Agenda Item #_____

City of Wichita
City Council Meeting
November 6, 2001

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2001-00057 Zone Change from "B" Multi-Family Residential to "GC" General Commercial. Generally located between Pennsylvania and Hydraulic North of of 2nd Street (339 N. Hydraulic Ave).**
(District #I)

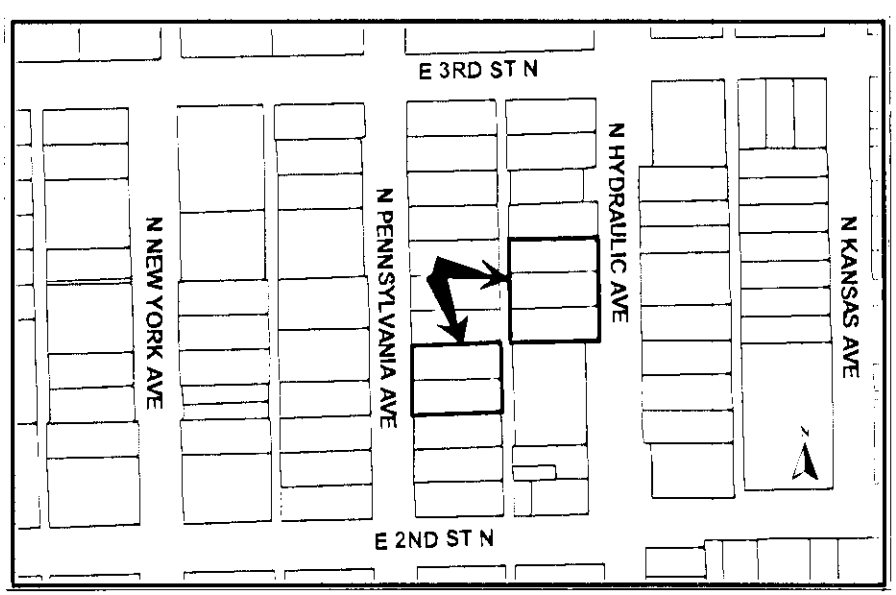
INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to staff comments (11-3).

Staff Recommendation: Approve, subject to the dedication of access control, with one point of access from Hydraulic and Pennsylvania; subject to the dedication of 20 feet of right-of-way on Hydraulic; and subject to the dedication of 2.6 feet rear alley utility easement.

DAB Recommendation: Approve, subject to staff comments (7-0).



Background: The applicant is requesting "GC" General Commercial zoning on .7-acres between Pennsylvania and Hydraulic, north of East 2nd Street (345 North Hydraulic Ave). The property is currently zoned "B" Multi-Family. Two of the five application area lots are developed with single-family homes, one located on Hydraulic and the other on Pennsylvania; these homes are currently used as rental properties. The remaining three application area lots are vacant.

The application area abuts "GC" zoned property to the north and south, and faces "B" zoned property across Hydraulic and Pennsylvania to the east and west. The neighboring property to the north on Hydraulic was rezoned from "B" to "GC" earlier this year. The area surrounding the application property is characterized by several vacant lots, single-family housing in poor condition, auto based businesses, and contractor-based businesses. The proposed zone change, from "B" to "GC," would require conformance to all property development standards in the *Unified Zoning Code*.

The District Advisory Board (DAB) for District I heard the zone change request on 10-1-01. DAB I members discussed concerns regarding traffic near a school, building height, informing nearby residents, and removal of older homes. DAB I then voted 7-0 to recommend approval of the requested zone change, subject to staff comments.

The Metropolitan Area Planning Commission (MAPC) then heard the zone change request on 10-11-01. The agent for the applicant, Kim Edgington of Austin-Miller, PA, requested two points of access from Hydraulic, as opposed to the one point of access recommended by Planning Staff. MAPC members discussed the zone change request, and the property owner's plans with the agent. The agent stated that the property owner has other property on the same contiguous block, the property owner has not confirmed his plans, but he intends to develop the property with lease office and storage space for small contractors. The MAPC determined that the property owner's other lots on the same block will provide the owner with more than one point of access onto Hydraulic. A motion was then made to approve the zone change, subject to staff recommendations. The motion carried by a vote of 11 to 3.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading; withhold publication until the three dedication instruments have been submitted; or

2. Return the application to the MAPC for reconsideration

   (An override of the Planning Commission's recommendation requires a 2/3 majority vote of the membership of the governing body on the first hearing.)

