

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. ZON2016-00058**

Amend Protective Overlay #35; described as:

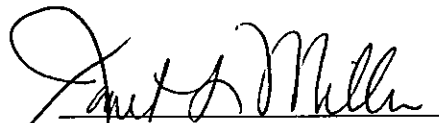
LOT 1 EXC S 15 FT MOBILE MANOR SOUTH 2ND ADDITION, Wichita, Sedgwick County, Kansas

P.O. #35 SHALL BE AMENED AS FOLLOWS:


1. Provision 1. *“If developed as a self-storage facility, the applicant shall develop the site according to the site plan. The landscape plan shall also provide for a landscaped front yard with a minimum depth of 20 feet along both Meridian and MacArthur and in accordance with the following conditions 2 through 11.”*
2. Provision 13. *“If developed for any use other than self-storage, three identification signs in accordance with the LC zoning district shall be allowed.”*

**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.

  
for Jeff Longwell, Mayor

ATTEST:

  
Karen Sublett, City Clerk



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



**STAFF REPORT**  
MAPC December 15, 2016  
DAB IV December 5, 2016

**CASE NUMBER:** ZON2016-00058

**OWNER/APPLICANT:** Mobile Manor, Inc. (owner/applicant) and ES Development Midwest (buyer/applicant) Kaw Valley Engineering, Tim Austin (Agent)

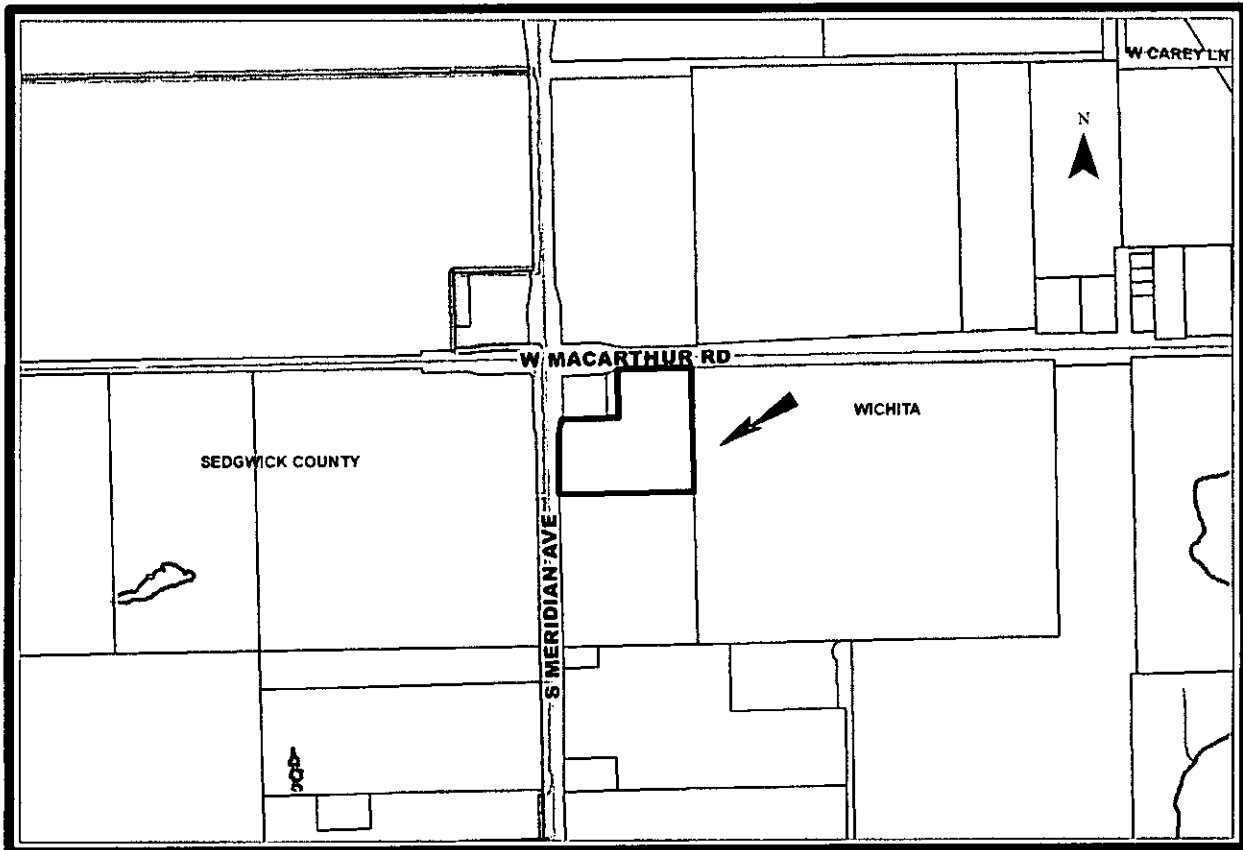
**REQUEST:** Amend Protective Overlay #35 to clarify applicability of provisions and increase signage

**CURRENT ZONING:** GC General Commercial

**SITE SIZE:** Approximately 6.6-acres

**LOCATION:** Generally located at the southeast corner of South Meridian Avenue and West MacArthur Road

**PROPOSED USE:** Retail and other limited commercial uses



**BACKGROUND:** The subject site, Lot 1 except the South 15 feet, Mobile Manor South 2<sup>nd</sup> Addition, is zoned GC General Commercial with a Protective Overlay #35. The applicant is requesting an amendment to PO #35 (see attached) to amend Provision #1 and add Provision #13 as follows:

1. Provision 1. *“If developed as a self-storage facility, the applicant shall develop the site according to the site plan. The landscape plan shall also provide for a landscaped front yard with a minimum depth of 20 feet along both Meridian and MacArthur and in accordance with the following conditions 2 through 11.”*
2. **Provision 13.** *“If developed for any use other than self-storage, three identification signs in accordance with the LC zoning district be allowed.”*

North and west of the subject site is an LC zoned lot developed with a retail store. MH Manufactured Housing zoning districts are located to the north, east and south of the subject site. The property to the west is zoned LC and is currently used for agricultural purposes and has some building improvements on the property.

**CASE HISTORY:** Mobile Manor South 2<sup>nd</sup> Addition was recorded with the Sedgwick County Register of Deeds June 15, 1999. Z-3260 and PO #35 were approved by Wichita City Council in March 1998.

**ADJACENT ZONING AND LAND USE:**

NORTH:	MH, LC	South Meridian Mobile Home Park, Retail Store
SOUTH:	MH	MacArthur Place Mobile Home Park
WEST:	LC	Retail Store, Agricultural use with farm building improvements
EAST:	MH	MacArthur Place Mobile Home Park

**PUBLIC SERVICES:** The site has access to MacArthur and Meridian. MacArthur and Meridian are paved, four-lane arterials with a center turn lane. All public utilities are available to serve the site.

**CONFORMANCE TO PLANS/POLICIES:** The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as being located within the Wichita Urban Growth Area and the South Wichita/Haysville Neighborhood Plan. The Future Growth Concept Map identifies the area as New Residential. New Residential Growth will likely be developed or redeveloped by 2035 as predominately residential with pockets of major institutional and commercial uses. Locational guidelines further encourage infill development that maximizes public investment in existing infrastructure along arterial streets.

**RECOMMENDATION:** Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to the following amended provisions to PO #35:

1. Provision 1. *“If developed as a self-storage facility, the applicant shall develop the site according to the site plan. The landscape plan shall also provide for a landscaped front yard with a minimum depth of 20 feet along both Meridian and MacArthur and in accordance with the following conditions 2 through 11.”*
2. **Provision 13.** *“If developed for any use other than self-storage, three identification signs in accordance with the LC zoning district be allowed.”*

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** North and west of the subject site is an LC zoned lot developed with a retail store. MH Manufactured Housing zoning districts are located to the

north, east and south of the subject site. The property to the west is zoned LC and is currently used for agricultural purposes and has some building improvements on the property.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The proposed uses are permitted by right in the zoning district and the amendment to PO #35 would permit additional signage for commercial use.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested amendment to PO #35 allows the area to be developed with commercial and residential uses in addition to self-storage uses abutting MH and LC zoned property.
- (4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would allow duplex and commercial development between LC and MH.
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as being located within the Wichita Urban Growth Area and the South Wichita/Haysville Neighborhood Plan. The Future Growth Concept Map identifies the area as New Residential. New Residential Growth will likely be developed or redeveloped by 2035 as predominately residential with pockets of major institutional and commercial uses. Locational guidelines further encourage infill development that maximizes public investment in existing infrastructure along arterial streets.
- (6) **Impact of the proposed development on community facilities:** All services are in place and any increased demand on community facilities can be handled by current infrastructure.