Agenda Item #_____

City of Wichita
City Council Meeting
June 18, 2002

Agenda Report #_____

TO: Mayor and City Council Members

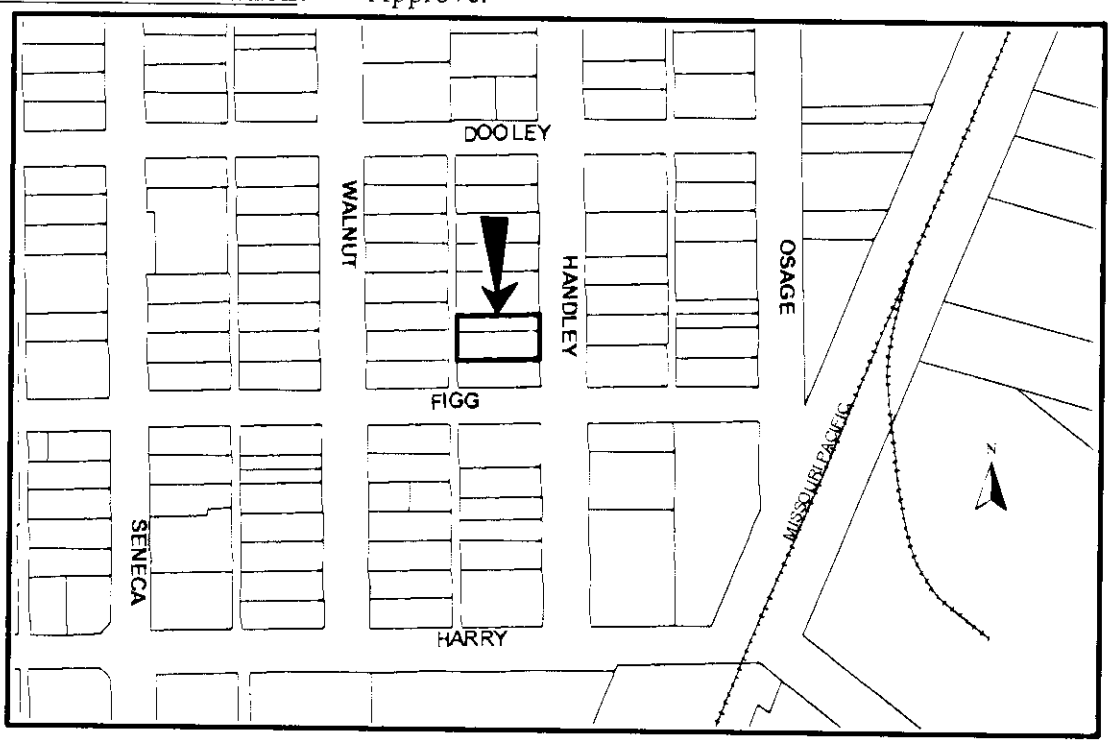
SUBJECT: **ZON2002-00014 – Zone change "LI" Limited Industrial to "GC" General Commercial. Generally located on the northeast of the South Seneca – West Harry Intersection (1433 S. Handley). (District IV)**

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve. (14-0)

Staff Recommendation: Approve.



BACKGROUND: The applicant is requesting "GC" General Commercial zoning on Lots 12, 13, & 14, Block 14, Franklin Yikes Addition. The applicant lives in an approximately 1,100 square-foot single-family residence on the site. The applicant proposes to build a 720 square-foot garage. The current zoning is "LI" Limited Industrial. Single-family residential use is not a permitted use or a conditional use in "LI" zoning, this makes the current single-family residence a nonconforming use. Enlargement and expansion of a nonconforming use within an existing nonconforming structure or into a separate structure can be up to a maximum of 30% of the floor area of the existing nonconforming structure. The maximum expansion allowed, based on the applicant's nonconforming structure's floor area would be approximately 300 square-feet. Single-family residential use is permitted by right in "GC" zoning.

The area around the subject property is zoned "LI" and is developed primarily as warehouses, contractor yards, manufacturing, shipping and receiving and some retail or wholesale businesses. There are some undeveloped properties in the area. There is infrequent, scattered, established housing within the "LI" zoning that appears, as far as Staff can determine, to pre-date the zoning of this area into "LI" zoning. The only exception to the "LI" zoning of the area is approximately 80-feet southeast of the site, where the corner of Handley and Figg is zoned "GC" General Commercial. The "GC" zoning for this site was approved in the 1950's, according to the earliest record Staff, could find on zoning maps. The structure and use on the "GC" lot is single family residential. Another request for Commercial zoning, Z-2938, was deferred and closed without the change in 1989. Developments abutting or adjacent to the site include a scrap yard to the south, an office to the north, a contractor's yard to the west, and another contractor's yard and a vacant lot to the east.

At the May 23rd, 2002 public hearing, the MAPC voted (14-0) to recommend the Rezoning request for approval. There were no speakers in favor of or in opposition to the request at the hearing. There have been no written protest or calls opposing the zoning change.

Recommended action:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading; or

2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

First Read 6-18-02 DWP

(150004) Published in The Wichita Eagle on JUN 2 5 2002

ORDINANCE NO. 45-344

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. ZON2002-00014

Request for zone change from "LI" Limited Industrial to "GC" General Commercial, on property described as:

Lots 12, 13, & 14, Block 14, Franklin Yikes Addition, Wichita, Sedgwick County, Kansas. Generally located northeast of the South Seneca – West Harry Intersection.

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 AT WICHITA, KANSAS, JUN 25 2002

ATTEST:

Pat Burnett, City Clerk
(SEAL)

Bob Knight, Mayor

Approved as to form:

Gary E. Rebenstorf, City Attorney

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT

May 23, 2002

CASE NUMBER: ZON2002-00014

APPLICANT/OWNER: Jerry R Elmore

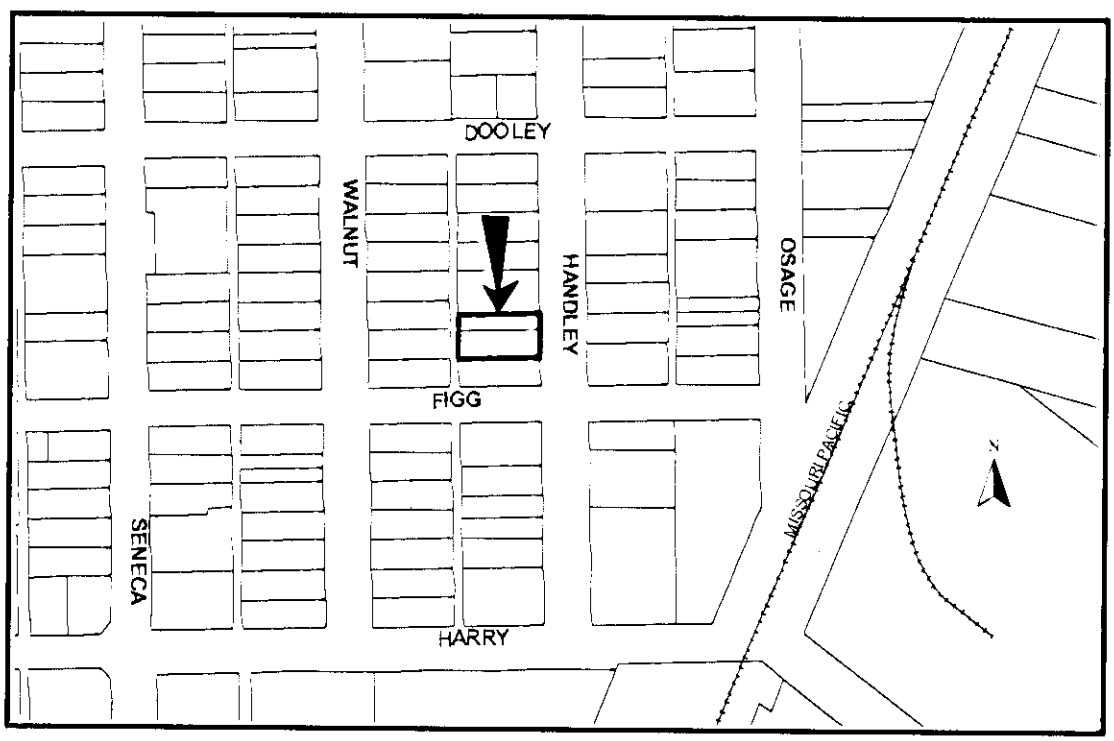
REQUEST: Zone change to "GC" General Commercial

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 0.24 acres.

