

Agenda Item # _____

City of Wichita
City Council Meeting
June 5, 2001

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2001-00023 - REQUEST FOR ZONE CHANGE FROM "B" MULTI-FAMILY TO "LC" LIMITED COMMERCIAL, LOCATED NORTHWEST OF THE CENTRAL AVENUE-PENNSYLVANIA AVENUE INTERSECTION. (District #I)

INITIATED BY: Metropolitan Area Planning Department *Probst*

AGENDA ACTION: Planning

MAPC Recommendation: Approve (13-0).

Staff Recommendation: Approve.

Background: The applicant is requesting consideration for a zoning change from "B" Multi-Family to "LC" Limited Commercial, on Lots 43, 45, 47 & 49, Shirk's 3rd Addition, for an automotive detail shop/car wash. The applicant is in the process of building a 30-ft x 45-ft (1350 sq-ft) building for the proposed business, on Lots 43 & 45. Staff advised the applicant that construction of the building before the zoning request was considered/approved was premature. There is a vacant, existing residential structure on Lots 47 & 49. The applicant is uncertain as to what he will do with the existing residential structure. Access to the proposed business will be through the existing curb cut. The requested zoning to "LC" Limited Commercial will permit the applicant to run an automotive detail shop/car wash. The shop's staff will wash, wax, shampoo, and vacuum non-commercial vehicles in the previously mentioned 1350 sq-ft building. The customers who bring their vehicles for this service will not service their vehicles, the business's staff will. The applicant has stated that there are no automatic washers involved or blow dryers. An automotive detail shop/car wash is a permitted use in "LC" Limited Commercial zoning. There is an automotive detail shop, Zieberts, located northeast of the Douglas - Washington intersection, in "LI" Limited Industrial zoning. Zieberts washes, waxes, shampoos, vacuums and installs windshields, sunroofs and alarm systems in vehicles. This activity is classified as vehicle repair limited and a permitted use in "LC" Limited Commercial zoning.

The site has single family residential abutting it on the north (vacant) and south (occupied) sides. Next to the vacant house on the north side is a parking lot for the church on the southwest corner of the Pennsylvania – Central intersection. There are two other occupied single-family residences north of the abutting residence south of the site. Across the unpaved alley (single family residence facing New York Av), on the west side, there is an occupied residence with a stockade fence. All of New York (the next street west) is single-family residences (zoned “B” Multifamily), from the railroad ROW to the 2nd or 3rd property off of Central. Contemporary Communications, Inc dominates the northwest, northeast and southeast section of Pennsylvania, from the railroad ROW and past Elm. This business is a complex of large buildings that appear to be used for warehouse – shipping – receiving – assembly. There are several vacant lots on Pennsylvania. There are six single-family residences on this stretch of Pennsylvania.

There have been three zoning changes on Pennsylvania (from Central on the south to immediately north of the St Louis & San Francisco RR ROW, a 2 ½ block run) since 1984:

- (a) Z-2540 - From “B” Multifamily to “C” Commercial (now “GC” General Commercial), Lots A & B, Darling Add, on the east and west sides of Pennsylvania, between Elm & Central, approved WCC 10-04-83
- (b) Z-3009 – From “B” Multifamily to “E” Light Industrial (now LI Limited Industrial), Lots 1-15 (odd), Shirk’s 3rd Add & 34 & 36, Stites Bros 3rd Add, east and west sides of Pennsylvania, south of the St Louis & San Francisco RR ROW and south of Elm, approved WCC 12-21-90.
- (c) Z-3286 – From “B” Multifamily to “LI” Limited Industrial, on the east side of Pennsylvania, north of St Louis & San Francisco RR ROW, approved 09-22-98.

In these three cases the change has been from “B” Multifamily to a heavy commercial or limited industrial zoning. The uses for these zoning changes have added outside storage/contractors yards, manufacturing and warehouse facilities to this section of Pennsylvania, which has eroded the residential uses on this street. This is an area (Murdock Av on the north – Cleveland Av on the west – Central Av on the south – and I-135 on the east) where the residential uses (all “B” Multifamily zoning) are surrounded or have been penetrated by either “GC” General Commercial or “LI” Limited Industrial zoning. Pennsylvania Av is the foremost example of this area being in transition from residential use to heavy commercial or industrial zoning and uses.

The proposed development will trigger required landscaping (per approval by the Planning Director) and screening along the east, north and south sides of the property. Dumpster needs to be screened.

The MAPC considered the zoning change request at their May 10, 2001 meeting. There was no one other than the applicant to testify. The MAPC voted to recommend the zoning change request 13-0.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zoning change; place the ordinance establishing the zone change on
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 hearing.)

() Published in The Wichita Eagle on _____

ORDINANCE NO. _____

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.ZON2001-00023

Request for zone change from "B" Multi-Family to "LC" Limited Commercial, on property described as:

Lots 43, 45, 47 & 49, Shirk's Third Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located northwest of the Central Avenue – Pennsylvania Avenue intersection.

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, _____

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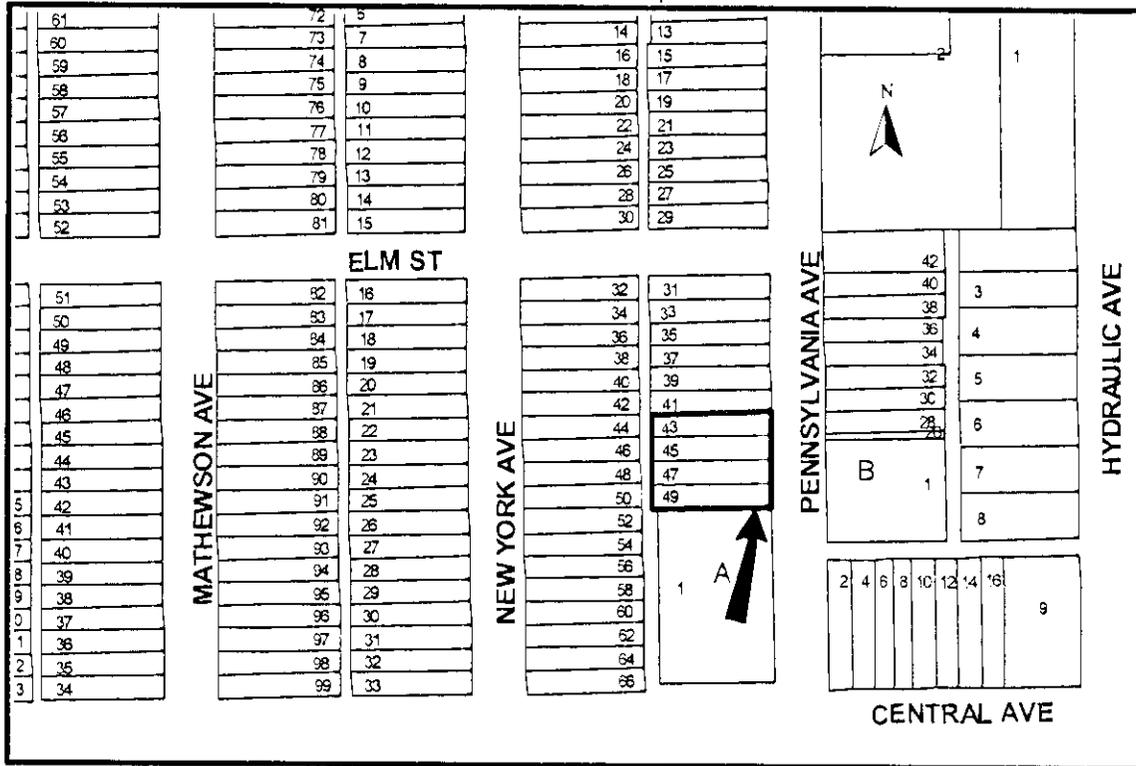
AGENDA ITEM NO. 11

STAFF REPORT

MAPC - May 10, 2001

CASE NUMBER: ZON2001-00023
OWNER/APPLICANT: Marvel McClellan
REQUEST: "LC" Limited Commercial
CURRENT ZONING: "B" Multifamily
SITE SIZE: 12,000 square feet
LOCATION: Northwest of the Central Ave - Pennsylvania Ave intersection

PROPOSED USES: Automotive detail shop



BACKGROUND: The applicant is requesting consideration for a zoning change from "B" Multi-Family to "LC" Limited Commercial, on Lots 43, 45, 47 & 49, Shirk's 3rd Addition, for an automotive detail shop/car wash. The applicant is in the process of building a 30-ft x 45-ft (1350 sq-ft) building for the proposed business, on Lots 43 & 45. Staff advised the applicant that construction of the building before the zoning request was considered/approved was premature. There is a vacant, existing residential structure on Lots 47 & 49. The applicant is uncertain as to what he will do with the existing residential structure. Access to the proposed business will be through the existing curb cut. The requested zoning to "LC" Limited Commercial will permit the applicant to run an automotive detail shop/car wash. The shop's staff will wash, wax, shampoo, and vacuum non-commercial vehicles in the previously mentioned 1350 sq-ft building. The customers who bring their vehicles for this service will not service their vehicles, the business's staff will. The applicant has stated that there are no automatic washers involved or blow dryers. An automotive detail shop/car wash is a permitted use in "LC" Limited Commercial zoning. There is an automotive detail shop, Zieberts, located northeast of the Douglas - Washington intersection, in "LI" Limited Industrial zoning. Zieberts washes, waxes, shampoos, vacuums and installs windshields, sunroofs and alarm systems in vehicles. This activity is classified as vehicle repair limited and a permitted use in "LC" Limited Commercial zoning.

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CASE HISTORY: The property is part of Shirk’s 3rd Addition, which was recorded April 16, 1909.

ADJACENT ZONING AND LAND USE:

NORTH:	“B” Multifamily	Residential
EAST:	“B” Multifamily	Residential
	“GC” General Commercial	Warehouse - Manufacturing
	“LI” Limited Industrial	Warehouse - Manufacturing
SOUTH:	“GC” General	Church
WEST:	“B” Multifamily	Residential

PUBLIC SERVICES: Central is classified as a 5-lane arterial and Pennsylvania is a paved residential road. Average Daily Trips (ADT) at the intersection of Hydraulic and Central (1 block east) is 1311 ADTs on the north side, 4604 ADTs on the south side, 19160 ADTs on the west side and 21521 ADTs on the east side. There is gas, water and electricity for the site.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan identifies this property as Industrial and Office. Industrial is intended for light or heavy industrial uses. The three previous approved zoning changes from “B” Multifamily to either “GC” General Commercial or “LI” Limited Industrial reflect development policies in line with the Comprehensive Plan

RECOMMENDATION: Based on the information available prior to the public hearing, staff recommends the application be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The applicant's site and the surrounding area is a mixed zoning of residential and non-residential. Between Pennsylvania and I-135, use of the area is predominately for warehouse, shipping – receiving, contractors yards, with office – and local service predominate on Central Ave. East of Pennsylvania, both New York & Mathewson (north of Central) are single family residential. Contemporary Communications, Inc dominates the northwest, northeast and southeast section of Pennsylvania, from the RR ROW and past Elm. This business is a complex of large buildings that appear to be used for warehouse – shipping – receiving – assembly. There are several vacant lots on Pennsylvania. There are six single-family residences on this stretch of Pennsylvania.
2. The suitability of the subject property for the uses to which it has been restricted: Residential development on the proposed site is unlikely.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. Any detrimental affects would be mitigated by the recommended condition of approval and code required development standards.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The request for an Automotive detail shop/car wash on "LC" Limited Commercial is a Permitted Use per the WSC Unified Zoning Code. The current zoning of "B" Multifamily is not called out as suitable for this site by the Comprehensive Plan; Industrial is.
5. Impact of the proposed development on community facilities: The impact of this development on the community facilities will be minimal.