

Background: The applicant requests a zone change from “SF-5” Single-family Residential to “NO” Neighborhood Office with a Protective Overlay on an 8.4-acre platted lot located south of 21st Street and west of Cranbrook for office development. The subject property includes a platted lot and reserve containing a detention pond. The applicant has volunteered a Protective Overlay (PO), which would eliminate several uses in the NO zone, require specific screening and landscaping standards and limit the density of residential development; see the attached proposed ordinance with the proposed PO.

The surrounding area is characterized by commercial uses at the 21st Street and Webb Rd. intersection, 800 feet west of the site. Single-family residential development exists to the north, south and east of the site. A “NO” zoned office development is east of the site (rezoned in 2001), and a “B” Multi-family zoned apartment development sits west of the site.

Analysis: The MAPC heard this request on January 19, 2006 and several opposed neighbors spoke at that hearing. The MAPC deferred the request and instructed the applicant to meet with the opposed neighbors. DAB II heard this request on February 6, 2006 and deferred the request for one month. The MAPC heard the request for a second time on February 16, 2006. The applicant had revised his request and modified the proposed Protective Overlay (PO), causing neighbors to withdraw their protest of the request. The MAPC approved the request subject to the proposed PO 10-0. DAB II re-heard this request on March 6, 2006; the DAB also recommended approval of the request subject to the proposed PO. Numerous protest petitions were originally filed for this case; however, most were withdrawn. The resulting protest percentage is 17.39%; see the attached protest map.

Financial Considerations: None.

Legal Considerations: The resolution has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change and place the ordinance on first reading; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

**City of Wichita
City Council Meeting
March 21, 2006**

Agenda Report No. _____



FILE COPY

TO: Mayor and City Council

SUBJECT: ZON2005-00057 – Zone change from “SF-5” Single-family Residential to “NO” Neighborhood Retail with a Protective Overlay. Generally located south of 21st Street North and west of Cranbrook. (District II)

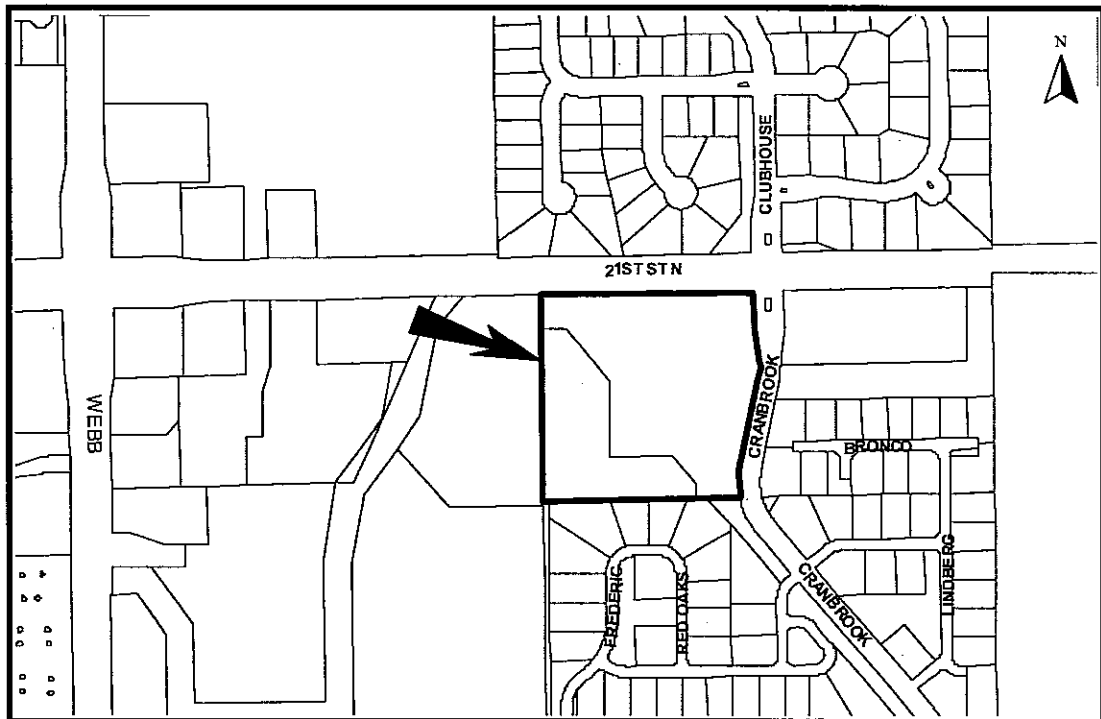
INITIATED BY: Metropolitan Area Planning Department *JCS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to Protective Overlay #170 (10-0).

MAPD Staff Recommendations: Approve, subject to Protective Overlay #170.

DAB Recommendations: Approve, subject to Protective Overlay #170 (9-0).



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.

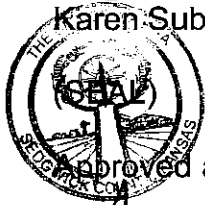
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS,

March 28/2006
Carlos Mayans
Carlos Mayans - Mayor

ATTEST:

Karen Sublett, City Clerk
Karen Sublett, City Clerk



Approved as to form:

Gary E Rebenstorf
Gary E. Rebenstorf, City Attorney

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. ZON2005-00057

Request for Zone change from "SF-5" Single-family Residential, to "NO" Neighborhood Office, on property described as:

Lot 1, Block 1 together with Reserve N, Remington Place, an Addition to Wichita, Sedgwick County, Kansas. Generally located south of 21st Street North and west of Cranbrook.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #170:

1. The following "NO" uses shall not be permitted:
 - a. Multi-family residential, Duplex, Church or Place of Worship, Day Care (Limited), Day Care (General), Golf Course, Group Home (General), Recycling Collection Station (Private), Utility (Minor), Automated Teller Machine, Parking Area (Commercial), Wireless Communication Facility, Asphalt or Concrete Plant (Limited), and Agriculture.
2. Setback and Screening requirements:
 - a. Buildings and parking shall be setback 125 feet along the south property boundary.
 - b. A masonry wall 8-10 feet in height shall be placed along the southern most edge of parking located within 200 feet of the south property boundary. A landscape buffer shall be placed south of the wall with a minimum of 6 conifer trees 8-10 feet in height.
 - c. Tree screening between parking areas and Cranbrook shall be placed from the southern boundary line to a point 300 feet north of the south boundary. Trees shall be similar to those on the east side of Cranbrook, and shall be 6-8' tall.
3. Residential uses shall be restricted to the maximum density allowed by SF-5