

Agenda Item # _____

City of Wichita
City Council Meeting
September 21, 1999

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3331 – ZONE CHANGE FROM “SF-6” SINGLE-FAMILY RESIDENTIAL DISTRICT TO “LC” LIMITED COMMERCIAL, LOCATED ON THE NORTHWEST CORNER OF 21ST STREET NORTH AND 119TH STREET WEST. (District #V)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions (11-1).

Staff Recommendation: Approve, subject to platting within 1 year and the Conditions of a Protective Overlay.

CPO Recommendation: Approve, subject to the Conditions of a Protective Overlay (4-3).

Background: The applicant is requesting “LC” Limited Commercial zoning for a 4.2 acre tract, with approximate dimensions of 330 feet x 600 feet, located at the northwest corner of the intersection of 21st Street North and 119th Street West. The property is currently vacant. It is adjacent on the west with a commercial tract, Harp Addition. Cedar Downs Addition, a residential development with approximately 65 single-family homes on lots averaging 1 ½ to 2 acres in size, is adjacent to the application area to the north and west of Harp Addition.

The other three corners at this intersection have a similar pattern of “LC” Limited Commercial zoning on the corner, surrounded by single family development. Sun Ridge Addition on the southwest corner has between two and three acres of commercial property, bordered by one large lot suburban residence along 119th Street West, and the remainder of the corner is traditional single family houses on relatively compact lots. DP-218 Aberdeen C.U.P. is located immediately to the east of the application area and has eight acres of commercial property, surrounded by Aberdeen First Addition, a single-family subdivision. All “LC” uses are permitted except adult entertainment

establishments, private clubs, taverns, and drinking establishments, with additional restrictions added within 150 feet of the north and east property lines adjacent to the single-family areas. These additional restrictions are to prohibit drive-in and drive-through restaurants, convenience stores, service stations, car washes and overhead doors for auto service and/or repair facing either 21st Street North or 119th Street West within this 150 foot strip. DP-160 Woodbridge C.U.P. retained 0.8 acre for commercial uses on the southeast corner, and restricted uses to banks, convenience stores, service stations, offices, pharmacies, medical and dental offices, restaurants, retail shops, and tire, battery and accessory stores. This small retail site is surrounded by single family homes.

The site is below the minimum size of 6.0 acres requiring Community Unit Plan review for commercial use. As a result, restrictions on the property would be those contained in the Sign Code regarding signage, and the Unified Zoning Code related to screening, compatibility standards, and the Landscape Ordinance regarding buffering adjacent to residential use on the north side of the property and across the street to the east. At the time of platting, additional right-of-way and access controls would be established for the property in order to meet design standards for the future intersection improvements.

At the CPO (5) meeting held August 25, 1999, the Council voted 4-3 to recommend in favor of the rezoning to "LC" Limited Commercial with a Protective Overlay, but with the replacement of Condition #2 of the Protective Overlay, limiting uses on the northern 150 feet of the property to "NR" Neighborhood Retail uses, to the restrictions offered by the applicant. One citizen spoke in opposition. Council members voting in opposition expressed the desire to see the area remain residential.

At the MAPC meeting held August 26, 1999, MAPC voted (11-1) to approve the zone change, with the Protective Overlay restrictions for Conditions #1 and #2 offered by the applicant, and Condition #3 contained in staff recommendation. One citizen spoke in favor of commercial use on the property, but urged the existing windbreak between the property and the residences on the north remain after development. The MAPC recommendation was that the zone change be approved subject to platting within one year and subject to the following Protective Overlay:

1. No parcel within this plat shall allow the use of adult entertainment establishments, private clubs, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment.
2. All other uses in the "LC" Zoning district will be allowed except within the north 150 feet where the following uses will be eliminated:
 - Drive-in and drive-through restaurants
 - Convenience stores
 - Service Stations
 - Car washes
 - No overhead doors for auto service and/or repair facing 119th Street West.

3. Signage is limited to monument signs with a maximum of 20 feet in height and with a minimum spacing of 150 feet between signs. No offsite or portable signs are permitted.

The dissenting Commissioner was not opposed to the rezoning, but was opposed to the staff recommendation to limit signage as possibly inhibiting some franchise companies from developing the property.

Recommendation:

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

Aug.

(_____) Published in the Daily Reporter on _____

ORDINANCE NO. 44-683

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 after 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-3331

Zone change request from "SF-6 Single-Family Residential District to "LC" Limited Commercial and to "P-O" Protective Overlay District #58 on property described as:

Lot 1, Duling Addition, Wichita, Sedgwick County Kansas.

Generally located at the northwest corner of 21st Street North and 119th Street West.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. No parcel within this plat shall allow the use of adult entertainment establishments, private clubs, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment.
2. All other uses in the "LC Zoning district will be allowed except within the north 150 feet where the following uses will be eliminated:

Drive-in and drive-through restaurants;
Convenience stores;
Service stations;
Car washes; or
No overhead doors for auto service and/or repair facing 119th Street West.

3. Signage is limited to monument signs with a maximum of 20 feet in height and with a minimum spacing of 150 feet between signs. No offsite or portable signs are permitted.

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.

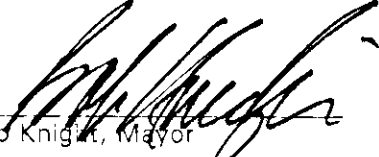
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, JUL 18 2000

ATTEST:

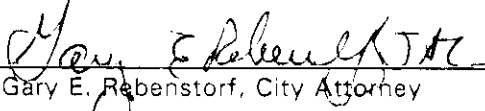

Pat Burnett, City Clerk




Bob Knight, Mayor

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney