

Agenda Item # _____

City of Wichita
City Council Meeting
March 7, 2000

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: **Z-3351 - REQUEST FOR ZONE CHANGE FROM "TF-3" TWO-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL, LOCATED NORTH OF KELLOGG AND WEST OF WOODCHUCK.** (District #V)

INITIATED BY: Metropolitan Area Planning Department *W. K. K. K.*

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to the provision of a Protective Overlay (P-O) (13-0).

Staff Recommendation: Approve the request to expand "LC" zoning, subject to the provisions of a (P-O) Protective Overlay.

Background: The applicant requests a zone change from the "TF-3" Two-Family Residential zoning district to the "LC" Limited Commercial zoning district for the 0.55-acre platted Lots 4 and 5, of the Carriage House Plaza Addition located west of Woodchuck and south of Hendryx Lane. The application area is to be used, along with the "LC" zoned property adjacent to the south, for the future home of the Stone Mountain Carpet Mill Store, which will be re-locating from their present location because of the reconstruction of the Kellogg-Tyler intersection.

The two lots directly to the west were recently rezoned to "LC" Limited Commercial in conjunction with a Conditional Use to allow outdoor display for Ultra Modern Pool and Patio (different applicant). The MAPC approved a Protective Overlay (PO) on these two lots to provide additional buffering for the residents to the north. This PO required a masonry wall to be built along the 25-foot building setback line along Hendryx and additional landscaping within the 25-foot building setback and north of the masonry wall. For consistency with the property to the west and the commercial development in this area, a PO, which includes the restriction of access along Hendryx, should be attached to the subject property.

The properties surrounding the application area are zoned "LC" Limited Commercial to the west, south, and east. The property to the west will be used for pool and patio sales

and the property to the east is currently used for financial services. The property to the south is currently vacant, but will be used in conjunction with the subject lots for general retail sales. The lots to the north are zoned "SF-6" Single-family residential and used for residential uses.

MAPC heard this case on January 27, 2000 and recommended approval 13-0, subject to the recommended Protective Overlay. No citizens were present at the MAPC hearing to speak in favor or against this request.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District; 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.)

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() Published in The Daily Reporter on MAR 24 2000

ORDINANCE NO. 44-502

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.-3351

Request for zone change from "TF-3" Two-Family Residential to "LC" Limited Commercial and "P-O" Protective Overlay District #64 on property described as:

Lots 4 & 5, Block 1, Carriage House Plaza Addition, Sedgwick County, Kansas.
Generally located north of Kellogg and west of Woodchuck.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

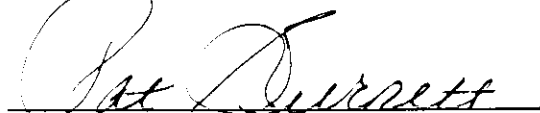
- A. A masonry wall shall be constructed along the 25-foot building setback line of Hendryx Street.
- B. Landscaping shall be planted on the north side of the wall at the rate of at least the equivalent of 1 shade tree or 2 ornamentals or 10 shrubs per 30 feet where across the street from "SF-6" zoning.
- C. There shall be no points of access along the Hendryx frontage.

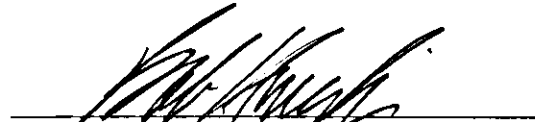
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

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, MAR 22 2000

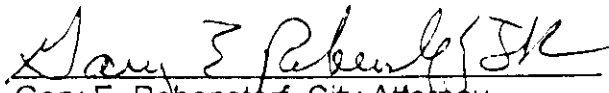
ATTEST:


Pat Burnett, City Clerk


Bob Knight, Mayor

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney

