

(OCA150004 BID 37529-009 CID #76383)

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ORDINANCE NO. 49579

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. ZON2010-00039**

Zone change request from SF-20 Single-family Residential ("SF-20") to IP Industrial Park ("IP"), on property described as:

Skyway West 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas.

Generally located on the southeast corner of 31<sup>st</sup> Street South and 119<sup>th</sup> Street West.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY #247:

1. A building setback of 100 feet shall be provided where the property line abuts residential zoning and the north and west property line.
2. The following uses shall be prohibited: Auditorium or Stadium; Animal Care; Convenience Store; Recycling Processing Center; Restaurants with drive-through or in-car service and with more than 2,000 square feet gross floor area; Tattooing and Body Piercing
3. Preferred access shall be provided by local street/roads intersecting with the arterial streets, with points of access not being located directly across from residential streets and driveways, and with provision of left-turn and right-turn lanes at each point of intersection with the major street network, and with final determination at time of platting.

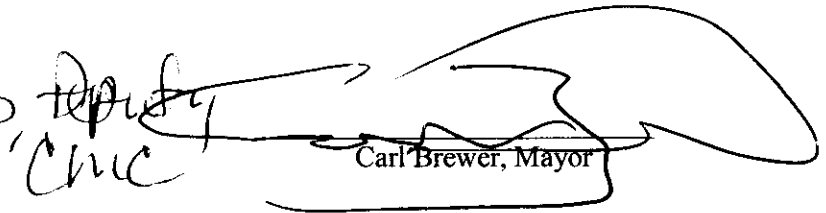
**SECTION 2.** That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

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 24 day of Sept, 2013.

ATTEST:

  
\_\_\_\_\_  
Karen Sublett, City Clerk

  
\_\_\_\_\_  
Carl Brewer, Mayor



APPROVED AS TO FORM:

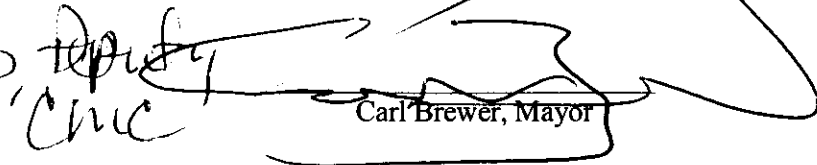
  
\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

**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 24 day of SEPT, 2013.

ATTEST:

  
\_\_\_\_\_  
Karen Sublett, City Clerk

  
\_\_\_\_\_  
Carl Brewer, Mayor



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Gary E. Rebenstorff, Director of Law



AGENDA ITEM NO. 4

## STAFF REPORT

MAPC October 21, 2010

CASE NUMBER: ZON2010-00039

APPLICANT/OWNER: John E. Dugan, Sr. (owner); Robert W. Kaplan (agent)

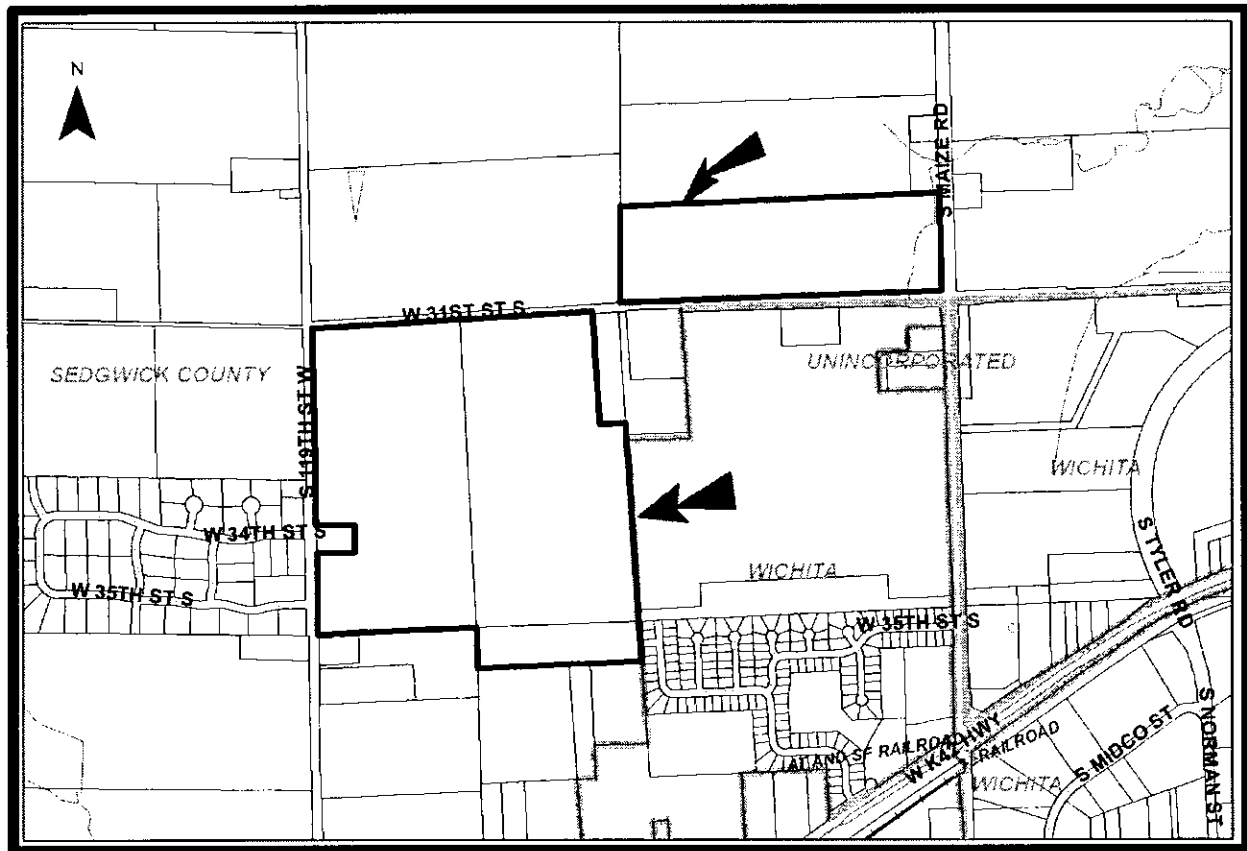
REQUEST: LI Limited Industrial ("LI")

