Agenda Item #_____

City of Wichita
City Council Meeting
November 10, 1998

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **Z-3291 - ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL AND 'LC' LIMITED COMMERCIAL ON PROPERTY LOCATED ON THE NORTH SIDE OF KELLOGG, EAST OF GREENWICH ROAD.** (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within 1 year, and the additional provisions of a P-O Protective Overlay District. (12-0).

Staff Recommendation: Approve, subject to platting within 1 year, and the additional provisions of a P-O Protective Overlay District (P-O #44).

CPO Recommendation: Approve, subject to staff recommendations (4-1).

Background: The applicant is proposing to construct a new vehicle sales lot on six platted lots (4.5 acres) located north of Kellogg and east of Greenwich. The north 20 feet of lots 53 through 56 are currently zoned "SF-6" Single-Family Residential while the south 280 feet is zoned "LC" Limited Commercial. The remaining portion of lot 65 and all of 66 are zoned "LC" Limited Commercial. All of these lots are vacant except Lot 56 which has a single-family home currently located on it.

With the approval of this zone change, the applicant proposes to start a new car dealership at this location; including sales, retail storage, and auto repair including body work. The applicant is requesting one access point to Lewis from the sales lot. Staff believes that no access should be provided from this sales lot to Lewis as long as the property to the north remains single-family. Additional access to the sales lot will be provided from the frontage road through the sales lot. The applicant will be asked to participate in the paving of Lewis Street once this street is paved.

The applicant will have to meet the landscaped street yard requirements of the Landscape Ordinance along the Kellogg frontage road and the frontage along Lewis. Screening will also be required along the frontage of Lewis Street because this property is across the street from residential zoning.

North of the application area are several single-family homes. Commercial activities are located on the south, west and east sides of this area. Existing vehicle sales lots are located just south and west of this area, while an auto salvage and a vehicle rental agency is located to the east and south of this property. Farther to the east of this site along Lewis Street are more single-family homes.

At the October 12th CPO 2 hearing, the Council voted 4-1 to approve this request subject to the conditions found in the staff report. The person objecting to this request voiced a concern about the development of car lots along Kellogg.

At the October 15th MAPC hearing, the Commission voted unanimously to approve the request, subject to platting within one year and the additional conditions of a Protective Overlay. No members of the public were present to speak on this item. The applicant is required to dedicate complete access control along Lewis as long as the properties to the north remain zoned residential, as part of the plat, and also to file a no protest petition to the paving of Lewis Street. The publication of the Ordinance shall be withheld until this document and the plat have been recorded.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay; and subject to platting within one year; 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. 44-631

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 SECTION 28.04.010, AS AMENDED.

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 Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z- 3291

Zone change request from "SF-6" Single-Family and "LC" Limited Commercial District to "GC" General Commercial District and P-O #44 - Protective Overlay District, described as:

Lot 1 and Reserve A, Scholfield-Hatchett Fourth Addition, Wichita, Sedgwick County, Kansas.

Generally located north of US-54 and east of Greenwich.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The use of the property shall be restricted to the following uses: offices, retail sales, wholesale sales, personal services, new and used automotive sales/leasing and associated uses, automotive repair including body work.

2. A ten foot landscape buffer shall be provided along the north line of the plat, as long as the properties north of Lewis remain zoned residential. A landscape plan shall be prepared by a landscape architect, indicating the location, type and specifications of planting material. No access shall be permitted to Lewis Street.

3. A six foot solid wood fence shall be constructed along the entire Lewis Street frontage ten feet south of the north property line and maintained as long as the property north of Lewis remains zoned residential. (Screening along the east property line shall not be required as long as that property is zoned commercial.)

4. No outdoor public address system is to be used as long as the property north of Lewis remains zoned residential.

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