Agenda Item #_____

City of Wichita
City Council Meeting
December 11, 2001

Agenda Report #_____

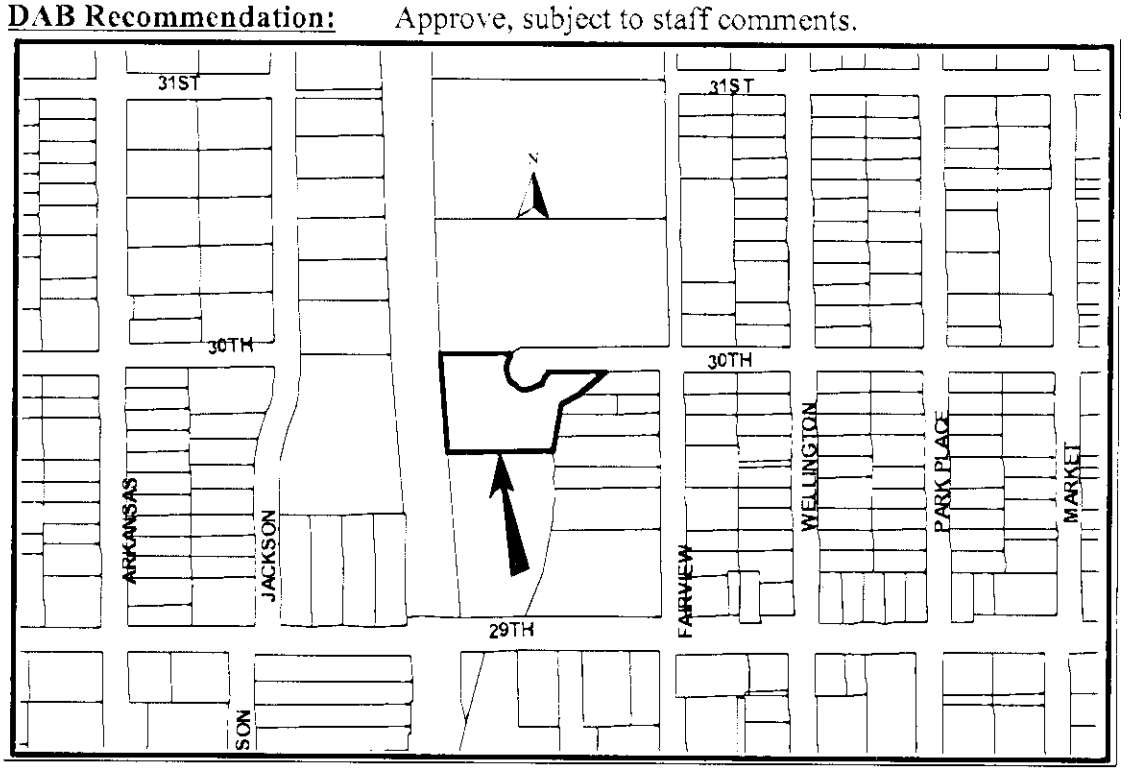
TO: Mayor and City Council Members

SUBJECT: **ZON2001-00060 – Zone Change from "MF-29" Multi-Family Residential to "GC" General Commercial. Generally located north of West 29th Street North and west of North Fairview (344 West 29th Street North).**
(District #VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to staff comments (11-0).
Staff Recommendation: Approve, subject to dedication of complete access control on West 30th Street North.
DAB Recommendation: Approve, subject to staff comments.



BACKGROUND: The applicant requests "GC" General Commercial zoning on a platted lot located on the north side of West 29th Street North, west of Fairview, at 344 West 29th Street North. The vacant property is currently zoned "MF-29" Multi-Family.

The applicant owns the "GC" zoned parcel abutting the application area to the south, this property is developed with a restaurant facing 29th, and self-storage units on the north side of the property. The applicant wishes to expand the self-storage business onto the application area. The application area abuts West 30th Street North, which is platted but completely un-built west of Fairview. North of the application area is an "SF-5" zoned, 3.96-acre unplatted tract, developed with a single-family residence facing Fairview. The application area abuts three "SF-5" zoned lots to the east, two are developed with single-family residences, and one is developed with a church. The application area borders a drainage canal to the west, across the canal is property zoned "MF-29" and developed with a church.

The neighborhood character is a mix of "GC" and "LC" zoned businesses along 29th, a large drainage canal, vacant lots, large lot "SF-5" zoned properties, two churches within residential areas, and a number of unpaved streets in the area. Existing hedgerow vegetation visually screens the application area from the north and east; the drainage canal buffers the application area from the west. The proposed zone change, from "MF-29" to "GC" would require conformance to all property development standards in the Unified Zoning Code.

DAB VI heard this request on November 5th, 2001, and voted unanimously to recommend approval subject to staff comments. MAPC heard this request on November 8, 2001, and voted 11-0 to approve the zone change subject to staff comments. No opposition was expressed at either hearing. No protests have been filed on this zone change request case.

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 dedication instrument has 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.)

First Read
12-11-01
W. It Pub
Dept

(_____) Published in The Wichita Eagle on _____ ___ ___

ORDINANCE NO. 45-170

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. ZON2001-00060

Request for zone change from "MF-29" Multi-Family Residential to "GC" General Commercial, described as:

Lot 2, Nance 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located north of West 29th Street North and west of North Fairview (344 West 29th Street North).

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

Subject to dedication of complete access control on West 30th Street North.

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, DEC 18 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 11-08-01
DAB VI 11-05-01

CASE NUMBER: ZON2001-00060

APPLICANT/AGENT: Cortez Inc., c/o Eugene Cortez (owner); John Tasset (agent)

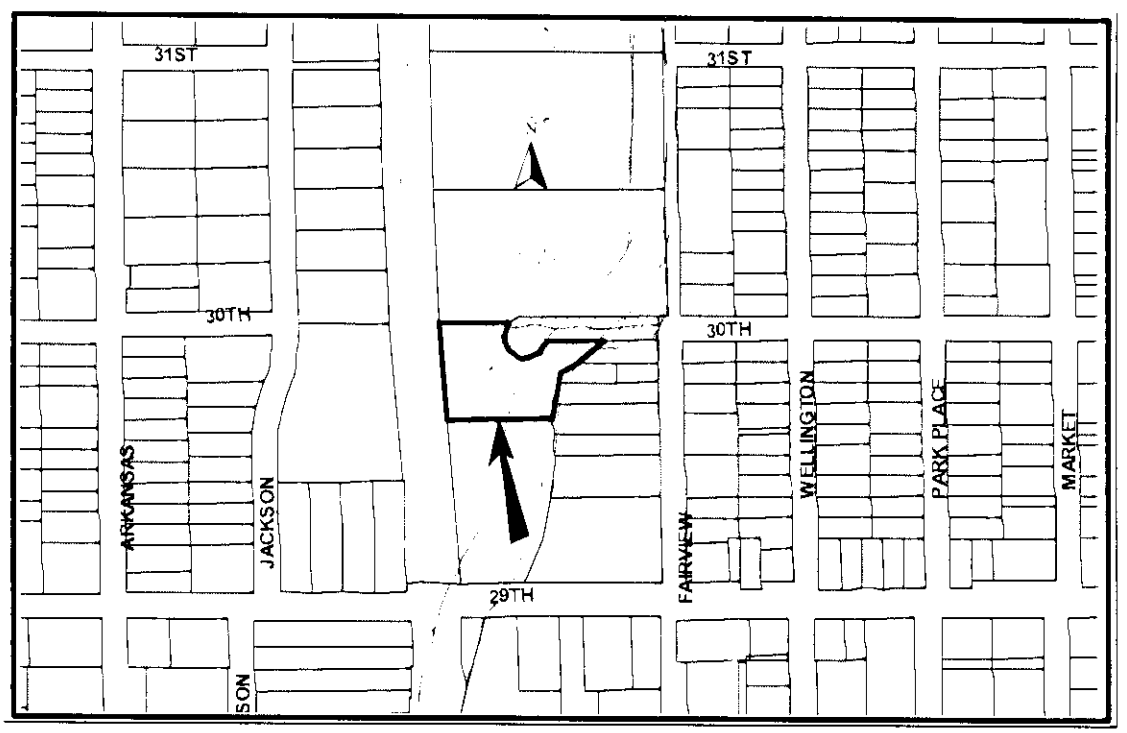
REQUEST: Zone change to "GC" General Commercial

CURRENT ZONING: "MF-29" Multi-Family

SITE SIZE: 1.38 acres

LOCATION: North of West 29th Street North and west of North Fairview (344 West 29th Street North).

PROPOSED USE: Expand existing storage facility.



BACKGROUND: The applicant requests "GC" General Commercial zoning on a platted lot located on the north side of West 29th Street North, west of Fairview, at 344 West 29th Street North. The vacant property is currently zoned "MF-29" Multi-Family.

The applicant owns the "GC" zoned parcel abutting the application area to the south, this property is developed with a restaurant facing 29th, and self-storage units on the north side of the property. The applicant wishes to expand the self-storage business onto the application area. The application area abuts West 30th Street North, which is platted but completely un-built west of Fairview. North of the application area is an "SF-5" zoned, 3.96-acre unplatted tract, developed with a single-family residence facing Fairview. The application area abuts three "SF-5" zoned lots to the east, two are developed with single-family residences, and one is developed with a church. The application area borders a drainage canal to the west, across the canal is property zoned "MF-29" and developed with a church.

The neighborhood character is a mix of "GC" and "LC" zoned businesses along 29th, a large drainage canal, vacant lots, large lot "SF-5" zoned properties, two churches within residential areas, and a number of unpaved streets in the area. Existing hedgerow vegetation visually screens the application area from the north and east; the drainage canal buffers the application area from the west.

The proposed zone change, from "MF-29" to "GC" would require conformance to all property development standards in the Unified Zoning Code.

CASE HISTORY: The abutting property to the south, under the same ownership, was rezoned to commercial zoning in 1979. The application area was platted as lot 2 of the Nance 2nd Addition in 1979. The plat dedicated the abutting West 30th Street North, dedicated 30 feet of the north and west property lines as a drainage and utility easement, and set a 25 foot building set back line from West 30th Street North.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	single-family residence
SOUTH:	"GC"	restaurant, self-storage
EAST:	"SF-5"	single-family residences, church
WEST:	"MF-29"	drainage canal, church

PUBLIC SERVICES: The property is located on platted West 30th Street North, which is un-built and unaccessable. The only access to the application area is through the property to the south, under the same ownership, from West 29th Street North. The traffic count in March of 2000 along this section of 29th was 9,077 cars per day (ADTs); the projected traffic volume for 2030 is expected to drop, possibly as low as 7,558 cars per day.

West 29th Street North is a four-lane arterial street with an existing half-width right-of-way

of 50 feet. No street projects are included in the C.I.P. for the immediate area. A 30-foot drainage and utility easement exists within the application area.

City water and sewer are available to 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 "low density residential." However, the draft update to the same "Wichita Land Use Guide" identifies this area along 29th as commercial, reflecting current zoning and land uses in the area.

RECOMMENDATION: Although West 30th Street North is currently un-built and unaccessable, Planning Staff recommends that the applicant dedicate complete access control to West 30th Street North. This dedication would permanently limit access to the application area through the abutting lot to the south, and would keep commercial traffic out of the residential neighborhood east of the application area. Planning staff also recommends that the applicant pursue a street vacation of West 30th Street North; this platted street will serve no purpose if the application area is developed commercially and accessed from the south via 29th. Based upon information available prior to public hearings, planning staff recommends that the request be APPROVED subject to dedication of complete access control on West 30th Street North.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Approval of this zone change request would have the effect of expanding existing "GC" zoning, and expanding the existing self-storage use from the abutting lot to the south. The requested zone change and use would be well screened and buffered from nearby residential uses because of platted setbacks, drainage easements, and existing vegetation. Also, the zone change would require conformance to all property development standards in the Unified Zoning Code, to include screening requirements. Dedication of access control on West 30th Street North would keep commercial traffic out of the residential neighborhood east of the application area. Subject to dedication of access control on West 30th Street North, the requested zone change should have no negative impact on the character of surrounding residential uses.

2. The suitability of the subject property for the uses to which it has been restricted: The property, as it is currently zoned and configured, would be difficult to develop for any residential use. Unless West 30th Street North is built, the application area is effectively landlocked, accessible only through the contiguously owned property to the south.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested zone change and self-storage use would be well screened from nearby residential uses, likewise the zone change would require conformance to all property

development standards in the Unified Zoning Code, to include screening and lighting requirements. These development standards, and dedication of access control on West 30th Street North, should mitigate any negative affect 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 not in conformance with the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* "Wichita Land Use Guide." However, the draft update to the "Wichita Land Use Guide," currently under consideration, designates the application area as commercial. It is anticipated that this request would be in conformance with the updated "Wichita Land Use Guide" once adopted.

5. Impact of the proposed development on community facilities: The only impact on community facilities would be the slight increase in vehicular traffic on West 29th Street North, as a result of expanding the self-storage use. However, this section of 29th Street is anticipated to have a decrease in traffic volume over time.