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ORDINANCE NO. 50-539

PO-317

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. ZON2017-00003

City zone change from LC Limited Commercial District to GC General Commercial District described as:

Lots 7 and 9 in Parkwilde Addition, Wichita, Sedgwick County, Kansas

Subject to the following Protective Overlay:

1. Uses shall be limited to those allowed by right in the GC zoning district, EXCEPT: Nightclubs in the City, Entertainment Establishments, Correctional Facilities, Correctional Placement Residence, Animal Care, General; Kennels, RV Campground, Sexual Oriented Businesses, and Tavern or Drinking Establishments, car wash, service station, vehicle repair, general and any industrial, manufacturing, general or extractive use listed in the Use Regulations of Section III-D
2. No outdoor storage is permitted.
3. All parking lot lights shall be shielded and directed downward.
4. Signage shall be per the sign code for the LC, Limited Commercial zoning district.
5. Buildings shall be constructed using earth tone colors.
6. Landscape and screening shall be per the landscape ordinance.
7. Maximum building height is 35 feet.
8. Maximum building coverage shall be no more than 35 percent.

Manufacturing, Limited shall be regulated by the following additional restrictions:

1. The gross Floor Area of any building housing a Limited Manufacturing Use shall not exceed one square foot of floor Area to three square feet of lot Area.
2. The minimum Setback of any building from the north and west property lines shall be 30 feet.
3. No outside storage shall be permitted.
4. The maximum number of employees with a limited manufacturing use on any one shift shall not exceed 15.
5. No welding or machine shop use shall be permitted unless the entire frontage of the ground floor along the principal street frontage is used for office space, display or wholesale or retail

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.

ATTEST:

Karen Sublett
Karen Sublett, City Clerk



for *Janet H. Miller*
Jeff Longwell, Mayor

Approved as to form:

Jennifer Magaña, City Attorney and Director of Law

Jennifer Magaña



AGENDA ITEM NO. 4

STAFF REPORT
DAB VI April 19, 2017
MAPC April 20, 2017

CASE NUMBER: ZON2017-00003

APPLICANT/AGENT: Madeline Bannon Trust (applicants), Kaw Valley Engineering, Tim Austin (agent)

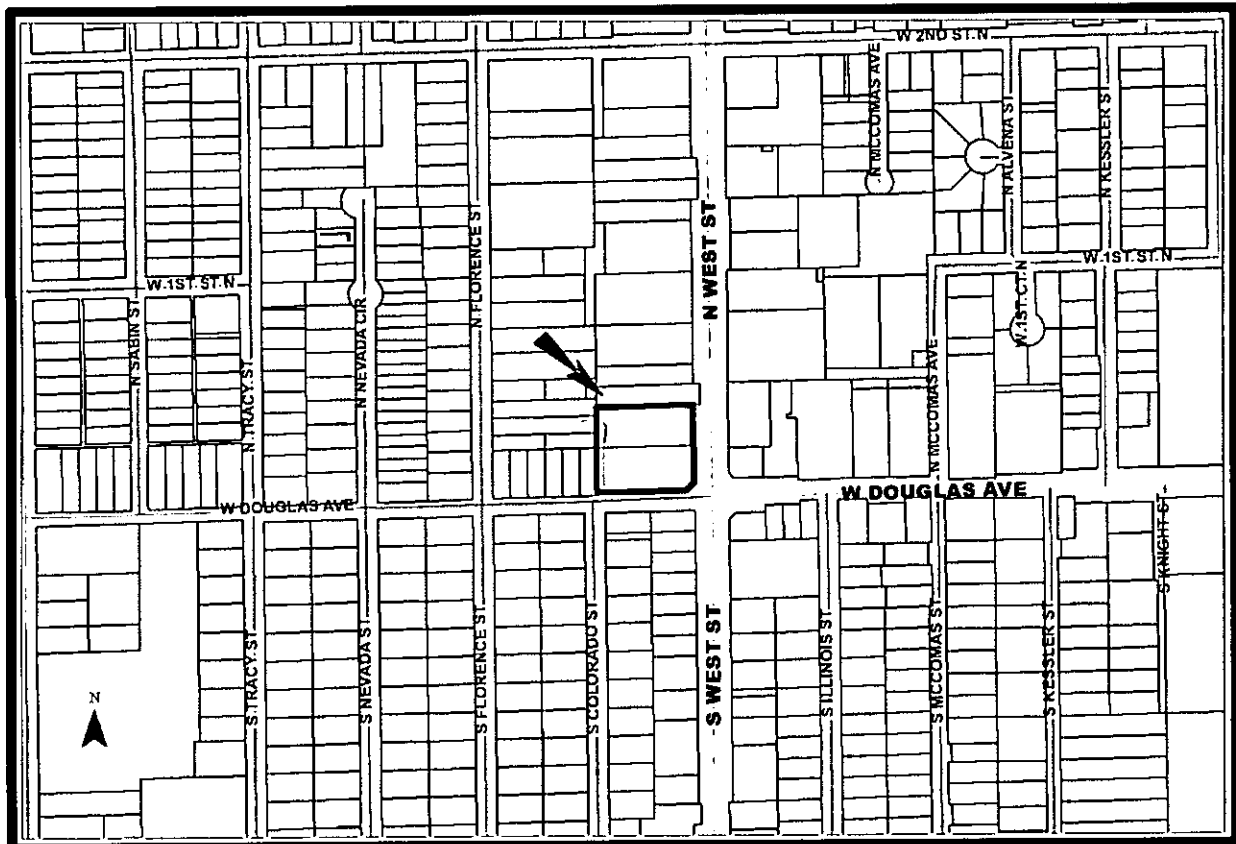
REQUEST: GC General Commercial District

CURRENT ZONING: LC Limited Commercial District

SITE SIZE: 1.6-acres

LOCATION: Northwest corner of West Douglas Street and South West Street
(4000 W. Douglas)

PROPOSED USE: Office/Warehouse Facility



BACKGROUND: The applicant is requesting a rezoning from Limited Commercial (LC) zoning to General Commercial (GC). The property is a vacant site 1.6-acre site located at 4000 West Douglas Avenue, the northwest corner of West Douglas Avenue and South West Street.

This application is being considered with a related vacation application, VAC2017-00010. This application is for the vacation of a sanitary sewer easement located approximately in the center of the property. Vacating this easement will facilitate future development of the site.

The applicant is anticipating that the site will be developed with an office/warehouse storage facility. A similar development is located at 2333 South West Street. The GC zoning district would permit a project similar in design and scale as this existing development. There is similar GC zoning approximately 500 feet east of the subject property.

A Protective Overlay (PO) has been submitted by the applicant as an approach to provide the most desirable GC development. This overlay would prohibit certain uses that would not be appropriate at the property, prohibits outdoor storage and adds restrictions on lighting and building design. The suggested language of the PO is listed below:

1. Uses shall be limited to those allowed by right in the GC zoning district, EXCEPT: Nightclubs in the City, Entertainment Establishments, Correctional Facilities, Correctional Placement Residence, Animal Care, General; Kennels, RV Campground, Sexual Oriented Businesses, and Tavern or Drinking Establishments, car wash, service station, vehicle repair, general and any industrial, manufacturing, general or extractive use listed in the Use Regulations of Section III-D
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5. Buildings shall be constructed using earth tone colors.
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7. Maximum building height is 35 feet.
8. Maximum building coverage shall be no more than 35 percent.

Manufacturing, Limited shall be regulated by the following additional restrictions:

1. The gross Floor Area of any building housing a Limited Manufacturing Use shall not exceed one square foot of floor Area to three square feet of lot Area.
2. The minimum Setback of any building from the north and west property lines shall be 30 feet.
3. No outside storage shall be permitted.
4. The maximum number of employees with a limited manufacturing use on any one shift shall not exceed 15.
5. No welding or machine shop use shall be permitted unless the entire frontage of the ground floor along the principal street frontage is used for office space, display or wholesale or retail

The properties located north and west of the property are zoned B Multi-family (B) and SF-5 Single-Family Residential (SF-5) and are improved with single-family homes. East of the site is an area zoned LC Limited Commercial (LC) with an existing automotive sales use. South of the site is an area zoned LC and B and development with an automotive retail store. There is GC zoning approximately 500 feet east of the site along West Douglas Avenue.

CASE HISTORY: The property is platted as Lots 7 and 9 in Parkwilde Addition. Lot 7 to the north has always been vacant, Lot 9 is presently vacant, and was once developed with a small retail building.

ADJACENT ZONING AND LAND USE:

North:	B	single-family residential
South:	LC, B	automotive retail
East:	LC	automotive sales
West:	SF-5	single family residential

PUBLIC SERVICES: West Douglas Avenue and South West Street are fully improved commercial arterial streets. The site is served by all municipal and private utilities and services.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as residential on the north half of the property, and commercial for the south portion of the site. The site is in the Established Central Area (ECA), where infill development and higher density is encouraged. A commercial development of the site would provide greater tax base and employment opportunities.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends approval of the request. This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The properties located north and west of the property are zoned B Multi-family (B) and SF-5 Single-Family Residential (SF-5) and are improved with single-family homes. East of the site is an area zoned LC Limited Commercial (LC) with an existing automotive sales use. South of the site is an area zoned LC and B and development with an automotive retail store. There is similar GC zoning approximately 500 feet east of the site along West Douglas Avenue.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is suited for development with the LC zoning district. However, the proposed GC district would allow a greater variety of permitted uses, and would permit the development of a low intensity office/warehouse facility.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed GC zoning would have no more significant impact than development with the existing LC zoning. The proposed Protective Overlay will provide restrictions on the site that will help prevent any adverse impact on nearby property.
4. **Length of time the property has been vacant as currently zoned:** Lot 7 has always been a vacant property. Lot 9, at the corner of West Douglas Avenue and South West Street is presently vacant, and had previously been developed with a small retail building.
6. **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 residential on the north half of the property, and commercial for the south portion of the site. The site is in the Established Central Area (ECA), where infill development and higher density is encouraged. A commercial development of the site would provide an

increased tax base and employment opportunities.

7. Impact of the proposed development on community facilities: Development of the property would not have any impact on community facilities or resources. All public improvements are available to serve the property.

Staff Report Attachments:

1. Zoning Exhibit