

Planning Agenda Item # _____

City of Wichita
City Council Meeting
September 10, 1996

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: SCZ-0719 - ZONE CHANGE REQUEST FROM THE 'SF-20' SINGLE FAMILY DISTRICT TO THE 'LC' LIGHT COMMERCIAL DISTRICT; AND

DP-225 - AUBURN HILLS, INC. C/O JAY W. RUSSELL (APPLICANT); TERRY SMYTHE, BAUGHMAN CO. (AGENT) REQUEST A COMMERCIAL COMMUNITY UNIT PLAN, LOCATED AT THE SOUTHWEST CORNER OF MAPLE AND 135TH STREET WEST, (DISTRICT #3)

INITIATED BY: Metropolitan Area Planning Department **MK**

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting (8-0-1).

Staff Recommendation: Approve, subject to platting.

CPO Recommendation: No recommendation.

Background: The applicant requests a zone change for 6 acres from 'SF-20' Single-Family Residential to 'LC' Limited Commercial with an associated 6.37 acre Commercial Community Unit Plan (CUP), located on an unplatted tract of land at the southwest corner of 135th Street West and Maple. There is a 0.37 acre reserve, to be used as a landscape buffer, measuring 20 ft. deep along the southern boundary of the site that is not included in the rezoning. Although this case was filed when the property was located in the County, the owner requested to be annexed, the Council approved that request, and the annexation ordinance has been published.

The application area is currently undeveloped and used for agricultural purposes. The surrounding area to the north, west, and south is predominately zoned 'SF-20' with agricultural uses to the north and south. To the northeast of the application area is a horse stable on property zoned 'SF-20'. The 12-acre Auburn Hills Commercial CUP is located at the southeast corner of this intersection, and there is a 3-acre parcel that has recently been approved by the County Commission for 'GO' General Office zoning on the northwest corner of this intersection.

The CUP shows development occurring on 6 net acres divided among 2 parcels ranging in size from 5.3 to 0.7 acres. Proposed uses for the 2 parcels include all uses allowed in the 'LC' Limited Commercial district except private clubs, adult entertainment establishments, drinking establishments, group homes, group residential, halfway houses, and correctional placement residences. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of that establishment. Furthermore, no restaurant with drive-in or drive-through service, no convenience stores, no service stations, no car washes, and no overhead doors for auto supply or services uses are permitted within 150 feet of residential zoned areas.

The maximum gross floor area permitted by the proposed CUP is 91,630 square feet, which could be developed with as many as 4 buildings. A six foot solid masonry wall will be constructed along the west and south property line where adjacent to residential zoning. All buildings would have consistent architectural design and exterior building materials. Other issues addressed by the development plan include: drainage, parking, special lighting and signage restrictions, screening of roof top equipment and trash receptacles, guarantees for street improvements, landscape buffers, access control, and a pedestrian walkway system.

Because staff expected this case to be decided by the city Council, it was referred to CPO 5 for comments. They chose only to receive and file the staff report. During the Planning Commission's discussion of this matter, the agent for the applicant spoke on the development plan. After discussion, the MAPC voted (9-0) to approve the request as recommended by staff.

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 consideration.

(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 ORDINANCE NO. 43-014.

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 Ordinance No. 43-014, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. SCZ-0719

Zone change request from 'SF-20' Single-Family District to 'LC' Light Commercial District, described as:

The east 864.55 feet of the north 393.52 feet of the NE Quarter of Section 26, Township 27 South, Range 2 west of the 6th P.M., Sedgwick County, Kansas. Generally located on the southwest corner of Maple and 135th Street West.

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.

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