D

(_____) Published in The Wichita Eagle on 10-7-02

ORDINANCE NO. 45-142

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. ZON2001-00057

Request for zone change from "B" Multi-Family Residential to "GC" General Commercial, on property described as:

Lots 31 and 33, on Pennsylvania, Lots 36, 38 and 40, on Hydraulic, Mathewson's 4th Addition to the City of Wichita, Kansas, Sedgwick County, Kansas. Generally located between Pennsylvania and Hydraulic North of 2nd Street (339 N. Hydraulic Ave).

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, 20th Day of November, 2001

ATTEST:

Pat Burnett, City Clerk

Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. ____

STAFF REPORT

MAPC 10-11-01
DAB 10-01-01

CASE NUMBER: ZON2001-00057

APPLICANT/AGENT: Clarence A. Lieber and Juanita Lieber (owners); Austin Miller PA, Kim Edgington (agent)

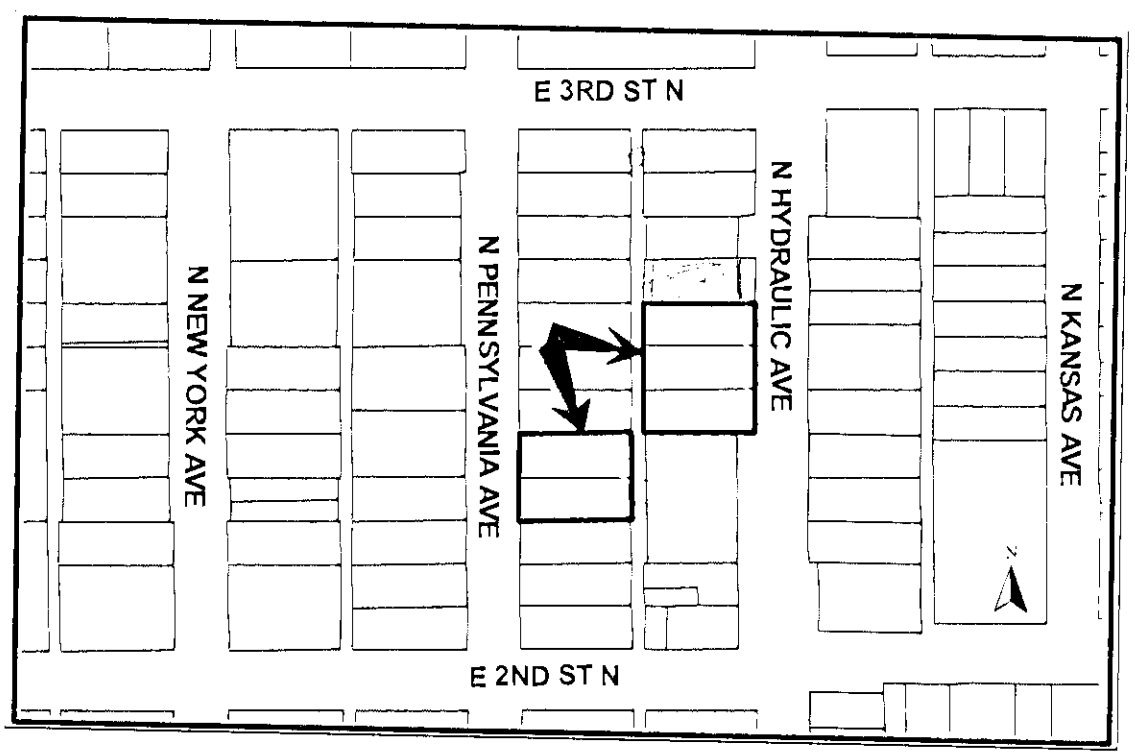
REQUEST: Zone change to "GC" General Commercial

CURRENT ZONING: "B" Multi-Family

SITE SIZE: .7 acres

LOCATION: Between Pennsylvania and Hydraulic, north of East 2nd Street (345 North Hydraulic Ave).

PROPOSED USE: To allow for commercial development.



BACKGROUND: The applicant is requesting "GC" General Commercial zoning on .7-acres between Pennsylvania and Hydraulic, north of East 2nd Street (345 North Hydraulic Ave). The property is currently zoned "B" Multi-Family. Two of the five application area lots are developed with single-family homes, one located on Hydraulic and the other on Pennsylvania; these homes are currently used as rental properties. The remaining three application area lots are vacant.

The application area abuts "GC" zoned property to the north and south, and faces "B" zoned property across Hydraulic and Pennsylvania to the east and west. The neighboring property to the north on Hydraulic was rezoned from "B" to "GC" earlier this year. The area surrounding the application property is characterized by several vacant lots, single-family housing in poor condition, auto based businesses, and contractor-based businesses.

The proposed zone change, from "B" to "GC," would require conformance to all property development standards in the *Unified Zoning Code*.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC," "B"	vacant lot, plumbing contractor, single-family homes
SOUTH:	"GC"	vacant lots, single-family homes, vehicle sales, general commercial
EAST:	"GC," "B"	single-family homes, general commercial
WEST:	"GC," "B"	single-family homes, general commercial

PUBLIC SERVICES: The property is located along Hydraulic, a four-lane arterial street, and along Pennsylvania, a two-lane residential street. The traffic count in March of 2000 along this section of Hydraulic was 4,839 cars per day (ADTs). The projected traffic volume for 2030 is 4,942 cars per day. Pennsylvania is a small residential street, and has had no traffic counts or projections. The existing half-width right-of-way for Hydraulic at the application area is 30 feet, while the existing half-width right-of-way for Hydraulic to the immediate north and south of the application area is 50 feet. No street projects are included in the C.I.P. for the immediate area.

City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as "Commercial."

"Commercial Locational Guidelines" of the *Comprehensive Plan* include (1) located adjacent to arterial streets; (2) coordinated with mass transit routes, high-density residential, employment and other intensive uses; (3) having required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses; and (4) located in compact clusters or nodes versus extended strip developments.

RECOMMENDATION: This zone change request is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide" and "Commercial Locational Guidelines." The property is currently zoned "B" Multi-Family, the highest density residential zone. The character of the surrounding "GC" zoned commercial uses suggests that a commercial use at this location could be less intensive, in terms of traffic generation, than multi-family development under the current zoning. Likewise, the *Unified Zoning Code* property development standards requires screening and landscaping, and regulates lighting to mitigate negative impacts on surrounding residential properties. Vehicular access control can be maintained at the application area by permitting only one point of access from Hydraulic and Pennsylvania.

Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the dedication of access control, with one point of access from Hydraulic and Pennsylvania; and subject to the dedication of 20 feet of right-of-way.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Three of four abutting properties are zoned "GC" General Commercial, one of which received a zone change from "B" earlier this year. Nearby properties are developed with commercial and residential uses. The character of the area is in transition from residential to nonresidential uses. All new construction in the area has been for nonresidential uses.

2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed with residences, or a number of other uses under "B" zoning, however, the area is becoming less desirable for infill residential uses. The location of the application area along a major arterial street makes it suitable for commercial uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of "GC" zoning will permit uses not currently permitted at this location, screening and landscaping requirements will mitigate impacts on nearby residential properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive

Plan and policies: The requested change in zoning classification is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide," and it is in conformance with all the commercial locational guidelines of the plan.

5. Impact of the proposed development on community facilities: "GC" uses are capable of generating increased traffic. Therefore, the dedication of additional street right-of-way and limiting access control would address potential increased demand on community facilities.