Planning Agenda Item #_____

City of Wichita
City Council Meeting
June 9, 1998

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3277 PATRICIA AND DONALD WELLS (OWNERS), MARK CHAPPELLE (AGENT, /PROSPECTIVE PURCHASER) REQUEST ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "NR" NEIGHBORHOOD RETAIL, LOCATED EAST OF TYLER AND APPROXIMATELY 200 FEET NORTH OF MAPLE, (226 S. TYLER).

(DISTRICT #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within 1 year (9-2).

Staff Recommendation: Approve, subject to platting within 1 year.

CPO Recommendation: Approve, subject to staff comments (7-0).

Background: Mark Chappelle is requesting "NR", Neighborhood Retail zoning on property currently zoned "SF-6", Single-family Residence for the purpose of establishing a real estate and mortgage office. The application area is located on the east side of Tyler, approximately 200 feet north of Maple, and is platted as part of Lot 1, Park Acres Addition. Lot 1 was originally part of a larger (286 by 430 foot) rectangular shaped lot platted in 1949. In 1990, the Quick Trip Second Addition removed a 300 by 200 foot rectangle from the southwest corner of Lot 1, leaving Lot 1 in an upside down "L" configuration. The applicant intends to purchase the north 120 by 286.66 feet of Lot 1. The remaining portion of Lot 1, south of the application area, is developed with a retail use. The existing driveway would be closed and moved to the south property line. Parking would be located on the east side of the existing house. He has plans to build a second building, east of the existing building.

A single-family residence, a swimming pool and a utility shed are located on the application area. The applicant will convert the existing home to the proposed office. The existing home is setback from the north property line 34 feet.

Single-family uses are located to the north along Tyler and east along Robin on "SF-6", Single-family zoned property, while retail, office and commercial uses are located on "LC", Limited Commercial zoned property located to the south and west of the application area. The site has 120 feet of frontage on Tyler Road.

Parking would need to be provided at the rate of 1 space per 250 square feet of office space. Approximately 7 spaces will be needed for the existing house if converted to office space. The Zoning Code requires screening by a decorative fence, evergreen vegetation or landscaped earth berm when a non-residential use is established on property adjacent to or across the street from residential zoning. Screening will be required along the north and east property lines. Additionally, the "compatibility setback" requirement is 25 feet from the north and east property line. Conversion of the home to an office will not trigger code required landscaping until there is new construction on the site, or renovations equaling 30% or more of the value of the existing structure, or 20 or more parking spaces.

At the May 14, 1998 MAPC hearing, the applicant spoke about this request and the proposed use of this site. No one spoke in opposition to this request. After limited discussion the MAPC approved the request subject to replatting this property. Two Commissioners voted in opposition to the approval motion, stating that office uses would be more compatible with nearby residential uses in the rear portion of this property.

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 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.)

(_____) 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-3277

Zone change request from "SF-6" Single-Family Residential District to "NR" Neighborhood Residential District, described as:

Lots 1 and 2, Chappelle Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Maple, east of Tyler.

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:

_____
Gary E. Rebenstorf, City Attorney