

City of Wichita
City Council Meeting
July 15, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: ZON2003-00027 – Zone change from “LC” Limited Commercial to “OW” Office Warehouse. Generally located north of 31st Street South between K-15 and Hillside. (District III)

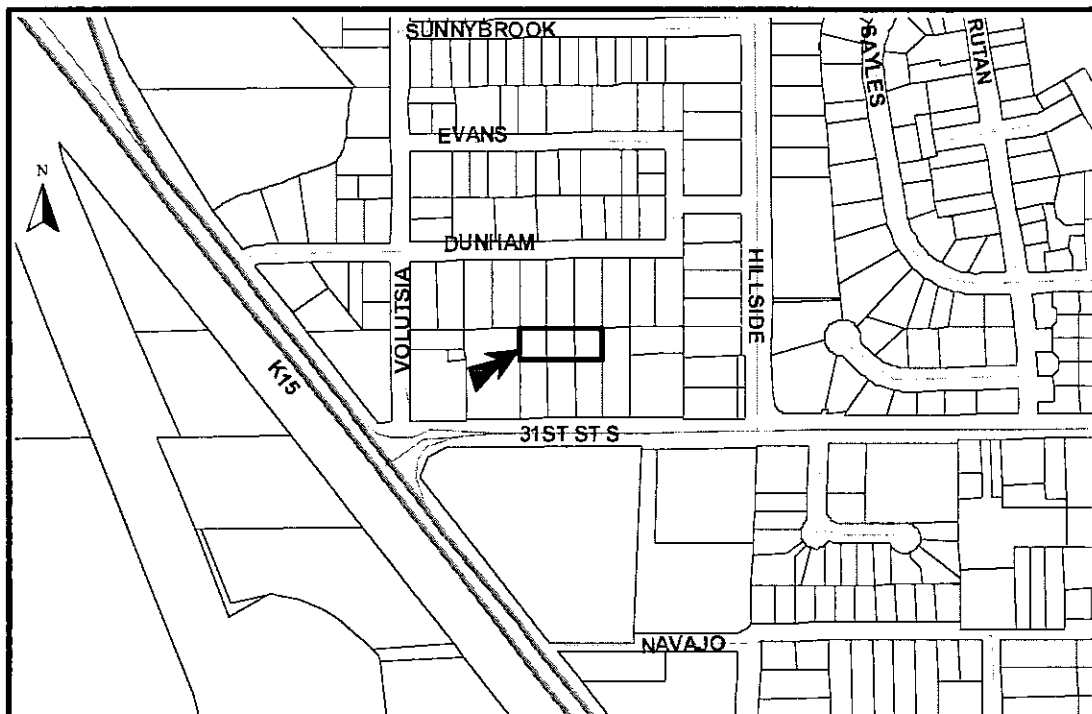
INITIATED BY: Metropolitan Area Planning Department *JWS*

AGENDA: Planning

MAPC Recommendation: Approve. (11-0)

Staff Recommendation: Approve.

D.A.B. Recommendation: Approve.



BACKGROUND: The applicant requests a zone change from "LC" Limited Commercial to "OW" Office Warehouse on a 0.6 acre platted tract located north of 31st Street South between K-15 and Hillside. The subject property is the north 102 feet of Lots 6-8, Edminster Gardens Addition and is developed with a warehouse-type building that was constructed in 1972 as a motorcycle repair building. The building permit for the motorcycle repair building indicated that the building was not appropriately zoned for body or fender work or for warehousing; however, the building has been used for warehousing in violation of the Unified Zoning Code (UZC). The applicant desires to lease the mostly vacant building to warehouse users and, therefore, has requested a zone change to "OW" Office Warehouse. The applicant owns a total of 1.83 acres at this location, and the remainder of the applicant's property will remain zoned "LC" Limited Commercial and is currently used as a restaurant.

The surrounding area is characterized by commercial uses along 31st Street South, K-15, and Hillside, with residential uses located on the interior properties beyond the commercial frontages. The properties east, west, and south of the subject property are zoned "LC" Limited Commercial and are developed with various commercial uses, including retail, vehicle repair, contractor services, and a recreational vehicle campground. The properties north of the subject property are zoned "SF-5" Single-Family Residential and are developed with single family residences.

As it is currently developed, the subject property does not conform with several UZC and Landscape Ordinance requirements for commercial development. First, Section IV-B. of the UZC requires screening along the north property line; however, no screening is provided. Second, Section IV-C.4. of the UZC requires a compatibility setback of 25 feet along the north property line; however, the building is set back only 15 feet. Third, Section 10.32.040 of the Landscape Ordinance requires a landscaped buffer along the north property line; however, no landscaped buffer is provided. Section VII-E. of the UZC requires that the non-conformities on the subject property be brought into conformance when the following occurs: 1) any increase on the premises of more than 30 percent floor area or 50 percent value; or 2) any change in use to a more intensive use when a new certificate of occupancy is required.

The MAPC considered the request on June 19, 2003 and voted (11-0) to recommend that the request be approved. DAB III considered the request on July 2, 2003 and voted to recommend that the request be approved. No citizens or neighboring property owners have indicated opposition the request.

Recommendations:

1. Concur with the findings of the MAPC and approve the zone change; approve first reading of the ordinance; or
2. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

OK
to Sub

(150004) Published in The Derby Reporter on August 8, 2003

ORDINANCE NO. 45-772

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. ZON2003-00027

Zone change from "LC" Limited Commercial to "OW" Office Warehouse on property described as:

The north 102 feet of Lots 6, 7, & 8, except the north 90.39 feet of the west 1.13 feet of Lot 6, Block 1, Edminster Gardens Addition, Wichita, Sedgwick County, Kansas. Generally located north of 31st Street South between K-16 and Hillside.

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, August 5, 2003

Carlos Mayans
Carlos Mayans, Mayor



ATTEST:

Patey Ellis, Deputy
for Pat Graves, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney