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Planning Agenda Item # _____

City of Wichita
City Council Meeting
August 12, 1997

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3220 - THE LUTHERAN CHURCH (PROPERTY OWNER); ELMER KARSTENSEN (AGENT); TERRY SMYTHE, BAUGHMAN COMPANY (AGENT), REQUEST ZONE CHANGE FROM "B" MULTI-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL AND "GO" GENERAL OFFICE, LOCATED NORTH OF KELLOGG, EAST OF EDGEMOOR.

(DISTRICT #2)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to replatting within 1 year (10-1).

CPO Recommendation: No recommendation made (2/11/97).

Staff Recommendation: Approve, subject to platting within 1 year, and the additional provisions of a Protective Overlay.

Background: The applicant requests a zone change from "B" Multi-Family Residential to "LC" Limited Commercial and "GO" General Office on a platted 4.54 acre lot located in an area north of Kellogg, east of Edgemoor. The application indicates the change in zoning for commercial and office development.

The concept plan as submitted, shows the property developing with six parcels ranging in size from 1.61 acres to 0.47 acres. The entire site will be restricted under a proposed Protective Overlay that addresses permitted uses, architectural controls, screening and landscaping, access control, lighting, and signage.

Parcel 1 (1.61 acres) is located in the southwest corner of the application area and is to be rezoned to "LC". Parcel 1 is shown to have two openings to Edgemoor and a future opening to the proposed frontage road, with complete access control to the surrounding parcels. Parcels 2 and 3 (0.95 acres total) will be rezoned to "GO" and will share an opening to Lexington to the north with complete

access control to the surrounding parcels. Parcels 4 through 6 (1.85 acres total) will share one opening to Lexington, one opening to Ridgecrest (to be located in an un-intrusive manner as possible for the residences to the east), and one opening to the proposed frontage road.

The southern 150 feet of this property has been sold to the City as part of the Kellogg expansion and is not included in the rezone. The intersection of Kellogg and Edgemoor is the ending point of the first phase of the expressway. No improvements to Edgemoor are scheduled as part of that project, and the City will not extend a frontage road between Edgemoor and Ridgecrest. The second phase of the Kellogg project, which is not now scheduled for construction, will bring the main lanes of Kellogg under Edgemoor, with a frontage road across the southern property line, and will allow the subject property several points of access to that frontage road.

The site currently has a paved parking area in the southern portion of the application area with an access drive to Edgemoor and Ridgecrest. There is a median break that allows left-turns from the property. Plans for the Kellogg project calls for this median break to be closed in the future, creating a solid median up to Lexington.

The area is characterized by a mix of zoning districts and uses. East of the subject property is single-family residential uses on property zoned "SF-6" and "TF-3". The Wichita Police Department substation and the Girl Scout Council Service Center is located to the north of the application area on property zoned "SF-6" & "GO". Across Edgemoor to the west is the Veterans Administration hospital on property zoned "GO". Across Kellogg to the south is the location of Western Auto and various other commercial businesses on property zoned "LC".

This case was originally scheduled to be heard by the MAPC on February 13, 1997 but was deferred until the March 13, 1997 MAPC hearing due a change in the agent representing the case. The new agent requested another deferral until the April 10, 1997 MAPC hearing in order to discuss the development plans with the neighborhood, as well as work with the neighborhood to release the subject property from a private restrictive covenant that currently controls development on the site. The applicants failed to come to terms with the area residents on rewriting the private restrictive covenant by the April 10, 1997 MAPC hearing, and the item was again deferred for three months.

During the Planning Commission's discussion of this matter on July 17, 1997, the agent for the applicant stated that the three-month deferral of the request resulted in the creation of a new private restrictive covenant that will control the development of the property. Representatives of the neighborhood spoke in favor of the proposed covenant and, along with the agent, agreed that it would serve the area residents better than staff's recommended protective overlay.

After discussion, the MAPC voted (10-1) to approve the request, subject to replatting the property within one year, as recommended by staff. There is one property owner protesting the request.

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-3220

Zone change request from "B" Multi-Family Residential District to "LC" Limited Commercial District and "GO" General Office District, described as:

"LC" Limited Commercial:

Lot 6, Village Square Addition, Wichita, Sedgwick County, Kansas. Generally located north of Kellogg, east of Edgemoor.

"GO" General Office:

Lots 1 - 5, Village Square Addition, Wichita, Sedgwick County, Kansas.. Generally located north of Kellogg, east of Edgemoor..

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.