

Planning Agenda Item # _____

City of Wichita
City Council Meeting
October 21, 1997

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: DP-176 AMENDMENT #1 - ED NEVILLE (PROPERTY OWNER/APPLICANT); MARK SAVOY, SAVOY, RUGGLES, AND BOHM (AGENT) REQUEST AMENDMENT TO THE SUMMERFIELD III COMMERCIAL COMMUNITY UNIT PLAN; AND

Z-3251 - ZONE CHANGE FROM "GO" GENERAL OFFICE TO "LC" LIMITED, LOCATED SOUTH OF MAPLE, WEST OF MAIZE ROAD.

(DISTRICT #5)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

MAPC Recommendation: Approve Community Unit Plan amendment and zone change, subject to conditions (7-5).

CPO Recommendation: Approve Community Unit Plan amendment and zone change, subject to conditions (5-3).

Staff Recommendation: Approve Community Unit Plan amendment and zone change, subject to conditions.

Background: The applicant requests an amendment to Parcel 3 of the Summerfield III Commercial Community Unit Plan, and an associated zone change from "GO" General Office to "LC" Limited Commercial, in order to create separate parcels and develop a portion of the subject property with a restaurant.

Currently, Parcel 3 contains 5.19 acres with a portion of the tract developed with the City's Fire Station #17. Approved in 1988, it allows professional offices, medical and dental offices and clinic, laboratories, and personal services. As proposed, Parcel 3 would be separated into three smaller parcels: one parcel for Fire Station #17 (Parcel 3A) located in the northwest corner of the C.U.P., one parcel to remain available for office development along the southern property line (Parcel 3B), and the third parcel (Parcel 4 to be rezoned to "LC" Limited Commercial) available for financial

institutions, offices, personal services, restaurants, and retail sales along the Maple frontage. All three proposed parcels will have access to Maple from a shared opening located approximately 930 feet west of Maize Road; however, the applicant requests that new Parcel 4 be permitted an additional access point. The amendment will actually reduce the permitted building coverage allowed on this portion of the C.U.P.

The preliminary concept plan submitted by the agent for the applicant shows the potential arrangement of buildings within Parcels 3B and 4. There is a building with a drive thru shown on Parcel 4, with three office buildings located within Parcel 3B.

Properties to the west and south are zoned "SF-6", and are developed with single-family homes. Property directly across Maple to the north is Parcel 3 of the Oak Cliff Estates Commercial Community Unit Plan zoned "LC" and is partially undeveloped, with the Wichita Gymnastics Club located to the northeast. To the northwest of the subject property are duplexes zoned "TF-3".

During the September 25, 1997 MAPC hearing on the matter, questions concerning the need for two access openings onto Maple were raised. The agent for the applicant discussed the owner's existing right to two openings (for office use) and the need to retain them in order to market the property. Staff opposed the additional opening, citing safety concerns and the need to avoid potential traffic conflicts along Maple.

After the discussion, the MAPC failed (6-6) to pass a motion to approve the request as recommended by staff, but then voted (7-5) to approve the request as recommended by staff, except to allow the two access points. Following the hearing, staff received a protest petition from an area property owner, totaling 0.97% of land surrounding the subject tract opposing the request. The protest does not trigger the additional voting requirements.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change and C.U.P. amendment, subject to the recommended conditions; 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; or
3. Override the recommendation and deny the request, citing appropriate findings.

(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-3251

Zone change request from "GO " General Office District to "LC" Limited Commercial District, described as:

Lot 3, except the North 280 feet of the west 325 feet, thereof and except the south 30 feet, thereof, Block 1, Summerfield III Commercial, an Addition to Wichita, Sedgwick County, Kansas. Generally located south of Maple, west of Maize Road.

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, _____