

City of Wichita
City Council Meeting
September 9, 2003

Agenda Report No.

TO: Mayor and City Council

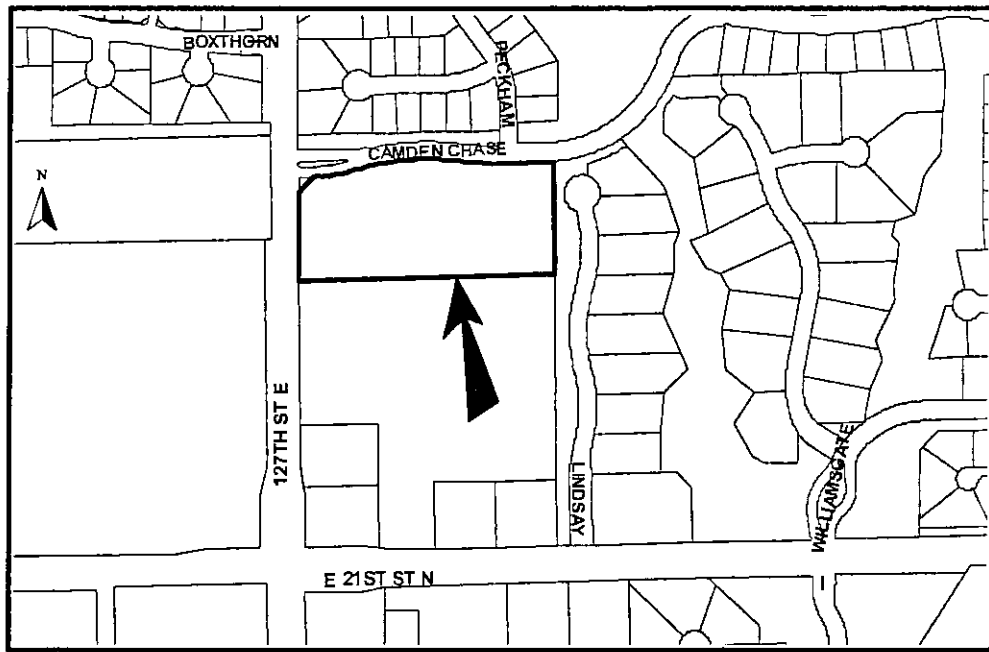
SUBJECT: CUP2003-38 (Associated with ZON2003-37) – Amendment #2 to DP238-Twenty First Growth Commercial C.U.P. and a Zone Change from “MF-18” Multi-family Residential to “LC” Limited Commercial. Generally located north of 21st Street North and east of 127th Street East. (District II)

INITIATED BY: Metropolitan Area Planning Department *JVS*

AGENDA: Planning

MAPC Recommendation: Approve (11-0)

Staff Recommendation: Approve.



BACKGROUND: The applicant is requesting that Parcel 1 be rezoned from "MF-18" Multi-family Residential to "LC" Limited Commercial. Parcel 1 is located on the south side of Camden Chase, a residential collector street and on the east side of 127th Street East and north of 21st Street North.

The C.U.P. would prohibit adult entertainment, tattoo parlors, taverns, drinking establishments and night clubs on Parcel 1. The C.U.P. proposes setbacks of 35 feet along 127th Street East and Camden Chase, and a setback of 35 feet abutting with a masonry wall along the east property line abutting a reserve area for Hawthorne Addition. Maximum building coverage and gross floor area are requested as 30 percent. Maximum building height would be 35 feet. A 15-foot landscape buffer would be provided along Camden Chase. The 35-foot setback in conjunction with the masonry wall on the east property line and the 15-foot landscape buffer were added after discussions with staff concerns about adequate separation between the proposed commercial uses for Parcel 1, and the low density residential development planned for the adjacent tracts. Also, restrictions on use were added to prohibit auto-related uses, overhead doors facing residential zoning districts, limit the size of a single use to 8,000 square feet for general retail and 2,000 square feet for restaurants and prohibit drive-thru restaurants. Based on the increase in use restrictions, buffers and setbacks, staff revised its original recommendation to retain a buffer of "GO" General Office zoning along Camden Chase to a revised recommendation of "LC" for all of Parcel 1 (See revised staff report).

The property directly to the west was rezoned from "SF-5" Single-family Residential to "MF-18", effective June 23, 2003. It is currently undeveloped but platted for multi-family use. Church of the Magdalen is located to the southwest. Single-family residential is located to the northwest, the north and the west of the application area. The area to the south is approved for commercial use but currently is vacant.

Four-Mile Creek flows along the eastern edge of the parcel.

At the MAPC meeting held August 7, 2003, no members of the public were present to speak. MAPC voted (11-0) to recommend approval of subject to the following conditions:

1. Uses for Parcel 1 shall be restricted to those uses permitted by-right and that all auto-related uses (vehicle repair, limited; car wash; service station, convenience store, etc.), and overhead doors facing residential zoning be prohibited. Retail uses would be restricted to no single use greater than 8,000 square feet, and restaurants would be subject to the restrictions of Article III-D.6.t., which limits their size to 2,000 square feet and prohibits drive-thru lanes.
2. A revised drawing with a 35-foot building setback line along the east side of Parcel 1, and a landscape buffer of 15 feet to be shown along the north line of Parcel 1.
3. Access shall be adjusted to allow no access on Parcel 1 unless the access point on the northern edge of Parcel 2 is replaced by an access opening on Parcel 1 aligned with the drive opening on the property to the west.
4. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
5. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

6. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

RECOMMENDED ACTION:

1. Concur with the findings of the MAPC and approve the zone change and CUP amendment, subject to the recommended conditions; approve first reading of the zone change ordinance; 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.)

Print
Qued 9-9-03
OK to Pub

(150004) Published in The Derby Reporter on SEP 16 2003
ORDINANCE NO. 45-795

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. ZON2003-00037

Request for zone change from "MF-18" Multi-family Residential to "LC" Limited Commercial on property described as:

Lot 1, Block 6, Hawthorne Addition, Wichita, Sedgwick County, Kansas. Generally located north of 21st Street North and east of 127th Street East.

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.

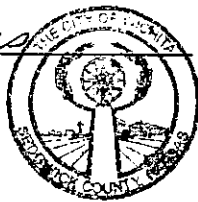
ADOPTED AT WICHITA, KANSAS, 9-16-03

Carlos Mayans
Carlos Mayans, Mayor

ATTEST:

Pat Graves
Pat Graves, City Clerk

(SEAL)



Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney