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OCA 150004

ORDINANCE NO. 50-583

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. ZON2017-00005**

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

A tract in the Northwest Quarter of Section 34, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, beginning 550 feet east of the intersection of the South right-of-way line of U.S. Highway 54 and the West line of said Northwest Quarter; thence east along the South line of said Highway, 767.69 feet; thence south parallel with the West line of said Northwest Quarter, 435 feet; thence west parallel with the South right-of-way line of said Highway, 767.69 feet; thence north to beginning.

**Protective Overlay #315**

1. Drainage will be handled at the time of platting. Required drainage improvements will be guaranteed with the Final Plat. All structures and sewer systems must obtain all permits and inspections, including issues associated with location within FEMA flood areas.
2. The transfer of title of all or any portion of the land included within the development does not constitute a termination of the plan or any portions thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns and their lessees unless amended.
3. Building setbacks: Per as required in General Commercial District zoning standards.
4. Bulk standards: Per as required in General Commercial District zoning standards.
5. Parking shall be per Wichita City Code.
6. All drives and access shall be surfaced with a material approved by Wichita City Code standards including Fire.
7. Access Control: At time of platting access controls shall be as shown on the face of the Final Plat.
8. All buildings/structures must meet Wichita City Codes and permitting requirements.
9. Signage: As allowed per Wichita City Code.
10. No enclosed structures will be built inside of the floodplain.

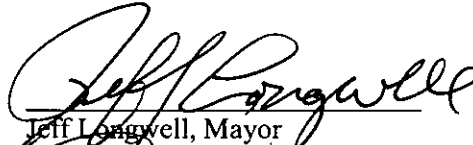
The suggested development provisions of the PO are as listed below:

1. Permitted uses shall be those uses permitted by right in GC General Commercial, except for correctional placement residence, recycling collections station, recycling processing center, sexually oriented business, tattooing and body piercing, tavern and drinking establishment and asphalt or concrete plant.
2. All buildings located within GC zoning shall share a uniform architectural character, color and predominate exterior building material as approved by the Planning Director.
3. Development shall be in accordance with a site plan approved by the Planning Director.
4. Building height is limited to 35 feet.
5. Building setbacks where GC zoning abuts residential zoning shall be 25 feet.

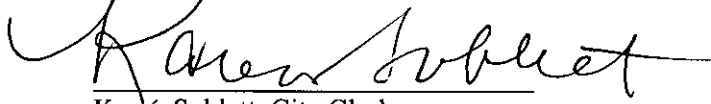
6. Landscaping shall be in compliance with the Landscape Ordinance.
7. Loading docks, trash receptacles, mechanical equipment and outdoor work areas shall be screened from ground level view from street right of way and adjacent properties.
8. Parking and loading shall be in accordance with Section IV-A of the Unified Zoning Code.
9. Signs shall be per the Sign Code provisions for the GC district.

**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



**STAFF REPORT**  
DAB IV August 7, 2017  
MAPC July 20, 2017

**CASE NUMBER:** ZON2017-00005

**APPLICANT/AGENT:** Coleman Ventures LLC/ Abbott Land Survey, Chad Abbott

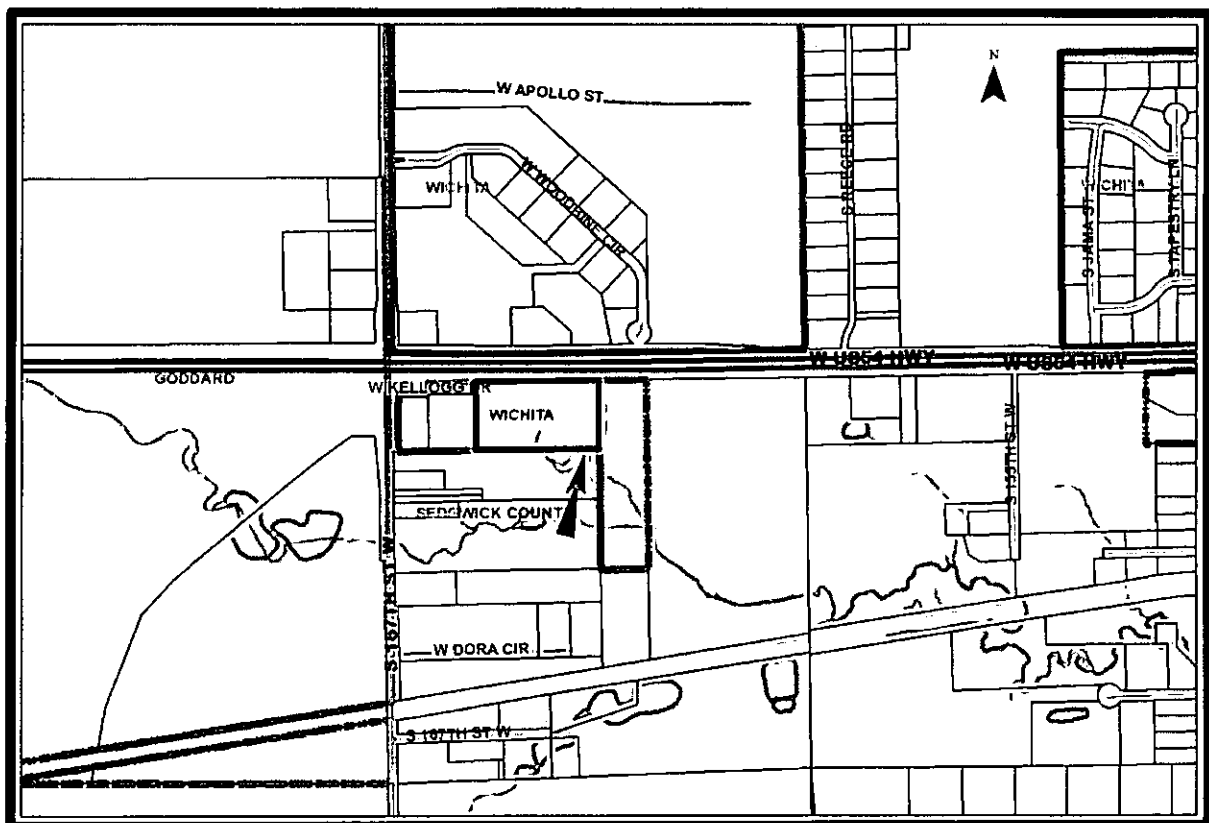
**REQUEST:** GC General Commercial District

