Planning Agenda Item #_____

City of Wichita
City Council Meeting
July 1, 1997

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3222 PATICE PROPERTIES (PROPERTY OWNER/APPLICANT); LEON MOEDER (AGENT) REQUESTS ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "GO" GENERAL OFFICE, LOCATED NORTH OF 13TH STREET NORTH, WEST OF RIDGE ROAD.

(DISTRICT #5)

INITIATED BY: Metropolitan Area Planning Department MKrout

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within 1 year and to the additional provisions of a Protective Overlay (P-O) district (13-0).

CPO Recommendation: Approve, subject to platting within 1 year and to the additional provisions of a Protective Overlay (P-O) district (4-3).

Staff Recommendation: Approve, subject to platting within 1 year subject to the additional provisions of a Protective Overlay (P-O).

Background: The applicant requests a zone change from "SF-6" Single-Family Residential to "GO" General Office for a 2.43 acre tract located north of 13th Street North on the west side of Ridge Road.

The application area is currently being platted as Brock 4th Addition and the preliminary plat shows access control along Ridge Road except for two openings. The site is surrounded by "TF-3" Two-Family Residential property to the north and west developed with duplexes. The West Urban Baseball Complex is located on "SF-20" zoned property across Ridge to the east. Sluggers is located on property to the south zoned "LC" Limited Commercial with the Professional Plaza West office complex located at the northwest corner of 13th Street and Ridge, also zoned "LC".

This case was originally approved for "NO" Neighborhood Office by CPO(5) on March 26, 1997 and the MAPC on March 27, 1997, citing that the development standards and limited uses of the "NO" district were more appropriate for this property than those of the "GO" district. Since the first MAPC meeting, the applicant requested the case be sent back to CPO(5) and the MAPC for reconsideration of the original request for "GO" General Office. The applicant has stated that the site will primarily be developed for a dental office that would provide a good transition from the commercial development to the south to the residential development to the north and west. The applicant has also stated that a "prospective medical office tenant" would need to have the ability to have patients stay over night for treatment. Use of the property in this manner would be considered a "hospital use", which would require "GO" General Office zoning.

The CPO originally recommended approval of "NO" in March, per the original staff recommendation. On May 14, CPO considered the request for "GO" to accommodate overnight treatment, and voted unanimously to deny it without restrictions. On May 28, CPO voted 4-3 to approve "GO" if the use was limited to a "dental office and sports medicine clinic."

After limited discussion of the revised development plans for the subject property during the Planning Commission hearing on May 29, the MAPC voted (13-0) to approve the request, as recommended by staff, subject to a Protective Overlay limiting the uses to those in the "NO" district plus hospital and personal improvement services, and retaining the 8,000 square foot per business limitation of the "NO" district.

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; place the ordinance on first reading.

(_____) Published in The Daily Reporter 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 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-3222

Zone change request from "SF-6" Single-Family Residential District to "GO" General Office District, and to "P-O" Protective Overlay District #16, described as:

Lot 12, Block X, Westridge Village Addition, except the South 550 feet thereof, and except Brock Addition and except Fields & Pate Addition. Generally located north of 13th Street North, west of Ridge Road.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The uses allowed on the property shall be limited to hospital and personal improvement services, and all uses permitted in the "NO" Neighborhood Office district.

2. No individual use shall exceed 8,000 square feet of gross floor area.

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, _____

ATTEST:

_____ _____

Pat Burnett, City Clerk Bob Knight, Mayor

(SEAL)

Approved as to form:

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Gary E. Rebenstorf, City Attorney