Planning Agenda Item #_____

City of Wichita
City Council Meeting
June 2, 1998

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3270 LARNARD SMITH (APPLICANT); TERRY SMYTHE, BAUGHMAN (AGENT) REQUESTS ZONE CHANGE FROM "SF-6" SINGLE-FAMILY AND "LC" LIMITED COMMERCIAL TO "GC" GENERAL COMMERCIAL, LOCATED NORTH OF KELLOGG AND EAST OF GREENWICH.

(DISTRICT #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve zone change, subject to the additional provisions of a Protective Overlay District (P-O #37) (12-0).

Staff Recommendation: Approve zone change, subject to conditions.

CPO Recommendation: Approve, subject to MAPD staff recommendations and to the additional provisions of a Protective Overlay (P-O #37).

Background: The applicant is proposing to expand an existing mobile home sales lot onto two platted lots (1.77 acre) located south of Lewis and east of Ellson. The north 20 feet of these two lots are currently zoned "SF-6" Single-Family Residential while the south 280 feet is zoned "LC" Limited Commercial. The applicant currently operates a mobile home sales lot to the south of these lots and would like to expand into the application area.

Both of these lots are currently vacant. With the approval of this zone change, the applicant will use these two lots as additional display space for the mobile home sales lot. The applicant is not requesting access to Lewis from the expanded sales lot. Access to the sales lot will be provided from the frontage road through the existing sales lot along Kellogg Drive. The applicant has been asked to submit an agreement not to protest participating in the future paving of Lewis Street.

The City's landscape code will require the frontage along Lewis Street to be landscaped with trees in front of the screening fence.

North of the application area is a vacant lot which is zoned "MF-29." Two homes are located just west of this site which is zoned "LC." However, commercial activities are located on the south and east sides of this area. The applicant's existing mobile home sales lot is located just south of this area, while an auto salvage and used car sales lot is located to the east of this property. Farther to the east and west of this site along Lewis Street are more single-family homes. This area seems to be in transition with several homes along Lewis being dilapidated and in the need of significant repair. However, some of the homes north of Lewis seem to be well maintained and not in the same state of disrepair as those south of Lewis.

The Metropolitan Area Planning Commission has an unwritten policy of supporting the expansion of an existing business.

This case was deferred from the April 16th MAPC hearing, to allow the applicants, neighbors and staff to meet and discuss the potential uses on these two lots. At this meeting the applicants and neighbors agreed to the uses stated in the protective overlay as well as a screening fence along the west line of Lot 50 to buffer the homes to the west from this display lot. At the April 30th MAPC hearing this request was approved subject to the conditions of the protective overlay and filing a no protest petition to paving Lewis Street. No one spoke in opposition to this request at the April 30th meeting.

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; place the ordinance establishing the zone change on first reading, but withhold publication of the ordinance until the applicant submits a "no protest" petition regarding the future paving of Lewis Street and a covenant tieing the ownership of the request site to the abutting lot to the south; 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.

FILE COPY

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 - 3270

Zone change request from "SF-6" Single-Family Residential and "LC" Limited Commercial District to "GC" General Commercial District and a "P-O" Protective Overlay District # 37, described as:

Lots 48 and 49, Linwood Acres Addition, Sedgwick County, Kansas, generally located near the southeast corner of Lewis Street and Ellson.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The applicant shall construct a 6 foot solid screening fence along Lewis Street 10 feet south of the right-of-way line, along the west property line from the "SF-6" zoned area to the south line of Lot 50, Linwood Acres, and along the south line of Lot 50 as long as residential occupancy remains on Lot 50.

2. No access shall be permitted to this property from Lewis Street.

3. The use of the property shall be limited to the following: manufactured home sales, vehicular sales, welding or machine shops, wholesale or business services, warehousing, and other uses permitted in the "LC" Limited Commercial District except for: correctional placement residence general and limited, recycling processing center, animal care general, communication tower commercial, kennels boarding/breeding/training, kennel hobby, micro brewery,

night club, RV campground, riding academy or stable, gas and fuel storage sales, general manufacturing, printing publishing general, mining and quarrying, oil or gas drilling, rock crushing, solid waste incinerator, and vehicle storage yard.

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

SUZUKI OF EAST WICHITA

PLANT SCHEDULE

QTY.	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
3	*Acer rubrum* 'Red Sunset'	Red Sunset Maple	2"	B&B	Single Stem
9	*Quercus acutissima*	Sawtooth Oak	2"	B&B	Single Stem
3 EX	*Fraxinus pennsylvanica*	Green Ash	Existing		Single Stem
14	*Acer ginnala* 'Flame'	Flame Amur Maple	1"	B&B	Multi Stem
3	*Juniperus virginiana* 'Canaertii'	Canaertii Juniper	5'-6'	B&B	
28	*Spirea japonica* 'Magic Carpet'	Magic Carpet Spirea	3 Gal.	Container	Full & Healthy
35	*Buxus microphylla* 'Green Velvet'	Green Velvet Boxwood	3 Gal.	Container	Full & Healthy

IRRIGATION NOTES

The site will be irrigated with an automatic irrigation system. All turf areas will have head to head coverage and the landscape areas will be irrigated with Rainbird drip line. A Weathermatic ET based controller and weather station with rain sensor.

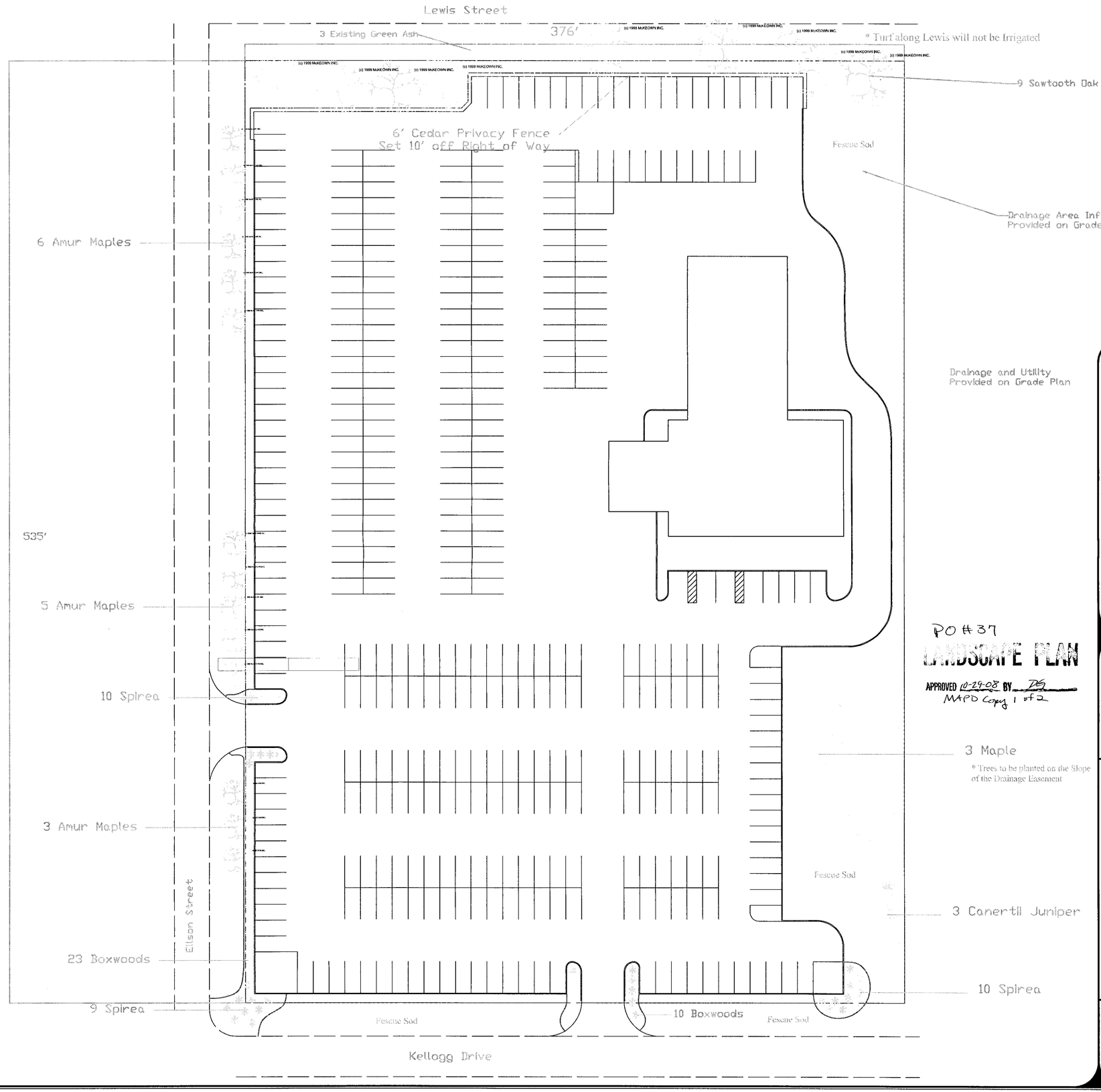
LANDSCAPE ORDINANCE CALCULATIONS

Kellogg Drive	**Lewis Street**	***Lewis Street***
375'	375'	*15 Shade Trees Required*
x 20'	x 6'	3 Existing Shade Trees=3
7,500 sq. ft. Required	3,000 sq. ft. Required	9 Shade Trees = 9
		6 Ornamental Trees = 3
15,553 SF Provided	**11,866 SF Provided**	**Shade Trees Provided=15**

Kellogg Drive		
Streetyarc Trees Required:	1 per 500 sq. ft.=15	*15 Shade Trees Required*
Streetyarc Trees Shown:	3 Shade Trees=	3 Shade Trees
	8 Ornamental Trees =	4 Shade Trees
	3 Conifers =	1 Shade Trees
	73 Shrubs=	7 Shade Trees
		15 Shade Trees Provided

Site Landscape Plan

Scale 1"= 30'0"



PO #37

LANDSCAPE PLAN

APPROVED 10-29-08 BY DS

MAPD Copy 1 of 2

LEGAL DESCRIPTION

*LOT 1 C.J.J. ADD.

*S ½ LOT 50 EXC. W. 5FT. DED FOR ST. LINWOOD ACRES. ADD.

*N ½ LOT 50 EXC. W. 5FT. & N. 5FT. DED FOR STS. LINWOOD ACRES ADD.

Project Name
SUZUKI OF EAST WICHITA
Job Number

Address
11610 EAST KELLOGG
WICHITA, KS.
Date Drawn
Revisions

Sheet Number
Total Number of Sheets