

EXCERPT MINUTES OF THE JANUARY 23, 2014 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: ZON2013-00040 (deferred from 1-9-14) – Russell Investments, LC, c/o Jay Russell (applicant/owner) and Baughman Company, PA, c/o Russ Ewy (agent) request a County zone change from SF-20 Single-family residential to LI Limited Industrial on property described as:

The North half of the Southwest Quarter of Section 26, Township 26 South, Range 1 West of the Sixth Principle Meridian, Sedgwick County, Kansas, EXCEPT that part deeded for highway in Deed Book 1383, Page 79.

BACKGROUND: The applicant is requesting LI Limited Industrial zoning on the 75.43-acre, SF-20 Single-Family Residential zoned tract located on the southeast corner of Kansas Highway K-96 and Hoover Road. The subject site has been used as an agricultural field.

This portion of the County's proximity to the Arkansas River (less than a mile east of the site) has resulted in multiple sand extraction operations (current and spent), resulting in sandpit lakes being located throughout the area. Development and zoning in this area where the City and County abut is a mix of residential, agricultural and industrial uses located in close proximity to each other. LI zoned construction and demolition waste landfill, an asphalt/concrete batch plant, a waste transfer station, sand extraction and sandpit lakes are located east of the subject site. SF-20 and SF-5 Single-Family Residential zoned single-family residential development, agricultural fields, sandpit lakes, sand extraction and the private Riverside Airport are located south, west (across Hoover Road) and north (across K-96) of the subject site. The City owned SF-5 zoned solid waste land fill is also located northeast of the site across K-96 highway. Small, undeveloped LC Limited Commercial zoned land is located around the intersections of the areas' arterial roads.

The applicant has not provided a specific use for the site if the LI zoning is approved. However, the 35.88-acre property abutting the east side of the site is zoned LI and has a Conditional Use to allow for the future expansion of an existing construction and demolition waste landfill; ZON2007-00001 and CON2007-00002. The existing construction and demolition waste landfill is the 35.98-acre Cornejo construction and demolition waste landfill; ZON2001-00068/CON2001-00063. An LI zoned solid waste transfer station is also abutting the existing construction and demolition waste landfill. If the site's LI zoning is approved, it is possible that a subsequent Conditional Use request for a construction and demolition waste landfill may follow. The close proximity of (northeast of site, across the K-9) the adjacent City/Brooks solid waste landfill further supports this possibility. There is another 460-acre site located directly north of the site (across K-96) that was approved for a Conditional Use allowing sand extraction; CON2004-00045. Post sand extraction development of CON2004-00045 includes open space, playgrounds and outdoor recreation developed around four lakes. CON2004-00045 also mentions a waste water plant as a possible post sand extraction development, with an amendment to the Conditional Use.

CASE HISTORY: The most recent use of the unplatted property has been as an agricultural field. At the request of the applicant, the MAPC deferred consideration of ZON2013-00040 until their January 23, 2014 meeting.

ADJACENT ZONING AND LAND USE:

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|---------------------|--|
| NORTH: SF-5, SF-20 | Sand extraction, single-family residential, City solid waste landfill |
| SOUTH: SF-20, LC | Sand extraction, single-family residential, Riverside Airport, agricultural fields, sandpit lakes, undeveloped land |
| EAST: LI, SF-20, LC | Construction and demolition waste landfill, sand extraction, waste transfer station, asphalt/concrete batch plant, sandpit lakes, undeveloped land |
| WEST: SF-20, LC, | Single-family residential, sandpit lakes, undeveloped land, agricultural fields |

PUBLIC SERVICES: Hoover Road is a paved two-lane urban collector at this location with 30-foot of half-street right-of-way. Neither Hoover Road nor the site has access onto K-96. Concept plans for a Hoover Road – K-96 interchange have been put together, but access onto K-96 from Hoover has not been approved by K-DOT. All utilities are available at this location.

CONFORMANCE TO PLANS/POLICIES: The “Wichita and Small Cities 2030 Urban Growth Areas Map” depicts this site as being inside of the City of Wichita’s 2030 urban growth area, which means that there is potential for urban development to occur in the near future on land so designated.

The “2030 Wichita Functional Land Use Guide Map” identifies the site as being in the “urban development mix.” The urban development mix category encompasses land that is likely to be developed in the next 30-years with uses predominately found in the “urban residential use” category. However, there is also the likelihood that concentrations or pockets of “major industrial uses,” “local commercial uses” and “park and open space uses” may develop in this area. The urban development mix category is an area waiting for development trends. That the development and zoning in this area where the City and County abut is a mix of residential, agricultural and industrial uses located in close proximity to each other reflects the uncertain nature of the urban development mix. The site’s current SF-20 zoning and the proposed LI zoning and its location are not out of character with the zoning patterns of the area.

The “Industrial Locational Guidelines of the Comprehensive Plan” recommend that industrial uses:

- (1) Should be located in close proximity to support services and provide good access to major arterials, truck routes, belt highways, utility trunk lines, rail spurs, airports and as extensions of existing industrial uses. The site will have direct access to the urban collector Hoover Road. It does not have access to K-96. Concept plans for a Hoover Road – K-96 interchange have been put together, but access onto K-96 from Hoover has not been approved by K-DOT. The proposed LI site does not comply with the industrial locational guidelines for access to a major arterial. To get to K-96, industrial traffic would use the mostly sand and gravel 37th Street North, located a ½-mile south of the site to get to West Street and from there K-96.
- (2) Should not feed directly into local streets in residential areas. Access to the site will not be through any residential areas, but through the urban collector Hoover Road, which also provides access to and from the area’s residential development.
- (3) Should be located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas. The site abuts the (+) 70-acres LI zoned construction and demolition waste landfill on its east side. However, SF-20 zoned

single-family residential development, agricultural lands, the Riverside Airport and undeveloped land are abutting or adjacent to its immediate west and south sides.

The K-96 Corridor Plan supports "...new design review guidelines for land development in highly visible locations in order to protect natural areas and vistas within the corridor..." The site sits below K-96 and has most recently been used for agriculture. The visual impact of the existing landfills in the immediate area, located on both sides of K-96, dominate this portion of the K-96 Corridor.

RECOMMENDATION: Based on the information available prior to the public hearing, planning staff recommends that the request for "LI" Limited Industrial zoning be APPROVED, subject to platting within a year of approval by the governing body and the following provisions of a Protective Overlay:

1. All uses permitted by right in the "LI" zoning district except the following uses: correctional facility; correctional placement residence, limited and general; day reporting center; nightclub in the city/county; sexually oriented business in the city or the county; tavern and drinking establishment; a nightclub, asphalt or concrete plant, limited and general; and grain storage, recycling processing center, landfill, transfer station, sand extraction.
2. Screening shall be per Unified Zoning Code; however, any fences or walls shall be constructed of a consistent pattern and color.
3. A 35-foot setback will run along the perimeter of the site
4. Storage of merchandise shall be allowed outside an enclosed building only in compliance with the general screening standards of the Unified Zoning Code and the following additional standards: no outdoor storage or work areas shall be permitted in any building setback; and; no required off-street parking space or loading area shall be utilized for storage; and; items stored outdoors shall be screened from view from K-96 and Hoover Road and within a distance of 200 feet from any residential uses or residential zoning adjacent to the south line of the property.
5. Roof-mounted equipment and loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, free-standing coolers or refrigeration units, outdoor storage including portable storage containers, outdoor work areas or similar uses shall be screened from ground level view along K-96, Hoover Road and within a distance of 200 feet from any residential uses or residential zoning adjacent to the south line of the property.
6. All signs shall be limited to signs that would be allowed in the "LC" Limited Commercial zoning district.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** This portion of the County's proximity to the Arkansas River (less than a mile east of the site) has resulted in multiple sand extraction operations (current and spent), resulting in sandpit lakes being located throughout the area. Development and zoning in this area where the City and County abut is a mix of residential, agricultural and industrial uses located in close proximity to each other. LI zoned construction and demolition waste landfill, an asphalt/concrete batch plant, a waste transfer station, sand extraction and sandpit lakes are located east of

the subject site. SF-20 and SF-5 Single-Family Residential zoned single-family residential development, agricultural fields, sandpit lakes, sand extraction and the private Riverside Airport are located south, west (across Hoover Road) and north (across K-96) of the subject site. The City owned SF-5 zoned solid waste land fill is also located northeast of the site across K-96 highway. Small, undeveloped LC Limited Commercial zoned land is located around the intersections of the areas' arterial roads.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-20 Single-family Residential and has most recently been used for agriculture, which is a permitted use. The SF-20 zoning district permits by right low density residential development and complementary uses such as schools and churches. However, the site abuts LI zoned properties developed as a construction and demolition landfill that extend east to the Little Arkansas River, making it less desirable as a low density residential development. The requested LI zoning is not out of character with the area and would allow similar uses that are located in the area.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The site's proposed PO with its use restrictions, screening requirements, setback requirements, etc., is proposed to minimize the impact of future non-residential development on the site.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Wichita and Small Cities 2030 Urban Growth Areas Map" depicts this site as being inside of the City of Wichita's 2030 urban growth area, which means that there is potential for urban develop to occur in the near future on land so designated.

The "2030 Wichita Functional Land Use Guide Map" identifies the site as being in the "urban development mix." The urban development mix category encompasses land that is likely to be developed in the next 30-years with uses predominately found in the "urban residential use" category. However there is also the likelihood that concentrations or pockets of "major industrial uses," "local commercial uses" and "park and open space uses" may develop in this area. The urban development mix category is an area waiting for development trends. That the development and zoning in this area where the City and County abut is a mix of residential, agricultural and industrial uses located in close proximity to each other reflects the uncertain nature of the urban development mix. The site's current SF-20 zoning and the proposed LI zoning and its location are not out of character with the zoning patterns of the area.

The proposed LI site does not comply with the industrial locational guidelines for access to a major arterial, as its only access is off of Hoover Road, an urban collector.

5. **Impact of the proposed development on community facilities:** This proposed industrial zoning would create additional heavy vehicle traffic on Hoover Road and throughout the area. Concept plans for access onto K-96 off of Hoover would greatly relieve the area of the traffic coming from the site, but at this point K-DOT has not approved of that access.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

B. JOHNSON moved, **MITCHELL** seconded the motion, and it carried (12-0).
