Agenda Item #_____

City of Wichita
City Council Meeting
March 20, 2001

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2001-00007 – ZONE CHANGE FROM "LC" LIMITED COMMERCIAL TO "GC" GENERAL COMMERCIAL, LOCATED ON THE SOUTH SIDE OF CENTRAL AND EAST OF THE WICHITA-VALLEY CENTER FLOODWAY.** (District #V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions (12-0).

Staff Recommendation: Approve, subject to conditions.

Background: The application area is located just east of the Wichita-Valley Center Floodway and south of Central Avenue, and is zoned "LC" Limited Commercial. The site is .6 acre in size and is a portion of a platted lot (Lot 1, Block A, J. Rogers Addition). The applicant is seeking "GC" General Commercial zoning in order to locate a "vehicle repair, general" (auto body repair) use at this location. The applicant has lost his lease at his current location on West Street, and wants to move his business to a location that is within his current market area.

Access to the site would be off of Central as the site is blocked in on three sides by a self-service storage warehouse and the Wichita-Valley Center Floodway.

Surrounding zoning is "LC" Limited Commercial, "SF-6" Single-family Residential, "GO" General Office and "GC" General Commercial. Surrounding land uses include: retail sales, office, self-service storage warehousing and the Wichita-Valley Center Floodway.

The MAPC heard this request on February 22, 2001, and recommended approval subject to the conditions contained in Protective Overlay #91. The conditions restrict the uses to "LC" Limited Commercial uses plus "vehicle repair, general"; vehicle storage must occur behind the principal structure and be screened from view from adjoining properties; all

parking area are to be paved; off-site and portable signs are prohibited and any violation of the conditions of approval shall constitute a violation of the building permit. No one was present to speak in opposition, although an e-mail (attached) was received expressing concern regarding protection of groundwater, trash, landscaping maintenance and compatibility of the proposed use with existing businesses.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay (P-O #91) District; 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 2/3 majority vote of the membership of the governing body on the first hearing.)

(_____) Published in The Wichita Eagle 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 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. ZON2001-00007

Request for zone change from "LC" Limited Commercial to "GC" General Commercial, and to "P-O" Protective Overlay District #91, on property described as:

The North 190 feet of Lot 1, Block A, J. Rogers Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Central and east of the Wichita-Valley Center Floodway.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

A. Permitted uses are those permitted by right in the "LC" Limited Commercial district plus "vehicle repair, general".
B. All vehicle storage must be located behind the front building line of the principal structure and screened from ground view from Central and from adjoining and adjacent properties.
C. All parking and storage areas shall be paved with concrete, asphalt or asphaitic concrete.
D. No off-site or portable shall be permitted.
E. The development of this property shall proceed in accordance with the conditions listed above, any substantial deviation as determined by the Zoning Administrator and the Director of Planning shall constitute a violation of the building permit authorizing construction of the proposed development.

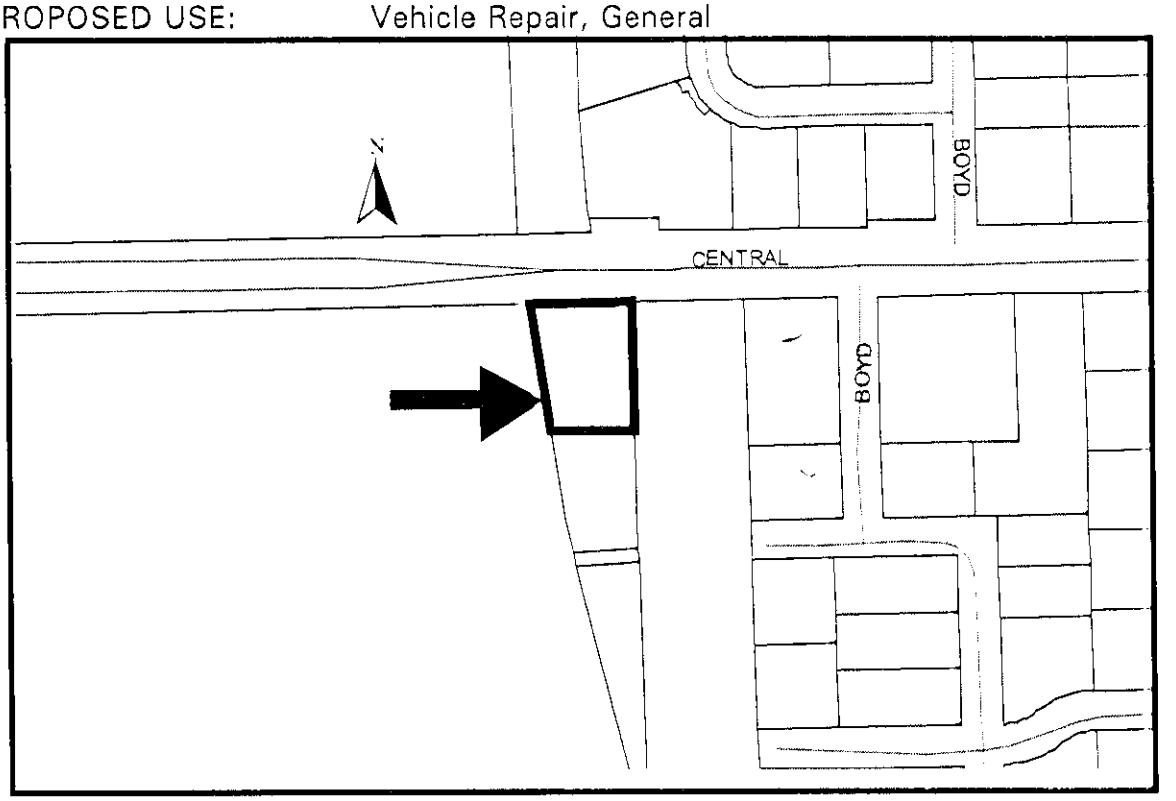
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by

AGENDA ITEM NO: #5

STAFF REPORT

MAPC, 2/22/01

CASE NUMBER:	ZON2001-00007
OWNER/APPLICANT:	Huntington Corp. (Keith Anderson)
AGENT:	Austin Miller (Kim Edginton)
REQUEST:	"GC" General Commercial
CURRENT ZONING:	"LC" Limited Commercial
SITE SIZE:	.6 acre
LOCATION:	South side of Central and east of the Wichita-Valley Center Floodway
PROPOSED USE:	Vehicle Repair, General



BACKGROUND: The application area is located just east of the Wichita-Valley Center Floodway and south of Central Avenue, and is zoned "LC" Limited Commercial. The site is .6 acre in size and is a portion of a platted lot (Lot 1, Block A, J. Rogers Addition). The applicant is seeking "GC" General Commercial zoning in order to locate a "vehicle repair, general" (auto body repair) use at this location. The applicant has lost his lease at his current location on West Street, and wants to move his business to a location that is within his current market area.

Access to the site would be off of Central as the site is blocked in on three sides by a self-service storage warehouse and the Wichita-Valley Center Floodway.

Surrounding zoning is "LC" Limited Commercial, "SF-6" Single-family Residential, "GO" General Office and "GC" General Commercial. Surrounding land uses include: retail sales, office, self-service storage warehousing and the Wichita-Valley Center Floodway.

CASE HISTORY: In 1983 the site was rezoned to "LC" Limited Commercial. In 1987 a use exception was approved for a car wash, however that use exception had a "null and void" clause that became effective if the project had not commenced within one year's time. The J. Rogers Addition was platted in 1993.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Limited Commercial; retail sales, office
SOUTH:	"GC" General Commercial; self-service storage warehouse
EAST:	"LC" Limited Commercial and CU; self-service storage warehouse
WEST:	"SF-6" Single-family Residential; Wichita-Valley Center floodway

PUBLIC SERVICES: Central Avenue is a 4-lane arterial at this location carrying between 24,000 and 31,000 vehicles on an average day. This segment of Central Avenue, between the floodway bridge and I-235, is scheduled to be improved to a 6-lane facility by 2001. The lot has platted access control for the first 60 feet east of the west lot line. Municipal sewer and water services are available.

CONFORMANCE TO PLANS/POLICIES: Strategy III.B5 of the Wichita-Sedgwick County Comprehensive Plan states that it is appropriate to confine highway-oriented uses, outdoor sales and non-retail commercial uses to highway corridors and established urban areas containing similar uses (e.g. Kellogg, Broadway and the CBD fringe). The plan map depicts this site as appropriate

for commercial uses, not differentiating between different types of commercial uses.

RECOMMENDATION: Auto body work and paint shops have traditionally been separated from more limited repair shops in the zoning code, because of their tendency to generate more noise, odors and outside storage. However, the location of this site is unique in terms of its buffering from residential uses. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions that are intended to preserve the appearance of this commercial corridor and this site, which serves as the "gateway" between two sections of the city.

A. Permitted uses are those permitted by right in the "LC" Limited Commercial district plus "vehicle repair, general".
B. All vehicle storage must be located behind the front building line of the principal structure and screened from ground view from Central and from adjoining and adjacent properties.
C. All parking and storage areas shall be paved with concrete, asphalt or asphaltic concrete.
D. No off-site or portable signs shall be permitted.
E. The development of this property shall proceed in accordance with the conditions listed above, any substantial deviation as determined by the Zoning Administrator and the Director of Planning shall constitute a violation of the building permit authorizing construction of the proposed development.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. Surrounding zoning is "LC" Limited Commercial, "SF-6" Single-family Residential, "GO" General Office and "GC" General Commercial. Surrounding land uses include: retail sales, office, self-service storage warehousing and the Wichita-Valley Center Floodway. The character of the area is a mix of uses, though primarily retail and convenience services.

2. The suitability of the subject property for the uses to which it has been restricted. The property is currently zoned "LC" Limited Commercial. The "LC" district permits a wide range of retail sales uses, however the small-lot size (.6 acre), and proximity to the "Big Ditch" probably limit potential retail sales users.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The suggested conditions contained in the Protective Overlay, the natural buffer provided by the floodway and the fencing

already in place at the self storage facility, which includes outdoor storage, help to mitigate anticipated detrimental affects.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: Strategy III.B5 of the Wichita-Sedgwick County Comprehensive Plan states that it is appropriate to confine highway-oriented uses, outdoor sales and non-retail commercial uses to highway corridors and established urban areas containing similar uses (e.g. Kellogg, Broadway and the CBD fringe). The plan map depicts this site as appropriate for commercial uses. While this use at this location is not in conformance with the recommended plan, this site is somewhat unusual as discussed in No. 3 above.

5. Impact of the proposed development on community facilities: None identified.