

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0748 - Zone change from "SF-20" Single-Family Residential to "GO" General Office on property located ½ mile south of 21st Street North, west of Maize Road.

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: September 24, 1997

COMMISSION DISTRICT #3

MAPC Recommendation: Approve zone change to "NO" Neighborhood Office, subject to platting within 1 year (11-0).

Staff Recommendation: Approve zone change to "NO" Neighborhood Office, subject to platting within 1 year.

Background/Discussion: The applicant requests a zone change from "SF-20" Single-Family Residential to "GO" General Office on approximately 1.35 unplatted acres, located approximately ½ mile south of 21st Street North and west of Maize Road.

The site plan submitted with the application shows two 7,000 ± square foot offices to be set on the back portion of the subject property. The plan also shows an area designated for a 30 foot ingress/egress easement along the southern property line for use by the property owners to the west of the site. Included with the staff report is a letter of support from the developer of the Windwood Addition.

The subject property is in a developing residential area. The majority of the property is zoned "SF-6" Single-Family Residential to the east and south, and is either developed as single-family residences or platted for such use. To the west and north of the application area, and including the application area, is a 40 acre island of property still in the County, and remains zoned "SF-20." The Westlink Christian Church has ownership of approximately 34 of the 40 acres located north and northwest of the application area, with Kirk Excavating Service, Inc. and Mr. and Mrs. Kirk owning the balance of the 40 acres, and located to the west of the subject property. To the south, across the 30 foot easement, is a 1.4 acre drainage reserve (Reserve B) for the Windwood Addition.

As in similar cases, staff has been supportive of small tracts being rezoned to the "NO" Neighborhood Office district as opposed to the "GO" General Office district when located this far from an arterial intersection and/or located near residential areas.

The "NO" district was added to the Unified Zoning Code to "accommodate very low intensity office development and other complimentary land uses that are generally appropriate near residential neighborhoods."

The "NO" district allows such uses as day care centers, churches, medical service, and offices which could serve the surrounding residential developments, while the "GO" district permits multi-family residential, assisted living, schools, and hotels/motels, as well as animal care, self-storage warehouse, and rock crushing as conditional uses, which are out of character with the surrounding developments. The "NO" district has the same sign restrictions as the "GO" district (32 square feet on a single tenant lot with no artificial illumination), but limits the size of an individual use to 8,000 square feet of gross floor area.

The agent for the applicant was present to address their request during the August 14, 1997 MAPC meeting, stating that the applicant agrees to the "NO" district, that the request will provide a good use of this particular property, and the "NO" district provides development restrictions to protect nearby residential properties. Several area property owners were present to oppose the request, with all stating they preferred to site to remain residentially-zoned.

After discussion of the proposal, the MAPC voted (11-0) to approve the request subject to platting the property within one year, as recommended by staff. Following the hearing, staff received 13 protest petitions from area property owners totaling 27.85% of the land surrounding the subject tract opposing the request, and would therefore require a 3/4 majority vote by the County Commission to approve the request.

- Recommended Action:
1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change to "NO" Neighborhood Office subject to the condition of platting; adopt the resolution and authorize the chairman to sign; and instruct the Planning Department to withhold publication until the plat has been recorded with the Register of Deeds; or
 2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

Applicants:

Jeff Bannon 946 North West Street Wichita KS 67203
PEC PA c/o Gary Wiley 303 S Topeka Wichita KS 67202

Protestors:

Gary Kirk 1903 N Maize Road Wichita KS 67212

Mike Kirk 1905 N Maize Road Wichita KS 67212

Michelle Reiswig 1851 N Denene Wichita KS 67212

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ORDINANCE NO. 43-868

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. SCZ-0748

Zone change request from "SF-20" Single-Family Residential District to "NO" Neighborhood Office District on property described as:

Lots 1 and 2, Block 1, WCC Addition, Wichita, Sedgwick County, Kansas
Generally located ½ mile south of 21st Street North, west of Maize 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.

ADOPTED AT WICHITA, KANSAS, _____