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ORDINANCE NO. 47-748

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. ZON 2005-18

Request for Zone change from "SF-20" Single-family Residential District to "IP" Industrial Park Limited District and to PO # 176,

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #176:

1. A building setback of 100 feet shall be provided on the north, south and west property line.
2. The following uses shall be prohibited: auditorium or stadium; animal care, limited and general; convenience store; restaurants with drive-through or in-car service and with more than 2,000 square feet gross floor area; tattooing and body piercing; wireless communication facility;

AND

Case No. ZON 2006-43

Request for Zone change from "SF-20" Single-family Residential District to "IP" Industrial Park Limited District and to PO # 183,

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #183:

1. A building setback of 100 feet shall be provided on the north, east and west property line.
2. The following uses shall be prohibited: auditorium or stadium; animal care, limited and general; convenience store; restaurants with drive-through or in-car service and with more than 2,000 square feet gross floor area; tattooing and body piercing; wireless communication facility;

for property described as:

Lot 1, Block A, and Reserves A and B, Skyway West Addition, Wichita, Sedgwick County, Kansas.

Generally located on the southwest corner of Maize Road and 31st Street South.

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 15 day of January 2008.

ATTEST:

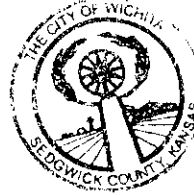


Carl Brewer, Mayor

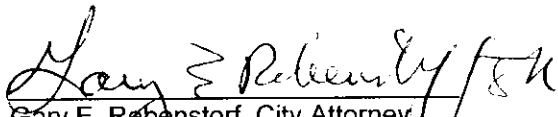


Karen Sublett, City Clerk

(SEAL)



Approved as to form:



Gary E. Rebenstorf, City Attorney

Background: The applicant requests “IP” Industrial Park zoning on a 66-acre unplatted site that is currently zoned “SF-20” Single-family Residential. The application area is located south of 31st Street South on the west side of Maize Road (103rd Street West). The property currently is in agricultural use. The applicant owns the 80 acres located to the south that was recently approved for IP zoning (ZON2005-00018), subject to platting. When that tract is combined with this case’s tract, the applicant will be able to offer a large-scale shovel-ready industrial site in reasonable proximity to the airport and K-42.

West of Maize Road, the land located to the north, east and west of the site is zoned SF-20 and is mainly in agricultural or low-density residential use. The land south of the site has been approved for IP zoning subject to platting. Land further to the south is being developed as Harvest Ridge Addition, zoned “SF-5” Single-family Residential with 165 single-family lots in the first phase and another 245 approved as part of a preliminary plat on the western edge of the site. As of June 30, 2006, 38 homes were completed or under construction. The unincorporated community of Schulte is located to the southwest of Harvest Ridge Addition. St. Peter the Apostle Catholic Church and school is located in this community.

The area east of Maize Road is zoned LI Limited Industrial and is a large industrial area, anchored by the Wichita Mid-Continent Airport and Cessna Aircraft. A freight terminal is located on the northwest and northeast corners of K-42 and Maize Road (103rd Street West) and the remaining land north of K-42 is vacant. The land located south of K-42 area is zoned LI and SF-20 and developed with industrial park types of uses.

The subject tract is over one-half mile west of the area labeled ‘Airfield, Approach Protection (AO)’ of the “Airport Land Use Legend” (Airport Layout Plans for Wichita Mid-Continent Airport, Sheet 16 of 17). The property lies beyond the boundaries of the area identified for acquisition by the Airport. It is within the Airport Airspace Conical Surface with a height limit of 1482.5 feet, which is about 150 feet above the site elevation of 1,340 feet.

The Wichita Airport Authority advisory board has, in the past, indicated a preference against homes, schools and churches near airports and a desire for large industrial tracts ready for development.

When compared to the LI, Limited Industrial district, the IP district eliminates some of the LI institutional and commercial uses that would be objectionable to residents, as well as restricts the industrial/manufacturing uses to those with higher performance standards and site development standards. 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: church or place of worship; convalescent care facility; correctional facility; correctional placement residence; day reporting center*; golf course; hospital; school, elementary, middle and high*; and
- (2) Commercial: funeral home; hotel or motel; kennel; marine facility, recreational; medical service; microbrewery; night club; nurseries and garden center; parking area, commercial; pawn shop; recreation and entertainment; retail, general; secondhand store; service station; sexually oriented business; tavern and drinking establishment; vehicle and equipment sales, outdoor; vehicle repair; and

(3) Industrial: asphalt or concrete plant, general*; gas and fuel storage and sales; landfill*; mining or quarrying*; oil or gas drilling*; rock crushing*; solid waste incinerator*; transfer station*; vehicle storage yard; wrecking/salvage yard*; and

(4) Agricultural: agricultural processing; agricultural research; agricultural sales and service and grain storage.

Site development standards in IP are higher for setbacks, storage and screening. Building setbacks in IP are 50 feet for front and street side setbacks, 15 feet for interior and 10 feet for rear; the only setback requirement in LI is 20 feet for front setbacks. 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 street or ground level view of any adjacent lot.

Analysis: The Metropolitan Area Planning Commission (MAPC) heard the case on November 2, 2006 and voted unanimously to approve the request for IP Industrial Park zoning subject to platting within one year and Protective Overlay #183 with the following conditions:

1. A building setback of 100 feet shall be provided on the north, east and west property lines.
2. The following uses shall be prohibited: auditorium or stadium; animal care, limited and general; convenience store; restaurants with drive-through or in-car service and with more than 2,000 square feet gross floor area; tattooing and body piercing; wireless communication facility.


There were not any neighbors present to speak about the case.

Alternatives:

1. Approve the zone change to IP, subject to platting within one year and the provisions of Protective Overlay #183; adopt the findings of the Metropolitan Area Planning Commission; direct staff to prepare an appropriate resolution after the plat has been approved and authorize the Chairman to sign the resolution, or
2. Return such recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove, or
3. Deny the zone change and override the MAPC recommendation with a 2/3 vote.

Financial Considerations: Not applicable.

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

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