



Wichita-Sedgwick County Metropolitan Area Planning Department

June 9, 2021

Cesar Gutierrez
1345 S Hydraulic Street
Wichita, KS, 67211

Ref: ZON2021-00009: City Zone Change from LC Limited Commercial and SF-5 Single-Family Residential with Provisions of a PO Protective Overlay on property generally located north of East 55th Street South and north of West 53rd Street South on the east side of South Broadway Avenue (WCC III)

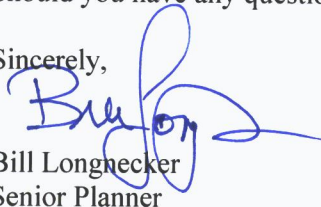
Mr. Gutierrez,

At the Tuesday May 25, 2021, Wichita City Council meeting ZON2021-00009 was **approved** 7-0, subject to the following provisions of Protective Overlay PO #367:

- (1) The following uses are permitted: a shop, office building, outdoor storage for trucks, trailers and materials for a building contractor's business/construction sales and service, single family residential, duplex, multi-family residential, accessory apartment, assisted living, church or place of worship, day care limited, government service, library, nursing facility, safety services, elementary, middle and high schools, university or college, bank or financial institution, bed and breakfast inn, broadcast recording studio, medical service, general office, post office substation, general retail, vocational school and self-storage warehouse.
- (2) No building materials or equipment shall be visible from ground level.
- (3) Solid screening shall provide along the north, side yard, and east, rear yard, sides of the subject site where it abuts SF-5 zoned properties; UZC, Art. IV, Sec. IV-B.#.d.1.
- (4) Landscaping shall be per the Landscape Ordinance.
- (5) Lighting sources shall be limited to 15 feet in height when located within 200 feet of residential zoning Districts and shall employ cut-off luminaries to minimize light trespass and glare; UZC, Art. IV, Sec. IV-B.4.
- (6) Compatibility setbacks shall apply to the north, side yard, and east, rear yard, sides of the subject site where it abuts SF-5 zoned properties; UZC, Art. IV, Sec. IV-C.4. The setbacks shall be a minimum of 15 feet plus one foot for each five feet of (subject site) lot width over 50 feet. In no case shall the compatibility setback standards alone require more than a 25-foot.
- (7) Dumpsters and refuse receptacles shall be located a minimum of 20 feet from the north, side yard, and east, rear yard, sides of the subject site where it abuts SF-5 zoned properties; UZC, Art. IV, Sec. I-C.7.b.

Should you have any questions, please feel free to call me at 268-4421.

Sincerely,


Bill Longnecker
Senior Planner

OCA 150004 Published in the Wichita Eagle June 4, 2021
ORDINANCE NO. 51-562

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. ZON2021-00009

City zone change from LC Limited Commercial and SF-5 Single Family Residential to GC General Commercial on an approximately 0.86-acre property described as:

Lot 2, Block A, Daniel L. Claassen Addition, generally located north of East 55th Street South and northeast of West 53rd Street South and South Broadway Avenue, Wichita, Sedgwick County Kansas.

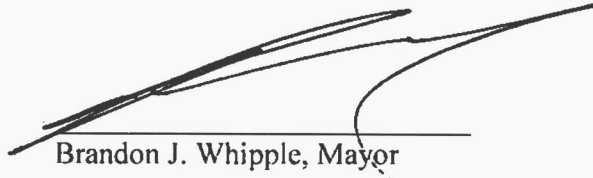
Subject to the following provisions of Protective Overlay PO #367

- (1) The following uses are permitted: a shop, office building, outdoor storage yard for trucks, trailers and materials for a building contractor's business /construction sales and service, single family residential, duplex, multi-family residential, accessory apartment, assisted living, church or place of worship, day care limited, government service, library, nursing facility, safety services, elementary, middle and high schools, university or college, bank or financial institution, bed and breakfast inn, broadcast recording studio, medical service, general office, post office substation, general retail, vocational school and self-storage warehouse.
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- (4) Landscaping shall be per the Landscape Ordinance.
- (5) Lighting sources shall be limited to 15 feet in height when located within 200 feet of residential zoning Districts and shall employ cut-off luminaries to minimize light trespass and glare; UZC, Art. IV, Sec. IV-B.4.
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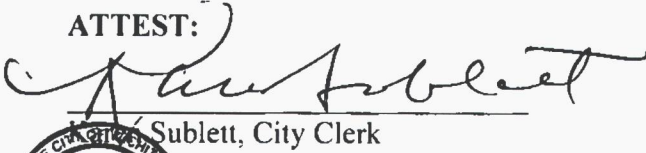
- (7) Dumpsters and refuse receptacles shall be located a minimum of 20 feet from the north, side yard, and east, rear yard, sides of the subject site where it abuts SF-5 zoned properties; UZC, Art. IV, Sec. I-C.7.b.

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.

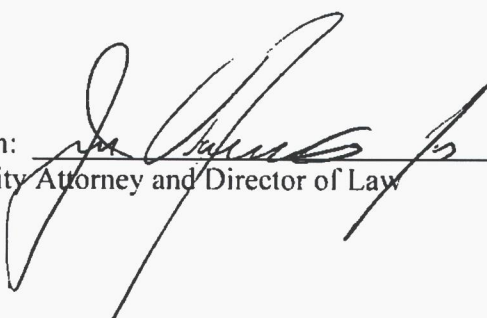
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Brandon J. Whipple, Mayor

ATTEST:


Sublett, City Clerk



Approved as to form: 
Jennifer Magana, City Attorney and Director of Law



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

El Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	76752	Print Legal Ad - IPL0026490		\$105.63	2	6.29

Attention: Jamie Buster
CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

LEGAL PUBLICATION

OCA 150004

Published in the Wichita Eagle on June 4, 2021

ORDINANCE NO. 51-562

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. ZON2021-00009

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Subject to the following provisions of Protective Overlay PO #367

(1) The following uses are permitted: a shop, office building, outdoor storage yard for trucks, trailers and materials for a building contractor's business / construction sales and service, single family residential, duplex, multi-family residential, accessory apartment, assisted living, church or place of worship, day care limited, government service, library, nursing facility, safety services, elementary, middle and high schools, university or college, bank or financial institution, bed and breakfast inn, broadcast recording studio, medical service, general office, post office substation, general retail, vocational school and self-storage warehouse.

(2) No building materials or equipment shall be visible from ground level.

(3) Solid screening shall provide along the north, side yard, and east, rear yard, sides of the subject site where it abuts SF-5 zoned properties; UZC, Art. IV, Sec. IV-B.3.a. and d.1.

(4) Landscaping shall be per the Landscape Ordinance.

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Brandon J. Whipple, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Jennifer Magana, City Attorney and Director of Law

IPL0026490

Jun 4 2021

In The STATE OF KANSAS
In and for the County of Sedgwick

No. of Insertions: 1

Beginning Issue of: 06/04/2021

Ending Issue of: 06/04/2021

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 06/04/2021 to 06/04/2021.

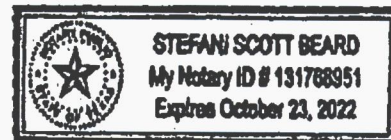
M. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 06/04/2021

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



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Belleville News-Democrat
Bellingham Herald
Bradenton Herald
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Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star

Miami Herald/el Nuevo Herald
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star Telegram
The State - Columbia

Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune - Tacoma
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San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	26119	(default) -	OCA 150004 MAPC/BZA A	\$240.00	1	12.00

Attention: Betsy Pagán
CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

Copy of ad content
is on the next page

In The STATE OF KANSAS
In and for the County of Sedgwick

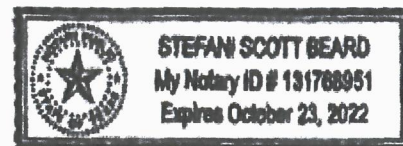
No. of Insertions: 1
Beginning Issue of: 03/16/2021
Ending Issue of: 03/16/2021

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 03/16/2021 to 03/16/2021.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 04/15/2021

Notary Public in and for the state of Texas, residing in
Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE
ON MARCH 18, 2021 (56323)
(ONE TIME ONLY)

MAPC/BZA April 8, 2021
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 8, 2021 no earlier than 1:30 p.m., the Wichita-Sedgewick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Century II - Room 101B - 225 West Douglas Avenue, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgewick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2021-00010 City Variance to allow a 9-foot masonry screening wall for a utility, major, located approximately 1200 feet east of the intersection of W 13th St N and N Ridge Road associated with CON2021-00011.

CON2021-00004 City Conditional Use to allow Wrecking/Salvage Yard on property zoned GC General Commercial and GI General Industrial; generally located south of East 29th Street North on the west side of North Market Avenue (2729 North Market) associated with ZON2021-00003.

CON2021-00010 City of Wichita located approximately 440 feet south of W. 61st St. N. on Fairfield Ave. at 6121 N Fairfield Ave. Applicant is requesting a Conditional Use for an Accessory Apartment within an existing garage/storage building.

CON2021-00011 City Conditional Use for a utility, major located approximately 1200 feet east of the intersection of W. 13th St N and N Ridge Road associated with BZA21-00010.

PUD2021-00002 City zone change to create PUD Buffalo Grove PUD #83, generally located on the east side of S. 127th St. E and north of E. Pawnee Rd. at the northeast corner of S. 127th St and E. Pawnee Rd.

VAC2021-00010 City Vacation of a portion of a platted setback to permit porch addition on property zoned SF-5 Single Family Residential; generally located on the north side of West Pawnee Avenue and two blocks east of South Meridian Avenue (7124 W Pawnee).

VAC2021-00011 City Vacation of ingress/egress reserve located approximately 740 feet south of E. Harry St. on the west side of S. Greenwich Rd.

VAC2021-00012 City Vacation of platted utility easements, generally located approximately one-quarter mile south of Kellogg on the west side of Ridge Rd.

ZON2021-00003 City zone change from GC General Commercial to GI General Industrial in association with CON2021-00004 for a conditional use for wrecking/salvage; generally located south of E. 29th Street North between North Park Place and North Market Street, Lots 27 through 34, Montrose Park Addition (2729 N. Market).

ZON2021-00004 City Zone Change from SF-5 Single-Family Residential to MF-29 Multi-Family Residential to build apartments, Generally located 600 feet south of East Harry Street and within one-quarter mile West of South Webb Road (7220 E. Osie).

ZON2021-00009 City zone change from LC Limited Commercial and SF-5 Single-Family Residential to GC General Commercial to allow construction sales and services; generally located north of East 55th Street South on the east side of South Broadway Avenue (5336 South Broadway).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgewick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDEGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meetings. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend a virtual connection site in-person (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgewick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	BPapan@wichita.gov
Mailing Address	Wichita-Sedgewick County Metropolitan Area Planning Department Attn: Scott Wadle 271 W. 3rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.658.7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone. <https://global.gotomeetings.com/join/651544141>

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Access Code: 651-544-141

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<https://global.gotomeetings.com/install/651544141>

Attend a Virtual Connection Site In-Person

You may also participate in the hearing by going to meeting room 101B at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (268444) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on March 15, 2021

Scott Wadle, Secretary
Wichita-Sedgewick County
Metropolitan Area Planning Commission



AGENDA ITEM NO. 4.8

STAFF REPORT

MAPC April 8, 2021
DAB III April 7, 2021

CASE NUMBER: ZON2021-00009 (City)

APPLICANT/AGENT: Cesar Gutierrez (Applicant/Owner), TEAM Architecture, LLC, c/o Doug Allison (Agent)

REQUEST: GC General Commercial

CURRENT ZONING: LC Limited Commercial, SF-5 Single Family Residential

SITE SIZE: 0.86 acre

LOCATION: Generally located north of 55th Street South and northeast of 53rd Street South and South Broadway Avenue (5326 South Broadway Avenue)

PROPOSED USE: Construction sales and service



BACKGROUND: The applicant is requesting the rezoning of a platted 0.86 acre (99 feet x 390 feet, Lot 2, Block A, Daniel Classen 1st Addition) property from LC Limited Commercial and SF-5 Single Family Residential to GC General Commercial. A very narrow east portion of the subject site (approximately 10 feet in width) is zoned SF-5. The property is generally located northeast of 55th Street South and South Broadway Avenue (5326 South Broadway Avenue, Wichita, Kansas). The applicant proposes to build a shop, office building, and outdoor storage yard (for trucks and trailers) for his carpentry business. In addition, the applicant is also considering using the site to store materials for his business.

The Unified Zoning Code defines (UZO, Art. II, Sec. II-B.n.) Construction Sales and Service as an establishment engaged in the retail or wholesale sale of materials used in the construction and/or maintenance of buildings or other structures and/or grounds, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning, and heating supply stores, swimming pool sales, construction and trade contractors' storage yards, landscape installation and/or maintenance services and pest extermination services. The applicant's proposed use is a match for this definition.

The GC zoning district allows Construction Sales and Service by right. The purpose of the GC zoning district is to accommodate retail, commercial, office and other complementary land uses. GC zoning are located within 150 feet of the subject site, and more are located further away both north and south along Broadway Avenue. Many of the GC zoned properties in the area are developed more like local commercial businesses or are undeveloped. The GC District is generally compatible with the "Regional Commercial" designation of the Wichita-Sedgwick County Comprehensive Plan. It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

Properties abutting and adjacent to the north side of the subject site are zoned LC and SF-5. The property zoned LC is developed as a bank with a drive through facility (built 1982). Further to the north is a property zoned SF-5 and in use as a church (built 1980). Directly north and abutting the east half of the subject site is a property zoned SF-5 and that is currently undeveloped.

The property abutting to the south side of the subject site is zoned LC and is vacant but has a concrete slab that may have been used for a business. At the time of this report there were a few old tires and a rolled up carpet dumped on this property. Further south of the subject site is a GC zoned property with a solid metal fence around it. The Sedgwick County Appraiser's site list this as a manufactured home park but from what can be seen of the property from above the solid fencing and gate, the property may be being used a vehicle storage yard, which is a permitted use in the GC zoning district. However if these vehicles are inoperable its use would be classified as a wrecking-salvage yard, which is not permitted in the GC zoning district. There is also a metal building on the rear of this property. The next south property is zoned LC and has a vacant single family residence (built 1950) on it as well as a few scattered vacant, single wide manufactured homes. A single cluster of unused mailboxes seems to confirm that the property once was a manufactured home park. A manufactured home park is not permitted in the LC or GC zoning district, making this LC zoned site a nonconforming use. An undeveloped LC zoned property and a SF-5 zoned subdivision (Riverside 2nd Addition, recorded November 27, 1977) developed with urban scale single family residences are the other adjacent south properties in this area.

Properties abutting and adjacent to the east side of the subject site are zoned SF-5 and are developed as two large (approximately less than one to two acres) tract single family residences (built 1956 and 1959) and undeveloped land. Properties adjacent to the west front side, across South Broadway Avenue, of the subject site are zoned GC and SF-5 and are developed as urban scale single-family residences (Stoneborough Addition, recorded March 3, 1992), an auto parts store (built 1997), and undeveloped land.

CASE HISTORY: On July 29, 1999, the subject property was recorded with the Sedgwick County Register of Deeds as Lot 2, Block A, Daniel Classen 1st Addition. Z-3297 changed the subject site's zoning from SF-6 Single Family Residential to LC, approved November 24, 1998. The subject site's area was annexed into the City of Wichita between 1951 -1960.

ADJACENT ZONING AND LAND USE:

NORTH:	LC, SF-5	Bank with drive through facility, undeveloped land, church
SOUTH:	LC, GC, SF-5	Undeveloped land, vehicle storage/wrecking-salvage yard, deserted manufactured home park, urban scale single-family residences, undeveloped land
EAST:	SF-5, LC	Large tract single family residences, undeveloped land
WEST:	SF-5, GC	Urban scale single-family residences, auto parts store, undeveloped land

PUBLIC SERVICES: South Broadway Avenue is a four-lane paved, arterial street with 60 feet of half street right-of-way along the subject site's Broadway Avenue frontage. All municipal services are available to the subject site.

CONFORMANCE TO PLANS/POLICIES: The Community Investment Plan (the Wichita-Sedgwick County Comprehensive Plan) recommends the subject site as appropriate for "New Employment." This category encompasses areas that "likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices." The applicant proposes to build a shop and office building with an outdoor storage yard for equipment and possibly materials for his carpentry business with the approval of the GC zoning request. The zoning request and the proposed use are consistent with the New Employment recommendation. The proposed use may introduce permitted outdoor storage of equipment into the area (see possible vehicle storage on a previously described south adjacent property).

The subject site is located within the South Wichita/Haysville Area Plan (SWH Plan). The SWH Plan's Future Land Use map shows the subject site and all the abutting and adjacent existing commercial zoned properties to be low density residential. The area's businesses with LC and GC zoning are developed more like local commercial businesses or are undeveloped. The exception appears to be the LC zoned deserted manufactured home park which the SWH Plan's Future Land Use map shows as medium density residential. The SWH Plan also seeks to discourage strip commercial development (page 25) along the area's arterial streets. The proposed zone change from LC to GC does not discourage strip development but the area currently has multiple developed and undeveloped LC and GC zoned properties located on this portion of the arterial South Broadway Avenue. Conversely the SWH Plan (page 18) does consider undeveloped commercial zoned properties primed for commercial development.

It is staff's opinion that the proposed use to which the applicant is seeking is mostly in conformance with adopted plans and policies.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends the request **APPROVAL** of the GC zoning request for a shop; office building; outdoor storage yard for trucks, trailers and materials for a building contractor's business; and subject to the following provisions of Protective Overlay PO #367.

- (1) The following UZC defined uses would be permitted by right: Single family residential, duplex, multi-family residential, accessory apartment, assisted living, church or place of worship, day care limited, government service, library, nursing facility, safety services, elementary, middle and high schools, university or college, bank or financial institution, bed and breakfast inn, broadcast recording studio, medical service, general office, post office substation, general retail, vocational school and self-storage warehouse.
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- (4) Landscaping shall be per the Landscape Ordinance.

- (5) Lighting sources shall be limited to 15 feet in height when located within 200 feet of residential zoning Districts and shall employ cut-off luminaires to minimize light trespass and glare; UZC, Art. IV, Sec. IV-B.4.
 - (6) Compatibility setbacks shall apply to the north, side yard, and east, rear yard, sides of the subject site where it abuts SF-5 zoned properties; UZC, Art. IV, Sec. IV-C.4. The setbacks shall be a minimum of 15 feet plus one foot for each five feet of (subject site) lot width over 50 feet. In no case shall the compatibility setback standards alone require more than a 25-foot.
 - (7) Dumpsters and refuse receptacles shall be located a minimum of 20 feet from the north, side yard, and east, rear yard, sides of the subject site where it abuts SF-5 zoned properties; UZC, Art. IV, Sec. I-C.7.b.
1. **The zoning, uses and character of the neighborhood:** The area is a mix of undeveloped GC and LC zoned properties, developed as local commercial (auto parts store, built 1997), a bank with a drive through facility (built 1982), what appears to be a deserted manufactured home park, and a vehicle storage yard or a wrecking and salvage yard. Also included in the area's mix are undeveloped SF-5 zoned properties and SF-5 zoned properties developed as a church (built 1980), a few tracts developed with single family residences (built 1956 and 1959) and developed urban scale single family residential subdivisions (recorded 1977 and 1992). The undeveloped properties, the few tract single family residences and the vacant manufactured home park in the area may reflect land uses that were common when Broadway Avenue/US Highway 81 was the main north – south road through Wichita prior to the opening of the Turnpike in 1956 and annexation into Wichita between 1951 and 1960.
 2. **The suitability of the subject property for the uses to which it has been restricted:** The subject property's current LC zoning permits all densities of residential development, civic and public types of development and multiple types of commercial development. The current zoning is not out of character with other abutting and adjacent LC and GC zoned properties in this area.
 3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed PO attached to the requested GC zoning is more restrictive than the current LC zoning and the proposed GC zoning. The PO eliminates uses that the SWH Plan wants removed such as auto related commercial uses, taverns and drinking establishments, outdoor storage, night clubs, event centers, and other uses that would negatively impact the current and future residential and commercial development in the area.
 4. **Length of time the property has been vacant as currently zoned:** Z-3297 changed the subject site's zoning from SF-6 Single Family Residential to LC, approved November 24, 1998. As shown on a 1997 aerial the property appears to have been vacant at the time of it's rezoning.
 5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Community Investment Plan (the Wichita-Sedgwick County Comprehensive Plan) recommends the subject property as appropriate for "New Employment." This category encompasses areas that "likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices." The applicant proposes to build a shop and office building with an outdoor storage yard for equipment and possibly materials for his carpentry business with the approval of the GC zoning request. The zoning request and the proposed use are consistent with the New Employment recommendation.

The subject site is located within the South Wichita/Haysville Area Plan (SWH Plan). The SWH Plan's Future Land Use map shows the subject site and all the abutting and adjacent existing commercial zoned properties to be low density residential. The businesses with LC and GC zoning are developed more like local commercial businesses or are undeveloped. The exception appears to be the LC zoned partially vacant manufactured home park which the SWH Plan's Future Land Use map shown as medium density residential. The SWH Plan also seeks to discourage strip commercial development (page 25) along the

area's arterial streets. The proposed zone change from LC to GC does not discourage strip development but the area currently has multiple developed and undeveloped LC and GC zoned properties located along this portion of the South Broadway Avenue arterial. Conversely the SWH Plan (page 18) does consider undeveloped commercial zoned properties primed for commercial development.

It is staff's opinion that the proposed use to which the applicant is seeking is mostly in conformance with adopted plans and policies.

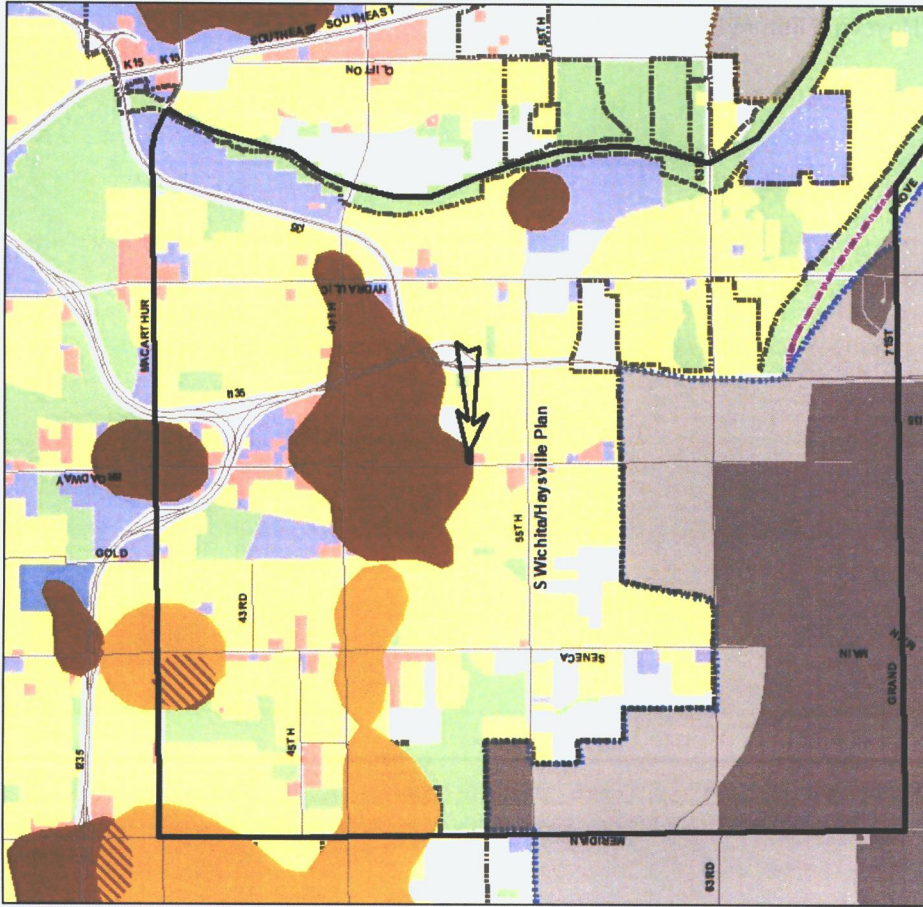
6. **Impact of the proposed development on community facilities:** Community facilities would not be noticeably impacted by this approval. All municipal services are available to the site.

Staff Report Attachments:

1. Land Use Map
2. Aerial Map
3. Site Plan
4. South Wichita – Haysville Future Land Use
5. Zoning Map

2035 Wichita Future Growth Concept Map

- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Other Urban Growth Areas 2014
 - Other Urban Growth Areas 2014
 - Rural Growth Areas 2014
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Nghbd_Plan_Areas





SOUTH WICHITA/ HAYSVILLE AREA PLAN

FUTURE LAND USE

LEGEND

- Residential Low Density
- Residential Medium Density
- Commercial Retail
- Industrial
- Public-Semi-Public-Institutional
- Public Parks-Open Space-Golf Courses
- Streets
- Project Boundary

