

City of Wichita
City Council Meeting
May 6, 2003

Agenda Report No.

TO: Mayor and City Council

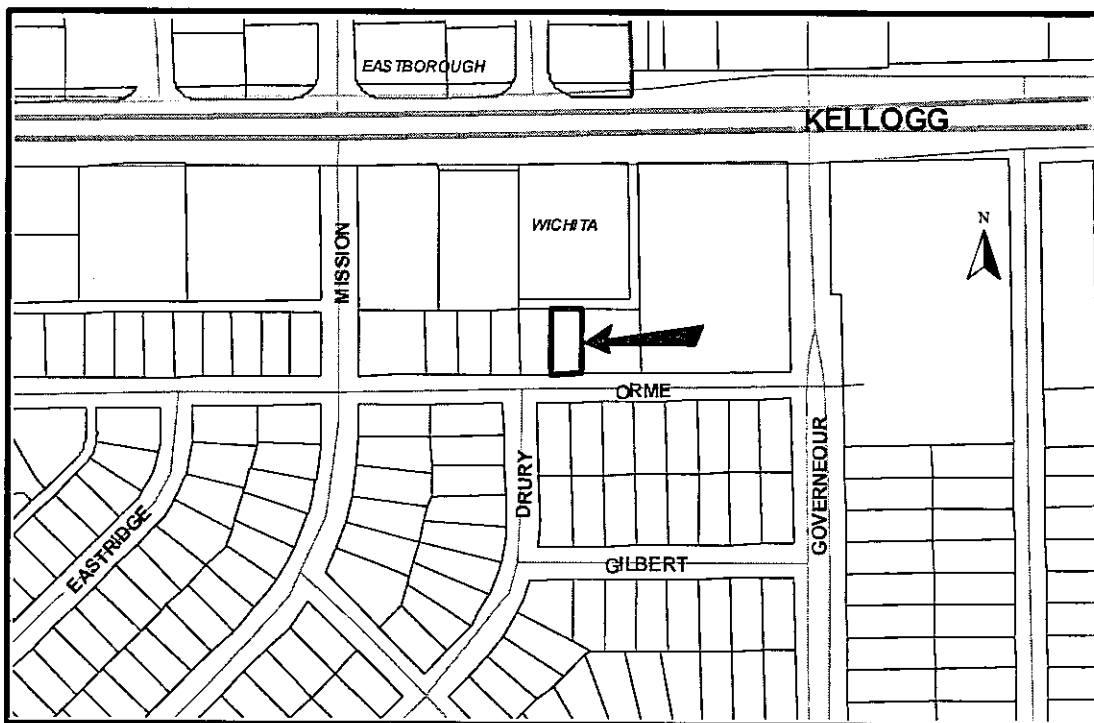
SUBJECT: ZON2003-00009 – Zone change from “TF-3” Two-family Residential to
“LC” Limited Commercial. Generally located north of Orme and west of
Governour.

INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA: Planning

MAPC Recommendation: Approve, subject to a Protective Overlay District (7-4)

Staff Recommendation: Approve, subject to conditions.



BACKGROUND: The applicant requests a zone change from “TF-3” Two-Family Residential to “LC” Limited Commercial on a 0.15 acre platted tract located north of Orme and west of Governour at 6938 E. Orme. The subject property is developed with a single-family residence. The applicant proposes to use the existing residential structure as an accessory structure for file storage associated with the Scholfield Honda business that the applicant operates on the property located immediately east of the subject property. The applicant also proposes to pave the back yard of the existing residential property and use the paved area as an accessory parking area for Scholfield Honda. Since the subject property will be used only for purposes that are accessory to the applicant’s vehicle sales business, the proposed uses are permitted in the requested “LC” Limited Commercial zoning district. Were the property to be used for the display or storage of vehicles for sale or were the property to be used as a vehicle sales office, a Conditional Use would be required.

The surrounding area is characterized primarily by commercial uses along the Kellogg corridor. Residential uses are located primarily south of the subject property. The property to the north is zoned “LC” Limited Commercial and is developed with a bowling alley. The property to the east is zoned “LC” Limited Commercial with a Use Exception to permit a vehicle sales lot. The properties to the south are zoned “SF-5” Single-Family residential and are developed with single-family residences. The properties to the west are zoned “TF-3” Two-Family Residential and is developed with single-family residences.

Any new construction on the subject property will require full compliance with current screening, compatibility, and landscaping requirements. For the proposed new parking area, screening and buffer landscaping will be required from the residential property to the west. The screening requirement is typically satisfied by the construction of a 6-foot high solid screening fence, in this instance along west side of the proposed parking area. The buffer landscaping requirement would require one shade tree or the equivalent every 40 feet along the west side of the proposed parking area. Existing vegetation on the subject property that is left in place after the construction of the parking area can be used to satisfy the buffer landscaping requirement. If the existing building on the subject property is expanded by more than 30 percent or remodeled at a cost of 50 percent or more of its fair market value, then the expansion/remodel would need to comply with all current screening, compatibility, and landscaping requirements.

Since the Comprehensive Plan indicates that commercial traffic should not directly access local streets, planning staff recommends that access control from the subject property to Orme be required. The recommended access control would permit the existing residential driveway to remain as long as the existing residential structure is in place, but would not permit an access drive from Orme to any parking areas on the subject property. Also, since the proposed parking area on the subject property will be accessed from the adjacent commercial property located to the east, planning staff recommends that a cross-lot access easement be required.

At the MAPC hearing on April 10, 2003, the owner of the property immediately west of the subject property spoke against the request and cited concerns with drainage from the subject property flooding her property. The MAPC voted (7-4) to approve the request subject to a protective overlay that requires access dedications as well as drainage improvements on the subject property to prevent flooding of the property to the west. Several planning commissioners who voted against the request stated that they were in favor of the rezoning but voted against the motion because they felt the protective overlay addressing the neighbor’s drainage concerns is unnecessary.

The neighbor to the west filed a written protest petition. The neighbor’s property represents only 4.43% of the property within a 200-foot radius of the subject property, which is not sufficient to trigger the three-fourths vote requirement for the City Council.

Recommendations:

1. Concur with the findings of the MAPC and approve the zone change subject to the provisions of Protective Overlay District #124; 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.)

W H Pub
J H R
5-6-03

(150004) Published in The Derby Reporter on October 10, 2003

ORDINANCE NO. 45-720

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. ZON2003-00009

Zone change from "TF-3" Two-family Residential to "LC" Limited Commercial, on property described as:

The east 47 feet of Lot 5 and the west 9 feet of Lot 6, Block 10, Eastridge Addition, Wichita, Sedgwick County, Kansas. Generally located north of Orme and west of Governour.

SUBJECT TO FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #124:

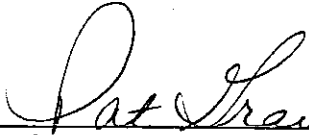
1. Prior to the issuance of a building or paving permit, a drainage study to determine how to prevent drainage from the subject property from entering the property at 6932 E. Orme shall be submitted for review and approval by the Department of Public Works. The improvements determined to be necessary by the drainage study shall be performed as part of the work for which the building or paving permit is requested.
2. Within 60 days of approval by the governing body, a dedication shall be submitted by separate instrument for complete access control to Orme along the entire length south property line. Said access control shall be deferred for the existing drive to the existing residential structure until such time as the existing structure is removed, but shall prohibit access to Orme for any parking area (other than existing driveway) on the subject property.
3. Within 60 days of approval by the governing body, a dedication shall be submitted by separate instrument for a joint cross-lot access easement with the adjoining property to the east.

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, MAY 13 2003

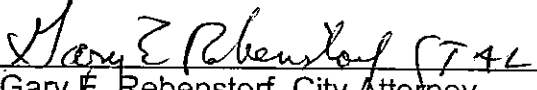
ATTEST:


Pat Graves, City Clerk


Carlos Mayans, Mayor

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney