

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
June 9, 1998

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council Members

**SUBJECT:** DP-50 - AMENDMENT #1 MISCO INDUSTRIES, C/O HAROLD R. WHITE (APPLICANT/OWNER); BILL E. MESKER (APPLICANT/OWNER); TIM AUSTIN, AUSTIN MILLER (AGENT), REQUEST AMENDMENT TO THE CARRIAGE HOUSE CUP; AND

Z-3275 - MISCO INDUSTRIES, C/O HAROLD R. WHITE (APPLICANT OWNER); BILL E. MESKER (APPLICANT/OWNER); TIM AUSTIN, AUSTIN MILLER (AGENT), REQUEST ZONE CHANGE FROM "LC" LIMITED COMMERCIAL AND "SF-6" SINGLE-FAMILY RESIDENTIAL TO "GC" GENERAL COMMERCIAL AND "LC" LIMITED COMMERCIAL ON PROPERTY, LOCATED NORTH OF KELLOGG AND EAST OF TYLER ROAD,

(DISTRICT#5)

**INITIATED BY:** Metropolitan Area Planning Department



**AGENDA ACTION:** Planning

**MAPC Recommendation:** Approve zone change; and approve CUP, subject to conditions (10-0-1).

**Staff Recommendation:** Approve zone change; and approve CUP, subject to conditions.

**CPO Recommendation:** Approve, subject to staff comments (7-0).

**Background:** The applicants propose to amend the Carriage House Community Unit Plan (DP-50), located north of Kellogg and east of Tyler Road, in order to add approximately 10 acres into the existing 23.5 acre C.U.P., and revise the permitted use list and other conditions for the C.U.P.

The portion of the application area to be added to DP-50 is undeveloped but platted for single-family lots and streets: Lots 6-11, Block 2, Carriage House 2nd Addition, and Lots 1-7, Block 3, Carriage House 2nd Addition as well as Topaz Drive. Topaz Drive, which was to have extended from the present day terminus of Topaz Drive west to Evergreen, and the portion of Hendryx Street which was from Turquoise to McCormick will be vacated and included into the C.U.P. if the request is

approved and this property is replatted.

The applicants want to retain the existing "SF-6" zoning on the north 35 feet of the land east of the developed shopping area, to provide a buffer between the development and the residential properties to the north. The remaining portion of Parcel 3 and 4 will be rezoned "LC" Limited Commercial except for the portion of Parcel 3 on which the Home Depot and the Garden Center will be built upon. This area will be rezoned "GC" General Commercial.

An 8 foot screening wall is to be located 20 feet off of the CUP's north and east boundaries. A 20 foot landscape buffer is to be placed between the masonry wall and the residential properties abutting this site. (The buffer would be planted as required by the landscape ordinance - 1 shade tree or two ornamentals for every 40 feet.)

The current Parcel 2, which extends from Tyler Road east approximately 1400 feet, will be split into two separate parcels. The eastern 660 feet will become Parcel 3 (11.10 acres) This area is requested to be rezoned from "LC" to "GC" General Commercial and allow the following uses: general retail, construction sales and services as permitted in the "LC" Limited Commercial District and an ATM. The Maximum Floor Area for this site will be 130,042 square feet. Of this total square footage 111,756 square feet will be the completely enclosed Home Depot building, and 18,240 square feet for the proposed Garden Center which will be open and partially roofed. It is the Garden Center which required "GC" zoning.

This amendment will create a new Parcel 4 from the old Parcel 3 and a portion of the original Parcel 4, as well as the single-family area to the east. The new Parcel 4 will contain 11.63 acres and allow the following uses: financial, office, convenience and service oriented retail, ATM, construction sales and service, parking area commercial, personal care services, printing and copying limited, service station, and convenience store. The maximum floor area for Parcel 4 will be 116,512 square feet and allow a maximum of four buildings on this parcel.

Parcel 5 will be located at the southeast corner of Parcel 3 and is .57 acres in size. The permitted uses for this parcel include financial, office, convenience and service oriented retail, restaurant, service station, vehicle repair limited and general retail. Only one building will be permitted on Parcel 5 with a maximum floor area of 7,400 square feet.

Parcel 6 which will be located at the southeast corner of Parcel 4 and will allow the same uses as permitted on Parcel 5. This Parcel will also be limited to one building with a maximum floor area of 8,488 square feet.

Due to the magnitude of this amendment to the C.U.P. the applicants will be required to signalize the intersection of Tyler and McCormick, widen McCormick at Tyler on the east and west sides, extend the dual left turn along southbound Tyler, modify the medial in Kellogg at Reca and possibly extend a third lane along Kellogg from the end of the Ridge Road deceleration lane to the beginning of the acceleration lane which is just east of Reca. The Traffic Engineer will address the need for these improvements in more detail at the platting stage.

The area is surrounded by commercial activity on the west, south and east. However, single-family residences are located north of the site.

Staff has noted that the existing shopping area in Parcel 2 is in violation of the screening provisions of the zoning ordinance, with unscreened dumpsters in the parking lot near McCormick, and has never landscaped the frontage along Tyler nor constructed a screening fence along the west line of the parcel and along the south and west lines of the parking enclosure, as required in the CUP amendment permitting the truck storage area. We will bring these violations to the attention of the Zoning Administrator.

At the May 14, 1998 MAPC hearing, the agent for the applicant discussed the requested amendment to the Carriage House Parkway. The applicant also stated there had been several meetings between the applicant (Home Depot) and the neighbors surrounding this site. Through these meetings most of the neighborhood concerns including traffic problems, noise and screening and landscaping issues were resolved. At this time, it appears that Home Depot intends to deed over to the abutting homeowners the 20 foot area between the proposed wall and the north property line. Traffic improvements in the area will be finalized at the time of platting. No one spoke in opposition to this request. After discussion the MAPC approved this request subject to the conditions found in the staff report and replatting the property.

**Recommendation:**

1. Concur with the findings of the MAPC and approve the zone change and C.U.P., subject to the recommended conditions; 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 2/3rd majority vote of the membership of the governing body on the first hearing.)

( \_\_\_\_\_ ) Published in The Daily Reporter 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 CITY OF WICHITA CODE ORD. 43-558.

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 City of Wichita Code Ord. 43-558, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. Z-3275**

Zone change request from "LC" Limited Industrial District and "SF-6" Single-Family Residential District to "GC" General Commercial District, and "LC" Limited Commercial District, described as:

From "LC" Limited Commercial and "SF-6" Single-Family to "GC" General Commercial:

Commencing at the southwest corner of Lot 1, Block 1, Carriage House Plaza Fourth Addition to Wichita, Sedgwick County, Kansas; thence North 00° 04' 48" East along the west line of said Lot 1, 390 feet to a point of beginning; thence South 89° 55' 12" East, 684 feet to the east line of said Lot 1; thence North 00° 04' 48" East along the east line of said Lot 1, 295 feet; thence North 89° 55' 12" West, 735.53 feet to the west line of said Lot 1; thence along a curve to the left 126.60 feet, said curve having a radius of 130 feet, a central angle of 55° 47' 54", a chord length of 121.66 feet, and a chord bearing of South 32° 51' 34" East; thence South 29° 14' 30" West, 30 feet; thence South 00° 04' 48" West 166.70 feet to the point of beginning.

From "SF-6" Single-Family Residential to "LC" Limited Commercial:

Lot 1, EXCEPT Commencing at the southwest corner of Lot 1, Block 1, Carriage House Plaza Fourth Addition to Wichita, Sedgwick County, Kansas; thence North 00° 04' 48" East along the west line of said Lot 1, 390 feet to a point of beginning; thence South 89° 55' 12" East, 684 feet to the east line of said Lot 1; thence North 00° 04' 48" East along the east line of said Lot 1, 295 feet; thence North 89° 55' 12" West, 735.53 feet to the west line of said Lot 1; thence along a curve to the left 126.60 feet, said curve having a radius of 130 feet, a central angle of 55° 47' 54", a chord length of 121.66 feet, and a chord bearing of South 32° 51' 34" East; thence South 29° 14' 30" West, 30 feet; thence South 00° 04' 48" West 166.70 feet to the point of beginning; Lots 2, 3, 4, Block 1, Carriage House Plaza Fourth Addition to Wichita, Sedgwick County, Kansas. Generally located northeast of Kellogg and Tyler (8110 W. Kellogg).

**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:**

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Pat Burnett, City Clerk

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Bob Knight, Mayor

(SEAL)

Approved as to form:

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Gary E. Rebenstorf, City Attorney