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OCA 150004

ORDINANCE NO. 51-038

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. ZON2018-00053

City zone change from B Multiple-Family Residential to GC General Commercial District property described as:

Lots 21 and 23 along Washington Ave. of the Wollmans Addition to Wichita, Sedgwick County, Kansas; and,

Lots 22 and 24 along Ida Ave. of the Wollmans Addition to Wichita, Sedgwick County, Kansas; and,

Reserves A and B of Block 1 of the Chilton's 600 S Washington Addition, Wichita, Sedgwick County, Kansas; and,

A portion of Lots 49, 51, 53, 54, 56, platted alley and Orme Street, Wollman's Addition to Wichita, Kansas, more particularly described as follows:

Beginning at the Northeast Corner of Reserve "B" of Chilton's 600 South Washington Addition, Wichita, Sedgwick County, Kansas; thence on an assumed bearing of N ON AN ASSUMED BEARING OF N 00°46'32" W on the prolongated east line of said Chilton's South Washington Addition, 66.06 feet; thence parallel to the north line of Lot 2 of said Chilton's 600 South Washington Addition, S 88°48'10" W 159.99 feet; thence S 00°51'25" E 60.50 feet; thence parallel to said Lot 2, S 88°38'08" W 124.87 feet; thence S 00°43'29" E 55.59 feet to a point on the north line of said Lot 2; thence on the north line of said Lot 2, N 88°38'08" E 135.00 feet; thence on an easterly line of said Lot 2, N 00°51'25" W 50.00 feet to a north corner of said Lot 2; thence on the north line of said Lot 2, N 88°48'10" E 149.89 feet (149.87 feet platted) to the point of beginning.

Subject to the following Protective Overlay (**PO #338**):

1. The applicant shall designate a landscape buffer along Ida Avenue and comply with the Landscape Ordinance of the City of Wichita.

2. The applicant shall dedicate complete access control along South Ida Avenue by separate instrument, with original signatures, abutting Lots 22, 24, 54 and 56, Morton Wollman's Addition and the described portion of the requested vacation of East Orme Street right-of-way with the exception of one controlled, emergency access opening for the existing drive located at the intersection of Ida Avenue and Kellogg Drive. The gate

shall remain closed and locked at all times, and the drive shall be used only in the case of emergency by the Fire Department for additional access to the property. Design of the locked gate for the described emergency access drive shall be approved by the Planning Director and the Fire Marshall and shall be installed within 90 days of the approval of ZON2018-00053.

3. No business signs, off-site advertising signs, or portable signs shall be permitted on the property along Ida Avenue.

4. Security lighting shall be limited to light fixtures on light poles not exceeding 14 feet in height. All such lighting shall have timers with cut-off switches. All light fixtures shall be shielded and designed to direct light away from adjacent residential properties.

5. No sound projecting devices or loudspeakers shall be used on-site.

6. The applicant shall provide screening on the east side of the area in conformance with the screening requirements of the Section IV-B(e) of the Wichita-Sedgwick County Unified Zoning Code. This will require a solid fence or the use of plant materials sufficient to provide a solid screen. Any deviation of the UZC standard shall be granted only through an application for a variance submitted to the Board of Zoning Appeals and shall only be permitted if the variance is approved by said Board. Further, no materials stored on-site shall be stacked higher than the height of the screening provided.

7. The applicant shall submit a landscape plan for approval to the Director of Planning.

8. A revised site plan detailing all of the above requirements shall be submitted in support of this application prior to submission of the case to the governing body.

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 14th day of May, 2019.

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 March 21, 2019
DAB 1 April 1, 2019

CASE NUMBER: ZON2018-00053

APPLICANT/AGENT: TAP of Kansas Holdings, LLC. – Donald Patry (Owner)/Kaw Valley Engineering, Inc. – Levi Bond (Agent)

