

Agenda Item # _____

City of Wichita
City Council Meeting
June 27, 2000

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: SCZ-0734 - REQUEST FOR ZONE CHANGE FROM
"SF-20" SINGLE-FAMILY RESIDENTIAL TO "LI"
LIMITED INDUSTRIAL, LOCATED AT THE
SOUTHWEST CORNER OF 29TH STREET NORTH AND
GREENWICH (District 2)

INITIATED BY: Metropolitan Area Planning Department

Knout (w)

AGENDA ACTION: Consent

MAPC and County Commission Recommendation:

Approve, subject to platting within 1 year and additional provisions of a Protective Overlay district

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

Background: The applicant requests a zone change from "SF-20" Single-Family Residential to "LI" Limited Industrial for a 158.1 acre unplatted tract located on the west side of Greenwich between 29th Street North and the K-96 Expressway. The applicant proposes to develop an industrial park that may include office-warehouse uses, as well as a soccer complex development to be located in an area at the northwest corner of the application site. There was no site plan submitted as part of this application.

The subject property is currently undeveloped and used for agricultural purposes. Surrounding property to the north and east are largely undeveloped and used for agricultural and residential uses. Jabara Airport is located to the northwest of the application site on property zoned "LI". There is a triangular piece of property zoned "SF-6" adjacent to the west. The Greenwich Business Park is located to the south of K-96 on property recently zoned "LI".

The Unified Zoning Code includes CUPs as a development *option* for developments of this size in the "LI" zoning district. The Code also includes a new zoning district, the Industrial Park District, that is intended to accommodate limited commercial services, research and development, administrative facilities, and industrial and manufacturing

uses, in a more campus-like setting. The applicants indicated that this district would be too limiting because portions of the site may have potential for retail, hotel, funeral home, or medical service uses.

During the Planning Commission's discussion of this matter on February 13, 1997, the agent for the applicant discussed the proposed industrial park and soccer complex developments, and stated they were in agreement with the staff recommendations. Two property owners spoke against the request, stating there was an abundance of industrial zoning in the area. The opponents also questioned why this site was not required to be developed under a Community Unit Plan. Staff commented that the zoning code does not require an application for industrial zoning to be submitted as a CUP, but that the recommended Protective Overlay should address development concerns in a similar manner. After discussion, the MAPC voted (7-4) to approve the request with the additional provisions of a Protective Overlay as recommended by staff.

The Board of County Commissioners subsequently approved the zone change, subject to platting. The property has since been annexed into the City of Wichita. The applicants were granted a platting extension in April, 1999. The plat was filed February 29, 2000 after approval by the MAPC and finally by the City Council in February, 2000. On December 21, 1999 the applicant was granted an Administrative Adjustment to the Protective Overlay. The Ordinance before the council reflects these changes.

Recommended Action:

Place the ordinance establishing the zone change and Protective Overlay on first reading.

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() Published in the Daily Reporter on July 21 2000

ORDINANCE NO. 44-675

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 after 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. SCZ-0734

Zone change request from "SF-20" Single-Family Residential District to "LI" Limited Industrial District, and to "PO" Protective Overlay District #13 on property described as:

The Regency Park Addition, Wichita, Sedgwick County Kansas.

Generally located on the west side of Greenwich Road and the K-96 Expressway.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. **Uses:** All uses permitted in "LC" and "LI" zoning districts except for: adult entertainment as defined by City Code, taverns and drinking establishments, manufactured home/mobile home park or subdivision, recreational vehicle campground, blacksmith shop, welding, heat treating and machine shop, draying, freighting or trucking yard or terminal, feed and fuel yard or storage, foundry casting lightweight nonferrous metal; grain storage and elevators, poultry or rabbit dressing, concrete and asphalt mixing plant, storage of Class "C" fireworks, tire retreading or recapping, battery manufacturing, and the like. The following uses shall be permitted only if the proposed ramp on the west side of Greenwich and K-96 Expressway is constructed: building materials sales yard, lumber yard, the manufacturing, compounding, processing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceutical, perfumed toilet soap, toiletries and food products and the manufacture and maintenance of: electric and neon signs, billboards, commercial advertising structures, metal furniture, light sheet and tubular metal products, including heating and ventilating ducts and equipment, cornices, caves, small tool and die works, and the like.
2. The transfer of the title on all or any portion of the land included in the development does not constitute a termination of the plan or any portion thereof; but said plan shall run with the land for development and be binding upon the present land owners, their successors and assigns and their lessees unless amended. However, the Planning Director, with the concurrence of the OCI Superintendent, may approve minor adjustments to the conditions in this overlay, consistent with the approved development plan, without filing a formal amendment.
3. **Landscape Buffers and Screening:** Landscape buffers and screening shall be in accordance with Section 10.32.010 et. seq. of the Code of the City of Wichita. A landscape plan for each lot indicating the location, type, and specification of plant materials shall be submitted to the Planning Department for their review and approval prior to the issuance of any building permits (s) on that lot.

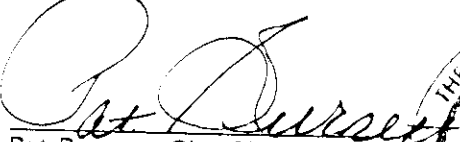
4. Minimum setback requirements shall be 35 feet along Greenwich Road and 25 feet along all non-residential local streets, which include 26th Street North, 27th Circle, 28th Street North, and Regency Park.
5. Height: 55 feet maximum height for all structures.
6. Signs: All signs along Greenwich and 21st Street North shall be limited to the standards for the "IP" district in the City of Wichita Sign Code. No signs with rotating or flashing lights shall be permitted, nor shall any portable signs or off-site signs be permitted.
7. No building permits shall be issued for any development without municipal water and sewer service.

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.

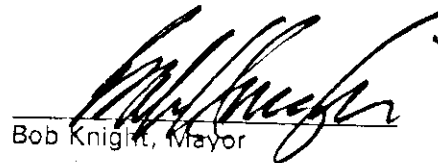
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, JUL 11 2000

ATTEST:

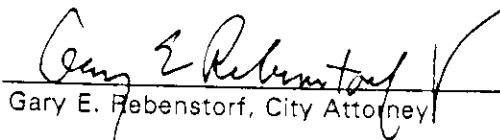

Pat Burnett, City Clerk




Bob Knight, Mayor

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney