

(OCA150004 BID 37529-009 CID #76383)

ORDINANCE NO. 48-331

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. ZON 2007-28

Zone change from LC Limited Commercial to GC General Commercial, for property described as:
Lot 1, Block A, Harley Voth Addition, Wichita, Sedgwick County, Kansas.

Generally located on the south side of Douglas and east of West Street.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #192:

- 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, except where fences are erected, to ensure that parked vehicles do not encroach onto public right-of ways or adjacent properties.
- 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.

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.

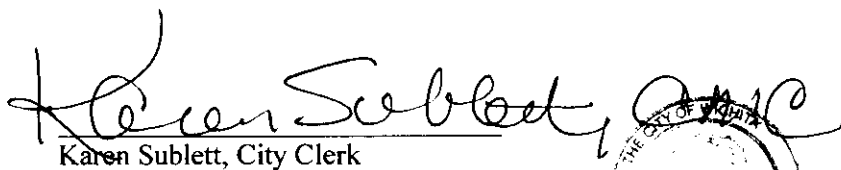
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Adopted this 19 day of May 2009.



Carl Brewer, Mayor

ATTEST:

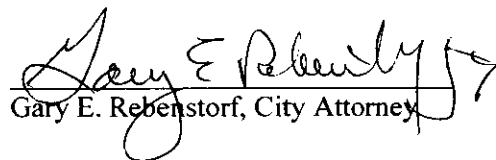


Karen Sublett, City Clerk



(SEAL)

Approved as to form:



Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
October 23, 2007

TO: Mayor and City Council

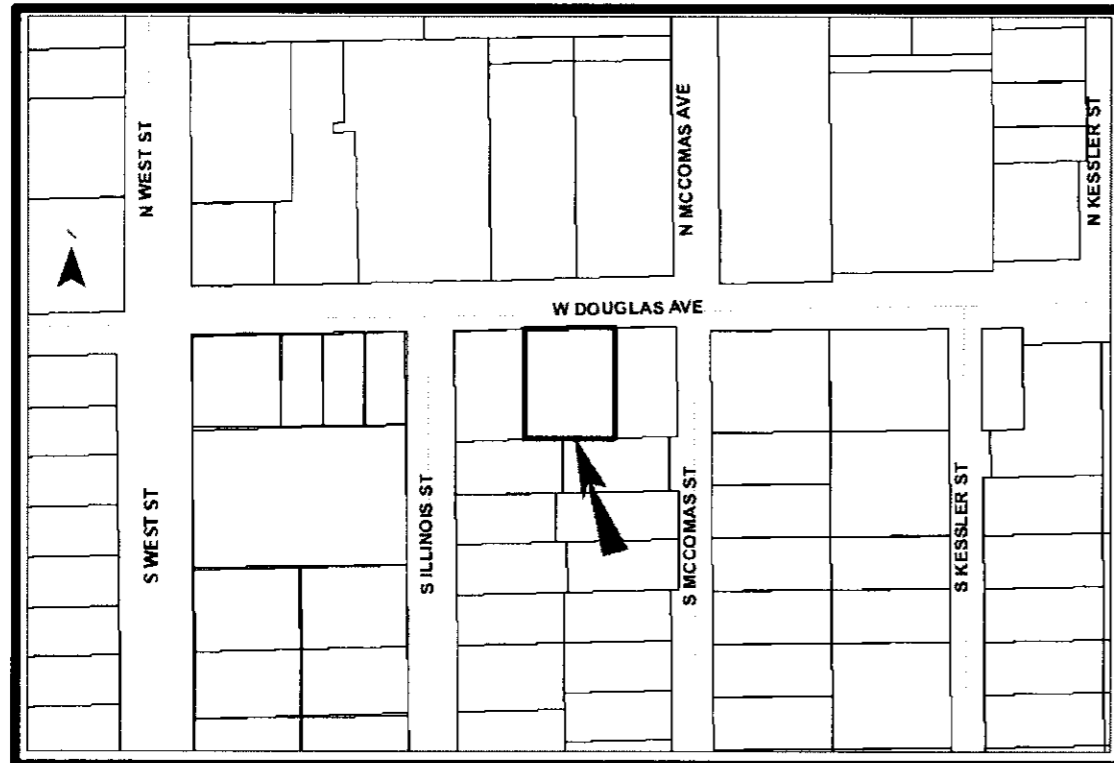
SUBJECT: ZON2007-00028 – Zone change from “LC” Limited Commercial to “GC” General Commercial with a Protective Overlay. Generally located 500 feet east of the intersection of West Street on the south side of Douglas Avenue. (District IV)

INITIATED BY: Metropolitan Area Planning Department *ALS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve, subject to Protective Overlay #192, vote 12-0.

MAPD Staff Recommendation: Approve, subject to Protect Overlay #192.



Background: The applicant owns an unplatted lot (0.33 acre in size) located 500 feet east of the intersection of West Street and Douglas Avenue, along the south side of Douglas. This lot is currently zoned LC and appears to be developed with a warehouse/storage type use. The applicant is seeking GC zoning with a Protective Overlay in order to conduct “vehicle repair, general” (auto painting) work at this location. The automobile painting would be located in the west 41.5 feet of the structure. The existing building on site would be utilized as the new auto detail shop. The shop would have garage door openings on the north side, facing Douglas Avenue. The primary entrance and reception area would also be located on the north side of the building.

Surrounding uses include developed LC property (Lots 1, 2 and 3, Black and Towns Addition) located immediately north of the application area. North of the LC lot are lots zoned “B” Multi-Family Residential and LC with multi-family development that faces McComas Avenue. There are other single-family homes along McComas Avenue on “SF-5” Single-Family Residential zoned lots south of the subject site. There are also single-family and multi-family residences located along Illinois Avenue; this is the first street west of the application area. There is residentially developed and zoned land located immediately south of the application area (Lots 1 and 2 of the Charles Jackson Addition). The closest residential lot with a residential structure is directly adjacent to the applicant’s proposed building from the south. The LC zoned land to the east is developed with a bar/nightclub. The LC zoned land located west is developed with a retail strip store.

Parking requirements for “vehicle repair, general” are one space per 500 square feet of building plus three spaces. The applicant would need approximately 14 spaces to meet code. “Vehicle Repair, General” is defined by the UZC as an establishment that is primarily engaged in painting of or body work to motor vehicles or heavy equipment and is first permitted in the GC zone district. If the site is redeveloped as proposed, landscape street yard, parking lot screening and buffer plantings will be required.

Analysis: At the MAPC meeting held August 16, 2007, the MAPC voted (12-0) to approve the requested for GC zoning with Protective Overlay #192. At the MAPC meeting, there were not any citizens present to discuss the case.

This case was never heard at a District IV Advisory Board meeting due to the application being deferred on two occasions. By the time the case was to be heard by the MAPC, the DAB IV meeting had already taken place and the next DAB IV meeting was a month after the MAPC meeting date in which this case was heard.

No formal protest petitions have been filed.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality.

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

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the zone change subject to the additional conditions of Protective Overlay #192; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the City Council on the first hearing.)