OCA150006 BID 37529-009 CID#76383)

47-586

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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 2006-48

Request for Zone change from "SF-5" Single-Family Residential District to "LC" Limited Commercial District District, for property described as:

Lot 1, Block A, Rennick Commercial Addition, Wichita, Sedgwick County, Kansas.

Generally located on the northwest corner of 45th Street North and Hoover Road.

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 2 day of October 2007.

ATTEST:

Carl Brewer, Mayor

Karen Sublett, CMC

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

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WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT

MAPC, November 16, 2006

CASE NUMBER: ZON2006-00048

APPLICANT/AGENT: Alan L. Rennick and George R. Rennick, c/o Dennis Wetta (owner); R&R Realty, LLC, c/o Jay W. Russell (developer); Baughman Company, PA, c/o Russ Ewy (agent)

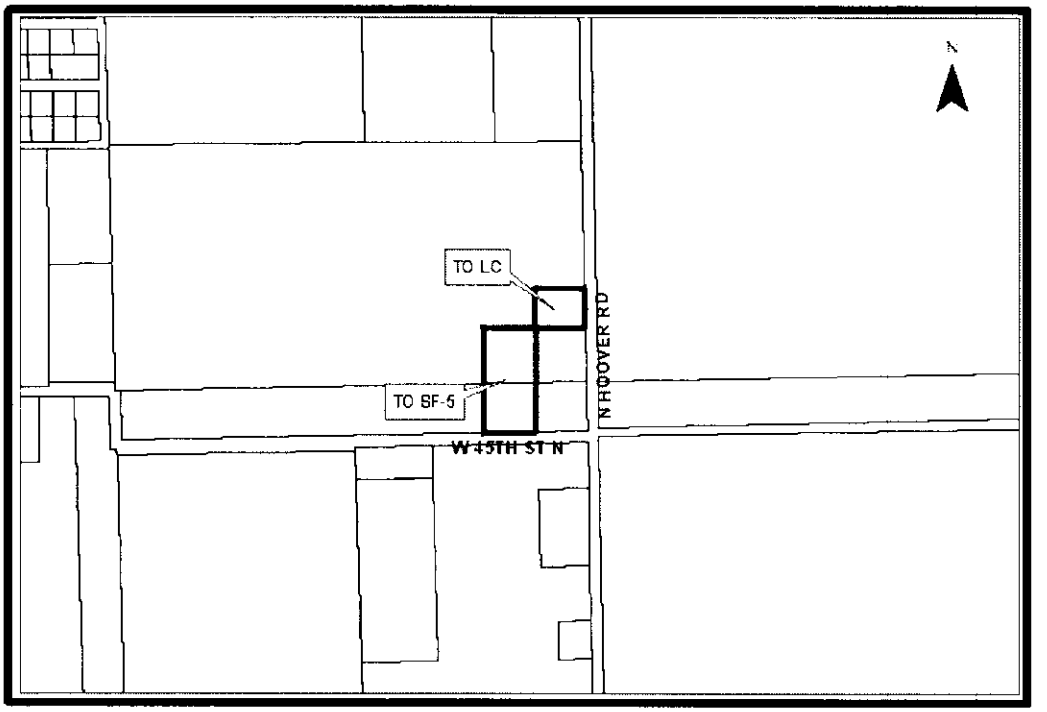
REQUEST: "LC" Limited Commercial; "SF-20" Single-family Residential

CURRENT ZONING: "SF-20" Single-family Residential; "LC" Limited Commercial

SITE SIZE: 5.1 acres

LOCATION: Northwest of 45th Street North and Hoover Road

PROPOSED USE: Reposition property for single-family subdivision and commercial development



BACKGROUND: The applicant requests to reposition the boundary between "SF-20"Single-family Residential and "LC" Limited Commercial zoning on 5.1 acres located north of 45th Street North and west of Hoover Road. The existing LC property would be moved northward by 205 feet along Hoover Road, but would be decreased approximately 300 feet along 45th Street North. 1.32 acres of LC would be added along Hoover and 3.78 acres of LC would be zoned residentially on 45th Street North, for a net change of 2.46 acres. The result would be a 900-foot strip of LC zoning abutting Hoover Road, and would mimic the LC pattern south of 45th Street North. The property currently is in agricultural use. A single-family residential subdivision is being planned for the area proposed for residential zoning.

All four corners of 45th and Hoover are zoned LC but no commercial use is developed yet. Otherwise, the land west of Hoover Road is zoned SF-20 and is in agricultural use with scattered farmsteads and suburban residences. The land east of Hoover Road, which is known as the Kingsbury tract, is zoned SF-5 except for the LC corners. Currently a sand and gravel extraction is being operated on the Kingsbury site; the long-term use for the property is as parkland.

CASE HISTORY: The property that currently is LC was zoned this way as part of Sedgwick County commercial zoning of 600' x 600' tracts of property at the corners of county line road intersections within the three-mile ring of Wichita in 1958. A companion request (ZON2006-00047) from LC to SF-20 is being considered concurrently for the adjacent property to the south of 45th Street North.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20	Agricultural, farmstead
SOUTH:	LC	Agricultural
EAST:	LC, SF-5	Agricultural, sand pit/open space (future parkland)
WEST:	SF-20	Agricultural, farmstead

PUBLIC SERVICES: 45th Street North is an unpaved county road designated as a major collector (rural) on the Transportation Plan. Municipal water and sewer services are not available at the current time.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as within the 2030 Wichita urban growth area and as appropriate for "urban development mix" land use category. The SF-20 zoning is compatible with this designation. The urban development mix category allows for the possibility of local commercial uses. Commercial Location Guideline #3 stipulates that any commercial use in proximity to residential development, such as in this case, the 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."

RECOMMENDATION: The property requested for expansion of LC would be subject to the Unified Zoning Code requirements for screening and compatibility standards but would not be subject to the use limitations intended to prevent the more intensive types of commercial uses such as vehicle repair, limited, and convenience stores in close proximity to residential development. The County Commission approved the 600 x 600 foot tracts of zoning in 1958 with the understanding the LC zoning would be subject to CUP overlay provisions once it was developed, since the tracts were just over the threshold of 6 acres in size. By downzoning 3.78 acres to SF-20, the CUP would not be required, which opens the door for potential conflict with the abutting residential lots. One way to reduce potential impacts is to limit the property to the "NR" Neighborhood Retail zoning district, which limits the types of use, size of retail and eliminates drive-in or in-car service. Another approach would be a protective overlay. The proposed SF-20 zoning would be in conformance with the Comprehensive Plan.

Based upon these factors and information available prior to the public hearings, planning staff recommends the following:

THE ZONE CHANGE FOR SF-20 BE APPROVED;

THE ZONE CHANGE FOR LC BE DENIED BUT APPROVED FOR NR NEIGHBORHOOD RETAIL.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All four corners of 45th and Hoover are zoned LC but no commercial use is developed yet. Otherwise, the land west of Hoover Road is zoned SF-20 and is in agricultural use with scattered farmsteads and suburban residences. The land east of Hoover Road, which is known as the Kingsbury tract, is zoned SF-5 except for the LC corners. Currently a sand and gravel extraction is being operated on the Kingsbury site; the long-term use for the property is as parkland.

2. The suitability of the subject property for the uses to which it has been restricted: For the area requested for SF-20, the current LC zoning permits single-family use but also allows commercial use. However, the presence of the LC zoning introduces uncertainty that the property could be converted to commercial use in the future; this can deter the desirability of the property for residential development. For the area requested for LC, NR Neighborhood Retail is more compatible in scale and use for a small lot abutting a future residential lot.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: LC without any additional limitations could result in uses with noise associated with high traffic generating uses such as convenience stores and fast-food restaurants and from drive-through windows, light spillover from queueing lanes shining toward residential lots, outdoor display and storage which is prohibited in NR, more intensive signage, narrower setbacks abutting residential lots (20 feet instead of 35

feet); all of these characteristics could be a detriment to the abutting residential use.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as within the 2030 Wichita urban growth area and as appropriate for "urban development mix" land use category. The SF-20 zoning is compatible with this designation. The urban development mix category allows for the possibility of local commercial uses. Commercial Location Guideline #3 stipulates that any commercial use in proximity to residential development, such as in this case, the 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."

5. Impact of the proposed development on community facilities: The downzoning should have no significant impact on community facilities, however, urban-scale development should not proceed until municipal services and paved roads are available to serve the site. Since the request yields a net loss of commercial zoning, it should not pose a significant increase in traffic demand over that already allowed.