

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. ZON2014-00026

Zone change request from TF-3 Two-family Residential (TF-3) and LC Limited Commercial (LC) to LI Limited Industrial (LI) described as Lot 10 and the half vacated alley adjacent on the South and East, Fred P. Mosteller Addition to Wichita, Sedgwick County, Kansas, and Lot 1, Rainbow Baking Co. Addition to Wichita, Sedgwick County, Kansas, and Lots 1 and 2 and the half vacated alley adjacent on the West and North, Block 1, together with Lot 3, Block 1, Murphy Addition to Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #292:

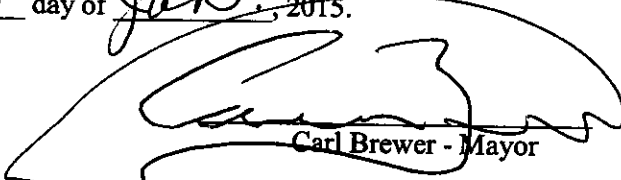
1. Maximum building coverage is limited to one-third the site's total land area (72,962.56 square feet).
2. Minimum building setbacks are: 100 feet from the south and east property line, 30 feet from the west property line and zero or five feet on the north.
3. No outside storage is permitted except for vehicles used to conduct business activities located on-site.
4. Vehicle parking, loading, display or storage areas are to be paved per Unified Zoning Code standards and cannot cover more than one-half of the site's total area.
5. No noxious odors or undue noise shall be detected at the property line.
6. Access to Minneapolis shall be limited to the two existing alleys located at the north and south property lines.
7. Screening fencing shall be located along the east and south property line.
8. Outdoor trash and debris is to be regularly removed from the site. Dumpster or trash enclosures shall be screened from ground level view, and shall be located at least 20 feet from property used for residential purposes.
9. No ground signs are to be located along the east or south property lines. No wall or building signs shall be permitted on the east or southern building facades. No off-site signs or billboards are permitted. When located within 100 feet of East Glenn Oaks Drive, signage located along Southeast Drive shall not be lighted between the hours of 7:00 p.m. and 6:00 a.m.
10. Outdoor lighting is to be shielded and directed away from residential areas.
11. No sound projecting devices are to be used outside of any structure.
12. The site shall be developed, maintained and operated in compliance with the provisions of this Protective Overlay, and all other applicable federal, state or local ordinances, codes or regulations, including but not limited to: zoning, fire, building, sanitation, landscape or drainage.
13. The site permits all uses permitted by right in the Limited Industrial zoning district except the following uses shall be prohibited: "outdoor storage as a principal use"; "gas and/or fuel storage and sales"; manufacture, storage or sale of fireworks; "construction burn site, limited"; "asphalt or concrete plant,

limited"; "teen club in the city"; "tavern and drinking establishment"; "sexually oriented business in the city"; "recreation and entertainment, outdoor"; "nightclub in the city"; "correctional placement residence, limited and general" and "correctional facility."

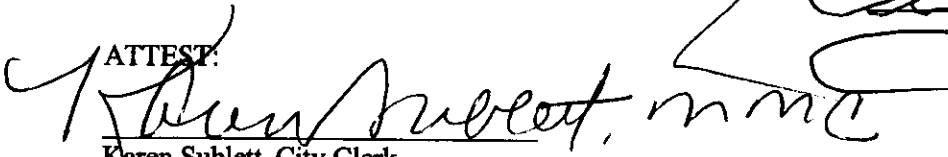
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

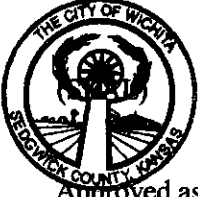
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 27 day of Jan., 2015.


Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form:


Sharon Dickgrafe, Interim City Attorney

Background: The applicants are seeking Limited Industrial (LI) zoning on a site that is currently zoned Limited Commercial (LC), Two-Family Residential (TF-3) and subject to development standards established by a Board of Zoning Appeals (BZA) “variance” discussed in the “case history” section. The applicant is of the opinion that rezoning the site to the LI district would make the property more attractive to a larger set of potential users than if the site remains zoned LC and subject to the site’s current development standards.

