

Planning Agenda Item # _____

City of Wichita
City Council Meeting

June 6, 1995

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3167 - ZONE CHANGE REQUEST FROM THE "BB" OFFICE DISTRICT
TO THE "LC" LIGHT COMMERCIAL DISTRICT. LOCATED AT THE
NORTHEAST CORNER OF MAPLE AND BRUNSWICK.
(District #5)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to filing of the voluntary restrictive covenant submitted at the MAPC hearing (13-0-1).

Staff Recommendation: Approve, subject to filing of the voluntary restrictive covenant submitted at the MAPC hearing.

CPO Recommendation: Northwest CPO Council "5" voted 9-0 to recommend approval of the request subject to MAPD recommended conditions and to the voluntary restrictive covenants.

Background: On April 27, 1995, the MAPC considered a zone change from the 'BB' Office District to the 'LC' Light Commercial District for an 0.68 acre portion of Lot 1, Westview 3rd Addition. The subject property (approximately 162' x 188') is currently undeveloped and located at the northeast corner of Maple and Brunswick. The applicant proposes to develop a carpet showroom on the site.

The surrounding area is characterized by a mixture of residential uses, commercial uses, and undeveloped property zoned for office and commercial uses. The subject property is bordered by a 7-Eleven convenience store and retail strip center to the east, undeveloped office property to the north, single family residential homes on the west side of Brunswick, and an undeveloped commercial CUP to the south (DP-37). The undeveloped Ridge Plaza CUP to the south (DP-37) was first approved in 1970 and amended in 1980. The CUP permits a number of 'LC' uses including service stations, retail stores, restaurants, financial institutions and motel / hotels. All landscaping, screening, and signage requirements are per the City Code.

The subject property currently has complete access control to Brunswick and the applicant indicates that the access controls would be maintained. In order to buffer the site from the nearby residential homes, the applicant volunteered a restrictive covenant to restrict the uses permitted on the property to 'OC' Office Commercial and carpet showrooms and establish a 35 foot building setback requirement along Maple. The applicant also volunteered to place a wrought iron fence and a 20 foot landscape buffer with solid screening of evergreen trees along Brunswick and construct a wood fence along the north side of the application area. Ground or pole signs along Maple would be restricted to the requirements of the 'BB' Office District -- or 32-square feet of gross surface area for a single tenant.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change subject to to the condition of recording the voluntary restrictive covenant, and place the ordinance establishing the zone change on first reading; instruct the Clerk to withhold publication until the covenant is recorded with the Register of Deeds; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

**WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT**

June 22, 1995

TO: Pat Burnett, Deputy City Clerk
FROM: Kevin Kokes, Senior Planner, Current Plans Division
SUBJECT: Zoning Ordinance for Z-3167

On June 6, 1995, the Wichita City Council approved zone change request (Z-3167), subject to recording of the voluntary restrictive covenant. Publication of the zoning ordinance was to be withheld until the covenant was recorded.

The covenant has been recorded with the Register of Deeds, and therefore, the Ordinance establishing the zone change may now be published.

() Published in The Daily Reporter 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 SECTION 28.04.210, THE CODE OF THE CITY OF WICHITA, KANSAS.

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 Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3167

Zone change request from the "BB" Office District
to the "LC" Light Commercial District

That part of Lot 1, Westview 3rd Addition, Wichita, Kansas, described as beginning at the S.W. Corner of said Lot 1; thence N00°E, along the west line of said Lot 1, 188 feet; thence N89°19'30"E, parallel with the west 62 feet of the south line of said Lot 1, 137 feet; thence N00°E, 22 feet; thence N89°19'30"E, 49 feet; thence S00°W, 10 feet to a point on the north line of Lot 2, in said Addition; thence S89°19'30"W, along the north line of said Lot 2, 24 feet to the N.W. Corner of said Lot 2; thence S00°W, 175 feet to the southerly most corner common to said Lots 1 and 2; thence S75°19'45"W, along the southerly line of said Lot 1, 103.36 feet to the point of intersection in the south line of said Lot 1; thence S89°19'30"W, along the south line of said Lot 1, 62 feet to the place of beginning. Generally located at the northeast corner of Maple and Brunswick.

SECTION 2. That upon the taking effect of the 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 Zoning Ordinance as amended.

