Plann' Agenda Item #_____

City of Wichita
City Commission Meeting
February 18, 1986

Agenda Report #_____

TO: Mayor and City Commissioners

SUBJECT: Z-2729 - REQUEST FOR ZONE CHANGE FROM "LC" LIGHT COMMERCIAL TO "C" COMMERCIAL AS AMENDED, GENERALLY LOCATED ON THE EAST SIDE OF EMPORIA BETWEEN 13TH AND 14TH STREETS NORTH. (Rod Steven)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Zoning

MAPC Recommendation: Approve "C" for amended application area. (6-3)

Staff Recommendation: Deny unless all truck traffic can exit the site directly to 13th Street.

Background: On November 14, 1985, the MAPC held a public hearing to consider a zone change request from "B" Multiple-Family Dwelling and "LC" Light Commercial to "C" Commercial for five 25-foot lots on the east side of Emporia beginning 100 feet north of 13th Street. That south 100-foot area is zoned "C" and owned by this applicant. A car wash and attached office building occupy that area. The re-zoning application site had two single-family homes on it and a parking lot used in part by the car wash facility. The applicant stated he wanted to construct a new building to house trucks used in his plumbing, septic tank, and car wash business. After hearing from neighbors in opposition and after discussing with the agent the location of the proposed building, the MAPC deferred action on this request until their next meeting in order to give the applicant time to prepare a site plan and discuss his request at the CPO meeting on the 19th.

At the November 19th CPO meeting, the applicant said he would amend his request and delete the north two lots. They could be used for parking associated with his business while remaining "B" and "LC". The CPO Council voted 8-0 to recommend denial of the zone change. (See copy of their memo.) On November 25th, the MAPC voted 7-3 to recommend approval of the amended application ("LC" to "C" for three lots only) subject to replatting the applicant's entire ownership into one lot within one year.

The City Commission reviewed the applicant's request and these recommendations at their January 7th meeting and voted 5-0 to return the case to the MAPC for rehearing, citing neighborhood opposition and the opinion that the change in use would not be in character with the neighborhood.

The Planning Commission, upon rehearing the case on January 23rd, voted 6-3 to recommend approval of the amended application subject to replatting the applicant's entire ownership at this location into one lot within one year.

Analysis: Properties to the north and east are zoned "B" and developed with single family homes; to the south is a car wash in "C" zoning; to the west is an apartment building and vacant land in the "LC" district. The MAPC has had a general policy of favoring the expansion of existing businesses on major streets. The Planning Commission found that the character of the neighborhood; the zoning and uses of nearby properties, particularly the other "C" and "E" properties in the vicinity; and the suitability of subject property for expansion of the applicant's existing business justified the zone change.

Legal Consideration: 24.9% of the property within 200 feet is represented by valid protest petitions which have been filed as provided by law. A 4/5ths vote of the City Commission will be required in order to grant the zone change.

Actions: 1. Concur with the findings of the MAPC and approve the zone change as amended, subject to the condition of platting; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or

2. Take appropriate action, stating reasons.

Attachments: Area map
11-14-85, 11-25-85, and 1-23-86 MAPC Minutes
CPO Memorandum

January 24, 1986

Baughman Company
ATTN: Brent Wooten
330 Laura
Wichita, Kansas 67211

Re: Z-2729. "LC" to "C" - On the east side of Emporia between 13th and 14th Streets North.

Dear Mr. Wooten:

At its regular meeting on January 23, 1986, the Metropolitan Area Planning Commission considered the above-captioned zone change request. The action of the Planning Commission was to recommend approval subject to the applicant replatting his entire ownership at 13th and Emporia into one lot to provide appropriate building setbacks, access controls, and alley and street rights-of-way within one year or the case be considered denied and closed. The ordinance establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

This matter will be forwarded to the Board of City Commissioners for consideration at their regular meeting on February 18, 1986, this meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would remind you that Planning items are considered after all other matters of business.

If you have any questions concerning this matter, please contact our office.

Sincerely yours,

Louise Olivarez
Senior Planner

LO:lw

cc: Rod Steven, 2333 McLean Blvd., NW, Wichita, KS 67204
David Dewey, President, Midtown Citizens Assn., P. O. Box 3446, Wichita, KS 67201
Siegfried & Lois Snyder, 1423, N. Emporia, Wichita, KS 67214
Dale Smith, 1447 N. St. Francis, Wichita, KS 67214
Joan & Jerry Cole, 1351 N. Emporia, Wichita, KS 67214