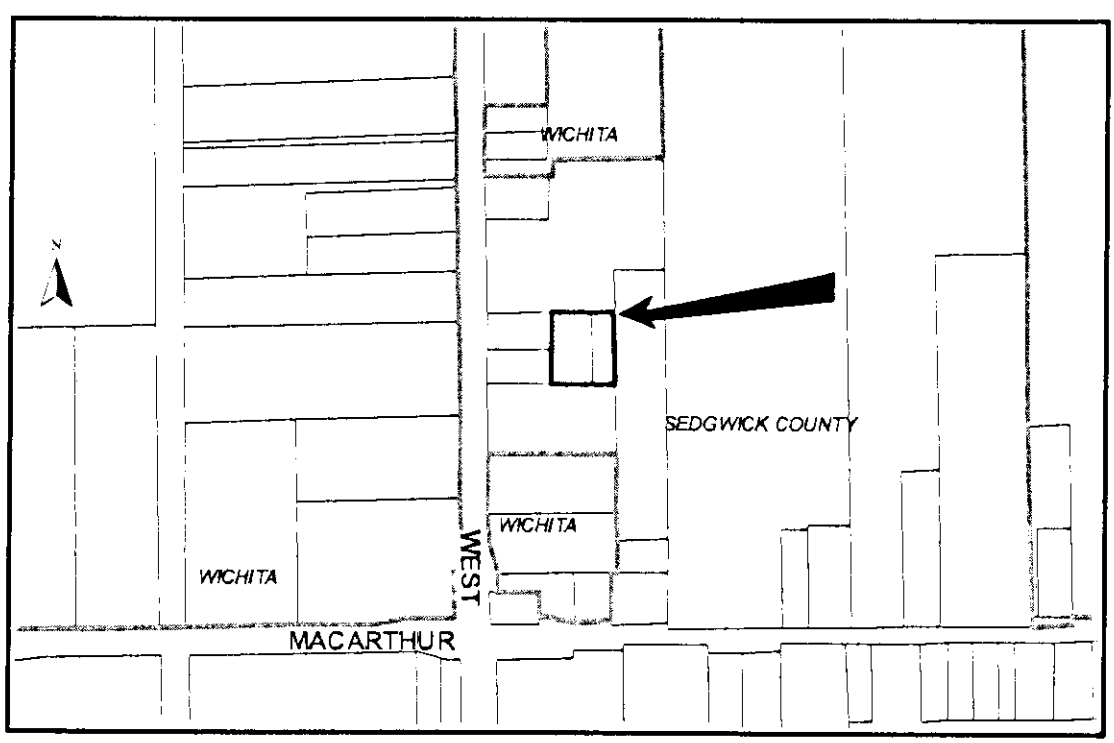
AGENDA ITEM REQUEST

Proposed Agenda Item:	ZON2002-00037 – Sedgwick County Zone change from "SF-20" Single-family Residential to "LI" Limited Industrial. Generally located approximately 1,000 feet north of MacArthur on the east side of West Street. (District 2)
Presented By:	Dale Miller, Chief Planner, MAPD
Recommended Action:	Approve the zone change subject to platting within one year, direct staff to prepare the appropriate resolution after the plat is approved, and authorize the Chairman to sign the resolution
Proposed Agenda Date:	September 11, 2002
Outside Attendees:	Mark Springs, 3842 S. West, Wichita, KS 67217 Terra Tech Land Surveying, Inc., %Michele Webster, 22200 W. 63rd St. S., Viola, KS 67149
Multimedia Presentation:	PowerPoint
Donations:	n/a

FILE COPY



Background:

The applicant requests a zone change from "SF-20" Single-Family Residential to "LI" Limited Industrial on a 1.4 acre unplatted tract located approximately 1,000 feet north of MacArthur on the east side of West Street. The subject property is currently used illegally to store pawned vehicles for the applicant's pawn shop located on property zoned "GC" General Commercial that is immediately west of the subject property. The applicant has requested the zone change to make the current use of the subject property legal.

The surrounding area is characterized primarily by industrial uses; although, there are institutional, single-family, and agricultural uses immediately adjacent to the subject property. The property to the south is zoned "SF-20" Single-Family Residential and is developed with a church. The properties to the west are zoned "SF-20" Single-Family Residential and "GC" General Commercial are developed with a single-family residence and the applicant's pawn shop, respectively. The properties to the north and east are zoned "SF-20" Single Family Residential and are used for agriculture.

Since the surrounding properties have residential zoning, screening will be required along the north, east, and south property lines and a portion of the west property line. The compatibility setback standards will require a 25-foot building setback along the north, east, and south property lines and a portion of the west property line unless a Zoning Adjustment is granted by the Planning Director and Zoning Administrator to reduce or waive the compatibility setback.

Analysis:

At the MAPC hearing on July 25, 2002, no speakers other than the applicant appeared either in favor of or in opposition to the request. The MAPC voted 11-0 to approve the request subject to platting the property within one year.

Alternatives:

1. Concur with the findings of the MAPC, approve the zone change subject to platting within one year, direct staff to prepare the appropriate resolution after the plat is approved, and authorize the Chairman to sign the resolution.

2. Return the application to the MAPC for reconsideration.

3. 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.

Financial Considerations: **n/a**

Policy Considerations: **n/a**

Legal Considerations: ☑ *Approved as to form and signed by County Counselor's Office*

The zone change resolution has been reviewed and approved as to form by the County Counselor's Office.

(150004) Published in The Derby Reporter on March 3, 2004

ORDINANCE NO. 45-911

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. ZON 2002-37

Request for zone change from "SF-20" Single-Family Residential District to "LI" Limited Industrial District on property described as:

Lots 1, Erin Springs Addition, Sedgwick County, Kansas.

Generally located east of West Street, north of MacArthur Road.

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 21 day of October, 2003.

ATTEST:

Daisy Ellis Deputy
for Karen Schofield, City Clerk

Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf (for)
Gary E. Rebenstorf, City Attorney

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 10

STAFF REPORT

MAPC July 25, 2002

CASE NUMBER: ZON2002-00037

APPLICANT/AGENT: Mark Springs (Owner/Applicant); Terra Tech Land Surveying, Inc. c/o Michele Webster (Agent)

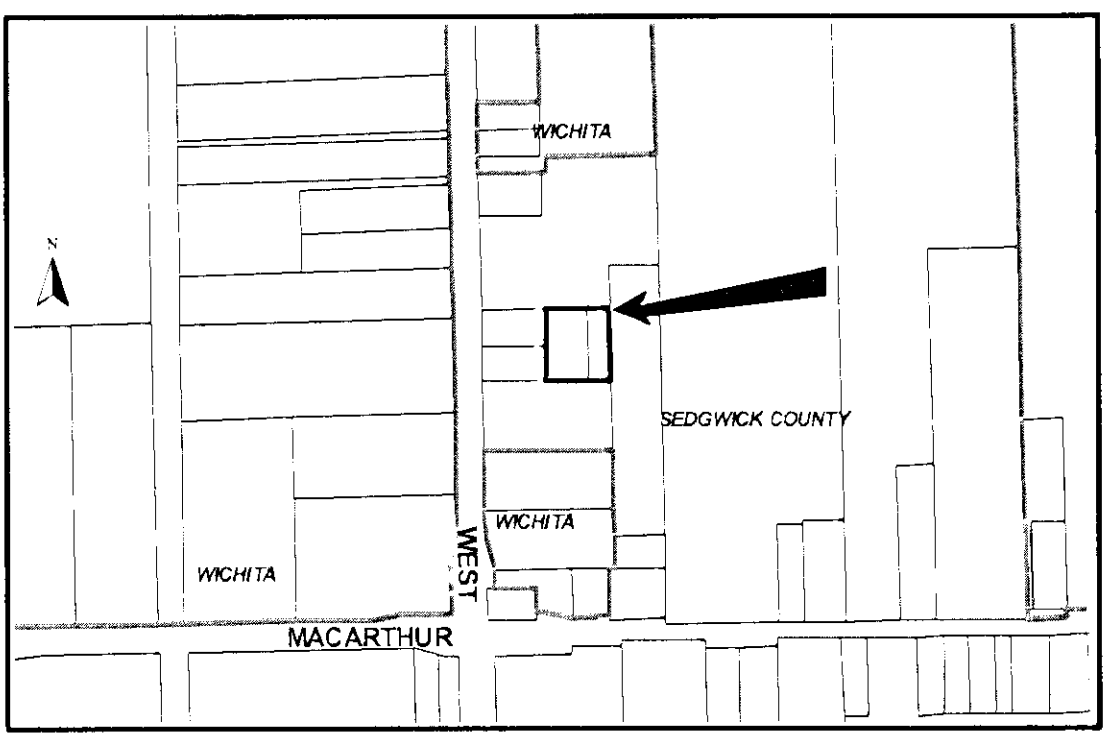
REQUEST: "LI" Limited Industrial

CURRENT ZONING: "SF-20" Single-Family Residential

SITE SIZE: 1.4 acres

LOCATION: Approximately 1,000 feet north of MacArthur on the east side of West Street

PROPOSED USE: Storage of pawned vehicles



BACKGROUND: The applicant requests a zone change from "SF-20" Single-Family Residential to "LI" Limited Industrial on a 1.4 acre unplatted tract located approximately 1,000 feet north of MacArthur on the east side of West Street. The subject property is currently used illegally to store pawned vehicles for the applicant's pawn shop located on property zoned "GC" General Commercial that is immediately west of the subject property. The applicant has requested the zone change to make the current use of the subject property legal.

The surrounding area is characterized primarily by industrial uses; although, there are institutional, single-family, and agricultural uses immediately adjacent to the subject property. The property to the south is zoned "SF-20" Single-Family Residential and is developed with a church. The properties to the west are zoned "SF-20" Single-Family Residential and "GC" General Commercial are developed with a single-family residence and the applicant's pawn shop, respectively. The properties to the north and east are zoned "SF-20" Single Family Residential and are used for agriculture.

Since the surrounding properties have residential zoning, screening will be required along the north, east, and south property lines and a portion of the west property line. The compatibility setback standards will require a 25-foot building setback along the north, east, and south property lines and a portion of the west property line unless a Zoning Adjustment is granted by the Planning Director and Zoning Administrator to reduce or waive the compatibility setback.

CASE HISTORY: The subject property is in the process of being platted as the Erin Springs Addition, which was approved as a preliminary plat by the Subdivision Committee on June 27, 2002.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Agriculture
SOUTH:	"SF-20"	Church
EAST:	"SF-20"	Agriculture
WEST:	"SF-20" & "GC"	Single-family residence and pawn shop

PUBLIC SERVICES: The subject property does not have street frontage. An access easement across the applicant's pawn shop property to West Street, a two-lane arterial street, was required for approval of the preliminary plat. Current traffic volumes on West Street are approximately 7,500 vehicles per day. The 2030 Transportation Plan recommends that West Street be improved to a four-lane arterial street and the Sedgwick County Capital Improvement Program contains a project to do so in 2006. Public water service is currently available to the subject property. A guarantee for the extension of sanitary sewer service and a restrictive covenant

limiting the subject property to domestic uses until sanitary sewer service is extended were required for approval of the preliminary plat.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Industrial" development. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utility trunk lines, rail spurs, and airports. The subject property conforms with both the Land Use Guide and the Locational Guidelines.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting the subject property within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by industrial uses. Although the properties immediately adjacent to the subject property are developed with institutional, single-family, and agricultural uses, this area has been identified as appropriate for industrial uses in City-County land use guides for over 40 years, and the properties along West Street have slowly converted from residential or agricultural to industrial use. The proposed "LI" Limited Industrial zoning is compatible with the zoning, uses, and character of the neighborhood.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-20" Single-Family Residential, and was formerly used for residential purposes. Given the long-standing guidance provided by land use guides that this area should be developed with industrial uses, further residential development of the subject property would not be suitable and would be contrary to the community's goal of converting the area from residential to industrial use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on remaining residentially-zoned properties in the area should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code, which should limit noise, lighting, and other activity from adversely impacting these properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Industrial" development. The Industrial Locational Guidelines of the Comprehensive Plan recommend that

industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utility trunk lines, rail spurs, and airports. The subject property conforms with both the Land Use Guide and the Locational Guidelines.

5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.