

STAFF REPORT
 MAPC-March 21, 2019
 DAB IV-April 1, 2019

CASE NUMBER: ZON2019-00006

APPLICANT Brunswick Properties, LLC

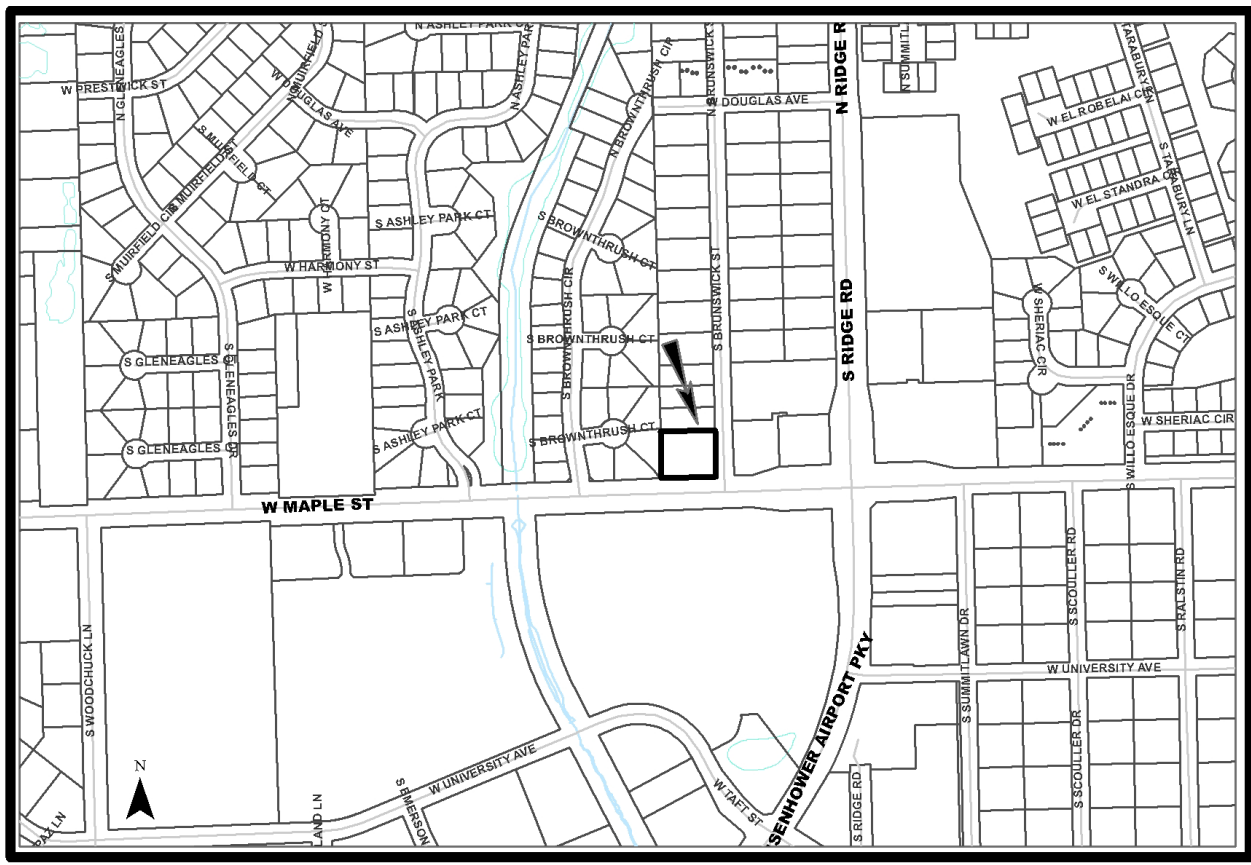
REQUEST: Amend Protective Overlay #300

CURRENT ZONING: NR Neighborhood Retail

SITE SIZE: 0.7 acre

LOCATION: The north side of West Maple Street, approximately 415 feet west of South Ridge Road (7330 W Maple) (WCC #V)

PROPOSED USE: Limited restaurant use.



ZON2019-00006

BACKGROUND: This application was filed to amend Protective Overlay #300 on the subject property zoned NR Neighborhood Retail. The subject property is located at 7330 West Maple Street, on the north side of West Maple Street, approximately 415 feet west of South Ridge Road. With this request, the applicant would like to amend the Protective Overlay to allow for limited restaurant use. The Unified Zoning Code (UZC) by right allows restaurant uses up to 2,000 square feet in the NR district (Sec III. D-6.t).

The applicants request to amend the PO includes the following: changing provision #1 to allow up to 2,000-square foot of restaurant use and adding a provision to prohibit restaurant uses from having drive-throughs and deep frying operations. The original provisions of PO #300 are:

- (1) Permitted uses are an automated teller machine, a bank or financial institution, general office, personal care services, general retail, personal improvement services and medical offices.
- (2) The hedge like line of mature trees running parallel to the site's west property line shall be maintained or improved as needed to provide a solid landscape buffer. A line of six-foot tall (at the time of planting) evergreens shall be planted on 12-foot centers along the north property line. An eight-foot tall solid fence shall be installed south of the line of evergreens. The rest of the required landscaping shall be per the Landscape Ordinance.
- (3) Compatibility setback, height and light standards and all applicable Unified Zoning Code standards will apply to the development of the site. A drainage plan must be approved by the Public Works.
- (4) No parking or lighting within the rear and interior side yard setbacks.

CASE HISTORY: On October 6, 2015, the Wichita City Council approved ZON2015-00031 which rezoned the south 160 feet of Lot 9, Block D, Westview Addition from SF-5 Single Family Residential to NR Neighborhood Retail with the provisions of Protective Overlay #300 (see Background, second paragraph). During the August 20, 2015 MAPC meeting, the applicant (at the time) withdrew restaurants as a permitted use (as permitted in the NR zoning district) in the PO. Planning Staff had recommended restaurants as a permitted use in the PO.

On April 21, 2016, the MAPC heard ZON2016-00012 and CON2016-00007 in which new applicants (at the time) requested a zoning change of Lot 3, Westview 2nd Addition—the lot abutting the subject property on the north—from SF-5 to TF-3 Two-Family with an Conditional Use for ancillary parking and an amendment to PO #300. The amendment to PO #300 was to change provision #1 to allow a 2,500-square foot restaurant with outdoor seating and to change provision #3 to reduce the compatibility setbacks to 10 feet on the west side of the property. Staff noted restaurants in the NR district shall not exceed 2,000-square feet, which includes the outdoor seating area as stated in the UZC Sec III. D-6.t. The parking requirement for the site with a mix of a 2,000-square foot restaurant and 6,775 square feet of retail (one space per 333-square feet) would require an estimated 53 parking spaces.

At the April 21, 2016 MAPC meeting, the owners of the north butting SF-5 zoned single family residence to Lot 3 protested the proposed amendment to PO #300 to allow a 2,000-square foot restaurant and the proposed TF-3 zoning with the condition use for ancillary parking. The protesters had concerns about possible traffic generated by the restaurant onto Brunswick Street, restaurant patrons parking on Brunswick Street, the hours of trash being picked up, trash generated by a restaurant , possible late hours, noise, and cooking and trash odors. The applicant requested a deferral to discuss with the Traffic Engineer their proposal to have a drive onto Maple Street. The MAPC approved a deferral until May 5, 2016 as to allow DAB V to consider these cases.

At the May 3, 2016 DAB V meeting, these cases were presented and members of the adjacent neighborhood addressed the Board in opposition to the change. The DAB V passed a motion 5-4 to deny the requested amendment to PO #300 for a restaurant use and to reduce the compatibility setbacks and to deny the requested zone change to TF-3 with the Conditional Use for ancillary parking.

At the May 5, 2016, MAPC meeting the applicant again requested a deferral and the MAPC granted an indefinite deferral. There were protesters at the MAPC meeting.

At the July 21, 2016 MAPC meeting, the Commission approved a motion to deny the requested zone change and amendment to PO #300

On August 30, 2016, ZON2016-00012 and CON2016-00007 were withdrawn by the applicant.

ADJACENT ZONING AND LAND USE:

North:	SF-5;	Single-family residences
South:	LC, GC;	Big box home improvement, big box retail.
East:	LC;	Carpet sales, small commercial strip, convenience store, restaurant
West:	SF-5;	Single-family residences

PUBLIC SERVICES: The site is served by all normally supplied municipal services. The site has one access drive onto Brunswick Street, a paved two-lane local street which intersects with West Maple Street, a paved four-lane arterial, with center turn lanes at this location. The site currently has an access drive onto West Maple Street on the west side of the property.

CONFORMANCE TO PLANS/POLICIES: The site is located just outside (separated by Ridge Road) the “Community Investments Plan’s” Established Central Area, which is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. The Land Use Compatibility component of the Plan recommends that higher intensity development should be discouraged from locating in areas of existing lower –intensity development, particularly established low intensity residential areas. The subject site abuts urban single-family residential development on its north and west sides.

The Community Investments Plan’s “2035 Wichita Future Growth Concept Map” designates the site as “new employment.” The new employment designation encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. In certain areas, especially those in proximity to existing residential uses, higher density housing and convenience retail centers likely will be developed. The subject site abuts urban scale single-family residential zoning on its north and west sides. The previously approved NR zoned portion of the site, subject to the provisions of PO#300 fits the just noted development projection of the new employment designation. The subject site’s current NR zoning and PO serve as a buffer between the area’s LC and GC zoned businesses and the immediate earlier established single-family residential development, thus meeting the Plan’s “Development Pattern” guidelines for areas outside the Established Central Area. The Maple Street – Ridge Road intersection has experience redevelopment from single-family residential to commercial during the last, at least, two and a half decades. Most of the commercial development has happened south of this intersection, extending south a half-mile to Kellogg Street/Us Highway-54. Commercial development ends approximately 520 feet north of the Maple Street – Ridge Road intersection.

RECOMMENDATION: Approving amendments to the PO to allow for restaurant but prohibiting drive-throughs and deep fat frying operations may present an opportunity to make the subject site more marketable. Amending the PO to allow a restaurant allows very-low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods.

Based upon the information available at the time the staff report was prepared, it is recommended that the following amendments to PO #300 be **APPROVED:**

- (1) Permitted uses are an automated teller machine, a bank or financial institution, general office, personal care services, general retail, personal improvement services, medical offices, and restaurants up to 2,000 square feet as permitted in the NR district.
- (2) Restaurants are allowed provided that: restaurants will not be allowed to have drive-throughs and will not be allowed deep frying operations.
- (3) The hedge like line of mature trees running parallel to the site's west property line shall be maintained or improved as needed to provide a solid landscape buffer. A line of six-foot tall (at the time of planting) evergreens shall be planted on 12-foot centers along the north property line. A six-foot tall solid fence shall be installed south of the line of evergreens. The rest of the required landscaping shall be per the Landscape Ordinance.
- (4) Compatibility setback shall be reduced by five-feet along the north property line, height and light standards and all applicable Unified Zoning Code standards will apply to the development of the site. A drainage plan must be approved by the Public Works.
- (5) No parking or lighting within the rear and interior side yard setbacks.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** SF-5 zoned neighborhoods abut the north and west sides of the subject site. The west abutting SF-5 zoned single-family residences (built in the early 1990s) are separated from the subject site by a hedge like line of mature trees and their subdivision's six-foot brick wall. None of the houses located west of the site have front yards facing Maple Street and their back or interior side yards butt the subject site. The north abutting SF-5 single family residence is separated from the subject site by a 6-foot wooden fence. An LC zoned small Horton's carpet store (built 1996), small commercial strip with gas pumps (built 1983) and an Outback full service restaurant (built 1999) are located east of the site, across Brunswick Street; Z-2337, Z-3162, and Z-3237. The 0.68-acre carpet store and 0.70-acre commercial strip sites present a similar scale of commercial development that could occur on the 1.03-acres -acre subject site, if the conditional use is approved. South of the site, across Maple Street, are the LC and GC General Commercial zoned big box, 17.71-acre Lowes home improvement store (built 1998) and the LC zoned big box, 15.72-acre Target department store (built 2004); Z-3306/DP-37 and Z-3326, ZON2003-00055/DP-270. Lowes and Target are the two largest commercial developments located along the Ridge Road – Maple Street intersection, which includes full service restaurants, casual dining restaurants, furniture stores, commercial and strip buildings.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site zoned NR with the provisions PO #300 allows very-low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approving the addition of restaurant as a permitted use contingent with the additional provisions governing the restaurant use would seem to have a minimal negative effect on the abutting single-family residential development.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The site is located just outside (separated by Ridge Road) the “Community Investments Plan’s” Established Central Area, which is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. The Land Use Compatibility component of the Plan recommends that higher intensity development should be discouraged from locating in areas of existing lower –intensity development, particularly established low intensity residential areas. The subject site abuts urban single-family residential development on its north and west sides.

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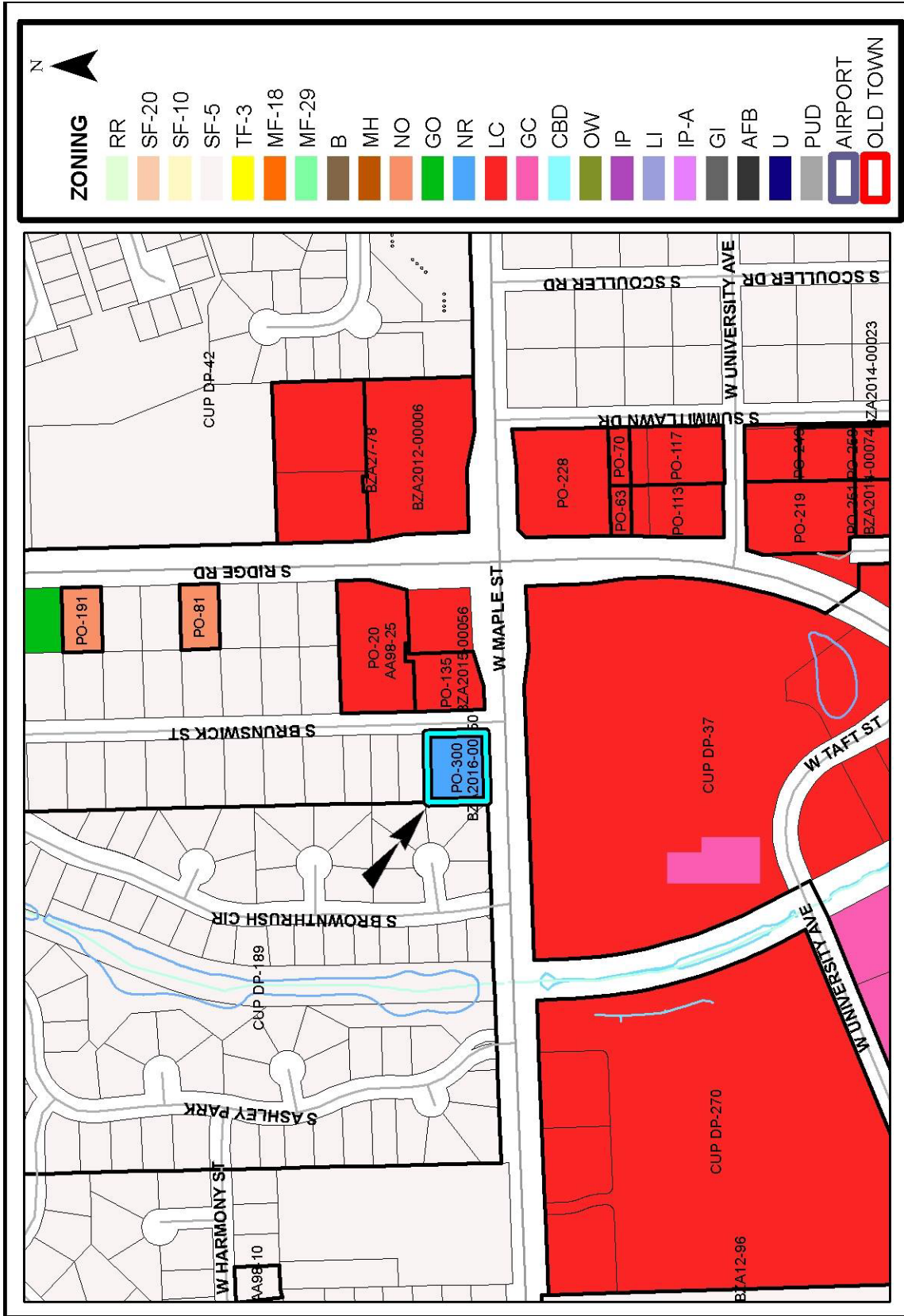
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5. Impact of the proposed development on community facilities: The recommended additions to the PO will have minimal impact on community facilities.

Staff Report Attachments:

1. Area Map
2. Zoning Map
3. Site Pictures





ZON2019-00006

Metropolitan Area Planning Commission



From Maple looking northeast at the site.



From Brunswick looking west.



Looking northwest: behind building, fence detail



From site looking east toward Brunswick