

Planning Agenda Item # _____

City of Wichita
City Council Meeting
September 9, 1997

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: DP-183 AMENDMENT #8 - SUSAN K. EDMINSON KLEBER AND THOMAS KLEBER (PROPERTY OWNERS/APPLICANTS); KDA, INC. C/O T.G. DAVIS (APPLICANT); EVERETT FETTIS (AGENT) REQUEST AN AMENDMENT TO THE DAVIS-MOORE COMMUNITY UNIT PLAN; AND

Z-3238 - SUSAN K. EDMINSON KLEBER AND THOMAS KLEBER (PROPERTY OWNERS/APPLICANTS); KDA, INC. C/O T.G. DAVIS (APPLICANT); EVERETT FETTIS (AGENT) REQUEST ZONE CHANGE FROM "TF-3" TWO-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL, LOCATED NORTH OF ORME, EAST OF LEXINGTON (558 S. LEXINGTON)

(DISTRICT #2)

INITIATED BY: Metropolitan Area Planning Department *ML DM*

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions (10-0).

CPO Recommendation: Approve, subject to staff recommendations (3-2).

Staff Recommendation: Approve, subject to conditions.

Background: The applicant requests a zone change from "TF-3" Two-Family Residential to "LC" Limited Commercial for Lot 7, Drivers Addition (558 S. Lexington), located north of Orme, east of Lexington. The applicant also requests an amendment to expand the Davis-Moore Community Unit Plan to add the lot proposed for rezoning to the C.U.P..

The subject property is currently developed with a single-family home and is bordered by the Davis-Moore auto complex to the east and across Lexington to the west, and single-family homes to the north and south. The applicant indicates that the existing home on the subject property will be

removed and the lot will be used in the future as a vehicle storage area for the auto complex. Amendment #4 placed a height restriction for the lighting of 15 feet for former Lots 13, 14, 15, 16, 17, and 18, and the applicant is revising that provision to include the subject property. This amendment will also extend the restriction, approved as part of Amendment #6, on placing loudspeakers within the proposed storage area.

The C.U.P. drawing shows complete access control along Lot 7 where adjacent to Lexington. The expanded storage area will have access to the larger car lot to the east. Due to the fact that the properties to the north and south are still residential, the required 10 foot landscape planting strip along Lexington, as well as the extension of the wood fence between the auto dealership and adjacent residential properties, will be extended through this amendment. As in past amendments, the required planting strips will be installed when any improvements are initiated on those lots.

Although similar to previous amendments, this request to add another residential lot to the Davis-Moore auto complex met with concerns over drainage improvements to the newly-added property to the dealership. During the June 23, 1997 CPO(2) meeting, several area residents voiced opposition to the amendment, stating that the increase in paved surface would further exasperate flooding problems south of Orme. In light of those concerns, the applicant requested that the matter be deferred from the June 26, 1997 MAPC hearing to the July 17, 1997 MAPC hearing in order to meet with the applicant's engineer, as well as with the City's engineering staff, to find a solution.

During the July 17, 1997 meeting, the applicant's agent and engineer and City staff could not reach an agreement on an appropriate drainage solution for the southwestern portion of the auto complex, and the case was again deferred for two weeks. Prior to the July 31, 1997 hearing, an agreement was reached to the satisfaction of all parties, requiring the applicant to submit a drainage plan to the City Engineer prior to paving the newly-amended portion of the dealership. After limited discussion of this matter during the July 31, 1997 hearing, the MAPC voted (10-0) to approve the request as recommended by staff.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change and C.U.P. amendment, subject to the recommended conditions; place the ordinance establishing the zone change on first reading; 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.)

15 0.00
9-4-97 () Published in The Daily Reporter on SEP 19 1997

ORDINANCE NO. 43-576

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-3238

Zone change request from "TF-3" Two-Family Residential District to "LC" Limited Commercial District, described as:

Lot 7, Driver's Addition to Wichita, Sedgwick County, Kansas. Generally located North of Orme, east of Lexington (558 S. Lexington).

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, SEP 16 1997

ATTEST:



Pat Burnett
Pat Burnett, City Clerk

Bob Knight
Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney