

BACKGROUND: The applicants are seeking "Limited Commercial" zoning on a platted lot located approximately 100 feet south of west Central, and east of Baehr. The lot is .16 acre in size. The applicants own the land located immediately to the north of the application area that is already zoned "LC." This northern tract has frontage along Central. The applicants seek to incorporate the application area with the "LC" land located to the north to create a larger commercial site that would accommodate a larger retail center. The combined site would be approximately 20,000 square feet. No specific users for the site have been identified, however 30 percent of the site developed with retail uses could generate 252 average daily trips. The seller of the land to the applicants is also the owner of the single-family lot located immediately south of the application area.

The properties located to the north and east are zoned "LC" Limited Commercial. The northern tract is vacant, while the eastern tract developed with a retail establishment. The southern boundary of the "LC" tract located to the east extends 50 feet further south than the applicant's property. To the west, the "GO" zoning stops at the northern boundary of the application area. Land to the south and west is zoned "SF-5" Single-family Residential, and is developed with residences.

Analysis: The Metropolitan Area Planning Commission reviewed this case on June 10, 2004, and recommended approval, subject to three conditions: a.) Submission of a no protest petition for the paving of Baehr; b.) Submission of a recorded instrument that ties the application area with the applicant's property to the north so the application area cannot be sold separately from the applicant's property to the north and c.) Dedication by separate instrument of a cross-lot access easement between the application area and the applicant's property to the north. No one spoke in opposition to the request.

Financial Considerations: None.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: It is recommended that the Council

1. Concur with the findings of the MAPC and approve the zone change subject to the recommended conditions; approve first reading of the ordinance establishing the zone change; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the membership of the governing body on the first reading.)

Agenda Item No. _____

City of Wichita
City Council Meeting
July 13, 2004

Agenda Report No. _____

TO: Mayor and City Council

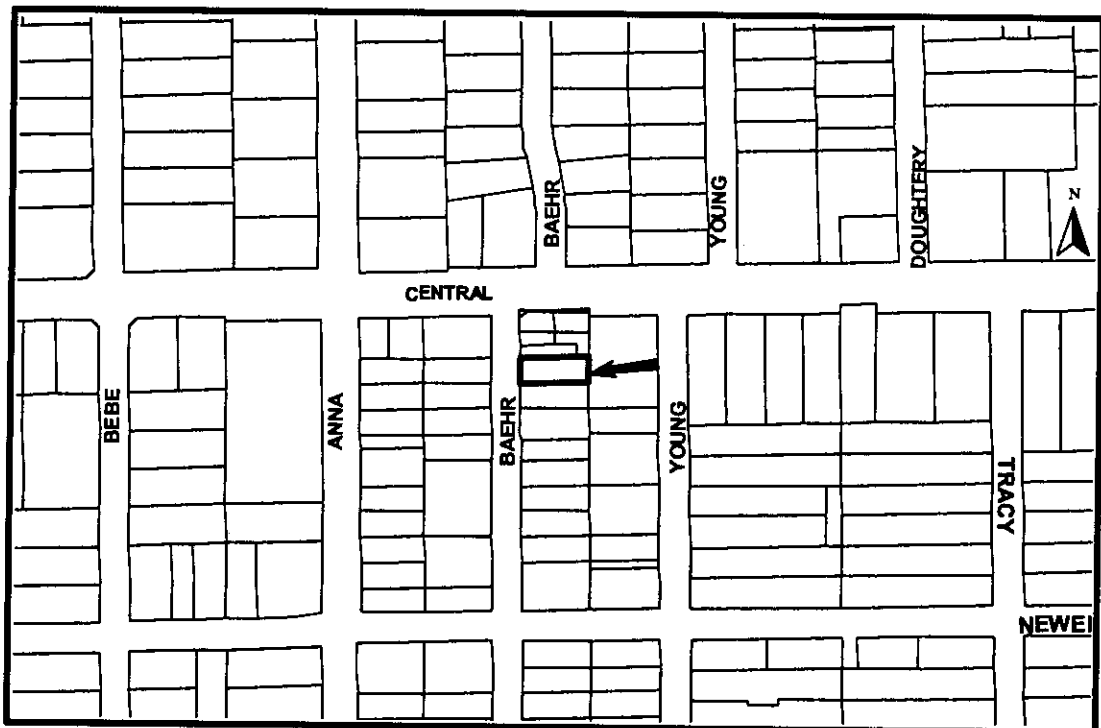
SUBJECT: ZON2004-00028 – Zone change from “SF-5” Single-family Residential to “LC” Limited Commercial. Generally located approximately 100 feet south of west Central, east of Baehr (640 North Baehr). (District IV)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to conditions. (11-0)

MAPD Staff Recommendations: Approve.



(150004) Pub' ed in The Wichita Eagle on 7-23-04
ORDINANCE NO. 46-218

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. ZON2004-00028

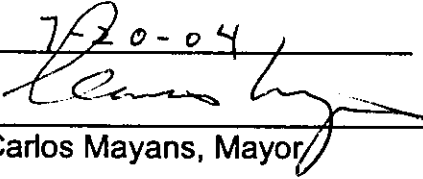
Request for zone change from "SF-5" Single-family Residential to "LC" Limited Commercial on property described as:

Lot 22, Block 1, Orchard Park Addition. Generally located approximately 100 feet south of west Central, east of Baehr. (640 N. Baehr)

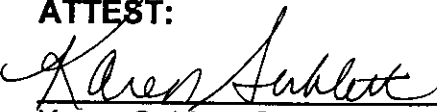
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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, 7-20-04


Carlos Mayans, Mayor

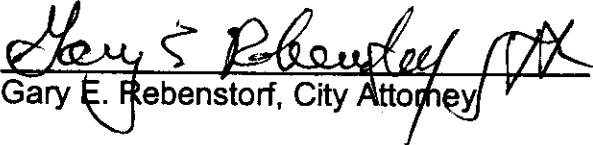
ATTEST:


Karen Sublett, City Clerk



(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney