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ORDINANCE NO. 50-831

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:

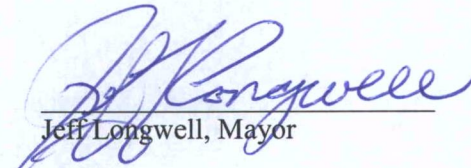
Case No. ZON2018-00020

City zone change from GC General Commercial to LI Limited Industrial, subject to the development standards contained in amended Community Unit Plan DP-47; described as:

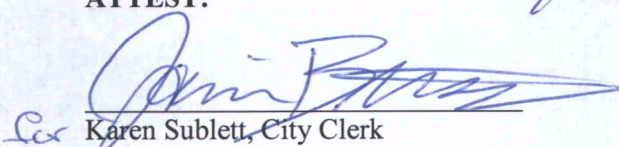
Lot 1, D.I.T. Addition to the City of Wichita, Sedgwick County, Kansas; EXCEPT the north 444.50 feet of said Lot 1.

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.

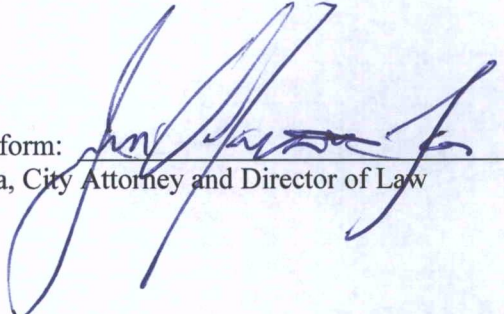

Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk

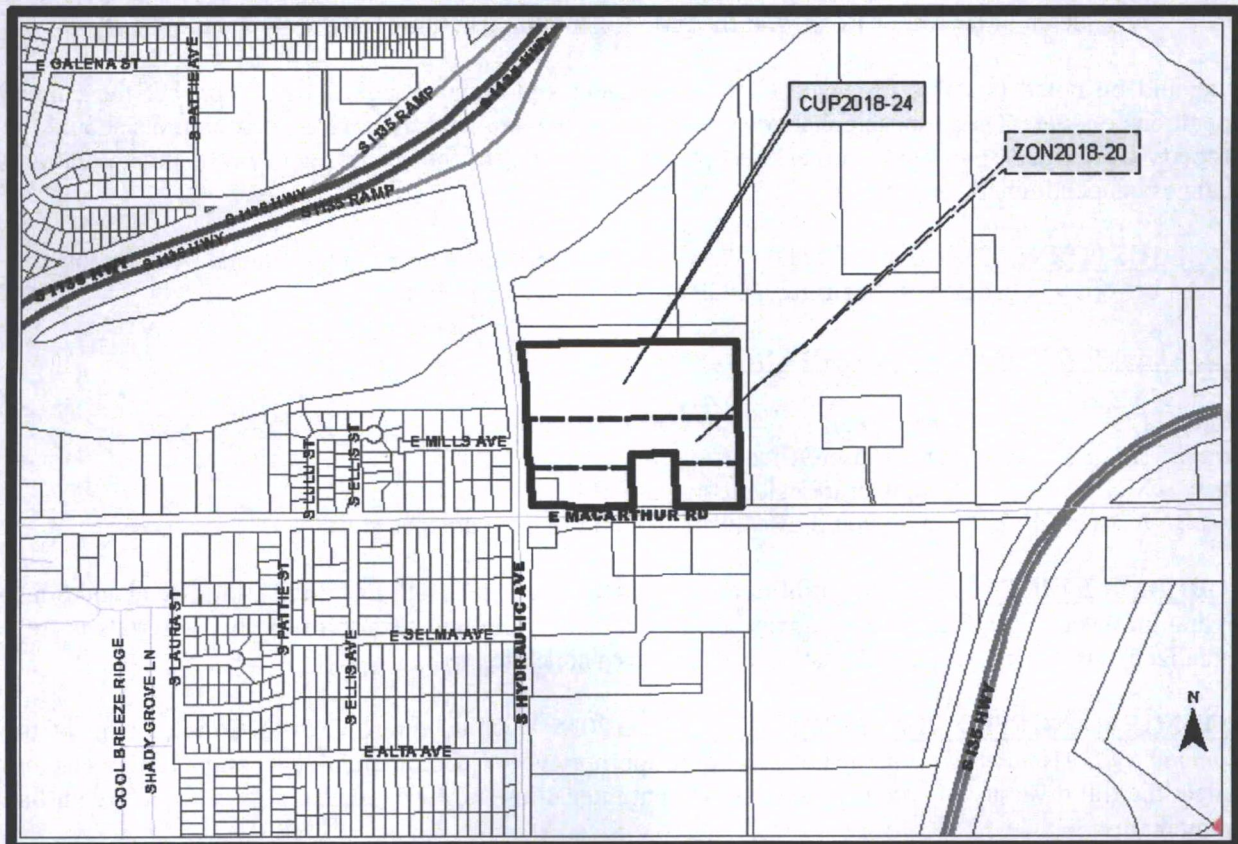
(SEAL)



Approved as to form: 
Jennifer Magaña, City Attorney and Director of Law

STAFF REPORT
MAPC 7-12-2018
DAB III 8-1-2018

<u>CASE NUMBER:</u>	ZON2018-00020 and CUP2018-00024
<u>AGENT:</u>	Russ Ewy with Baughman Company
<u>APPLICANT:</u>	Charles Bucinski, President – Starlite Drive-In Theatre Corp.
<u>REQUEST:</u>	LI Limited Industrial and amendment of CUP DP-47
<u>CURRENT ZONING:</u>	GC General Commercial and LI Limited Industrial
<u>SITE SIZE:</u>	25.23 acres
<u>LOCATION:</u>	At the northeast corner of MacArthur Road and Hydraulic Avenue (3900 South Hydraulic)
<u>PROPOSED USE:</u>	Industrial and Commercial mix



BACKGROUND: The applicant is seeking both a zone change from GC General Commercial (GC) to LI Limited Industrial (LI) on a portion of the subject property and a Community Unit Plan (CUP) amendment to the existing DP-47 to allow for the expansion of the uses allowed on Parcel 1.

The overall land area for the CUP is approximately 25.2 acres. The rezoning portion of the application covers roughly 7.5 acres. As can be seen on the maps provided, the sizes of the individual parcels can be found in the attached documents.

The applicant has indicated that the reasoning for this application is two-fold. First, the rezoning is intended to provide uniformity of zoning for the entirety of Parcel 1 of the CUP, the site that is currently occupied by the drive-in theater. Second, the amendment of the general provisions will allow for a greater flexibility of development for the area covered by Parcel 1 on the CUP. As it currently exists, DP-47 development standards only indicate "drive-in theater" under the proposed uses.

In addition to the previously mentioned purposes for this application, the applicant is also proposing to alter the access controls indicated on the CUP document. Modifications to access control have been done in coordination with Planning Staff and the Traffic Engineer.

The proposed general provisions are provided as an attachment to the staff report. Planning staff is generally in agreement with the provisions that have been provided. However, there are some changes that staff recommends as conditions of approval.

- Provision 9.B., 9.C., and 9.D. should apply to all parcels.
- Addition of a general provision stating that all utilities shall be installed underground on all parcels.
- Addition of a general provision stating that a pedestrian walk system plan shall be submitted and approved by the Director of Planning. The walk system shall link sidewalks along Hydraulic Avenue and MacArthur Road with the proposed buildings within the development.

It should be noted that this proposed CUP amendment and zone change does not impact the current operations on-site. The proposed changes would add to the site's future development options should the property owner decide to pursue other use options. Approval of the request does not mandate that any changes happen immediately.

CASE HISTORY: The D.I.T. CUP, DP-47, which this applicant is proposing to amend, was approved in November of 1972. Copies of the original CUP are provided as attachments.

ADJACENT ZONING AND LAND USE:

North: LI:	Chapin Park
South: LC and SF-5:	Warehouse/Office, Church
East: MH:	Manufactured Home community
West: LC and SF-5:	Single Family Residential, Church, Convenience store

PUBLIC SERVICES: All public utilities are available to the site. Both East MacArthur Road and South Hydraulic Avenue are four lane, two way, paved arterials. The intersection of the two arterials is fully signalized, has turning lanes, and East MacArthur has a concrete median.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map of the *Community Investments Plan* indicates the site is appropriate for "Commercial," encompassing areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality.

The *Community Investments Plan* outlines Locational Guidelines for development within the City of Wichita; relevant guidelines include:

Development Pattern

- Major Commercial and employment centers should be located at intersections of arterial streets and along highways and commercial corridors.
- Industrial uses should be located in areas with good access to highways, rail lines, and airports.
- Major commercial development should be guided to the intersection of two arterial streets.
- Low density residential uses should be buffered from commercial and industrial areas by open space, water bodies, changes in topography, or major barriers such as arterial streets or highways.

Land Use Compatibility

- Higher-intensity development should be discouraged from locating in areas of existing lower-intensity development, particularly established low-density residential areas.
- Industrial and major commercial land uses that generate pollution, odor, noise, light, safety hazards, and high levels of traffic should be located away from residential areas and developed with screening, buffering, and site design features sufficient to mitigate adverse impacts.
- Except in mixed-use developments, residential and non-residential development areas generally should be separate and distinct with appropriate screening and buffering to ensure compatibility among land uses while maintaining connectivity among uses.

Design

- Commercial centers, office parks, and mixed-use developments should be designed with shared internal vehicular and pedestrian circulation, combined signage, coordinated landscaping and building design, and combined ingress/egress locations.
- Driveways and intersections along major thoroughfares should be limited to maintain safe and efficient mobility. Medians should be used when appropriate to limit turning conflicts, particularly near arterial intersections. Pedestrian crossings of arterial streets should be provided between arterial intersections.
- Except in mixed-use development areas, non-residential uses should provide appropriate screening and buffering from residential uses.
- Non-residential uses should have site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential land uses.
- Major commercial and employment centers and institutional and government services should be designed to accommodate convenient transit service, particularly for those with mobility challenges.
- Building entrances should be oriented to the street or internal circulation drives that connect to the street and designated pedestrian connections should be provided from building entrances to the street.

Some of the above referenced items are provided only because of the somewhat uncertain nature of potential future development on the site in question. The overall spirit and intent of this CUP appears to be in conformance with the above stated policies and guidelines of the adopted Plans for the City of Wichita.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be **APPROVED**, subject to the following conditions:

1. The proposed General Provisions be modified to include:
 - Provision 9.B., 9.C., and 9.D. shall apply to all parcels
 - Addition of a general provision stating that all utilities shall be installed underground on all parcels
 - Addition of a general provision stating that a pedestrian walk system shall be submitted and approved by the Director of Planning. The walk system shall link sidewalks along Hydraulic Avenue and MacArthur Road with the proposed building within the development.
2. The General Provisions and Parcel Description language shall be modified to read in accordance with the attached recommendation (and to include staff's recommendation in Condition 1 of approval) on the final CUP drawing, and to reflect the proposed.
3. The site shall be developed in substantial conformance with the revised development guidelines and general provisions of the approved CUP.
4. The applicant shall submit four copies of the approved CUP within 60 days of final approval to the Metropolitan Area Planning Department or the amendment shall be deemed null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the subject property is zoned LI Limited Industrial, but is the site of Chapin Park. East of the site is zoned MH Manufactured Housing and is developed as such. South of the site is zoned LC Limited Commercial and SF-5 Single Family Residential and is the site of a church. West of the subject property is zoned LC Limited Commercial and SF-5 Single Family Residential and is the site of a church, single family residential, and a convenience store.
2. The suitability of the subject property for the uses to which it has been restricted: The current uses and restrictions are exactly suited to one another. Removal of the current restrictions would allow for the majority of the CUP to be developed with a wider range of uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Provided the site is developed with sufficient screening and circulation standards, and the operations that take place on site follow all relevant codes and ordinances of the City, there should be minimal detrimental effects on the nearby properties.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will expand development opportunities for the site; though the relative gain to public health, safety and welfare would likely be minimal. Denial would presumably represent a loss of economic opportunity to the applicant and/or land owner.
5. 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* indicates the site is appropriate for "Commercial," encompassing areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality.

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6. Impact of the proposed development on community facilities: There should be no negative effects on community facilities as a result of this proposal.

Attachments: Supporting maps and imagery
Existing DP-47 documents
Proposed General Provisions and CUP Drawing

E-GALENA ST

CUP2018-24

ZON2018-20

E MACARTHUR RD

