

(150004)

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ORDINANCE NO. 46-629

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. ZON2005-00020**

Request for Zone change from "SF-5" Single-family Residential to "GC" General Commercial, on property described as:

Lots 13, 15, 17, 19, 21, and 23 of Block 3 of the Green Addition to the City of Wichita, generally located west of All Hallows and south of Maple Street.

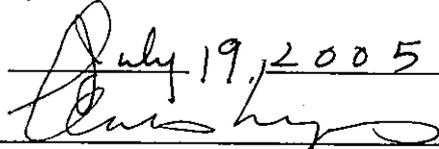
**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #157:**

1. Uses on this site shall be limited to parking in support of the machine shop north and west of the site.
2. The applicant shall submit a site plan, to be approved by the Director of Planning, which limits site access to the existing access point on the north boundary of the site. The site may have access from the alley north and west of the site. The site plan shall demonstrate screening of the site from residential uses south and east of the site.
3. The applicant shall dedicate access control to All Hallows Avenue except for one opening adjacent to the alley on the north boundary of the site.
4. The site shall be developed in general conformance with the approved site plan.
5. The applicant shall submit a landscape plan, to be approved by the Director of Planning, which meets the requirements of the City of Wichita Landscape Ordinance.
6. No outdoor storage shall be permitted on the site.
7. Outdoor lighting on the site shall be restricted to 12 feet in height, and shall be shielded away from residential zoning.
8. No signage on the site shall be permitted along All Hallows Avenue.
9. The applicant shall vacate the alley north and west of the site.

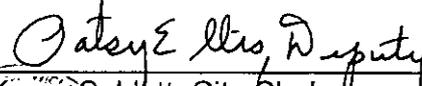
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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

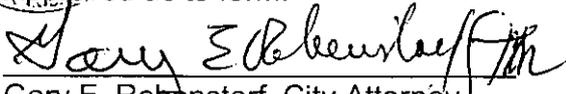
**ADOPTED AT WICHITA, KANSAS,**

July 19, 2005  
  
Carlos Mayans - Mayor

**ATTEST:**

  
Karen Sublett, City Clerk  


Approved as to form:

  
Gary E. Rebenstorf, City Attorney

## STAFF REPORT

DAB IV June 1, 2005

MAPC June 9, 2005

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CASE NUMBER: ZON2005-00020

APPLICANT/AGENT: Exacta Machine Co, Casey Voegeli (applicant), Baughman Co PA, Terry Smythe (agent)

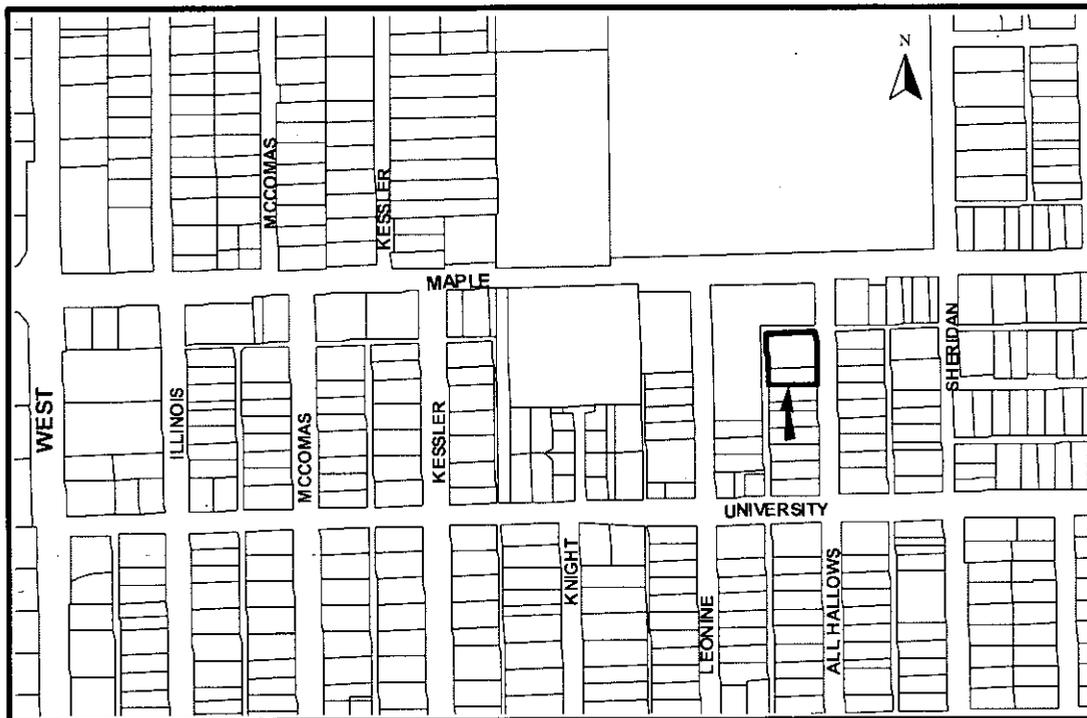
REQUEST: Zone change to "GC" General Commercial

CURRENT ZONING: "SF-5" Single-Family Residential\*

SITE SIZE: .5 acres

LOCATION: South of Maple and west of All Hallows

PROPOSED USE: Parking in support of an existing machine shop



**BACKGROUND:** The applicant requests "GC" General Commercial zoning on a .5-acre site, currently zoned SF-5 Single-family. The proposed use is parking for an existing machine shop company, located south of Maple and west of All Hallows. The machine shop on the parcel north and west of the site was rezoned to GC in 1998; that rezoning resolved a non-conforming use and allowed for expansion of the machine shop. The current application area is developed with a single-family residence, the lot is larger than most surrounding residential lots. Northwest of the site, at the Maple/All Hallows intersection is an LC zoned automobile service garage. Further north, across Maple is an SF-5 zoned middle school. South and east of the site are SF-5 zoned single-family residences.

**CASE HISTORY:** The application area is platted as Lots 13, 15, 17, 19, 21, and 23 of the College Green Addition.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"GC" General Commercial	Machine shop
SOUTH:	"SF-5" Single-Family Residential	Single-family residential
EAST:	"SF-5" Single-Family Residential	Single-family residential
WEST:	"GC" General Commercial	Machine shop

**PUBLIC SERVICES:** All Hallows Street is a paved residential street with a 60-foot right-of-way. The site currently has one point of access from All Hallows on the north side of the site, immediately south of the alley. An accessible alley exists north and west of the site. The application area does not have direct access to Maple; the machine shop complex has frontage on Maple, but access points are from All Hallows and Leonine. Maple is a four-lane arterial at this location with a 90-foot right-of-way. The 2030 Transportation Plan indicates that this section of Maple will remain a four-lane arterial.

All other normal public services are available at the site.

**CONFORMANCE TO PLANS/POLICIES:** The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area as appropriate for "low density residential". Immediately north of the site identified as appropriate for "commercial" development.

The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

The UZC would require a 25-foot compatibility setback between non-residential and residential development, as well as a screening requirement from residential zoning. As the proposed use is for parking, parking would be prohibited in the required front and side setbacks of the site, which are 20 and five feet respectively in the GC district. Conformance with the Landscape Ordinance would be required for this proposal.

**RECOMMENDATION:** The proposed GC zoning would allow a range of commercial and industrial uses not permitted under the current SF-5 zoning. The current proposed use is for parking in support of the existing machine shop complex to the north and west. The proposed parking could buffer the residences to the south from the machine shop use.

The proposed zone change is not in conformance with the Land Use Guide, but is in conformance with the Locational guidelines of the Plan.

A residential neighbor south of the site has contacted MAPD; the neighbor is opposed to expansion of the machine shop use.

Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to the following Protective Overlay:

1. Uses on this site shall be limited to parking in support of the machine shop north and west of the site.
2. The applicant shall submit a site plan, to be approved by the Director of Planning, which limits site access to the existing access point on the north boundary of the site. The site may have access from the alley north and west of the site. The site plan shall demonstrate screening of the site from residential uses south and east of the site.
3. The applicant shall dedicate access control to All Hallows Avenue except for one opening adjacent to the alley on the north boundary of the site.
4. The site shall be developed in general conformance with the approved site plan.
5. The applicant shall submit a landscape plan, to be approved by the Director of Planning, which meets the requirements of the City of Wichita Landscape Ordinance.
6. No outdoor storage shall be permitted on the site.
7. Outdoor lighting on the site shall be restricted to 12 feet in height, and shall be shielded away from residential zoning.
8. No signage on the site shall be permitted along All Hallows Avenue.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The proposed rezoning is consistent with the GC zoning and uses north and west of the site. The proposed parking use, under the recommended Protective Overlay, could buffer SF-5 zoned single-family residences south of the site from the machine shop use north of the site.
2. The suitability of the subject property for the uses to which it has been restricted: The property could continue to be used as a single-family residence as currently zoned. However, staff recognizes that this site is surrounded to the north and west with GC zoning and an industrial use. Therefore, the site may not be attractive for continued single-family use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Rezoning non-residential uses could have negative effects on the single-family residences south and east of the application area. The proposed parking use, if under the recommended Protective Overlay, could buffer single-family residences south of the site from the machine shop use north of the site. The proposed Protective Overlay would limit site access to its north boundary, thereby limiting non-residential traffic in the residential neighborhood. The recommended Protective Overlay would also mitigate impacts on the surrounding residences with required screening and landscaping.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this site as appropriate for "low density residential" development, which is not in conformance with the application. The proposed rezoning is in conformance with the locational guidelines of the plan, as it is adjacent to an arterial road.
3. Impact of the proposed development on community facilities: The proposed parking, and therefore expansion of the existing machine shop could increase traffic at this location on Maple.