Agenda Item #_____

City of Wichita
City Council Meeting
September 17, 2002

Agenda Report #_____

TO: Mayor and City Council Members

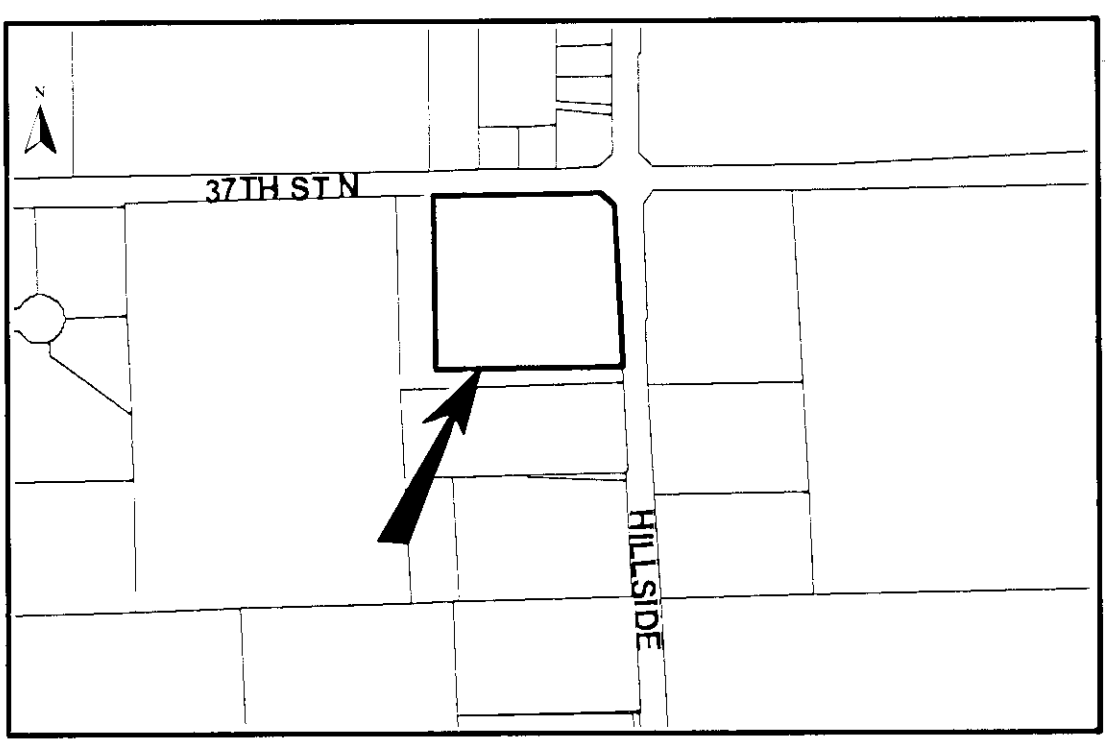
SUBJECT: **ZON2002-00048 – Zone change from "LC" Limited Commercial to "LI" Limited Industrial. Generally located at the southwest corner of 37th Street North and Hillside. (District I)**

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject staff recommendation. (11-0-1)

Staff Recommendation: Approve, subject to platting within one year.



BACKGROUND: The applicant requests a zone change from "LC" Limited Commercial to "LI" Limited Industrial on a 8.7 acre unplatted tract located at the southwest corner of 37th Street North and Hillside. The applicant owns a total of 10 acres at this location, including 1.3 acres in an "L-shaped" configuration along the western and southern boundaries of the property that is already zoned "LI" Limited Industrial. The subject property is undeveloped. A portion of the subject property will be used as an office and warehouse for the applicant's construction business. The uses for the remainder of the property have not been determined.

The surrounding area is characterized primarily by commercial, industrial, and agricultural uses. The overwhelming majority of the property in the area is zoned "LI" Limited Industrial, with approximately 10 acres (excluding the subject property) near the corner of 37th Street North and Hillside zoned "LC" Limited Commercial. The nearest developed properties are the KWCH Channel 12 television studio to the west, Stroud's restaurant to the south, and a storage warehouse for Koch Industries to the east.

At the MAPC hearing on August 22, 2002, a representative for Stroud's restaurant spoke and requested that screening in the form of a wall or evergreen landscaping be provided between the subject property and the restaurant. The representative from Stroud's indicated that the restaurant would be willing to share the cost of the screening. The applicant indicated that they would work with Stroud's to come to an agreement for screening between the two properties; however, no screening is required by the Unified Zoning Code. The MAPC voted (11-0-1) to recommend approval of the request subject to platting the property within one year.

Recommended action:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting within one 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.)

First Published in Derby Reporter 10-10-03

(150004) Corrected and Republished in The Derby Reporter 11-28-03

ORDINANCE NO. 45-796
[corrected]

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. ZON 2002-48

Zone change from "LC" Limited Commercial and "LI"" Limited Industrial to "LI" Limited Industrial on property described as:

Hentzen Addition, Wichita, Sedgwick County, Kansas. Located on southwest corner of Hillside and 37th Street North.

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 this 16th **day of** September, 2003

ATTEST:

for Patsy Ellis, Deputy
Karen Schofield, City Clerk

Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Mary E Rebenstorf (T.A.C.)
Gary E. Rebenstorf, City Attorney

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT

MAPC August 22, 2002

CASE NUMBER: ZON2002-00048

APPLICANT/AGENT: B & R Land Company LLC c/o Bob Hentzen (Owner/Applicant); K. E. Miller Engineering c/o Kirk Miller (Agent)

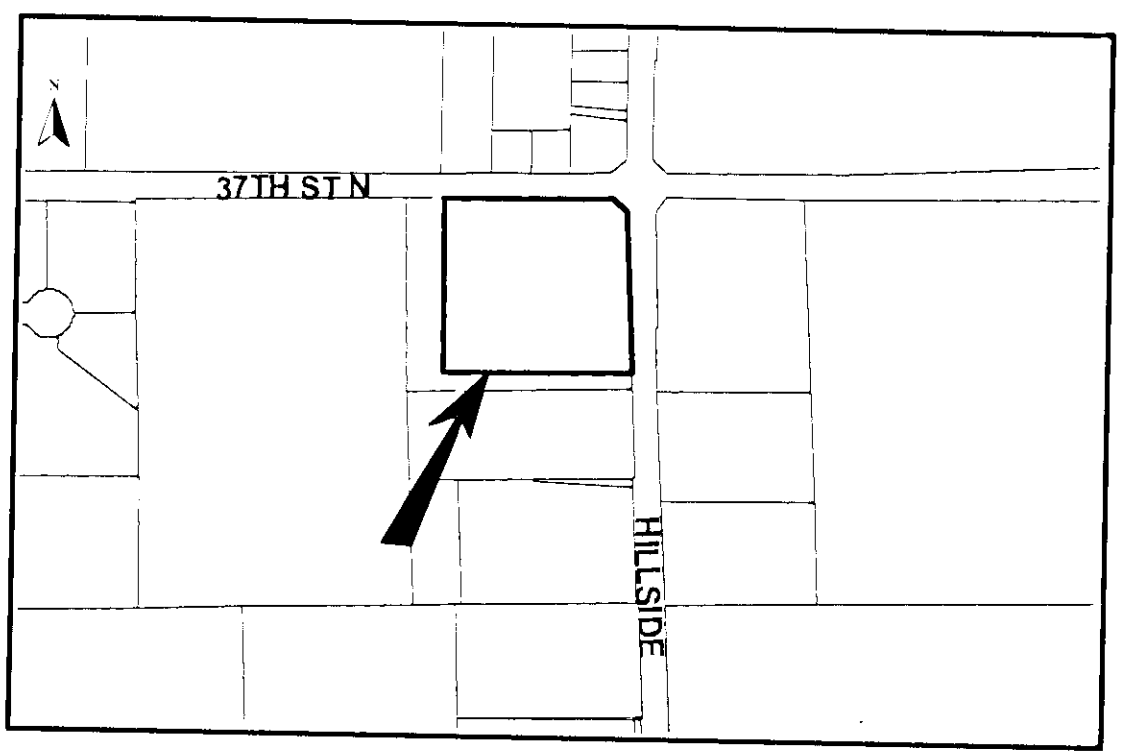
REQUEST: "LI" Limited Industrial

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 8.7 acres

LOCATION: Southwest corner of 37th Street North and Hillside

PROPOSED USE: Contractor's office and warehouse



BACKGROUND: The applicant requests a zone change from "LC" Limited Commercial to "LI" Limited Industrial on a 8.7 acre unplatted tract located at the southwest corner of 37th Street North and Hillside. The applicant owns a total of 10 acres at this location, including 1.3 acres in an "L-shaped" configuration along the western and southern boundaries of the property that is already zoned "LI" Limited Industrial. The subject property is undeveloped. A portion of the subject property will be used as an office and warehouse for the applicant's construction business. The uses for the remainder of the property have not been determined.

The surrounding area is characterized primarily by commercial, industrial, and agricultural uses. The overwhelming majority of the property in the area is zoned "LI" Limited Industrial, with approximately 10 acres (excluding the subject property) near the corner of 37th Street North and Hillside zoned "LC" Limited Commercial. The nearest developed properties are the KWCH Channel 12 television studio to the west, Stroud's restaurant to the south, and a storage warehouse for Koch Industries to the east.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	Undeveloped
SOUTH:	"LI"	Restaurant
EAST:	"LC" & "LI"	Warehouse
WEST:	"LI"	Television Studio

PUBLIC SERVICES: The subject property has frontage along 37th Street North, a two- to three-lane arterial street, and Hillside, a four- to five-lane arterial street. Current traffic volumes on 37th Street North are approximately 3,900 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on 37th Street North will increase to approximately 13,300 vehicles per day and recommends that 37th Street North be widened to four lanes. The City of Wichita Capital Improvement Program contains a project to widen 37th Street North in 2011. Current traffic volumes on Hillside are approximately 4,600 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on Hillside will increase to approximately 11,400 vehicles per day. Public water and sewer service are available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Industrial" development. In fact, this area has been identified as appropriate for industrial uses in City-County land use guides for over 40 years. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting the property within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by commercial, industrial, and agricultural uses. The overwhelming majority of the property in the area is zoned "LI" Limited Industrial. The proposed "LI" Limited Industrial zoning is compatible with the zoning, uses, and character of the neighborhood.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "LC" Limited Commercial, and could be developed with commercial uses. Given the long-standing guidance provided by land use guides that this area should be developed with industrial uses, the subject property is not suitable for restriction to commercial uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: All nearby properties are zoned for industrial and/or commercial uses. No detrimental impacts from industrial use of the subject property is anticipated.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Industrial" development. In fact, this area has been identified as appropriate for industrial uses in City-County land use guides for over 40 years. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports. The subject property is well situated to utilize such support services.

5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.