The application area contains 5.03 (219,106.8 square feet) acres that are located on the east side of Southeast Drive, approximately 600 feet south of East Pawnee Avenue. At this location Southeast Drive serves as a frontage road for Southeast Boulevard/Kansas Highway K-15. The application area has direct frontage on Southeast Drive, South Minneapolis Street and East Glenn Oaks Street, and has three addresses. 2530 and 2536 Southeast Drive are zoned Limited Commercial (LC) and occupy all of the application area except the small lot located in the extreme southeast corner. The property addressed as 2539 South Minneapolis Avenue (the small lot located in the extreme southeast corner of the application area) is zoned TF-3. The LC zoned property is developed with a large commercial building that was formerly a bakery (approximately 52,733 square feet) and other associated bakery uses such as a retail outlet (3,306 square feet), parking and tractor-trailer storage. The TF-3 zoned property is developed with a single-family residence built in 1959. A screening wooden fence is located along the LC zoned portion of the application area, but not along the TF-3 zoned property. The application area occupies all of the southern part of the block located south of East Pawnee Avenue, east of Southeast Drive, west of South Minneapolis Street and north of East Glenn Oaks Drive, except for a single lot located at the northwest corner of East Glenn Oaks Drive and South Minneapolis Street. The site has been vacant for approximately six months to a year.

Land located to the north of the subject site is zoned LC, and is a mostly vacant retail sales strip center that used to contain a grocery store as an anchor tenant. Land to the east is zoned MF-29 Multi-Family Residential (MF-29) or SF-5 Single-Family Residential (SF-5), and is developed with single family residences. To the south is a single lot located at the northwest corner of East Glenn Oaks Drive and South Minneapolis Street that is zoned TF-3, and is developed with a single-family residence. Farther south, across East Glenn Oaks Drive, are two lots zoned TF-3 as well as several other lots zoned SF-5 that are developed with single-family residences.

The LI district permits a wide range of non-residential uses; residential uses are not permitted in the LI district. Some of the uses permitted by right in the LI district that are not permitted in the LC district are: “wholesale or business service,” “welding or machine shop,” “warehouse,” “vehicle storage yard,” “research services” or “manufacturing, general.”

In contrast to the LI district, the current zoning code requires “conditional use” approval in the LC district to permit “manufacturing, limited” and such uses are subject to the following development standards contained in Unified Zoning Code (UZY) Article III, Section III-D.6.m: 1) the gross floor area of the building housing the 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 any property line shall be 30 feet; 3) no outdoor storage is permitted; 4) all parking and loading spaces shall be paved with concrete or asphalt and must not cover more than one-half of required open space and 5) the maximum number of employees on any one shift shall not exceed 15 per acre of lot area. Currently, “bakeries engaged in large scale production and wholesale distribution” are defined as “manufacturing, limited” and require LI zoning and are not permitted in the LC district (UZY, Article II, Section II-B.8.e). If the site does not remain vacant for more than two years, the bakery use or a use of equal or lesser intensity could occupy the site as a nonconforming use.

Analysis: On November 20, 2014, the Metropolitan Area Planning Commission (MAPC) reviewed the application. One area resident spoke in opposition, stating that the requested change from LC to LI zoning was too great a jump in zoning districts. The speaker also indicated that the bakery was a good neighbor; a different manufacturing use might not fit in as well. Another person asserted that the neighborhood as a whole did not object to the request provided that some assurances regarding noise

abatement and adherence to OSHA regulations were provided. The MAPC approved (8-0) the request subject to the following provisions of Protective Overlay #292:

1. Maximum building coverage is limited to one-third the site's total land area (72,962.56 square feet).
2. Minimum building setbacks are: 100 feet from the south and east property line, 30 feet from the west property line and zero or five feet on the north.
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On December 3, 2014, District Advisory Board (DAB) III heard the case. Two homeowners objected to allowing trucks from the application area to have access to Minneapolis Street. The homeowners asserted that Minneapolis Street was too narrow to allow semi-tractor trailer truck traffic, and trucks from the old bakery and the shopping center located to the north had broken the concrete paving on at least one driveway and on the curb located in front of a home. Another speaker was concerned with cut-through traffic from Harry Street using Minneapolis Street as a shortcut, and wanted a "stop" sign to be installed at the intersection of Glen Oaks Street and Minnesota Street. The DAB recommended approval of the request subject to the recommended protective overlay, but modified Protective Overlay #292 development standard number six to state that there be "no access from the site to Minneapolis Street."

No official protests were received. The MAPC recommendation may be approved by a simple majority vote. The DAB III recommendation may be approved by a two-thirds majority vote to override the MAPC recommendation to continue to allow access to Minneapolis Street.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the requested zone change subject to the development standards contained in Protective Overlay #292 as recommended by MAPC and place the ordinance on first reading (simple majority vote); adopt the findings of the MAPC and approve the request but deny access to Minneapolis Street as

recommended by DAB III and place the ordinance on first reading (two-thirds majority vote) or deny the request (two-thirds majority vote).

Attachments: MAPC minutes, DAB memo and ordinance.