

(150004) Published in The Wichita Eagle on 12-28-04
ORDINANCE NO. 46-428

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. ZON2004-00053

Request for Zone change from "SF-5" Single-family Residential to "GC" General Commercial, on property described as:

The west 1/4 of lots 1 and 3, Block 3, Parkwilde Addition. Generally located south of Central, 1/2 block west of Tracy. (4425 W. Central).

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #92:

- 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.
- F. Ten feet of right-of-way and complete access control along Central shall be dedicated.

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,

12-21-04
Carlos Mayans
Carlos Mayans - Mayor

ATTEST:

Karen Sublett
Karen Sublett, City Clerk



(SEAL)

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

**City of Wichita
City Council Meeting
December 14, 2004**

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: ZON2004-00053 – Zone change from “SF-5” Single-family Residential to “GC” General Commercial subject to Protective Overlay #92. Generally located south of Central, 1/2 block west of Tracy (4425 W. Central). (District IV)

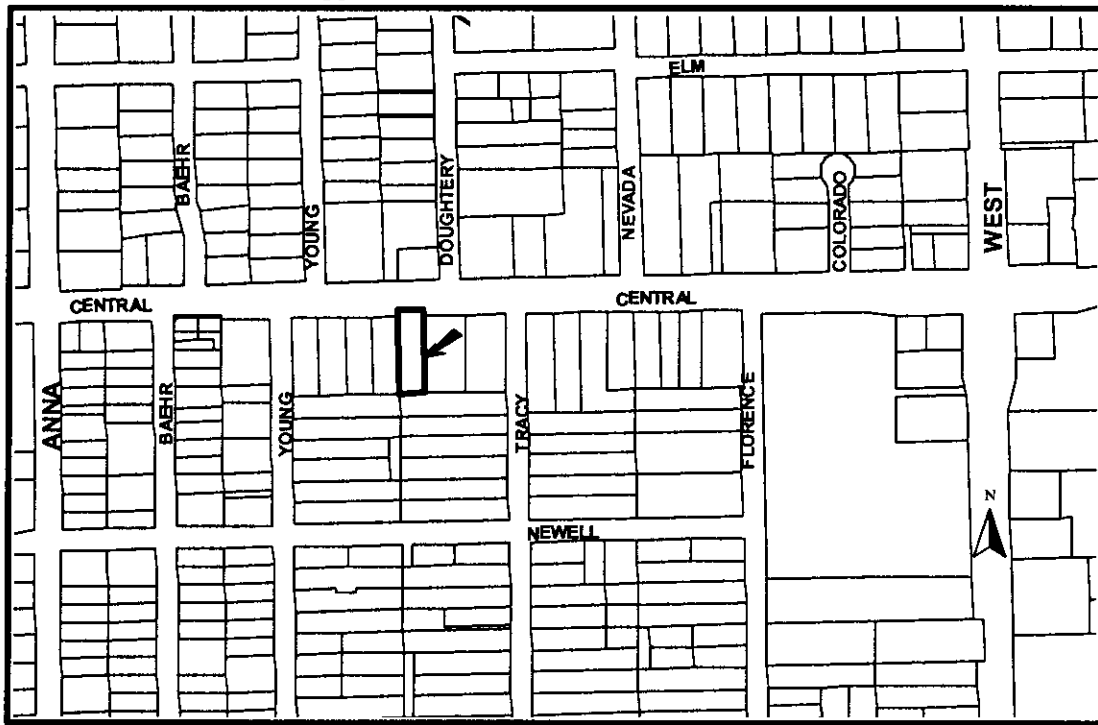
INITIATED BY: Metropolitan Area Planning Department *JUS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to the provisions of Protective Overlay #92. (Vote 9-0)

MAPD Staff Recommendations: Approve, subject to provisions of Protective Overlay #92.

DAB Recommendations: Not Applicable.



BACKGROUND: The applicants operate an auto body repair shop on property zoned GC, General Commercial, subject to Protective Overlay 92, located at 4411 west Central Avenue (the southwest corner of Tracy and west Central). The application area (1/2 block west of Tracy, south of Central Avenue) is located just west of the applicants' existing auto body shop. The applicants are seeking to rezone the application area from SF-5 Single-family Residential to GC General Commercial to permit the expansion of their existing body shop. The site has been cleared, and the applicants have purchased the site. The site is platted as the west ¼ of Lots 1 and 3, Block 3, Parkwilde Addition.

Protective Overlay 92 contained the following development standards:

- 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/adjointing properties and from abutting streets. Screening shall be of a material approved by the Unified Zoning Code.
- F. Ten feet of right-of-way and complete access control along Central shall be dedicated.

The application area fronts Central Avenue; sides onto land zoned commercial and used commercial; and back up to residentially zoned land used for single-family residential purposes.

Analysis: The Metropolitan Area Planning Commission (MAPC) reviewed and approved, subject to Protective Overlay #92 detailed above, 9-0. No one spoke in opposition to the requested zone change. No protest petitions have been received.

Financial Considerations: None

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: It is recommended that the City Council

1. Concur with the findings of the MAPC and approve the zone change subject to the conditions contained in Protective Overlay #92; place the ordinance establishing the zone change on first reading; or
2. Return the application to MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of all the members of the governing body on the first hearing.)