

(150004) Corrected and Republished in The Wichita Eagle on August 14, 2017

ORDINANCE NO. 50-546

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. ZON2017-00019

Zone change from the LC, Limited Commercial district to the GC, General Commercial district in association with an amendment to Parcel 2 of Community Unit Plan DP-184 to permit "vehicle repair, general," on property described as:

Lot 2, Pearson Farms Addition, Wichita, Sedgwick County, Kansas

TOGETHER WITH

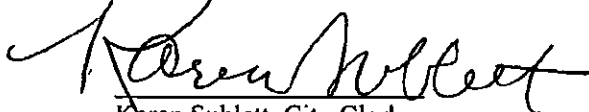
Commencing at the northerly most northeast corner of Lot 1, Pearson Farms 3<sup>rd</sup> Addition, Wichita, Sedgwick County, Kansas; thence S 01 degrees 21'21"W, 327.63 feet to a corner of said Lot 1, for the Point of Beginning; thence continuing S 01 degrees 21'21"W, 268 feet to a point on the South line of said Lot 1; thence N 88 degrees 28'51"E, 200.25 feet to the Southeast corner of said Lot 1; thence N 01 degrees 21'21"E along the East line of said Lot 1 a distance of 257.86 feet to the Southernmost Northeast corner of said Lot 1; thence N 88 degrees 38'39"W, 200 feet to the Point of Beginning, generally located on the southeast corner of North Vassar Avenue and East Central Avenue.


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 this 27th day of June, 2017.

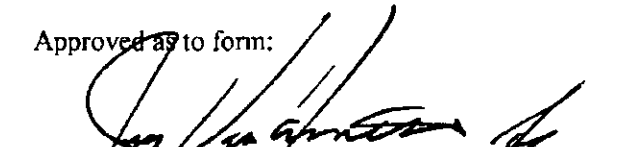
ATTEST:

  
Karen Sublett, City Clerk

  
Jeff Longwell, Mayor



Approved as to form:

  
Jennifer Magana, City Attorney and Director of Law

**STAFF REPORT**  
MAPC 5-18-2017  
DAB V 6-5-2017

**CASE NUMBER:** CUP2017-00015 and ZON2017-00019

**APPLICANT/AGENT:** James and Rebecca Denning and Steve Austin (applicants) / Greg Ferris (Ferris Consulting)

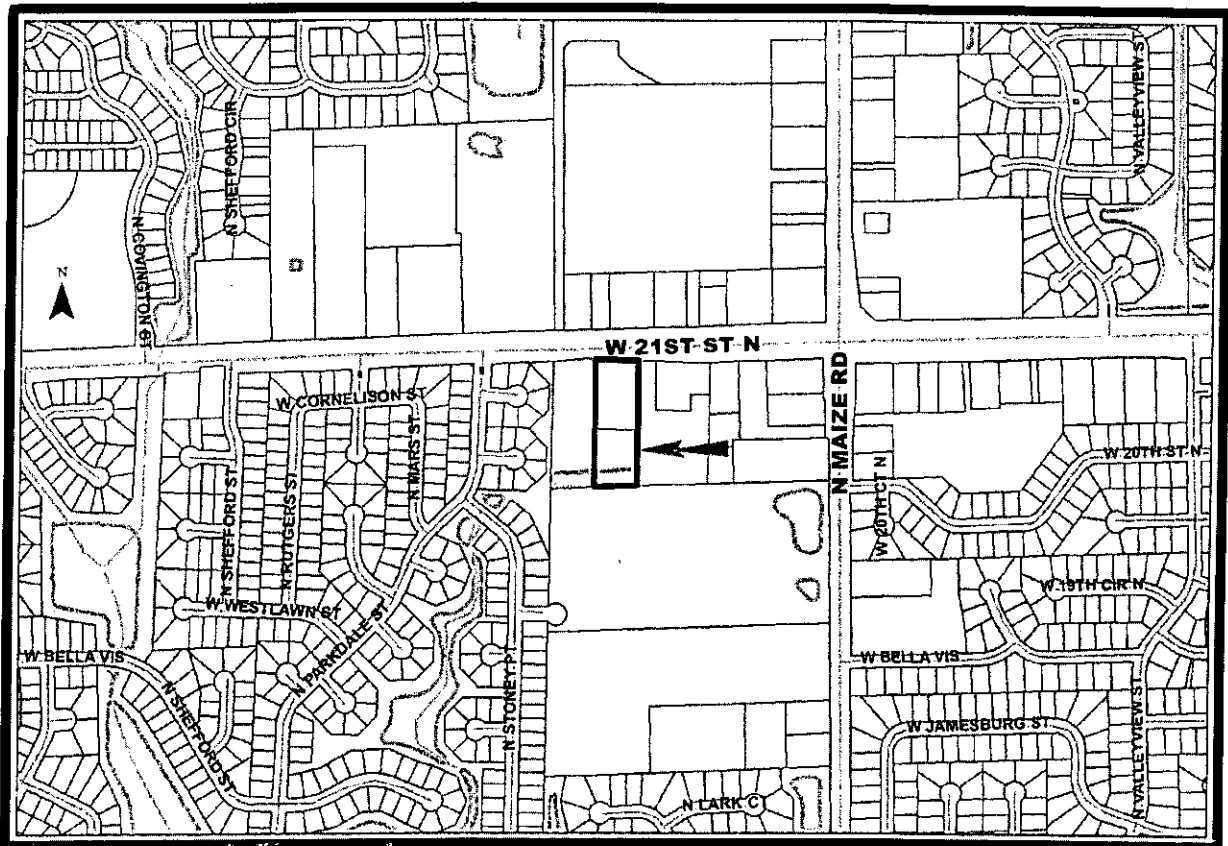
**REQUEST:** Zone change from LC Limited Commercial to GC General Commercial and Amendment #6 to Parcel 2, Community Unit Plan (CUP) DP-184 to permit “vehicle repair, general” (body shop) and to create Parcel 2B

**CURRENT ZONING:** Limited Commercial subject to development standards contained in CUP DP-184

**SITE SIZE:** 2.71 acres

**LOCATION:** South of West 21<sup>st</sup> Street North, 1,018 feet west of Maize Road (10707 West 21<sup>st</sup> Street North)

**PROPOSED USE:** Auto-body repair shop (Vehicle Repair, General)



**BACKGROUND:** The applicant is seeking a zone change from LC Limited Commercial (LC) to GC General Commercial (GC), and Amendment #6 to Parcel 2 of the Pearson Farms Community Unit Plan (CUP) DP-184 to permit “vehicle repair, general” (auto-body repair) and creation of Parcel 2B. The property is platted. The subject property is currently developed with a greenhouse and a “wireless communication facility.” (See the attached CUP drawing.) The application area is platted as Lot 2, Pearson Farms Addition and a portion of Lot 1, Pearson Farms 3<sup>rd</sup> Addition. The parcel contains 2.7 acres. The site is located south of West 21<sup>st</sup> Street North and 1,018 feet west of Maize Road (10707 West 21<sup>st</sup> Street North). The applicant proposes to split the existing Parcel 2 into Parcel 2A that would contain the proposed auto body shop and Parcel 2B that contains the existing “wireless communication facility.” The only use proposed for Parcel 2B is a “wireless communications facility.” Note: the acreage and other Parcel 2A and 2B descriptions contained in the attached CUP will be modified to reflect a Parcel 2B size of 85 feet by 100 feet instead of the 50 by 100-foot dimensions shown in the attachment.)

The applicant proposes the following additional development standards for Parcel 2A-only customer and employee parking will be allowed north of the building and any inoperable vehicles or vehicles waiting to be repaired or serviced will be parked south of the building in an area enclosed by solid screening.

All of the land located within DP-184 is zoned LC or GC, subject to development standards contained in the CUP. Parcel 2 contains 2.71 acres, permits a maximum building coverage of 35,381 square feet and a maximum gross floor area of 40,570 square feet. A building height of up to 35 feet is permitted. The site has 35-foot building setbacks located along 21<sup>st</sup> Street and the rear parcel line. Fifteen-foot building setbacks exist on the east and west property lines. Fifty parking spaces are required per an administrative adjustment dated March 10, 1997. Proposed uses are: financial institutions, convenience store, restaurants, retail shops, pharmacies, medical and dental clinics, tire, battery and accessory stores, offices, animal clinics, landscape and nursery and greenhouse. Parcel 2 is permitted one access point to 21<sup>st</sup> Street. General Provision 16 requires storage areas, service areas, trash receptacles, heating and air conditioning and mechanical equipment and trash receptacles shall be appropriately screened to reasonably hide them from ground view.

