

Agenda Item # _____

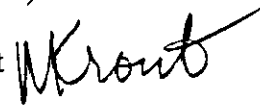
City of Wichita
City Council Meeting
March 21, 2000

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: **Z-3354 - ZONE CHANGE FROM "MF-29" MULTI-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL ZONING, LOCATED AT THE SOUTHEAST CORNER OF ORIENT BOULEVARD AND EUCLID STREET. (District # IV)**

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to the additional conditions of a (P-O) Protective Overlay (11-0).

Staff Recommendation: Approve, subject to the additional conditions of a (P-O) Protective Overlay.

Background: The applicant indicates that he operates a carpet business, the Carpet Smith, at 1929 Orient Boulevard which is located north of the application area and zoned "LC" Limited Commercial. The applicant is requesting approval of "LC" Limited Commercial zoning on 0.42 acres of platted property currently zoned "MF-29" Multi-Family Residential. The application area is a rectangular shaped parcel and is located at the southeast corner of the intersection of Orient Boulevard and Euclid.

Merton Avenue, which is vacated, is located just south of the applicant's business, is included in this application. Euclid Street is located on the west, apartments are located to the south and an alley is located on the eastern edge of the property. [There is a single-family dwelling and garage currently in the application area.] The applicant owns property north of the vacated Merton Avenue, that is zoned "LC" Limited Commercial and the site of the current business. The property south of the application area is zoned "MF-29," the property east is "MF-29" and the property to the west is also "MF-29." The "MF-29" areas have a mixture of single and multiple family residential uses. Access to the proposed site is currently from the north via Orient Boulevard and west from Euclid via an existing curb cut (what was once Merton Avenue).

The existing business is a cinder block building located north of the application area.

Inspection of the site revealed that the site is in need of repair and general cleanup. The site had discarded carpet and inoperable vehicles north and south of the building. From staff's inspection, it is not clear to staff whether the business is currently operating or not. The applicant has not submitted a site plan for review. Consequently, staff is not clear on the exact nature of the applicant's expansion plans.

Lighting for the proposed facility is to be reflected away from any adjoining residential uses per zoning ordinance. Currently the parking lot on the business site is unpaved. Should the zone change be granted, the parking lot would need to be paved per zoning code requirements.

The Landscaping Code requires that the site be developed with appropriate screening. Per the zoning code, a screening fence will be required along the south property line. The parking lot will need to be screened. Buffer plantings will also have to be placed along the south property line. Landscaped street yard plantings will be required along Orient Boulevard and Euclid. As part of the rezoning process, the applicant will need to submit a proposed Landscaping Plan.

At the MAPC meeting held on February 24, 2000, the MAPC voted (11-0) to recommend *approval* subject to the Protective Overlay. The agent stated that the applicant was requesting the rezoning to expand his existing carpet business. The agent was in agreement of conditions of the Protective Overlay that limit certain uses and access control to Euclid Avenue. Issues raised by the MAPC were the current condition of the site (junk vehicles, trash, etc.). The MAPC Members suggested that the proposed commercial use would be an improvement to the area in question. There was a Protest Petition submitted by a neighbor in the notification area

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change to "LC," subject to the additional recommended provisions of a Protective Overlay District and place the ordinance establishing the zone change on first reading; or
2. Return the application to the DAB or 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.)

() 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 SECTION 28.04.010, AS AMENDED.

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 Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3354

Request for zone change from "MF-29" Multi-Family Residential to "LC" Limited Commercial and to "P-O" Protective Overlay District #67 on property described as:

Lots 2, 4 and 6, Block 2, Gillespie Grove Addition, Sedgwick County Kansas. Generally located on the southeast corner of Orient Boulevard and Euclid Street.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. Signs shall be limited to those permitted in the "NR" Neighborhood Retail District. No building advertising signs shall be permitted along the west, south or east face of any building;
2. The following uses shall not be permitted: adult entertainment establishment, group residence, group home, recycling collection station, convenience store, restaurant with drive-in or drive-thru facilities, service stations and vehicle repair;
3. The site shall be landscaped and screened in conformance with the City's ordinance requirements for new construction and substantial additions and or remodeling;
4. There will be a "boundary shift" made at the time the site plan is submitted and no replatting will be required; and
5. There will be a dedication of access control for lots 2, 4 and 6.

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