

First published in the Wichita Eagle on 11/24/17

OCA 150004

ORDINANCE NO. 50-616

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. ZON2017-00041

City zone change from LC Limited Commercial District and B Multi-Family Residential District to GC General Commercial District described as:

Lots 18 and 19, except the East 10 feet thereof; all of Lot 20 and the north 20 feet of Lot 21; all in Block 1 of Westborough 2nd Addition, Wichita, Sedgwick County, Kansas.

Subject to the following Protective Overlay (**PO-321**):

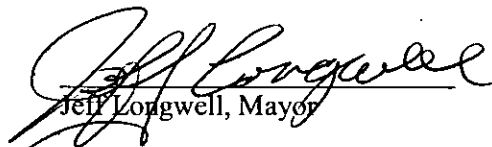
1. Uses shall be limited to those allowed by right in the GC zoning district, EXCEPT: Nightclubs in the City, Entertainment Establishments, Correctional Facilities, Correctional Placement Residence, Animal Care, General; Kennels, RV Campground, Sexual Oriented Businesses, and Tavern or Drinking Establishments, car wash, service station, vehicle repair, general and any industrial, manufacturing, general or extractive use listed in the Use Regulations of Section III-D
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. Buildings shall be constructed using earth tone colors.
6. Landscape and screening shall be per the landscape ordinance.
7. Maximum building height is 35 feet.
8. Maximum building coverage shall be no more than 35 percent.

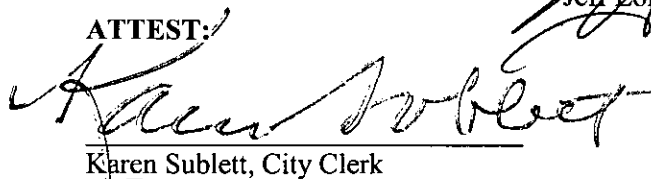
Manufacturing, Limited shall be regulated by the following additional restrictions:

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. No outside storage shall be permitted.
4. The maximum number of employees with a limited manufacturing use on any one shift shall not exceed 15.
5. No welding or machine shop use shall be permitted unless the entire frontage of the ground floor along the principal street frontage is used for office space, display or wholesale or retail.

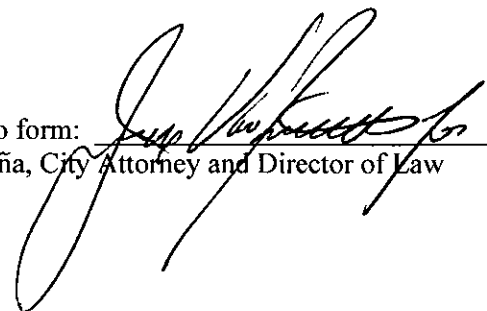
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk



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


BACKGROUND: The applicant acquired the subject property in the spring of 2015. According to the agent, the property had some restrictions from old Restrictive Covenants which have been removed following court action and now wishes to place a single zoning classification on the property in marketing the land for redevelopment.

The 0.75-acre property carries two zoning classifications. The land fronting West Street is presently zoned LC Limited Commercial (LC) and has an existing commercial structure used as a tire and wheel business. The property that faces Colorado Street is zoned B Multi-Family Residential (B). The zone change to GC General Commercial (GC) is requested to minimize financing issues because of the multiple zoning classification and enhance the marketability of the properties for redevelopment.

As shown on an aerial photo, the property is mostly used as paved parking for the commercial business at 101 South West Street. There is no specific development plan submitted regarding future uses or other redevelopment ideas.

The surrounding neighborhood is a mixture of commercial and residential uses. All of the uses along West Street are commercial, with LC zoning to the south and east. The property at the northwest corner of Douglas Avenue and West Street is zoned GC, but is vacant except for some paved parking. The property immediately to the south of the lots on the east side of Colorado Street are zoned B, with the east side of Colorado Street property zoned TF-3 Two-Family Residential (TF-3). The properties on the west side of Colorado Street are zoned SF-5 Single-Family Residential (SF-5).

The property to the north was included in a rezoning earlier this year (ZON2017-00003), which approved GC General Commercial zoning with a Protective Overlay (PO). The terms of that Protective Overlay are recommended for a Protective Overlay for this property as well. As stated in the Ordinance that granted zoning change for the property to the north, the Protective Overlay is recommended to read as follows:

Subject to the following Protective Overlay:

1. Uses shall be limited to those allowed by right in the GC zoning district, EXCEPT: Nightclubs in the City, Entertainment Establishments, Correctional Facilities, Correctional Placement Residence, Animal Care, General; Kennels, RV Campground, Sexual Oriented Businesses, and Tavern or Drinking Establishments, car wash, service station, vehicle repair, general and any industrial, manufacturing, general or extractive use listed in the Use Regulations of Section III-D.
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4. Signage shall be per the sign code for the LC, Limited Commercial zoning district.
5. Buildings shall be constructed using earth tone colors.
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7. Maximum building height is 35 feet.
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Manufacturing, Limited 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. No outside storage shall be permitted.
4. The maximum number of employees with a limited manufacturing use on any one shift shall not exceed 15.
5. No welding or machine shop use shall be permitted unless the entire frontage of the ground floor along the principal street frontage is used for office space, display or wholesale or retail.

CASE HISTORY: The site is Lots 18, 19, 20 and the north 20 feet of 21 in Block 1 of the Westborough 2nd Addition to Wichita, less the land taken for street purposes on the east side, which was approved and recorded in 1938. Other than the platting of the property, there is no other previous zoning activity on this parcel.

ADJACENT ZONING AND LAND USE:

NORTH:	GC	commercial
SOUTH:	LC	commercial
EAST:	LC	commercial
WEST:	SF-5	residential

PUBLIC SERVICES: West Douglas Avenue and South West Street are fully improved commercial arterial streets. The site is served by all municipal and private utilities and services.

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 New Employment and Residential and Employment Mix. The site is in the Established Central Area (ECA), where infill development and higher density is encouraged. A 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 the Protective Overlay described in the Background Section above. This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding neighborhood is a mixture of commercial and residential uses. The properties located west of the property are zoned SF-5 and are improved with single-family homes. East and south of the site is an area zoned LC. There is also some property zoned B which is used residentially. The property to the north is zoned GC and is presently vacant.
2. The suitability of the subject property for the uses to which it has been restricted: The property is suited for development with the LC zoning district. However, the proposed GC district would allow a greater variety of permitted uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed GC zoning would have no more significant impact than development with the existing LC zoning. 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 because of the mixed zoning classifications and this change will assist in the future marketing and redevelopment of the property.
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 New Employment and Residential and Employment Mix. The site is in the Established Central Area (ECA), where infill development and higher density is encouraged. A commercial development of the site would provide greater tax base and employment opportunities.
7. Impact of the proposed development on community facilities: Development of the property would not have any impact on community facilities or resources. All public improvements are available to serve the property.