RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEM: ZON2001-00030 – Zone change from "RR" Rural Residential and "SF-20" Single-Family Residential to "LI" Limited Industrial, located south of K-42 and west of Ridge.

PRESENTED BY: Marvin S. Krout, Director of Planning

PROPOSED AGENDA DATE: June 13, 2001

COMMISSION DISTRICT #2

MAPC Recommendation: Approve "LI" Limited Industrial zoning, subject to platting within 1 year, and the provisions of a (P-O) Protective Overlay (7-6).

Staff Recommendation: Deny "LI" zoning; Approve "IP" Industrial Park zoning, subject to platting within 1 year, and the provisions of a (P-O) Protective Overlay.

Background/Discussion: The applicant is requesting to rezone a 55.5 acre unplatted tract located south of K-42 and west of Ridge from "RR" Rural Residential and "SF-20" Single-Family Residential to "LI" Limited Industrial. The site is currently used for agriculture. The applicant is seeking the zone change to develop the site as an industrial park with ½ to 1 acre lots.

The surrounding area is on the urban fringe of Wichita with much of the land in the area still used for agriculture. In terms of developed properties, Mid-Continent Airport and the Cessna and Case manufacturing plants dominate the character of the area. The property north and west of the site is zoned "SF-6" Single Family Residential and is undeveloped property owned by Mid-Continent Airport. A small tract north of the site located at the southwest corner of K-42 and Ridge was approved for "LI" Limited Industrial zoning within the past several years to allow agriculture implement sales; however, the business has yet to be developed. The property northeast of the site at the southeast corner of K-42 and Ridge was approved for "LI" Limited Industrial zoning within the past several years and is under development as a central parts distribution facility for Cessna. The properties east and south of the site are zoned "RR" Rural Residential and "SF-20" Single-Family Residential and are use for agriculture. The nearest residences to the site are located in the Prospect Park neighborhood to the southeast across Ridge on property zoned "SF-20" Single-Family Residential and "SF-6" Single-Family Residential.

The site is located within Area A of the Wichita-Sedgwick County Airport Hazard Zoning Map and is located under the approach to Runway 19C at Mid-Continent Airport.

Properties within Area A require an Airport Hazard Zoning Permit Exemption for structures to exceed 25 feet in height. A review of the detailed Airport Hazard Zoning Map indicates that building heights on the subject property will be limited to a range of approximately 50-80 feet, with taller buildings permitted the farther south a building is located on the subject property.

At the MAPC hearing on May 10, 2001, no speakers, other than the applicant, spoke in favor or against the request. A letter from the Federal Aviation Administration (FAA) was entered into the record at the hearing that stated opposition to the request for "LI" Limited Industrial zoning with no restrictions due to potential uses that would be permitted involving high concentrations of people under the runway takeoff and landing area. The MAPC took the opposition from the FAA under advisement and reviewed a recommended Protective Overlay that would restrict uses involving high concentrations of people. The MAPC considered deferring action on the case until the FAA could review the provisions of the Protective Overlay; however, the applicant requested that action be taken on the request at the hearing. The MAPC voted (7-6) to recommend approval of the requested "LI" Limited Industrial Zoning subject platting within one year and subject to a Protective Overlay that restricts uses involving high concentrations of people. The FAA has since reviewed the action of the MAPC and has withdrawn their opposition to the request provided there are no exceptions to the Protective Overlay.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the additional recommended provisions of a Protective Overlay District and subject to the condition of platting within one year; adopt the resolution and authorize the Chairman to sign; and instruct the Planning Department to withhold publication of the resolution until the plat has been recorded with the Register of Deeds; or

2. Return to the Planning Commission for reconsideration.

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

Applicants:
Roger J Haag, 1612 Westlynn Avenue Wichita KS 67212
Baughman Company %Philip J Meyer 315 Ellis Wichita KS 67211

Protestors:
None

(_____) **Published in the Wichita Eagle on** 6-20-02

ORDINANCE NO. 45-295

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 CITY OF WICHITA CODE SEC. 28.04.010.

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 City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON-2001-30

Zone change request from "RR" Rural Residential District and "SF-20" Single-Family Residential District to "LI" Limited Industrial District, and to "P-O" Protective Overlay District ~~#85~~ #95 on property described as:

Haag Industrial Park Addition, Wichita, Sedgwick County, Kansas

Generally located south of K-42, on the west side of Ridge Road.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1) That portion of the subject property located within the Runway Protection Zone (an area that is 1,750 feet wide centered upon the runway and extends 2,700 feet from the end of the runway designated as Area #1 on the Protective Overlay Map) shall be restricted to the following uses: agriculture (subject to Sec. III-D.6.b); surface parking lots; outside storage areas; and airplane runways and taxiways (subject to Sec. III-B.18.c.).

2) That portion of the subject property located within the Runway Approach Protection (an area that is 1,750 feet wide centered upon the runway and extends 2,300 feet from the end of the Runway Protection Zone designated as Area #2 on the Protective Overlay Map) shall be allowed all uses permitted by-right in the "LI" Limited Industrial zoning district except: auditorium or stadium; cemetery; church or place of worship; college or university; community assembly; convalescent care, limited and general; correctional facility; correctional placement residence, limited and general; cultural group; day care, limited and general; golf course; hospital; library; convenience store; funeral home; hotel or motel; kennel, boarding/breeding/training; marine facility, recreational; medical service; microbrewery; night club; pawnshop; recreation and entertainment, indoor and outdoor; retail, general; restaurant; secondhand store; service station; tavern and drinking establishment; vocational school; and gas and fuel storage and sales.

3) That portion of the subject property located outside the Runway Protection Zone and the Runway Approach Protection designated as Area #3 on the Protective Overlay Map shall be allowed all uses permitted by right in the "LI" Limited Industrial zoning district except: cemetery; church or place of worship; community assembly; convalescent care, limited and general; correctional facility; correctional placement residence, limited and general; cultural group; golf course; hospital; funeral home; hotel or motel; kennel, boarding/breeding/training; marine facility, recreational; medical service; microbrewery; night club; pawnshop; recreation and entertainment, indoor and outdoor; retail, general; secondhand store; service station; tavern and drinking establishment; and gas and fuel storage and sales.

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.

ADOPTED AT WICHITA, KANSAS, APR 9 2002.

ATTEST:

Pat Burnett, City Clerk

Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. ____

STAFF REPORT

MAPC May 10, 2001

CASE NUMBER: ZON2001-00030

APPLICANT/AGENT: Roger J. Haag (Owner/Applicant) and Baughman Company, P.A. c/o Phil Meyer (Agent)

