

ORDINANCE NO. 48-778

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. ZON2010-00016

Zone change request from SF-5 Single-family Residential ("SF-5") to LC Limited Commercial ("LC") subject to Protective Overlay #242 on properties described as:

Lot 5, Block B, Lloyd E. Nichols Addition, Wichita, Sedgwick County, Kansas; generally located northeast of the intersection of Pawnee Avenue and Seneca Street (2256 S. Seneca St.)

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #242:

1. Dedicate complete access control along the site's Haskell Street frontage.
2. Provide a landscape/site plan for approval that would insure that landscaping is installed per the standards of the Landscape Ordinance's street yard landscaping and a landscape buffer between the site and the abutting and adjacent SF-5 zoned properties.
3. All outside lighting shall be no taller than 14-feet and located outside all setbacks.
4. Automobile painting, upholstering, rebuilding, renovation, reconditioning, body and fender works and overhaul are not allowed. Uses allowed under the "vehicle repair, general." designation are prohibited unless there is a zoned change to GC General Commercial ("GC").
5. All vehicle repair activity will be conducted entirely within an enclosed structure. The outdoor storage of vehicles, parts or equipment is prohibited.
6. All fluids associated with the vehicle repair, limited, use shall be collected, stored and disposed of in a manner consistent with local, state or federal regulations.
7. All dumpsters shall be screened, have a gated entry and shall not be visible from South Seneca Street or Haskell Avenue.
8. Signage is limited to signage permitted in the NO Neighborhood Office ("NO") zoning district.
9. The site shall be developed and operated in conformance with all compatibility setback standards and parking requirements.
10. The site and the use shall be operated and maintained in conformance with all *Wichita-Sedgwick County Unified Zoning Code*, building, environmental, health or other applicable codes. The use may begin operation only when fully compliant with all applicable codes.

City of Wichita
City Council Meeting
July 20, 2010

TO: Mayor and City Council

SUBJECT: ZON2010-00016 – City zone change from SF-5 Single-family Residential (“SF-5”) to LC Limited Commercial (“LC”); generally located northeast of the intersection of Pawnee Avenue and Seneca Street (2256 S. Seneca St.). (District IV)

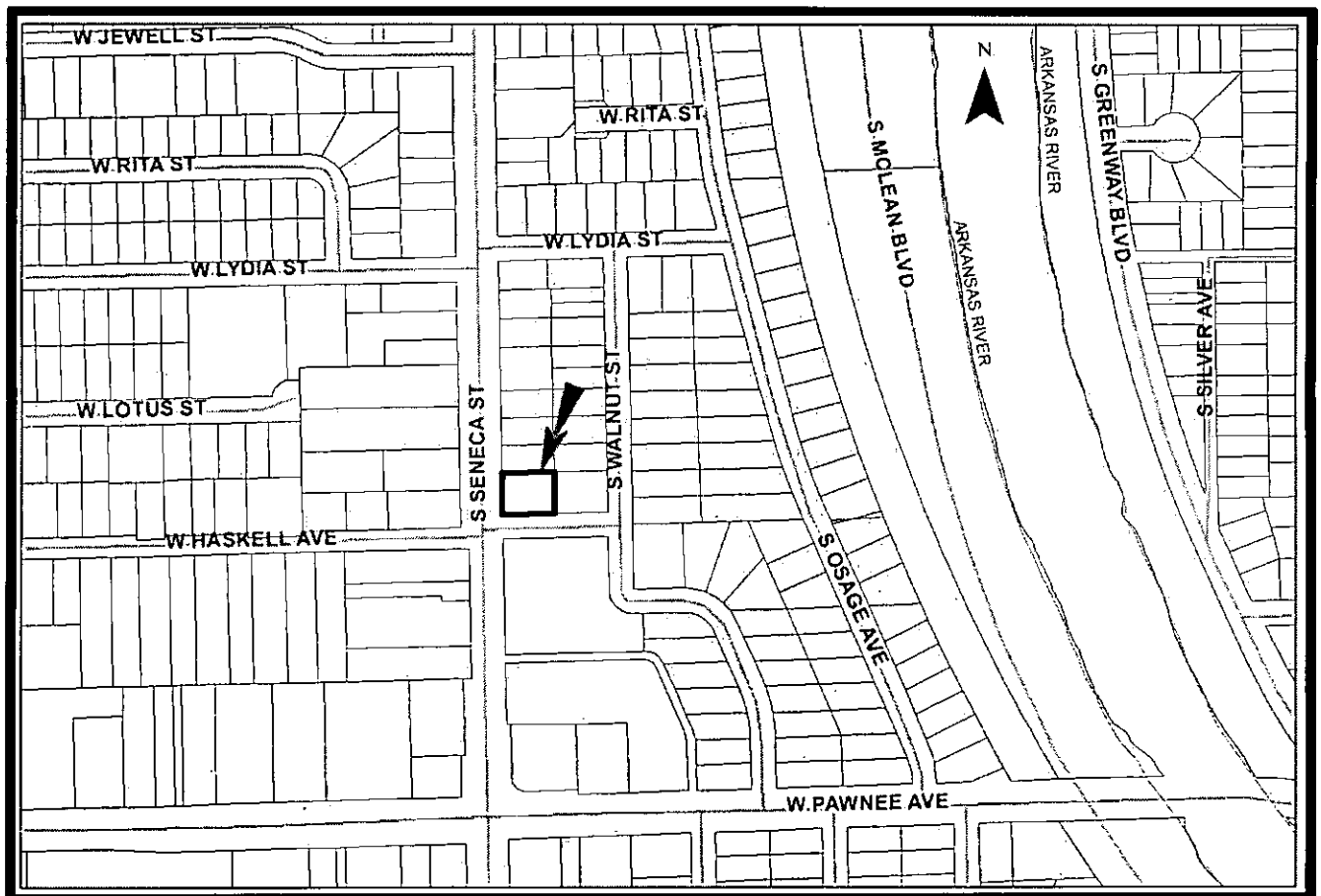
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

DAB IV Recommendation: Approve, subject to provisions of Protective Overlay #242, vote (5-1).

MAPC Recommendation: Approve, subject to provisions of Protective Overlay #242, vote (10-3).

MAPD Staff Recommendation: Denial.



Background: The applicant is requesting LC Limited Commercial ("LC") zoning on Lot 5, Block B, Lloyd E. Nichols Addition (2256 S. Seneca Street). The site is currently zoned SF-5 Single-family Residential ("SF-5") and is developed with a single-family residence and one accessory garage of approximately 875 square feet in size. The applicant proposes to operate a "vehicle repair, limited," use out of the accessory garage on the southeast portion of the property.

The proposed use of "vehicle repair, limited," is a unique request in a predominately residential area. Such uses are allowed with a Conditional Use in the county for a home occupation; however, properties in the city are not afforded that option due to the density of residential areas within the city and the negative impacts such a use can have on a residential neighborhood. The site is located on an arterial, Seneca Street, and LC zoning is located directly to the west of the subject site, across Seneca Street; however, the east side of Seneca is developed with residential uses for almost a half mile north and south along Seneca Street, extending to the east towards the old railroad right-of-way and McLean Boulevard. Commercial uses in an established residential area can increase traffic in the neighborhood, produce more noise than a typical residential use, and with the case of a vehicle repair operation, there is also the possibility of increased contaminants (oil, gas, antifreeze, brake fluid, etc.) in the area. For a commercial use, specifically a "vehicle repair, limited," use, the structure in which the operation is to be conducted will have to be improved to commercial building standards and any other additional building standards needed to properly operate a vehicle repair use.

Property north of the site is zoned SF-5 and is developed with a single-family residence. Property to the east is zoned SF-5 and is also developed with a single-family residence. Property to the south of the subject site, across Haskell Avenue, is zoned SF-5 and is developed with a church/place of worship. Property to the west of the site, across Seneca Street, is zoned LC and is developed with restaurants.

Analysis: At the DAB IV meeting held on June 2, 2010, the DAB voted (5-1) to recommend approval of the request for LC zoning with a Protective Overlay. The case was approved, even though the DAB did have concerns with parking and noise. One person from the public spoke against the application.

At the MAPC meeting held on June 17, 2010, the MAPC voted (10-3) to recommend approval of the request for LC zoning with a Protective Overlay. The commissioners' main concerns were in regards to the containment of fluids from vehicles and how/when code enforcement will inspect the site to make sure the provisions of the Protective Overlay are met.

One protest petition has been filed on this case accounting for 0.69% of the notified land area. Therefore, a simple majority vote is all that is needed to the MAPC's recommendation for approval.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality

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

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change subject to the provisions of Protective Overlay #242; and withhold publication of the ordinance until conditions of the protective overlay are met;

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)



Hillside
Nursery

LANDSCAPE ORDINANCE CALLS

- 229 LF FRONTAGE
 140 LF PERPENDICULAR DISTANCE
 189 AS STREET FRONTAGE
 16 SF FALLOA
 1512 SF REQUIRED 4500 TREES REQUIRED
 2 SHADETREES EXISTING 2000 SHADETREES
 10 STREETS TO EXISTING PARKING AREA

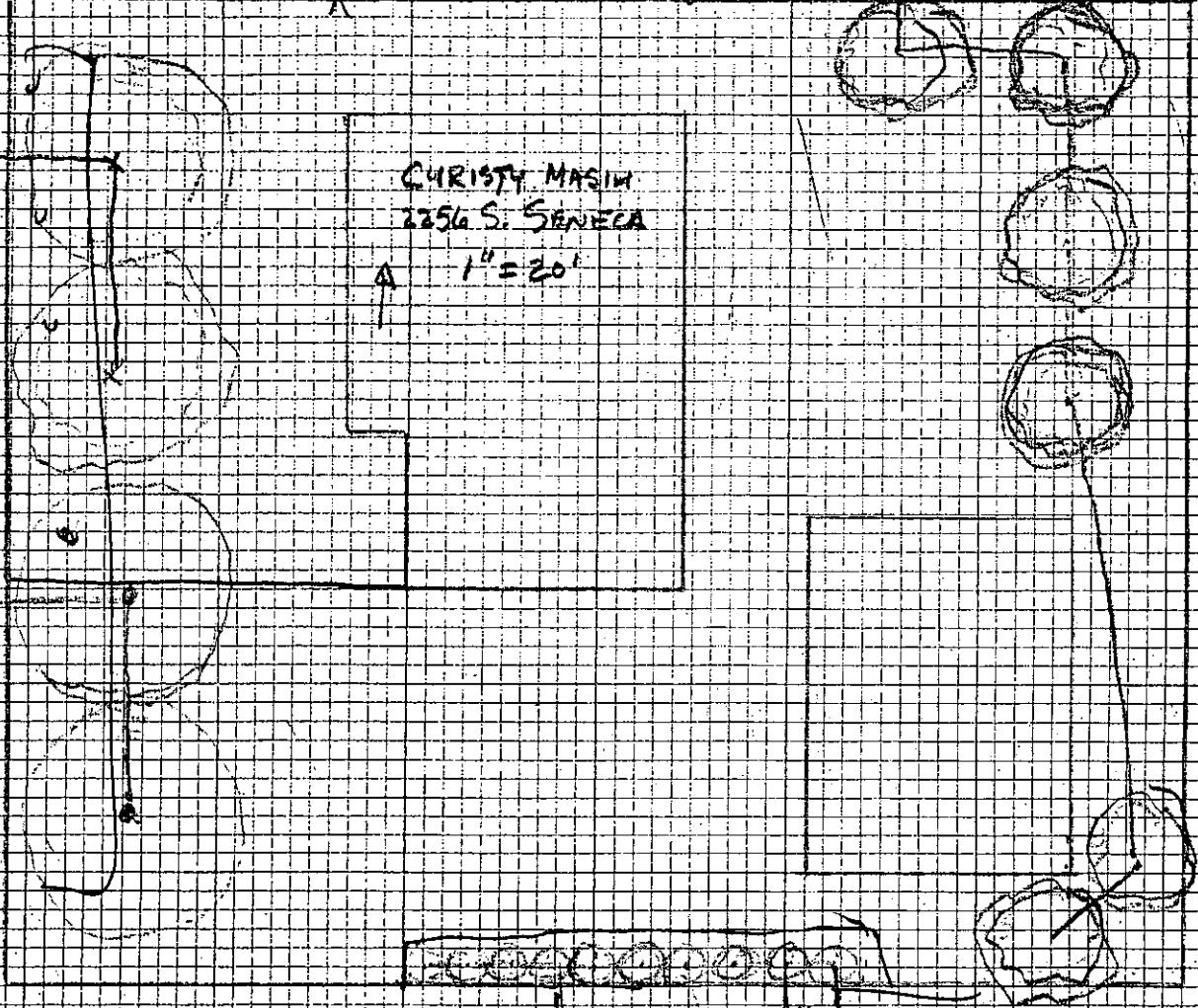
BUFFER REQUIREMENT FOR 229 LF
 6 JUNIPERUS REQUIRED 15' BUFFER

6 CANARY JUNIPER

2 EXISTING
MAPLES

CHRISTY MASIN
 2256 S. SENECA
 1" = 20'

2 HAWK
LOCUST



PLANT SCHEDULE

- | | | |
|---|----------------|-----------|
| 2 GLEDITSIA TRIDACANTHUS VAR INERMIS "HAWK" | HAWK LOCUST | 2" BB |
| 6 JUNIPERUS VIRGINIANA "CANARY" | CANARY JUNIPER | 5 1/2" BB |
| 10 ELANYMUS RIATSCHOVICUS | HAWK LOCUST | 2 GAL |

PLANTING NOTES

1. ALL WORK TO BE DONE IN ACCORDANCE WITH THESE LANDSCAPE SPECIFICATIONS AND LOCAL INVENTORY STANDARDS
2. USE CORRECT GROWTH COMPACT WHEN NECESSARY
3. USE CORRECT MULCH AT 3" TO TOP DRESS
4. IRRIGATION PROVIDED WITH A HOSE & G