

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. ZON2007-00004

Request for Zone change from "SF-5" Single-family Residential to "LC" Limited Commercial, on property described as:

Lot 1, University Gardens 2nd Addition to Wichita, Sedgwick County, Kansas. Northeast corner of 21st Street North and North Oliver Avenue

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, 9-25-2007


Carl Brewer - Mayor

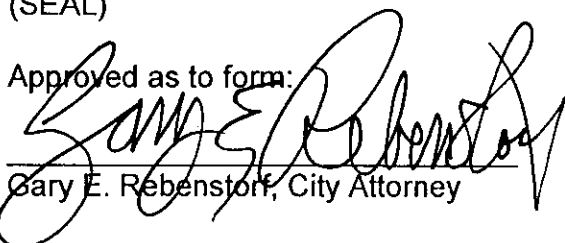
ATTEST:


Karen Sublett, City Clerk



(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
September 18, 2007

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: CUP2007-00007 and ZON2007-00004 DP-8 University Gardens Community Unit Plan – Amendment #11 to alter allowed uses, maximum building coverage, gross floor area; the number of buildings allowed and zone change to LC Limited Commercial on Parcel 9. (District I)

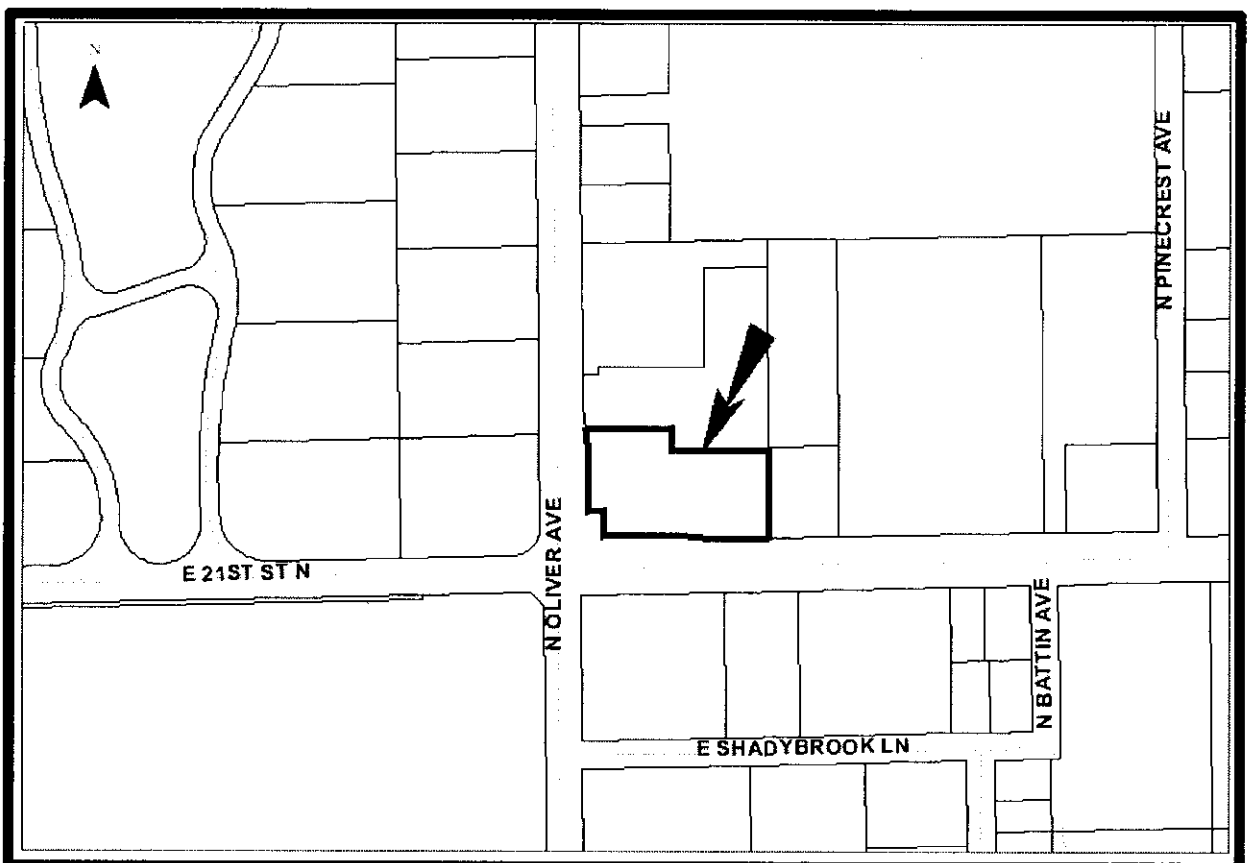
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent) *JLS DM*

MAPC Recommendations: Approve (12-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Approve rezone (7-0), deny proposed amendment to the CUP that would allow restaurants or convenience stores; Recommend meeting with the Northeast Heights and Crestview Heights Neighborhood Associations in regards to proposed uses.



Background: The applicant is requesting to rezone a 1.8 acre tract from “SF-5” Single-family Residential to “LC” Limited Commercial and to amend DP-9 University Gardens Community Unit Plan. The amendment would change the provisions for maximum building height, maximum land coverage, maximum gross floor area, floor area ratio, proposed general uses and the maximum number of buildings allowed on Parcel 9, located on the northeast corner of 21st Street North and Oliver Avenue.

The subject property is an isolated strip of SF-5 land located between Oliver and other land within the parcel that is already zoned LC. Prior to the current code’s landscaping and buffering requirements, it was a common practice to leave a narrow strip of land zoned SF-5 adjacent to LC zoned land to provide a buffer between the applicants property and adjacent property. The practice left an owner with a split-zoned tract. With the adoption of landscaping and supplemental development requirements, split zoning is not used much anymore.

The applicant proposes to change the maximum building height from 30 feet to 45 feet, the maximum land coverage from 3,000 square feet to 15,000 square feet, maximum gross floor area from 6,000 square feet to 27,000 square feet, floor area ratio from 7.6% to 35% and the maximum number of buildings allowed from 1 to 3 buildings. The applicant also proposes to add the following uses to the General Uses: Office, General; Bank or Financial Institution, Retail, General; Restaurant, Convenience Store, Printing and Copying, Limited; College and University and a Vocational School.

The restaurant use, including fast food restaurants with a drive-thru, and convenience store, would be limited to access on 21st Street North only and would require increased screening and landscaping along North Oliver Avenue.

The surrounding area to the south and west includes a golf course, church and single-family residences on property zoned SF-5. The area to the south and east includes offices, a fast food restaurant and strip store on property zoned LC. The property to the north and east includes storage units, a retail store on property zoned LC and vacant SF-5 zoned property.

New buildings would have uniform architectural compatibility to the new development occurring directly to the east of the subject site, Parcel 10, in terms of character, color, texture and materials, and exterior walls facing residential would not be metal siding. The parcel would share a similar landscape palette as the development just east of the subject site. A site plan would be required to assure internal cross lot circulation, joint access and smooth traffic flow.

Analysis: District Advisory Board I was initially scheduled to hear this request on March 7, 2007, however the applicant was not present, and the DAB asked for the case to be returned at the April hearing. At the MAPC meeting held March 15, 2007, MAPC voted (12-0) to approve the CUP amendment and zone change. At District Advisory Board I on April 2, 2007, the DAB voted (7-0) to approve the zone change for the property, but the DAB recommended the applicant meet with the Northeast Heights and Crestview Heights Neighborhood Associations in regards to two uses proposed in the CUP amendment (Restaurant and Convenience Store uses).

The Chisholm Trail, Northeast Heights and Crestview Heights Neighborhood Associations met with the applicant and staff at a meeting on April 26, 2007. At that meeting, the association members expressed their dislike of two proposed uses, restaurant and convenience stores. The associations were also concerned about the likelihood of a possible restaurant becoming a drinking establishment and/or nightclub. The final determination by the associations was to have the City Council defer making a decision on the case so the associations could have more time in developing proposals for the City of Wichita to purchase the subject property for the use as open space. The neighborhood associations will meet again in May to develop a proposal to present to the District Advisory Board I for consideration and to forward the proposal to the City Council. If this proposed purchase is not possible, the associations support the removal of restaurant and convenience stores from the list of proposed uses. No protests have been received on the rezone.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality.

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

Recommendation/Actions:

1. Concur with the findings of the MAPC, approve the amendment and zone change to the CUP DP-8, Parcel 9, and approve the first reading of the ordinance establishing the zone change; 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 hearing.)