

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. ZON2016-00039

City zone change from SF-5 Single-Family Residential and NR Neighborhood Retail to LC Limited Commercial subject to Protective Overlay #310; described as:

Parcel 1:

A portion of the following: Lots 1 and 2, Chappelle Addition, Wichita, Sedgwick County, Kansas more particularly described as beginning at the northeast corner of Lot 1, Quiktrip 2nd Addition, Wichita, Sedgwick County, Kansas; thence S87°55'09"W, along the north line of Lot 1 in said Quiktrip 2nd Addition, and along the south line of Lots 1 and 2 in said Chappelle Addition, 185.39 feet to the southwest corner of Lot 1 in said Chappelle Addition, and the northwest corner of Lot 1 in said Quiktrip 2nd Addition; thence N03°47'51"W, along the west line of Lot 1 in said Chappelle Addition, 120.02 feet to the northwest corner of Lot 1 in said Chappelle Addition, and to a point in the south line of Lot 2 Park Acres Addition, Sedgwick County, Kansas, said point is 8.35 feet east of the southwest corner of Lot 2 in said Park Acres; thence N87°55'09"E, along the south line of Lot 2 in said Park Acres and the north line of Lots 1 and 2 in said Chappelle Addition, 190.38 feet; thence S01°24'51"E, parallel with the east line of Lot 2 in said Chappelle Addition, 120.00 feet to the point of beginning.

Parcel 1 contains 22,519.0 Square Feet, or 0.517 Acres.

Parcel 2:

A portion of Lot 2, Park Acres Addition, Sedgwick County, Kansas, described as commencing at the southwest corner of said Lot 2; thence N87°55'09"E along the south line of said Lot 2, 8.35 feet to the point of beginning, said point of beginning also being the northwest corner of Lot 1, Chappelle Addition, Wichita, Sedgwick County, Kansas; thence continue N87°55'09"E, along the south line of Lot 2 in said Park Acres, and the north line of Lots 1 and 2 in said Chappelle Addition, 190.38 feet; thence N01°24'51"W, parallel with the east line of Lot 2 in said Park Acres, 33.00 feet; thence S87°54'06"W, 191.75 feet to a point in the east line of North Tyler Road right of way; thence S03°47'51"E, along the east line of North Tyler Road right of way, 32.95 feet to the point of beginning.

Parcel 2 contains 6,302.1 Square Feet, or 0.145 Acres

Protective Overlay #310 shall require landscaping along the north property line to be 1.5 times the required landscaping per the City of Wichita Landscape Ordinance.

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.

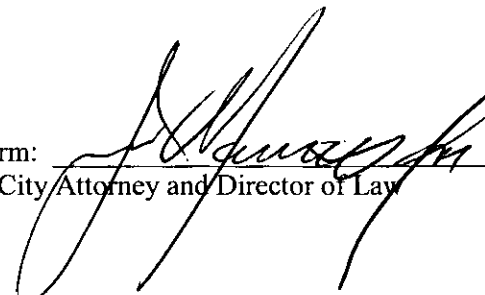
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form: 
Jennifer Magaña, City Attorney and Director of Law



AGENDA ITEM NO. 6

STAFF REPORT

MAPC October 6, 2016
DAB V October 3, 2016

CASE NUMBER: ZON2016-39

APPLICANT/AGENT: Holland Paving & Holland Ventures (George Holland)/ MKEC (Brian Lindebak)

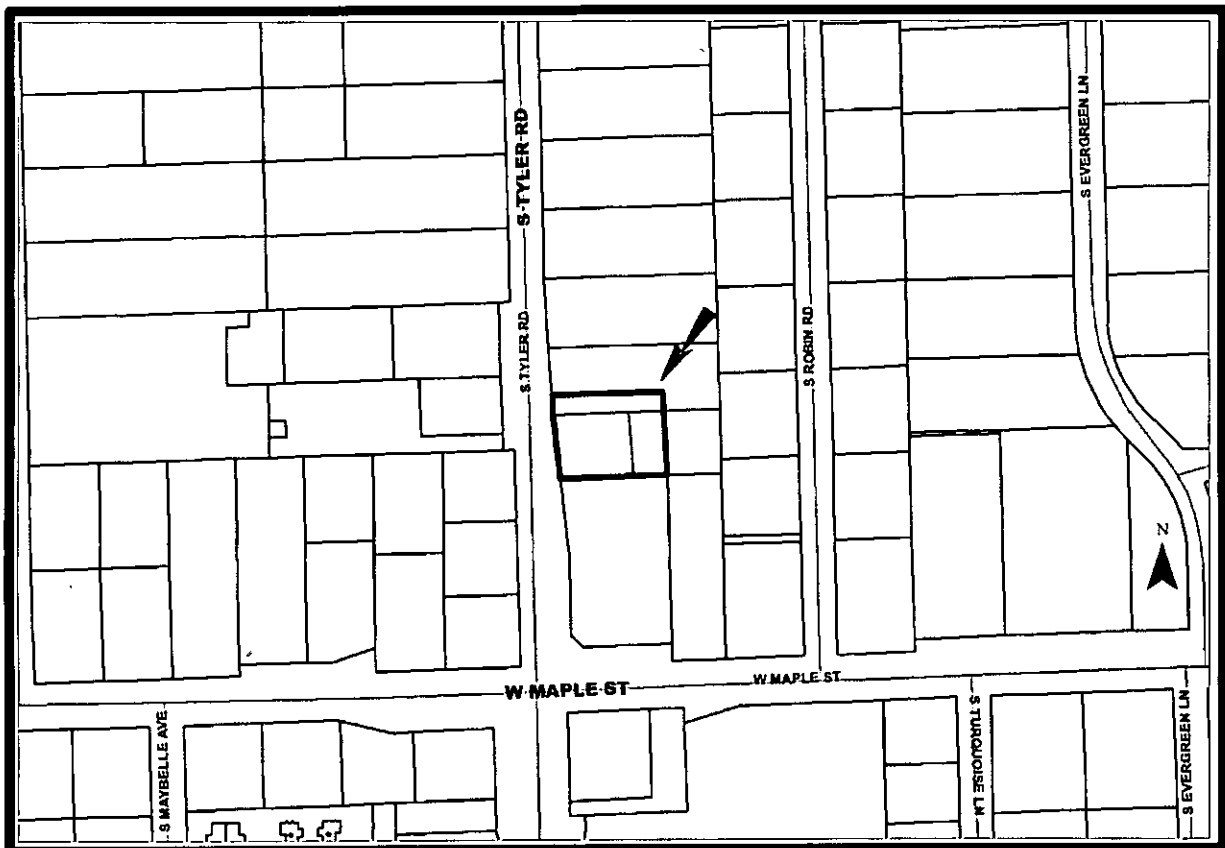
REQUEST: City zone change from SF-5 Single-Family Residential and NR Neighborhood Retail to LC Limited Commercial

CURRENT ZONING: SF-5 Single-Family Residential and NR Neighborhood Retail

SITE SIZE: 0.62 acre

LOCATION: Northeast corner of West Maple and South Tyler

PROPOSED USE: Limited Commercial Development



BACKGROUND: The subject site is located at the northeast corner of West Maple and South Tyler and is currently zoned Single-Family Residential and NR Neighborhood Retail to LC Limited Commercial. The requested change in zoning would allow the existing convenience store at the northeast corner of Maple and Tyler to expand.

Land to the north of the application area is zoned SF-5 Single-family Residential and is developed with single-family residences. Properties located to the east are zoned NR and SF-5. South of the subject site lots are zoned LC and developed with restaurant, warehouse/storage, convenience store and strip retail center. Property west of the site (across West Central), is zoned NR and LC.

CASE HISTORY: The expansion of LC zoning includes Lot 1, Chappelle Addition, which has an existing single-family residential structure built in 1952; Lot 2, Chappelle Addition, which is vacant; and approximately 6,330 square feet of the southwest corner of Lot 2, St. Park Acres Addition that is developed with a single-family residential structure.

ADJACENT ZONING AND LAND USE:

North:	SF-5	Single-family residence
South:	LC	Convenience Store, Retail Strip Center
East:	NR, SF-5	Vacant; Single-family residence
West:	LC	Restaurant, warehouse/storage

PUBLIC SERVICES: The site is served by municipal services. West Maple and South Tyler Road is a paved five-lane arterial intersection with dedicated turn lanes. West of the intersection the lanes reduce to four-lane paved street; north of the intersection reduces to four-lane paved street; east of the intersection remains four lanes; south of the intersection remains five-lane with turn access.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City limit. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential," encompassing areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality. In certain areas, especially those at major arterial intersections in proximity to existing residential uses, convenience retail centers likely will be developed. The locational guidelines indicate that expansion of existing uses to adjacent areas should be supported.

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 subject site is located at a major arterial intersection with LC zoning at all four corners surrounded by

residential zoning. At the northwest corner LC zoning extends 370 feet west and 630 feet north. The northeast corner has 415 feet LC frontage along Maple and 315 feet LC frontage along Tyler. The southwest corner has 575 feet LC frontage on Maple and 770 feet LC frontage on Tyler. The southeast corner has 550 feet LC frontage on Maple and 550 LC frontage on Tyler.

2. The suitability of the subject property for the uses to which it has been restricted: Impact on surrounding property due to the requested zone change should be minimal as there will be required solid screening between LC and SF-5 zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed zone change addresses expansion needs for the existing convenience store which has been at the northeast corner of Maple and Tyler since 1993. The requested changes should not detrimentally impact nearby property owners to any greater extent than the existing development.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request represents a gain to the public in that it contributes to the area's long term economic opportunity. The arterial intersection was designed to accommodate the proposed uses.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept Map indicates the area is appropriate for "residential" uses. In certain areas, especially those at major arterial intersections in proximity to existing residential uses, convenience retail centers likely will be developed. The locational guidelines indicate that expansion of existing uses to adjacent areas should be supported.
6. Impact of the proposed development on community facilities: Existing or proposed improvements are in place to address anticipated demands.