

Agenda Item # _____

City of Wichita
City Council Meeting
July 10, 2001

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2001-00034 - ZONE CHANGE FROM "LC"
LIMITED COMMERCIAL TO "SF-5" SINGLE-FAMILY
RESIDENTIAL, LOCATED APPROXIMATELY 400
FEET NORTH AND EAST OF ROCK ROAD AND 45TH
STREET NORTH. (District #II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (10-0).

Staff Recommendation: Approve.

Background: The application area is an upside down "L" shaped tract containing 4.21 acres that is located approximately 400 feet north and 400 feet east of the intersection of Rock Road and 45th Street East. The application area is zoned "LC" Limited Commercial, but has been platted for single-family use as part of Sawmill Creek Addition. The "LC" zoning was established in the early 1960's as part of the old checkerboard pattern of 600 foot by 600 foot (including road right-of-way) sized parcels located at the intersection of section line roads. The property owner has chosen to utilize only a 350 feet by 350 feet sized "LC" parcel, leaving the remaining 200 feet of "LC" zoned land to be platted for residential uses. As shown on the attached map, this layout leaves "LC" zoned single-family lots located across the street from predominately "SF-5" zoned lots. The "LC" district permits residential uses, however this layout creates the likelihood for a very undesirable mix of incompatible uses, traffic patterns, setback arrangements and screening requirements since the developer has not enacted a set of private covenants to privately address this issue. This situation also would leave streets developed at local residential street standards to serve commercially zoned lots. All of the lots within the application area are still under single ownership and the owner is agreeable to the zone change.

Abutting land is zoned either "SF-5" Single-family Residential or "LC" Limited Commercial or "LI" Limited Industrial. The "LC" zoned land is part of a retail

commercial corner that is part of the applicant's overall development plan. Land south of 45th Street is vacant while land to the west of Rock is vacant.

MAPC heard this request on June 7, 2001, and recommended approval 10-0. No one spoke in opposition.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change; 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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Eagle

() Published in The Wichita Eagle on JUL 21 2001

ORDINANCE NO. 45-012

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. ZON2001-00034

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

ZONE CHANGE FROM LC TO SF-5

That part of the SW 1/4 of Sec. 20, Twp. 26-S, R-2-E of the 6th P.M., Sedgwick County, Kansas, described as commencing at the S.W. Corner of said SW 1/4; thence N 01 degrees 02'36"W, along the west line of said SW 1/4, 400.13 feet; for a place of beginning, thence S 89 degrees 34'46"E, parallel with the south line of said SW 1/4, 400.13 feet; thence S 01 degrees 02'36"E, 400.13 feet to the south line of said SW 1/4; thence S 89 degrees 34'46"E, along the south line of said SW 1/4, 200.07 feet; thence N 01 degrees 02'36"W, 600.20 feet; thence N 89 degrees 34'46"W, 600.20 feet to the west line of said SW 1/4; thence S 01 degrees 02'36"E, along the west line of said SW 1/4, 200.07 feet to the place of beginning. Generally located approximately 400 feet north and east of Rock Road and 45th street North.

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.



