

(150004)

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ORDINANCE NO. _____

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. ZON2017-00049

Zone change from SF-5 Single-Family Residential to GC General Commercial subject to the development standards contained in Community Unit Plan DP-346, on property described as:

The East Half of the West Half of the Northwest Quarter of the Northeast Quarter of Section 16, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT the North 50 feet thereof for road; TOGETHER WITH, The West Half of the West Half of the Northwest Quarter of the Northeast Quarter of Section 16, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT the north 50 feet thereof for road.

Said property CONTAINS: 844,208 square feet or 19.38 acres of land, more or less, generally located one-half mile east of Webb Road on the south side of 13th Street North.

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 ____ day of _____, 2017.

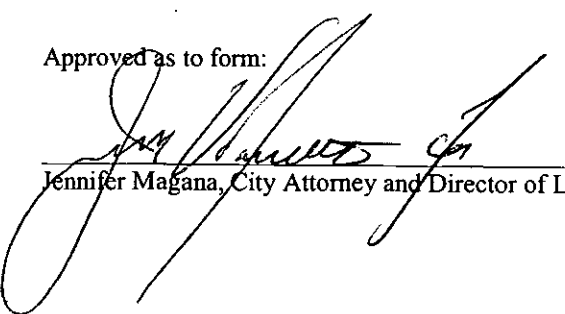
ATTEST:

Karen Sublett, City Clerk

Jeff Longwell, Mayor

(SEAL)

Approved as to form:



Jennifer Magana, City Attorney and Director of Law



AGENDA ITEM NO. 7

STAFF REPORT
MAPC 11-2-2017
DAB II 11-13-2017

CASE NUMBER: ZON2017-00049 and CUP2017-00045

APPLICANT/AGENT: Mark Myers, et al (Mark Myers), owners and unknown Contract Purchaser / MKEC (Brian Lindebak), AGENT

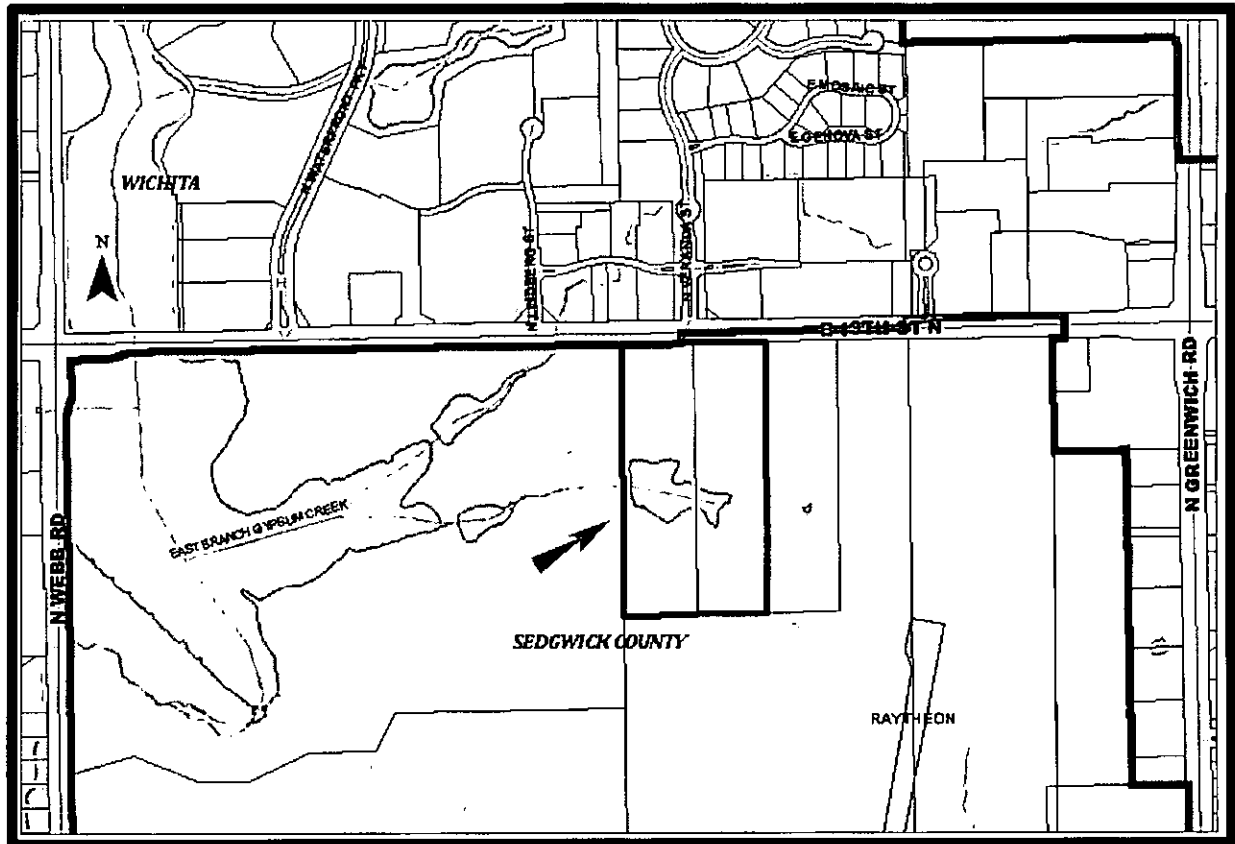
REQUEST: GC General Commercial subject to CUP DP-346

CURRENT ZONING: SF-20 Single-Family Residential

SITE SIZE: 19.38 acres GC General Commercial

LOCATION: South of North 13th Street North, one-half mile east of East Webb Road

PROPOSED USE: Uses permitted in the GC, except for specified prohibited uses



BACKGROUND: When filed, this property was located in the unincorporated portion of Sedgwick County. The applicants have filed a formal “consent for annexation”, along with a platting application for this property. The Wichita City Council will not consider this rezoning and Community Unit Plan application until the annexation has been completed. All of the property on the north side of 13th Street is in the City of Wichita. As of the date of this staff report, the annexation is scheduled for 1st reading by the Wichita City Council on November 21, 2017.

The application area is 19.38 undeveloped acres zoned SF-20 Single-Family Residential (SF-20) located south of East 13th Street between Webb Road and Greenwich Road. The subject property was formerly part of the Beech Aircraft property and was acquired by the applicant/owners in 1992, and adjoins the Beech Aircraft/Raytheon Airport facility (ownership listed as Hawker Beechcraft Corp.).

This application concerns the rezoning of the property from SF-20 Single-Family Residential (SF-20) to GC General Commercial (GC) and the establishment of a Community Unit Plan (CUP) DP-346 for the Myers Commercial CUP. A separate application for the platting of this property is also being considered, to be known as the Myers Commercial Addition. The lot layout, including the reserves, for the Final Plat appears to match the Parcel layout in the CUP.

This land also falls into Zone “A” of the Airport Hazard Zone Map applicable to the Raytheon Airport. The height restrictions for all structures on Zone “A” properties are 25 feet, subject to provisions outlined in the Airport Hazard Zoning Regulations found in Section 28-08 of the Wichita Municipal Code and Sedgwick County Resolution No. 277-1995. The language proposed in the CUP will address the manner in which structures higher than 25 feet will be addressed through the building permit process.

The proposed CUP contains 3 parcels and four reserves. Parcel size ranges from 3.46 acres to 8.210 acres. All parcels are proposed to be zoned GC, and are to permit all uses permitted by-right by the GC zoning district, except for a list of specifically prohibited uses. Some of the prohibited uses proposed by the applicant are: “correctional placement residence, limited and general,” “recreational vehicle campground,” “sexually oriented business,” “pawn shop,” “manufacturing, limited or general,” “auditorium or stadium,” “group residence, limited and general,” “animal care, general,” “recreation and entertainment, outdoor,” “rodeo in the city” and “vehicle storage yard.”

Building height for Parcels 1 through 3 is up to 70 feet, or as approved through the “adjustment process with FAA review” as stated. The maximum building coverage for all three Parcels is proposed to be 35 percent or 247,655 square feet, with a maximum building coverage if 50 percent or 353,796 square feet of gross floor area. The breakdown per parcel is shown on the CUP.

The reserves are to be as determined by the final plat, but are planned to include uses such as drive access, signs, landscaping, irrigation, monuments, and other similar uses.

Access to this property will be via a new road connecting to East 13th Street North. It will be named Veranda Street, which is the street immediately aligning with this property on the north. It has been recommended that this be renamed Veranda Court. If that occurs, the final CUP drawings need to reflect the correct street name.

The proposed CUP has the standard architectural, landscaping, lighting, drainage, cross-lot circulation, and parking language. All buildings within the CUP are to share uniform architectural character, color and similar predominate exterior building materials. Landscaping is to be per the landscape ordinance. Light pole height is limited to a maximum of 27 feet; 15 feet if located within 100 feet of residential zoning. (The *Unified Zoning Code* restricts light pole height to 15 feet when located within 200 feet of residential zoning.)

be reasonably screened from ground level view. Outdoor storage, work areas, mechanical equipment, heating and air conditioning units and dumpsters located within 150 feet of a street require screening. Drainage is being addressed through the platting process. Cross-lot circulation agreements between parcels will be provided. Parking is to be per code unless specified otherwise within the CUP.

Signage is to be per code unless specified otherwise. The applicant has proposed certain limitations such as: no flashing, moving, portable, banner, or pennant signs are permitted; No signs shall be placed within 100 feet of residential zoning; Sign area facing 13th Street is limited to .8 times the frontage; and, one off-site sign is to be permitted along the north line of the CUP.

A significant portion of the properties north of 13th Street between Webb Road and Greenwich Road has seen major development over that past several years. The Waterfront Development contains a mixture of commercial and offices uses and has changed the character of this portion of the City. The Greenwich Office Park development is immediately north of this property on the north side of 13th Street and contains offices and a bank. The Berkley Square Development at the northwest corner of 13th Street and Greenwich is being developed with many car dealerships. The bulk of this property is zoned LI Light Industrial (LI).

The land located south and adjacent to the east is the Raytheon Airport land and is zoned LI Light Industrial. Land to the west of the subject property is the former Beech Park and Open Space. It is zoned LI Light Industrial and is presently owned by 13th and Webb, LLC, from Wichita. All of the land with Raytheon Airport and the land to the west remains in the rural portion of Sedgwick County.

CASE HISTORY: Other than the purchase of this land in 1992, as noted above, there has been no other land use activity on this property.

ADJACENT ZONING AND LAND USE:

- North: LI and GO: commercial and office development
- South: LI: Raytheon Airport
- East: LI: Raytheon Airport
- West: LI: Former Beech Park and Open Space – now owned by 13th and Webb, LLC

PUBLIC SERVICES: According to the City maps, all of the public utilities are in place, but located on the north side of 13th Street. As part of the platting approval, guarantees and arrangements will be made to extend all utilities to this property in conformance with the City of Wichita standards. Beyond the construction of the new internal street, all other improvements required for connection to 13th Street will be addressed within the platting process.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is appropriate for “residential employment mix,” and is located within Wichita’s 2035 urban growth area. The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature.

Community Investments Plan discusses **Location Guidelines** in section 3 of the Future Land Use Policies. In the subsection titled **Development Pattern**, guideline 1.a. states “development should occur where necessary supporting infrastructure and services exist or are planned for extension concurrently with development. Guideline 3.c. states “small, neighborhood-serving retail and offices uses and high-density residential uses not located at arterial intersections should be limited to the intersection of an arterial and a collector street. Guideline 3.e. states “new development areas be separated from existing developed areas by major barriers (such as: highways, railroads, waterways, and airports) or by significant open space or

undeveloped areas should be discouraged unless the scale of the development is sufficient to support the cost of extending infrastructure and services in a manner that supports additional development on surrounding sites.”

In the subsection titled **Land Use Compatibility**, guideline 1.c. states “Residential development should not encroach upon existing or planned heavy industry, airfields, and military installations.”

In the subsection titled **Design**, guideline 1.a. states “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.” Guideline 1.b. states “Ingress/egress locations to non-residential uses generally should not access residential streets unless such access will not negatively impact nearby residential areas, except that industrial traffic should not feed directly into local streets in residential areas.” Guideline 1.g. states “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.”

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 Development Guidelines shall be modified to read in accordance with the attached recommendation.
2. The site shall be developed in substantial conformance with the revised development guidelines and general provisions of the approved CUP.
3. 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: The neighborhood to the north is mostly commercial and office uses. There is an existing residential development in the Waterfront Residential Addition north of the Greenwich Office Park north of 13th Street. All other properties in the area are either vacant, but zoned LI Light Industrial, or developing commercially.
2. The suitability of the subject property for the uses to which it has been restricted: The application area is zoned SF-20 which primarily permits single-family residential uses and a few public and civic uses, such as a church, school or public park, by right. Given the location and activity in the neighborhood noted above, single-family residential development does not seem appropriate.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: With the proposed development standards, approval of the proposed zone change and CUP should have minimal detrimental impact on nearby property.
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 would potentially add commercial and office development to this area, which is generally considered a gain to the public welfare in that it expands the employment and tax base. Denial would presumably represent a loss of economic opportunity to the applicant and/or land owner.

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 (MAPC approval November 19, 2015) indicates the site is appropriate for “residential employment mix,” and is located within Wichita’s 2035 urban growth area. The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature.

As noted above, staff believes this project is in conformance with the adopted Plan.

6. Impact of the proposed development on community facilities: The platting of this property will provide guarantees for needed community facilities to be obtained.

Attachment: Recommended Development Guidelines for DP-346