

ORDINANCE NO. 47-958

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. ZON2008-00030

Zone change from GC General Commercial ("GC") and B Multi-family Residential ("B") to LI Limited Industrial ("LI") subject to Protective Overlay #216 on property described as:

Lots 114, 116, 118, 120, 122, 124, 130, 132, 134 & 136, Block 19, Orme & Phillips Addition, Wichita, Sedgwick County, Kansas; generally located south and east of the intersection of East Gilbert Street and South St. Francis Avenue.

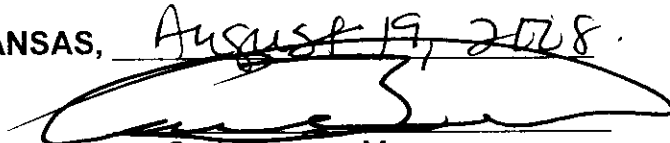
SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #216:

1. The site shall be limited to the following uses: safety service, construction sales and service, medical service, monument sales, nursery and garden center, office (general), parking area (commercial), printing and copying (limited), printing and publishing (general), retail (general), vehicle and equipment sales, vehicle repair (limited and general), warehouse (self-service storage), manufacturing (limited and general), warehousing, welding or machine shop and wholesale or business shop.
2. Dedication of complete access control onto South St. Francis Avenue except for one opening for lots 114-124 and 130-136, also, dedication of complete access control except for one opening for lots 126-128.
3. Screening and landscaping shall be per code.
4. No ground supported signage is allowed along the west sides of the site, and no building signs facing the west are permitted on the site as long as the property adjacent to or across the street is residential developed or zoned. No off-site or portable signs are allowed.
5. On-site pole lighting will be no taller than 15-feet including the base/pedestal. Pole lighting will be directed down onto the site away from adjacent residential development. No pole lighting will be placed within setbacks.
6. The site shall be developed in conformance with all applicable regulations.

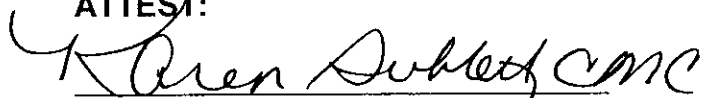
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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, August 19, 2008.

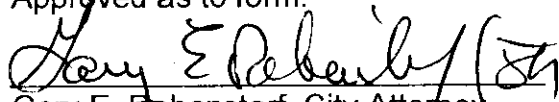

Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form:


Gary E. Rebenstorf, City Attorney

STAFF REPORT

MAPC July 10, 2008

DAB I July 7, 2008

CASE NUMBER: ZON2008-00030

APPLICANT/AGENT: Ron & Rebecca Sinclair (Principal Applicants)
William, Ralph & Cleda Dowell (Co-Applicants)
Ruggles & Bohm, Attn: Terry Smythe

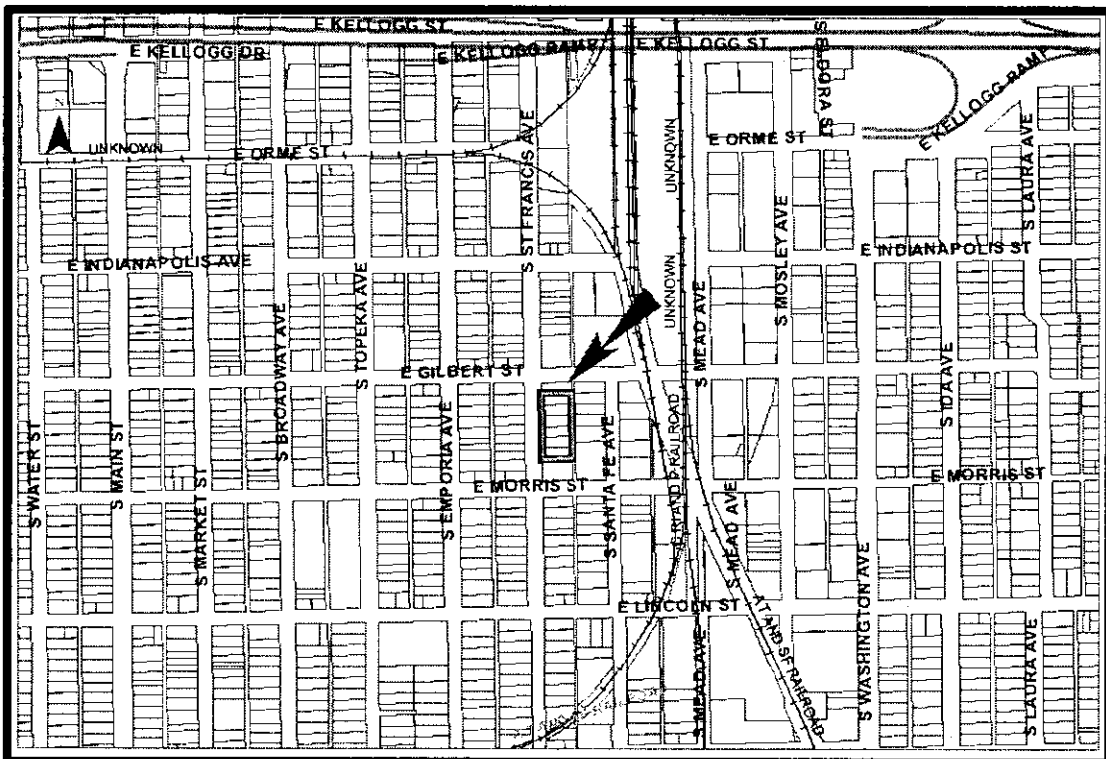
REQUEST: Rezone to LI Limited Industrial ("LI")

CURRENT ZONING: GC General Commercial ("GC")
B Multi-family Residential ("B")

SITE SIZE: Total Area = 0.90 acre

LOCATION: Generally located south and east of the intersection of East Gilbert Street and South St. Francis Avenue (1010 S. St. Francis Ave.)

PROPOSED USE: Expansion of existing business



BACKGROUND: The application area is .90 of an acre located east of South St. Francis Avenue, some 50 feet south of East Gilbert Street, and is developed with parking, a shed and a residence. The application area is currently zoned GC General Commercial ("GC") and B Multi-family Residential ("B"). One of the co-applicants is the owner of a machine and manufacturing shop located east of the application area that fronts South Santa Fe Avenue, and is zoned LI Limited Industrial ("LI"). They also own the GC zoned portion of the application area. The other co-applicant is the owner of the B Multi-family Residential ("B") zoned lot that is developed with a single-family residence. The first co-applicant requests a zone change to have one zoning district on their entire ownership, while the second co-applicant is thinking his property may have more value if it is rezoned to match adjoining properties. The short term plan for that property is that it will continue to be a single-family residence. This rezone will cause that property to become a legal non-conforming use. With the legal non-conforming use designation, the property will be subject to the regulations in Article VII of the Unified Zoning Code ("UZC"). It is understood by staff that this property will be acquired by the co-applicant in the near future for use in their current operation.

Properties to the north are zoned GC and LI, and are developed with a single-family residence, a social services office, retail store and a warehouse. Properties to the west of the site are zoned B and GC, and developed with single-family residences and duplexes. South of the subject site properties are zoned B and GC, and developed as a truck terminal, retail store and a single-family residence. Properties to the east of the site are zoned LI and are developed with a truck terminal, machinery shops and an office.

CASE HISTORY: The site was platted as even Lots 118-136, Block 19 of the Orme and Phillips Addition in 1876.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC"	Single-family Residence
SOUTH:	"GC"	Truck Terminal
EAST:	"LI"	Machinery Manufacture
WEST:	"B"	Duplex
	"GC"	Single-family Residence

PUBLIC SERVICES: South St. Francis Street is a paved two-lane collector street with an 80-foot right-of-way at this location. The nearest arterial is East Lincoln Street, a minor arterial with a 60-foot right-of-way located two blocks to the south of the subject site. The Average Daily Traffic (ADT) for East Lincoln Street, at the intersection of East Lincoln Street and South St. Francis Street, is approximately 7,830 ADT. The nearest major intersection, East Lincoln Street and South Washington Avenue, is located 3 blocks to the southeast of the site and averages approximately 20,200 ADT for South Washington Avenue and 16,700 ADT for East Lincoln Street. City water and sewer utilities are available at the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this site as appropriate for "Employment/Industry Center." This category encompasses areas with uses that constitute centers or concentrations of employment of an industrial, manufacturing, service or non institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing

and shipping centers, call centers and corporate offices. One of the goals of the Wichita-Sedgwick County Comprehensive Plan is to promote the expansion of the city's industrial base through the provision of suitable industrial sites. The objective of this goal is to promote industrial activities and development in a manner that is compatible with the built and natural environment. The strategies pointed out in the Comprehensive Plan include **Strategy IV.A1:** Protect areas identified as industrial in the Comprehensive Plan from encroachment or expansion of residential land uses, by requiring appropriate buffers for expansion of the residential use when a nuisance situation is likely to be created.

Strategy IV.A3: States that traffic generated by industrial uses is to be channeled to the closest major thoroughfare with minimum impact upon local residential streets. Also, according to the locational guidelines, industrial areas should be located in close proximity to support services and be provided good access to major arterials, city truck routes, belt highways, utility truck lines, rail spurs, airports and as extensions of existing industrial uses.

The application area is located in the South Central Neighborhood Plan. This application conforms to the plan along with initiatives that have been developed for this plan. This application conforms to the Business Improvement, Expansion and Retention initiative by working with existing businesses to improve the appearance of their property including landscaping and signage. Also, the applicants have consulted with the Metropolitan Area Planning Department about the zoning of their property to assist them in business retention. This application will also assist the area in providing an overlay to their zone request which includes provisions such as screening and landscape standards to appropriately buffer the nearby residential areas from the negative impacts of business operations.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the provisions of a Protective Overlay:

- (1) Dedication of complete access control onto South St. Francis Avenue except for one opening for lots 114-124 and 130-136, also, dedication of complete access control except for one opening for lots 126-128.
- (2) Screening and landscaping shall be per code.
- (3) No ground supported signage is allowed along the west sides of the site, and no building signs facing the west are permitted on the site as long as the property adjacent to or across the street is residential developed or zoned. No off-site or portable signs are allowed.
- (4) On-site pole lighting will be no taller than 15-feet including the base/pedestal. Pole lighting will be directed down onto the site away from adjacent residential development. No pole lighting will be placed within setbacks.
- (5) The site shall be developed in conformance with all applicable regulations.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Properties to the north are zoned

GC and LI, and are developed with a single-family residence, a social services office, retail store and a warehouse. Properties to the west of the site are zoned B and GC, and developed with single-family residences and duplexes. South of the subject site properties are zoned B and GC, and developed as a truck terminal, retail store and a single-family residence. Properties to the east of the site are zoned LI and are developed with a truck terminal, machine shop and an office.

2. **The suitability of the subject property for the uses to which it has been restricted:**
The site is zoned GC and B. The GC district provides a wide range of commercial uses; however the GC district requires the front of machine or manufacturing shops to have office uses. The site's B district zoning is sandwiched between GC zoning, making it even less suitable for the block face. The B and GC zoning were probably placed there to provide a buffer from the LI zoning located to the east and the mostly B zoned and residentially developed block located west of the site. Based upon the ownership pattern of the applicants, the site's existing GC and B zoning is problematic since their other property is zoned LI, and the B zoning is out of character with the area's existing zoning.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** LI zoning permits a more intensive list of uses than permitted in the GC or B districts; however the recommended conditions of approval are designed to minimize potential impacts.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this site as appropriate for "Employment/Industry Center." This category encompasses areas with uses that constitute centers or concentrations of employment of an industrial, manufacturing, service or non institutional nature. The range of uses includes manufacturing and fabrication facilities, warehousing and shipping centers, call centers and corporate offices.
5. **Impact of the proposed development on community facilities:** The site is served by public services that are adequate to meet identifiable demands.