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Wichita-Sedgwick County Metropolitan Area Planning Department

November 23, 2020

Acord Land Company, LLC
P.O. Box 492
Chandler, OK 74834-0492

Baughman Company, P.A.
Attn: Phil Meyer
315 Ellis
Wichita, KS 67211

RE: BZA2020-00059 Administrative Interpretation Protective Overlay #18

LEGAL DESCRIPTION: Lot 1, Block 1, Castleberry Addition, Wichita, Sedgwick County, Kansas

Dear Applicants:

This letter is in response to your November 13, 2020 application for Administrative Interpretation regarding Vehicle Repair, Limited being a use permitted by Protective Overlay PO -18 (PO-18), located at 11500 N. Broadway. Your request asks that given the uses currently permitted by PO-18, Vehicle Repair, Limited be allowed as a permitted use. After review, the following interpretation is hereby made.

The property addressed as 11500 N. Broadway is platted as a part of Lot 1, Block 1, Castleberry Addition, and is zoned Limited Industrial (LI) District, subject to the Provisions contained in PO-18. PO-18 was established in conjunction with Sedgwick County zone change case SCZ-0742 approved July 23, 1997, and which became effective September 23, 1999. PO-18 was subsequently amended January 11, 2010.

The uses permitted by PO-18 Provision (1) are: "manufacturing (limited and general), research services, warehousing, welding or machine shop, wholesale or business services agriculture, agricultural processing, agricultural research, agricultural sales and services, grain storage, recycling collection station (public and private), recycling processing center, animal care (limited and general), construction sales and service, office (general), secondhand store, vehicle and equipment sales (indoor only), vehicle repair (general), and warehouse (self-storage). Outdoor storage, display, and work areas shall be screened from Broadway Avenue, and from residential land uses"

The Wichita-Sedgwick County Unified Zoning Code (UZC) defines Vehicle Repair, Limited as "a use providing repair of Motor Vehicles or maintenance services within completely enclosed Buildings, but not including paint and body shops or other general Vehicle Repair services…."
The UZC also defines Vehicle Repair, General as "an establishment primarily engaged in painting of or body work to Motor Vehicles or heavy equipment…."

Uses related to motor vehicles are permitted by PO-18, as well as some other uses that are considered more intensive by the UZC. Of the uses permitted by PO-18, *Vehicle and Equipment Sales* (*indoor only*) and *Vehicle Repair, General* are of particular significance, and I believe most pertinent to your request. Of note is that Vehicle Repair, Limited permits only maintenance and light vehicle repair work, and is to be conducted within a completely enclosed building (*indoor only*).

According to the UZC, Vehicle Repair, General is first permitted by-right in the General Commercial (GC) District, while Vehicle Repair, Limited is first permitted by-right in the Limited Commercial (LC) District. Per the UZC, the GC District is considered a less restrictive District than the LC District. As Vehicle Repair, Limited is first permitted by-right in the LC District, which is a more restrictive District than the GC District, the UZC classifies Vehicle Repair, Limited as a less intensive use than Vehicle Repair, General.

Therefore, it is the opinion and determination of the Zoning Administrator that Vehicle Repair, Limited, is a less intensive use than Vehicle Repair, General, which is a use currently permitted by PO-18. Further, Vehicle Repair, Limited is consistent, and not out of character, with other uses currently permitted in this PO, and is therefore a permitted use in Protective Overlay PO-18.

Sincerely,

J.R. Cox, Jr.

John R. Cox, Zoning Administrator
Metropolitan Area Planning Department

APPLICATION FOR ADMINISTRATIVE INTERPRETATION

Wichita–Sedgwick County
Metropolitan Area Planning Department

CASE NO. BZA2020-00059

FILED 11/13/20

SECTION I

APPLICANT Acord Land Company, LLC PHONE 620-955-7029

ADDRESS PO Box 492, Chandler, OK ZIP CODE 74834-0492

EMAIL ADDRESS ray@acordtransportation.com; mitch.barker@jandmrepair.com

AGENT Baughman Company, PA (Phlip Meyer) PHONE 316-262-7271

ADDRESS 315 Ellis, Wichita, KS ZIP CODE 67211

EMAIL ADDRESS pmeyer@baughmanco.com

SECTION II

a. The application area is legally described as Lot(s) 1 Block(s) 1 Castleberry Addition, (Wichita) Sedgwick County, KS. A metes and bounds description may be attached.

b. The application area contains 20.01 acres.

c. This property is located at (address) 11500 N. Broadway, Sedgwick County, Kansas which is generally located at (relation to nearest streets)
East of Broadway Ave., approximately 1/2 mile south of 117th St N.

d. We file this application for the following reasons:
to allow the use of Vehicle Repair (limited)

e. County control number: 00461817

Map 5561 Zn = LI
21Ac
BOCC = 4
WCC = NA

12/2017SK

SECTION III

By his/her signature, the applicant and his/her authorized agent, hereby acknowledge:

a. That the applicant and agent have received an instruction sheet concerning the filing of this matter;

b. That the applicant and agent have been advised of the fee requirements established by Governing Body and that the appropriate fee is herewith tendered;

c. That all documents are attached hereto are complete and accurate.

Applicant: Ray Acord

Authorized Agent: Philip J Myer

BAUGHMAN
BETTER BY [DESIGN]

October 13, 2020

Scott Wadle
Planning Department
2nd Floor – The Ronald Reagan Building
271 E. 3rd Street
Wichita, Kansas 67201

RE: Administrative Interpretation for the Castleberry Addition, located at 11500 N. Broadway, Sedgwick County, Kansas.

Dear Mr. Wadle,

On behalf of our client, we are filing for an Administrative Interpretation to permit the use of "Vehicle Repair (Limited)" on the Castleberry Addition, located at 11500 N. Broadway, Sedgwick County, Kansas.

Presently the property has a Protective Overlay for ZON2009-33 which allows the following uses:

> Manufacturing (limited and general), research services, warehousing, welding or machine shop, wholesale or business services agriculture, agricultural processing, agricultural research, agricultural sales and services, grain storage, recycling collection station (public and private), recycling processing center, animal care (limited and general), construction sales and service, office (general), secondhand store, vehicle and equipment sales (indoor only) vehicle repair (general), and warehouse (self-storage).

Per section V-H of the Unified Zoning Code we are requesting a zoning interpretation to the Protective Overlay for ZON2009-33 to allow the use of Vehicle Repair (limited). We believe this should be considered an outright allowed use based on the existing allowed uses listed above, with many of these uses being a more intense zoning use then the Vehicle Repair (limited) use.

If you have any questions about this adjustment, please contact our office at 262-7271.

Sincerely,
Baughman Company, P.A.

Philip J. Meyer

Philip J. Meyer, L.A.
Vice-President

cc: file