**CURRENT ZONING:** SF-5 Single-Family Residential District

**SITE SIZE:** 7.76-acres

**LOCATION:** Generally located on the south side of West Kellogg Avenue, approximately 540 feet east of South 167<sup>th</sup> Street West.

**PROPOSED USE:** Commercial building



**BACKGROUND:** The applicant is requesting a change of zone from SF-5 Single-Family Residential District (SF-5) to GC General Commercial District (GC). The property is a 7.76-acre undeveloped parcel located south of West Kellogg Avenue and east of South 167<sup>th</sup> Street West.

Access to the site is from West Kellogg Drive, east of South 167<sup>th</sup> Street West.

With this location along West Kellogg Avenue, the applicant believes the property is suitable for a commercial development. The location east of Goddard offers future development potential.

A Protective Overlay (PO) has been submitted by the applicant as an approach to provide the most desirable development at the property. The overlay states that development would be allowed per the General Commercial District regulations in the zoning code.

The suggested general provisions of the PO are listed below:

1. Drainage will be handled at the time of platting. Required drainage improvements will be guaranteed with the Final Plat. All structures and sewer systems must obtain all permits and inspections, including issues associated with location within FEMA flood areas.
2. The transfer of title of all or any portion of the land included within the development does not constitute a termination of the plan or any portions thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns and their lessees unless amended.
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9. Signs shall be per the Sign Code provisions for the GC district.

The property located north of the subject property is zoned Limited Commercial (LC) and is undeveloped. South of the site is a large lot single-family home zoned Single Family (SF-20). East of the site is a manufactured home community zoned SF-20. To the west of the subject property is a commercial business zoned LC.

**CASE HISTORY:** This property is unplatted and there have been no prior zoning cases.

**ADJACENT ZONING AND LAND USE:**

North:	LC	vacant land, West Kellogg Avenue right of way
South:	SF-20	single-family home
East:	SF-5	single-family manufactured homes
West:	LC	commercial use

**PUBLIC SERVICES:** West Kellogg Avenue is a US highway that serves as one of the primary thoroughfares for Wichita and Goddard. The site is not currently served by municipal utilities. Utilities will have to be extended to the site at the developer's expense.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as New Employment. A commercial use would fit with this description more than the residential uses that are currently in place and may provide for a source of employment for the surrounding area as well an increase in the tax base.

**RECOMMENDATION:** Based upon the information available at the time the staff report was completed, staff recommends approval of the request. This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The property located north of the subject property is zoned Limited Commercial (LC) and is undeveloped. South of the site is a large lot single-family home zoned Single Family (SF-20). East of the site is a manufactured home community zoned SF-20. To the west of the subject property is a commercial business zoned LC Limited Commercial.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property, given its lack of access to public infrastructure services – would likely be better suited to the residential use it is zoned for at this time. However, if the applicant were to provide for these services to be extended to this property, this would no longer be the case.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of this case would likely not adversely affect the nearby properties.
4. **Length of time the property has been vacant as currently zoned:** This property is vacant and has never been developed with the existing SF-5 zoning, a zone change to GC may be suitable for 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 site as New Employment. A commercial use would fit with this description more than the residential uses that are currently in place and may provide for a source of employment for the surrounding area as well an increase in the tax base.

7. Impact of the proposed development on community facilities: Public improvements would need to be provided to the site prior to any construction at the developer's expense.

Staff Report Attachments:

1. Zoning Exhibit
2. Utilities Exhibit