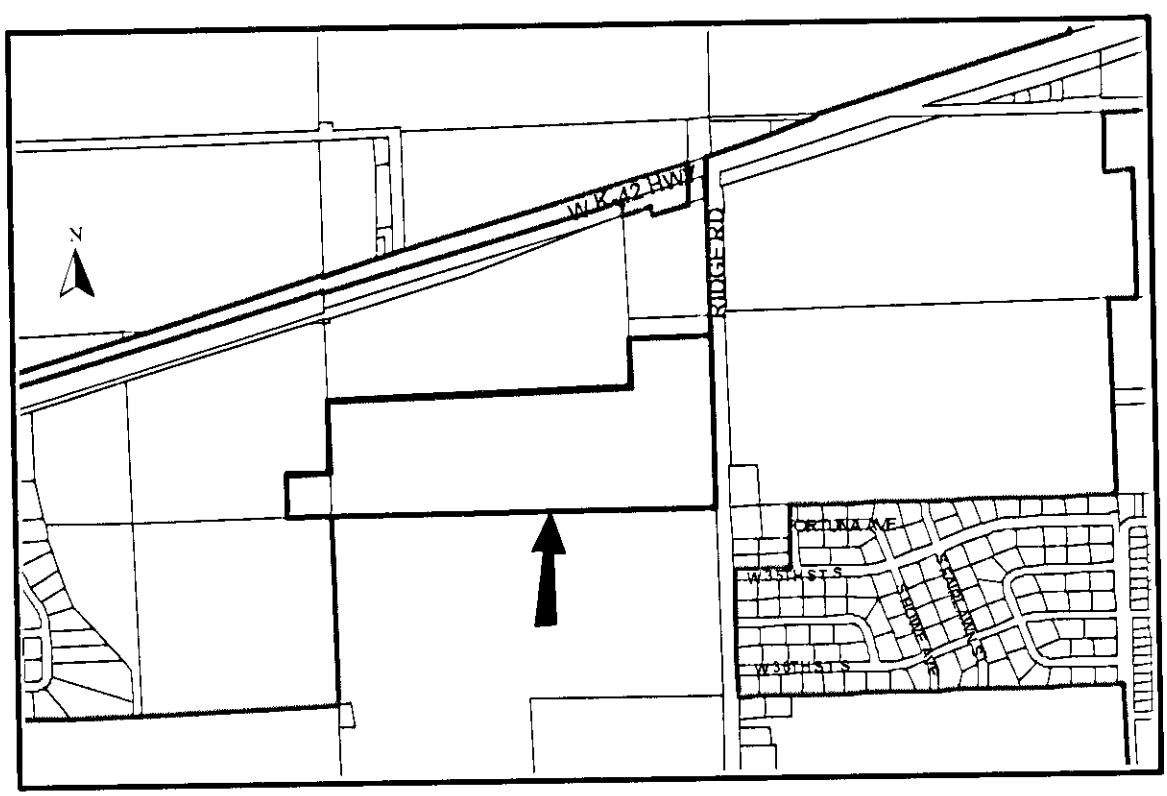
REQUEST: "LI" Limited Industrial

CURRENT ZONING: "RR" Rural Residential and "SF-20" Single-Family Residential

SITE SIZE: 55.5 acres

LOCATION: South of K-42 and west of Ridge

PROPOSED USE: Industrial park with ½ to 1 acre lots



BACKGROUND: The applicant is requesting to rezone a 55.5 acre unplatted tract located south of K-42 and west of Ridge from "RR" Rural Residential and "SF-20" Single-Family Residential to "LI" Limited Industrial. The site is currently used for agriculture. The applicant is seeking the zone change to develop the site as an industrial park with ½ to 1 acre lots.

The surrounding area is on the urban fringe of Wichita with much of the land in the area still used for agriculture. In terms of developed properties, Mid-Continent Airport and the Cessna and Case manufacturing plants dominate the character of the area. The property north and west of the site is zoned "SF-6" Single Family Residential and is undeveloped property owned by Mid-Continent Airport. A small tract north of the site located at the southwest corner of K-42 and Ridge was approved for "LI" Limited Industrial zoning within the past several years to allow agriculture implement sales; however, the business has yet to be developed. The property northeast of the site at the southeast corner of K-42 and Ridge was approved for "LI" Limited Industrial zoning within the past several years and is under development as a central parts distribution facility for Cessna. The properties east and south of the site are zoned "RR" Rural Residential and "SF-20" Single-Family Residential and are use for agriculture. The nearest residences to the site are located in the Prospect Park neighborhood to the southeast across Ridge on property zoned "SF-20" Single-Family Residential and "SF-6" Single-Family Residential.

The site is located within Area A of the Wichita-Sedgwick County Airport Hazard Zoning Map and is located under the approach to Runway 19C at Mid-Continent Airport. Properties within Area A require an Airport Hazard Zoning Permit Exemption for structures to exceed 25 feet in height. A review of the detailed Airport Hazard Zoning Map indicates that building heights on the subject property will be limited to a range of approximately 50-80 feet, with taller buildings permitted the farther south a building is located on the subject property.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6" & "LI"	Agriculture, manufacturing/warehousing
SOUTH:	"RR" & "SF-20"	Agriculture
EAST:	"RR" & "SF-20"	Agriculture, single-family residences
WEST:	"SF-6"	Agriculture

PUBLIC SERVICES: Municipal water and sewer services recently have been extended to the Cessna property located immediately northeast of the subject property. Planning staff will recommend that guarantees for the extension of water and sewer service to the subject property be provided at the time of platting.

Access to the site will be from Ridge, a two-lane arterial. Existing traffic volume on Ridge is approximately 1,800 vehicles per day. The 2030 Transportation Plan projects traffic volume on Ridge to increase to approximately 4,000 vehicles per day. Planning staff will recommend that guarantees for appropriate left-turn and accel/decel lanes on Ridge be provided at the time of platting.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for "Industrial" development. The Industrial Locational Guidelines of the 1999 Update to the Comprehensive Plan recommend that industrial uses should be located in close proximity to support services and provided good access to major arterials, truck routes, belt highways, utility trunk lines, rail spurs, airports and as extensions of existing industrial uses. Industrial uses also should be located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas. The Goals, Objectives, and Strategies section of the 1999 Update to the Comprehensive Plan contains the following strategy (V.D2.): "prevent encroachment of incompatible development around airports through the implementation of land use regulations which minimize high concentrations of people in takeoff/landing zones; provide appropriate noise-reducing construction; and prevent excessive building heights, glare, smoke, and other hazards to air traffic.

RECOMMENDATION: While planning staff finds that the site is suitable for industrial uses, planning staff does not support the request for "LI" Limited Industrial zoning. Instead, planning staff recommends that the site be approved for "IP" Industrial Park zoning in order to increase the site's compatibility with Mid-Continent Airport and nearby residential uses. The site's location in the airport's takeoff/landing zone indicates that commercial and institutional uses involving high concentrations of people are not suitable, and the "LI" Limited Industrial district permits numerous uses involving high concentrations of people. The "IP" Industrial Park zoning classification does not permit residences, hotels, motels, RV parks, taverns, drinking establishments, retail stores, hospitals, nursing homes, schools, churches, correctional facilities, or recreational facilities. These uses comprise the overwhelming majority of uses prohibited by the Airport Overlay District near McConnell Air Force Base, which provides a good indication of the types of uses that can have a detrimental impact airport operations. Additionally, the purpose of the "IP" Industrial Park zoning district is to accommodate limited commercial services, research and development, administrative facilities, and industrial and manufacturing uses that can meet high development and performance standards. The high development and performance standards of the "IP" Industrial Park district will help mitigate negative impacts of industrial uses on existing residences in the Prospect Park neighborhood located to the southeast. Based upon information available prior to the public hearings, planning staff recommends that the request for "LI" Limited Industrial be zoning DENIED and instead that "IP" Industrial Park zoning be APPROVED, subject to platting within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is on the urban fringe of Wichita with much of the land in the area still used for agriculture. In terms of developed properties, Mid-Continent Airport and the Cessna and Case manufacturing plants dominate the character of the area. The property north and west of the site is zoned "SF-6" Single Family Residential and is undeveloped property owned by Mid-Continent Airport. A small tract north of the site located at the southwest corner of K-42 and Ridge was approved for "LI" Limited Industrial zoning within the past several years to allow agriculture implement sales; however, the business has yet to be developed. The property northeast of the site at the southeast corner of K-42 and Ridge was approved for "LI" Limited Industrial zoning within the past several years and is under development as a central parts distribution facility for Cessna. The properties east and south of the site are zoned "RR" Rural Residential and "SF-20" Single-Family Residential and are use for agriculture. The nearest residences to the site are located in the Prospect Park neighborhood to the southeast across Ridge on property zoned "SF-20" Single-Family Residential and "SF-6" Single-Family Residential.

2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned "RR" Rural Residential and "SF-20" Single-Family Residential, which limits the use of the site to primarily agricultural and large-lot residential uses. Due to the proximity of the site to the airport, residential uses are not suitable for the site. Therefore, a change in zoning classification to "IP" Industrial Park will permit more suitable industrial type uses. The suitability of industrial use of the site is supported by the Land Use Guide.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The property north and northeast of the site is zoned "LI" Limited Industrial and is developed (or proposed for development) with industrial uses. Additional industrial uses in the area should not detrimentally affect neighboring industrial uses given the availability of sufficient infrastructure. Mid-Continent Airport is located north of the site, and the recommended "IP" Industrial Park zoning will prohibit commercial and institutional uses involving high concentrations of people and should mitigate detrimental impacts on airport operations. Property southeast of the site is developed with residential uses, and the high development and performance standards of the recommended "IP" Industrial Park district along with the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance should mitigate detrimental impacts of industrial development on nearby residential uses.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for "Industrial" development. The site meets the Comprehensive Plan's locational guidelines for industrial uses by virtue of having good access to major roadways, public utilities, and an airport and by virtue of being an extension of existing industrial uses. The recommended "IP" Industrial Park zoning meets the Comprehensive Plan's strategy to prevent encroachment of incompatible development around airports through land use regulations which minimize high concentrations of people in takeoff/landing zones.

5. Impact of the proposed development on community facilities: Development of the site will increase traffic in the area; however, the roadways in the area can handle the increase in traffic with minor improvements such as turn lanes. Water and sewer service can be extended to the site from adjacent properties. There should be minimal impact on municipal services in the area.