

ORDINANCE NO. 48330

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. ZON2009-10

Zone change request from LC Limited Commercial ("LC") to GC General Commercial ("GC") on property described as:

Lot 5, except the East 250 feet thereof, Westwind 3rd Addition to Wichita, Sedgwick County, Kansas; generally located south of 21st Street North and east of Tyler Road (8535 West 21st Street North).

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 this 19 day of may, 2009.

DP-104

**City of Wichita
City Council Meeting
May 12, 2009**

TO: Mayor and City Council

SUBJECT: ZON2009-10/CUP2009-07 – City zone change from LC Limited Commercial (“LC”) to GC General Commercial (“GC”) and Amendment to DP-164 Westwind II for vehicle repair, general; generally located south of 21st Street North and east of Tyler Road (8535 West 21st Street North).- (District V)

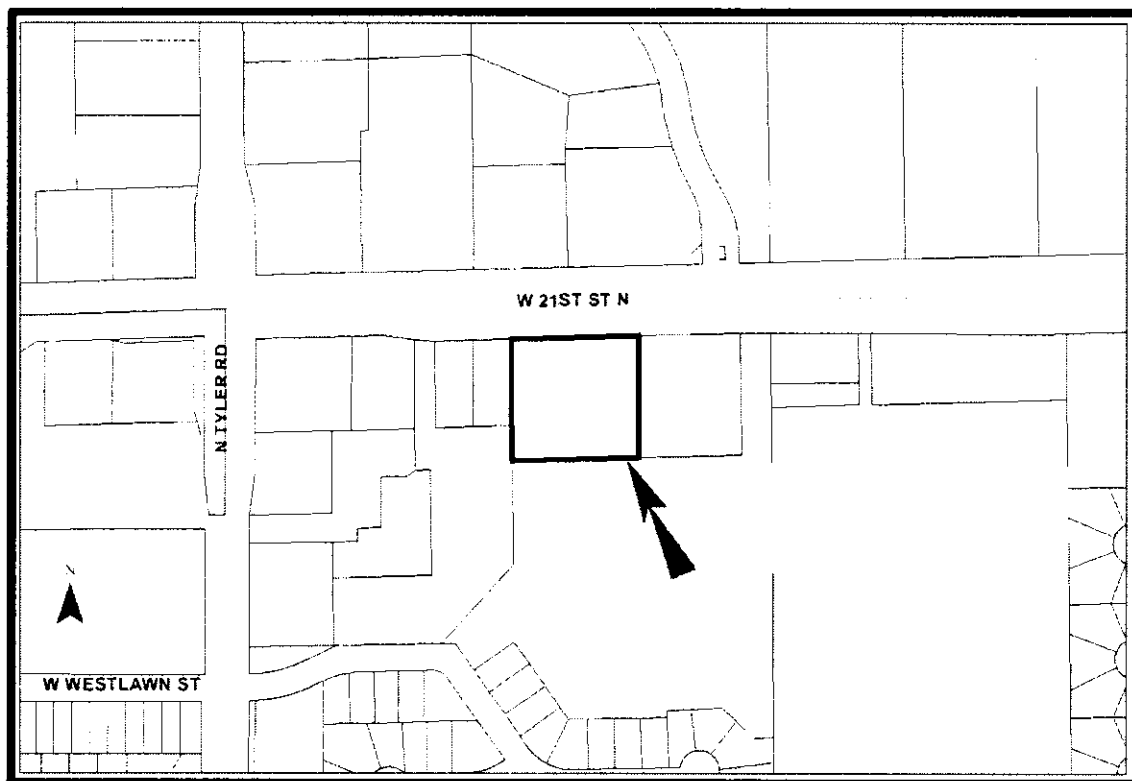
INITIATED BY: Metropolitan Area Planning Department *JS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve, subject to conditions, vote (11-0).

DAB V Recommendation: Approve, subject to conditions, vote (6-0).

MAPD Staff Recommendation: Approve, subject to conditions.



ATTEST:

Karen Sublett, OMC
Karen Sublett, City Clerk

Carl Brewer
Carl Brewer, Mayor

(SEAL)



Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, Director of Law

Background: Vehicle Repair, Limited is permitted on the application site under the existing LC Limited Commercial ("LC") zoning and under the existing DP-164 for parcel 5B with the following conditions: a 10-foot landscape buffer along the south property line; automotive repair bays are not allowed in the north 110 feet of parcel 5B; automotive bays shall be limited to the east and west side of the automotive repair building; architectural compatibility with existing buildings; and no outdoor storage of vehicles on the parcel, a violation of which will render the automotive use null and void upon proper due process and action by the City Council. The applicant now seeks a zone change from LC to GC General Commercial ("GC") and a CUP amendment to allow Vehicle Repair, General on Parcel 5B. The Unified Zoning Code defines Vehicle Repair, Limited as "a use providing motor vehicle repair or maintenance services within completely enclosed buildings, but not including paint and body shops or other general vehicle repair services." Vehicle Repair, General is defined as "an establishment primarily engaged in painting of or body work to motor vehicles or heavy equipment; typical uses include paint and body shops."

The two-acre application area is developed with a multi-use commercial building which has vehicle bay doors supporting the existing vehicle repair business. North of the site, across 21st Street North, is LC zoned property developed with commercial and office uses. South of the site is property zoned TF-3 Two-Family Residential, under DP-165, and is developed with multi-family residential. East and west of the site is LC zoned property also under DP-165; east of the site is a car wash, and west of the site are commercial and self-storage land uses.

Analysis: At the MAPC meeting held April 9, 2009, the MAPC voted (11-0) to recommend approval of the request subject to the following staff recommended conditions:

1. DP-164 Parcel 5B Proposed Uses shall be amended to include "Vehicle Repair, General" as the only permitted GC land use.
2. The "Additional Provisions for Parcel 5B" shall be amended to add item H. "No outdoor work or storage areas shall be permitted. If the Zoning Administrator finds that there is a violation of any of the conditions of the DP-164 Amendment #5, the Zoning Administrator may, with the concurrence of the Planning Director, declare the DP-164 Amendment #5 null and void.
3. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after final approval of this case, or the request shall be considered denied and closed.

No citizens spoke at the hearing. DAB V heard this request on March 30, 2009. No members of the public spoke at that hearing, and DAB V recommended approval subject to staff comments.

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 and place the ordinance on first reading; or
2. Return the application to the MAPC for reconsideration.

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