

Agenda Item # 37

City of Wichita
City Council Meeting
January 15, 2002

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Agenda Report # 02-0079

TO: Mayor and City Council Members

SUBJECT: ZON2001-00066 - ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL AND RIGHT-OF-WAY TO "GC" GENERAL COMMERCIAL. GENERALLY LOCATED NORTH OF MACARTHUR AND EAST OF I-135. (District III)

INITIATED BY: Metropolitan Area Planning Department

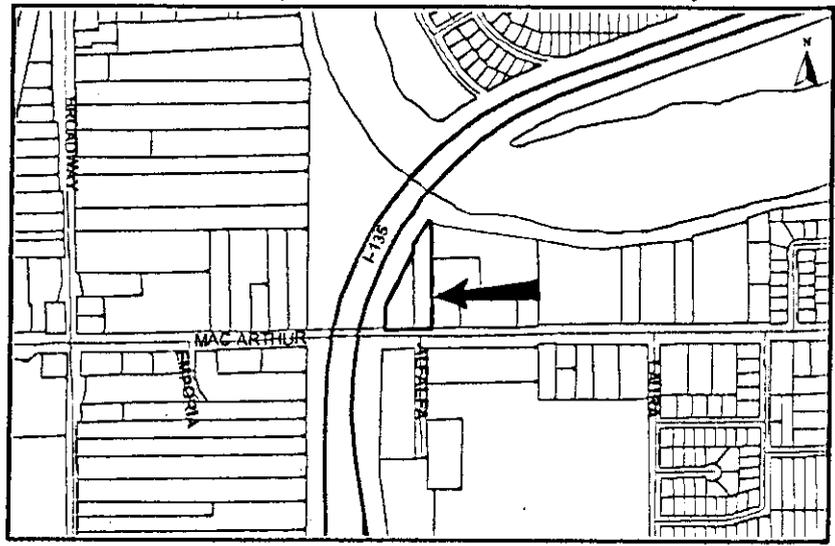
AGENDA ACTION: Planning

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MAPC Recommendation: Approve (8-2-1), subject to staff recommendation with a provision that the additional screening along I-135 may be located on State right-of-way

D.A.B. Recommendation: Approve (6-0), subject to platting only with no Protective Overlay for additional screening along I-135

Staff Recommendation: Approve, subject to platting within one year and subject to the provision of a Protective Overlay District



BACKGROUND: The subject property is located north of MacArthur and east of I-135 at 1002 E. MacArthur. The subject property contains a 1.33 acre unplatted tract that is zoned "SF-5" Single-Family Residential and a 1.04 acre unplatted tract that designated as right-of-way on the Official Zoning Map but is held in private ownership by the applicant.

The subject property is currently developed with a single-family residence as well as a vehicle storage yard and a self-service storage warehouse business. A review of aerial photographs indicates that the storage business was established on the property between 1977 and 1983 and steadily grew in scale and intensity until it reached its current status between 1992 and 1997.

Use of the subject property for a storage business is illegal under the property's current zoning; however, no complaints have been received by the Office of Central Inspection regarding the illegal use of the property. The applicant has requested "GC" General Commercial zoning, which is the first zoning district that permits both the vehicle storage yard and self-service storage warehouse uses of the property.

In addition to receiving "GC" General Commercial zoning, the applicant will need to comply with the screening standards of the Unified Zoning Code and the Landscape Ordinance requirements, unless a Variance is granted by the Board of Zoning Appeals. The screening standards for outdoor storage areas require a decorative fence, evergreen vegetation, or landscaped earth berms where adjacent to a residential zoning district or public street right-of-way. For the subject property, screening would be required along the south and west property lines. Since I-135 is elevated at this location, a decorative fence or landscaped earth berms along the west property line will not screen the outside storage area from view from I-135; therefore, planning staff recommends a Protective Overlay to require screening along the west property line to be provided by evergreen vegetation. The Landscape Ordinance requires a landscaped street yard along arterial streets. For the subject property, a 20-foot deep yard landscaped with 11 shade trees (or the equivalent) would be required along MacArthur.

The character of the surrounding area is mixed with commercial uses to the east, a manufactured home park to the south, and major barriers to the north (Arkansas River) and west (I-135). The property east of the site is zoned "GC" General Commercial and is developed with a self-service storage warehouse and a body shop. The property south the site across MacArthur is zoned "LC" Limited Commercial and "MH" Manufactured Housing and is developed with a manufactured home park with remaining vacant land currently marketed for commercial development.

