

**EXCERPT MINUTES OF MAY 18, 2017 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION MEETING**

Case No. PUD2017-00001 County Planned Unit Development #52 to allow an industrial development on property generally located on the south side of Macarthur Rd, approximately 600 feet West of S. Meridian Avenue on property described as:

The East Half of the North Half of the Northeast Quarter of Section 13, Township 28 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT beginning at the northeast corner of said Northeast Quarter; thence south along the east line of said Northeast Quarter, 880.00 feet; thence west parallel with the north line of said Northeast Quarter, 660.00 feet; thence north parallel with the east line of said Northeast Quarter, 880.00 feet to the north line of said Northeast Quarter; thence east along the north line of said Northeast Quarter, 660.00 feet to the point of beginning, subject to road rights-of-way of record as shown in Road Record Book B at Page 3 and in Road Record Book B at Page 6, TOGETHER with the West Half of said Northeast Quarter, subject to road rights-of-way of record.

BACKGROUND: The applicant is requesting a zone change from SF-20 Single-Family Residential (SF-20) to a Planned Unit Development (PUD) for approximately 107-acres generally located at the southwest corner of West MacArthur Street and South Meridian Avenue, in Sedgwick County. The application would establish PUD #52, and create development standards for *Vendor Village*, an industrial and commercial plan envisioned for the property.

The proposed PUD is similar to PUD #43, *Lange West Street Industrial*, located immediately west of the subject property. This PUD was approved in 2014, PUD2014-0002.

The PUD is also similar to PUD #46, *Lang Seneca Street Industrial*, located east of the subject property at the southwest corner of South Seneca Street and West MacArthur Avenue. This PUD was approved in 2015 as application PUD2015-0001.

These two nearby planned unit developments are owned and being developed by the applicant.

The Project Description of the PUD explains that the development is proposed “*to provide adequate industrial acreage to support an existing manufacturing operation on an adjacent site. The PUD seeks to offer a location for the development of industrial facilities for vendors within the close proximity to the primary manufacturing use to the west.*”

The Unified Zoning Code (UZC), defines a Planned Unit Development as a special purpose zoning district that is intended to encourage innovative land planning and design and can be used to reduce or eliminate inflexibility that can sometimes result from strict application of the basic requirements of individual zoning districts; allows greater freedom in selecting the means to provide light, air and open space to projects; allows development to take advantage of special site characteristics or land uses and allows for deviation from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of the zoning code.

The property is presently located in Sedgwick County, abutting the city limits of Wichita. Annexation will required at prior to development.

The *Vendor Village* PUD would allow uses listed in the LI Limited Industrial District (LI). This would include light industrial, warehouse and storage and retail and office uses. More intense industrial uses such as a concrete plant will not be allowed in the PUD, and there is a list of incompatible uses specified in the General Provisions of the PUD standards.

Other key development standards proposed for the PUD, and listed in the General Provisions section on the PUD plan include:

- Total building area is permitted to be 35 percent of the total land area, or 1,404,383 square feet.
- Parking-off-street parking for industrial uses is to be provided at a rate of one space for every 1,000 square feet of building area. Parking requirements for retail and restaurant uses shall be as specified in the Unified Zoning Code (UZC).
- Outdoor storage and trailer parking may be on a gravel surface. All employee and customer parking shall be a paved surface.
- Building setbacks are indicated on each parcel.
- Arterial access is proposed to include four locations on MacArthur Avenue and one location on Meridian Avenue, subject to approval of the City Engineer.
- Screening and landscaping shall meet the provisions of the Landscape Ordinance and the UZC. A 6-foot to 8-foot screen wall is shown on the east and south sides of Parcel 5, abutting the residential area to the south.
- Outdoor storage of merchandise is allowed in compliance with the UZC. No required parking shall be used for storage. Outdoor storage areas may be crushed rock.
- Roof-mounted equipment, loading docks, outdoor storage and work areas shall be screened from residentially zoned property.
- Required building setbacks are indicated on the plan.
- No overhead doors or loading docks are allowed within 200 feet of residential zoning.
- Signage is limited to the sign restrictions of the LC Limited Commercial District (LC).

The PUD site plan includes a new north/south interior road, and an east/west interior road that will connect the property to PUD #43 to the west. A temporary turn-around will have to be provided on this east/west road until such connection is made. These new roads will be full improved public streets constructed to city design standards. The PUD will be required to provide stormwater detention. Development of the PUD will be in several future phases as infrastructure is made available. The property will have to be platted prior to development.

An existing tree line on the south and east side of Parcel 5 will be maintained in Reserve A as a buffer to the adjoining residential areas. The buffer will be supplemented by a 6-foot to 8-foot screening wall.

North of the subject property is vacant agricultural property zoned SF-20, with a QuikTrip at the northwest corner of South Meridian Street and West MacArthur Road, zoned LC. South of the site is an area zoned SF-20, characterized by large lot residential and a single-family subdivision. East of the site is a manufactured home community, zoned MH. West of the subject property is a large vacant agricultural parcel zoned SF-20

CASE HISTORY: The site is currently vacant, and is unplatted.

ADJACENT ZONING AND LAND USE:

North: SF-20 and LC	vacant agricultural and convenience store
South: SF-20	residential subdivision
East: MH	manufactured home community
West: SF-20	vacant agricultural parcel

PUBLIC SERVICES: Public utilities are available to serve the property, but will have to be extended with future road construction to serve the development. Driveways and turn-lanes from South Meridian Street and West MacArthur Road will be reviewed with future subdivision plats.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as new residential. However new employment land use categories are found east and west of the subject property. Inasmuch as the PUD is designed to be compatible with PUD #43 to the west, and PUD #46 to the east creating a larger industrial/employment area, the request is reasonable considering past land-use decisions.

An industrial and commercial development of the property would provide a greater tax base and employment opportunities for this part of the city and county.

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 findings:

This recommendation is based on the following conditions:

1. The PUD shall be developed in compliance with the *Vendor Village Industrial Planned Unit Development #52* plan prepared by Baughman Company, dated May 10, 2017.
2. General Provisions #1 through #18 on the PUD plan shall provide the development and administrative standards for the PUD.
3. Arterial access, curb-cuts and turn lanes shall be reviewed and approved by the City Engineer as part a of the platting process
4. The east/west interior road shall provide a temporary turn-around until such time it is connected to PUD #43 to the west.
5. Stormwater detention shall be provided for all phases of the PUD.

The recommendation is further based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the subject property is vacant agricultural property zoned SF-20, with a QuikTrip at the northwest corner of South Meridian Street and West MacArthur Road, zoned LC. South of the site is an area zoned SF-20, characterized by large lot residential and a single-family subdivision. East of the site is a manufactured home community, zoned MH. West of the subject property is a large vacant agricultural parcel zoned SF-20
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-20, and could be developed as a single family subdivision. However, recent development approvals in this area have been for similar industrial and commercial projects, indicating a trend of development to non-residential uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed PUD would allow for a much broader range of office, commercial and light industrial uses not currently permitted on the site. The PUD provides an open space reserve and screening abutting the residential property to the south and east, as a method of reducing impact on these properties.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Future development of the PUD would help provide an employment and industrial opportunity at this location. Denial of the application would presumably impact the applicant's business plan for creating a larger industrial/employment area in this part of the city and county.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as new residential. However new employment land use categories are found east and west of the subject property. Inasmuch as the PUD is designed to be compatible with PUD #43 to the west, and PUD #46 to the east creating a larger industrial/employment area, the request is reasonable considering past land-use decisions.

An industrial and commercial development of the property would provide a greater tax base and employment opportunities for this part of the city and county.
6. Impact of the proposed development on community facilities: Public utilities are available to serve the property, but will have to be extended with future road construction to serve the development at the developers cost. Driveways and turn-lanes from South Meridian Street and West MacArthur Road will be reviewed with future subdivision plats. Proper phasing and construction of public facilities should not have a negative overall impact on the community.

DAVE CLEMENTS Planning Staff presented the Staff Report.

RUSS EWY said the applicant is looking for a connection with the existing manufacturer use to the southwest. They have been working to develop the facility and it was always the desire to link Seneca and West Street mid mile with an arterial and industrial road system with idea to connect

or link the developments up to West Street. He said this is a large lot industrial manufacturing outdoor storage of process/manufactured material throughout. There is a pad site that could lend itself to a commercial or office function and two smaller sites that could blend into any commercial activity and development. The development seeks to court manufacturing and supportive industrial uses to the manufacturing to the southwest. He said the owner owns this property, the adjacent and the property across the street and is working with the church on mix use development to the north. He said he had a question from a property owner about drainage and has a less of an impact with no natural water feature. What is seen on the plan as a reserve system that acts also as a buffer and matches the existing drainage along the property lines of the development. The outflow would be contained in any ponding necessary on site and the outflow would come to the south and connect carrying on further to the south. He states there were concerns with drainage and how it would affect the area. He adds that the drainage system should not influence or vice versa with any of the development along MacArthur He remarks that they will contain draining on site at the time that he plats the property. This envisions, as did the original PUD to minimize the amount of storm water runoff.

GREENE said he notices the fencing on the south and east property lines and asked if the fence extends east to Meridian Street.

EWY said there is an existing edge of vegetation that is encapsulated in a reserve to maintain that as a screening without having to tear down trees and build a wall.

CHAIR FOSTER asked if the buffer could be up to fifty feet.

EWY said the buffer system on the south and east side of the larger track is 100 feet. They also have a certain distance of reserve, and a collector street that is 70 feet wide. He said coupled with the reserve there is about 150 feet of buffer.

BOB CHRISTENSEN ATTORNEY AT LAW REPRESENTING THE LEIS FAMILY, P.O. BOX 148; MEDICINE LODGE, KANSAS said the Leis family stands in objection to this zoning change. In reference to the developed PUD that lies to the south, the Leis family owns property. If this PUD comes in and looks like PUD 43 it will not be a good situation. The areas that lies directly south of the Leis property for storage container is light development with a rather large pond and according to the neighbors, it is a huge mosquito encashment. If approved by the committee he would suggest that there be buffering to the south what is viewed as parcel number one. They have put in buffering fence along the other residential properties, however the other property line on the east side of parcel one there is no provision for any buffering. He states there is a whole line of residential along MacArthur that needs buffering from this type of development. If approved they ask for a conditional provision that contains some type of buffering. A huge concern is the unknown, that is the east and west access road that will connect to West Street. He said that road would run long the south property line of the Leis family with the concern of traffic flow and development, he asked what buffering the Leis family would have from it. They would like this issue addressed before decided how much further the project goes. The final issue brought up is the drainage issue. He said the drainage comes from a northwest to a southeast direction, crossing parcel 3 and across to what would be the access road. There would be concerns the drainage would

be handled once it reaches the eastern boundary of the Leis family property as it borders parcel 3. Unless there is additional study and solutions proposed the Leis family stand in opposition to the project.

B. JOHNSON asked if the proposed road running from east to west would run on the south side of the Leis property.

CHRISTENSEN said that is unknown.

B. JOHNSON reinstated his question referring to the present drive that comes off West Street and asked if they have the property to the south.

CHRISTENSEN replied yes.

B. JOHNSON commented if it became a street, the Leis family would have access to it and asked if that would not help their property.

CHRISTENSEN said now there is no need for an access; however, it would provide an access to the southern part of the Leis property.

GREENE asked Mr. Christensen when he was discussing the need for fence on the east side of parcel 1 was he meaning to say the west side of parcel 1.

CHRISTENSEN said that is correct.

ELLISON asked what the property to the south side is.

CHRISTENSEN replied that is what's being developed into more or less.

CHAIR FOSTER commented that to the west there is single family 20 zoning and asked if that is the Leis property.

CHRISTENSEN answered yes.

CHAIR FOSTER asked what stretches of the property need screening.

CHRISTENSEN said the Leis family would ask the committee recommend buffering along the residential area.

GENTRY commented that MacArthur east of Meridian turns into a four lane and Meridian itself is a four lane. However going west from that intersection MacArthur and Meridian is a two lane. He would like to know from staff if they know of any plans to make it a four lane eventually.

KNEBEL said that there is no project to do work on MacArthur road but has been identified as something needed in the next twenty years.

EWY said that any drainage that comes into each individual property must be accepted and handled. They cannot build a berm and keep it on their property, adding that property owners must accept it as natural flow into each individual property and account for it. When the field turns into an industrial complex, there will be improvements to the areas i.e. a drainage pond at

some point depending on how the calculations work out. He stated in the same way they cannot flow out more water to the south. He said it is difficult to make the crossing with heavy truck traffic daily this is why they are trying to expand, having the road to keep the truck traffic internal and keeping it off the arterial street as much as possible. As it relates to McArthur and any future developments, he said they are not going to enjoy full development of not only their property but also the mix used development to the north without something happening on the road. Whether or not during the time of platting if they have to do additional improvements to McArthur or if they have to stall development until MacArthur's improves to an urban standard. Those are items that will be worked out with Public Works and Engineering staff. Concerning Mr. Christensen's question regarding screening, they are willing to do screening per code. He said he quickly looked through the PUD and is not in there, but are willing to add the standard provision of screening, landscaping and buffering along the west property line as it adjoins the residential properties.

ELLISON asked how are storage yards zoned.

EWY said at some point the 80 acres was zoned limited industrial and the portable storage units are permitted under the Limited Industrial zoning as well as in the PUD done a few years ago.

ELLISON commented that he does not understand it and does not agree with it.

CHAIR FOSTER said as mention and described by Mr. Christenson he could see a conflict where the west end of the proposed road in the center of the parcels.

EWY said all of the entire future right of way that is under the proposed PUD an the sketch that shows the road ending at the center of the section all of it will feed out to the west into West Street in the applicants property. The applicant would dedicate the land if they wanted to share the street and, as proposed it would be in their property, not seeking any right of way dedication from any other adjoin property owners to the north.

CHAIR FOSTER asked if those are potential for buffering if any connection is made.

EWY responded that the roadway would be.

CHAIR FOSTER said he is concerned because there is SF-20 and some sort of buffering i.e. a reserve and wonders if that could be shifted 15 feet south.

EWY said he does not think that would be problem, and adds that the north line of their pond is only 45 feet for example , every foot counts but when dealing with a couple of hundred acres they would be willing to shift 10 or 15 feet if necessary.

RICHARDSON moves to approve subject to the additional buffering to the west next to the lease property

MOTION: To approve subject to additional screening and landscaping on the west and per staff recommendation

RICHARDSON moved, **WARREN** seconded the motion, and it carried (10-2).
Nays- **ELLISON** and **MILES**

DRAFT