The “Wichita-Sedgwick County Unified Zoning Code” (UZC) defines “vehicle repair, general” as an establishment primarily engaged in painting of or body work to motor vehicles or heavy equipment. Typical uses include paint and body shops. “Vehicle repair, general” is first permitted in the GC zoning district. “Vehicle repair, limited” is defined by the UZC 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. “Vehicle repair, limited” includes tire, battery and accessory stores as well as other vehicle repairs including engine and transmission repair. “Vehicle repair, limited” is first permitted in the LC zoning district whereas “vehicle repair, general” is first permitted in the GC district. “Vehicle repair, limited” is currently allowed on Parcel 2 under the use category-tire, battery and accessories.

The application area has direct access to West 21<sup>st</sup> Street North. Land located to the north, across West 21<sup>st</sup> Street North, is zoned LC, subject to Protective Overlay 36, and is part of the larger New Market Square Shopping Center. Land uses to the north are primarily fast food restaurants; however, there is also car wash that has a large area fronting West 21<sup>st</sup> Street North dedicated to vacuuming. Land abutting the application area to the east is Parcel 1 of CUP DP-184, is zoned LC, and is developed with self-storage warehouse units as well as space of the outdoor storage of recreational vehicles, boats and similar large items. Land to the south is zoned SF-5 Single-Family Residential (SF-5), and is developed with a large church and associated parking. Between the application area and the church is a detention pond, a masonry wall and trees that provide some measure of screening. Land to the immediate west Parcel 1 of CUP DP-184, is zoned LC and is developed with a furniture store. The furniture store is 356 feet long,

north to south, and effectively screens the application area from the SF-5 zoned Timber Ridge Addition, developed with single-family residences located farther west of the furniture store.

**CASE HISTORY:** Community Unit Plan DP-184 was approved in 1988, and has had five subsequent amendments; four of which were approved. In 1992 Amendment Number 1 to Parcel 3 was approved that included a zone change (Z-3064) to GC, and allowed a self-service warehouse, including outside storage. Amendment Number 2, approved in 1996, increased signage and building coverage for Parcel 3 and its self-service warehouse and outside storage uses. In 1997, Amendment Number 3 to Parcel 7 to waive screening requirements was denied. In 2001, a zone change (ZON2001-00048) from NR to LC and Amendment Number 4 was approved to permit larger sized commercial uses and to adjust signage and architectural controls for Parcel 1 (furniture store). In 2011, Amendment Number 5 for Parcel 4 was approved that permitted a seasonal greenhouse and reduced on-site parking requirements. Administrative adjustments too numerous to mention have also been granted.

The application area is platted as Lot 2 Pearson Farms Addition (recorded 1988) and as part of Lot 1, Pearson Farms 3<sup>rd</sup> Addition (recorded 1993)-beginning 327.63 feet south of the northerly most northeast corner of Lot 1; thence south 268 feet to the south line; thence east 200.25 feet to the southeast corner; thence north 257.96 feet; thence west 200 feet to the beginning.

**ADJACENT ZONING AND LAND USE:**

North: LC, subject to PO-36; church, fast food restaurants, car wash  
South: SF-5; church  
East: LC and SF-5; furniture store and single-family residences  
West: GC; self-service warehouse including outside storage

**PUBLIC SERVICES:** 21<sup>st</sup> Street in front of the application area has 145 feet of right-of-way with seven lanes; five through-lanes, a center left-turn lane and a right-turn only lane. 21<sup>st</sup> Street at this general location carries approximately 18,800 average daily vehicle trips. The property is fully served by all the usual municipal services and public utilities.

**CONFORMANCE TO PLANS/POLICIES:** The *2035 Wichita Future Growth Concept Map* depicts this site as appropriate for “commercial” uses. Commercial area encompass areas that reflect the full diversity of commercial development intensities and types typically found in large urban municipalities. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with residential areas. Major destination area (centers and corridors) containing concentrations of commercial and office uses that have regional market areas and generate high volumes of traffic are located in close proximity to major arterials or highways and typically are buffered from lower density residential areas by higher density housing types.