LOCATION: Northeast of the South Seneca – West Harry intersection, at 1433 S Handley.

PROPOSED USE: To allow construction of a 20-foot x 36-foot garage.



BACKGROUND: The applicant is requesting "GC" General Commercial zoning on Lots 12, 13, & 14, Block 14, Franklin Yikes Addition. The applicant lives in an approximately 1,100 square-foot single-family residence on the site. The applicant proposes to build a 720 square-foot garage. The current zoning is "LI" Limited Industrial. Single-family residential use is not a permitted use or a conditional use in "LI" zoning, this makes the current single-family residence a nonconforming use. Enlargement and expansion of a nonconforming use within an existing nonconforming structure or into a separate structure can be up to a maximum of 30% of the floor area of the existing nonconforming structure. The maximum expansion allowed, based on the applicant's nonconforming structure's floor area would be approximately 300 square-feet. Single-family residential use is permitted by right in "GC" zoning.

The area around the subject property is zoned "LI" and is developed primarily as warehouses, contractor yards, manufacturing, shipping and receiving and some retail or wholesale businesses. There are some undeveloped properties in the area. There is infrequent, scattered, established housing within the "LI" zoning that appears, as far as Staff can determine, to pre-date the zoning of this area into "LI" zoning. The only exception to the "LI" zoning of the area is approximately 80-feet southeast of the site, where the corner of Handley and Figg is zoned "GC" General Commercial. The "GC" zoning for this site was approved in the 1950's, according to the earliest record Staff, could find on zoning maps. The structure and use on the "GC" lot is single family residential. Another request for Commercial zoning, Z-2938, was deferred and closed without the change in 1989. Developments abutting or adjacent to the site include a scrap yard to the south, an office to the north, a contractor's yard to the west, and another contractor's yard and a vacant lot to the east.

CASE HISTORY: The property was platted as the Franklin Yikes Addition, in 1887. The property and roughly an area, ½ block west of Seneca, to the Arkansas river, to Harry and then following the railroad tracks going north and south was zoned Industrial in 1921.

ADJACENT ZONING AND LAND USE:

NORTH:	"LI" Limited Industrial	business - office
SOUTH:	"LI" Limited Industrial	scrap yard
EAST:	"LI" Limited Industrial	contractor's yard,
	"GC" General Commercial	single-family residential
WEST:	"LI" Limited Industrial	contractor's yard

PUBLIC SERVICES: The property is located along Handley Street, a paved residential street. Public water and sewer services are available.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999*

Update to the Wichita-Sedgwick County Comprehensive Plan identifies this property as being "industrial, transportation, utility, communication" and "commercial". The area is primarily developed as industrial, with the exception of infrequent scattered single-family residential and wholesale development. The request for "GC" zoning conforms to the Comprehensive Plan for this area.

RECOMMENDATION: Approve the request for "GC" zoning. Staff and the MAPC in the past have supported request by single-family home owners whose homes pre-date the industrial zoning they are located in and wish to expand onto the now nonconforming use – structures. The request for "GC" zoning would not restrict or inhibit the development of "LI" zoned property in the adjacent area.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject property is in a developed industrial area. All of the zoning is "LI", with the exception of the "GC" zoning located southeast of the site. The scattered existing single-family residential development in the "LI" zoning appears to pre-date the area's 1921 zoning change to industrial.

2. The suitability of the subject property for the uses to which it has been restricted: The site could be developed for industrial use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the zoning change to "GC" would not inhibit or restrict the permitted uses of the "LI" zoning district, including the vacant property on the east side of Handly, which faces the site.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The zoning change request would allow improvements to be made to a home that pre-dates the industrial zoning it is located in and not restrict the future development of this area into the predominately recommended industrial development and the less prevalent commercial development.

5. Impact of the proposed development on community facilities: Water and sewer would not be negatively impacted by the zoning change. Traffic would not be affected.