

Agenda Item # _____

City of Wichita
City Council Meeting
June 5, 2001

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2001-00029 -- ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL & "LC" LIMITED COMMERCIAL TO "LC" LIMITED COMMERCIAL AND "SF-5" SINGLE-FAMILY RESIDENTIAL, LOCATED ON THE SOUTHWEST CORNER OF 45TH STREET NORTH AND OLIVER. (District #1)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within 1 year (13-0).

DAB Recommendation: Approve, subject to platting within 1 year (7-0).

Staff Recommendation: Approve, subject to platting within 1 year.

Background: The applicant requests a zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial on a 3.1 acre unplatted tract and from "LC" Limited Commercial to "SF-5" Single-Family Residential on an adjoining 4.5 acre unplatted tract. Both tracts are located at the southwest corner of 45th Street North and Oliver. A plat (SUB2000-00109: Eagles Landing at North Oliver) that includes the property requested for rezoning is scheduled to heard by the MAPC at the same hearing as the rezoning request.

The southwest corner of 45th Street North and Oliver contains a 7.5 acre tract of "LC" Limited Commercial zoning; however, an east-west drainage way bisects the existing commercial tract. The applicant is proposing to locate commercial uses north of the drainage way and single-family residences south of the drainage way; therefore, the applicant is proposing to "down zone" 4.5 acres to "SF-5" Single-Family Residential for use as a drainage reserve and single-family lots. In exchange, the applicant is requesting 3.1 acres of "LC" Limited Commercial zoning north of the drainage way along the site's frontage to 45th Street North.

The surrounding area is located on the urban fringe of the Wichita metropolitan area, with most of the land in the area still used for agriculture. With the exception of a 6.3 acre undeveloped tract at northwest corner of 45th Street North and Oliver that is zoned "LC" Limited Commercial, the properties north, south, and west of the site are zoned "SF-5" Single-Family Residential and are undeveloped. The properties east of the site are located within the City of Bel Aire and are developed with single-family residences.

At the MAPC hearing on May 10, 2001, there were no speakers, other than the applicant, for or against the request. The MAPC voted (13-0) to approve the request subject to platting the property within one year.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting within one year; 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 2/3 majority vote of the membership of the governing body on the first hearing.)

() Published in The Wichita Eagle 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 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. ZON2001-00029

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

Legal Description - "SF-5" TO "LC"

Beginning at the NE corner of the NE 1/4 of Sec. 26, Twp. 26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas; thence westerly along the north line of said NE 1/4 to the NW corner of the E 1/2 of said NE 1/4; thence southerly along the west line of the E 1/2 of said NE 1/4, 245.25 feet; thence easterly with a deflection angle to the left of 90B00'00" to a point on the east line of said NE 1/4 said point being 252.46 feet south of the NE corner of said NE 1/4; thence northerly along the east line of said NE 1/4, 252.46 feet to the point of beginning, EXCEPT the east 600.00 feet thereof, subject to road rights-of-way of record.

Legal Description - "LC" TO "SF-5"

That part of the NE 1/4 of Sec. 26, Twp. 26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the NE corner of said NE 1/4; thence southerly along the east line of said NE 1/4, 252.46 feet for a point of beginning; thence continuing southerly along the east line of said SE 1/4 347.54 feet to a point 600.00 feet normally distant south of the north line of said NE1/4; thence westerly parallel with the north line of said NE1/4, 600.00 feet; thence northerly parallel with the east line of said NE1/4, 350.80 feet to a point 249.20

feet normally distant south of the north line of said NE 1/4; thence easterly with a deflection angle to the right of 90 degrees 12'34", 600.00 feet to the point of beginning, subject to road rights-of-way of record. Generally located on the southwest corner of 45th Street North and Oliver.

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



AGENDA ITEM NO. 18

STAFF REPORT

DAB I May 7, 2001

MAPC May 10, 2001

CASE NUMBER: ZON2001-00029

APPLICANT/AGENT: Leewood Homes c/o Joe Lee (Owner/Applicant); Baughman Company, P.A. c/o Phil Meyer (Agent)

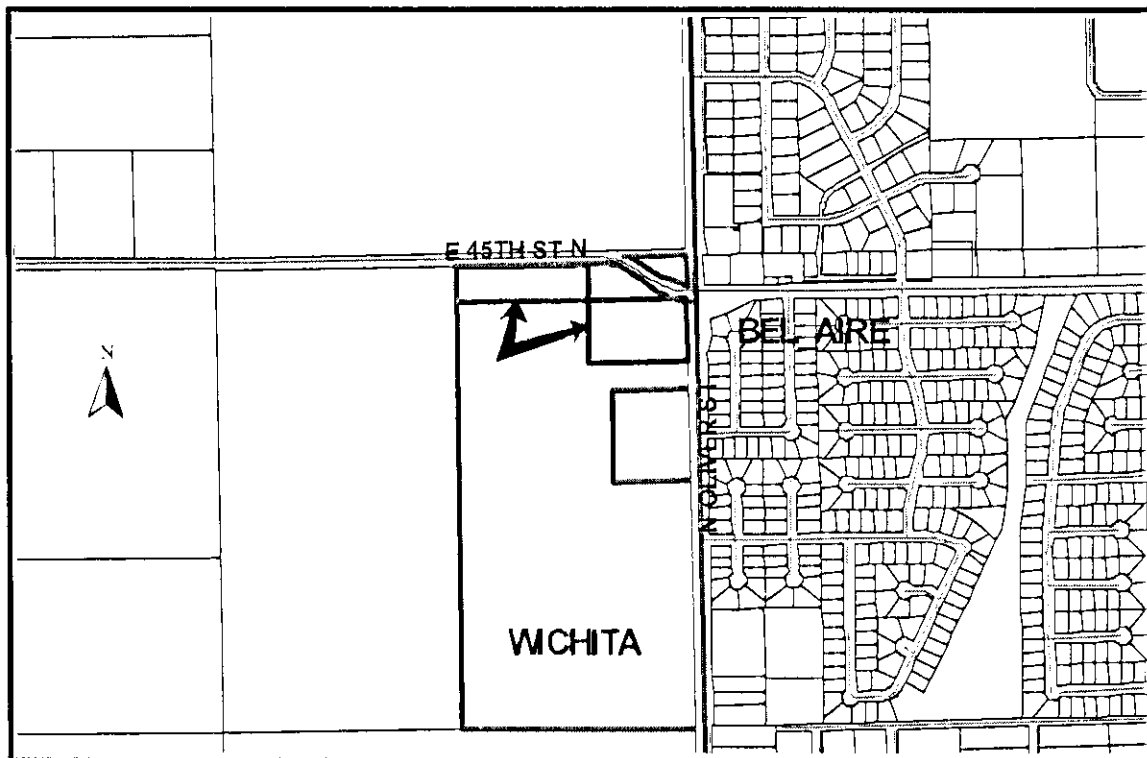
REQUEST: "LC" Limited Commercial & "SF-6" Single-Family Residential

CURRENT ZONING: "SF-6" Single-Family Residential & "LC" Limited Commercial

SITE SIZE: 7.6 acres

LOCATION: Southwest corner of 45th Street North and Oliver

PROPOSED USE: Commercial and single-family residential



FILE COPY

BACKGROUND: The applicant requests a zone change from "SF-6" Single-Family Residential to "LC" Limited Commercial on a 3.1 acre unplatted tract and from "LC" Limited Commercial to "SF-6" Single-Family Residential on an adjoining 4.5 acre unplatted tract. Both tracts are located at the southwest corner of 45th Street North and Oliver. A plat (SUB2000-00109: Eagles Landing at North Oliver) that includes the property requested for rezoning is scheduled to heard by the MAPC at the same hearing as the rezoning request.

The southwest corner of 45th Street North and Oliver contains a 7.5 acre tract of "LC" Limited Commercial zoning; however, an east-west drainage way bisects the existing commercial tract. The applicant is proposing to locate commercial uses north of the drainage way and single-family residences south of the drainage way; therefore, the applicant is proposing to "down zone" 4.5 acres to "SF-6" Single-Family Residential for use as a drainage reserve and single-family lots. In exchange, the applicant is requesting 3.1 acres of "LC" Limited Commercial zoning north of the drainage way along the site's frontage to 45th Street North.

The surrounding area is located on the urban fringe of the Wichita metropolitan area, with most of the land in the area still used for agriculture. With the exception of a 6.3 acre undeveloped tract at northwest corner of 45th Street North and Oliver that is zoned "LC" Limited Commercial, the properties north, south, and west of the site are zoned "SF-6" Single-Family Residential and are undeveloped. The properties east of the site are located within the City of Bel Aire and are developed with single-family residences.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6" & "LC"	Undeveloped
SOUTH:	"SF-6"	Undeveloped
EAST:	Bel Aire	Single-family
WEST:	"SF-6"	Undeveloped

PUBLIC SERVICES: The site has access to 45th Street North and Oliver, both of which are two-lane arterial streets. The traffic volume on 45th Street North is approximately 5,600 vehicles per day. The 2030 Transportation Plan estimates that the traffic volume on 45th Street North will increase to approximately 13,000 vehicles per day. The traffic volume on Oliver is approximately 3,800 vehicles per day. The 2030 Transportation Plan estimates that the traffic volume on Oliver will increase to approximately 6,250 vehicles per day. Public water and sewer are available to be extended to the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for “Industrial” development; however, the owner over 1,000 acres of the surrounding property has indicated to planning staff that their intended use for the eastern portion of the property in the area is primarily for residential and commercial uses rather than industrial uses. Also, USD 259 is expected to accept the dedication of 40 acres in this area to construct a new school. Since the proposed uses of the subject property are consistent with the intended uses of the surrounding property and are less intensive than the industrial uses recommended by the Land Use Guide, the proposed uses are found to be consistent with the Comprehensive Plan.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is located on the urban fringe of the Wichita metropolitan area, with most of the land in the area still used for agriculture. With the exception of a 6.3 acre undeveloped tract at northwest corner of 45th Street North and Oliver that is zoned “LC” Limited Commercial, the properties north, south, and west of the site are zoned “SF-6” Single-Family Residential and are undeveloped. The properties east of the site are located within the City of Bel Aire and are developed with single-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned “LC” Limited Commercial and “SF-6” Single-Family Residential and is suitable for the uses for which it has been restricted. Since the nature of the zone change request is to relocate the commercially and residentially zoned portions of the property to better accommodate the natural features of the land, the suitability of the subject property for the uses to which it has been restricted will be improved by the requested zone change.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance, which should limit noise, lighting, and other activity from adversely impacting surrounding residential areas. Additionally, the subject property is separated from existing residential properties to the east by an arterial street, which should further limit detrimental affects on nearby properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for "Industrial" development; however, the owner over 1,000 acres of the surrounding property has indicated to planning staff that their intended use for the eastern portion of the property in the area is primarily for residential and commercial uses rather than industrial uses. Also, USD 259 is expected to accept the dedication of 40 acres in this area to construct a new school. Since the proposed uses of the subject property are consistent with the intended uses of the surrounding property and are less intensive than the industrial uses recommended by the Land Use Guide, the proposed uses are found to be consistent with the Comprehensive Plan..
5. Impact of the proposed development on community facilities: Community facilities should not be adversely impacted.