Agenda Item #________

City of Wichita
City Council Meeting
November 6, 2001

Agenda Report #______

TO: Mayor and City Council Members

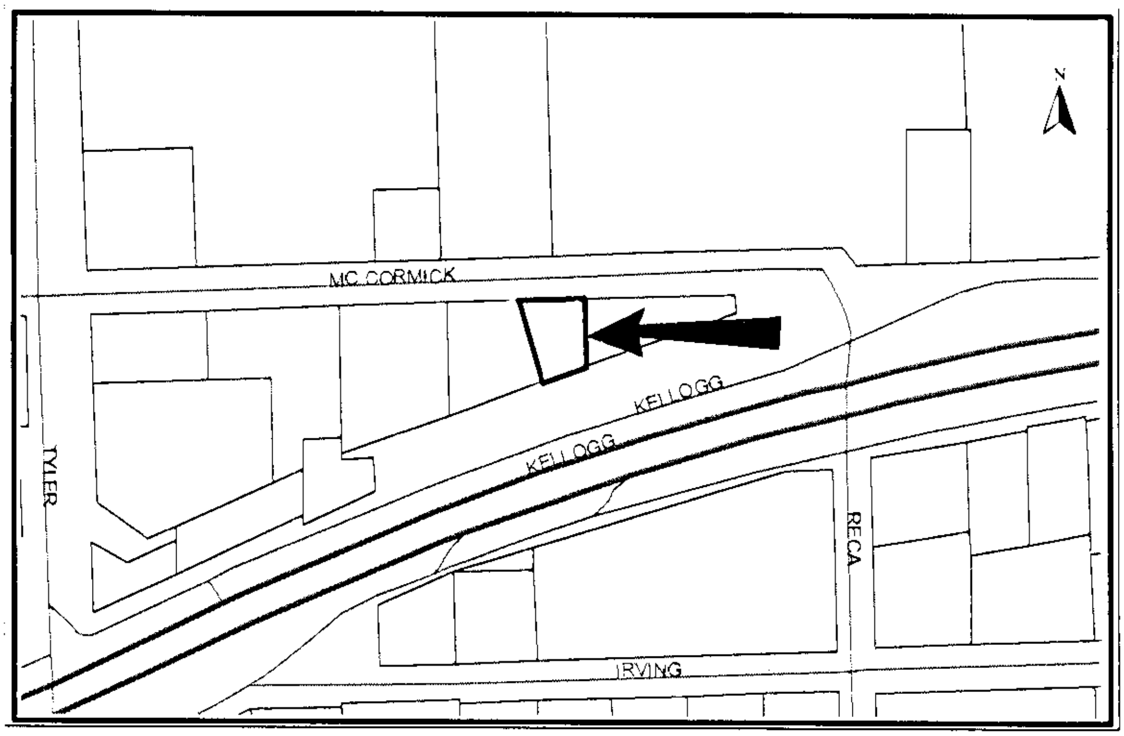
SUBJECT: **ZON2001-00054 – Zone change from "LC" Limited Commercial to "GC" General Commercial. Generally located north of Kellogg and east of Tyler (8404 W. Kellogg).** (District #V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (14-0).

Staff Recommendation: Approve.



Background: The subject property is located north of Kellogg and east of Tyler. The subject property is a portion of a platted lot containing 0.27 acres that currently is developed with a parking lot and drive-through for the credit union. The applicant owns the properties adjoining the site to the east and west and both are zoned "GC" General Commercial. The applicant would like for the entire ownership to be zoned "GC" General Commercial to allow for the sale of vehicles and boats repossessed by the credit union.

On June 29, 2000, the MAPC voted (12-0) to rezone (ZON2000-00021) a portion of the applicant's property located west of the subject property from "LC" Limited Commercial to "GC" General Commercial. At that time, the applicant was under the impression that the rezoning included the subject property; however, the legal description submitted by the applicant did not include the subject property. Therefore, an additional zone change request is required to rezone the applicant's entire ownership to "GC" General Commercial.

The City of Wichita and the applicant have recently negotiated a right-of-way agreement for the proposed expansion of West Kellogg. As a result, the applicant intends to demolish all three of his buildings and is in the process of constructing one large credit union on-site. Since the credit union routinely has clients who default on their loans for vehicles and boats, the applicant wants to display repossessed items on-site until they are sold.

The character of the surrounding area is commercial. To the north across McCormick is a Home Depot on property zoned "LC" Limited Commercial. To the west is the applicant's new credit union building under construction on property zoned "GC" General Commercial. To the east is the applicant's current credit union that will be demolished on property zoned "GC" General Commercial. To the south across Kellogg is a motel on property zoned "LI" Limited Industrial.

At the MAPC hearing on October 11, 2001, no speakers, other than the applicant's agent, appeared either for or against the request. The MAPC voted (14-0) to approve the request.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change; 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.)

Dupl

(________) Publ ed in The Wichita Eagle on V 24 2001

ORDINANCE NO. 45-139

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. ZON2001-00054

Request for zone change from "LC" Limited Commercial to "GC" General Commercial, described as:

Lot 2, First Credit Union Addition, Wichita, Sedgwick County, Kansas; except the east 250 feet and except highway right-of-way. Generally located north of Kellogg and east of Tyler (8404 W. Kellogg).