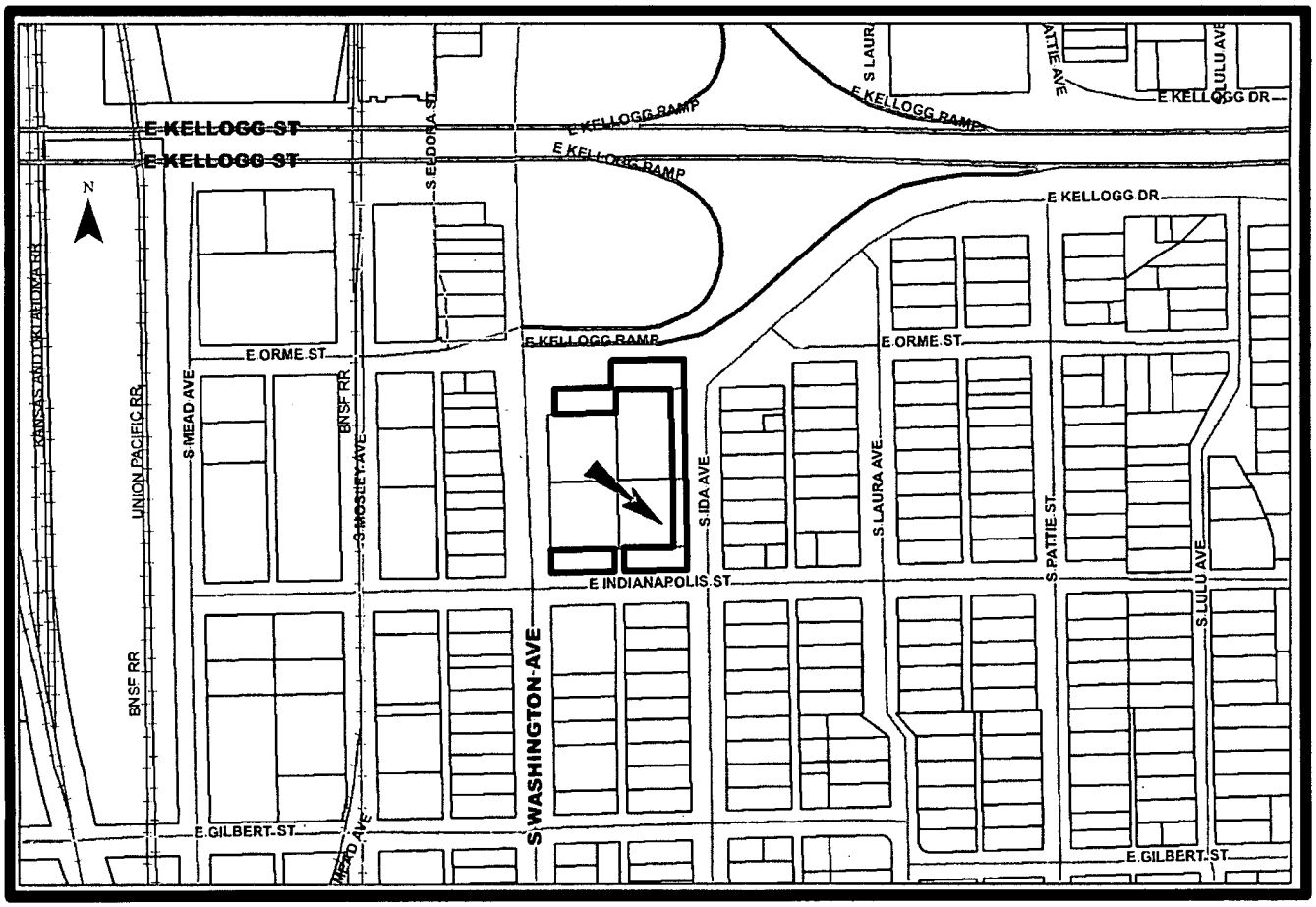
REQUEST: GC General Commercial

CURRENT ZONING: B Multiple-Family Residential

SITE SIZE: .98 acres

LOCATION: Located on the east of South Washington Avenue, north of East Indianapolis Street, and west of South Ida Avenue (620 South Washington Avenue)

PROPOSED USE: Automotive Repair and body shop (Vehicle Repair, General)



BACKGROUND: The applicant is requesting the rezoning of a portion of the property owned on the east side of South Washington Avenue between Kellogg and east Indianapolis Street. The applicant's total property area is in two subdivisions: the Chilton's 600 South Washington Addition, which was recorded with the Register of Deeds on July 31, 1990, and created two lots and two Reserves for landscaping purposes on the west side of Ida Avenue; and the remnant of Morton Wollman's Addition, what was recorded with the Register of Deeds on June 13, 1885. The applicant owns all of the property in the Chilton's 600 South Washington Avenue Addition, and owns Lots 21 and 23 and part of Lots 49, 51 and 53, Washington Avenue, and Lots 22 and 24 and part of Lots 54 and 56, Ida Avenue, in Morton Wollman's Addition, and a portion of Orme Street right-of-way. The ownership of the part of Lots 49, 51 and 53, Washington Avenue, Lots 54 and 56, Ida Avenue, and the portion of the Orme Street right-of-way were recently acquired from the City of Wichita and were amended into this case. The applicant also has a vacation case being processed at this time for the same property (Case No. VAC2018-00037).

In this case, the applicant is requesting the rezoning from B Multiple-Family Residential to GC General Commercial of the following:

1. The platted Reserve A and Reserve B of Chilton's 600 South Washington Avenue Addition, which are reserved for landscape purposes in the plat.

2. Lots 21 and 23 and part of Lots 49, 51 and 53, Washington Avenue, and Lots 22 and 24 and part of Lots 54 and 56, Ida Avenue, in Morton Wollman's Addition, and a portion of Orme Street right-of-way.

The intent of these requests are to accommodate further redevelopment of the entire subject property. The issue of additional access to Ida Avenue requested in the vacation petitions has been denied, with a restricted access at the north end of the property as explained in the recommendation below.

The property on the southwest corner of Ida Avenue and Indianapolis Street, which is presently zoned GC General Commercial, was rezoned from B Multiple-Family Residential to GC General Commercial on October 20, 1998, (Case No. Z-3292) but with a Protective Overlay (PO-43) which, among other requirements, established a 30-foot landscape reserve along Ida Avenue with higher landscaping requirements to mitigate and soften impacts to the single-family residential development to the east across Ida Avenue for the redevelopment of that property. Staff believes the same general restrictions outlined in that Protective Overlay are reasonable to be maintained on this property adjacent to Ida Avenue, along with the recommendations from the Vacation case. The recommendation given below outlines that proposed language.

The surrounding neighborhood is a mixture of uses. The property to the east on the east side of Ida Avenue is zoned B Multiple-Family Residential and occupied with single-family residences in good condition. The property to the west on the west side of Washington Avenue are zoned GC General Commercial and used commercially. As noted above, the property to the south is zoned GC and used commercially. The property to the north is unzoned and is the interchange for US Highway 54/400 and Washington Avenue.

CASE HISTORY: The overall property owned by the applicant has many previous.

ADJACENT ZONING AND LAND USE:

NORTH:	B	residential
SOUTH:	LC	commercial
EAST:	LC	commercial
WEST:	GC	commercial

traffic control improvements and appropriate drainage infrastructure. Ida Avenue is a two-lane residential street with curbs and gutters. All municipal utilities are provided to the site.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is located as appropriate for industrial uses. The site is within the Established Central Area (ECA), and is adjacent to the South Central Neighborhood Plan. The established land uses along the Washington Avenue corridor is predominately commercial. The conversion of this land to higher commercial uses is recognized as an appropriate redevelopment in this area given the requirements of the Unified Zoning Code for screening and buffering to the residential uses.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends APPROVAL of the request, subject to Protective Overlay (PO # 338) to read as follows:

1. The applicant shall designate a landscape buffer along Ida Avenue and comply with the Landscape Ordinance of the City of Wichita.

2. The applicant shall dedicate complete access control along South Ida Avenue by separate instrument, with original signatures, abutting Lots 22, 24, 54 and 56, Morton Wollman's Addition and the described portion of the requested vacation of East Orme Street right-of-way with the exception of one controlled, emergency access opening for the existing drive located at the intersection of Ida Avenue and Kellogg Drive. The gate shall remain closed and locked at all times, and the drive shall be used only in the case of emergency by the Fire Department for additional access to the property. Design of the locked gate for the described emergency access drive shall be approved by the Planning Director and the Fire Marshall and shall be installed within 90 days of the approval of ZON2018-00053.

3. No business signs, off-site advertising signs, or portable signs shall be permitted on the property along Ida Avenue.

4. Security lighting shall be limited to light fixtures on light poles not exceeding 14 feet in height. All such lighting shall have timers with cut-off switches. All light fixtures shall be shielded and designed to direct light away from adjacent residential properties.

5. No sound projecting devices or loudspeakers shall be used on-site.

6. The applicant shall provide screening on the east side of the area in conformance with the screening requirements of the Section IV-B(e) of the Wichita-Sedgwick County Unified Zoning Code. This will require a solid fence or the use of plant materials sufficient to provide a solid screen. Any deviation of the UZC standard shall be granted only through an application for a variance submitted to the Board of Zoning Appeals and shall only be permitted if the variance is approved by said Board. Further, no materials stored on-site shall be stacked higher than the height of the screening provided.

7. The applicant shall submit a landscape plan for approval to the Director of Planning.

8. A revised site plan detailing all of the above requirements shall be submitted in support of this application prior to submission of the case to the governing body.

1. **The zoning, uses and character of the neighborhood:** The surrounding neighborhood is a mixture of uses. The property to the east on the east side of Ida Avenue is zoned B Multiple-Family Residential and occupied with single-family residences in good condition. The property to the west on the west side of Washington Avenue are zoned GC General Commercial and used commercially. As noted above, the property to the south is zoned GC and used commercially. The property to the north is unzoned and is the interchange for US Highway 54/400 and Washington Avenue.

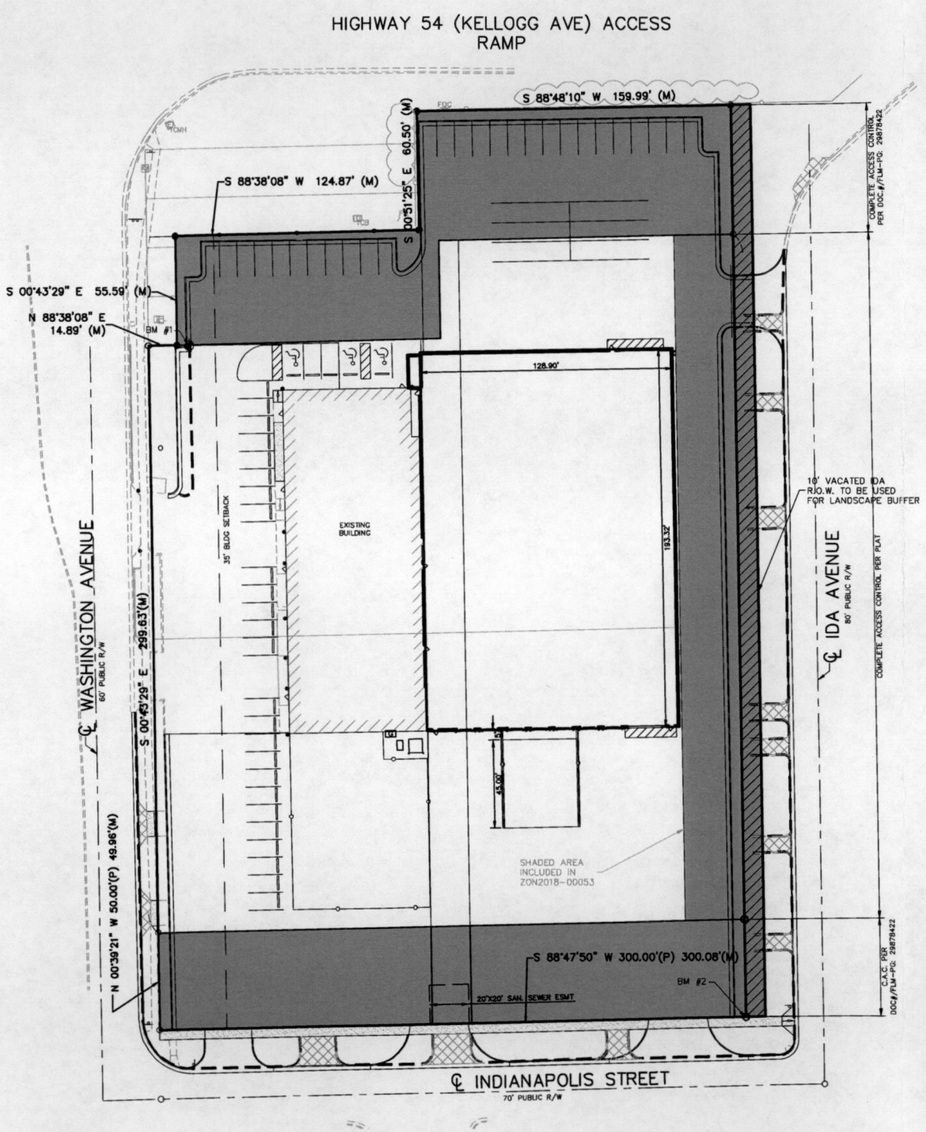
2. **The suitability of the subject property for the uses to which it has been restricted:** The portion of the applicant's property subject to this request is presently zoned B Multiple-Family Residential and the proposed use is not permitted. The intent of the request is to bring the entire ownership into a single zoning classification to accommodate the continued growth and expansion of the business.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** There should be no negative impacts to future commercial development. Development standards within the Unified Zoning Code coupled with the Protective Overlay will provide adequate safeguards in the future as needed.

4. **Length of time the property has been vacant as currently zoned:** The property was formerly used for residential purposes and was acquired to support the business expansion outlined herein.

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 located as appropriate for industrial uses. The site is within the Established Central Area (ECA), and is adjacent to the South Central Neighborhood Plan. The established land uses along the Washington Avenue corridor is predominately commercial. The conversion of this land to higher commercial uses is recognized as an appropriate redevelopment in this area given the requirements of the Unified Zoning Code for screening and buffering to the residential uses.

7. **Impact of the proposed development on community facilities:** The change in zoning classification of the property to GC would not have any impact on community facilities or resources. All public improvements are available to serve the property.



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KAW VALLEY ENGINEERING

0 15 30 60
SCALE: 1" = 30'

LEGEND:

- EXISTING CURB REMOVAL
- RAMP DOWN ARROW
- PROP. SIDEWALK
- DRIVE REMOVAL
- ZONE CHANGE/PO AREA
- VACATED IDA R/W USED FOR LANDSCAPING BUFFER

SITE PLAN

APPROVED MAPC BY 3/21/19 Day
WCC 5/7/19

ZON2018-00053 AREA DESCRIPTION:
LOTS 21 AND 23, WASHINGTON AVE., WOLLMAN'S ADDITION TO WICHITA,

A PORTION OF LOTS 49, 51, 53, 54, 56, PLATTED ALLEY AND ORME STREET, WOLLMAN'S ADDITION TO WICHITA, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF RESERVE "B" OF CHILTONS 600 S. WASHINGTON ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS; THENCE ON AN ASSUMED BEARING OF N 00°46'32" W ON THE PROLONGATED EAST LINE OF SAID CHILTONS 600 S. WASHINGTON ADDITION, 66.06 FEET; THENCE PARALLEL TO THE NORTH LINE OF LOT 2 OF SAID CHILTONS 600 S. WASHINGTON ADDITION, S 88°48'10" W 159.99 FEET; THENCE
S 00°51'25" E 60.50 FEET; THENCE PARALLEL TO SAID LOT 2, S 88°38'08" W 124.87 FEET; THENCE S 00°43'29" E 55.59 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE ON THE NORTH LINE OF SAID LOT 2, N 88°38'08" E 135.00 FEET; THENCE ON AN EASTERLY LINE OF SAID LOT 2, N 00°51'25" W 50.00 FEET TO A NORTH CORNER OF SAID LOT 2; THENCE ON THE NORTH LINE OF SAID LOT 2, N 88°48'10" E 149.89 FEET (149.87 FEET PLATTED) TO THE POINT OF BEGINNING.

CONTAINS 18,093 SQUARE FEET, MORE OR LESS.
END OF DESCRIPTION

ZONING CONDITIONS (PO #338):

1. THE APPLICANT SHALL DESIGNATE A LANDSCAPE BUFFER ALONG IDA AVENUE AND COMPLY WITH THE LANDSCAPE ORDINANCE OF THE CITY OF WICHITA.

