

Published in The Wichita Eagle on December 14, 2007
ORDINANCE NO. 47-715

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. DR2005-00021

Zone change from SF-5, Single Family to IP-A, Industrial Park - Airport, on property described as:

Lots 1-76, Block A, Lots 1-79, Block B, Lots 1-22, Block C, and Reserves A, B, C, D, and E, Clifton Heights Addition; together with Lots 1-7, Block A, Clifton Heights Commercial Addition; together with Lot 1, Block A and Reserve A, Clifton Heights Commercial 2nd Addition.

Generally located at the northeast corner of 55th Street South and Clifton Avenue.

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, December 11, 2007.


Carl Brewer, Mayor

ATTEST:


Karen Sublett, City Clerk



(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney

AGENDA ITEM REQUEST

Proposed Agenda Item:

DR2005-21: Zone change to the "IP-A" Industrial Park - Airport District. Generally located south of McConnell Air Force Base between Clifton Avenue and Rock Road. (District 5)

Presented By:

John L. Schlegel, Planning Director *JLS*

Recommended Action:

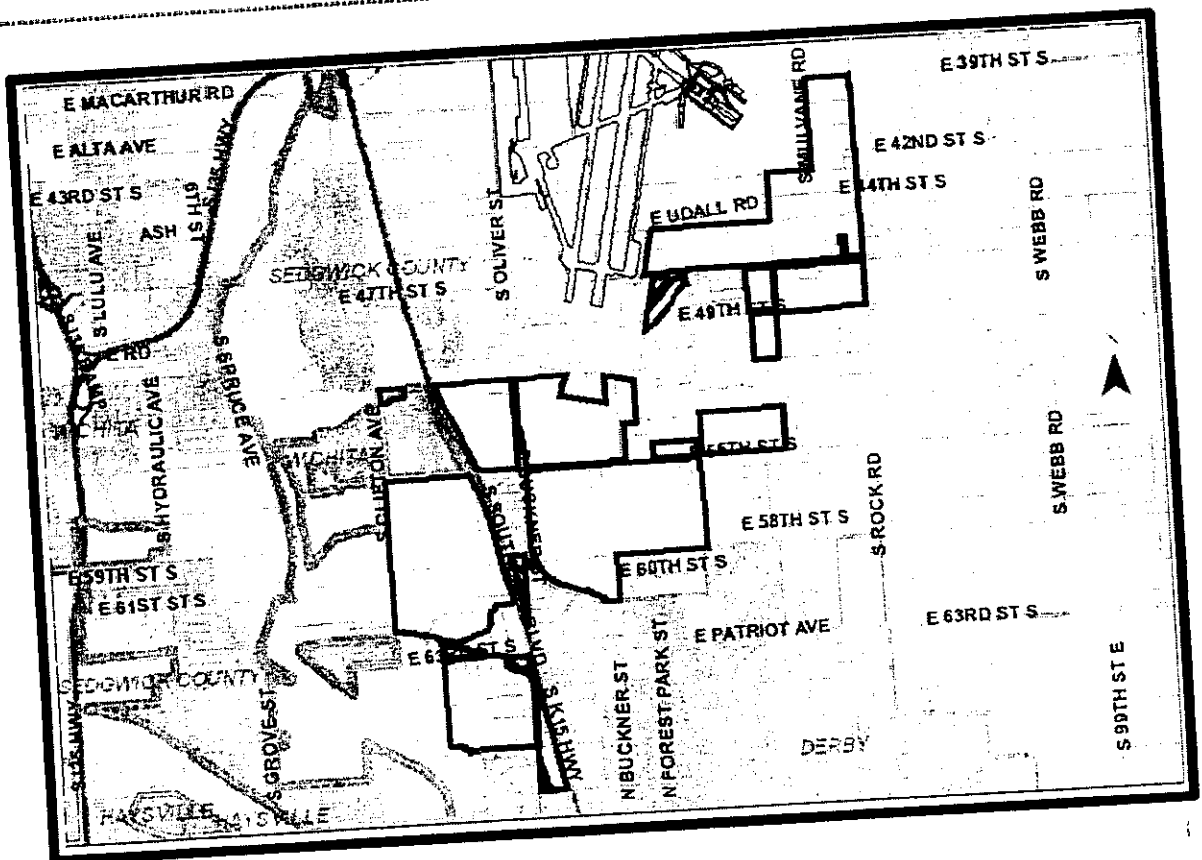
Approve the zone change to "IP-A" as recommended by the Metropolitan Area Planning Commission, adopt the findings of the MAPC, approve the resolution and authorize the Chairman to sign the resolution.

Proposed Agenda Date: November 28, 2007

Outside Attendees: McConnell Air Force Base

Multimedia Presentation: PowerPoint

Donations: Not applicable



Background: On November 15, 2006, the Board of County Commissioners (BOCC) directed staff of the Wichita-Sedgwick County Metropolitan Area Planning Department to proceed with a number of zoning code text and zoning map amendments in order to implement the recommendations of the Implementation Coordination Committee for the *McConnell Air Force Base Joint Land Use Study, May 2005* (JLUS). One of the initiated zoning map amendments is to rezone certain properties located south of McConnell Air Force Base between Clifton Avenue and Rock Road to the IP-A, Industrial Park – Airport zoning district.

The purpose of the proposed rezoning is to encourage future land uses on agricultural and undeveloped properties that are more consistent with Federal Land Use Compatibility Guidelines (LUCG), which lists uses compatible with McConnell Air Force Base (AFB) based on proximity to flight paths and noise contours. The area south of the AFB is in the future urban growth area for Wichita and Derby, and as those communities extend municipal infrastructure such as water and sewer service into the area, most of the undeveloped and agricultural properties will develop with urban density land uses. Presently, these properties are zoned to permit primarily residential uses, which the LUCG indicate are not compatible with operations of the AFB when developed at urban densities. The LUCG indicate that industrial uses such as those permitted by the IP-A, Industrial Park – Airport zoning district are the most compatible uses with operations of the AFB.

Analysis: The majority of the area proposed to be rezoned is within the Zoning Area of Influence for the City of Derby. On September 20, 2007, the Derby Planning Commission considered the proposed rezoning. The Derby Planning Commission voted to recommend that the proposed rezoning be denied for those properties owned by people who appeared at the hearing and indicated opposition to the proposal; therefore, approval of the rezoning of these properties will require a 5-0 vote of the County Commission. The Derby Planning Commission voted to recommend approval of the rezoning for the remainder of the properties. The attached map entitled "Proposed IP-A, Industrial Park – Airport Rezoning Derby Recommendation" illustrates the recommendation of the Derby Planning Commission.

In the opinion of planning staff, the recommendation of the Derby Planning Commission results in a non-contiguous zoning pattern with a jagged boundary that would not promote harmonious development in the area. Therefore, planning staff prepared the attached map entitled "Proposed IP-A, Industrial Park – Airport Rezoning Staff's Alternative Recommendation" that, in the opinion of planning staff, better promotes harmonious development in the area, even though it further eliminates parcels originally proposed for the IP-A rezoning.

At the MAPC hearing on October 18, 2007, most of the property owners who spoke in opposition to the proposed rezoning at the Derby Planning Commission meeting indicated support of "Staff's Alternative Recommendation." The minutes of the October 18, 2007 MAPC hearing are attached.

The MAPC considered two motions at the October 18, 2007 hearing. One motion recommend approval of the rezoning as shown in "Staff's Alternative Recommendation" with the exception of the quarter section at the southwest corner of 55th Street South and Woodlawn and the property at 6250 East 55th Street South. That motion failed by a vote of 4-7. Another motion recommended approval of the rezoning as shown in "Staff's Alternative Recommendation." That motion passed by a vote of 9-2.

Protest petitions representing 12.19% of the property proposed to be rezoned and within the area of notification have been received. The amount of protest petitions is insufficient to trigger the two-thirds majority vote requirement for approval. The properties represented by protest petitions are shown on an attached map.

As indicated above, most of the protesting property owners support the recommendation of the MAPC. Those protesting property owners that have indicated support of the MAPC recommendation are shown on an attached map. The protesting property owners that do not support the MAPC recommendation are either within the area of notification or own the properties near 55th Street South and Woodlawn that would have been removed from the proposed rezoning by the MAPC motion that failed.

Alternatives

1. Approve the zone change to "IP-A" as recommend by the MAPC, adopt the findings of the MAPC, approve the resolution and authorize the Chairman to sign the resolution.
2. Return such recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove.
3. Deny the zone change and override the MAPC recommendation with a two-thirds majority vote.
4. Modify the MAPC recommendation with a two-thirds majority vote, or if properties recommended for denial by the Derby Planning Commission are to be rezoned, a unanimous vote of the entire BOCC.

Financial Considerations: Not applicable.

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Legal Considerations:   *Approved as to form and signed by County Counselor's Office*

City of Wichita
City Council Meeting
December 4, 2007

TO: Mayor and City Council Members

SUBJECT: DR2005-21: Zone change from SF-5, Single Family to IP-A, Industrial Park - Airport. Generally located at the northeast corner of 55th Street South and Clifton Avenue. (District III)

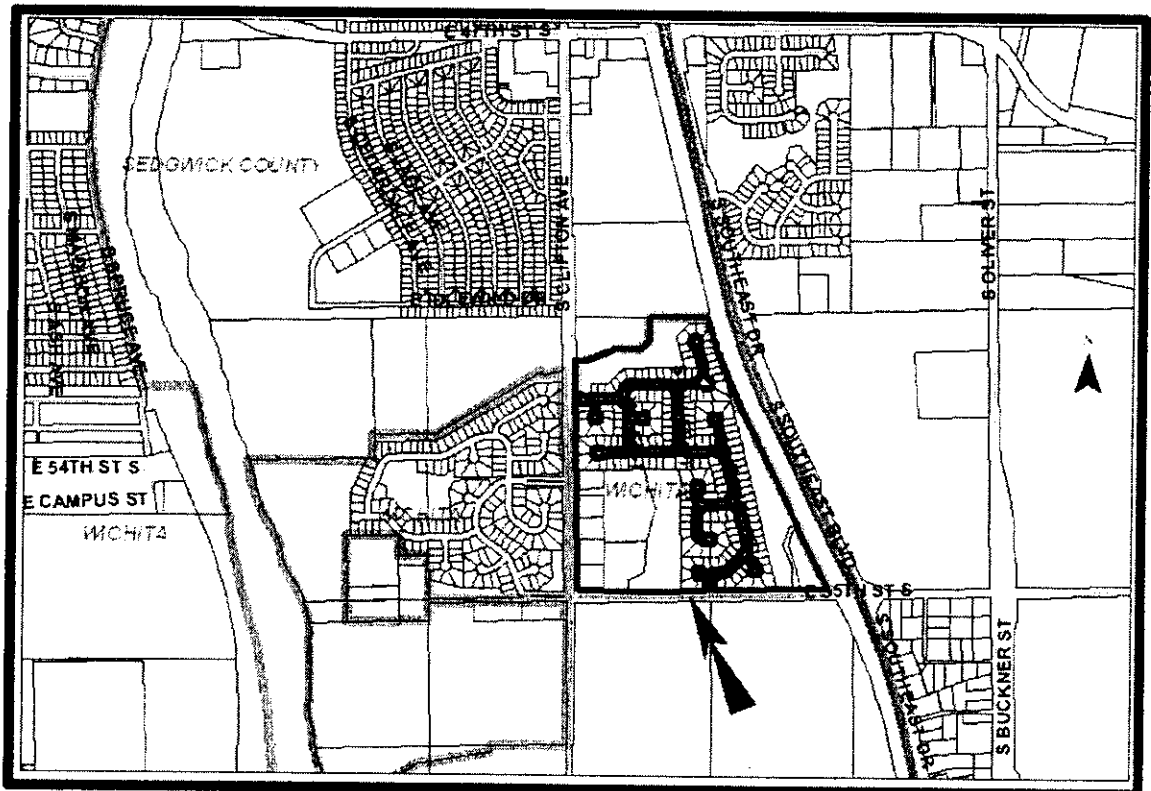
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve (9-2).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Approve (9-0).



Background: On November 14, 2006, the City Council directed staff of the Wichita-Sedgwick County Metropolitan Area Planning Department to proceed with a number of zoning code text and zoning map amendments in order to implement the recommendations of the Implementation Coordination Committee for the *McConnell Air Force Base Joint Land Use Study, May 2005* (JLUS). One of the initiated zoning map amendments is to rezone certain properties located at the northeast corner of 55th Street South and Clifton Avenue from SF-5, Single Family to IP-A, Industrial Park – Airport.

The purpose of the proposed rezoning is to encourage future land uses on agricultural and undeveloped properties that are consistent with Federal Land Use Compatibility Guidelines (LUCG), which lists uses compatible with McConnell Air Force Base (AFB) based on proximity to flight paths and noise contours. The properties proposed for rezoning were recently donated to the City of Wichita for the purpose of developing a park. The LUCG recommend that park and recreation uses on the subject property be limited to those that do not involve large congregations of people. The IP-A zoning district limits park and recreation uses to those that attract no more than 25 participants or spectators per acre at any one time.

Analysis: The District Advisory Board for City Council District III (DAB III) considered the proposed rezoning at their meeting on October 3, 2007, and voted (9-0) to recommend approval. The summary of the DAB III meeting is attached. The Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the proposed zone change on October 18, 2007, and voted (9-2) to recommended approval. The minutes of the MAPC hearing are attached. Opposition regarding the rezoning of properties to the IP-A zoning district was expressed at the MAPC hearing; however, no opposition has been expressed regarding the proposed zone change as it relates to properties located within the corporate limits of Wichita.

Financial Considerations: None.

Goal Impact: The proposed rezoning addresses the Safe and Secure Community Goal by establishing zoning restrictions that limit property uses to those that are most compatible with the operation of McConnell Air Force Base. The proposed rezoning addresses the Economic Vitality and Affordable Living Goal by establishing reasonable growth management policies that help balance future operations at McConnell with the growth needs of the City.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendations/Actions:

1. Concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change; or
2. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a two-third majority vote of the City Council on the first hearing.)