OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON October 19, 2018

ORDINANCE NO. 50-872

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. ZON2018-00031**

City zone change from SF-5 Single-Family Residential District to GC General Commercial District described as:

Lot 16, except the west 366 feet, and except the north 198.06 feet, and except that part taken for street on the south, Interurban Place Addition, Wichita, Sedgwick County, Kansas.

Subject to the following Protective Overlay (**PO-332**):

1. Uses shall be limited to those allowed by right in the TF-3 zoning district, and a machine shop and manufacturing business and associated offices, EXCEPT the following uses shall be prohibited: Day Care, Limited; Recycling Collection Station, Private; or Asphalt or Concrete Plant, Limited.
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. Landscape and screening shall be per the Unified Zoning Code and landscape ordinance.
6. Maximum building height is 35 feet.
7. Maximum building coverage shall be no more than 35 percent.
8. Contingent dedication of additional right-of-way for 53rd Street North as specified by Public Works prior to the publication of the ordinance implementing the zone change.

**Manufacturing, Limited and machine shop 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. The maximum number of employees with a limited manufacturing use on any one shift shall not exceed 15.
4. No machine shop use shall be permitted unless the entire frontage of the ground floor along the street frontage of 53rd Street North is used for office space, display or wholesale or retail; or complies with the restrictions found in Section III-D.6.n. in the Supplementary Use Regulations, and amendments thereto unless the Board of Zoning Appeals grants a variance as requested in BZA2018-00050.

**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 16 day of October, 2018.

Jeff Longwell, Mayor

**ATTEST:**

Karen Sublett, City Clerk

(SEAL)

Approved as to form:
Jennifer Magaña, City Attorney and Director of Law

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

# STAFF REPORT

MAPC September 6, 2018
DAB VI September 10, 2018

A: 14-0

**CASE NUMBER:** ZON2018-00031

**APPLICANT/AGENT:** Stanley Blankenship (Owner)

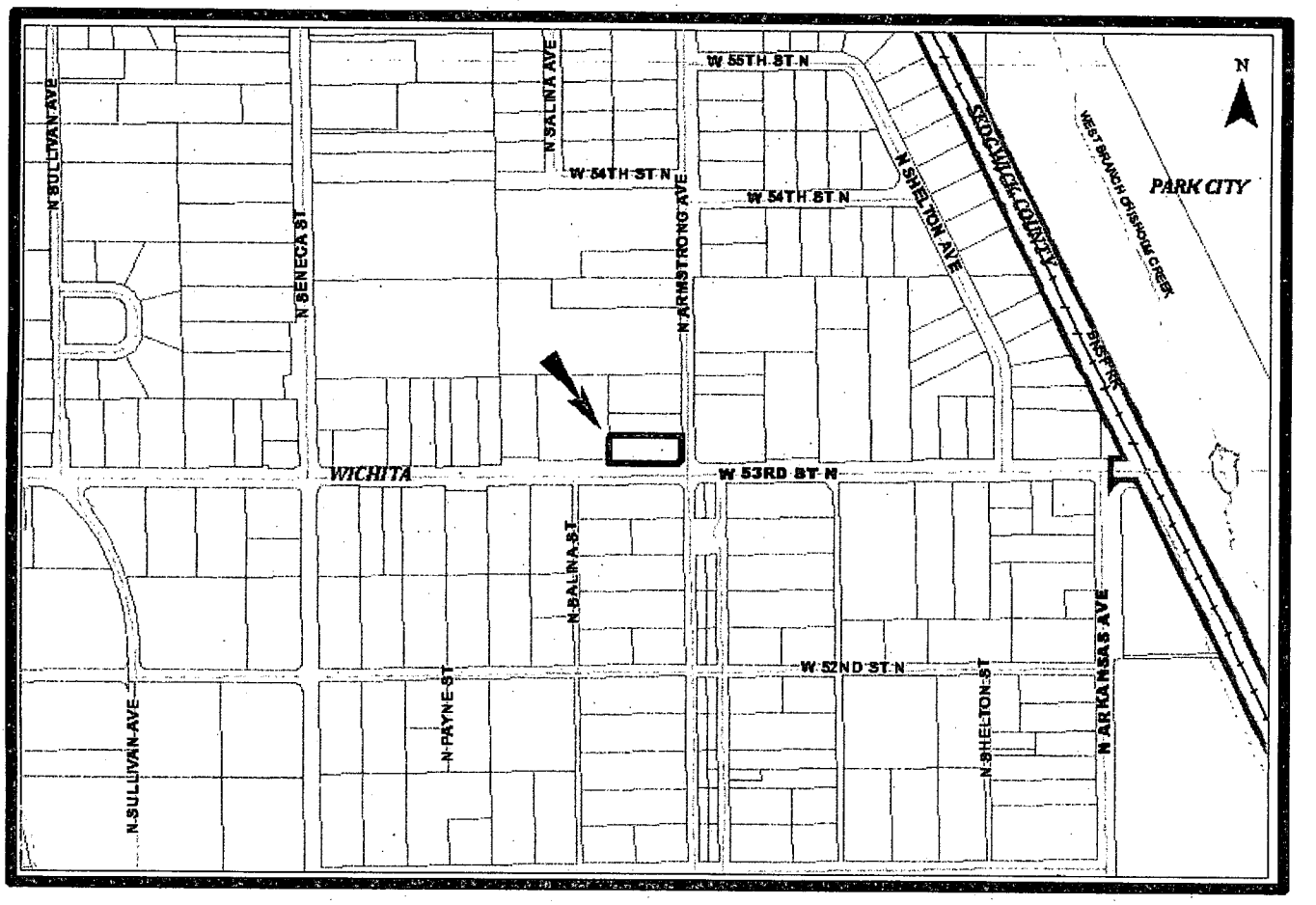
**REQUEST:** GC General Commercial

**CURRENT ZONING:** SF-5 Single Family Residential

**SITE SIZE:** 0.53 acres

**LOCATION:** Located on the northwest corner of 52nd Street North and North Armstrong Avenue (5401 North Armstrong Avenue)

**PROPOSED USE:** Allow expansion of a machine shop



**BACKGROUND:** The applicant/owner operates an existing machine shop on the property to the west of the subject site and has recently acquired this lot to expand the business. The intent is to rezone this property to GC General Commercial (GC), which is the same zoning of the existing business property, and obtain a variance (BZA2018-00050) in order to construct a new building similar in appearance but which will not have the street frontage devoted to an office, display or sales area as required by the Unified Zoning Code. The existing business to the west received a variance in 2004 for the same condition when the expansion occurred at that time.

The 0.53-acre property is presently zoned SF-5 Single Family Residential (SF-5). The zone change to GC General Commercial (GC) and variance are requested for the reasons stated above. The applicant was advised prior to submission of this application that additional right-of-way would be required along 53rd Street North on the subject property in order to conform to the requirements of the City of Wichita and to align with the street right-of-way on the property to the west.

Except for the machine shop to the west, the surrounding neighborhood is mostly single-family residential uses and zoned SF-5 Single-Family Residential (SF-5). There are also some properties zoned LC Limited Commercial (LC) and GC General Commercial on the south side of 53rd Street North further to the west, and some LC Limited Commercial zoning at the intersection of Seneca Street and 53rd Street North to the west.

There is a church to the east of Armstrong Avenue on the north side of 53rd Street North.

**CASE HISTORY:** The subject property is Lot 16 in the Interurban Addition, which was platted and recorded in 1921. There has been no other zoning activity on the subject property. As noted above, past actions have occurred on the owner's property to the west.

**ADJACENT ZONING AND LAND USE:**

| | | |
|---|---|---|
| NORTH: | SF-5 | residential |
| SOUTH: | SF-5 | residential |
| EAST: | SF-5 | residential |
| WEST: | GC | commercial machine shop |

**PUBLIC SERVICES:** 53rd Street North is a paved street with curbs and gutters. As noted above, additional right-of-way needs to be dedicated along 53rd Street North. Armstrong Avenue is paved, but there are no curbs or gutters. Whether additional improvements will be needed on Armstrong Avenue will depend upon the design for the new building. This matter will be addressed through the building permitting process. The site is served by municipal water, but there is no public sanitary sewer service to the area. All other private utilities and services are available.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is considered for residential uses, but adjacent to commercial use. It is presumed the designation is more to reflect existing uses at the time of the Plan preparation. Supporting the expansion of 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, subject to the creation of Protective Overlay #332 a follows:

**Protective Overlay:**

1. Uses shall be limited to those allowed by right in the TF-3 zoning district, and a machine shop and manufacturing business and associated offices, EXCEPT the following uses shall be prohibited: Day Care, Limited; Recycling Collection Station, Private; or Asphalt or Concrete Plant, Limited.
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. Landscape and screening shall be per the Unified Zoning Code and landscape ordinance.
6. Maximum building height is 35 feet.
7. Maximum building coverage shall be no more than 35 percent.
8. Contingent dedication of additional right-of-way for 53rd Street North as specified by Public Works prior to the publication of the ordinance implementing the zone change.

**Manufacturing, Limited and machine shop 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. The maximum number of employees with a limited manufacturing use on any one shift shall not exceed 15.
4. No machine shop use shall be permitted unless the entire frontage of the ground floor along the street frontage of 53rd Street North is used for office space, display or wholesale or retail; or complies with the restrictions found in Section III-D.6.n. in the Supplementary Use Regulations, and amendments thereto unless the Board of Zoning Appeals grants a variance as requested in BZA2018-00050.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding neighborhood is mostly single-family residential uses and zoned SF-5 Single-Family Residential (SF-5). There are also some properties zoned LC Limited Commercial (LC) and GC General Commercial on the south side of 53rd Street North further to the west, and some LC Limited Commercial zoning at the intersection of Seneca Street and 53rd Street North to the west.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property has been cleared and does not appear to be appropriate for redevelopment residentially.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed GC zoning with the proposed Protective Overlay will provide restrictions on the site that will help mitigate adverse impact on nearby property.

4. Length of time the property has been vacant as currently zoned: The property has been underutilized for years and was acquired from the estate of the former owner.

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 area in which the site is considered for residential uses, but adjacent to commercial use. It is presumed the designation is more to reflect existing uses at the time of the Plan preparation. Supporting the expansion of commercial development of the site would provide greater tax base and employment opportunities.

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

Staff Report Attachments:

1. Supporting Documents

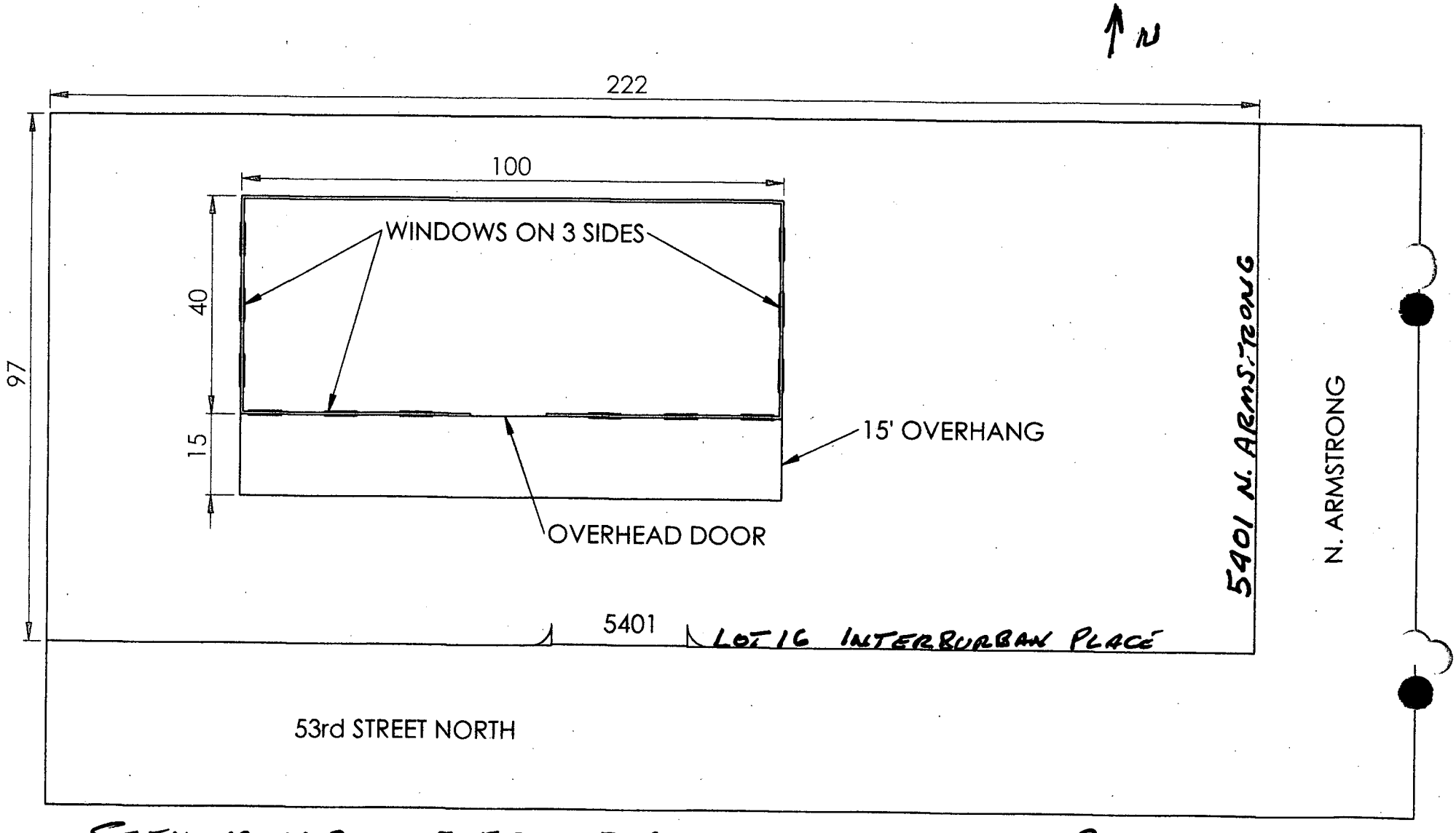
# VARIANCE REQUEST – 5401 NORTH ARMSTRONG

The plan for developing the subject property includes putting a commercial building on the property that would match the building to the west (photo attached).

The proposed building (diagram attached) would include a 15 ft overhang on the south side of the building and windows the size and shape of the other two buildings.

While the windows are not exactly to the zoning code, they make for an attractive appearance and more important, they are functionally useful for the activity within the building and in fact are probably more crime proof than windows that would strictly meet the zoning code.

The other two buildings are owned by the applicant and were built after receiving a zoning variance. There has not been any adverse effect from the buildings and none expected from a new building.




SEEKING VARIANCE FROM D.6.N

STAN BLANKENSHIP
619-3457

ALL DIMENSIONS IN FEET.