Agenda Item #_____

City of Wichita
City Council Meeting
January 11, 2000

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **Z-3347 – ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "LC" LIMITED COMMERCIAL DISTRICT; AND**

DP-200 AMENDMENT #1 TO WILSON PROPERTY N.E. COMMERCIAL C.U.P., LOCATED ON THE SOUTHWEST CORNER OF 21ST STREET NORTH AND WEBB ROAD. (District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions (13-0).

Staff Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to MAPD staff comments. (6-0).

Background: The applicant proposes to amend the Wilson Property N.E. Commercial C.U.P. (DP-200) in conjunction with revision of the Wilson Estates Residential C.U.P. (DP-201). These two C.U.P.'s share boundaries to the west and south of DP-200. The applicant proposes to exchange approximately 0.2 acres of property zoned "LC" Limited Commercial along the west boundary of DP-200 with approximately 2 acres of property in DP-201, which is zoned "LC" Limited Commercial and "SF-6" Single-Family Residential; approximately 1.8 acres of which will be rezoned to "LC". This "swap" of property will enlarge the Wilson Property N.E. Commercial C.U.P. at its west and south boundaries and increase the total acreage of DP-200.

A recent Administrative Adjustment to DP-200 shifted the boundaries between Parcels 1 and 2 to the west by 30 feet. It also reconfigured the boundary between Parcels 2 and 3 to allow for the enlargement of Parcel 2. The building setbacks were adjusted to match the reconfigured boundaries, with the building setback along the west boundary of Parcel 2 being reduced to 5 feet from 15 feet. Additionally, access control along 21st Street North and Webb Road was shifted in accordance with the revised property lines, which in

turn shifts the 21st Street opening to Parcel 2 farther away from the intersection than originally permitted. Because of the close proximity of the access opening of Parcel 2 to the intersection, staff recommended that the applicant submit a guarantee for the future construction of a left turn medial if needed. The changes to access control along Webb Road shifted the allowed opening for Parcel 2 from 100 feet to 250 feet from the intersection and removed a joint opening, leaving only one opening for each of Parcels 2 and 3. This Adjustment left an "odd-shaped" Parcel 3, but it was done in anticipation of this Amendment to DP-200, which enlarges Parcel 3, making it a buildable lot and parcel.

Both the Administrative Adjustment and this Amendment were proposed to allow for a Walgreens to be developed on Parcel 2 of DP-200. Because Walgreens required more acreage than was existing on Parcel 2, it required enlarging, which left Parcel 3 as an unbuildable lot. The exchange of acreage from DP-201, Parcel 10, and the rezoning of that property allows for commercial development on a buildable Parcel 3.

This request would increase the number of access openings along Webb Road, specifically allowing for two openings to Parcel 3, in addition to the existing opening for Parcel 2.

The surrounding land uses outside of this C.U.P. include the residential C.U.P. (DP-201) to the west and south, part of which is proposed to be developed as a low-density office complex, and residential uses to the north. Property to the immediate east and across Webb Road is still vacant at this time, but zoned "LC" Limited Commercial and "TF-3" Two-Family Residential. Beyond these corner properties are large apartment complexes. Directly south of this C.U.P. property is zoned "SF-6" Single-Family Residential, but is currently being proposed as 4-plex townhouse development, which is permitted under the existing C.U.P. (DP-201).

At the CPO(2) meeting held December 13, 1999, the CPO voted 6-0 to recommend approval the request, subject to staff comments. The applicant, George Laham, presented the request to the Council and was in general agreement with the MAPD staff comments. Staff and Traffic Engineering had recommended that Parcel 3 be limited to only one point of access. The applicant had requested two, one of those being a driveway for an office park on the adjoining C.U.P. to the west. This would allow three points of access along Webb Road for this commercial C.U.P. The CPO council voted in favor of the staff recommendations, which limit the number of access points to two along Webb Road.

The MAPC heard this case on December 16, 1999. The applicant and his agent presented the request in conjunction with a request for rezoning and C.U.P. amendments on an adjacent C.U.P. (DP-201). Again, the applicant reiterated his request against the staff recommendations, requiring two openings for Parcel 3. In the discussion with the Planning Commission, staff pointed out that the southernmost portion of Parcel 3 would be retained by the adjoining C.U.P. so that this 50 feet could be used as a primary driveway for the office park to the west. This was a change made after the original request was made and would facilitate signage for the office park that would not be considered an 'off-site' sign. The Planning Commission was in agreement with the

applicant that an access point, in addition to this driveway, should be permitted. The applicant stated that this additional access point would only be used if necessary, and in light of the applicant's development record along Rock Road, the Planning Commission agreed. This still limits the number of access points along Webb Road to one per parcel, but the driveway to the office park (adjacent C.U.P.) will serve as a second point of access for Parcel 3. The Planning Commission voted unanimously (13-0) to approve the zone change and amendments to the C.U.P., subject to the conditions discussed and subject to re-platting.

The ordinance establishing the zone change will not be published until such time as the plat is recorded with the Register of Deeds.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change and C.U.P. amendment, subject to the condition of platting and 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 2/3 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 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-3347

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

Commencing at the northeast corner of Section 8, Township 27 south, range 2 east of the 6th P.M.; thence S0°54'41"E along the east line of said section 8 a distance of 600 feet; thence S89°05'19"W a distance of 50.00 feet to the point of beginning; thence S0°54'41"E along the east line of Wilson Apartments Addition to Wichita, Sedgwick County, Kansas, a distance of 187.77 feet; thence S 89°05'19"W a distance of 300.00 feet; thence N0°54'41"W a distance of 187.77 feet; thence N89°05'19"E a distance of 300.00 feet to the point of beginning. Containing 1.23 acres more or less. Generally located on the southwest corner of 21st Street North and Webb 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.