Agenda Item #_____

City of Wichita
City Council Meeting
January 23, 2001

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2000-00052 - ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "LI" LIMITED INDUSTRIAL, LOCATED ON THE SOUTHEAST CORNER OF 53RD STREET NORTH AND ARKANSAS.** (District #VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to staff recommendation (12-0).

DAB Recommendation: Approve, subject to staff recommendation (10-0).

Staff Recommendation: Approve, subject to platting within 1 year and the additional provisions of a Protective Overlay.

Background: The applicant requests a zone change from "SF-6" Single-Family Residential to "LI" Limited Industrial on a 3.6 acre unplatted tract located at the southeast corner of 53rd Street North and Arkansas. The subject property has right-of-way on three sides with Arkansas Avenue to the west, 53rd Street North to the north, and the Atchison, Topeka, and Santa Fe rail line to the east. The applicant proposes to develop the site with industrial uses such as a machine shop. The applicant also has offered a protective overlay to limit the permitted uses on the subject property.

The surrounding area is characterized by a mixture of commercial/industrial and residential development. The commercial/industrial development is interspersed among residential development along 53rd Street North. The properties east of the site across the railroad tracks are zoned "LI" Limited Industrial and are primarily developed with industrial uses interspersed with several single-family residences. The properties west of the site across Arkansas are zoned "SF-6" Single-Family Residential and "LC" Limited Commercial and are developed with single-family residences and a vacant commercial business. The properties north of the site across 53rd Street North are zoned "SF-6"

Single-Family Residential and are developed with single-family residences. The property south of the site is zoned "SF-6" Single Family Residential and is undeveloped. The applicant owns the property south of the site and has indicated an intention to develop the property with single-family residences.

At the MAPC hearing on December 21, 2000, two nearby property owners spoke against request citing concerns with drainage and the availability of sanitary sewer service. The MAPC voted 12-0 to approve the request subject to platting within one year and the following additional provisions of a Protective Overlay:

1. The following uses shall not be permitted: correctional facility; correctional placement residence, general; correctional placement residence, limited; cultural group; hospital; recycling collection station, private; recycling collection station, public; recycling processing center; reverse vending machine; airport or airstrip; wireless communication facility; funeral home; heliport; hotel or motel; kennel, boarding/breeding/training; marine facility, recreational; microbrewery; monument sales; night club; pawnshop; recreation and entertainment, indoor; recreation and entertainment, outdoor; secondhand store; tavern and drinking establishment; vehicle and equipment sales; outdoor; vocational school; asphalt or concrete plant, limited; asphalt or concrete plant, general; freight terminal; gas and fuel storage and sales; landfill; mining or quarrying; oil or gas drilling; research services; rock crushing; solid waste incinerator; storage, outdoor; transfer station; vehicle storage yard; wrecking/salvage yard; grain storage; and adult entertainment.

2. The development of this property shall only be permitted if municipally-supplied water and sewer services are provided.

3. A 6 foot high masonry wall shall be constructed adjacent to the south property line. A 15 foot deep landscaped buffer shall be provided along the south property line. The landscaped buffer shall be planted with 1 shade tree or 2 ornamental trees per 30 lineal feet.

4. Light poles shall be limited to a maximum height of 14 feet.

5. Building exteriors shall share uniform architectural character and shall be predominantly earth-tone colors with vivid colors limited to incidental accent. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings shall not be permitted.

Recommended Action:

1. Concur with the findings of the MAPC 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; 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 2/3 majority vote of the membership of the governing body on the first hearing.)

2. The development of this property shall only be permitted if municipally-supplied water and sewer services are provided.

3. A 6 foot high masonry wall shall be constructed adjacent to the south property line. A 15 foot deep landscaped buffer shall be provided along the south property line. The landscaped buffer shall be planted with 1 shade tree or 2 ornamental trees per 30 lineal feet.

4. Light poles shall be limited to a maximum height of 14 feet.

5. Building exteriors shall share uniform architectural character and shall be predominantly earth-tone colors with vivid colors limited to incidental accent. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings shall not be permitted.

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, _____

ATTEST:

_____ _____

Pat Burnett, City Clerk Bob Knight, Mayor

(SEAL)

Approved as to form:

_____

Gary E. Rebenstorf, City Attorney

(150004) Published in The Wichita Eagle on _____

Corrected ORDINANCE NO. 45-220

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. ZON2000-00052

Request for zone change from "SF-6" Single-Family Residential to "LI" Limited Industrial and to "P-O" Protective Overlay District #85, on property described as:

Eck 8th Addition, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of 53rd Street North and Arkansas.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The following uses shall not be permitted: correctional facility; correctional placement residence, general; correctional placement residence, limited; cultural group; hospital; recycling collection station, private; recycling collection station, public; recycling processing center; reverse vending machine; airport or airstrip; wireless communication facility; funeral home; heliport; hotel or motel; kennel, boarding/breeding/training; marine facility, recreational; microbrewery; monument sales; night club; pawnshop; recreation and entertainment, indoor; recreation and entertainment, outdoor; secondhand store; tavern and drinking establishment; vehicle and equipment sales; outdoor; vocational school; asphalt or concrete plant, limited; asphalt or concrete plant, general; freight terminal; gas and fuel storage and sales; landfill; mining or quarrying; oil or gas drilling; research services; rock crushing; solid waste incinerator; storage, outdoor; transfer station; vehicle storage yard; wrecking/salvage yard; grain storage; and adult entertainment.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

