

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. ZON2013-00030

Zone change from LC Limited Commercial ("LC") to GC General Commercial ("GC") on an approximately a 0.42-acre property described as:

Lot 1, Block A, S.H. Sampson Addition to Wichita, Sedgwick County, Kansas; generally located east of Interstate Highway-235, on the northwest corner of Central Avenue and Hoover Road.

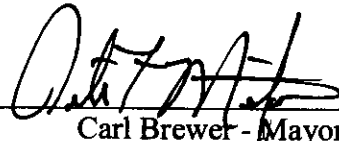
SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #282:

- A. Permitted uses are restricted to those uses permitted by-right in the LC Limited Commercial district plus 'vehicle repair, general.' The conditions of CON2006-00004 shall also remain in effect.
- B. All vehicles that are awaiting repair for body and paint, mechanical, electrical or similar repair are to be screened from ground view from abutting / adjoining properties and from abutting streets. The vehicles will be stored in area surrounded with solid screening and a solid gate. Solid screening shall be provided per the Unified Zoning Code. No tires or parts will be stored outside the screened area. All dumpsters, trash containers and containers for oil or automotive fluids shall be located within the solid screened area where vehicles are stored while waiting for repair. All solid screening shall be installed within 60 days of approval by the governing body.
- C. All outside display, with the exception of cars for sale, shall be located within 10 feet of the office-garage building.
- D. The area where vehicles are stored waiting for repair shall be paved.
- E. Landscaping shall be 1-½-times the Landscape Ordinance, including a 10-foot wide landscape buffer provided along the north, west and east sides of the site. No storage of vehicles is permitted within that 10-foot wide landscape buffer. The required landscaping of CON2006-00004 shall be brought back into compliance. All landscaping shall be planted no later than the spring planting season.
- F. The car wash on the site shall not be used by the general public, but only for those vehicles that are being repaired at the shop. The car wash shall have solid screening around its north, east and west sides, with a 10-foot wide landscape buffer around its north, east and west sides. Landscaping shall be 1-½ times the Landscape Ordinance. The car wash and vehicle storage area can be one, combined area. All landscaping shall be planted no later than the spring planting season.

- G. The paint and body shop shall comply with all local, state and federal regulations.
- H. No storage of wrecked vehicles for salvage. No working on vehicles outside.
- I. A site plan shall be provided for review and final approval within 60 days of approval by the MAPC or the governing body. The site plan shall show, but not limited to, parking for customers and employees, screening, landscaping, the area where vehicles awaiting repair are stored, trash receptacles, and all existing development.

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.


ON BEHALF OF
Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form: 
Gary E. Rebenstorf, City Attorney

City of Wichita
 City Council Meeting
 December 10, 2013

TO: Mayor and City Council

SUBJECT: ZON2013-00030 – Zone change from LC Limited Commercial to GC General Commercial with a Protective Overlay on property generally located on the east side of Interstate Highway-235 and on the northwest corner of Hoover Road and Central Avenue. (District VI)

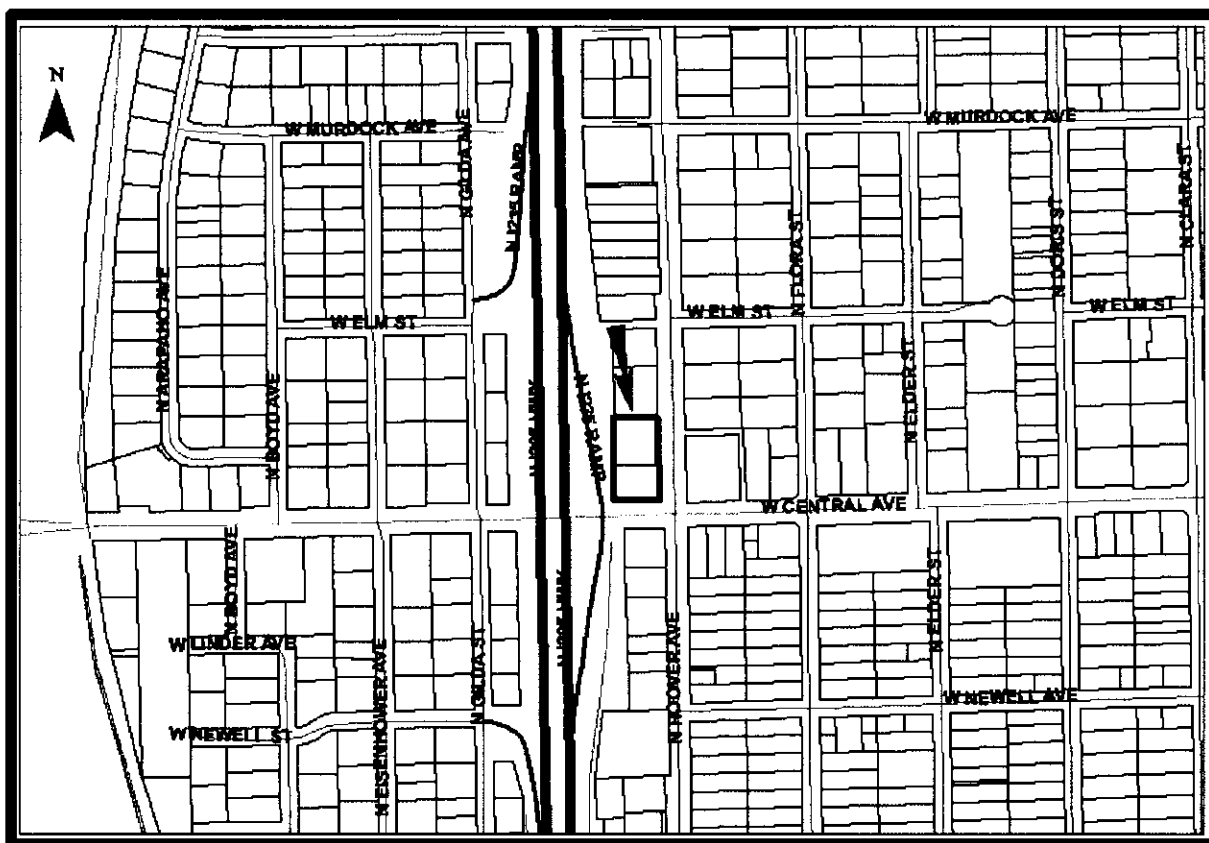
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommends approval (13-0), subject to the provisions of Protective Overlay #282.

DAB VI Recommendation: DAB VI recommends approval (7-0), subject to the provisions of Protective Overlay #282.

MAPD Staff Recommendation: The MAPD staff recommends approval, subject to the provisions of Protective Overlay #282.



Background: The applicant requests GC General Commercial zoning on the LC Limited Commercial zoned subject site. The platted site is located on the east side of Interstate Highway-235 and the northwest corner of Central Avenue and Hoover Road. The applicant is requesting the GC zoning to allow a body and paint shop. A body and paint shop is defined in the Wichita-Sedgwick County Unified Zoning Code (UZC), as “vehicle repair general”; Article II Section II-B.14.h. The GC zoning district allows general vehicle repair by right; UZC, Article III Section III-D.6. The site is currently used for outdoor car sales (CON2006-00004), an associated “vehicle repair limited” garage with six bays and a four bay (no doors) self serve car wash (BZA27-81).

Development located east and northeast of the site, across Hoover Road, include a LC zoned small commercial strip (built in 1969) containing a drinking and eating restaurant (Walt’s DER), retail and a “quick loan” business. There is also a LC zoned small free-standing restaurant (built in 1969). TF-3 Duplex Residential and SF-5 Single-Family Residential zoned single-family residences (built in the early 1950s) are abutting and adjacent to the north and northeast side of the site. South of the site, across Central Avenue, are a LC zoned limited vehicle repair garage (built in 1957) and a Goodwill store. Abutting the west side of the site is the Central Avenue - Interstate Highway-235 interchange. This portion of Central Avenue, from West Street to the Interstate Highway, is almost stripped out with LC zoning supporting a mixture of small free-standing retail, small retail strips, a few offices, limited vehicle repair garages and some DERs and restaurants. An exception is the GC zoned (ZON2001-12 and Protective Overlay PO #92) paint and body shop located mid-mile on the southwest corner of Tracy Street and west Central Avenue.

Analysis: At the District Advisory Board VI (DAB VI) meeting held November 4, 2013, DAB VI voted, 7-0, to approve the requested GC zoning subject to the following provisions of PO #282:

- A. Permitted uses are restricted to those uses permitted by-right in the LC Limited Commercial district plus “vehicle repair, general.” The conditions of CON2006-00004 shall also be in effect.
- B. All vehicles that are awaiting repair for body and paint, mechanical, electrical or similar repair are to be screened from ground view from abutting / adjoining properties and from abutting streets. The vehicles will be stored in area surrounded with solid screening and a solid gate. Solid screening shall be provided per the Unified Zoning Code. No tires or parts will be stored outside the screened area. All dumpsters, trash containers and containers for oil or automotive fluids shall be located within the solid screened area where vehicles are stored while waiting for repair. All solid screening shall be installed within 60 days of approval by the governing body.
- C. All outside display, with the exception of cars for sale, shall be located within 10 feet of the office-garage building.
- D. The area where vehicles are stored waiting for repair shall be paved.
- E. Landscaping shall be 1-½-times the Landscape Ordinance, including a 10-foot wide landscape buffer provided along the north, west and east sides of the site. No storage of vehicles is permitted within that 10-foot wide landscape buffer. The required landscaping of CON2006-00004 shall be brought back into compliance. All landscaping shall be planted no later than the spring planting season.
- F. The car wash on the site shall not be used by the general public, but only for those vehicles that are being repaired at the shop. The car wash shall have solid screening around its north, east and west sides, with a 10-foot wide landscape buffer around its north, east and west sides. Landscaping shall be 1-½ times the Landscape Ordinance. The car wash and vehicle storage area can be one, combined area. All landscaping shall be planted no later than the spring planting season.
- G. The paint and body shop shall comply with all local, state and federal regulations.
- H. No storage of wrecked vehicles for salvage. No working on vehicles outside.
- I. A site plan shall be provided for review and final approval within 60 days of approval by the MAPC or the governing body. The site plan shall show, but not limited to, parking for customers and employees, screening, landscaping, the area where vehicles awaiting repair are stored, trash receptacles, and all existing development.

At the Metropolitan Area Planning Commission (MAPC) meeting held November 7, 2013, the MAPC voted, 13-0, to approve the requested GC zoning with the above noted provisions of PO #282. There were no citizens who spoke against the request at the MAPC or DAB meetings. Planning has received no phone calls protesting the request. There have been no valid protest petitions filed with the City Clerk.

Financial Considerations: There are no financial considerations in regards to the zoning request.

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

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC, approve the zone change subject to the additional recommended provisions of Protective Overlay #282, and place the ordinance establishing the zone change on first reading (simple majority required).

Attachments:

- Ordinance
- MAPC minutes
- DAB memo