District Advisory Board III reviewed this request on December 5, 2001. D.A.B. III recommended approved 6-0 subject to platting and the condition that all required front yard screening (along MacArthur) be provided. D.A.B. III did not recommend requiring additional screening along I-135. On December 6, 2001, the MAPC approved the application (8-2-1) subject to staff recommendations except that the required screening

along I-135 may be placed in the I-135 right-of-way with the State's permission, instead of on the applicant's property. The applicant objected to additional screening being required along I-135 stating he would lose too much storage space if he was required to screen along I-135.

After the MAPC hearing, the applicant contacted staff indicating that he had additional information pertaining to costs, loss of income, and possible inability to access the abutting I-135 right-of-way for screening that was not considered by the MAPC. The applicant requested a rehearing of his application by the MAPC to consider this new information; therefore, planning staff recommends that the City Council return the application to the MAPC for reconsideration on January 24, 2002.

Recommended Action:

1. Return the application to the MAPC for reconsideration, or;
2. Concur with the findings of the MAPC and approve the zone change; subject to additional provisions of Protective Overlay District #107 and subject to the condition of platting; instruct the Planning Department to forward the ordinance for first reading when the plat is forward to the City Council.

(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.)

(_____) Published in the Wichita Eagle 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 CITY OF WICHITA CODE SEC. 28.04.010.

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 City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2001-0066

Zone change request from to "SF-20" Single-Family Residential District and right-of-way to "GC" General Commercial District and to P-O #107 - Protective Overlay District, for property described as:

Lot 1, Shaver 2nd Addition, Wichita, Sedgwick County, Kansas.

Generally located on the north side of MacArthur Road, east of I-135.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. Screening along the west property line abutting the I-135 right-of-way shall be provided in the form of evergreen vegetation and may be planted on the abutting I-135 right-of-way. The evergreen vegetation shall be planted and maintained in accordance with a landscape plan approved by the Planning Director and shall consist of plant materials that, at maturity, provide a solid hedge of evergreen vegetation with a minimum height of 30 feet. For the portion of the abutting I-135 right-of-way where the State will not permit the planting of evergreen vegetation, a solid screening fence a minimum of 6 feet in height shall be provided along the west property line or the evergreen vegetation shall be planted on the subject property.

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.

STAFF REPORT

DAB III December 5, 2001
MAPC December 6, 2001

CASE NUMBER: ZON2001-00066

APPLICANT/AGENT: Ralph M. & Cheryl M. Shaver (Owners); Frank M. Ojile, Attorney at Law (Agent)

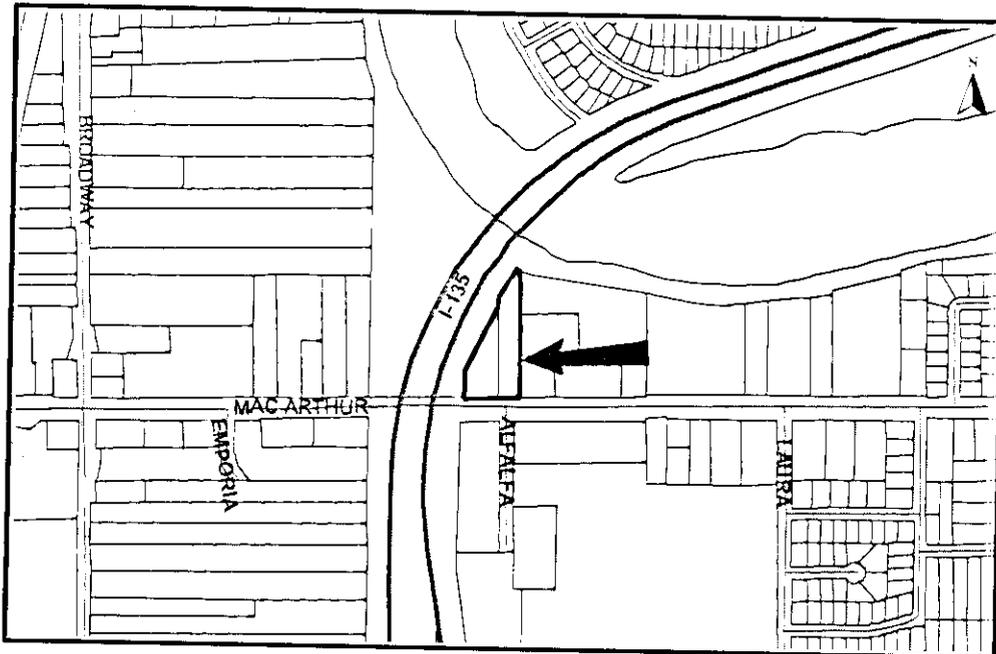
REQUEST: "GC" General Commercial

CURRENT ZONING: "SF-5" Single-Family Residential and right-of-way

SITE SIZE: 2.37 acres

LOCATION: North of MacArthur and east of I-135 (1002 E. MacArthur)

PROPOSED USES: Vehicle storage yard & self-service storage warehouse



BACKGROUND: The subject property is located north of MacArthur and east of I-135 at 1002 E. MacArthur. The subject property contains a 1.33 acre unplatted tract that is zoned "SF-5" Single-Family Residential and a 1.04 acre unplatted tract that designated as right-of-way on the Official Zoning Map but is held in private ownership by the applicant.

The subject property is currently developed with a single-family residence as well as a vehicle storage yard and a self-service storage warehouse business. A review of aerial photographs indicates that the storage business was established on the property between 1977 and 1983 and steadily grew in scale and intensity until it reached its current status between 1992 and 1997.

Use of the subject property for a storage business is illegal under the property's current zoning; however, no complaints have been received by the Office of Central Inspection regarding the illegal use of the property. The applicant has requested "GC" General Commercial zoning, which is the first zoning district that permits both the vehicle storage yard and self-service storage warehouse uses of the property.

In addition to receiving "GC" General Commercial zoning, the applicant will need to comply with the screening standards of the Unified Zoning Code and the Landscape Ordinance requirements. The screening standards for outdoor storage areas require a decorative fence, evergreen vegetation, or landscaped earth berms where adjacent to a residential zoning district or public street right-of-way. For the subject property, screening would be required along the south and west property lines. Since I-135 is elevated at this location, a decorative fence or landscaped earth berms along the west property line will not screen the outside storage area from view from I-135; therefore, planning staff recommends a Protective Overlay to require screening along the west property line to be provided by evergreen vegetation. The Landscape Ordinance requires a landscaped street yard along arterial streets. For the subject property, a 20-foot deep yard landscaped with 11 shade trees (or the equivalent) would be required along MacArthur.

The character of the surrounding area is mixed with commercial uses to the east, a manufactured home park to the south, and major barriers to the north (Arkansas River) and west (I-135). The property east of the site is zoned "GC" General Commercial and is developed with a self-service storage warehouse and a body shop. The property south the site across MacArthur is zoned "LC" Limited Commercial and "MH" Manufactured Housing and is developed with a manufactured home park with remaining vacant land currently marketed for commercial development.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	Right-of-way	Arkansas River
EAST:	"GC"	Self-service storage warehouse; body shop
SOUTH:	"MH" & "LC"	Manufactured home park; vacant commercial
WEST:	Right-of-way	I-135

PUBLIC SERVICES: Public sanitary sewer and water service are currently available to this location. The site has access to MacArthur, a five-lane arterial street. Current traffic volumes on MacArthur are approximately 14,000 vehicles per day. The 2030 Transportation Plan projects that traffic on MacArthur will increase to approximately 17,000 vehicles per day.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "commercial" development. The Commercial Locational Guidelines recommend that commercial sites should be located adjacent to arterial streets and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**, subject to platting within one year and subject to the following provision of a Protective Overlay District:

1. Screening along the west property line adjacent to the I-135 right-of-way shall be provided in the form of evergreen vegetation. The evergreen vegetation shall be planted and maintained in accordance with a landscape plan approved by the Planning Director and shall consist of plant materials that, at maturity, provide a solid hedge of evergreen vegetation with a minimum height of 30 feet.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Adjacent properties are zoned "LC" Limited Commercial, "GC", General Commercial and "MH" Manufactured Housing. The character and uses on surrounding sites are commercial, including storage uses, and medium-density residential. Storage uses on the subject property are consistent with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single-Family Residential, which does not permit storage uses. Vehicle storage yards are first permitted in the "GC" General Commercial zoning district. Given the site's proximity to existing storage uses and the I-135 expressway and the higher-density of adjacent

residential uses, it is not likely that the site would redevelop with single-family residential uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property. Detrimental affects should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance, which should limit noise, lighting, and other activity from adversely impacting surrounding residential areas. Additionally, the subject property is separated by a major barriers to the north (Arkansas River) and west (I-135) from lower intensity uses.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "commercial" development. The subject property conforms to the Locational Guidelines regarding commercial development.
5. Impact of the proposed development on community facilities: No negative impacts on community facilities were identified at the time this report was prepared.