

City of Wichita  
City Council Meeting  
March 2, 2004

Agenda Report No.

TO: Mayor and City Council

SUBJECT: ZON2003-70 (Associated with CON2003-53) – Zone change from “SF-5” Single-family Residential to “LI” Limited Industrial and a Conditional Use for a Wrecking/Salvage Yard. Generally located north of MacArthur and east of Broadway. (District III)

INITIATED BY: Metropolitan Area Planning Department *JLS*

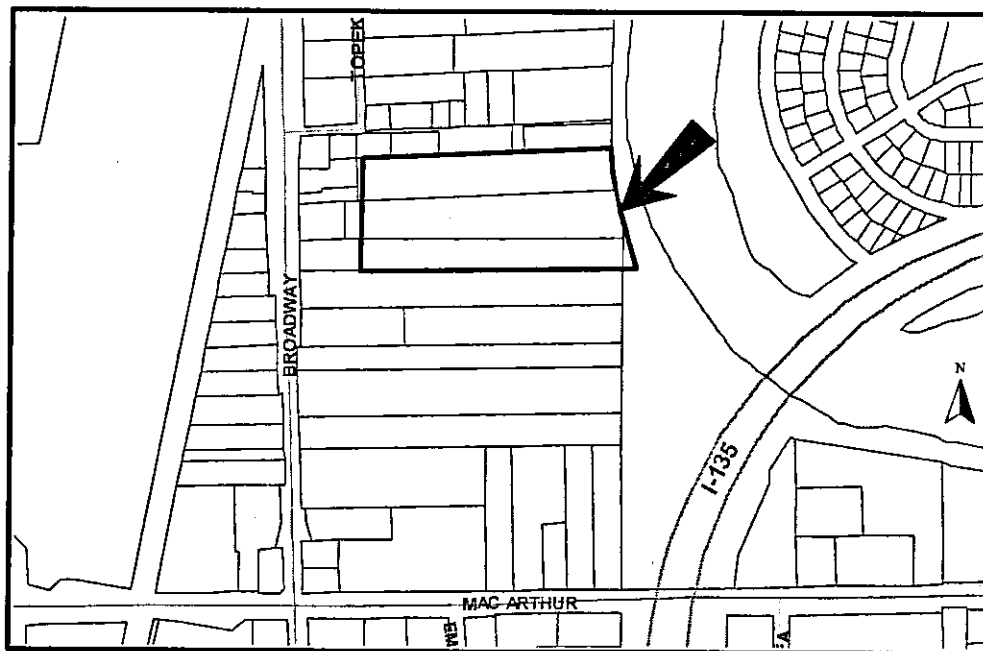
AGENDA: Planning (consent)

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**MAPC Recommendation:** Approve, subject to staff recommendations. (8-0)

**D.A.B. Recommendation:** Approve, subject to staff recommendations. (8-0)

**Staff Recommendation:** Approve, subject to platting within one-year and conditions.



**BACKGROUND:** The applicant is requesting a zone change from "GC" General Commercial and "SF-5" Single Family to "LI" Limited Industrial and a conditional use to permit a wrecking/salvage yard on a 12.63 acre unplatted tract located north of MacArthur and east of Broadway at 3760 S. Broadway. The subject property is currently developed with a non-conforming vehicle/wrecking salvage yard (Happy Hooker Towing Service). The applicant has requested the zone change and conditional use so that the existing use will conform with the zoning regulations.

The surrounding area is characterized by heavy commercial uses, which are primarily auto-related, such as vehicle sales and vehicle repair, and typically involve outdoor storage. Many of the existing uses in the vicinity do not conform to the zoning regulations since only the frontage along Broadway is zoned for commercial uses, but the uses extend to the back of the deep lots, which are zoned for residential use. The surrounding properties are zoned "GC" General Commercial and "SF-5" Single Family.

The applicant submitted the attached site plan illustrating the proposed use of the subject property as a vehicle wrecking/salvage yard. Essentially the entire lot is used for the outdoor storage of vehicles for Happy Hooker Towing Service. The vehicles stored on the property are both operable and inoperable. The applicant indicates the vehicles are not currently salvaged on the property, but the applicant would like the flexibility to operate a salvage yard in the future.

At the MAPC hearing on January 22, 2004, there were no speakers in opposition to the request, and the MAPC voted 8-0 to recommend approval of the request subject to the staff recommendation as contained in the MAPC minutes. At the DAB hearing on February 11, 2004, there were no speakers in opposition to the request, and the DAB voted 8-0 to recommend approval of the request subject to the staff recommendation.

**Recommended Action:**

1. Concur with the findings of the MAPC and approve the Zone Change to "LI" Limited Industrial and the Conditional Use to permit a wrecking/salvage yard, subject to platting within one year and subject to the recommended conditions; instruct the Planning Department to forward the ordinance and resolution for first reading when the plat is forwarded to the City Council; 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 consideration.)

ORDINANCE NO. 46-175

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 2003-70**

Zone change from "SF-5" Single-family Residential District to "LI" Limited Industrial District on property described as:

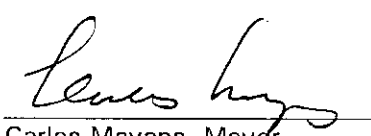
Lot 2, Block A, Ysidro Addition to Wichita, Sedgwick County, except that part described as beginning at the southwest corner thereof; thence N 0°00'00" E along the west line of said Lot 2, 128.64 feet; thence S88°53'18" E, 222.97 feet; thence S1°00'54" E, 130.10 feet to the south line of said Lot 2; thence N88°32'02"W along said south line, 225.51 feet to the point of beginning.

Generally located north of MacArthur, on the east side of Broadway.

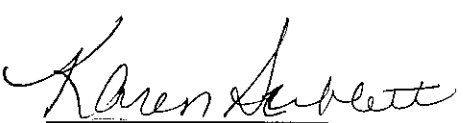
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**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: 5-11-04


  
Carlos Mayans, Mayor

ATTEST:

  
Karen Sublett, City Clerk



Approved as to form:

  
Gary E. Rebenstorf, City Attorney