

ORDINANCE NO. 47.957

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. ZON2008-00029

Zone change from SF-5 single-family Residential ("SF-5") to LI Limited Industrial ("LI") subject to Protective Overlay #215 on property described as:

The E1/2 of the NW1/4 of Section 35, T26S, R1E of the 6th P.M., Sedgwick County, Kansas, EXCEPT Railroad right of way, AND EXCEPT the north 40 feet for Road right of way, AND EXCEPT Koch Office Park, An addition to Sedgwick County, Kansas; Together with the E1/2 of the SW1/4 of said Section 35 lying north of the Highway right of way, EXCEPT Railroad right of way. Generally located east of North Hillside, on the south side of East 37th Street North.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #215:

1. A platting exemption for this parcel has been approved by the Wichita-Sedgwick County Metropolitan Area Planning Department which will allow the development of a single site product testing facility, generally located south and west of the southwest corner of Lot 1, Koch Office Park Addition, more specifically described as:

That part of the NW1/4 of Section 35, T26S, R1E of the 6th P.M., Sedgwick County, Kansas, described as beginning at the southwest corner of Lot 1, Block 1, Koch Office Park, an Addition to Sedgwick County, Kansas; thence North along the west line of said Lot 1, 190.00 feet; thence West with a deflection angle of 90°00'00" to the left, 450.00 feet; thence South with a deflection angle of 90°00'00" to the left, 425.00 feet; thence East with a deflection angle of 90°00'00" to the left, 450.00 feet; thence North with a deflection angle of 90°00'00" to the left, 235.00 feet to the place of beginning.

The product testing facility site shall include structures, parking, and fencing in compliance with a site plan to be approved by the Office of Central Inspection, Wichita, Kansas.

2. The Office of Central Inspection, Wichita, Kansas, agrees to issue a building permit for the product testing facility site subject to the following conditions:

- a) The proposed building site is not landlocked, i.e., has proper access by way of a public or private road to a city, county, township, or state highway system.
 - b) The proposed building site has access to all utility and telephone services by way of a recorded easement dedicated to the public. The easement serving the property shall not be less than 20 feet in width adjacent to a rear property line or 10 feet in width adjacent to a side property line. The easement shall extend continuously to a service entrance point and exit point for all the utilities and telephone services.
 - c) Provision for sanitary sewer service has been obtained.
 - d) Provision for water services has been obtained.
 - e) All required permits from the State such as, but not limited to, the creation of dams and lakes have been obtained for the site being developed.
 - f) The proposed building site, as designated on a plot plan submitted for building permit review, is not located on land subject to flooding as described in Section 7-103 of these Regulations.
 - g) If any portion of the proposed building site lies in a flood hazard area as shown on the Flood Boundary and Floodway Map published by the Federal Emergency Management Agency, or if drainage channels and waterways exist on the site being developed that carry runoff from adjacent property or public roads, the flood hazard area or drainage channel shall be protected by grant of easement, dedication or other similar devise as may be required by the City of Wichita.
 - h) If the proposed building site is located adjacent to a public road right-of-way that does not conform to the requirements of Section 7-201, additional right-of-way shall be granted by dedication or easement as may be required to conform to Section 7-201.
3. Other than the building site for the product testing facility, no other structure requiring a building permit from the Office of Central Inspection, Wichita, Kansas, will be allowed to be constructed on the property subject to this zone change and protective overlay without platting of the entire property subject to this zone change and protective overlay.

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,

August 19, 2008.

Carl Brewer Mayor

ATTEST:

Karen Sublett, City Clerk
Karen Sublett, City Clerk



Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

Background: The applicant requests a zone change from SF-5 Single-family Residential (“SF-5”) to LI Limited Industrial (“LI”) on a 62-acre unplatted tract located east of North Hillside Avenue, on the south side of North 37th Street. The applicant, Koch Industries, owns a large amount of property around this location, including properties bordering the subject property in all directions, some already zoned LI, and some zoned SF-5. The subject property is currently undeveloped, and this particular request was filed for possible future business expansion.

Property directly abutting the subject site is zoned either LI or SF-5. Property to the south, across the train tracks, and the property to the north, across North 37th Street, are both zoned SF-5 and are currently undeveloped. The property abutting the east and west side of the application area is zoned LI. The property to the west is developed with a manufacturer and nursery and garden center. The property to the east is developed with the Koch Industries Office Complex.

In addition to industrial uses, LI zoning also allows retail, commercial and office activity. LI zoning also permits building heights up to 80 feet and higher with additional setbacks. Sixty-two acres of LI zoned land developed at 30 percent building coverage would allow 810,216 square feet of gross building coverage. Traffic generation rates for light industrial uses are approximately 7 average daily trips (ADT) per 1,000 square feet of floor area creating an ADT of 8,507; shopping centers can generate as much as 42 trips per 1,000 square feet or up to an additional 51,043 ADT.

Analysis: At the MAPC meeting held June 19, 2008, the MAPC voted (9-1) to recommend approval of the request for LI zoning without the platting recommendation, but recommended a Protective Overlay with the following provisions:

1. A platting exemption for this parcel has been approved by the Wichita-Sedgwick County Metropolitan Area Planning Department which will allow the development of a single site product testing facility, generally located south and west of the southwest corner of Lot 1, Koch Office Park Addition, more specifically described as:

That part of the Northwest Quarter of Section 35, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as beginning at the southwest corner of Lot 1, Block 1, Koch Office Park, an Addition to Sedgwick County, Kansas; thence North along the west line of said Lot 1, 190.00 feet; thence West with a deflection angle of 90°00’00” to the left, 450.00 feet; thence South with a deflection angle of 90°00’00” to the left, 425.00 feet; thence East with a deflection angle of 90°00’00” to the left, 450.00 feet; thence north with a deflection angle of 90°00’00” to the left, 235.00 feet to the place of beginning.

The product testing facility site shall include structures, parking, and fencing in compliance with a site plan to be approved by the Office of Central Inspection, Wichita, Kansas.

2. The Office of Central Inspection, Wichita, Kansas, agrees to issue a building permit for the product testing facility site subject to the following conditions:
 - a) The proposed building site is not landlocked, i.e., has proper access by way of a public or private road to a city, county, township, or state highway system.
 - b) The proposed building site has access to all utility and telephone services by way of a recorded easement dedicated to the public. The easement serving the property shall not be less than 20 feet in width adjacent to a rear property line or 10 feet in width adjacent to a side property line. The easement shall extend continuously to a service entrance point and exit point for all the utilities and telephone services.
 - c) Provision for sanitary sewer service has been obtained.
 - d) Provision for water services has been obtained.
 - e) All required permits from the State such as, but not limited to, the creation of dams and lakes have been obtained for the site being developed.

- f) The proposed building site, as designated on a plot plan submitted for building permit review, is not located on land subject to flooding as described in Section 7-103 of these Regulations.
 - g) If any portion of the proposed building site lies in a flood hazard area as shown on the Flood Boundary and Floodway Map published by the Federal Emergency Management Agency, or if drainage channels and waterways exist on the site being developed that carry runoff from adjacent property or public roads, the flood hazard area or drainage channel shall be protected by grant of easement, dedication or other similar devise as may be required by the City of Wichita.
 - h) If the proposed building site is located adjacent to a public road right-of-way that does not conform to the requirements of Section 7-201, additional right-of-way shall be granted by dedication or easement as may be required to conform to Section 7-201.
3. Other than the building site for the product testing facility, no other structure requiring a building permit from the Office of Central Inspection, Wichita, Kansas, will be allowed to be constructed on the property subject to this zone change and protective overlay without platting of the entire property subject to this zone change and protective overlay.

The applicant spoke in favor of the application and there was no opposition.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality

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

Recommendation/Actions:

- 1. Adopt the findings of the MAPC, approve the zone change subject to the provisions of Protective Overlay #215 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-thirds majority vote of the City Council on the first hearing.)