

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON 11/30/2018

ORDINANCE NO. 50-899

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. ZON2018-00043

City zone change from LC Limited Commercial District to GC General Commercial District and described as follows:

Lots 14, 16, 18, 20, 22 & 24 on Ida, Miltner's 2nd Addition to the City of Wichita, Sedgwick County, Kansas.

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.

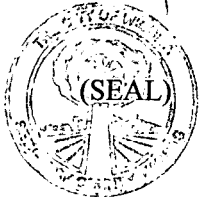
ADOPTED this 27 day of Nov., 2018.


Jeff Longwell, Mayor

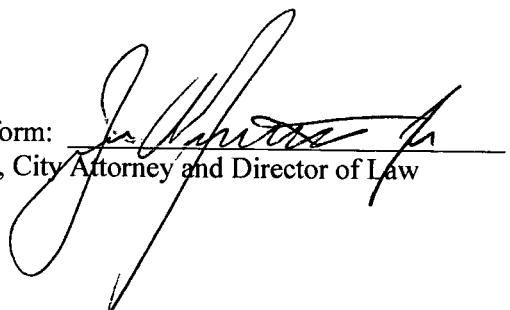
ATTEST:



Karen Sublett, City Clerk



Approved as to form:
Jennifer Magaña, City Attorney and Director of Law



BACKGROUND: The applicant is requesting the rezoning of the properties he owns located west side of South Ida Avenue and north of East Lincoln Street from LC Limited Commercial (LC) to GC General Commercial (GC) in order to allow the property to be used for an automotive repair and body shop. Under the provisions of the Unified Zoning Code, the requested use is classified as Vehicle Repair, General, which is first permitted in the GC General Commercial district.

The property located on the corner of South Ida Avenue and East Lincoln Avenue is occupied by Midwest Engine Exchange for a number of years, The buildings located at 1145 South Ida Avenue have been occupied by an auto racing business that became the subject of the zoning violation that resulted in this rezoning request. The violation issues began in July of 2018 following complaints from neighbors of outdoor storage of vehicle parts and other material resulting in appearance more of a salvage use. A summary of that issue is provided in the attached email from the Codes Department. According to the Codes office, the desired use is to become only a vehicle repair, general, including the paint and body facility, but not a salvage operation.

The original plat creating these lots was the plat of the Miltner's 2nd Addition to the City of Wichita, Kansas, recorded with the Register of Deed's on January of 1906.

The surrounding neighborhood is a mixture of uses. The property to the west on the east side of Washington Avenue is zoned GC General Commercial and occupied with a vehicle repair use which is also under notice of violations from the Codes office. Both sides of Lincoln Avenue from the subject property to the east are zoned LC Limited Commercial and have a mixture of business. The properties to the north are zoned B Multiple-Family Residential and have mostly single-family residences. The complaints regarding the uses on the subject property are presumed to have originated from the residential area to the north and the establishment of proper zoning would help to assure the required screening and buffering within the Unified Zoning Code would be applied during the permitting process for the conversion of the use of the buildings to permitted uses in the new zoning classification.

CASE HISTORY: Other than the original platting of the property in 1906 noted above, there are no other previous zoning actions on these parcels.

ADJACENT ZONING AND LAND USE:

NORTH:	B	residential
SOUTH:	LC	commercial
EAST:	LC	commercial
WEST:	GC	commercial

PUBLIC SERVICES: East Lincoln Avenue is a fully improved four-lane arterial street with full traffic control improvements and appropriate drainage infrastructure. Ida Avenue is a two-lane residential street with curbs and gutters. All municipal utilities are provided to the site.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is located as appropriate for commercial uses. The site is within the Established Central Area (ECA), and is adjacent to the South Central Neighborhood Plan. The established land uses along the Lincoln Avenue and Washington Avenue corridors are predominately commercial. The conversion of this land to higher commercial uses is recognized as an appropriate redevelopment in this area given the requirements of the Unified Zoning Code for screening and buffering to the residential uses.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends APPROVAL of the request, as submitted. This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The surrounding neighborhood is a mixture of uses. As noted above, the property to the west on the east side of Washington Avenue is zoned GC General Commercial and occupied with a vehicle repair use which is also under notice of violations from the Codes office. Both sides of Lincoln Avenue from the subject property to the east are zoned LC Limited

Commercial and have a mixture of business. The properties to the north are zoned B Multiple-Family Residential and have mostly single-family residences.

2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned LC Limited Commercial and the proposed use is not permitted. While other commercial uses are permitted, the building is presently marketable for the proposed use.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Given the extent of other commercial development in the immediate area, there should be no negative impacts to future commercial development. Development standards within the Unified Zoning Code will provide adequate safeguards in the future as needed.
4. **Length of time the property has been vacant as currently zoned:** The property has more limited value within today's market in the LC zoning classification and the GC request is not unreasonable at this location.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is located as appropriate for commercial uses. The site is within the Established Central Area (ECA), and is adjacent to the South Central Neighborhood Plan. The established land uses along the Lincoln Avenue and Washington Avenue corridors are predominately commercial. The conversion of this land to higher commercial uses is recognized as an appropriate redevelopment in this area given the requirements of the Unified Zoning Code for screening and buffering to the residential uses.
7. **Impact of the proposed development on community facilities:** The change in zoning classification of the property to GC would not have any impact on community facilities or resources. All public improvements are available to serve the property.

Staff Report Attachments:

1. Email from MABCD