Agenda Item #_____

City of Wichita
City Council Meeting
November 24, 1998

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **Z-3297 - ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL, LOCATED ON THE EAST SIDE OF BROADWAY, NORTH OF 55TH STREET SOUTH. (District #IV)**

INITIATED BY: Metropolitan Area Planning Department MK lpw

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within 1 year (10-0).

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

CPO Recommendation: Approve (4-3).

Background: The two co-applicants own, or are the prospective purchasers of, three unplatted tracts of land (approximately 249.5 feet by 412 feet) located east of Broadway, approximately 1,500 feet north of 55th Street South. The southernmost tract (approximately 49.5 feet, north to south, by 412 feet, east to west) is currently zoned "LC", Limited Commercial. The middle and the northern tracts (approximately 100 feet by 412 feet each) are both currently zoned "SF-6", Single-family, and are the subject of this application requesting "LC", Limited Commercial. The northern tract is owned by one of the applicants, and contains a single-family home. At the present time, the applicant indicates he plans to leave the home on the site, and has not identified any intended future uses requiring "LC" zoning. The owner felt that since his tract and the tract located immediately south of his were the only two nearby properties on the east side of Broadway not already zoned for commercial uses, he would be a co-applicant on this case. Access to this tract today is by way of one of two access points located on the north end of this tract or by an access point located just south of this applicant's southern property line. This access point will be closed if the property is redeveloped as proposed.

The two southern tracts (149.5 feet by 412 feet) are a separate ownership from the northern tract. The applicant indicates he plans to develop a self-service gasoline fueling station (Fuel Outlet) on the western 109 feet of these two southern-most tracts. The attached site plan indicates a facility 109

feet east to west by 149.5 feet north to south. Today there are two access points located at the northern and southern ends of these two unplatted tracts. The site plan indicates these two existing access points would be closed and the Fuel Outlet would use one access point located in the center of the development, approximately 54 feet north of the southern property line. No other uses have been identified for the remaining eastern 303 feet of these two tracts. The applicant indicates he will mow the undeveloped portions of his property. The applicant indicated that he really did not need the total site, but he had to buy the whole tract in order to purchase this location.

Neighboring land uses are: single-family uses to the east and west ("SF-6", Single-family), a bank and vacant land to the north ("LC", Limited Commercial and "SF-6", Single-family), vacant land (part of the applicants ownership), mobile home park and single-family residence to the south ("LC", Limited Commercial and "GC", General Commercial). On the west side of Broadway, north of the single-family subdivision, an Auto Zone is located on "GC", General Commercial zoned property.

Screening shall be provided along the east side of the lot that is zoned "SF-6". Screening may be provided by decorative fencing, evergreen vegetation or landscaped earth berms. Fences shall be not less than six nor more than eight feet in height except that within 20 feet of street right-of-way, the height shall be reduce to three feet. The street yard landscaping requires that three trees be planted for the planned development.

The CPO met on October 22, 1998, and recommended 4-3 to approve subject to MAPD staff recommendations. One person spoke in opposition with concerns on access to Broadway, increased traffic, lighting and noise. A CPO Council Member, who voted in opposition , was not comfortable in linking the three lots into one zoning category. That would be "issuing a blank check " for the northern tract, but he could support the request for the two southern most tracts (fueling station) if submitted separately. The other two Council Members concurred with his assessment.

The MAPC, meeting on October 29, 1998, recommended unanimously to approve subject to platting within a year. No one spoke in opposition to this request at the MAPC meeting.

The ordinance establishing the zone change shall be withheld until the plat is recorded with the Register of Deeds.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting; 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-3297

Zone change request from "SF-6" Single-Family Residential District to "LC" Limited Commercial District, described as:

Lots 1 and 2, Block A, Daniel L. Claassen First Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Broadway, north of 55th Street South.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shal 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