

Agenda Item # _____

City of Wichita
City Council Meeting
January 11, 2000

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: **Z-3345 – ZONE CHANGE FROM “SF-6” SINGLE-FAMILY RESIDENTIAL TO “GC” GENERAL COMMERCIAL, LOCATED NORTH OF 47TH STREET SOUTH AND WEST OF BROADWAY (District #4)**

INITIATED BY: Metropolitan Area Planning Department *M. Kroat*

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within 1 year and the additional provisions of a P-O Protective Overlay District. (11-1).

Staff Recommendation: Approve, subject to platting within 1 year and the additional provisions of a P-O Protective Overlay District.

CPO Recommendation: Approve, subject to MAPD staff comments (5-0-1).

Background: The applicant is requesting to rezone a 3.5 acre tract located north of 47th Street South and west of Broadway from “SF-6” Single Family Residential to “GC” General Commercial. The site is currently undeveloped and unplatted. The applicant is seeking the zone change to expand an existing vehicle sales lot about 2.6 acres in size located immediately east of the site requested for rezoning. The applicant's current vehicle sales lot is located further north on Broadway near 31st Street South, but there is not sufficient land available at that location to expand the business. If this request is approved, the applicant will move his car lot to this larger location.

The property south of the site is zoned “GC” General Commercial and is developed with a grocery store and an auto parts store. The property north of the site is zoned “LC” Limited Commercial and “SF-6” Single Family Residential and is developed with a restaurant, a motel, and single family residences. The property east of the site is zoned “GC” General Commercial and is developed with a recreational vehicle sales lot and a strip commercial center. The property west of the site is zoned “SF-6” Single Family Residential and is developed with single family residences.

At the meeting held on December 16, 1999, MAPC heard from one adjoining resident who protested the request, but they recommended approval (11-1) of the zone change subject to platting within 1-year and the following conditions of a Protective Overlay:

1. A 6 foot masonry wall running the entire length of the west property line shall be constructed 10 feet east of the west property line. Buffer tree planting between the wall and the west property line shall be in conformance with the Landscape Ordinance.
2. The site shall be developed in accordance with the screening requirements of the Unified Zoning Code and the Landscape Ordinance.
3. Outdoor speakers and sound amplification systems shall not be permitted.
4. The following uses shall not be permitted: adult entertainment establishments, group homes, group residences, halfway houses, correctional placement residences, private clubs, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment.
5. The following uses shall be prohibited within 200 feet of residentially-zoned property: service stations, convenience stores with gas islands, restaurants with drive-in or drive-thru facilities, and vehicle service or repair uses that have overhead doors facing those districts.
6. Light poles within 20 feet of the west property line shall be limited to 15 feet in height.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District and subject to the condition of platting; 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 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 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. Z-3345

Request for zone change from "SF-6" Single-Family Residential to "GC" General Commercial, and to "P-O" Protective Overlay District #60 described as:

A tract of land in the Southeast Quarter of section 17, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows: The East 630 feet of the South Half of the Southeast Quarter of said Section 17, except the South 649.5 feet; and except the North 200 feet; and except the south 25 feet of the North 225 feet of the East 342 feet; and except the East 300 feet of the North 444.15 feet of the South 1293.65 feet thereof. Generally located north of 47th street South and west of Broadway.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. A 6 foot masonry wall running the entire length of the west property line shall be constructed 10 feet east of the west property line. Buffer tree planting between the wall and the west property line shall be in conformance with the Landscape Ordinance.
2. The site shall be developed in accordance with the screening requirements of the Unified Zoning Code and the Landscape Ordinance.
3. Outdoor speakers and sound amplification systems shall not be permitted.

4. The following uses shall not be permitted: adult entertainment establishments, group homes, group residences, halfway houses, correctional placement residences, private clubs, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment.
5. The following uses shall be prohibited within 200 feet of residentially-zoned property: service stations, convenience stores with gas islands, restaurants with drive-in or drive-thru facilities, and vehicle service or repair uses that have overhead doors facing those districts.
6. Light poles within 20 feet of the west property line shall be limited to 15 feet in height.

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