Agenda Item #_____

City of Wichita
City Council Meeting
August 24, 1999

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **Z-3325 – ZONE CHANGE FROM "SF-6" SINGLE-FAMILY AND "LC" LIMITED COMMERCIAL TO "GO" GENERAL OFFICE AND "LC" LIMITED COMMERCIAL; AND**

DP-243 – REQUEST FOR THE CREATION OF THE SMITHMOOR COMMERCIAL C.U.P., LOCATED SOUTH OF HARRY AND WEST OF GREENWICH ; (District #II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions (9-0).

Staff Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve (5-0).

Background: The applicant is requesting to create DP-243 Smithmoor Commercial CUP and rezone the 23.8 acres from "SF-6" Single-family to "LC" Limited Commercial and "GO" General Office. This site is located at the southwest corner of Harry and Greenwich.

The applicant has submitted a drawing, which shows the 23.8 acres, divided into nine separate parcels. Parcel 1 (177,594 square feet) would be limited to all uses permitted in the "GO" General Office district. Parcel 2 (60,979 square feet), Parcel 3 (267,849 square feet), Parcel 4 (59,412 square feet), Parcel 5 (51,802 square feet), Parcel 6 (133,833 square feet), Parcel 7 (85,839 square feet), Parcel 8 (52,500 square feet) and Parcel 9 (52,500 square feet) would be limited to those uses in the "LC" Limited Commercial district, except for adult entertainment, taverns, drinking establishments and night clubs. All parcels would be limited to 30 percent floor area ratio.

The applicant is requesting one access opening to Harry from Parcel 1 and two additional openings to the commercial portion of the CUP, and all of these would be permitted full turning movements. The applicant is requesting two full openings to Greenwich. Staff has met with the applicant and

agreed upon these access controls and the following traffic improvements: left turn lanes and decel/accel lanes to the major openings as shown on the CUP drawing as well as 12 and ½ percent of the cost of signalization at Harry and Greenwich.

As submitted by the applicant, the required masonry wall would not be constructed along the south line of Parcel 1, nor along the west property line of Parcel 1, but would be constructed along the east property line of Parcel 3 and along the south property line of Parcel 3, 6, and 9. There is a public street and a hedgerow along the west property line of Parcel 1 which should provide sufficient screening and buffering of the residential properties to the east. This wall would be be constructed once a building permit is issued for any portion of Parcel 3, 6, or 9.

This request would permit Parcels 1, 2, 3, 4, 5, and 7 to have one free standing monument type sign on Harry and Parcels 6, 7, 8, and 9 to have one free standing monument type sign on Greenwich. All signs would be required to be spaced 150 feet apart. The applicant has provided the now standard architectural control language.

There are single family homes located to the west of this property, zoned "SF-6." South of the property is land developing with single-family homes, zoned "SF-6." There is a construction storage facility and a single family home located to the north on property zoned "SF-6" and "LC." East of the property are single family homes and a church, zoned "SF-6."

At the July 26th CPO 2 hearing, the applicant's agent reviewed the request. Several neighbors expressed concerns about this request which included the following: a) how drainage in the area would be impacted, b) if all neighbors had received information about this case, c) traffic issues related to limited exits; and d) what types of businesses are considered "limited commercial" that might create issues for the neighborhoods. After discussion, the CPO Council voted unanimously to approve this request.

At the July 29th MAPC hearing, the applicant was present to explain the request. One neighbor expressed concerns about the potential for drainage problems in the area, which was explained to him will be answered at the time of platting. After limited discussion, the MAPC approved the request unanimously.

The City Clerk should withhold publication of the Ordinance establishing the zone change until such time as the plat is recorded with the Register of Deeds.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change and C.U.P., 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.

(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.)

(_____) Publishe. .n 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-3325

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

Lots 2 through 9, Block A, Smithmoor Commercial Addition, Wichita, Sedgwick County Kansas;

AND

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

Lot 1, Block A, Smithmoor Commercial Addition, Wichita, Sedgwick County Kansas.

Generally located on the southwest corner of Harry and Greenwich.

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