Agenda Item #_____

City of Wichita
City Council Meeting
April 2, 2002

Agenda Report #_____

TO: Mayor and City Council Members

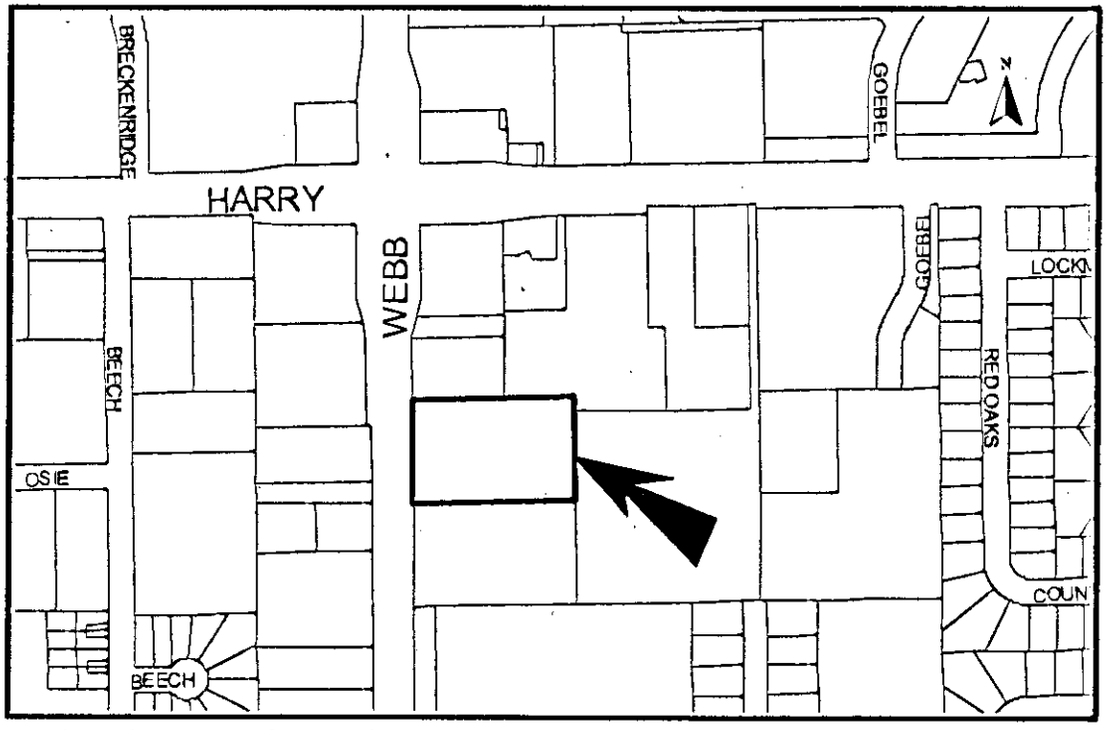
SUBJECT: **ZON2002-00005 – Zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial for unspecified commercial development. Generally located approximately 600 - feet southeast of the Harry Street-Webb Street intersection. (District II)**

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within one-year. (12-0)

Staff Recommendation: Approve, subject to platting within one-year.



BACKGROUND: The applicant requests a zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial on the southern 2/3rd of a 2.25 acre unplatted

tract located approximately 600-feet southeast off the Harry Street - Webb Road intersection. The northern 1/3rd of the property is currently zoned "LC" Limited Commercial. The applicant wants the whole tract to be "LC" Limited Commercial. The applicant proposes to market the property for an unspecified commercial use. There is a residence on the property.

The site's location is abutting extensive commercial development at this intersection. The northwest corner's "LC" Limited Commercial zoning is approximately 6.23 acres (all acreage is approximate) and contains a Super Dillions with a 5 double pump gas island. North of the Dillions there are 1.6 acres of undeveloped "LC" property. The 0.59-acre northeast corner has a bank on it, followed by (going north from this site) a 1.89-acre supper club, liquor store, beauty shop and 2.24 acres containing a retail strip; all zoned "LC" Limited Commercial. North of these commercial developments there are single family and duplex developments. The southwest corner contains a 1.34-acre Walgreen and a 1.54-acre McDonalds; all zoned "LC" Limited Commercial. There is undeveloped "LC" Limited Commercial south of these developments and "GO" General Office zoning. The "LC" Limited Commercial zoning, which is southwest of the site, was approved subject to a restrictive covenant limiting it to "BB" Office zoning uses and a car wash. "BB" Office zoning is now "GO" General Office zoning. This property owner has applied for 'LC' Limited Commercial zoning along with the southern abutting property. The properties directly north of the site and southeast of the intersection are a 1.03 acre Quick Trip and a ¾ acre taco/fast food drive through. There is extensive single family and multi-family residential development in the area.

The site is unplatted. The northern 1/3rd of the property zoned "LC" Limited Commercial represents a portion of the original 600-foot by 600-foot square of commercial nodes established at the four corners of sectional roads in the 1958 Zoning Map of Sedgwick County. The applicant applied for a zoning change of "LC" Light Commercial from "SF-5" Single Family Residential on this property 07-18-91, SCZ-0630. The applicant did not have a specific use at that time and the nearby areas zoned "LC" had not been extensively developed. Staff did not recommend the request for the zoning change and the request was denied by the MAPC. "LC" Light Commercial zoning became "LC" Limited Commercial in 1996, per ordinance and resolution.

The site has access to Webb Road, classified as a 4-lane arterial. At this location it currently has 4-lanes. The traffic counts at the Webb Road – Harry Street intersection are 20,932 ATD on the east end of the intersection, 18,731 ATD on the north end of the intersection, 13,792 ATD on the west end of the intersection and 10,275 ATD on the south end of the intersection. The intersection is 4 lanes with a turn lane and decel lanes. Access onto Webb, including aligning access with the property across the street and determining the need for any additional turn lanes, and the need for cross lot access to abutting properties, can be addressed as part of the platting process. Public water and sewer are available.

The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Commercial" development. Commercial development includes convenience centers, neighborhood centers, and large-scale retail. Convenience centers require 4-5 acres and

are located along the intersections of arterials, where proper turn lanes are in place or planned to allow access to the immediate neighborhood. This site qualifies for commercial development according to current policy and plans.

At the March 7, 2002 MAPC hearing, no one spoke in opposition to this request and the MAPC voted to approve the vacation 12-0, subject to platting within a year. No one has submitted written protest in opposition to the zoning change.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, subject to platting within a year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or Ord attached

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 the first hearing.)

(150004) Published in The Derby Reporter on JUL 11 2003

ORDINANCE NO. 45-759

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 2002-05

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

Lot 1, Block 1, Subway Addition, Wichita, Sedgwick County Kansas.

Generally located south of Harry, on the east side of Webb 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 _____ day of JUN 9 2003 2003.

ATTEST:

Pat Graves, City Clerk

Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

RECEIVED
JUL 21 2003
METROPOLITAN PLANNING
ROUTE 3

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT

MAPC March 7, 2002

CASE NUMBER: ZON2002-00005

APPLICANT - OWNER: Bernard E McKitrick

AGENT: PEC, PA, c/o Gary Wiley

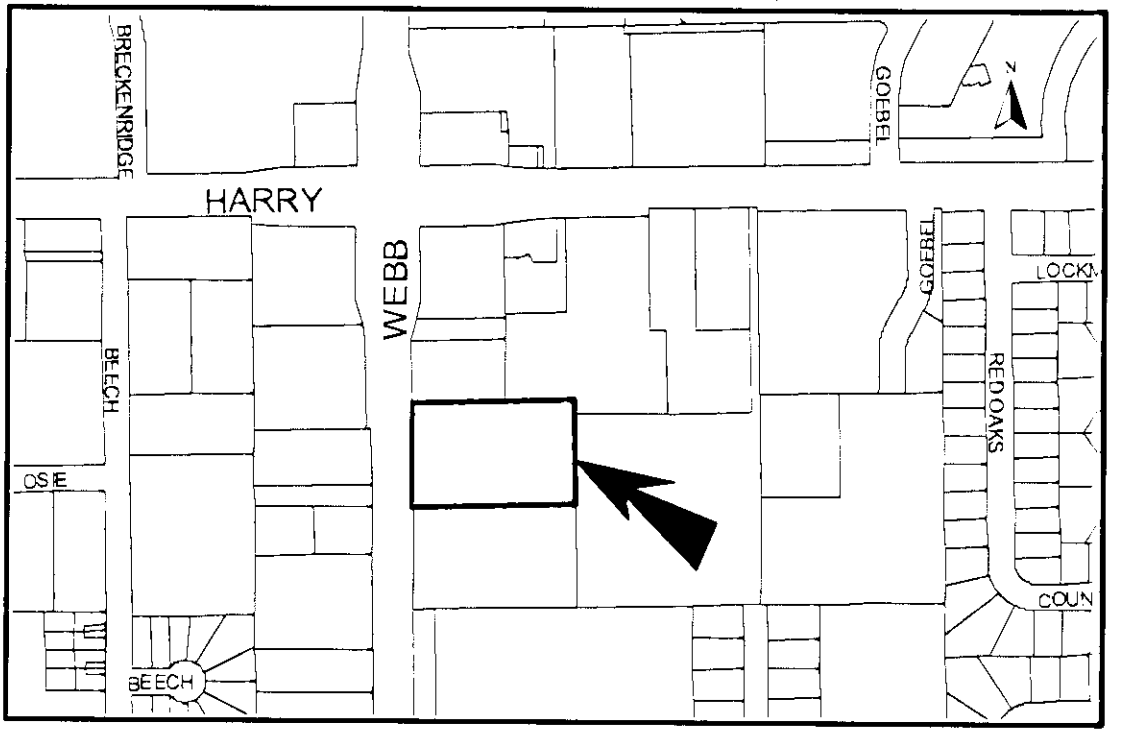
REQUEST: "LC" Limited Commercial

CURRENT ZONING: "SF-5" Single-Family Residential & "LC" Limited Commercial

SITE SIZE: 2.25 acres

LOCATION: Approximately 550-feet southeast of the Harry Street - Webb Street intersection

PROPOSED USE: Unspecified commercial development



BACKGROUND: The applicant requests a zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial on the southern 2/3rd of a 2.25 acre unplatted tract located approximately 550-feet southeast of the Harry Street - Webb Road intersection. The northern 1/3rd of the property is currently zoned "LC" Limited Commercial. The applicant wants the whole tract to be "LC" Limited Commercial. The applicant proposes to market the property for an unspecified commercial use. There is a residence on the property.