CURRENT ZONING: SF- 20 Single-Family ("SF-20")

SITE SIZE: 216 ± acres

LOCATION: Southeast of 119th Street West and 31st Street South and northwest of South Maize Road and 31st Street South.

PROPOSED USE: Industrial development



**BACKGROUND:** The applicant originally requested LI Limited Industrial (“LI”) zoning on 216 acres located southeast of 119th Street West and 31st Street South and northwest of South Maize Road and 31st Street South. The property consists of the quarter section of land on the southeast corner of 31<sup>st</sup> Street South and 119<sup>th</sup> Street West (154 acres), with one exception tract owned by a property owner on 31<sup>st</sup> Street South and another exception tract owned by a different property owner on 119<sup>th</sup> Street West. The proposed rezoning tract also includes an additional interior tract south of the main quarter section (11 acres). The other tract is located on the northwest corner of 31<sup>st</sup> Street South and Maize Road (52 acres).

The applicant owns 130 acres to the east and south already zoned IP Industrial Park (“IP”) (ZON2005-00018 and ZON2006-00043). The applicant intends to add this 216 ± tract to the 130 acres in order to offer a large-scale shovel-ready industrial park site in reasonable proximity to the Wichita Mid-Continent Airport and K-42.

The IP district would be a better fit for industrial park development in this vicinity. This district encourages industrial/manufacturing uses with higher performance standards and sets higher site development standards. Industrial uses in the IP district include: Freight Terminal; Manufacturing, Limited and General; Research Services; Warehousing; Welding or Machine Shop and Wholesale or Business Services. It also allows some compatible types of commercial and institutional uses, such as Construction Sales and Service; Office, General; Restaurant, and a variety of other commercial and institutional uses.

When compared to the LI district, IP eliminates some of the institutional and commercial uses that could be objectionable to nearby residents. Uses allowed in LI but prohibited in IP are listed below. Conditional uses in LI that are prohibited in IP are denoted with an asterisk.

- (1) Institutional and Civic: Church or Place of Worship; Correctional Facility; Correctional Placement Residence; Day Report Center;\* Golf Course; Hospital; School;\* and Nursing Facility.
- (2) Commercial: Entertainment Establishment in the City; Event Center in the City; Funeral Home; Hotel or Motel; Kennel; Marine Facility; Medical Service; Microbrewery; Night Club; Nurseries and Garden Center; Parking Area, Commercial; Pawnshop; Recreation and Entertainment; Retail; Rodeo in the City; Secondhand Store; Service Station; Sexually Oriented Business; Tavern and Drinking Establishment; Teen Club in the City; Vehicle and Equipment Sales, Outdoor; and Vehicle Repair.
- (3) Industrial, Manufacturing and Extractive: Asphalt or Concrete Plant, Limited,\* Construction Burn Site, Limited, Construction Burn Site, General,\* Gas and/or Fuel Storage and Sales; Mining or Quarrying;\* Oil and Gas Drilling;\* Rock Crushing;\* Solid Waste Incinerator;\* Storage, Outdoor, as a Principal Use; Transfer Station;\* Vehicle Storage Yard; and Wrecking/Salvage Yard.\*
- (4) Agricultural: Agricultural Processing; Agricultural Research; Agricultural Sales and Service; and Grain Storage.

Site development standards in IP are higher for setbacks, storage, screening and signage. Building setbacks in IP are 50 feet for front and street side setbacks, 15 feet for interior and 10

feet for rear setbacks; the only setback requirement in LI is 20 feet for the front setback. Maximum height is 60 feet rather than 80 feet. Outdoor storage is prohibited in the front setback or the required off-street parking or loading spaces, and cannot be visible from adjacent non-elevated streets or ground level view of any adjacent lot.

The land located to the north, northwest and south of the site is zoned SF-20 and is mainly in agricultural use with scattered residential home sites, including two home sites on the exception tracts within this request. A large-lot residential subdivision, Redmond Estates, is located across 119<sup>th</sup> Street West opposite the south half of this tract's 119<sup>th</sup> Street West frontage. Another subdivision, Harvest Ridge, touches the southeast corner of the site. It is a single-family residential subdivision zoned SF-5 Single-Family Residential ("SF-5"). The unincorporated community of Schulte is located to the south of the agricultural land bordering this site. Saint Peter the Apostle Catholic church and school are located in this community. The land directly east is the large tract zoned IP, with two additional homesteads on its edge. North and east of the Maize Road site, the property is zoned SF-20 and SF-5, with four home sites and mostly agricultural use. The property to the southeast is zoned LI. A large part is under development for a FedEx terminal facility and the remainder is vacant. Truck terminals are located on the east and west sides of Maize Road at the junction of K-42. Wichita Mid-Continent Airport is located approximately one mile to the east.

**CASE HISTORY:** The property is unplatted.

**ADJACENT ZONING AND LAND USE:**

|        |              |  |
|--------|--------------|--|
| NORTH: | SF-20, SF-5  | Agricultural, four home sites  |
| SOUTH: | SF-20, SF-5  | Two home sites, agricultural, community of Schulte   |
| EAST:  | IP, SF-5, LI | Vacant IP site, two home sites, single-family residential subdivision, vacant LI, truck terminal |
| WEST:  | SF-20        | Three home sites, single-family residential subdivision  |

**PUBLIC SERVICES:** The property is located along 119<sup>th</sup> Street West, a county paved two lane road with open shoulders classified as a principal arterial. Maize Road is a county paved two lane road, classified as a minor arterial. 31<sup>st</sup> Street North, an unpaved county road, is classified as a local section line road. 119<sup>th</sup> Street West is being widened from one mile north of this site at Pawnee northward to Kellogg to urban standards as a four-lane street with center turn lanes. No plans are shown for widening or paving of 119<sup>th</sup> Street West south of Pawnee or for improvement of 31<sup>st</sup> Street South.

Without details on a specific user for the site, it is difficult to predict traffic volumes or types. If the site were developed with an aviation manufacturing plant, it might generate relatively low volumes of traffic due to relatively low levels of employment, but it could also be the site of a high employment firm with greater traffic generated by employees' vehicles. If the site develops more in line with the terminal uses at K-42 and Maize Road, the number of vehicles would be less, but would consist more of large trucks. Therefore, the general traffic recommendation would be to develop an internal road network for the development where the traffic feeds at certain points to the arterial streets or county road, and to ensure left-turn and right-turn lanes at

these points. Also, the points of access should be oriented away from existing residential streets and drives.

Municipal water and sewer service would need to be extended to the site. Paving of 31<sup>st</sup> Street South would be required prior to its use.

**CONFORMANCE TO PLANS/POLICIES:** The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “urban residential” and within the 2030 urban growth area. Urban development mix comprises predominately urban residential use with concentrations and/or pockets of major institutional uses, local commercial uses and parking and open space uses. Residential Locational Guideline 1 recommends low-density residential uses be separated from adverse surrounding uses such as major industrial uses with appropriate buffering including open space, water bodies, abrupt changes in topography, and landscaping treatments.

In contrast, the property southeast of Maize Road (not included in the application area) is indicated as “employment/industry center,” which is defined as centers or concentrations of employment in industrial manufacturing, service or non-institutional sectors. Land Use-Industrial Strategy IV.A.1 recommends protecting industrial areas “from encroachment or expansion of residential land uses by requiring appropriate buffers for expansion of the residential use when a nuisance situation is likely to be created.” The Industrial Locational Guidelines recommend:

- (1) Industrial areas should be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports and as extensions of existing industrial uses.
- (2) Industrial traffic not feed directly into local streets in residential areas.
- (3) Located away from existing or planned residential areas, and site so as not to generate industrial traffic through less intensive land use areas.

