Agenda Item #_____

City of Wichita
City Council Meeting
April 17, 2001

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2001-00012 – ZONE CHANGE FROM "LC" LIMITED COMMERCIAL TO "GC" GENERAL COMMERCIAL, LOCATED ON THE SOUTHWEST CORNER OF CENTRAL AND TRACY.** (District #IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (11-3).

Staff Recommendation: Deny.

DAB Recommendation: Approve (7-0).

Background: The applicant owns two platted lots (1.1 acres in size) located at the southwest corner of Tracy and west Central Avenue. These two lots are currently zoned "LC" Limited Commercial and appear to be developed with a single-family. The applicant is seeking "GC" General Commercial zoning in order to conduct "vehicle repair, general" (auto body and paint shop) work at this location. The existing building located on the site would be demolished and a new metal building (8,400 square feet) would be built. The shop would have garage door openings on the east and south sides. The primary entrance and reception area would be located on the north side of the building. The applicant's site plan depicts one drive approach to Central and one to Tracy. Both of these drive approaches exist today. The plat permits one access point per lot along Central, with no access control along Tracy. A total of 16 parking spaces are depicted on the site plan. The Unified Zoning Code requires one off-site parking space per 500 square feet, plus three spaces. The applicant needs to provide 20 spaces. A fenced storage area is shown on the southern half of the application area. The screening fence is also shown along the west property line.

Surrounding property is zoned either "LC" Limited Commercial or "SF-6" Single-family Residential. Surrounding land uses are: auto parts sales, auto repair, strip center retail sales; bar / restaurant and single family residential.

"Vehicle repair, general: is first permitted by right in the "GC" General Commercial district. If the site is redeveloped as proposed, landscape street yard, parking lot screening and buffer plantings will be required.

Staff has recommended denial on the basis that the intended use and "GC" General Commercial zoning are not consistent with the character and existing zoning in the general area. There are a number of car related uses in the area, but they are all uses permitted in the "LC" Limited Commercial district, and do not involve outside storage or the intensity of body and paint work.

MAPC heard this request on March 22, 2001 and recommended approval (11-3) subject to the conditions contained in Protective Over #92. These conditions restrict uses to those permitted by-right in the "LC" Limited Commercial district plus "vehicle repair, general," parking, storage and display areas shall be paved, no off-site portable signs are permitted, exterior audio systems are prohibited and all vehicles that are not complete and visually intact or are stored more than 72 hours are to be screened from abutting/adjoining properties and from abutting streets. The MAPC members voting in favor of the motion were persuaded that the proposed use was not so different than more limited repair uses that are permitted in "LC". No one spoke in opposition to the request.

DAB IV considered this request on April 5, 2001. Questions were asked about hours of operation, style of building if vehicles would be stored indoors or out, type of lighting and what kind of screening would be used. No one spoke in opposition. The applicant was present. The DAB voted 7-0 to recommend approval due to the Central Street frontage and the existence of other car related uses in the immediate area.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional provisions of a Protective Overlay District #92; 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:

FILE COPY

Case No. ZON2001-00012

Request for zone change from "LC" Limited Commercial to "GC" General Commercial District, and to "P-O" Protective Overlay District #92 on property described as:

Lots 1 and 2 Harlin's Addition, Wichita, Sedgwick County Kansas. Generally located on the southwest corner of Central and Tracy.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

A. Permitted uses are restricted to those uses permitted by-right in the "LC" Limited Commercial district plus "vehicle repair, general".

B. All parking storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-ways.

C. No off-site or portable signs are permitted.

D. Exterior audio systems shall be prohibited.

E. All vehicles that are not complete and visually intact or are stored more than 72 hours are to be screened from ground view from abutting/adjoining properties

and from abutting streets. Screening shall be of a material approved by the Unified Zoning Code.

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, _____

ATTEST:

_____ _____

Pat Burnett, City Clerk Bob Knight, Mayor

(SEAL)

Approved as to form:

_____

Gary E. Rebenstorf, City Attorney

WICHITA–SEDGWICK COUNTY

AGENDA ITEM NO. #5

STAFF REPORT

MAPC, 3/22/01

CASE NUMBER: ZON2001-00012

OWNER/APPLICANT: Harlin and Janet Gray (owner); Fred Jelich (applicant)

AGENT: Dal Eck

REQUEST: "GC" General Commercial

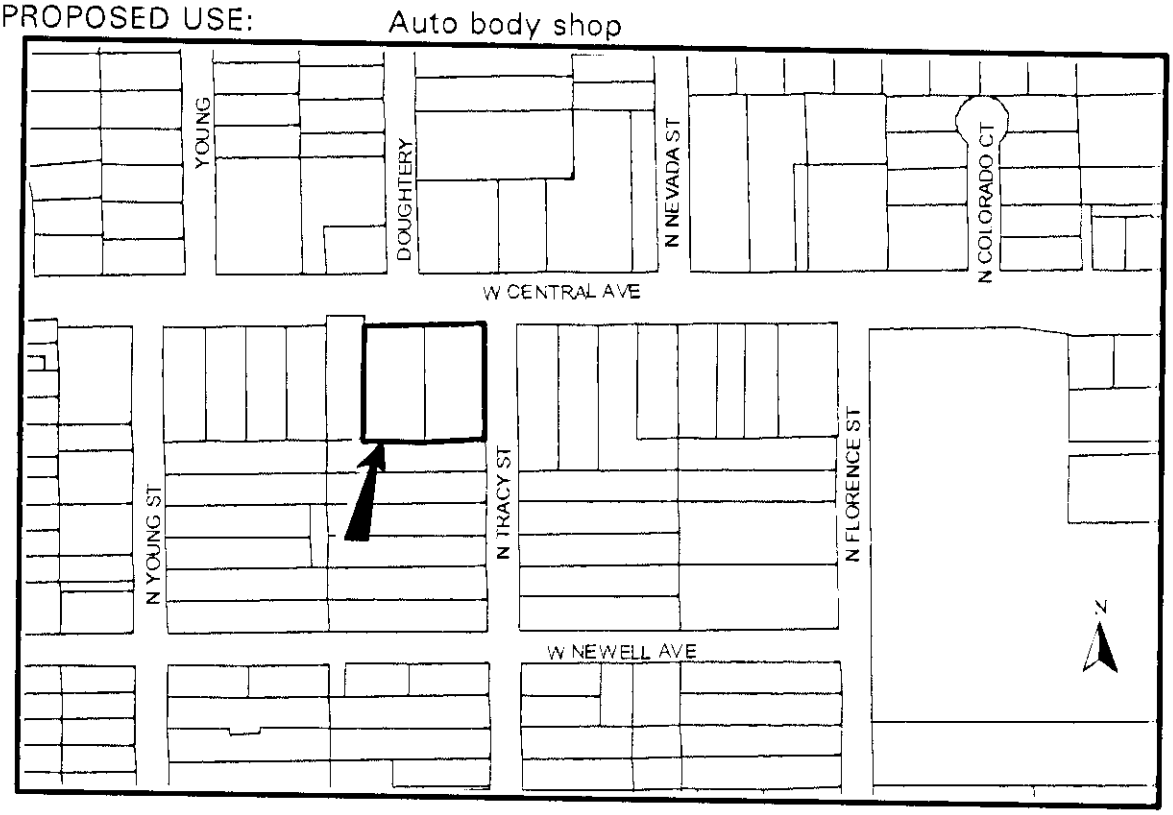
CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 1.1 acres

LOCATION: Southwest corner of Central and Tracy

PROPOSED USE: Auto body shop

FILE COPY



BACKGROUND: The applicant owns two platted lots (1.1 acres in size) located at the southwest corner of Tracy and west Central Avenue. These two lots are currently zoned "LC" Limited Commercial and appear to be developed with a single-family. The applicant is seeking "GC" General Commercial zoning in order to conduct "vehicle repair, general" (auto body and paint shop) work at this location. The existing building located on the site would be demolished and a new metal building (8,400 square feet) would be built. The shop would have garage door openings on the east and south sides. The primary entrance and reception area would be located on the north side of the building. The applicant's site plan depicts one drive approach to Central and one to Tracy. Both of these drive approaches exist today. The plat permits one access point per lot along Central, with no access control along Tracy. A total of 16 parking spaces are depicted on the site plan. The Unified Zoning Code requires one off-site parking space per 500 square feet, plus three spaces. The applicant needs to provide 20 spaces. A fenced storage area is shown on the southern half of the application area. The screening fence is also shown along the west property line.

Surrounding property is zoned either "LC" Limited Commercial or "SF-6" Single-family Residential. Surrounding land uses are: auto parts sales, auto repair, strip center retail sales; bar / restaurant and single family residential.

"Vehicle repair, general: is first permitted by right in the "GC" General Commerial district. If the site is redeveloped as proposed, landscape street yard, parking lot screening and buffer plantings will be required.

CASE HISTORY: Case Number Z-2880 heard in November, 1987, granted "LC" Limited Commercial zoning for the application area.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Limited Commercial; auto repair, auto parts sales, strip retail
SOUTH:	"SF-6" Single-family Residential; Single-family residential
EAST:	"LC" Limited Commercial; bar / restaurant, strip retail
WEST:	"SF-6" Single-family Residential, "LC" Limited Commercial; single-family residential

PUBLIC SERVICES: Central is currently a 4-lane arterial (scheduled to become 5-lanes within the year) carrying 22,884 vehicles on an average day between West Street and Anna. By 2030 the traffic volume is projected to increase to 24,019 average daily trips. A 4-lane arterial is designed to carry 20,000 vehicles at a level of service of "D". Municipal sewer and water services are available. Auto repair centers generate approximately 3 trips per 1,000 squre feet of area.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" map depicts this site as appropriate for commercial uses. The "Comprehensive Plan" commercial locational guidelines state that commercial uses not located in planned centers should be guided to other appropriate areas such as the CBD fringe; segments of Kellogg; established areas of similar development; and, areas where traffic patterns, surrounding land uses and utilities can support such development. The "Wichita Residential Area Enhancement Strategy Map" depicts this site a "revitalization" area. Revitalization areas are neighborhoods experiencing structural and market decline, but market and development opportunities still exist.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED. However if the Planning Commission feels the request is appropriate, the application should be subject to the following Protective Overlay conditions:

A. Permitted uses are restricted to those uses permitted by-right in the "LC" Limited Commercial district plus "vehicle repair, general".
B. All parking, storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of ways.
C. No off-site or portable signs are permitted.
D. Exterior audio systems shall be prohibited.
E. All vehicles that are not complete and visually intact or are stored more than 72 hours are to be screened from ground view from abutting / adjoining properties and from abutting streets. Screening shall be of a material approved by the Unified Zoning Code.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. All nearby properties are zoned "LC" Limited Commercial or "SF-6" Single-family Residential. No "GC' zoning and no uses permitted by "GC" are in the vicinity.

2. The suitablility of the subject property for the uses to which it has been restricted. The site is zoned "LC" and developed with what appears to be a single-family structure. The lot fronts Central which is a significant east-west arterial. With the Central Street frontage, and the "LC" zoning which allows a wide range of uses, it seems that the site could be developed as zoned.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will introduce additional open storage and a more intense use(s) than is currently permitted on nearby lots. Auto body shops tend to generate more noise and odors than less intense auto repair uses.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The "Wichita Land Use Guide" map depicts this site as appropriate for commercial uses. The "Comprehensive Plan" commercial locational guidelines state that commercial uses not located in planned centers should be guided to other appropriate areas such as the CBD fringe; segments of Kellogg; established areas of similar development; and, areas where traffic patterns, surrounding land uses and utilities can support such development. This site does not comply with these locational guidelines.

5. Impact of the proposed development on community facilities: The proposed body shop would not generate any more traffic than uses permitted under the current zoning.