The site's location is abutting extensive commercial development at this intersection. The northwest corner's "LC" Limited Commercial zoning is approximately 6.23 acres (all acreage is approximate) and contains a Super Dillions with a 5 double pump gas island. North of the Dillions there are 1.6 acres of undeveloped "LC" property. The 0.59-acre northeast corner has a bank on it, followed by (going north from this site) a 1.89-acre supper club, liquor store, beauty shop and 2.24 acres containing a retail strip; all zoned "LC" Limited Commercial. North of these commercial developments there are single family and duplex developments. The southwest corner contains a 1.34-acre Walgreens and a 1.54-acre McDonalds; all zoned "LC" Limited Commercial. There is undeveloped "LC" Limited Commercial south of these developments and "GO" General Office zoning. The "LC" Limited Commercial zoning, which is southwest of the site, was approved subject to a restrictive covenant limiting it to "BB" Office zoning uses and a car wash. "BB" Office zoning is now "GO" General Office zoning. This property owner has applied for 'LC' Limited Commercial zoning along with the southern abutting property. The properties directly north of the site and southeast of the intersection are a 1.03 acre Quick Trip and a ¾ acre taco/fast food drive through. There is extensive single family and multi-family residential development in the area.

CASE HISTORY: The site is unplatted. The northern 1/3rd of the property zoned "LC" Limited Commercial represents a portion of the original 600-foot by 600-foot square of commercial nodes established at the four corners of sectional roads in the 1958 Zoning Map of Sedgwick County. The applicant applied for a zoning change of "LC" Light Commercial from "SF-5" Single Family Residential on this property 07-18-91, SCZ-0630. The applicant did not have a specific use at that time and the nearby areas zoned "LC" had not been substationally developed. Staff did not recommend the request for the zoning change and the request was denied by the MAPC. "LC" Light Commercial zoning became "LC" Limited Commercial in 1996, per ordinance and resolution.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Limited Commercial	Fast food, convenience store
SOUTH:	"SF-5" Single-Family Residential	Residential
EAST:	"SF-5" Single-Family Residential	Not developed
WEST:	"SF-5" Single-Family Residential	Not developed

"LC" Limited Commercial	Fast food
"GO" General Office	Not developed

PUBLIC SERVICES: The site has access to Webb Road, classified as a 4-lane arterial. At this location it currently has 4-lanes. The traffic counts at the Webb Road – Harry Street intersection are 20,932 ATD on the east end of the intersection, 18,731 ATD on the north end of the intersection, 13,792 ATD on the west end of the intersection and 10,275 ATD on the south end of the intersection. The intersection is 4 lanes with a turn lane and decel lanes. Access onto Webb, including aligning access with the property across the street and determining the need for any additional turn lanes, and the need for cross lot access to abutting properties, can be addressed as part of the platting process. Public water and sewer are available.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Commercial" development. Commercial development includes convenience centers, neighborhood centers, and large-scale retail. Convenience centers require 4-5 acres and are located along the intersections of arterials, where proper turn lanes are in placed or planned to allow access to the immediate neighborhood. This site qualifies for commercial development according to current policy and plans.

RECOMMENDATION: Based upon the 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 properties are zoned "LC", "GO" and "SF-5"and are rapidly developing with the Webb Road – Harry Street intersection providing controlled access to the commercial development on its 4-corners to the immediate single family and multi-family development around it. The properties with commercial development offer a supermarket, fast foods, a convenience center, a restaurant – club, a retail strip and other businesses that are on 6 acres or less sites. The are also some vacant/undeveloped tracts.

2. The suitability of the subject property for the uses to which it has been restricted: The southern 2/3rds of site is zoned "SF-5" Single-Family Residential and the northern 1/3rd "LC" Limited Commercial. "SF-5" Single-Family Residential zoning accommodates low-density, single-family residential development and complementary land uses. "LC" Limited Commercial accommodates either small commercial development offering service to the immediate neighborhood and up to large-scale retail areas offering regional

services. The site could be developed for either low density residential or small commercial development, although it is less attractive as residential unless included in a larger residential subdivision. Conversely the narrow configuration of the section of the site that is "LC" will severely limit its commercial development options.

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 the lower intensity residential area to the east and south.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Commercial" development. The zoning change request is in conformance to the Comprehensive Plan and policies.

5. Impact of the proposed development on community facilities: Traffic volumes will increase. At the time of the platting traffic improvements and access control will be addressed. All other public services are available or readily accessible.