OCA 150004

(Published in the Wichita Eagle, 8/23/2019)

ORDINANCE NO. 51-097

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2019-00026

City zone change from LC Limited Commercial District to SF-5 Single Family Residential District described as:

A tract of land lying in a portion of the Southwest Quarter of Section 27, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; said tract of land being more particularly described as follows:
COMMENCING at the northeast corner of Lot 1, Block 4, Estancia Commercial Addition an addition to Wichita, Sedgwick, County, Kansas; said point being a point on the south right of way line of Kansas Highway 96 (K-96); thence along said south right of way line on an extended platted bearing of N88°42'31"E, 486.04 feet; thence continuing along said south right of way line for the next two courses, N84°51'10"E, 501.10 feet to a point on the north line of said Southwest Quarter; thence along said north line, 88°55'10"E, 314.60 feet to the northeast corner of said Southwest Quarter; thence along the east line of said Southwest Quarter, S01°20'41"E, 679.99 feet to the POINT OF BEGINNING; thence continuing along said east line S01°20'41"E, 208.71 feet; thence S88°55'10"W, 902.34 feet to a point on the east line of exception tract described on Film 1696, Page 457; thence along the boundary of said exception tract, N01°27'56"W, 208.71 feet; thence N88°55'10"E, 902.78 feet to the POINT OF BEGINNING.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

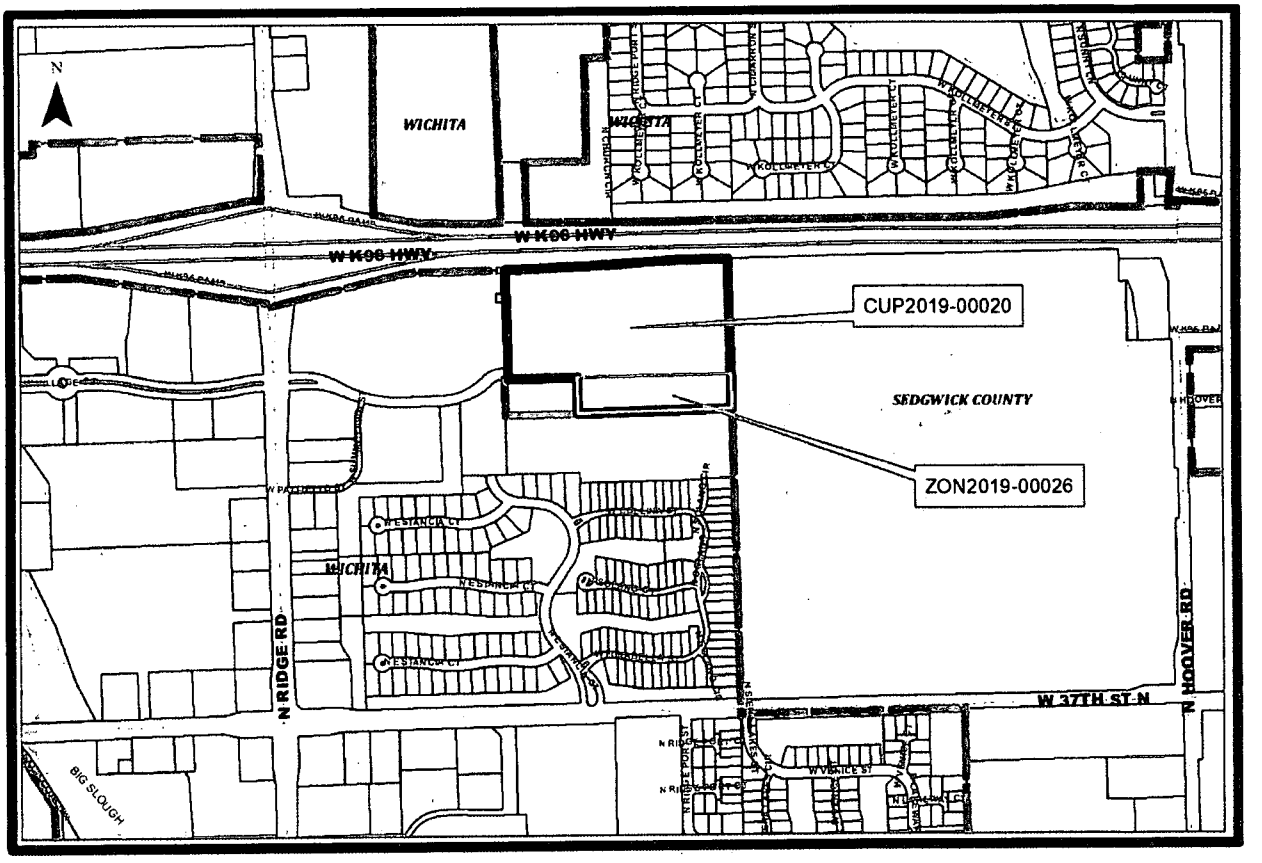
Approved as to form:
Jennifer Magaña, City Attorney and Director of Law

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.5

STAFF REPORT
MAPC: July 11, 2019
DAB I: July 1, 2019

CASE NUMBER:	CUP2019-00020 and ZON2019-00026
AGENT:	Brian Lindebak—MKEC Engineering Inc.
APPLICANT:	Marv Schellenberg—Estancia LLC & Tier 1, LLC.
REQUEST:	SF-5 Single Family Residential and amendment of CUP DP-337
CURRENT ZONING:	LC Limited Commercial
SITE SIZE:	69.06 acres
LOCATION:	One-Quarter Mile east of North Ridge Road and on the south side of Kansas Highway 96
PROPOSED USE:	To rezone and remove land from Parcel 13 of the CUP



BACKGROUND: The applicant is seeking both a zone change from LC Limited Commercial to SF-5 Single Family on a portion of the subject property and a CUP amendment to the existing DP-337 to remove a portion of Parcel 13 from the CUP.

The overall land area for the CUP is approximately 69.06 acres. The rezoning and requested portion of the application to be removed from the CUP covers roughly 4.32 acres, as can be seen on the maps provided. The sizes of the individual parcel can be found in the attached documents. The reason for the amendment to the CUP is to make that land available for residential development as part of the Estancia 2nd Addition. This plat is scheduled to be reviewed by the Subdivision Committee on June 27, 2019.

The original general provisions are unchanged and are attached to this staff report. Planning Staff is in agreement with the provisions that have been provided. It should be noted that this proposed CUP Amendment and Zone Change does not impact the current operations on site. The proposed changes would modify the future development options on site. The amended language to the CUP is as follows:

1. *Area*
*The total development contains ~~69.06~~ **64.74** acres of land (gross).*

2. *Parcel Descriptions*
Parcel 13
*Gross Area: ~~23.522Ac. or 102,604 s.f.~~ **19.20Ac. or 836.230 s.f.***
Max. Building Height: 60 feet
35 feet within the 200 feet of single family residential zoning districts
*Max. Building Coverage: 35% or **292,680 s.f.***
*Max. Gross Floor Area: 50% or ~~512,303 s.f.~~ **418,115 s.f.***
Floor Area ratio = 0.50

CASE HISTORY: The Estancia Commercial Addition CUP, DP-337, which this applicant is proposing to amend, was approved in September 1, 2015. Copies of the original CUP are provided as attachments.

ADJACENT ZONING AND LAND USE:

North:	LC; Highway Right-of-way	Undeveloped remaining Parcel 13, K-96 Highway
South:	SF-5:	Undeveloped land
East:	SF-20	Sand Gravel Extraction/ undeveloped land.
West:	GC, LC, SF-5	Undeveloped land, unoccupied rehab center, undeveloped land

PUBLIC SERVICES: All public utilities are available near the site but would have to be extended in order for development to occur. North Ridge Road is 4-lane arterial road.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map of the *Community Investments Plan* indicates the site is appropriate for "Residential and Employment Mix," encompassing areas of land that are likely to be developed or redeveloped by 2035 with use predominately of a mixed nature. Due to the proximity of higher intensity business uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.

The *Community Investments Plan* outlines Locational Guidelines for development within the City of Wichita. Relevant Guidelines of this chapter include:

Development Pattern

- Major Commercial and employment centers should be located at intersection of arterial streets and along highways and commercial corridors.
- Industrial uses should be located in areas with good access to highways, rail lines, and airports.
- Major commercial development should be guided to the intersection of two arterial streets.
- Low density residential uses should be buffered from commercial and industrial areas by open space, water bodies, changes in topography, or major barriers such as arterial streets or highways.

Land Use Compatibility

- Higher-intensity development should be discourage from locating in areas of existing lower-intensity development, particularly established low-density residential areas.
- Industrial and major commercial land uses that generate pollution, odor, noise, light, safety hazards, and high levels of traffic should be located away from residential areas and developed with screening, buffering, and site design features sufficient to mitigate adverse impacts.
- Except in mixed-use developments, residential and non-residential development areas generally should be separate and distinct with appropriate screening and buffering to ensure compatibility among land uses while maintaining connectivity among uses.

Design

- Commercial centers, office parks, and mixed-use developments should be designed with shared internal vehicular and pedestrian circulation, combined signage, coordinated landscaping and building design, and combined ingress/egress locations.
- Driveways and intersections along major thoroughfares should be limited to maintain safe and efficient mobility. Medians should be used when appropriate to limit turning conflicts, particularly near arterial intersections. Pedestrian crossings of arterial streets should be provided between arterial intersections.
- Except in mixed-use development areas, non-residential uses should provide appropriate screening and buffering from residential uses.
- Non-residential uses should have site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential land uses.
- Major commercial and employment centers and institutional and government services should be designed to accommodate convenient transit service, particularly for those with mobility challenges.
- Building entrances should be oriented to the street or internal circulation drives that connect to the street and designated pedestrian connections should be provided from building entrances to the street.

Some of the above referenced items are provided due to the proximity of commercial zoning in this CUP with low density residential development nearby. The overall spirt and intent of this CUP appears to be in conformance with the above stated policies and guidelines of the adopted Plans for the City of Wichita.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be **APPROVED** subject to the following condition:

1. The CUP drawing shall be revised to include the details of this amendment as one drawing.
2. The site shall be developed in substantial conformance with the revised and approved CUP.
3. The applicant shall submit four copies of the amended and approved CUP within 60 days of the final approval to the Planning Department or the amendment shall be deemed null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the subject property is zoned LC Limited Commercial and is undeveloped. East of the site is zoned SF-20 and is a sand/gravel extraction operation. South of the site is zoned SF-5 and is the future site of the Estancia 2nd Addition. West of the subject property is zoned a mix of GC, LC, and SF-5 and is mostly undeveloped save for a rehabilitation facility that is unoccupied.

2. The suitability of the subject property for the uses to which it has been restricted: The current uses and restrictions are exactly suited to one another.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Provided the site is developed with sufficient screening and circulation standards, and the operations that take place on site follow all relevant codes and ordinances of the City, there should be minimal detrimental effects on the nearby properties.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will expand development opportunities for this site as well as the adjacent proposed residential addition. Denial would presumably represent a loss of economic opportunity to the applicant and/or land owner.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept map of the *Community Investments Plan* indicates the site is appropriate for "Residential and Employment Mix," encompassing areas of land that are likely to be developed or redeveloped by 2035 with use predominately of a mixed nature. Due to the proximity of higher intensity business uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.

6. Impact of the proposed development on community facilities: There should be no negative effects on community facilities as a result of this proposal.

Attachments:
1. Supporting maps and imagery
2. Original CUP DP-337 document
3. Amended CUP DP 337 document