

Planning Agenda Item # _____

City of Wichita
City Council Meeting
August 25, 1998

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3284 JEFF BANNON, 946 NORTH WEST STREET, WICHITA KS (APPLICANT) PEC, PA % GARY WILEY, 303 S. TOPEKA, WICHITA, KS. REQUESTS ZONE CHANGE FROM "GO" GENERAL OFFICE TO "NR" NEIGHBORHOOD RETAIL ON 0.64 ACRES & REMOVAL OF RESTRICTIVE COVENANTS 1.47 ACRES ON THE "LC" LIMITED COMMERCIAL OF LOT 2, LOCATED APPROXIMATELY 1,100 FEET SOUTH OF HARRY ON THE WEST SIDE OF WEBB ROAD.(DISTRICT #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to CPO recommendations (6-5).

Staff Recommendation: Approve, subject to the additional provisions of a Protective Overlay.

CPO Recommendation: Approve, subject to recommendations (6-1).

Background: The applicant requests a zone change from "GO" General Office to "NR" Neighborhood Retail on Lot 1, and the removal of the restrictive covenants on Lot 2, in the Caliendo 11th Addition, so he can develop the site with those uses permitted in the "LC" Limited Commercial District and the Neighborhood Retail District. The restrictive covenants currently limits uses on Lot 2 to a car wash or general office uses.

This property has remained undeveloped since it was zoned "BB" and platted in 1990. North of the property is a vacant lot and a MacDonald's. West of the property is single-family homes and construction for an office building, east is a church and south is a single-family residence.

Planning Staff recommended approval subject to three provisions in a Protective Overlay: 1) limiting the southern portion of Lot 2 to "NR" uses and signage, like Lot 1; 2) limiting access and granting easements so that in the future, the lots to the north and south of these two lots can share access and:

3) provide a guarantee to participate in extending a left turn lane on Webb Road south to these lots with the future widening project. CPO2 and the MAPC voted to approve the zoning subject to the 1st and 3rd provisions, which were acceptable to the applicant, but not to the 2nd provision, which was not acceptable to the applicant.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay, approve removal of existing Restrictive Covenant on Lot #2 Caliendo 11th Addition, and place the ordinance on first reading but withhold publication until the applicant submits a petition for street improvement acceptable to the City Engineer; 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 N.O. _____

FILE COPY

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 I. 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- 3284

Zone change request from "GO" General Office to "NR" Neighborhood Retail District on Lot 1, Caliendo 11th Addition, Wichita, Sedgwick County, Kansas;

AND

Removal of restrictive covenants on Lot 2, Caliendo 11th Addition, Wichita, Sedgwick County, Kansas; Generally located approximately 1,100 feet south of Harry and on the west side of Webb Road.

AND

Establishment of Protective Overlay #41, on Lots 1 & 2 Caliendo 11th Addition, Wichita, Sedgwick County, Kansas.

1. Complete access control to Webb Road shall be maintained except for the north 60 feet of Lot 2 and the south 60 feet of Lot 1.
2. The owner of Lot 1 shall allow access between his driveway opening and the lot abutting to the south of Lot 1.
3. The owner of Lot 2 shall allow between his driveway opening and the lot abutting to the north of Lot 2.

4. The south 57.5 feet of Lot 2 shall be limited to those uses and signs permitted on properties zoned "NR" Neighborhood Retail district.

... **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