

May 4, 2018ORDINANCE NO. 50698

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. ZON2018-00008

City zone change from SF-5 Single Family Residential District to GC General Commercial District described as:

Lots 10, 11 and 12; Block 2 of Niedens Parkwilde Addition, Wichita, Sedgwick County, Kansas.

Subject to the following Protective Overlay (**PO-325**):

1. Uses shall be limited to those allowed by right in the TF-3 zoning district, and a machine shop and manufacturing business and associated offices, EXCEPT the following uses shall be prohibited: Day Care, Limited; Recycling Collection Station, Private; or Asphalt or Concrete Plant, Limited.
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. Landscape and screening shall be per the Unified Zoning Code and landscape ordinance.
6. Maximum building height is 35 feet.
7. Maximum building coverage shall be no more than 35 percent.


Manufacturing, Limited and machine shop 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. The maximum number of employees with a limited manufacturing use on any one shift shall not exceed 15.
4. 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; or complies with the restrictions found in Section III-D.6.n. in the Supplementary Use Regulations, and amendments thereto.

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 1st day of May, 2018.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



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



STAFF REPORT
MAPC March 22, 2018
DAB *W* April 2, 2018
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CASE NUMBER: ZON2018-00008

APPLICANT/AGENT: Max Air Mechanical – Rachel Parker (Owner)/Greg Ferris – Ferris Consulting (Agent)

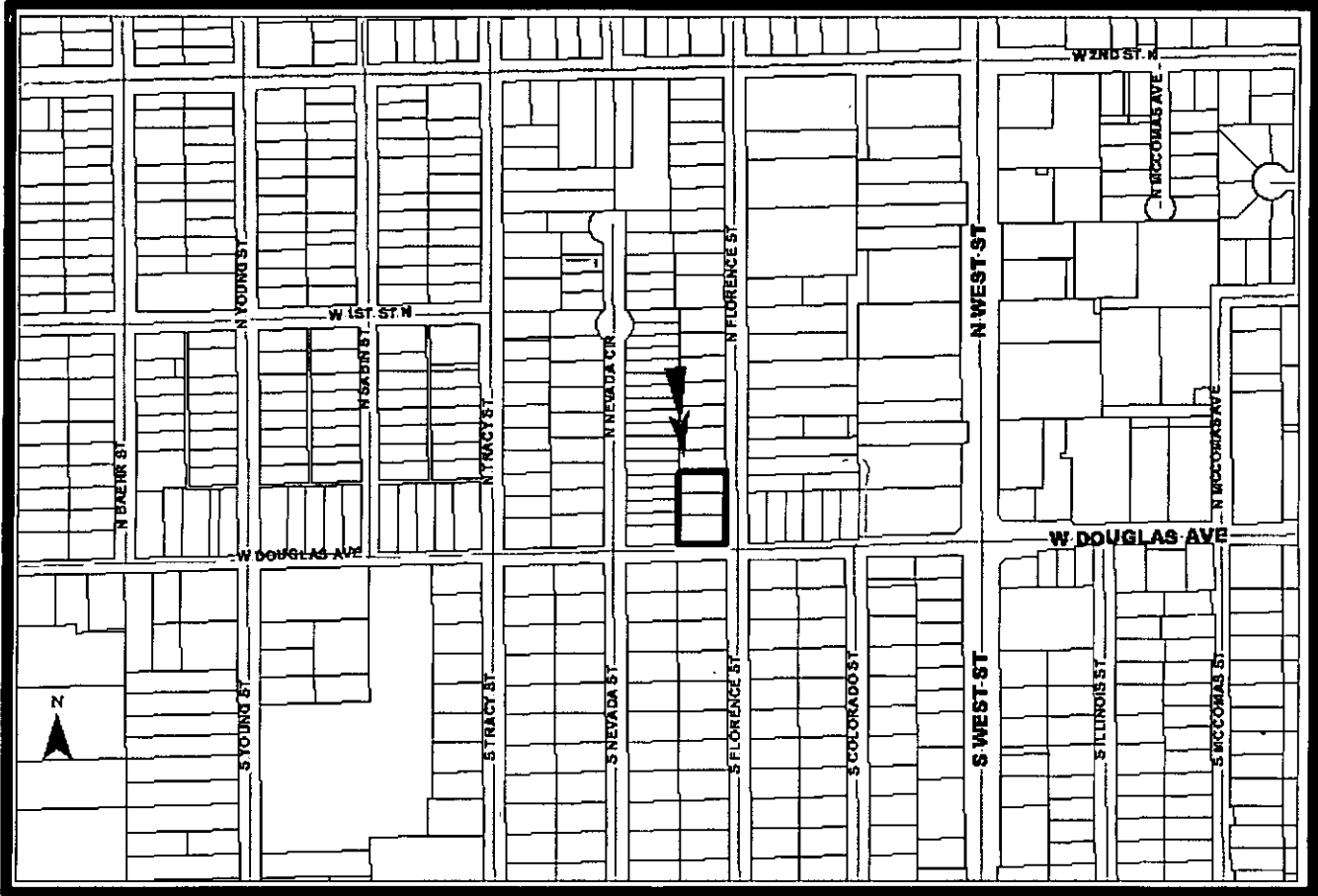
REQUEST: GC General Commercial with Protective Overlay #325

CURRENT ZONING: SF-5 Single Family Residential

SITE SIZE: 0.60 acres

LOCATION: Located on the northwest corner of Douglas Avenue and Florence Street (4200 West Douglas

PROPOSED USE: Allow a machine shop and limited manufacturing



BACKGROUND: The applicant/owner operates a business which manufactures and installs ducting for heating and air conditioning systems. According to information submitted by the agent, the applicant acquired the subject property about two years ago with the belief the business operation would be permitted because of the classification of the property for taxing purposes and how the property had been used in the past. According to the agent, previous uses have included a plumbing warehouse, HVAC shop, offices, an event center, and other commercial uses. The city inspectors have determined the new use does not comply with any “grandfathering” rights and that the land needs to be properly zoned.

The 0.60-acre property is zoned SF-5 Single Family Residential (SF-5). The zone change to GC General Commercial (GC) is requested because it is the first zoning classification which permits the primary use of the business, subject to restrictions found in Section III-D.6.n. in the Supplementary Use Regulations. The information provided by the agent indicates those restrictions are met under the existing conditions. The owner is also requesting a Protective Overlay be placed on the property which limits uses to those permitted by right in the TF-3 Two Family Residential (TF-3) zoning district and the limited manufacturing, machine shop and offices associated with the business. No other commercial or retail uses would be permitted and a restriction on outside storage is offered.

The surrounding neighborhood is a mixture of single-family and duplex residential uses. The properties immediately to the north and west are zoned TF-3 Two-Family Residential (TF-3). The properties on the east side of Florence Street and south of Douglas Avenue are zoned SF-5 Single-Family Residential (SF-5).

The properties one block to the east at the corner of Douglas Avenue and West Street have been rezoned to GC in the past year with Protective Overlays, which are similar in nature to what is being requested for this property.

CASE HISTORY: The site is Lots 10, 11 and 12 in Block 2 of Nieden’s Parkwilde Addition to Wichita, Kansas. This plat was approved by the MAPC on October 9, 1975; by the City Council on November 25, 1975, and recorded with the Register of Deeds on December 11, 1975. Other than the platting of the property, there is no other previous zoning activity on this parcel.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	residential
SOUTH:	SF-5	residential
EAST:	SF-5	residential
WEST:	TF-3	residential

PUBLIC SERVICES: West Douglas Avenue and Florence Street are fully improved residential 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 considered for residential uses. However, the site is in the Established Central Area (ECA), where infill development and higher density is encouraged. The plan also strongly supports the expansion of existing businesses to surrounding properties. Supporting the 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 Protective Overlay #325 as follows:

Protective Overlay:

1. Uses shall be limited to those allowed by right in the TF-3 zoning district, and a machine shop and manufacturing business and associated offices, EXCEPT the following uses shall be prohibited: Day Care, Limited; Recycling Collection Station, Private; or Asphalt or Concrete Plant, Limited.

ZON2018-00008

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.
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4. 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; or complies with the restrictions found in Section III-D.6.n. in the Supplementary Use Regulations, and amendments thereto.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding neighborhood is a mixture of single-family and duplex residential uses. The properties immediately to the north and west are zoned TF-3 Two-Family Residential (TF-3). The properties on the east side of Florence Street and south of Douglas Avenue are zoned SF-5 Single-Family Residential (SF-5).
2. The suitability of the subject property for the uses to which it has been restricted: The property is not suited for residential uses and has been used commercially and industrially for many years.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed GC zoning with 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 a nonconforming uses for many years and this change will bring the land into compliance with the Unified Zoning Code.
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 considered for residential uses. However, the site is in the Established Central Area (ECA), where infill development and higher density is encouraged. The plan also strongly supports the expansion of existing businesses to surrounding properties. Supporting the commercial development of the site would provide greater tax base and employment opportunities.
7. Impact of the proposed development on community facilities: Rezoning of the property would not have any impact on community facilities or resources. All public improvements are available to serve the property.

Staff Report Attachments:

1. Supporting Documents