

Agenda Item # _____

City of Wichita
City Council Meeting
December 11, 2001

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2001-00065 – Zone change from “SF-6” Single-Family Residential to “LC” Limited Commercial. Generally located southwest of the Meridian Ave -47th S intersection. (District #IV)

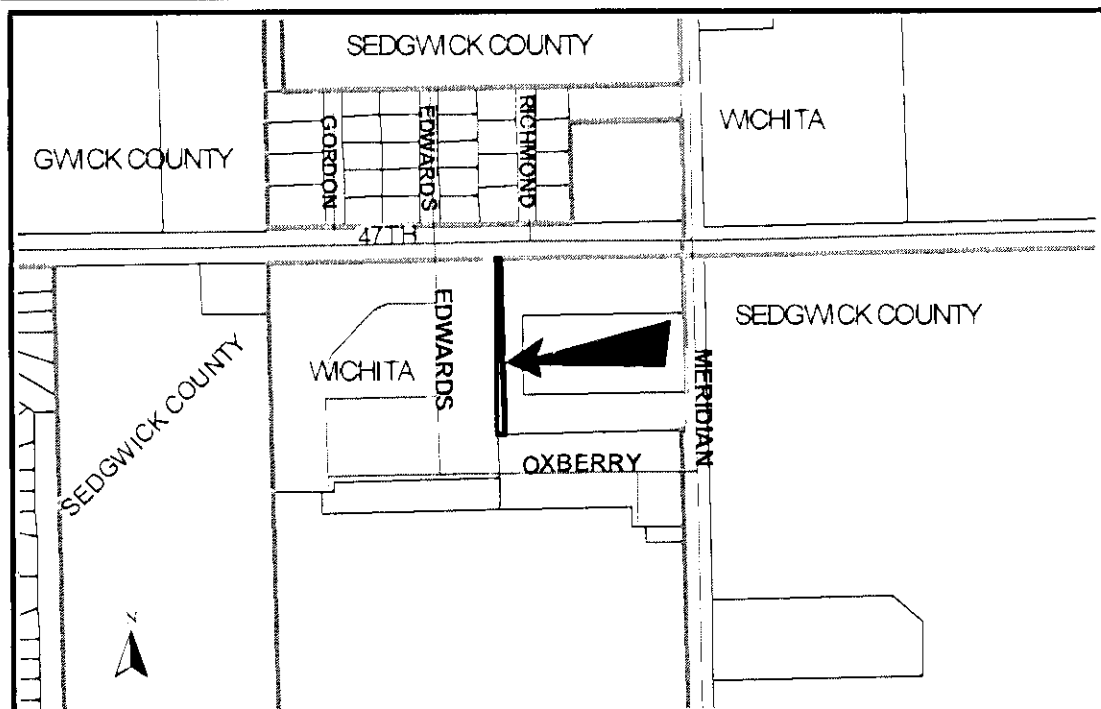
INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Kraus

MAPC Recommendation: Approve (11-0).

Staff Recommendation: Approve.



BACKGROUND: The applicant is requesting consideration for a zoning change from "SF-5" Single-Family Residential to "LC" Limited Commercial on the west 20-foot x 550-feet of his property. The applicant owns a u - shaped piece of property (an unplatted 250-foot x 510-foot section off of Meridian Avenue under different ownership causing the u-shape; see Exhibit A) on the southwest corner of 47th Street South – Meridian Avenue intersection. This u - shaped property is zoned "LC" Limited Commercial. The difference in the zoning of his property was discovered during a recent survey of the property. The applicant proposes to have one zoning for his property.

The site has undeveloped "SF-5" Single - Family Residential zoning located on the north side, across 47th Street South. The abutting properties to the west and south are zoned "MH" Manufactured Housing and are developed as Manufactured Housing. The president of the Southborough Estates Condominium Association (the manufactured homes abutting on the west), Jeff Lange, in a fax to the Staff, stated that association has no objection to the requested zoning change on the strip. The property abutting to the east is the previously mentioned (the property under different ownership, whose penetration into the applicant's property caused it to be u – shaped) unplatted 250-foot x 510-foot property. This property is zoned "LC" Limited Commercial and has a house with a large accessory building on it. The property adjacent to the site on the east, across Meridian Avenue, is zoned "LC" Limited Commercial and is undeveloped.

The applicant proposes to plat the property as South Lakes Commercial Addition. Proposed development would be what is typically permitted in "LC" Limited Commercial zoning.

No one spoke against the proposed zoning change at the October 11, 2001 MAPC Public Hearing. There were no written protest, letters or calls against the proposed zoning change.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading; or
2. Return the application to the 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.)

Page

() Published in The Wichita Eagle on DEC 22 2001

ORDINANCE NO. 45-173

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. ZON2001-00065

Request for zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial, described as:

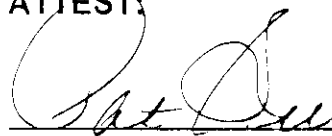
The West 20 feet of the East 620 feet of the North 600 feet of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M. Sedgwick County, Kansas; except the North 50 feet. Generally located southwest of the Meridian Ave - 47th Street S intersection.

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.

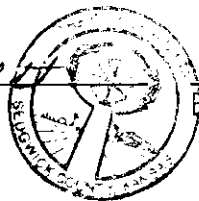
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

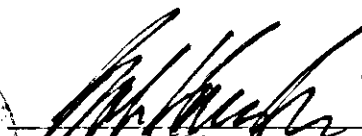
ADOPTED AT WICHITA, KANSAS, DEC 18 2001

ATTEST:

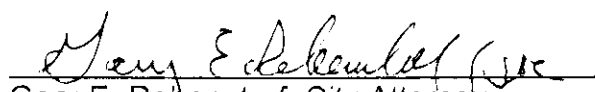

Pat Burnett, City Clerk

(SEAL)




Bob Knight, Mayor

Approved as to form:


Gary E. Regenstorf, City Attorney



AGENDA ITEM NO. _____

STAFF REPORT

MAPC – November 8, 2001

CASE NUMBER: ZON2001-00065

OWNER/APPLICANT: Jeff Bannon

AGENT: PEC c/o Gary Wiley

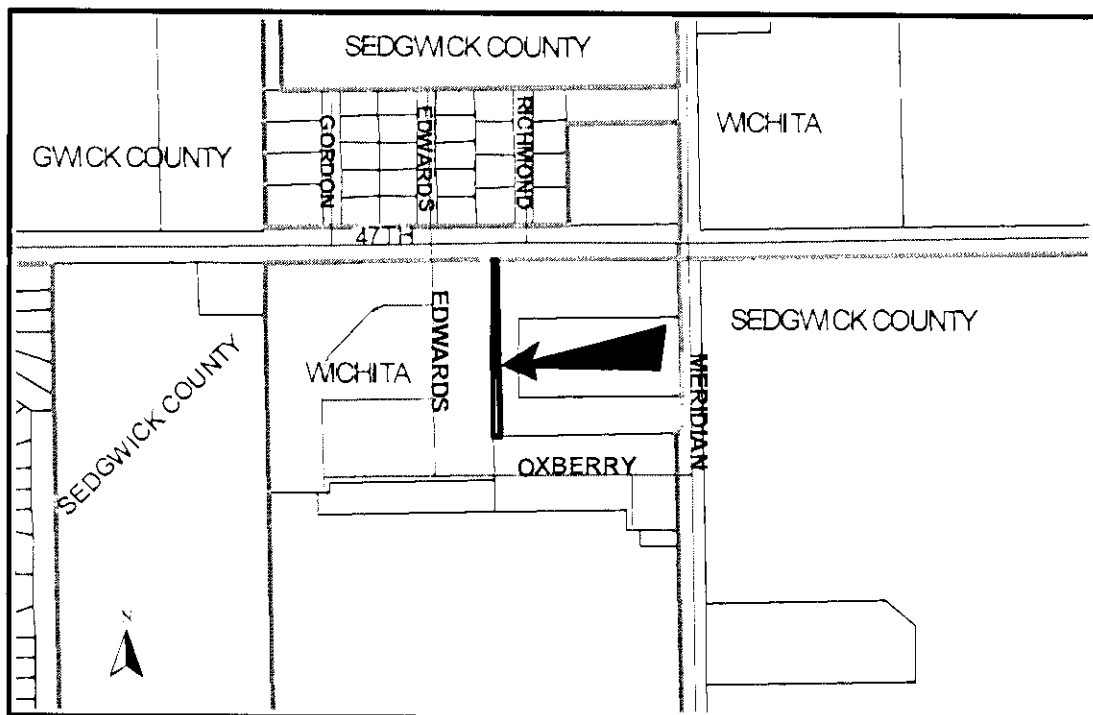
REQUEST: "LC" Limited Commercial

CURRENT ZONING: "SF-5" Single – Family Residential

SITE SIZE: ¼ acre

LOCATION: Southwest of the Meridian Ave – 47th Street S intersection

PROPOSED USES: "LC" Limited Commercial Uses



BACKGROUND: The applicant is requesting consideration for a zoning change from "SF-5" Single-Family Residential to "LC" Limited Commercial on the west 20-feet x 550-feet of his property. The applicant owns a u - shaped piece of property (an unplatted 250-foot x 510-foot section off of Meridian Avenue under different ownership causing the u-shape; see Exhibit A) on the southwest corner of 47th Street South – Meridian Avenue intersection. This u - shaped property is zoned "LC" Limited Commercial. The difference in the zoning of his property was discovered during a recent survey of the property. The applicant proposes to have one zoning for his property.

The site has undeveloped "SF-5" Single - Family Residential zoning located on the north side, across 47th Street South. The abutting properties to the west and south are zoned "MH" Manufactured Housing and are developed as Manufactured Housing. The president of the Southborough Estates Condominium Association (the manufactured homes abutting on the west), Jeff Lange, in a fax to the Staff, stated that association has no objection to the requested zoning change on the strip. The property abutting to the east is the previously mentioned (the property under different ownership, whose penetration into the applicant's property caused it to be u – shaped) unplatted 250-foot x 510-foot property. This property is zoned "LC" Limited Commercial and has a house with a large accessory building on it. The property adjacent to the site on the east, across Meridian Avenue, is zoned "LC" Limited Commercial and is undeveloped.

The applicant proposes to plat the property as South Lakes Commercial Addition. Proposed development would be what is typically permitted in "LC" Limited Commercial zoning.

CASE HISTORY: The applicant's property was already rezoned in the late 1950's as "LC" Light Commercial. The property was part of the County within Wichita's 3-mile area of zoning influence and part of a series of commercial nodes rezoned as "LC" Light Commercial. These nodes were located on the four corners, at one-mile intervals at the intersections of major arterials within the 3-mile area of zoning influence. The size of the nodes on the four corners was 600-feet x 600-feet. The site was annexed into the City on 10-23-87.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5" Single-Family Residential	Undeveloped
EAST:	"LC" Limited Commercial	Residence & undeveloped
SOUTH:	"MH" Manufactured Housing	Manufactured home park
WEST:	"MH" Manufactured Housing	Manufactured home park

PUBLIC SERVICES: 47th Street South is paved and is classified as a 2-lane arterial.

Meridian is paved and classified as 4-lane arterial. Average Daily Trips (ADT) at the intersection of 47th Street South and Meridian Avenue is 6510 ADTs on the north side, 4930 ADTs on the south side, 2536 ADTs on the west side and 5120 ADTs on the east side. There is gas, water and electricity for the site.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan identifies this property as likely for future commercial development. Commercial development is intended for convenience centers, neighborhood centers or large-scale retail. The size and configuration of this property would be appropriate for a convenience center type of development, which is the smallest of commercial development. The property and the other 3 sides of the 47th Street S – Meridian intersection were zoned for “LC” Light Commercial zoning in 1958. The current zoning request is in conformance to the current and past comprehensive plans and policies.

RECOMMENDATION: Based on the information available prior to the public hearing, staff recommends the application be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The applicant’s site and the other 3 corners of the 47th Street S – Meridian intersection have been zoned for commercial development since the late 1950’s. There are examples of other intersections in the area that were rezoned commercial nodes in the late 1950’s and have subsequently been developed for commercial use. The character of the immediate neighborhood is scattered residential, manufactured housing and playing/soccer fields.
2. The suitability of the subject property for the uses to which it has been restricted: The balance of the applicant’s property is already zoned “LC” Limited Commercial. Approving the applicant’s request to rezone the 20-foot x 550-foot strip to be the same zoning, “LC”, as the rest of his property on this corner will make it easier to develop this site. Because of the size and configuration of the 20-foot x 550-foot strip, keeping it zoned SF-5 makes it impossible to develop.
3. Extent to which removal of the restrictions will detrimentally affect nearby Property: Any detrimental affects would be mitigated by the required development standards required by the UZC.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The applicant is bringing a 20-foot x 550-foot strip of his property into the same zoning as the rest of his property, which was designated for commercial use/zoning by in the late 1950’s by the City of Wichita. The current land use map recognizes this site as appropriate for

commercial zoning.

5. Impact of the proposed development on community facilities: The impact of this development on the community facilities will be minimal.