and lighting compatibility, cross-lot circulation, a site circulation plan for each phase but not coordinated for the whole development, and combined ingress-egress. Requirements for similar landscaping, shared or similar signage, and an overall site circulation plan would enhance compatibility with the objective/strategies of the Comprehensive Plan.

Commercial Locational Guideline #1 of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterial streets. The proposed development complies with this guideline. **Commercial Locational Guideline #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use, and **#4** recommends compact clusters versus extended strip development. The proposed CUP restricts the height of parking lot lighting to 24 feet. Wider setbacks or use restrictions within 200 feet of residential zoning would mitigate conflicts with the residential properties shown on Rocky Ford Addition along the eastern boundary of the CUP. The total length of frontage for commercial use is one-fourth mile, which is relatively long, but it is designed with a larger parcel sufficiently deep to be used for a shopping center type of building and thus keep the commercial use more compact than single-width commercial lots along the arterial street.

RECOMMENDATION: Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2006-28) to LC Limited Commercial subject to platting of the entire property within one year;
- B. APPROVE the Community Unit Plan (DP-300), subject to the following conditions:
 - 1. Transportation improvements:
 - a. Accel/decel lanes shall be provided for the three access points on Rock Road, with length to be determined at time of platting.
 - b. One access point shall be provided from Parcel 6 at a point east of Reserve "B" of the collector street to the south.
 - c. No access shall be permitted from Parcel 5 to the collector street to the south.
 - d. Pedestrian connectivity between the CUP, the future arterial sidewalk on Rock Road and the residential neighborhood shall be provided in Reserve "C" and "G".
 - 2. No development shall be permitted until public water and sewer is available.
 - 3. Revise setbacks on the north line of Parcel 1 and south line of Parcel 5 to 35 feet.
 - 4. Revise Parcel Descriptions 1-6 as follows: "Maximum building height shall be limited to 25 feet or two-story buildings, whichever is lower in height.
 - 5. Add to General Provision #7A: "and share similar elements in design." Add to General Provision #7C: "billboards". Revise General Provision #7F to limit signage to one monument sign per parcel with a maximum size of 120 square feet on Parcels 1-5 and 250 square feet on Parcel 6, located at the main entrance along Rock Road, with total signage on Rock Road not exceeding 0.8 times linear frontage.
 - 6. Add to General Provision #10A: "including fixtures, lamps and base,"
 - 7. Add to General Provision #12A: "with a shared palette of landscape materials among parcels."
 - 8. Add to General Provision #13B: "or compatible".
 - 9. Add to General Provision #14 and 15: "with similar materials to the main buildings".

10. Add to General Provision #18: These uses shall be prohibited: all residential uses; church or place of worship; college or university; convalescent care facility, limited and general; group home, limited, general and commercial; hospital; library; school, elementary, middle and high; bed and breakfast inn; hotel or motel; vocational school; night club in the city; night club in the county; tavern and drinking establishment; and recreation and entertainment, indoor. Restaurants shall not have drive-through windows or in-car service located within 200 feet of residential zoning and order boards shall not be audible from the residential property lines. No overhead doors shall be permitted within 200 feet of residential zoning and shall not be facing any residential zoning district."
11. Add to General Provision #25: "An overall site plan for shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the parcels and joint use of ingress/egress openings and that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping."
12. Add General Provision #26: "Noise attenuation methods shall be incorporated in construction of the buildings."
13. Add General Provision #27: "Notice shall be provided of a real estate disclosure process to inform prospective owners of issues from locating near a military base."
14. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
15. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
16. All property included within this CUP and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
17. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-300) includes special conditions for development on this property.
18. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site currently is in agricultural use. The property to the north, east and south is zoned SF-20 and is in agricultural use. A single-family residential plat has been filed for the property to the east. McConnell Air Force Base is located west of Rock Road and is zoned SF-20.

The proposed CUP is within the study area of the Joint Land Use Study "JLUS" conducted jointly by Sedgwick County, the City of Wichita and the City of Derby to identify compatible land use with the continued operation of McConnell Air Force Base.

2. The suitability of the subject property for the uses to which it has been restricted: The area is less suitable for the use as currently zoned (suburban residential) since it is within the "Maximum Mission Area" of McConnell Air Force Base and within the one-half mile buffer zone of the base.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The recommended conditions are designed to minimize conflicts between the commercial development and McConnell Air Force Base by limiting heights and eliminating uses the base finds to be an anti-terrorism and force protection risk.
4. Length of time the subject property has remained vacant as zoned: The property is in agricultural use. Water and sewer service has not been extended to the site so that it not ready for urban-type use yet.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: According to a recent article "McConnell Air Force Base puts nearly \$370 million into Wichita's economy, according to Air Force Data. The base itself is worth nearly \$1.4 billion." ("Defending Kansas Bases: McConnell, others hope to avoid closing list," The Wichita Eagle, January 17, 2005, p. 1). The proposed development plan and recommended conditions are designed to lessen concerns of the base.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "Wichita Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "employment/industry center" use and shows the property as a "Potential Future Park Site". The employment/industry center recommendation was based upon the 1994 Air Installation Compatible Use Zone (AICUZ) study for McConnell AFB and the property remains within the "Maximum Mission Area" identified by the Joint Land Use Study. The site is within the proposed one-half mile wide anti-terrorism/force protection zone around McConnell. **Commercial Objective III.B** encourages future commercial areas to "minimize detrimental impacts to other adjacent land uses", with **Strategy III.B.2** seeking to integrate out parcels to planned centers through shared internal circulation, combined signage, similar landscaping and building materials, and combined ingress/egress location. The proposed CUP incorporates architectural and lighting compatibility, cross-lot circulation, a site circulation plan for each phase but not coordinated for the whole development, and combined ingress-egress. Requirements for similar landscaping, shared or similar signage, and an overall site circulation plan would enhance compatibility with the objective/strategies of the Comprehensive Plan. **Commercial Locational Guideline #1** of the

Comprehensive Plan recommends that commercial sites should be located adjacent to arterial streets. The proposed development complies with this guideline. **Commercial Locational Guideline #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use, and **#4** recommends compact clusters versus extended strip development. The proposed CUP restricts the height of parking lot lighting to 24 feet. Wider setbacks or use restrictions within 200 feet of residential zoning would mitigate conflicts with the residential properties shown on Rocky Ford Addition along the eastern boundary of the CUP. The total length of frontage for commercial use is one-fourth mile, which is relatively long, but it is designed with a larger parcel sufficiently deep to be used for a shopping center type of building and thus keep the commercial use more compact than single-width commercial lots along the arterial street.

7. Impact of the proposed development on community facilities: The additional traffic is expected to generate significant additional traffic on Rock Road. The accel/decel lanes are designed to mitigate the potential conflicts from traffic entering and exiting the site with the high speed through traffic. Water and sewer lines will need to be extended approximately one mile or more to serve this and other areas to be developed south of 31st Street South.