CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 26, 2005

Shawn Hutchinson
1623 S. Mead
Wichita, KS 67211

RE: CON2005-31 – Conditional Use to allow "Printing and Publishing, General". Generally located east of Gilda, 300 feet north of Central (720 N. Gilda). (District V)

Dear Ladies and Gentlemen:

At its regular meeting on **August 11, 2005**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

If you have any questions concerning this case please contact our office at 268-4421.

Sincerely,

Dale Miller, Manager
Current Plans Division

DLM/rms

Cc: Dilan Johns, Confederated Builders, Inc., 503 N. Buckner, Derby, KS 67037
Bob Martz, WCC V, Mail Stop 1-13
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

Adopted this 11TH DAY of AUGUST, 2005. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

Morris K. Dunlap, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2005-00031

WHEREAS, Shawn Hutchinson; Confederated Builders, Inc., c/o Dilan Johns (Owners/Applicants); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow "Printing and Publishing, General" on 13,000 square feet zoned "LC" Limited Commercial described as:

> Lot 8, except the north 195.92 feet thereof, and Lot 9, except the south 213 feet thereof, together with that part of vacated Kendel Place adjoining said Lots 8 and 9, all in Sunnyside Gardens Third Addition, Sedgwick County, Kansas. Generally located east of Gilda, 300 feet north of Central (720 N. Gilda)

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of August 11, 2005, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to allow "Printing and Publishing, General" on 13,000 square feet zoned "LC" Limited Commercial described as:

> Lot 8, except the north 195.92 feet thereof, and Lot 9, except the south 213 feet thereof, together with that part of vacated Kendel Place adjoining said Lots 8 and 9, all in Sunnyside Gardens Third Addition, Sedgwick County, Kansas. Generally located east of Gilda, 300 feet north of Central (720 N. Gilda)

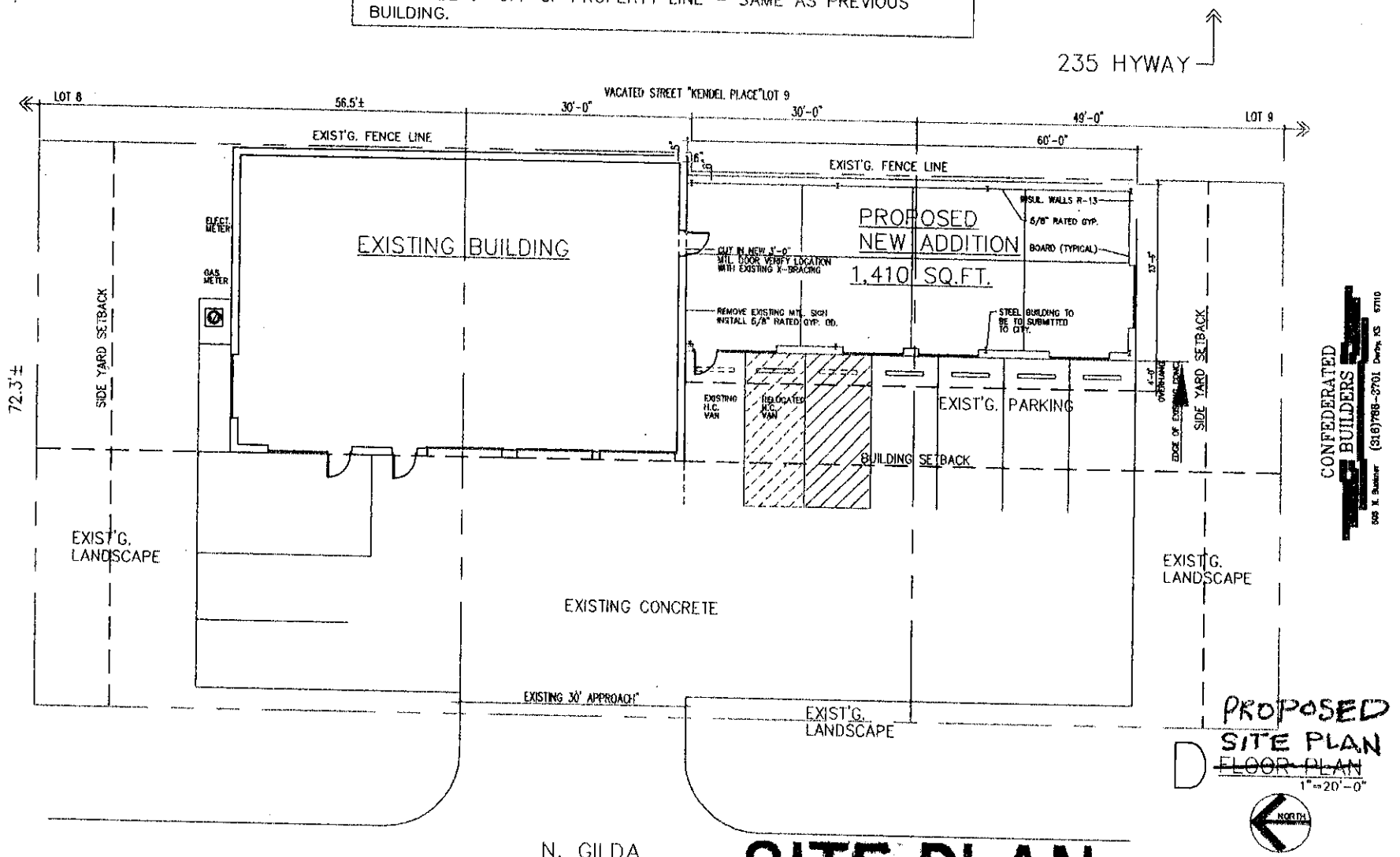
APPROVED, subject to the following conditions:

1. The site shall be developed in general conformance with an approved site plan, and conform to all applicable regulations.
2. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

* PROPOSED SITE PLAN.

NOTE:

SEE ATTACHED SHEET FOR JUSTIFICATION OF ZERO REAR YARD SETBACK "ADJACENT TO ALLEYS" (HYWAY 235) ALL BUILDINGS ARE NEXT TO THE PROPERTY LINE. THE PROPOSED WOULD BE 6" OFF OF PROPERTY LINE – SAME AS PREVIOUS BUILDING.



CONFEDERATED BUILDERS
505 N. Buckner (316)788-3701 Derby, KS 67037

D PROPOSED SITE PLAN ~~FLOOR PLAN~~
1"=20'-0"

NORTH

SITE PLAN

PROPERTY DESCRIPTION:

LOT 8 exc N 195.92' & LOT 9 exc S 213' & 60' VACATED KENDEL PLACE LYING BETWEEN SAID LOTS	SUNNYSIDE GARDENS 3RD ADDITION

APPROVED 8-30-05 BY DM

NEW ADDITION
SHAWN'S SIGN
720 GILDA

DRAWN BY DILAN JOHNS
DATE: 07/01/05

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties north and south of the application area are zoned Limited Commercial; properties to the west are zoned Single-family Residential. There are commercial uses located east of Gilda while single-family residences are located to the west. Gilda is used as an exit ramp for I-235 as well as providing access to properties abutting Gilda. The character of the area is one of mixed uses.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC, which allows a significant number land uses by- right, including most retail commercial uses not requiring outside storage or display. The site could likely be used as currently zoned.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site is already zoned LC, which allows a broad range of retail commercial uses. Approval of this request should not negatively impact nearby property to any appreciable extent since the proposed printing and publishing use is conducted inside, does not employ any production techniques that create noise, dust, odor or electrical interference.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial would likely create an economic hardship for the applicant. Staff does not see any negative impact to public health, safety or welfare if the request is approved.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed use is consistent with adopted plans since the site is depicted on adopted maps as appropriate for local commercial uses.

6. Impact of the proposed development on community facilities: With the construction of a new commercial building, traffic will increase from the site, but not to a degree that can be handled by current and proposed facilities.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

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AGENDA ITEM NO. 8

STAFF REPORT

MAPC August 11, 2005

CASE NUMBER: CON2005-00031

APPLICANT/AGENT: Shawn Hutchinson; Confederated Builders, Inc.
C/o Dilan Johns

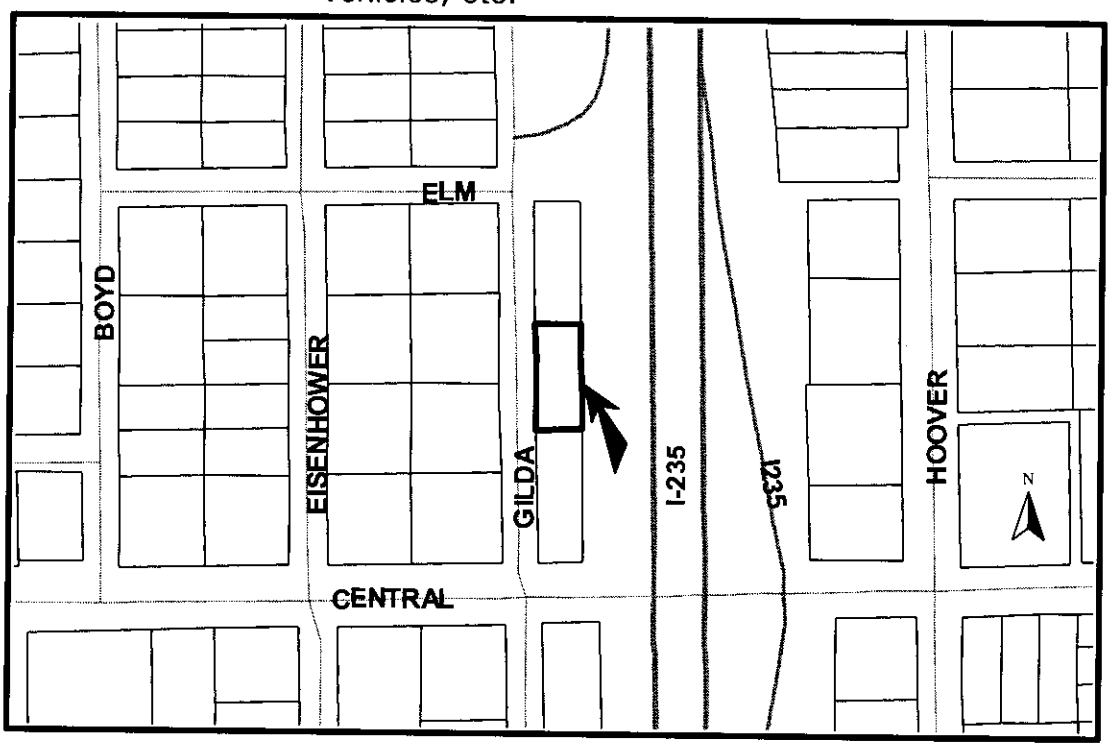
REQUEST: Conditional Use to allow "Printing and Publishing, General"

CURRENT ZONING: LC, Limited Commercial

SITE SIZE: 13,000 square feet

LOCATION: East of Gilda, 300 feet north of Central (720 N. Gilda)

PROPOSED USE: Printing of vinyl lettering and graphics for signage, awnings, vehicles, etc.



BACKGROUND: The applicant is seeking a Conditional Use to permit "printing and publishing, general" on a platted lot located east of Gilda, approximately 300 feet north of Central Avenue. The applicant operates a sign company that makes vinyl lettering and graphics. The lettering and graphics can be used as signage, awnings or as magnetic advertising, etc. The vinyl comes in rolls, and the applicant uses a computer to design, plot and cut the design out of the vinyl material. Chemicals are not used in the production of the signage. (Central Inspection has determined that the low impact characteristics associated with this use make it more like printing and publishing than a manufacturing use.) The property is zoned LC Limited Commercial. "Printing and Publishing, General" is allowed in the LC district with a Conditional Use.

The site is developed with an existing building. The applicant intends to add a new 1,410 square-foot addition to the south side of the existing building in which to conduct the proposed use. There is an existing access drive to the site off of Gilda. The parking area already exists. A landscaped street yard will be required since the site is located across the street from single-family zoning.

Property to the north and south are zoned LC Limited Commercial and used for commercial purposes. The property to the west is zoned SF-5 Single-family Residential and developed with residences. The land to the east is developed with I-235.

CASE HISTORY: A vacation case removed "Kendel Place" street that used to run through the approximate center of the application area.

ADJACENT ZONING AND LAND USE:

NORTH: LC Limited Commercial; roofing company
SOUTH: LC Limited Commercial; auto repair
EAST: I-235 Highway; Interstate highway
WEST: SF-5 Single-family Residential; single-family residences

PUBLIC SERVICES: All public services are available. Gilda has 30 feet of half-street right-of-way, and serves as the exit ramp/frontage road for southbound I-235 to Central Avenue.

CONFORMANCE TO PLANS/POLICIES: The *2030 Wichita Functional Land Use Guide* depicts this site as appropriate for "local commercial." This land use category is intended for uses that contain a mix of commercial, office and personal services that do not have a significant regional market draw. On a limited presence basis, these areas may also include light manufacturing uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED.