

Planning Agenda Item # _____

City of Wichita
City Council Meeting
August 11, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3057 - ZONE CHANGE FROM THE "AA" ONE-FAMILY DWELLING DISTRICT TO THE "E" LIGHT INDUSTRIAL DISTRICT, LOCATED NORTH OF THE INTERSECTION OF 37TH STREET NORTH AND ARMSTRONG. (District #6)

INITIATED BY: Metropolitan Area Planning Department *M. Kraut*

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting and the restrictive covenants volunteered at the meeting. (8-3)

Staff Recommendation: Approve, subject to platting.

CPO Recommendation: CPO Council "6" recommended approval. (5-2)

Background: On June 18, 1992, the MAPC held a public hearing to consider a zone change from the "AA" One-Family Dwelling District to the "E" Light Industrial District for a one-acre tract north of the intersection of 37th Street North and Armstrong. The property is currently being used as a legal nonconforming machine shop. Aerial photos indicate that the machine shop was operating prior to County zoning. In 1958, as part of the county's 3-mile ring zoning, the property was zoned "R-1" Suburban Residential. The property was annexed into the City of Wichita in 1962 and was zoned "AA" One-Family Dwelling District. The current business consists of a 5,000 square-foot building and employs 25 to 30 persons during a 20-hour workday. The applicant has indicated that the proposed use of the property is to expand the existing building by one and one-half times to 12,500 square feet and 60 employees.

Section 28.04.170 of the Zoning Ordinance allows a 50% expansion of legal, nonconforming uses. The Board of Zoning Appeals, by means of a variance, Section 2.12.590.B of the City Code, may allow an expansion of not more than 100%. Any expansion of an existing business over 30% requires compliance with City parking and landscaping standards.

Municipal water is currently being used at this location. An eight-inch sewer line is located south of old 37th Street, approximately 240 feet east of Armstrong (Block A, Lee Albertson Addition). Extension of the line under 37th Street is possible as

long as the projected water usage of the machine shop does not exceed the capacity of the sewer line. Industrial waste may also be disposed of in a sewage lagoon. Industrial lagoons must be individually designed and approved by the Kansas Department of Health and environment.

The applicant's property is unique in that it is bounded on three sides by a flood control levee which serves as a barrier to surrounding uses to the north, east and west. Required landscaping along 37th Street would provide a buffer between the expanded use and residential uses to the south, effectively isolating the property on all sides.

The Planning commission has previously looked favorably on zone change requests involving an existing business. In this case, approval of "E" Light Industrial zoning for the expansion of the existing business is a logical and appropriate use of the property. However, certain uses allowed by "E" are not compatible with the surrounding residential uses to the south. The applicant may wish to volunteer restrictions limiting the uses of the property in the "E" Light Industrial District to ensure compatibility of the property with the surrounding neighborhood.

At that meeting the MAPC voted 11-1 to defer the matter for four weeks so that the issue of the septic disposal process could be resolved, and further noise studies conducted.

On July 16, 1992, the MAPC reconsidered this case. At that meeting the MAPC voted 8-3 to approve the request subject to platting, the applicant's verbal restrictive covenant, and that the height of the fence to be 6 feet above the center of the street.

RECOMMENDATIONS/ACTIONS:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for reconsideration, stating reasons; or
3. Override Planning Commission's recommendation by 2/3 majority vote.

(_____) Published in The Daily Reporter on 3-12-93

ORDINANCE NO. 41-957
AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 28.04.210, THE CODE OF THE CITY OF WICHITA, KANSAS.

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 Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3057

Zone change from "AA" One-family dwelling district to "E" Light Industrial District.

Lot 1, Block A, PMT Addition, Wichita, Sedgwick County, Kansas.

Generally located north of 37th Street North and west of Arkansas (at the intersection of 37th Street and Armstrong.)

SECTION 2. That upon the taking effect of the Ordinance, the above zoning change 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 Zoning Ordinance 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, _____

ATTEST:

(SEAL) _____ City Clerk

Mayor

Approved as to form:

City Attorney