

Agenda Item # _____

City of Wichita
City Council Meeting
September 14, 1999

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: **Z-3330 – ZONE CHANGE FROM “TF-3 TWO-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL, LOCATED SOUTH OF HARRY AND EAST OF YALE AVENUE (1612 S. YALE) . (District #III)**

INITIATED BY: Metropolitan Area Planning Department *W. Krout*

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to staff recommendations (11-0).

Staff Recommendation: Approve, subject to the dedication of an additional 2 feet of utility easement along the rear property line by separate instrument.

CPO Recommendation: Approve, subject to MAPD staff comments (4-0).

Background: The applicant requests a zone change from “TF-3” Two-Family Residential District to “LC” Limited Commercial District for the 0.18 acre platted Lot 7 in the All Saints Addition south of Harry and east of Yale Avenue. The lot, which is 60 feet by 135 feet, has an 8-foot utility easement along the rear property line. A single-family home is currently located on this lot. The applicant requests the rezone to extend the current parking for Tillie’s Flower Shop located directly to the north and for possible future building expansion.

The subject property is bordered by Tillie’s Flower Shop on the north on property zoned “LC” Limited Commercial. Property to the west is also zoned “LC”, but it is currently being used for a triplex complex. To the south, on property zoned “TF-3” Two-family Residential, is a single family home. The property to the east is zoned “GO” General Office, but is current being used for a duplex residence.

At the CPO(3) meeting held August 12, 1999, the CPO voted 4-0 to approve the request subject to staff comments. The applicant, Ken Denton, presented the request to the Council and was also in agreement with MAPD staff comments. No citizens were present to speak on this request.

At the MAPC hearing held August 12, 1999, the applicant questioned the need for the dedication of an additional two feet of utility easement along the rear property line and west of the existing utility easement. Staff had requested this dedication by separate instrument as a continuing effort to upgrade older utility easements to today's standards of twenty (20) feet. Staff and MAPC agreed to bring this case before the next Subdivision Committee meeting to allow City Engineering and Utility Representatives to review the need for the extra two feet of easement. The applicant agreed with all other staff comments. The MAPC voted to approve the request subject to the conditions found in the staff report and the decision of the Subdivision Committee.

At the Subdivision Committee of the MAPC held August 19, 1999, the applicant presented his objection to the dedication of an additional two feet of utility easement. After discussion with City Engineering and the Utility Representatives, the Subdivision Committee voted to recommend approval of staff's request for the dedication of the additional two feet of utility easement.

The City Clerk should place the ordinance establishing the zone change on first reading.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change; accept the dedication and instruct the City Clerk to record the dedication document with the Register of Deeds, the recording cost of which shall be billed to the Planning Department; 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 2/3rd 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 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-3330

Request for Zone Change from "TF-3" Two-Family residential to "LC" Limited Commercial on property described as:

Lot 7, All Saints Addition to Wichita, Sedgwick County, Kansas.
Generally located south of Harry and east of Yale Avenue (1612 S. Yale).

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, _____

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