Agenda Item #_____

City of Wichita
City Council Meeting
November 5, 2002

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **Z-3350 & Z-3360 – EXTENSION OF TIME TO COMPLETE PLATTING REQUIREMENT FOR ZONE CHANGE REQUESTS FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL. GENERALLY LOCATED SOUTH OF MAPLE AND EAST OF RIDGE** (District #V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve extension of time to complete platting.

Background: On February 8, 2000 and May 2, 2000, the City Council approved zone change requests from "SF-5" Single-Family Residential to "LC" Limited Commercial on properties located south of Maple and east of Ridge. Approval of the zone change requests was subject to the condition of platting the properties within one year. An application to plat the properties was submitted on June 2, 2000; however, the applicant requested several deferrals during the platting process, which prevented completion the plat prior to the deadline. At the request of the applicant, staff approved an extension of time to complete platting to November 2, 2001. The applicant subsequently requested two additional deferrals of the platting process, which prevented completion the plat prior to the extended deadline. On November 1, 2001, the applicant requested an additional six-month extension of time to complete platting, which was granted by the City Council on November 20, 2001. The second extension of time to complete platting expired on May 2, 2002, and on June 17, 2002, the applicant requested a third extension of time to complete platting to August 31, 2002, which was granted by the City Council on July 2, 2002. The applicant indicates that the continuation of rezoning efforts on surrounding properties and negotiations between development groups in the area have prevented completion of the plat; therefore, the applicant has requested a fourth extension of time to complete platting. MAPC Policy Statement No. 5 indicates that extension requests beyond the first extension of time to complete platting require City Council approval.

Recommendation:

1. Approve extension of time to complete platting to August 31, 2003; or
2. Deny the extension of time to complete platting and declare the zone change null and void.

(_____) Published in the Derby Reporter MAR 9 - 2004

ORDINANCE NO. 45-978

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-3360

Zone change request from "SF-5" Single-Family Residential District to "LC" Limited Commercial District, and to P-O #70 - Protective Overlay District, on property described as:

King's Maple Street Third Addition, except the west 137.9 feet, Wichita, Sedgwick County, Kansas.

Generally located south of Maple and east of Ridge Road.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

A. No off-site or portable signs shall be permitted on the property. No building advertising signs shall be permitted along the face of any building facing a property in a residential district.

B. Light poles shall be of the same color and design and shall have cut-off fixtures that direct light away from nearby residential areas. Light poles shall be limited to a maximum height of 14 feet.

C. Outdoor speakers and sound amplification systems shall not be permitted within the south 100 feet of the property.

D. No building shall exceed one story in height, with a maximum building height of 25 feet.

E. A six-foot high masonry wall shall be constructed along parallel to the east and south property lines and located 20 feet west and north of the east and south property lines, respectively. A 20-foot landscaped buffer shall be provided adjacent to the east and south property lines on the east and south side of the masonry wall.

F. The following uses shall not be permitted: Adult entertainment establishment, group residence, correctional placement residence, group home, recycling collection station, reverse vending machine, car wash, convenience store, night club, recreation and entertainment, restaurant with drive-in or drive-thru facilities, service station, tavern and drinking establishment and vehicle repair.

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 this FEB 3 2004

ATTEST:

Karen Schofield, City Clerk

Carlos Mayans, Mayor

(SEAL)

Approve as to form:

Gary E. Rebenstorf, City Attorney