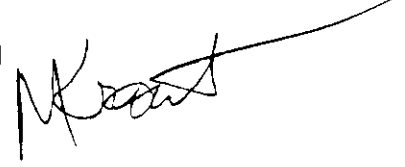


RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

**PROPOSED AGENDA ITEM:** ZON2000-00012 - Zone change from "LC" Limited Commercial and "SF-20" Single-Family Residential to "LI" Limited Industrial on 8.3 acres of property located north of 21<sup>st</sup> Street North and east of Hoover Road.

**PRESENTED BY:** Marvin S. Krout, Director of Planning

**PROPOSED AGENDA DATE:** June 7, 2000



**COMMISSION DISTRICT #3**

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MAPC Recommendation: Approve "LI", subject to platting within 1 year and the conditions of a Protective Overlay (8-1).

Staff Recommendation: Deny "LI" and rezone northern ½ to ¾ of subject property "IP" Industrial Park, subject to platting within 1 year.

Background/Discussion The applicant requests a zone change from "LC" Limited Commercial and "SF-20" Single Family Residential to "LI" Limited Industrial on a 8.3 acre unplatted tract located north of 21<sup>st</sup> Street North and east of Hoover. The south half of the subject property is zoned "LC" Limited Commercial, and the north half of the subject property is zoned "SF-20" Single Family Residential. The applicant proposes to develop the property for industrial and commercial uses.

The surrounding area is characterized by mixed-use suburban residential and commercial/industrial development; agricultural land; and regional recreational facilities. Property to the north is zoned "SF-20" Single Family Residential and is developed with single family residences on large lots. Property to the south is zoned "LC" Limited Commercial and is developed with a self service storage warehouse. Further to the south across Zoo Boulevard is the Sedgwick County Zoo. West of the site is a mixture of commercial/industrial businesses, single family residences, manufactured homes, and agricultural land on property zoned "LI" Limited Industrial, "LC" Limited Commercial, and "SF-20" Single Family Residential. East of the site is agricultural land on property currently zoned "SF-20" Single Family Residential, which was recently approved for "IP" Industrial Park zoning subject to pending platting.

The applicant has offered to develop the site under the additional provisions of a Protective Overlay that would limit the permitted uses and establish a minimum front building setback of 35 feet. In the opinion of planning staff, the Protective Overlay offered by the applicant does not sufficiently protect the interests of neighboring

residential properties and the Sedgwick County Zoo because vehicle sales lots and body shops would still be permitted. Therefore, planning staff is recommending approval of "IP" Industrial Park zoning rather than the requested "LI" Limited Industrial zoning. The purpose of the "IP" Industrial Park zoning district is to accommodate limited commercial services, research and development, administrative facilities, and industrial and manufacturing uses that can meet high development and performance standards. Since the commercial uses (except vehicle sales lots, body shops, and outdoor recreation) requested by the applicant are already permitted in the subject property's "LC" Limited Commercial zoning but are not permitted in the "IP" Industrial Park district, planning staff is recommending approval of "IP" Industrial Park zoning only for the northern ½ to ¾ of the subject property.

Since the subject property is adjacent to the Wichita city limits, it should be annexed and developed under the city landscape requirements. Also, the subject property should be platted in a manner that provides for internal circulation in conjunction with the 20 acre tract located immediately to the east that was recently approved for "IP" Industrial Park zoning.

At the MAPC hearing on May 11, 2000, the MAPC discussed screening for outdoor storage and the applicant's indication that a potential tenant of the site is a body shop. The MAPC voted (8-1) to approve "LI" Limited Industrial zoning subject to platting within one year the following conditions of a Protective Overlay:

1. The following uses permitted in the "LI" Limited Industrial District shall not be permitted on the subject property: funeral home, hotel or motel, kennel (boarding/breeding/training), marine facility (recreational), microbrewery, night club, parking area (commercial), pawnshop, recreation and entertainment (outdoor), tavern and drinking establishment, vehicle and equipment sales (outdoor), asphalt and 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, and agricultural processing.
2. The subject property shall have an increased front building setback of 35 feet.
3. All outdoor storage uses on the subject property shall be screened on all sides by a solid screening wall or fence constructed of standard building materials customarily used for wall and fence construction such as brick, stone, concrete masonry, stucco, concrete, or wood.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the additional recommended provisions of a Protective Overlay District and subject to the condition of platting within one year; adopt the resolution and authorize the Chairman to sign; and

instruct the Planning Department to withhold publication of the resolution until the plat has been recorded with the Register of Deeds; or

2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

Applicants:

Baughman Co PA 315 Ellis c/o Russ Ewy Wichita KS 67211

Nu Line Co Inc c/o Jim Burleson PO Box 75337 Wichita KS 67275

Protestors:

None

( \_\_\_\_\_ ) Published in the Wichita Eagle on \_\_\_\_\_

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 CITY OF WICHITA CODE SEC. 28.04.010.

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 City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

**CASE NO. ZON 2000-00012**

Zone change request from "LC" Limited Commercial and "SF-20" Single-Family Residential to "LI" Limited Industrial District, and to "P-O" Protective Overlay District #72, on property described as:

Burlfeson Addition, Wichita, Sedgwick County, Kansas

Generally located north of 21<sup>st</sup> Street North and east of Hoover.

**SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:**

1. The following uses permitted in the "LI" Limited Industrial District shall not be permitted on the subject property: funeral home, hotel or motel, kennel (boarding/breeding/training), marine facility (recreational), microbrewery, night club, parking area (commercial), pawnshop, recreation and entertainment (outdoor), tavern and drinking establishment, vehicle and equipment sales (outdoor), asphalt and 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, and agricultural processing.
2. The subject property shall have an increased front building setback of 35 feet.
3. All outdoor storage uses on the subject property shall be screened on all sides by a solid screening wall or fence constructed of standard building materials customarily used for wall and fence construction such as brick, stone, concrete masonry, stucco, concrete, or wood.

**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.



# STAFF REPORT

MAPC May 11, 2000

CASE NUMBER: ZON2000-00012

APPLICANT/AGENT: Nu Line Company, Inc. c/o Jim Burleson (Owner/Applicant) and Baughman Company PA c/o Russ Ewy (Agent)