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, NOV 20 2001

ATTEST:

Pat Burnett
Pat Burnett, City Clerk

Bob Knight
Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT
MAPC - October 11, 2001

CASE NUMBER: ZON2001-00054

APPLICANT/AGENT: Mid American Credit Union (c/o Lowell E. Richardson, owner); PEC (c/o Gary Wiley, agent)

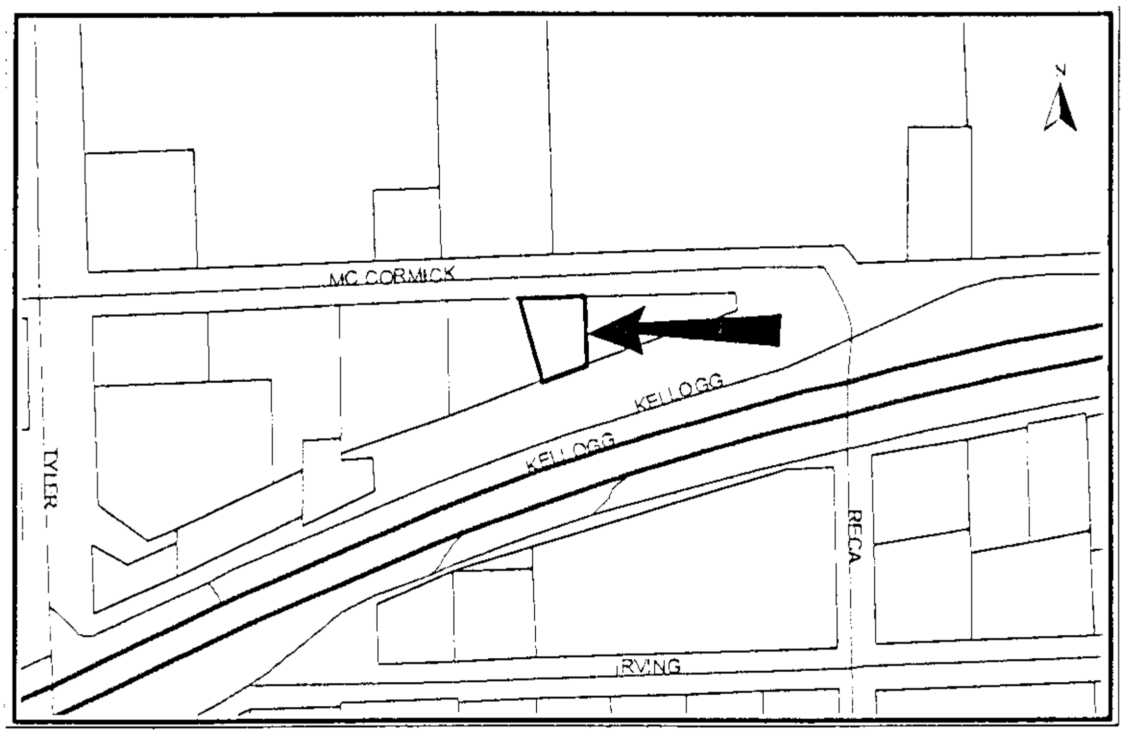
REQUEST: "GC" General Commercial

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: .27 acres

LOCATION: North of Kellogg and east of Tyler (8404 W. Kellogg)

PROPOSED USES: Sale of vehicles and boats repossessed by the credit union



BACKGROUND: The subject property is located north of Kellogg and east of Tyler. The subject property is a portion of a platted lot containing 0.27 acres that currently is developed with a parking lot and drive-through for the credit union. The applicant owns the properties adjoining the site to the east and west and both are zoned "GC" General Commercial. The applicant would like for the entire ownership to be zoned "GC" General Commercial to allow for the sale of vehicles and boats repossessed by the credit union.

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CASE HISTORY: The property is platted as part of the First Credit Union Addition that was approved in 1985.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC", Limited Commercial	Home Depot
EAST:	"GC" General Commercial	Existing credit union building
SOUTH:	"LI" Limited Industrial	Motel
WEST:	"GC" General Commercial	New credit union under construction

PUBLIC SERVICES: Public sanitary sewer and water service are currently available to this location. The site has access to both Kellogg Drive and McCormick. Current traffic volumes on these streets are not available.

CONFORMANCE TO PLANS/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.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Adjacent properties are zoned "LC" Limited Commercial, "GC", General Commercial and "LI" Limited Commercial. The character and uses on surrounding sites are commercial.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "LC" General Commercial, which does not permit the outdoor vehicle sales uses requested the applicant. A Conditional Use could be granted to permit vehicles sales in the current "LC" zoning. however, the remainder of the applicant's property is zoned "GC" General Commercial, and it more logical to create a single "GC" zoning lot to permit the vehicle sales use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property. This site is currently surrounded by commercial uses. Approval of this request should not negatively impact 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 subject property conforms to the Locational Guidelines regarding commercial development.

5. Impact of the proposed development on community facilities: No negative impacts on community facilities were identified at the time this report was prepared.