FILE COPY

STAFF REPORT

April 27, 1995

CASE NUMBER: Z-3167

APPLICANT/AGENT: Wichita Clinic Building Co. & Horton's Carpet c/o Dan Goldsmith / Mark Savoy

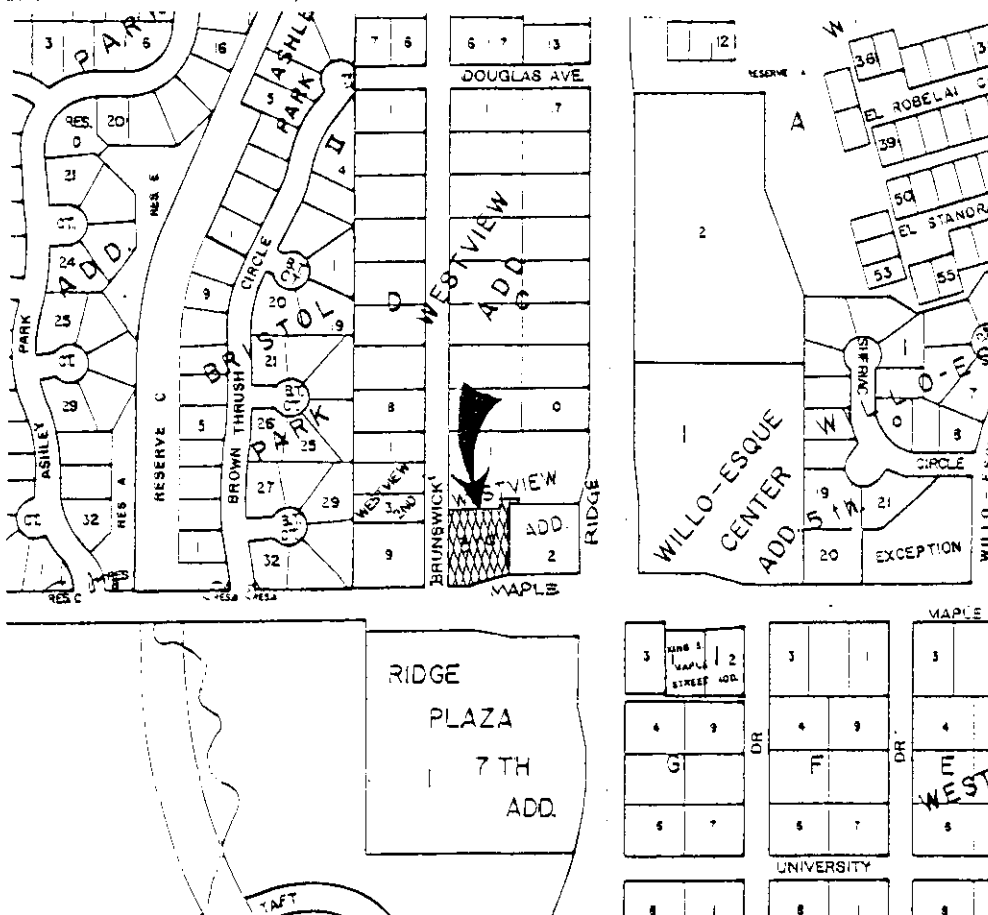
REQUEST: Zone change to 'LC' Light Commercial

CURRENT ZONING: 'BB' Office District

SITE SIZE: 0.68 acres

LOCATION: Northeast corner of Maple and Brunswick

PROPOSED USE: Carpet showroom



BACKGROUND: The applicant requests a zone change from the 'BB' Office District to the 'LC' Light Commercial District for an 0.68 acre portion of Lot 1, Westview 3rd Addition. The subject property (approximately 162' x 188') is currently undeveloped and located at the northeast corner of Maple and Brunswick. The applicant proposes to develop a carpet showroom on the site.

The surrounding area is characterized by a mixture of residential uses, commercial uses, and undeveloped property zoned for office and commercial uses. The subject property is bordered by a 7-Eleven convenience store and retail strip center to the east, undeveloped office property to the north, single family residential homes on the west side of Brunswick, and an undeveloped commercial CUP to the south (DP-37). The undeveloped Ridge Plaza CUP to the south (DP-37) was first approved in 1970 and amended in 1980. The CUP permits a number of 'LC' uses including service stations, retail stores, restaurants, financial institutions and motel / hotels. All landscaping, screening, and signage requirements are per the City Code.

The subject property currently has complete access control to Brunswick and the applicant indicates that the access controls would be maintained. In order to buffer the site from the nearby residential homes, the applicant volunteered a restrictive covenant to restrict the uses permitted on the property to 'OC' Office Commercial and carpet showrooms and establish a 35 foot building setback requirement along Maple. The applicant also volunteered to place a wrought iron fence and a 20 foot landscape buffer with solid screening of evergreen trees along Brunswick and construct a wood fence along the north side of the application area. Ground or pole signs along Maple would be restricted to the requirements of the 'BB' Office District -- or 32-square feet of gross surface area for a single tenant.

CASE HISTORY:

Z-2110 - In 1979, the Planning Commission considered a request for a change of zoning from 'AA' to 'LC' on the larger tract of land (currently zoned 'BB' and 'LC') and recommended its approval except for the west 120 feet (along Brunswick), which was to remain 'AA'. The Board of City Commissioners on June 5, 1979, denied the request.

Z-2337 - In 1981, the Planning Commission considered a request for a change of zoning from 'AA' to 'BB' & 'LC' for the same tract of land. Planning staff recommended that the application not be approved, stating that a higher density residential zoning classification would be more compatible with the neighborhood. The request had neighborhood opposition, and area residents asked that the zoning remain 'AA'. The MAPC recommended approval of the request and on May 19, 1981, the Board of City Commissioners approved the request.

ADJACENT ZONING AND LAND USE:

NORTH:	'BB'	Undeveloped
SOUTH:	'LC'	Undeveloped commercial CUP
EAST:	'LC'	Convenience store, strip retail center
WEST:	'AA'	Single family homes

PUBLIC SERVICES: Municipal water service is available from an 8-inch line along Brunswick and a 20-inch line along Maple. Municipal sewer service is available from an 8-inch line located to the northeast of the subject property extending through Lot 1. The site has access to Maple, a 4-lane paved arterial with 50 feet of existing half-street right-of-way which widens to 75 feet at the intersection. The site also borders Brunswick, a 2-lane residential street with 60 feet of right-of-way. The subject property has complete access control along Brunswick.

Traffic counts are not available for Brunswick (a residential street). Existing traffic volumes on Maple are 11,600 average daily trips (ADT) west of the Ridge Road intersection and 15,550 east of the intersection. The 2020 Transportation Plan projects traffic on Maple to increase to 19,300 ADT west of the intersection and 20,300 ADT east of the intersection. Transportation planning staff indicate that the additional limited retail uses should not significantly increase traffic over the existing office uses permitted on the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies a small area at the northwest corner of Maple and Ridge Road for commercial uses. The remaining area around the commercial corner is designated for low density residential uses, although the existing zoning permits office uses.

The commercial locational guidelines of the Comprehensive Plan recommend that commercial uses should be located in compact clusters versus extended strip development. The Plan recommends that commercial developments should be located in "planned centers" and that such "centers" would be most appropriately located at arterial intersections. Commercially-generated traffic should not feed directly onto residential streets. Also, commercial and office uses should have required site design features which limit noise, lighting, and other activity so as to not adversely impact surrounding residential areas.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to filing the voluntary restrictive covenant.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is a mixture of residential, commercial, and undeveloped office and commercial properties. The proposed use and zoning would be compatible with uses permitted and the zoning granted to the east, south, and north.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: The change in zoning classification would permit additional retail uses on the site. However, a carpet showroom or other uses permitted in the 'OC' district should not create significant increases in traffic on this small site, and the volunteered restrictions and the additional landscaping (in excess of the City's Landscape Ordinance requirements) should offer better buffers for the nearby homes to the west than what could develop on this site under the existing zoning.
3. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies a small area at the northwest corner of Maple and Ridge Road for commercial uses. The remaining area around the commercial corner is designated for low density residential uses, although the existing zoning permits office uses. As recommended by the Comprehensive Plan, the site would be located near an arterial intersection and would not feed traffic onto a residential street. Also, the applicant has volunteered a number of restrictions to buffer nearby residential properties.
4. Impact of the proposed development on community facilities: The site has access to municipal water and sewer services. Although Maple is projected to be nearing its traffic capacity in the future, transportation planning staff indicate that the additional limited retail uses should not significantly increase traffic over the existing office uses permitted on the site.