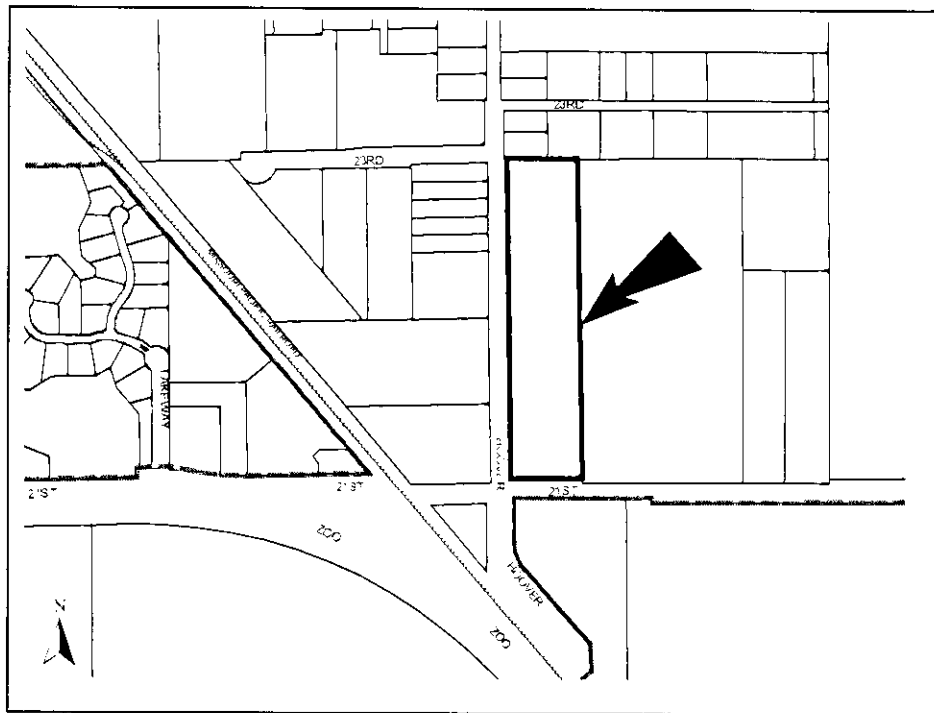
REQUEST: "LI" Limited Industrial

CURRENT ZONING: "LC" Limited Commercial and "SF-20" Single Family Residential

SITE SIZE: 8.3 acres

LOCATION: North of 21<sup>st</sup> Street North and east of Hoover

PROPOSED USE: Develop the property for industrial and commercial uses



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**BACKGROUND:** The applicant requests a zone change from "LC" Limited Commercial and "SF-20" Single Family Residential to "LI" Limited Industrial on a 8.3 acre unplatted tract located north of 21<sup>st</sup> Street North and east of Hoover. The south half of the subject property is zoned "LC" Limited Commercial, and the north half of the subject property is zoned "SF-20" Single Family Residential. The applicant proposes to develop the property for industrial and commercial uses.

The surrounding area is characterized by mixed-use suburban residential and commercial/industrial development; agricultural land; and regional recreational facilities. Property to the north is zoned "SF-20" Single Family Residential and is developed with single family residences on large lots. Property to the south is zoned "LC" Limited Commercial and is developed with a self service storage warehouse. Further to the south across Zoo Boulevard is the Sedgwick County Zoo. West of the site is a mixture of commercial/industrial businesses, single family residences, manufactured homes, and agricultural land on property zoned "LI" Limited Industrial, "LC" Limited Commercial, and "SF-20" Single Family Residential. East of the site is agricultural land on property currently zoned "SF-20" Single Family Residential, which was recently approved for "IP" Industrial Park zoning subject to pending platting.

The applicant has offered to develop the site under the additional provisions of a Protective Overlay (attached) that would limit the permitted uses and establish a minimum front building setback of 35 feet. In the opinion of planning staff, the Protective Overlay offered by the applicant does not sufficiently protect the interests of neighboring residential properties and the Sedgwick County Zoo because vehicle sales lots and body shops would still be permitted. Therefore, planning staff is recommending approval of "IP" Industrial Park zoning rather than the requested "LI" Limited Industrial zoning. The purpose of the "IP" Industrial Park zoning district is to accommodate limited commercial services, research and development, administrative facilities, and industrial and manufacturing uses that can meet high development and performance standards. Since the commercial uses (except vehicle sales lots, body shops, and outdoor recreation) requested by the applicant are already permitted in the subject property's "LC" Limited Commercial zoning but are not permitted in the "IP" Industrial Park district, planning staff is recommending approval of "IP" Industrial Park zoning only for the northern 1/2 to 3/4 of the subject property.

Since the subject property is adjacent to the Wichita city limits, it should be annexed and developed under the city landscape requirements. Also, the subject property should be platted in a manner that provides for internal circulation in conjunction with the 20 acre tract located immediately to the east that was recently approved for "IP" Industrial Park zoning.

**CASE HISTORY:** The site is unplatted. On March 8, 2000, the Board of County Commissioners approved (subject to pending platting) "IP" Industrial Park zoning for a 20 acre tract located immediately east of the subject property.

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**ADJACENT ZONING AND LAND USE:**

NORTH:	"SF-20"	Single Family
SOUTH:	"LC"	Self Service Storage Warehouse
EAST:	"SF-20" ("IP" Pending)	Agriculture
WEST:	"SF-20", "LC" & "LI"	Single Family, Manufactured Home, Agriculture, various commercial/industrial businesses

**PUBLIC SERVICES:** The site has access to Hoover and 21<sup>st</sup> Street North, both of which are paved two-lane arterials. Hoover has current traffic volumes of 1,000 vehicles per day, and 21<sup>st</sup> Street North has current traffic volumes of 1,600 vehicles per day. The 2030 Transportation Plan estimates traffic volumes will increase to 4,600 vehicles per day on both Hoover and 21<sup>st</sup> Street North. The site currently does not have public water or sewer service, so the applicant will need to guarantee the extension of public water and sewer to site as a part of the platting process if the zone change is to be approved. Development of this site without public water and sewer service should be discouraged due to potential negative impacts on ground water in the area, which serves the Sedgwick County Zoo.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The update to the Comprehensive Plan, now in progress, also identifies this area as appropriate for "Low Density Residential" development; however, the update also indicates that a new area approximately ¾ mile north of this site is appropriate for major industrial development in the future. The Industrial Locational Guidelines of the Comprehensive Plan indicate that the factors to be considered when locating industrial uses are: the characteristics of the individual use, the surrounding uses, the zoning district, and the degree to which the specific use would clash with adjacent uses. The uses surrounding this site already exhibit a mixture of commercial/industrial uses with residential uses, indicating a general acceptance of mixed-use development in the area. The zoning district proposed by planning staff ("IP" Industrial Park) supports industrial uses that can meet high development and performance standards. Industrial development that can meet such high development and performance standards is less likely to clash with adjacent residential uses than the "LI" Limited Industrial zoning district requested by the applicant.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request for "LI" Limited Industrial be DENIED, and if the MAPC so chooses, the northern ½ to ¾ of the subject property be rezoned "IP" Industrial Park subject to platting within 1-year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by mixed-use suburban residential and commercial/industrial development; agricultural land; and regional recreational facilities. Property to the north is zoned "SF-20" Single Family Residential and is developed with single family

residences on large lots. Property to the south is zoned "LC" Limited Commercial and is developed with a self service storage warehouse. Further to the south across Zoo Boulevard is the Sedgwick County Zoo. West of the site is a mixture of commercial/industrial businesses, single family residences, manufactured homes, and agricultural land on property zoned "LI" Limited Industrial, "LC" Limited Commercial, and "SF-20" Single Family Residential. East of the site is agricultural land on property currently zoned "SF-20" Single Family Residential, which was recently approved for "IP" Industrial Park zoning subject to pending platting.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial and "SF-20" Single Family Residential. The southern half of the site could be developed with commercial businesses permitted in the "LC" Limited Commercial district upon the extension of public water and sewer service. Due to several factors including limited size, location along an arterial street, and close proximity to recently approved "IP" Industrial Park zoning, it is unlikely that the northern half of the site (that is currently zoned "SF-20" Single Family Residential) will develop with single family residential uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The "IP" Industrial Park zoning district recommended by planning staff accommodates industrial uses that can meet high development and performance standards and is much more likely to limit detrimental impacts on neighboring properties than the "LI" Limited Industrial zoning district requested by the applicant. This is especially important given the close proximity of this site to the Sedgwick County Zoo, which is one of the top tourist attractions in the State of Kansas.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The update to the Comprehensive Plan, now in progress, also identifies this area as appropriate for "Low Density Residential" development; however, the update also indicates that a new area approximately ¾ mile north of this site is appropriate for major industrial development in the future. The Industrial Locational Guidelines of the Comprehensive Plan indicate that the factors to be considered when locating industrial uses are: the characteristics of the individual use, the surrounding uses, the zoning district, and the degree to which the specific use would clash with adjacent uses. The uses surrounding this site already exhibit a mixture of commercial/industrial uses with residential uses, indicating a general acceptance of mixed-use development in the area. The zoning district proposed by planning staff ("IP" Industrial Park) supports industrial uses that can meet high development and performance standards. Industrial development that can meet such high development and performance standards is less likely to clash with adjacent residential uses than the "LI" Limited Industrial zoning district requested by the applicant.

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5. Impact of the proposed development on community facilities: The site currently does not have public water or sewer service, so the applicant will need to guarantee the extension of public water and sewer to site as a part of the platting process if the zone change is to be approved. Development of this site without public water and sewer service should be discouraged due to potential negative impacts on ground water in the area, which serves the Sedgwick County Zoo.

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