

City of Wichita
City Council Meeting
August 5, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: ZON2003-00030 – Zone change from “SF-5” Single-Family Residential to “LC” Limited Commercial. Generally located at the southeast corner of Central and Baehr. (District IV)

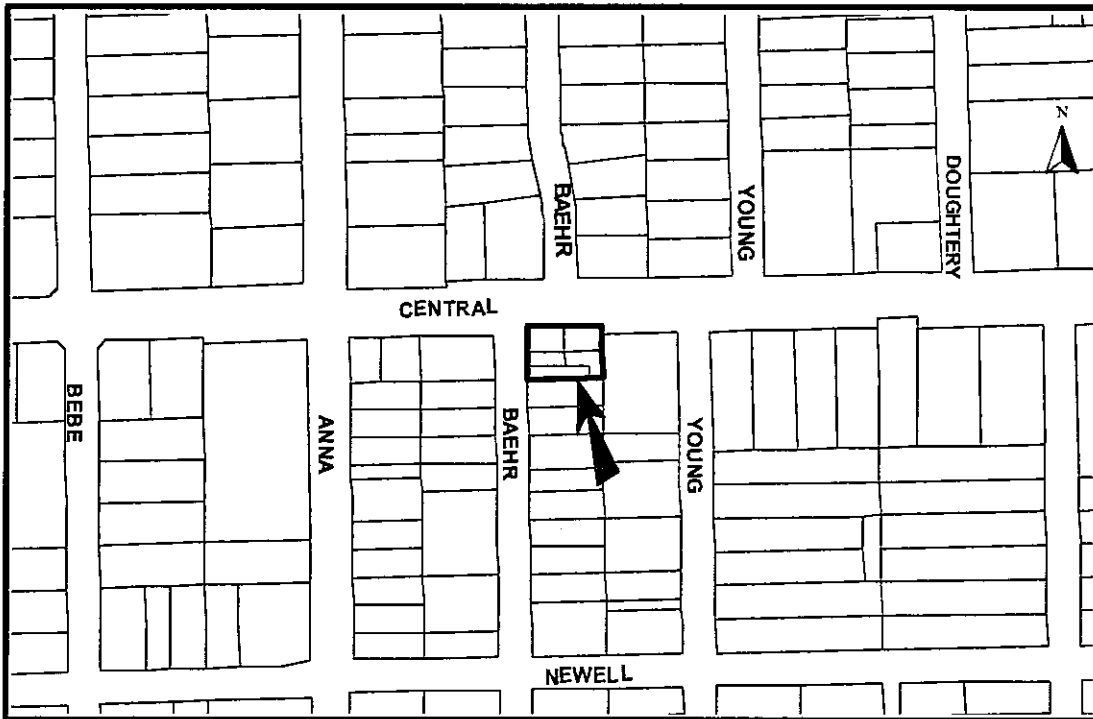
INITIATED BY: Metropolitan Area Planning Department *SLS*

AGENDA: Planning

MAPC Recommendation: Approve, subject to modified conditions. (12-0-1)

D.A.B. Recommendation: Approve, subject to modified conditions. (8-0)

Staff Recommendation: Approve, subject to conditions.



BACKGROUND: The applicant requests a zone change from "SF-5" Single Family to "LC" Limited Commercial on a 0.29 acre platted tract located at the southeast corner of Central and Baehr. The applicant intends to develop the subject property with a commercial building per the attached site plan for lease to undetermined commercial businesses.

The surrounding area is characterized by primarily commercial uses along Central, with residential uses located on the interior properties beyond the commercial frontage. The property to the east is zoned "LC" Limited Commercial and is developed with a retail business. The property to the south is zoned "SF-5" Single Family and is developed with a single family residence. The property to the west across Baehr is zoned "GO" General Office and is developed with an office building. The properties to the north across Central are zoned "LC" Limited Commercial and "SF-5" Single Family and are developed with a retail business and a church, respectively.

The Unified Zoning Code (UZC) requires a compatibility setback of 24 feet along the south property line, where the subject property adjoins residential property; however, the UZC allows the Planning Director with the concurrence of the Zoning Administrator to reduce or waive the compatibility setback. For the subject property, planning staff recommends that the compatibility setback be reduced to no less than 10 feet and that the compatibility setback reduction be conditioned upon approval of the height and design of the building and an increase in the required landscaping to ensure compatibility of the commercial building with the abutting single family residence.

The subject property currently provides 40-feet of half-street right-of-way for Central, which is 20 feet less than recommended by the Access Management Policy. Since the applicant purchased the subject property from the City and the City kept five feet along the north property line and a 15-foot corner clip for street right-of-way, planning staff does not recommend requiring the applicant to dedicate additional street right-of-way for Central. Since Baehr is unpaved, planning staff recommends that the applicant be required to dedicate complete access control along Baehr until such time as the street is paved and that the applicant be required to submit a "no protest" petition for the paving of Baehr. The Access Management Policy indicates that the first access drive to Central should be located 200 feet east of Baehr; however, the subject property has only 135 feet of frontage along Central and no method of acquiring access other than direct street access. Therefore, planning staff recommends that one access drive be permitted to Central and that the access drive be required to align with the Baehr intersection on the north side of Central. Planning staff also recommends that the applicant be required to dedicate a cross-lot access easement for the commercial property to the east.

District Advisory Board IV (DAB IV) heard the zone change request on July 2, 2003, and voted (8-0) to recommend that zone change request be approved subject the conditions recommended by planning staff, except that access should be permitted to Baehr without requiring the street to be paved and cross-lot access to the east should be required only when the property to the east redevelops. The Metropolitan Area Planning Commission (MAPC) heard the zone change request on July 10, 2003, and voted (12-0-1) to recommend that the request be approved subject to meeting the following conditions within 60 days of approval:

1. Submittal of a "no protest" petition for the paving of Baehr.
2. Dedication by separate instrument of access control along subject property's Central frontage except of one opening aligned with the Baehr intersection on the north side of Central.
3. Dedication by separate instrument of a cross-lot access easement for the commercial property to the east to be effective at such time as the commercial property to the east redevelops.

RECOMMENDED ACTION:

1. Concur with the findings of the MAPC and approve the zone change subject to the recommended conditions; approve first reading of the ordinance and instruct the City Clerk to withhold publication of the ordinance until the dedications are recorded with the Register of Deeds; 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.)

Print
Read
8-5-03
W.H. F. W.

(150004) Published in The Derby Reporter on NOV 28 2003
ORDINANCE NO. 45-779

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. ZON2003-00030

Zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial on property described as:

Lots 23 and 24, Block 1, Orchard Park, Sedgwick County, Kansas. Generally located at the southeast corner of Central and Baehr.

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, _____



Carlos Mayans, Mayor

ATTEST:

Pat Graves, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney