Planning Agenda Item #_____

City of Wichita
City Council Meeting
May 12, 1998

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3272 - MIKE PATTERSON REQUESTS A ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "GC" GENERAL COMMERCIAL, LOCATED NORTH OF 37TH STREET NORTH AND EAST OF SENECA (4254 N. SENECA).

(DISTRICT #6)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (12-0).

Staff Recommendation: Approve.

CPO Recommendation: Approve, subject to MAPD staff recommendations (6-0).

Background: The applicant is requesting a zone change from "SF-6" Single-Family Residential to "GC" General Commercial on 11,175 square feet of the Paterson Lake Addition located north of 37th St. North and east of Seneca. The application area is located in the northwest corner of the applicant's property. A 1,936 square foot building is located on this section of property, which the applicant currently uses as a vehicle repair shop, typically body and paint work and some small engine work. The applicant has stated that he buys vehicles and repairs these vehicles. After the vehicle is repaired the applicant attempts to resale the vehicle by advertising in local newspapers. The applicant has stated that the vehicles which are being worked on, as well as the ones for sale, will be stored in the fenced area shown on the site plan submitted by the applicant.

The "GC" General Commercial Zoning District does not require screening, however the compatibility setback standards will apply. A setback of 25 feet from the north property line is required by the compatibility setback standards. The applicant's garage already exists with only a four foot setback, therefore a variance to the setback requirement will be required.

The Landscape Ordinance will require the equivalent of one shade tree per 40 linear feet when nonresidential uses are adjacent to residential uses. These trees must be planted within 15 feet of the

common property line. A very dense row of evergreens exist north of the application area, which appear to be located on the north neighbor's property and can not be used to meet the buffering requirement.

The applicant is requesting this zone change for several reasons. First, in order to obtain a dealers license the address which will be placed on the dealer's license must be properly zoned. Second, the dealer's license allows him to gain entry into auctions that otherwise he would not be allowed to attend. Next, with a license the applicant will not be required to tag and insure each vehicle, instead the applicant will be able to fleet insure all of the vehicles. Finally, the applicant feels the State will in the near future require the applicant to obtain a dealer's license, due to the fact he has begun selling more than 3 vehicles per year.

The Unified Zoning Code requires parking for general vehicle repair shops, which is defined as a shop primarily engaged in painting of or body work to motor vehicles or heavy equipment, at one parking space per 500 square feet plus 3 additional parking spaces. Therefore, the applicant is required to have a total of 7 parking spaces for customers and employees.

Surrounding land uses include the USD 259 Vocational School, including a truck training school to the west, and a single-family home to the north. Farther to the north is a KG&E power plant. The site is buffered on the east by a lake and the Little Arkansas River. The area to the south is unplatted and undeveloped land.

The Wichita-Sedgwick County Health Department is requesting the applicant not provide sewage facilities to the building in which the repair service will be located. This will decrease the opportunity for the chemicals used in this operation from mixing with groundwater, as well as having to replace the on-site septic system.

At the April 16, 1998 MAPC meeting the applicant discussed the reason for this request is to obtain a dealer's license from the State of Kansas. The applicant also spoke to the type of vehicle work done on this site which includes body work and some small engine repair. No neighbors spoke in opposition to this request. After limited discussion, the MAPC voted (12-0) to approve this request, based on staff's findings.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading; or

2. Return the application to the MAPC for reconsideration.

   (An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

(_____) Published in The Daily Reporter on _____

ORDINANCE NO. _____

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 CITY OF WICHITA CODE SEC. 28.04.010.

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 City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z - 3272

Zone change request from "SF-6" Single-Family Residential District to ""GC" General Commercial District, described as:

Beginning at the NW corner of Lot 1, Patterson Lake Addition to Wichita, Sedgwick County, Kansas thence S89°55'40"E 149 feet, thence S0° E 75 feet, thence S89°55'40 W149 feet, thence N00°E 75 feet. Generally located north of 37th street North and east of Seneca (4254 N. Seneca).

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.