

Agenda Item # _____

City of Wichita
City Council Meeting
March 20, 2001

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2001-00006 - ZONE CHANGE FROM "LC" LIMITED COMMERCIAL TO "GC" GENERAL COMMERCIAL, LOCATED ON THE SOUTHEAST CORNER OF TYLER AND MCCORMICK. (District #V)

INITIATED BY: Metropolitan Area Planning Department *M. Crowe*

AGENDA ACTION: Planning

MAPC Recommendation: Approve subject to the conditions of a Protective Overlay District (12-0).

Staff Recommendation: Approve, subject to the conditions of a Protective Overlay District.

Background: The applicant wishes to relocate his business ("All-American Auto") which is currently located at Wesfield and West Kellogg to property located east of Tyler and south of McCormick. This relocation is necessary due to improvements planned for West Kellogg that will force the applicant to move to a new location. The application area is a 1.4 acre "L" shaped tract that was created as a result of a lot split to the northern and eastern portions of the "Phillips 66 Kellogg and Tyler Addition." The applicant purchased the property (1.4 acres) from the Phillips 66 Company in early 2000.

The application area is split into two commercial tracts, Tract A and B. Both tracts are currently zoned "LC" Limited Commercial. Tract "A" contains .5-acre and has 115 feet of frontage on Tyler and 188 feet of frontage along McCormick. The applicant would like to develop a paint/body shop (vehicle repair, general) and a car sales lot (vehicle and equipment sales, outdoor) on one or both of these two tracts. One point of platted access control has been approved for Tract "A" off of Tyler. No access controls were obtained from Tract "A" along McCormick. The applicant's "vehicle repair, limited" business is to be located on "Tract B." The applicant would like to add a paint and body shop to the services they offer. They occasionally end up with customers who do not pay their repair bills and they need a way to dispose of those vehicles. Tract B has 217 feet of frontage along McCormick. No access controls were obtained along Tract "B".

"Vehicle repair, general" is first permitted by right in the "GC" General Commercial district. "Vehicle and equipment sales, outdoor" is a conditional use in the "LC" Limited Commercial district and by-right in the "GC" General Commercial district. Tract "A" is currently undeveloped. Tract "B" is currently being developed with the applicant's vehicle repair.

Across McCormick Street, and north of the application area, is a strip center that includes "LC" Limited Commercial and "GC" General Commercial uses. To the east is a credit union that is zoned to "LC." The Phillips 66 Service Station is located to the south and is zoned "LC." West across Tyler, are single-family residences that are zoned "SF-6" Single-Family Residential. To the southwest is a steak house and a strip center that is zoned "LC." The immediate general area, however, is predominately made up of retail and commercial uses.

Parking requirements for "vehicle repair, general" requires one (1) space per 500 square feet of building plus three (3) spaces. Parking requirements for "vehicle and equipment sales" are one (1) space per 500 square feet of building plus two (2) spaces for the first 10,000 square feet of lot area used for sales, display or storage purposes, plus one (1) space for each 10,000 square feet of lot area used for sales, display or storage purposes thereafter. The applicant expects to display a maximum of six vehicles for sale on-site.

The MAPC heard this case on February 22, 2001, and recommended approval, subject to the conditions contained in Protective Overlay (P-O) #90. Protective Overlay #92 contains conditions that restrict uses to those permitted in the "LC" Limited Commercial district plus "vehicle repair, general", no outside storage of salvaged vehicles, parking areas are to be paved, portable signs are prohibited, one off-site sign not exceeding 300 square feet is permitted, exterior audio systems, except those associated with a restaurant menu board, are prohibited, elevated display of vehicles is prohibited, fencing of outdoor vehicle sales is to be wrought iron or similar material, no outside storage of salvaged vehicles or parts are permitted, all vehicles that are not complete or intact are to be screened from ground view from neighboring properties, and any violation of the conditions of approval shall constitute a violation of the building permit.

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 #90) 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:

COPY

Case No. ZON2001-00006

Request for zone change from "LC" Limited Commercial to "GC" General Commercial, and to "P-O" Protective Overlay District #90 described as:

Tract A: Part of Lot 1, Block 1, Phillips 66 Kellogg and Tyler Addition, an addition to Wichita, Sedgwick County, Kansas, being more particularly described as: The West 188 feet of the North 115 feet of said Lot 1.

Tract B: Part of Lot 1, Block 1, Phillips 66 Kellogg and Tyler Addition, an addition to Wichita, Sedgwick County, Kansas, being more particularly described as: Beginning at a point on the North line of said Lot 1, said point being 188 feet East of the Northwest Corner of said Lot 1; thence North 88 degrees 00'05" East for a distance of 216.94 feet to the Northeast corner of said Lot 1; thence South 01 degrees 37'05" East for a distance of 220.12 feet; thence South 88 degrees 03'10" West for a distance of 64.75 feet; thence South 01 degrees 39'58" East for a distance of 49.09 feet; thence South 65 degrees 09'25" West for a distance of 55.60 feet; thence North 01 degrees 38'40" West for a distance of 175.74 feet; thence South 88 degrees 00'05" West for a distance of 101.00 feet to a point 188 feet East of the West line and 115 feet South of the North line of said Lot 1; thence North 01 degree 38'40" West parallel with the West line of said Lot 1 for a distance of 115.00 feet to the point of beginning. Generally located on the southeast corner of Tyler Road and McCormick.

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" and vehicle sales, outdoor (passenger vehicles only).
- B. No outside storage of salvaged vehicles or parts shall be permitted in conjunction with vehicle sales.
- C. 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.
- D. No off-site or portable signs are permitted.
- E. Exterior audio systems shall be prohibited.
- F. There shall be no elevated platforms for the display of vehicles.
- G. Any fencing of the outdoor vehicle sales shall be wrought iron or similar materials that are approved by the Planning Director.
- H. No outside storage of salvaged vehicles or parts shall be permitted in association with vehicle sales.
- I. All vehicles that are not complete and visually intact are to be screened from view from adjacent and adjoining properties and from ground level view along abutting streets. Screening material shall be of screening material approved by the Unified Zoning Code.
- J. The development of this property shall proceed in accordance with these conditions, any substantial deviation from these conditions 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 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:

AGENDA ITEM NO. 8

STAFF REPORT
MAPC -February 22, 2001

FILE COPY

CASE NUMBER: ZON2001-00006

APPLICANT/AGENT: Norris Real Estate, (Owner/Applicant)
Austin Miller, PA, Kim Edgington (Agent)

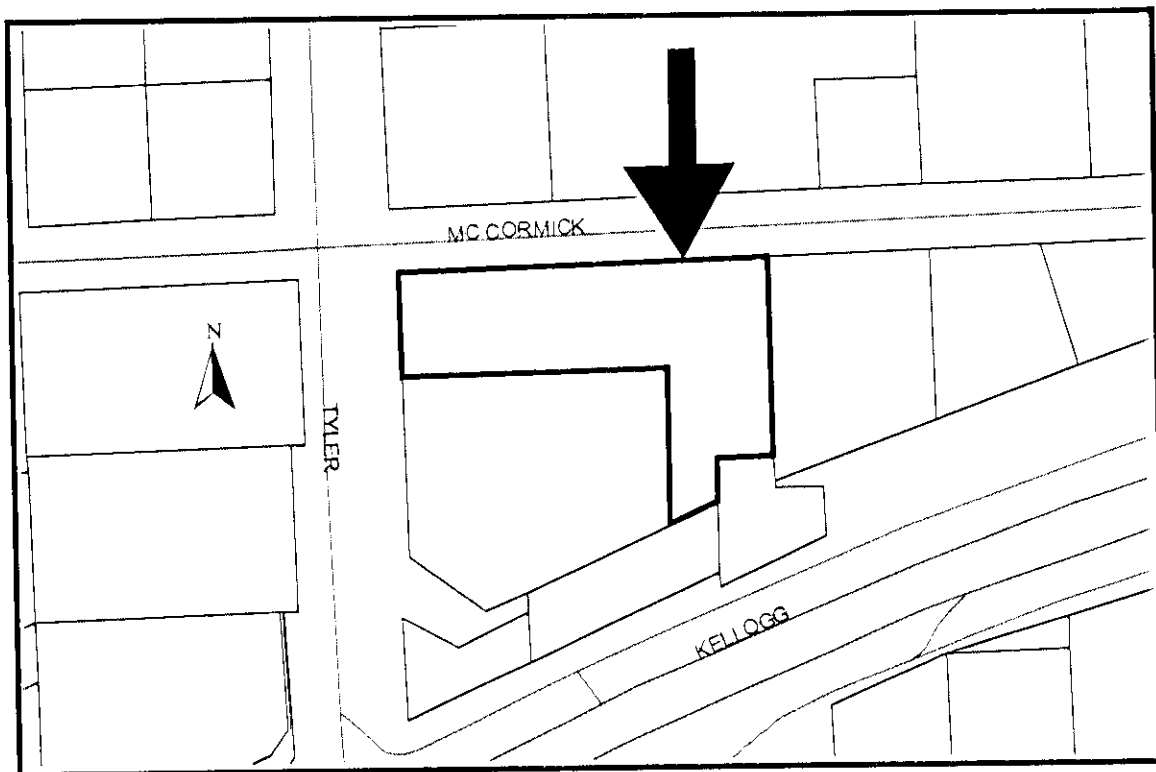
REQUEST: "GC" [General Commercial]

CURRENT ZONING: "LC" [Limited Commercial]

SITE SIZE: 1.4 acres

LOCATION: Southeast corner of Tyler & McCormick

PROPOSED USES: Vehicle Repair, General plus Vehicle
And Equipment Sales, Outdoor



BACKGROUND: The applicant wishes to relocate his business ("All-American Auto") which is currently located at Wesfield and West Kellogg to property located east of Tyler and south of McCormick. This relocation is necessary due to improvements planned for West Kellogg that will force the applicant to move to a new location. The application area is a 1.4 acre "L" shaped tract that was created as a result of a lot split to the northern and eastern portions of the "Phillips 66 Kellogg and Tyler Addition." The applicant purchased the property (1.4 acres) from the Phillips 66 Company in early 2000.

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square feet of lot area used for sales, display or storage purposes thereafter. The applicant expects to display a maximum of six vehicles for sale on-site.

CASE HISTORY: The "Phillips 66 Kellogg & Tyler Addition" was platted in 1999. A lot split (two commercial lots - Tracts "A" & "B") was approved on December 15, 2000.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" & "GC"	Retail center, offices, and restaurant
EAST:	"GC"	Credit Union
SOUTH:	"LC"	Phillips 66 Service Station
WEST:	"SF-6" & "LC"	Residential, restaurant and retail center

PUBLIC SERVICES: Public water and sanitary sewer services are currently available to this site. Tyler, near McCormick, is a four-lane arterial carrying approximately 27,992 average daily trips (ADTs) in 2000. McCormick is a local street at this location.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this general location as appropriate for "commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterial streets and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the request for "GC" General Commercial be APPROVED, 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" and vehicle sales, outdoor (passenger vehicles only).
- B. No outside storage of salvaged vehicles or parts shall be permitted in conjunction with vehicle sales.
- C. 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.

- D. No off-site or portable signs are permitted.
- E. Exterior audio systems shall be prohibited.
- F. There shall be no elevated platforms for the display of vehicles.
- G. Any fencing of the outdoor vehicle sales shall be wrought iron or similar materials that are approved by the Planning Director.
- H. No outside storage of salvaged vehicles or parts shall be permitted in association with vehicle sales.
- I. All vehicles that are not complete and visually intact are to be screened from view from adjacent and adjoining properties and from ground level view along abutting streets. Screening material shall be of screening material approved by the Unified Zoning Code.
- J. The development of this property shall proceed in accordance with these conditions, any substantial deviation from these conditions 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: Across McCormick Street, and north of the application area, is a strip center that includes "LC" Limited Commercial and "GC" General Commercial uses. To the east is a credit union that offers cars for sale on "GC" zoned land. The Phillips 66 Service Station is located to the south and is zoned "LC." Northwest across Tyler are single-family residences that are zoned "SF-6" Single-Family Residential. To the southwest is a steak house and a strip center that is zoned "LC." The closest residential housing is west across Tyler Road and to the northwest of the application area. The general area, however, is predominately made up of retail and commercial uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site can be used for automotive repair as currently zoned. The "LC" district permits a wide range of retail and office uses. The applicant can operate an automotive repair business in the "LC" district and conduct outdoor vehicle and equipment sales with a Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. Approval of "GC" General Commercial zoning would allow a wider range of uses, including outdoor vehicle and equipment sales, "vehicle repair, general" and outside storage. Approval of the request plus the proposed Protective Overlay would not negatively impact nearby businesses. The closest residential housing is northwest and a considerable distance from the application area. The area is

predominately made up of retail and commercial uses. This site is ripe for development especially with improvements being made to nearby West Kellogg. Outdoor vehicle and equipment sales have already been approved on nearby property. Approval of the request as recommended should not have any detrimental affects on nearby properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterial streets and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. There are several auto-related uses currently along West Kellogg. Approval of this request would not introduce any uses that currently does not exist in this general location and will be in conformance with adopted plans
5. Impact of the proposed development on community facilities: None identified in as much as the site is already zoned "LC" Limited Commercial, platted and the recommended conditions limit the range of uses permitted.