**RECOMMENDATION:** Based upon the information available at the time the staff report was prepared it is recommended that the application area be rezoned to the GC General Commercial district subject to the development standards contained in DP-184 as amended below:

- A. Existing (May 2, 2017) Parcel 2 is split into two parcels resulting in the creation of Parcel 2A and Parcel 2B. (Acreage will be identified in final version.)
- B. General Provision 24, Parcel Number 2A Proposed Uses is amended as follows: financial institutions, convenience store, restaurants, retail shops, pharmacies, medical and dental clinics, tire, battery and accessory stores, offices, animal clinics, landscape and nursery and greenhouse, and vehicle repair, general.” Only customer and employee parking associated with vehicle repair,

general is allowed north of the building (the northern approximately 150 feet). All inoperable vehicles or vehicles waiting to be repaired or serviced will be parked south of the building in an area enclosed by solid screening that is a minimum of six feet. All repair work shall be done indoors or within the enclosed area located to the rear of the building.

- C. Parcel Number 2B Proposed Uses: Wireless Communication Facility. Gross Area –8,500 square feet ; Maximum Building Coverage – 1,700 square feet (20% maximum); Maximum Gross Floor Area – 1,700 square feet; Floor Area Ratio – ?; Maximum Building Height – 35 feet; Maximum Number of Buildings – 1; Parking - Per Code or shared parking with Parcel 2A; Setbacks – North, South and West – 0 feet, East – 15 feet.
- D. The applicant will submit four CUP plans within 60 days of final approval to the Metropolitan Area Planning Department.
- E. The proposed amendment applies only to the described parcels. Unless specifically modified by this amendment, all existing development standards described in DP-184 remain in effect.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area has direct access to West 21<sup>st</sup> Street North. Land located to the north, across West 21<sup>st</sup> Street North, is zoned LC, subject to Protective Overlay 36, and is part of the larger New Market Square Shopping Center. Land uses to the north are primarily fast food restaurants; however, there is also car wash that has a large area fronting West 21<sup>st</sup> Street North dedicated to vacuuming. Land abutting the application area to the east is Parcel 1 of CUP DP-184, is zoned LC, and is developed with self-storage warehouse units as well as space of the outdoor storage of recreational vehicles, boats and similar large items. Land to the south is zoned SF-5 Single-Family Residential (SF-5), and is developed with a large church and associated parking. Between the application area and the church is a detention pond, a masonry wall and trees that provide some measure of screening. Land to the immediate west Parcel 1 of CUP DP-184, is zoned LC and is developed with a furniture store. The furniture store is 356 feet long, north to south, and effectively screens the application area from the SF-5 zoned Timber Ridge Addition, developed with single-family residences located farther west of the furniture store.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC subject to the development standards contained in CUP DP-184. Parcel 2 is permitted: financial institutions, convenience store, restaurants, retail shops, pharmacies, medical and dental clinics, tire, battery and accessory stores, offices, animal clinics, landscape and nursery and greenhouse. As currently zoned, presumably the site could be put to one or more permitted uses that would generate an economic return.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The CUP already contains 3.67 acres of GC zoning (Parcel 2) that permits outdoor storage of vehicles. The site is effectively screened by the 356-foot long furniture store located to the west the self-storage warehouse buildings and fencing to the east and the detention pond, tree line and masonry wall located to the south. The additional screening and requirement that vehicles waiting repair offered by the applicant will ensure adequate screening from off-site. "Vehicle repair, limited" is currently allowed on Parcel 2 under the use category-tire, battery and accessories.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would provide the general public with an additional choice in repair work. Denial would presumably represent a loss of economic opportunity to both the land owner and the applicant.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *2035 Wichita Future Growth Concept Map* depicts this site as appropriate for “commercial” uses. Commercial areas encompass areas that reflect the full diversity of commercial development intensities and types typically found in large urban municipalities. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with residential areas. Major destination areas (centers and corridors) containing concentrations of commercial and office uses that have regional market areas and generate high volumes of traffic are located in close proximity to major arterials or highways and typically are buffered from lower density residential areas by higher density housing types.
  
6. Impact of the proposed development on community facilities: Existing facilities are in place or can be extended to serve the proposed use.