

Planning Agenda Item # _____

City of Wichita
City Council Meeting
September 9, 1997

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3244 - LELAND GIESEKE (PROPERTY OWNER/APPLICANT); CHRISTIAN ABLAH, CLASSIC REAL ESTATE (APPLICANT); TIM EWALD, TIM EWALD REALTY (AGENT); TIM AUSTIN, AUSTIN MILLER (AGENT) REQUEST ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL, LOCATED ON THE SOUTHEAST CORNER OF RIDGE ROAD AND MAPLE.

(DISTRICT #5)

INITIATED BY: Metropolitan Area Planning Department *MK DM*

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to replatting within 1 year, and to the conditions of a Protective Overlay (11-0).

CPO Recommendation: Approve, subject to replatting within 1 year, and to the conditions of a Protective Overlay (6-0).

Staff Recommendation: Approve, subject to replatting within 1 year, and to the conditions of a Protective Overlay.

Background: The applicant requests a zone change from "SF-6" Single-Family Residential to "LC" Limited Commercial on a 0.44 acre platted tract located at the southeast corner of Ridge Road and Maple.

The applicant intends to rezone in order to bring the property into conformance with the zoning code and the use developed on the site. The subject property is currently developed with Lee's Cleaners, and has been developed for commercial uses since at least 1960 (gas station), as has the residences to the south.

The surrounding area is characterized by a mixture of residential uses, commercial uses, and undeveloped property zoned for commercial uses. There are several single-family homes located south of the Cleaner's on land zoned "SF-6". The property to the east is zoned "LC" Limited

Commercial and is currently undeveloped. The other three corners of this intersection are all zoned "LC" and developed, or developing, with commercial uses. The subject property currently has access to both Maple and Ridge Road.

In order to buffer the commercial property from the nearby residential homes to the south, staff is recommending that a protective overlay be approved in order to continue the development controls established during the approval of the zone change on property adjacent to the east (Z-3074). In that case, the applicants had volunteered a restrictive covenant requiring a six foot high masonry wall along the southern property line, berming and landscaping along Summitlawn, and prohibiting following uses: motor vehicle repair garage, auto tire/ battery store, muffler shop, car wash, motor vehicle service station, convenience store, and private club, tavern, or drinking establishment in which 50 percent or more of the gross income is derived from the sale of alcoholic or cereal malt beverages.

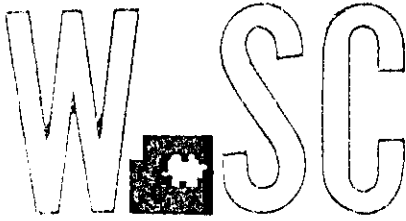
After limited discussion of this matter, the MAPC voted (11-0) to approve the request as recommended by staff, with the additional provisions of a Protective Overlay prohibiting off-site and portable signage, restricting the height and design of light poles, requiring a masonry wall along the southern property line, and limiting the building height to 25 feet for the subject property.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District and 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 reconsideration.

(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.)

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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455 NORTH MAIN STREET
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FILE COPY

December 21, 1998

Christian Ablah
8343 E. 32nd St. Ste. 150
Wichita, KS 67226

RE: Z-3244 - Zone change from "SF-6" to "LC" on property located at the southeast corner of Maple and Ridge Road (7125 W. Maple).

Dear Mr. Ablah:

On September 9, 1997, the Wichita City Council considered the above-referenced request. The action of the Council was to APPROVE the request, subject to platting within one year or the case would be considered denied and closed.

We understand that there has not been a plat filed on this property. Therefore this case will be marked denied and closed.

If you have any questions, you can call me at (316) 268-4421.

Sincerely,

Keith Gooch
Senior Planner

cc: Leland Gieseke, 1110 W. 31st St. South, Wichita, KS 67217
Tim Austin, Austin Miller, PA, 254 S. Laura, Suite 210, Wichita, KS 67211
Tim Ewald, Ewald Realty, 250 N. Kansas, Wichita, KS 67214
J.R. Cox, Office of Central Inspection
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