The Unified Zoning Code (“UZC”) would require a 25-foot compatibility setback between nonresidential and residential uses, and screening/buffering next to residential development. The Sedgwick County Access Management Policy would limit the number of access points and regulate the spacing along the arterial streets. The IP zoning provides a greater amount of site development safeguards to buffer the impact of industrial use than the LI district.

**RECOMMENDATION:** This case requires balancing the interests of expanding industrial use from its current edge with its impact on residential development across 119<sup>th</sup> Street North and the home sites nearby. When the previous cases to the east were approved (ZON2005-00018 and ZON2006-00043), these interests were balanced by approving IP zoning subject to a protective overlay. This approach makes sense again. It provides the greater community with a large, shovel-ready industrial site for future employment/center development. The site benefits from close proximity to the Wichita Mid-Continent Airport and relatively good highway access to K-42, a four-lane divided expressway connecting to the interstate and federal highway network. Devoting this land to industrial use moves the edge of urban scale residential use farther from the airport, but does so mindful of limiting the range of uses and incorporating higher site standards to mitigate the impact on the existing residential areas. Based upon these factors and the

information available prior to the public hearings, planning staff recommends that the request be APPROVED for the IP Industrial Park district, subject to platting within one year and subject to a Protective Overlay with the following conditions.

1. A building setback of 100 feet shall be provided where the property line abuts residential zoning and the north and west property line.
2. The following uses shall be prohibited: Auditorium or Stadium; Animal Care; Convenience Store; Recycling Processing Center; Restaurants with drive-through or in-car service and with more than 2,000 square feet gross floor area; Tattooing and Body Piercing
3. Preferred access shall be provided by local street/roads intersecting with the arterial streets, with points of access not being located directly across from residential streets and driveways, and with provision of left-turn and right-turn lanes at each point of intersection with the major street network, and with final determination at time of platting.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The land located to the north, northwest and south of the site is zoned SF-20 and is mainly in agricultural use with scattered residential home sites, including two home sites on the exception tracts within this request. A large-lot residential subdivision, Redmond Estates, is located across 119<sup>th</sup> Street West opposite the south half of this tract's 119<sup>th</sup> Street West frontage. Another subdivision, Harvest Ridge, touches the southeast corner of the site. It is a single-family residential subdivision zoned SF-5 Single-Family Residential ("SF-5"). The unincorporated community of Schulte is located to the south of the agricultural land bordering this site. Saint Peter the Apostle Catholic church and school are located in this community. The land directly east is the large tract zoned IP, with two additional homesteads on its edge. North and east of the Maize Road site, the property is zoned SF-20 and SF-5, with four home sites and mainly agricultural use. The property to the southeast is zoned LI. A large part is under development for a FedEx terminal facility and the remainder is vacant. Truck terminals are located on the east and west sides of Maize Road at the junction of K-42. Wichita Mid-Continent Airport is located approximately one mile to the east.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be used as currently zoned, however, the IP zoning would be suitable as a continuation of the zoning to the east.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site development standards and sign code standards of the IP district and the additional requirements contained in the proposed protective overlay will mitigate anticipated detrimental effects.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The greater community recognizes the need in this county for shovel-ready industrial land in order to attract new businesses. This rezoning, when combined with the tracts to the east, will provide a site large enough to be marketed on a national/international basis.
  
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “urban residential” and within the 2030 urban growth area. Urban development mix comprises predominately urban residential use with concentrations and/or pockets of major institutional uses, local commercial uses and parking and open space uses. Residential Locational Guideline 1 recommends low-density residential uses be separated from adverse surrounding uses such as major industrial uses with appropriate buffering including open space, water bodies, abrupt changes in topography, and landscaping treatments. In contrast, the property southeast of Maize Road (not included in the application area) is indicated as “employment/industry center,” which is defined as centers or concentrations of employment in industrial manufacturing, service or non-institutional sectors. Land Use-Industrial Strategy IV.A.1 recommends protecting industrial areas “from encroachment or expansion of residential land uses by requiring appropriate buffers for expansion of the residential use when a nuisance situation is likely to be created.” The Industrial Locational Guidelines recommend:
  - (1) Industrial areas should be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports and as extensions of existing industrial uses.
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6. Impact of the proposed development on community facilities: If approved, the application will result in an increased demand for public services. However, these service demands can be addressed during the platting process with respect to extension of public sewer, water and road improvements.