

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON Nov. 24, 2017

ORDINANCE NO. 50-619

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. ZON2017-00046

Zone change from SF-5 Single-Family Residential to LC Limited Commercial on property generally located north of MacArthur and east of Seneca described as:

Lot 3, Thompsons Acres, Sedgwick County, Kansas.

AND

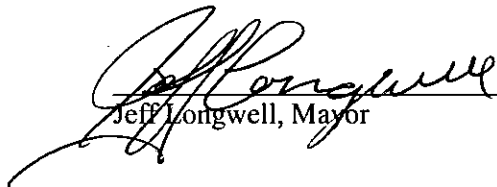
Zone change from SF-5 Single-Family Residential, MH Manufactured Housing, and OW Office Warehouse to GC General Commercial on property generally located north of MacArthur and east of Seneca described as:

Lots 1 and 2, Beevers Addition, Wichita, Sedgwick County, Kansas, TOGETHER WITH, Lot 1, Block A, Lots 4 and 5, Block B, and Exchange Place, Halford Homesites Addition, Wichita, Sedgwick County, Kansas, TOGETHER WITH, Lot 1, Block A, Pacesetter Addition, Wichita, Sedgwick County, Kansas, TOGETHER WITH, Lot 2, Burnworth-Sampson Addition to Wichita, Kansas.

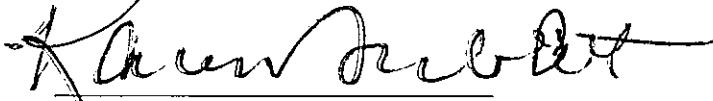
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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 21st day of November, 2017.


Jeff Longwell, Mayor

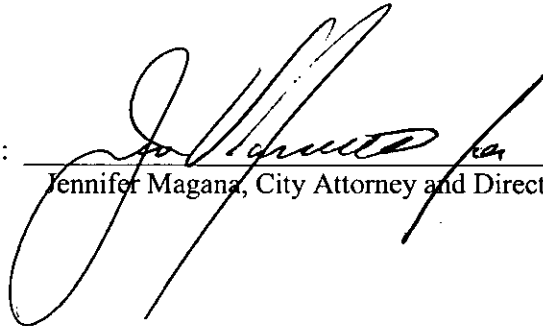
ATTEST:



Karen Sublett, City Clerk



Approved as to form:



Jennifer Magana, City Attorney and Director of Law

STAFF REPORT

MAPC October 5, 2017

DAB III October 4, 2017

CASE NUMBER: ZON2017-00046 and CUP2017-00043

APPLICANT/AGENT: TCRS, LLC; Tase Property, LLC; and Fruition, LLC c/o Jeff Lange and Dennis Lee and Lois Gelonek (owners/applicants); MKEC Engineering, Inc. c/o Brian Lindebak (agent)

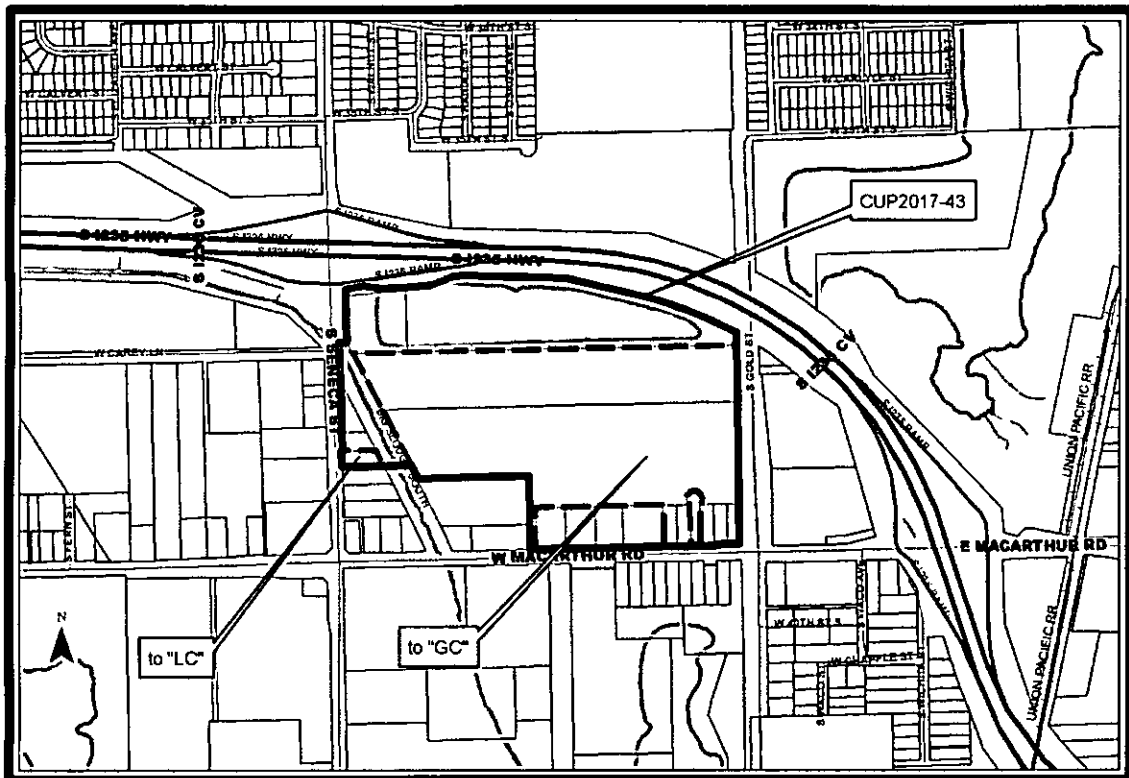
REQUEST: Zone change to GC General Commercial and creation of the Steeple Bay Community Unit Plan CUP DP-345

CURRENT ZONING: SF-5 Single-Family Residential, MH Manufactured Housing, and OW Office Warehouse

SITE SIZE: 80.9 acres

LOCATION: North of West MacArthur Road and east of South Seneca Street (770 W. MacArthur)

PROPOSED USE: Commercial development



BACKGROUND: The applicant is seeking GC Limited Commercial zoning on 80.9 acres zoned SF-5 Single-Family Residential, MH Manufactured Housing, and OW Office Warehouse, subject to the development standards contained in the proposed Steeple Bay Community Unit Plan CUP DP-343 (attached). The Unified Zoning Code (UZC) requires a CUP for GC sites of six (6) acres or more that are held under unified control at the time of initial approval. A CUP is intended to provide well planned and well organized residential, commercial and mixed development.

The CUP is proposed to be developed with a variety of commercial uses typically found along a freeway frontage, including convenience store; retail; restaurant; night club; hotel; recreation and entertainment; recreational vehicle campground; and vehicle and equipment sales. Additionally, the CUP is proposed to be developed with employment-based businesses, including office; manufacturing; research services; warehousing; welding or machine shop; and wholesale or business services. Residential uses such as multi-family also are permitted; however, the existing manufactured home park on the site will become a non-conforming use if the application is approved. The applicant indicates that the intention is to relocate the existing manufactured homes upon approval of the application.

The site is generally located north of West MacArthur Road and east of South Seneca Street, near the interchanges of both arterial streets with I-235. The site is primarily developed with a manufactured home park, although the site is also developed with a restaurant, vehicle repair shop, and several single-family residences. The properties north of the site across I-235 are zoned SF-5 and are developed with schools and related athletic stadiums and facilities. The properties to the south across MacArthur Road are SF-5 and MF-29 Multi-Family Residential and are developed with single-family and multi-family residential uses. The property to the east across Gold Street is zoned LI Limited Industrial and is developed with a freight terminal. The properties to the west across Seneca Street are zoned LC and GC and are developed with a variety of uses such as manufactured home sales, warehousing, office, restaurant, night club, multi-family residential, and electrical substation. Additionally, over 90 acres of industrial zoning exists southwest of the site near the intersection of MacArthur Road and Seneca Street that is developing with a mixture of warehousing, manufacturing, and utility uses.

CASE HISTORY: The site is platted as Burnworth Sampson Addition, Pacesetter Addition, Willie Mae Addition, Jerry Elliott Addition, Thompson Acres Addition, Halford Homesites Addition, Beevers Addition, and Don Addition. The applicant has applied to replat the site.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Schools and related athletic stadiums and facilities
SOUTH:	SF-5, MF-29	Single-family and multi-family residential uses
EAST:	LI	Freight terminal
WEST:	LC, GC	Manufactured home sales, warehousing, office, restaurant, night club, multi-family residential, and electrical substation

PUBLIC SERVICES: Access to the site is provided by two arterial streets, MacArthur Road and Seneca Street, both of which have an interchange with I-235 near the site. As proposed, the development would permit over 850,000 square of commercial development, which could generate a significant increase in traffic that might warrant improvements such as turn lanes and traffic signals into the development and/or at the nearby freeway interchanges. Therefore, staff recommends that a traffic study of the impacts of the development on vehicular, bicycle, pedestrian, and transit transportation be prepared by the applicant and approved by the City Engineer prior to the issuance of a building permit for the property. Staff recommends that any improvements or dedications required by the traffic study be guaranteed prior to the issuance of a building permit. The CUP requires water and sanitary sewer service be provided to any

development prior to the issuance of an occupancy permit. The CUP requires that drainage improvements be established and guaranteed at the time of platting.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept Map of the Community Investments Plan identifies the area in which the site is located as appropriate for “New Employment” development. The application is consistent with the following Locational Guidelines of the Community Investments Plan:

1. Major commercial and employment centers should be located at intersections of arterial streets and along highways and commercial corridors.
2. Industrial uses should be located in areas with good access to highways, rail lines, and airports.
3. Primary outdoor sales uses should be located along highway corridors or in areas where the uses have already been established.

RECOMMENDATION: Based on the information available at the time of the public hearing, staff recommends APPROVAL of the application with following additional recommended conditions intended to ensure compatibility with nearby uses and to address the provision of adequate community facilities:

1. General Provision 3A shall be amended to indicate that no parcels in the CUP shall allow: Animal Care, General; Kennel, Boarding/Breeding/Training; and Vehicle Storage Yard.
2. General Provision 3D shall be added as follows: No parcel within 300 feet of a church, park, school, or residential zoning shall permit a Tavern or Drinking Establish or Nightclub in the City.
3. The lettering of General Provision 7 shall be amended to eliminate the duplicate General Provisions 7A.
4. General Provision 14E shall be amended to state: A traffic study of the impacts of the development on vehicular, bicycle, pedestrian, and transit transportation shall be prepared by the applicant and approved by the City Engineer prior to the issuance of a building permit for the property. Any improvements or dedications required by the traffic study shall be guaranteed prior to the issuance of a building permit.
5. The applicant shall record a CUP certificate with the Register of Deeds indicating that this tract (referenced as DP-345 Steeple Bay CUP) has special conditions for development on the property. A copy of the recorded certificate along with four copies of the approved CUP shall be submitted to the Metropolitan Area Planning Department within 60 days of recording the plat for the subject property, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The zoning, uses, and character of the surrounding area is primarily commercial and industrial in nature. The properties north of the site across I-235 are zoned SF-5 and are developed with schools and related athletic stadiums and facilities. The properties to the south across MacArthur Road are SF-5 and MF-29 Multi-Family Residential and are developed with single-family and multi-family residential uses. The property to the east across Gold Street is zoned LI Limited Industrial and is developed with a freight terminal. The properties to the west across Seneca Street are zoned LC and GC and are developed with a variety of uses such as manufactured home sales, warehousing, office, restaurant, night club, multi-family residential, and electrical substation. Additionally, over 90 acres of industrial zoning exists southwest of the site near the intersection of MacArthur Road and Seneca Street that is developing with a mixture of warehousing, manufacturing, and utility uses.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: The development plan as proposed may have detrimental effects on nearby properties. The conditions of approval that restrict primarily outdoor uses and uses that generate significant noise and odor should mitigate the detrimental effects on nearby property.
3. 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 identifies the area in which the site is located as appropriate for "New Employment" development. The application is consistent with the following Locational Guidelines of the Community Investments Plan:
 - a. Major commercial and employment centers should be located at intersections of arterial streets and along highways and commercial corridors.
 - b. Industrial uses should be located in areas with good access to highways, rail lines, and airports.
 - c. Primary outdoor sales uses should be located along highway corridors or in areas where the uses have already been established.
4. Impact of the proposed development on community facilities: As proposed, the development would permit over 850,000 square of commercial development, which could generate a significant increase in traffic that might warrant improvements such as turn lanes and traffic signals into the development and/or at the nearby freeway interchanges. The condition of approval requiring a traffic study and guarantees for needed transportation improvements should ensure that adequate community facilities are provided for the development and surrounding areas.

Staff Report Attachments:

1. DP-345 Steeple Chase CUP