

Planning Agenda Item # _____

City of Wichita
City Council Meeting
August 12, 1997

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3239 - GERALD L. & JANICE A. GRAY REV. TRUST (PROPERTY OWNER/APPLICANT); JIM BARNUM (APPLICANT); JUDY ANDERSON, WEIGAND (APPLICANT); TERRY SMYTHE, BAUGHMAN COMPANY (AGENT), REQUEST ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "GC" GENERAL COMMERCIAL, LOCATED 1/4 MILE EAST OF BROADWAY, NORTH OF MACARTHUR (526 AND 602 E. MACARTHUR).

(DISTRICT #3)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within 1 year (7-2).

CPO Recommendation: Deny (8-0).

Staff Recommendation: Approve, subject to platting within 1 year.

Background: The applicant requests a zone change from "SF-6" Single-Family Residential to "GC" General Commercial on an unplatted 3 acre tract generally located 1/4 mile east of Broadway, north of MacArthur. The applicant intends to develop the site as a self-storage warehouse facility.

The surrounding property to the east, north and immediately to the west is zoned "SF-6" Single-Family Residential, with property further to the west zoned "GC" General Commercial. There are two single-family residences flanking the application area to the east and west, with the property to the north developed with several buildings associated with a commercial nursery. There are several vacant lots further to the west, between the residence and the commercial corner at Broadway. Across MacArthur to the south is a single-family residence surrounded by the Arrow Wrecker Service on property zoned "LI" Limited Industrial and "GC" General Commercial.

The property adjacent to the east was the subject of a zone change from "SF-6" to "GC", which received approval by the Board of City Commissioners on August 29, 1972. The case was marked denied and closed due to a failure to plat the property; however, there appears to be a non-conforming equipment sales use currently operating at that location.

CPO Council 3 considered the request during their July 10, 1997 meeting, where they recommended denial (8-0) based on the potential for undesirable uses on the subject property and that the request would be out of character with the neighborhood. The two residents on either side of the application area spoke against the request, stating that the City fails to enforce code requirements associated with zone changes and that they were worried about what was actually going to develop on the property.

During the Planning Commission's discussion of this matter on July 17, 1997, the agent for the applicant stated that the applicant is proposing to develop the subject property with a vehicle sales lot on the front half of the site, with a self-storage warehouse facility on the rear half of the site at some point in the future. The two residents from the neighborhood again spoke against the request, stating that the proposed car lot and storage uses would be out of character with the neighborhood and that the "GC" zoning district would allow unwanted uses to locate next to them. After discussion, the MAPC voted (7-2) to approve the request, subject to platting the property within one year, as recommended by staff.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, 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 Council; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd 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 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-3239

Zone change request from "SF-6" Single-Family Residential District to "GC" General Commercial District, described as:

Tract 1:

A tract in Lot 4, in the Southwest Quarter of Section 9, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point 961 feet east and 65 feet north of the Southwest Corner of said Section 9, said easterly distance being measured along the south line of said Section 9, and said northerly distance at right angles with the south line of said Section 9; thence north along a line at right angles with the south line of said Section 9; thence north along a line at right angles with the south line of said Section 9, a distance of 586.09 feet; thence west parallel with the south line of said Section 9, a distance of 74.32 feet; thence south and parallel with east line of said tract to a point 65 feet north of the south line of said Section 9; thence east along a line parallel with the south line of said Section 9, a distance of 74.32 feet to the point of beginning., AND

FILE COPY

Tract 2:

Beginning at a point 1109.64 feet east and 65 feet north of the southwest corner of Section 9, Township 26 south, Range 1 east of the 6th P.M., said easterly distance being measured along the south line of said Section 9, and said northerly distance at right angles with the south line of said Section 9; thence north along a line at right angles with the south line of said Section 9 a distance of 586.09 feet; thence west parallel with the south line of said Section 9 a distance of 148.64 feet; thence south along a line at right angles with the south line of said Section 9, a distance of 586.09 feet to a point 65 feet north of the south line and said Section 9, thence east 148.64 feet to the point of beginning, containing 2 acres, more or less, Sedgwick County, Kansas. Generally located 1/4 mile east of Broadway, north of MacArthur (526 and 602 E. MacArthur).

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, _____

ATTEST:

Pat Burnett, City Clerk

Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

ORDINANCE NO. 43-697

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-3239

Zone change request from "SF-6" Single-Family Residential District to "GC" General Commercial District, and to "P-O" Protective Overlay District #21, described as:

Lots 1 and 2, Barnum Addition, Wichita, Sedgwick County, Kansas. Generally located 1/4 mile east of Broadway, north of MacArthur (526 and 602 E. MacArthur).

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTION:

1. Outdoor storage, except for the outside display of operable vehicles for sale, shall be prohibited.

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, FEBRUARY 10, 1998.

Bob Knight, Mayor

ATTEST: (Seal)

Pat Burnett, City Clerk

(Au18)