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ORDINANCE 47-988

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. ZON 2007-55

Zone change request from SF-5, Single-Family Residential to GC, General Commercial, for property described as:

Lot 1, Block A, Rishel Addition, Wichita, Sedgwick County, Kansas.

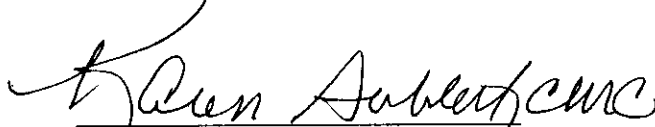
Generally located on the east side of Ridge Road and north of Kellogg.

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 this 24 day of August, 2008.

ATTEST:


Karen Sublett, City Clerk


Carl Brewer, Mayor

(SEAL)



Approved as to form:


Gary E. Rebenstorf, City Attorney

STAFF REPORT

MAPC 12-06-07
DAB V 12-03-07

CASE NUMBER: ZON2007-00055

APPLICANT/AGENT: Lorene Sinclair (owner); Howard Rishel (applicant)

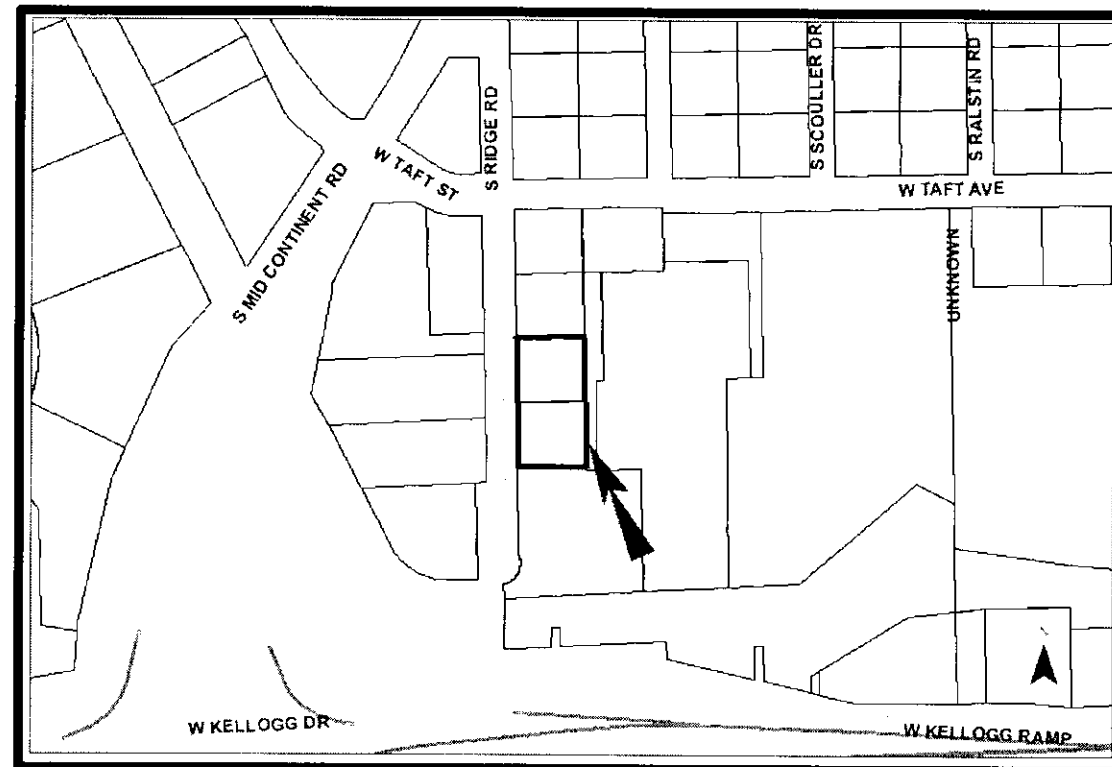
REQUEST: Zone change to "GC" General Commercial

CURRENT ZONING: "SF-5" Single Family Residential

SITE SIZE: 1.10 acres

LOCATION: On the east side of Ridge Road approximately 300 feet south of W. Taft Ave (544 & 560 S. Ridge Road)

PROPOSED USE: To allow commercial uses.



BACKGROUND: The applicant requests “GC,” General Commercial zoning on two unplatted .55-acre parcels located on the east side of Ridge Rd. approximately 300 feet south of W. Taft Ave. The parcels are currently zoned “SF-5,” Single Family Residential, and are developed with single-family residences.