STAFF REPORT

MAPC 6/7/01

CASE NUMBER: ZON2001-00034

OWNER/APPLICANT: Samuel J. Silver (owner); City of Wichita

AGENT: N/A

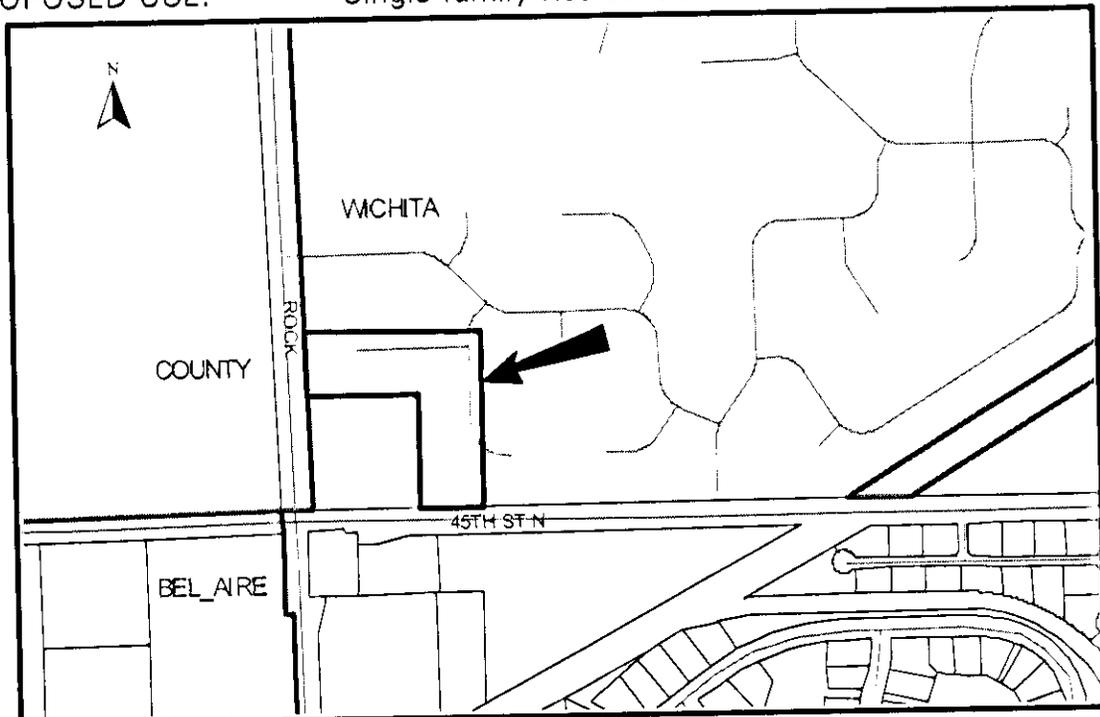
REQUEST: "SF-6" Single-family Residential

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 4.21 acres

LOCATION: Approximately 400 feet north and east of Rock Road and 45th Street North

PROPOSED USE: Single-family Residential



BACKGROUND: The application area is an upside down "L" shaped tract containing 4.21 acres that is located approximately 400 feet north and 400 feet east of the intersection of Rock Road and 45th Street East. The application area is zoned "LC" Limited Commercial, but has been platted for single-family use as part of Sawmill Creek Addition. The "LC" zoning was established in the early 1960's as part of the old checkerboard pattern of 600 foot by 600 foot (including road right-of-way) sized parcels located at the intersection of section line roads. The property owner has chosen to utilize only a 350 feet by 350 feet sized "LC" parcel, leaving the remaining 200 feet of "LC" zoned land to be platted for residential uses. As shown on the attached map, this layout leaves "LC" zoned single-family lots located across the street from predominately "SF-5" zoned lots. The "LC" district permits residential uses, however this layout creates the likelihood for a very undesirable mix of incompatible uses, traffic patterns, setback arrangements and screening requirements since the developer has not enacted a set of private covenants to privately address this issue. This situation also would leave streets developed at local residential street standards to serve commercially zoned lots. All of the lots within the application area are still under single ownership and the owner is agreeable to the zone change.

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VACANT

CASE HISTORY: Sawmill Creek Addition was recorded January 25, 2001.

ADJACENT ZONING AND LAND USE:

- NORTH: "SF-5" Single-family Residential; vacant but platted for single-family residential use
- SOUTH: "LI" Limited Industrial; vacant,
- EAST: "SF-5" Single-family Residential; vacant but platted for single-family residential
- WEST: "LC" Limited Commercial; vacant

PUBLIC SERVICES: Sewer and water are available. Rock Road and 45th Street at this location are shown on the 2030 Transportation Plan as two-lane arterials.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" depicts this site as appropriate for low-density residential uses. The category provides for the lowest density of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivisions and planned

developments with a mix of housing types. This category also permits schools, churches and other similar uses are also permitted in this category.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED. This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The area is a mix of developed, developing and vacant land uses. There is an existing metal building (contractor), cemetery, oil storage tanks, and duplex homes under construction. There are a variety of zoning districts present ranging from single family through limited industrial.
2. The suitability of the subject property for the uses to which it has been restricted. The "LC" Limited Commercial district permits a wider range of uses and intensity of uses than is appropriate for a lot layout featuring urban density residential lots served by streets developed with residential street standards and residential setbacks.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: No negative impacts to nearby property are identified.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The request is consistent with the plan's recommendation for low-density residential use.
5. Impact of the proposed development on community facilities: None identified.