2. THE APPLICANT SHALL DEDICATE COMPLETE ACCESS CONTROL ALONG SOUTH IDA AVENUE BY SEPARATE INSTRUMENT, WITH ORIGINAL SIGNATURES, ABUTTING LOTS 22, 24, 54 AND 56, MORTON WOLLMAN'S ADDITION AND THE DESCRIBED PORTION OF THE REQUESTED VACATION OF EAST ORME STREET RIGHT-OF-WAY WITH THE EXCEPTION OF ONE CONTROLLED, EMERGENCY ACCESS OPENING FOR THE EXISTING DRIVE LOCATED AT THE INTERSECTION OF IDA AVENUE AND KELLOGG DRIVE. THE GATE SHALL REMAIN CLOSED AND LOCKED AT ALL TIMES, AND THE DRIVE SHALL BE USED ONLY IN THE CASE OF EMERGENCY BY THE FIRE DEPARTMENT FOR ADDITIONAL ACCESS TO THE PROPERTY. DESIGN OF THE LOCKED GATE FOR THE DESCRIBED EMERGENCY ACCESS DRIVE SHALL BE APPROVED BY THE PLANNING DIRECTOR AND THE FIRE MARSHALL AND SHALL BE INSTALLED WITHIN 90 DAYS OF THE APPROVAL OF ZON2018-00053.

3. NO BUSINESS SIGNS, OFF-SITE ADVERTISING SIGNS, OR PORTABLE SIGNS SHALL BE PERMITTED ON THE PROPERTY ALONG IDA AVENUE.

4. SECURITY LIGHTING SHALL BE LIMITED TO LIGHT FIXTURES ON LIGHT POLES NOT EXCEEDING 14 FEET IN ALL SUCH LIGHTING SHALL HAVE TIMERS WITH CUT-OFF SWITCHES. ALL LIGHT FIXTURES SHALL BE SHIELDED AND DESIGNED TO DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES.

5. NO SOUND PROJECTING DEVICES OR LOUDSPEAKERS SHALL BE USED ON-SITE.

6. THE APPLICANT SHALL PROVIDE SCREENING ON THE EAST SIDE OF THE AREA IN CONFORMANCE WITH THE SCREENING REQUIREMENTS OF THE SECTION IV-B(E) OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE. THIS WILL REQUIRE A SOLID FENCE OR THE USE OF PLANT MATERIALS SUFFICIENT TO PROVIDE A SOLID SCREEN. ANY DEVIATION OF THE UZC STANDARD SHALL BE GRANTED ONLY THROUGH AN APPLICATION FOR A VARIANCE SUBMITTED TO THE BOARD OF ZONING APPEALS AND SHALL ONLY BE PERMITTED IF THE VARIANCE IS APPROVED BY SAID BOARD. FURTHER, NO MATERIALS STORED ON-SITE SHALL BE STACKED HIGHER THAN THE HEIGHT OF THE SCREENING PROVIDED.

7. THE APPLICANT SHALL SUBMIT A LANDSCAPE PLAN FOR APPROVAL TO THE DIRECTOR OF PLANNING.

8. A REVISED SITE PLAN DETAILING ALL OF THE ABOVE REQUIREMENTS SHALL BE SUBMITTED IN SUPPORT OF THIS APPLICATION PRIOR TO SUBMISSION OF THE CASE TO THE GOVERNING BODY.

ADDITIONAL ZONING CONDITION(S):

DESIGN OF THE LOCKED GATE FOR THE DESCRIBED EMERGENCY ACCESS DRIVE SHALL BE APPROVED BY THE PLANNING DIRECTOR AND THE FIRE MARSHALL AND SHALL BE INSTALLED WITHIN 90 DAYS OF THE APPROVAL OF ZON2018-00053.

DATUM BENCHMARK:
VERTICAL DATUM IS NAVD 88 ESTABLISHED USING OPUS PROJECTS ON PROJECT CONTROL.

BENCHMARKS:
BM #1: SQUARE CHISELED ON BACK OF CURB AT NW CORNER OF EXISTING PARKING LOT, APPROXIMATELY 22.5 FEET NORTH AND 48.0 FEET WEST FROM THE NW CORNER OF EXISTING BUILDING.
ELEV=1296.41 (NAVD 88)

BM #2: CHISELED PLUS CUT ON SIDEWALK AT SOUTHEAST CORNER OF LOT 22, WOLLMAN'S ADDITION, ALSO BEING THE NORTHWEST CORNER OF THE INTERSECTION OF IDA AVENUE & INDIANAPOLIS STREET.
ELEV=1295.31(NAVD 88)

2020-02-24
0635SP