To the north of the application area are “SF-5” zoned single-family residences. South and east of the application area is a “GC” zoned shopping center (DP-151 The Dugan Center.) West of the application area is an “LC” zoned theater and “LC” zoned restaurant. US-54 (Kellogg) is located approximately 700 feet south of the application area, which is accessible from Mid-Continent Dr., but not S. Ridge Rd., which turns into a cul-de-sac just south of the application area.

The overall character of the area is a mix of “GC” and “LC” zoned shopping, restaurant and entertainment uses along Kellogg Dr., Mid-Continent Dr., Ridge Rd. and Taft Ave. There are two “SF-5” zoned homes on the east side of Ridge Rd. and one “SF-5” zoned home on the south side of Taft Ave. The proposed zone change, from “SF-5” to “GC” would require conformance to all property development standards in the Unified Zoning Code.

CASE HISTORY: The properties within this application are currently unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	“SF-5,” Single-Family Residential	Single-Family Residence
SOUTH:	“GC,” General Commercial	Restaurant
EAST:	“GC,” General Commercial	Shopping Center
WEST:	“LC,” Limited Commercial	Movie Theater & Restaurant

PUBLIC SERVICES: The properties are located along Ridge Rd., northeast of Mid-Continent Dr. and Kellogg, with construction just being completed along Ridge Rd., north of the subject site. The 2006 Average Daily Traffic Map showed 27,701 ADTs (average daily trips) for section of Mid-Continent Dr., northwest of the application area, and 10,823 ADTs for Taft, just north of the application area. The application area currently has two points of access onto Ridge Rd. City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” of the *Wichita-Sedgwick County Comprehensive Plan* identifies the application area, along with the entire surrounding area, as “Regional Commercial.” The Unified Zoning Code defines the “GC” zoning district as generally compatible with the “Commercial” designation of the Comprehensive Plan. The application area is also consistent with the “Commercial Locational Guidelines” of the *Wichita-Sedgwick County Comprehensive Plan*. Commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion, with the location of major commercial uses being coordinated with mass transit routes, high-density residential, employment and other intensive uses. Commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses and commercial uses should locate in compact clusters or nodes versus extended strip developments. Commercially-generated

traffic should not feed directly onto local residential streets and commercial uses that are not located in planned centers or nodes (including large free-standing buildings, auto-related and non-retail uses) should be guided to other appropriate areas such as: the CBD fringe; segments of Kellogg; established areas of similar development; and, areas where traffic patterns, surrounding land uses and utilities can support such development.

RECOMMENDATION: This zone change request is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide" and "Commercial Locational Guidelines." A zone change to "GC" and the subsequent redevelopment will require the application area to be in compliance with the landscape ordinance; and to screen and deflect lighting from residential neighbors. To be redeveloped, the applicant will be required to plat the application area. Planning staff anticipates that platting will include complete dedication of access control with one point of access on Ridge Road, and required cross-lot access agreements with all non-residentially zoned neighboring lots.

Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to platting within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is a mixture of "GC," "LC" and "SF-5" zoning. The surrounding land uses are a mixture of restaurants, shopping centers, a theater, single-family homes, and an elevated highway. Landscape and screening requirements should help mitigate any negative impacts from the application area onto the surrounding residential neighbors.
2. The suitability of the subject property for the uses to which it has been restricted: The property could continue to be used as currently zoned, as a single-family residence. However, the "Wichita Land Use Guide" of the *Wichita-Sedgwick County Comprehensive Plan* identifies the entire surrounding area as "Commercial." With a large CUP commercial development to immediate east, and associated street improvements along Ridge and Taft, the entire surrounding area will potentially redevelop for commercial uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of "GC" zoning on this property will increase traffic and the intensity of land uses in the immediate area. Designation of the entire surrounding area as "Commercial" in the "Wichita Land Use Guide," and recent street improvements on Ridge and Taft, have taken into consideration the redevelopment of the surrounding area for commercial uses.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide," and it is in conformance with the commercial locational guidelines of the plan.

5. Impact of the proposed development on community facilities: A zone change at the application area to "GC" will increase traffic along Ridge and Taft, the designation of the entire surrounding area as "Commercial" in the "Wichita Land Use Guide," and recent street improvements, have planned and accounted for increased traffic in this area.