FILE COPY

AGENDA ITEM NO. 6

STAFF REPORT

MAPC December 21, 2000
DAB VI January 8, 2001

CASE NUMBER: ZON2000-00052

APPLICANT/AGENT: Matthias F. Eck (Owner/Applicant); Baughman Company PA c/o Terry Smythe (Agent)

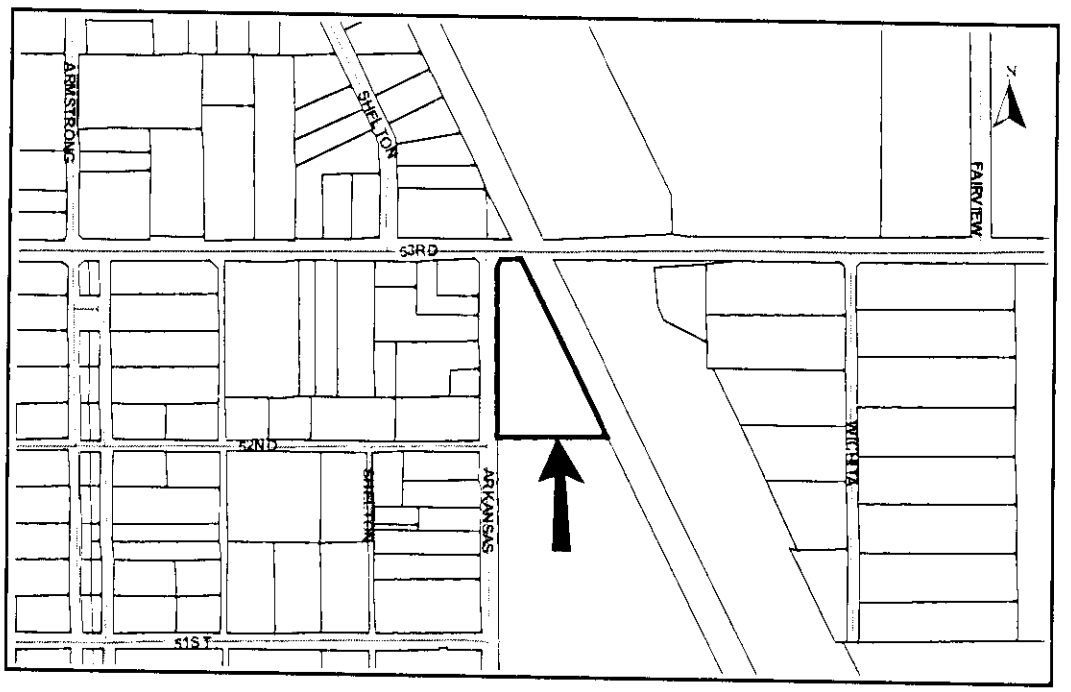
REQUEST: "LI" Limited Industrial

CURRENT ZONING: "SF-6" Single-Family Residential

SITE SIZE: 3.6 acres

LOCATION: Southwest corner of 53rd Street North and Arkansas

PROPOSED USE: Industrial development



BACKGROUND: The applicant requests a zone change from "SF-6" Single-Family Residential to "LI" Limited Industrial on a 3.6 acre unplatted tract located at the southwest corner of 53rd Street North and Arkansas. The subject property has right-of-way on three sides with Arkansas Avenue to the west, 53rd Street North to the north, and the Atchison, Topeka, and Santa Fe rail line to the east. The applicant proposes to develop the site with industrial uses such as a machine shop. The applicant also has offered a protective overlay to limit the permitted uses on the subject property (see attached).

The surrounding area is characterized by a mixture of commercial/industrial and residential development. The commercial/industrial development is interspersed among residential development along 53rd Street North. The properties east of the site across the railroad tracks are zoned "LI" Limited Industrial and are primarily developed with industrial uses interspersed with several single-family residences. The properties west of the site across Arkansas are zoned "SF-6" Single-Family Residential and "LC" Limited Commercial and are developed with single-family residences and a vacant commercial business. The properties north of the site across 53rd Street North are zoned "SF-6" Single-Family Residential and are developed with single-family residences. The property south of the site is zoned "SF-6" Single Family Residential and is undeveloped. The applicant owns the property south of the site and has indicated an intention to develop the property with single-family residences.

CASE HISTORY: The subject property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6"	Single-family
SOUTH:	"SF-6"	Undeveloped
EAST:	"LI"	Industrial, single-family
WEST:	"SF-6" & "LC"	Single-family & vacant commercial

PUBLIC SERVICES: The site has access to Arkansas. The site also has frontage along 53rd Street North; however, access is blocked by a utility substation. Arkansas is a two-lane arterial street with traffic volumes of approximately 2,800 vehicles per day. The 2030 Transportation Plan projects that traffic volumes for Arkansas will increase to approximately 3,500 vehicles per day. The projections in the 2030 Transportation Plan assumed that the subject property would develop with single-family residential uses. The "LI" Limited Industrial zoning requested would permit high traffic generating uses such as convenience stores, service stations, drive-thru restaurants, and other auto-related uses. Were the site to develop with these high traffic generating uses, the traffic volumes could increase by as much as 3,600-4,500 vehicles per day.

Municipal water service is available to the site via a 12" water main running parallel to Arkansas. Municipal sewer service is not available to site without extending a sewer main from further south along Arkansas.

Planning staff recommends that the site be platted to address the potential for the site to generate high traffic volumes and the lack of currently available municipal sewer service to serve the site. At the time of platting, planning staff will be recommending right-of-way dedication, dedication of access control, guarantees for traffic improvements, and guarantees for sewer service extension.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The Industrial Locational Guidelines indicate that industrial development should be located in close proximity to support services and be provided good access to major arterials, city truck routes, belt highways, utility truck lines, rail spurs, airports, and as extensions of existing industrial areas. The Industrial Locational Guidelines also indicate that industrial development generally should be located away from existing or planned residential areas so as not to generate industrial traffic through less intensive land use areas. The request conforms to these locational guidelines since it has access to an arterial street, is located along a rail line, is an extension of the industrial area to the east, will not generate traffic through residential areas, and is recommended for development with site design features that will limit detrimental affects on existing and planned residential development.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year and the following provisions of a Protective Overlay:

1. The following uses shall not be permitted: correctional facility; correctional placement residence, general; correctional placement residence, limited; cultural group; hospital; recycling collection station, private; recycling collection station, public; recycling processing center; reverse vending machine; airport or airstrip; wireless communication facility; funeral home; heliport; hotel or motel; kennel, boarding/breeding/training; marine facility, recreational; microbrewery; monument sales; night club; pawnshop; recreation and entertainment, indoor; recreation and entertainment, outdoor; secondhand store; tavern and drinking establishment; vehicle and equipment sales; outdoor; vocational school; asphalt or concrete plant, limited; asphalt or concrete plant, general; freight terminal; gas and fuel storage and sales; landfill; mining or quarrying; oil or gas drilling; research services; rock crushing; solid waste incinerator; storage, outdoor; transfer station; vehicle storage yard; wrecking/salvage yard; grain storage; and adult entertainment.

2. The development of this property shall only be permitted if municipally-supplied water and sewer services are provided.

3. A 6 foot high masonry wall shall be constructed adjacent to the south property line. A 15 foot deep landscaped buffer shall be provided along the south property line. The landscaped buffer shall be planted with 1 shade tree or 2 ornamental trees per 30 lineal feet.

4. Light poles shall be limited to a maximum height of 14 feet.

5. Building exteriors shall share uniform architectural character and shall be predominantly earth-tone colors with vivid colors limited to incidental accent. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings shall not be permitted.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by a mixture of commercial/industrial and residential development. The commercial/industrial development is interspersed among residential development along 53rd Street North. The properties east of the site across the railroad tracks are zoned "LI" Limited Industrial are primarily developed with industrial uses interspersed with several single-family residences. The properties west of the site across Arkansas are zoned "SF-6" Single-Family Residential and "LC" Limited Commercial and are developed with single-family residences and a vacant commercial business. The properties north of the site across 53rd Street North are zoned "SF-6" Single-Family Residential and are developed with single-family residences. The property south of the site is zoned "SF-6" Single Family Residential and is undeveloped. The applicant owns the property south of the site and has indicated an intention to develop the property with single-family residences.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-6" Single-Family Residential, which accommodates moderate-density single-family residential development and complementary land uses. Properties at the intersection of arterial streets typically do not develop with single-family uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by securing traffic and utility improvements through platting and by the recommended site design features and limitations on permitted uses.

4. Length of time the subject property has remained vacant as zoned: The subject property has remained vacant while the adjacent properties have been developed since the 1950s.

5. 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 "Low Density Residential" development. The Industrial Locational Guidelines indicate that industrial development should be located in close proximity to support services and be provided good access to major arterials, city truck routes, belt highways, utility truck lines, rail spurs, airports, and as extensions of existing industrial areas. The Industrial Locational Guidelines also indicate that industrial development generally should be located away from existing or planned residential areas so as not to generate industrial traffic through less intensive land use areas. The request conforms to these locational guidelines since it has access to an arterial street, is located along a rail line, is an extension of the industrial area to the east, will not generate traffic through residential areas, and is recommended for development with site design features that will limit detrimental affects on existing and planned residential development.

6. Impact of the proposed development on community facilities: Community facilities should not be adversely impacted as long as sufficient right-of-way, access controls, traffic improvements, and utility extensions are provided for through the platting process.