Agenda Item #

City of Wichita
City Council Meeting
May 20, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: **ZON2003-00017 – Zone change from "SF-5" Single-family Residential to "OW" Limited Industrial. Generally located southwest of the 45th Street North – Webb Road intersection. (District II)**

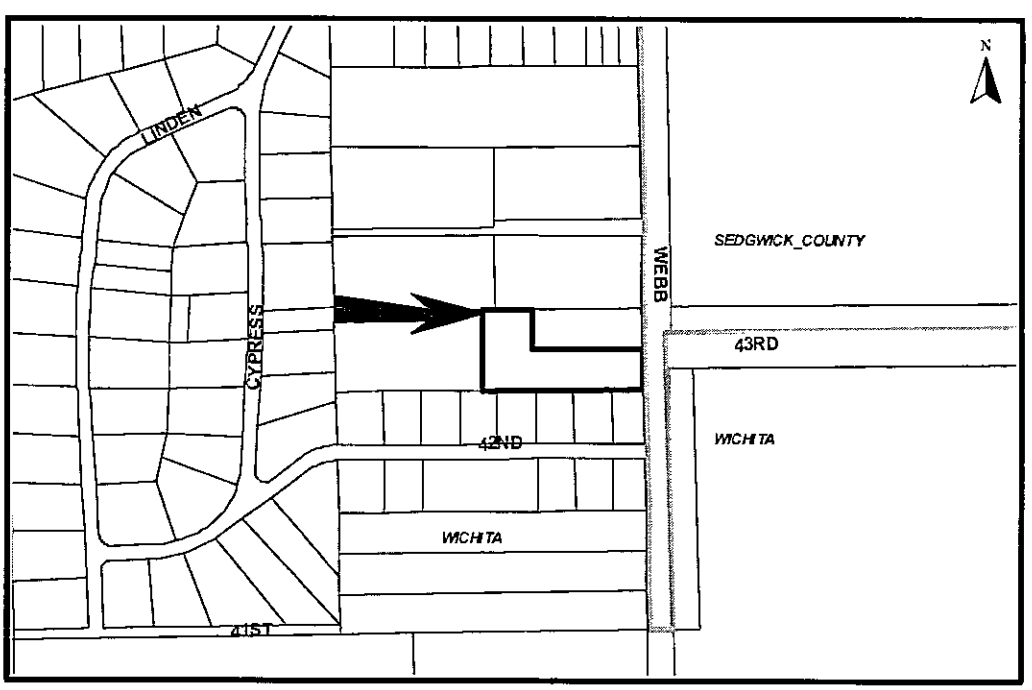
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning

MAPC Recommendation: Approve, subject to platting within one-year, change zoning to "OW" Office Warehouse with an amended "PO" Protective Overlay #127 instead of the request "LI" Limited Industrial and the "PO". (6-5-1)

D.A.B. Recommendation: Deny (8-1)

Staff Recommendation: Deny.



BACKGROUND: The applicants request a zone change from "SF-5" Single-Family Residential to "LI" Limited Industrial on the approximate 5.4-acre site located southwest of the 45th Street North – Webb Road intersection. The site has frontage on Webb Road. The site is part of approximately 10 unplatted acres, of which the northeast 1.7 acres (465-feet x 160-feet) is zoned "LI". The "LI" property contains a small accessory building. The zoning for "LI" was granted in 1967 to bring a non-conforming use into compliance. The applicant proposes to develop the subject property, plus the already zoned "LI" 1.7-acres, as an office – manufacturing – warehouse complex for "Ancient Formulas Incorporated", a dietary supplement business. The remainder of the 10-acres' zoning will remain "SF-5"

"SF-5" zoning abuts the site on its south, west and north sides. The Webb Acres Addition and the Sun-Air Estates Addition to the south are developed with single- family homes on 9 lots, ¾ - 1½-acres in size. South of these lots are 3 tracts, zoned "SF-5" each over 4-acres, with houses on two of the lots. The rest of the Sun-Air Estates Addition to the west of the site contains 49 lots, 1 ¼ - 1 ½-acres in size and developed as single family residential. There is a church in this residential area, southwest of the site. North of the site are 13 tracts, ¾-acres to 10-acres in size, and developed as single family residential. There is a vacant lot abutting the site on its north side. The property to the east, across Webb Road, is zoned "RR" Rural Residential on the north half and "LI" on the south half. The "RR" zoned property is actively used for agriculture. The "LI" zoned property is the beginning of Jabara Airport.

The Jabara Airport development is the northern edge of an extensive section of land zoned "LI" and developed as an airport, manufacturing, car lots, motels, warehouse and office complexes. This development begins on the south side of 43rd Street North, east of Webb and south of 41st Street North, west of Webb (2 blocks south of the site), continues south to the 29th Street North – K-96 – Webb Road interchange, goes east to Rock Road south of 37th Street North and east to a point roughly half way between Webb Road and Greenwich. This large, active industrial area is not completely developed, thus offering possible sites for the applicant's business.

Since the properties to the north, south, west and east have residential zoning, screening and buffer landscaping would be required around the site. The compatibility setback standards would be required around property line unless a Zoning Adjustment is granted by the Planning Director and Zoning Administrator to reduce or waive the compatibility setback. All these conditions, but not limited to these conditions, would be required if the zoning request is approved approved.

At the MAPC hearing on April 24, 2003, a motion was to made to approve the zoning change request with "PO" Protective Overlay #127, but prior to a second on the motion, a substitute motion was made, with a second, to deny the zoning change request. The motion to deny was defeated by a 4-8 vote. Another motion to was made to approve a zoning change from "SF-5" to "OW" Office Warehouse, instead of the applicant's requested "LI" zoning. The MAPC voted 6-5-1 to recommend approval of the "OW" zoning with the condition that the plat be completed within one (1) year and with "PO" #127 attached. The applicant agreed with the MAPC recommendation. One person spoke in opposition to the requested zoning change, because he felt the area should remain in residential use. The provisions of "PO" #127 are:

(1) The following uses shall not be permitted:
    (a) Adult entertainment; microbrewery; liquor store; nightclub; tavern and drinking establishment; multi-game, casino-style gambling facility; pawnshop; tattooing and body piercing.
    (b) Group residence, limited and general; correctional placement residence, limited and general; correctional facility; day reporting center and drug & alcohol rehabilitation center; Group home, commercial, limited and general; funeral home; personal care

service; personal improvement service

(c) Asphalt or concrete plant, limited and general; mining or quarrying; oil or gas drilling; rock crushing; solid waste incinerator; gas and fuel storage and sales; wreaking or salvage yard; recycling process center; recycling station private and public; manufacturing general; transfer station; welding or machine shop; agricultural processing and landfill.

(d) Vehicle and equipment sales, outdoors; car wash; vehicle repair, limited and general; vehicle storage yard; billboards; wireless communication facility; second hand store; construction sales and service; convenience store; hotel - motel; printing and coping, general and limited; recreation & entertainment, indoor and outdoor; fast food restaurant and restaurant; service station; bank or financial institution; broadcast radio station; funeral home; hospital; retail general; wholesale or business service; and outdoor storage and self-storage

(e) Animal care limited and general and kennel hobby, boarding, breeding and training.

(2) Compatibility setback standards shall be implemented as well as screening and landscape buffering, per the Unified Zoning Code and the Landscape Code.

(3) No outdoor work, outdoor storage or outdoor display shall be permitted.

(4) All buildings shall be designed and built of materials that compliment the residential character of the single-family residential area.

(5) No outside amplification systems

(6) All outside lighting shall be directed onto the site and be no taller than 15-feet.

(7) No structure shall be higher than 35-feet.

(8) Private on site sewage system would have to be approved by Environmental Health. A restrictive covenant would be required limiting disposal of waste. No hazardous material or waste allowed to be disposed of on site.

At the DAB II meeting May 3, 2003, DAB II voted to deny the zoning change request 7-2. A request was made by the applicant to revisit the item for more discussion as the applicant had additional comments regarding the zoning change request. After further discussion, DAB II voted a second time, 8-1, to deny the zoning change request. Several individuals at the DAB II meeting spoke in opposition to the requested zoning change. Protest petitions representing 25.35% of the net protest area have been filed. Protest of 20% or better trigger a ¾ majority vote (6 of 7) by the Council to approve the request. An additional 11 protests outside the protest area were also filed in opposition to the zoning change.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, subject to the provisions of the protective overlay and rquiring platting within a year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or

2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

May 21, 2003

Mohammad Aghakhani
7541 E. Killarney Ct.
Wichita, KS 67206

RE: **ZON2003-00017 – Zone change from "SF-5" Single-family Residential to "LI" Limited Industrial. Generally located southwest of the 45th Street North – Webb Road intersection. (District II)**

Dear Ladies and Gentlemen:

At its regular meeting on **May 20, 2003**, the Wichita City Council considered the above-captioned request. The action of the City Council was to DENY.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Bill Longnecker
Senior Planner

WL/rms

Cc: Len Marotte, Sand Plum Investment, 1999 Amidon Ste 375, Wichita, KS 67203
AM Consulting, c/o Kim Edgington, 142 N. Emporia, Wichita, KS 67202
David Mollhagen, 4341 N. Cypress, Wichita KS 67226
Darrin Stone, 4321 N. Cypress, Wichita, KS 67226
Mike and Lisa Wallace, 4325 N. Webb Rd, Wichita, KS 67226
Susan Schlapp, WCC II, Mail Stop, 1-13
Donte Martin, N.A. II, Mail Stop 1-13
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72