Planning Agenda Item #_____

City of Wichita
City Council Meeting
February 13, 1996

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **Z-3189 - PRIME CONTINENTAL INVESTMENTS, INC. (PROPERTY OWNER) REQUESTS ZONE CHANGE FROM 'R-6' GENERAL RESIDENCE DISTRICT TO 'BB' OFFICE DISTRICT, LOCATED 1/4 MILE EAST OF ROCK ROAD ON THE SOUTH SIDE OF PAWNEE.**
(DISTRICT #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to replatting within one year (12-0).

Staff Recommendation: Approve, subject to replatting within one year.

CPO Recommendation: Deny (6-0).

Background: The applicant requests a zone change from the 'R-6' General Residence District to the 'BB' Office District for a 3.5 acre portion of Lot 1, Block 1, Oak Knoll Addition, generally located ¼ mile east of Rock Road on the south side of Pawnee. The site was originally planned as the second phase of the residential condominium complex located to the east; however, the property has not yet been developed. The applicant proposes to rezone the property to 'BB', and has indicated that if the zone change is approved, he will file for a Use Exception for a residential self-service storage facility. To date, the applicant has not completed a site plan for the proposed development of the property.

The existing City Zoning Code allows the Board of Zoning Appeals (BZA) to grant a Use Exception for residential self-service storage facilities on properties zoned 'BB' Office District and 'LC' Light Commercial District, subject to a number of conditions and requirements as stated in section 28.04.183 of the Zoning Code. The BZA may require any other conditions as deemed necessary to provide for adequate buffers and orderly development of the site. Under the existing Zoning Code, the area property owners would be notified of any request for a Use Exception and the BZA would hold a public hearing to consider the request.

In the proposed "Unified Zoning Code for Wichita-Sedgwick County," self-service storage facilities would be permitted in 'BB' and 'LC' zoning as a Conditional Use. Therefore, the request would require a public hearing before the MAPC, and potentially consideration by the City Council if the Planning Commission's decision is appealed to the governing body. Irregardless of whether the property is developed under the existing Zoning Code or the proposed "Unified Zoning Code," any request for a self-service storage facility will require additional public hearings. However, if 'BB' zoning is approved, the site could be developed with any other use permitted by the 'BB' district without additional public hearings.

The subject property is bordered by the existing condominium complex to the east, single family homes to the south, a contractors equipment storage yard (zoned 'E' Light Industrial) to the west, and four-plex units on the north side of Pawnee Avenue. A number of single family homes, located southwest of the applicant's property along Lori Street, also are directly adjacent to 'E' zoning.

At the MAPC hearing on December 28, 1996, one area resident expressed opposition to the request and noted concerns about the various types of uses that could be developed on the site. The resident also questioned if development on this site would be compatible with the surrounding area. After discussion, the MAPC voted unanimously to recommend approval. However, on January 11, 1996, the CPO2 met to consider this request and voted 6-0 to recommend denial.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or

2. Return the application to the MAPC for consideration.

(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.)

Z-3189

Dale
Keith
Lisa Verts
Donna
Rose
Kirby
Karen

CW99-993 (First Published in The Daily Reporter, August 13, 1999)

ORDINANCE NO. 44-254

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 CITY OF WICHITA CODE SEC. 28.04.010.

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 City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3189

Zone change request from "MF-29" Multi-Family District to "GO" General Office District, described as:

Lot 1, Block 1, Oak Knoll Third Addition, Wichita, Sedgwick County, Kansas. Generally located 1/4 mile east of Rock Road, on the south side of Pawnee.

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, May 25, 1999.

Bob Knight, Mayor

ATTEST: (Seal)

Pat Burnett, City Clerk

(Au13)