

Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
September 10, 2002

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council Members

**SUBJECT:** ZON2002-00044 – Zone change from “SF-5” Single-Family Residential and “B” Multi-Family Residential to “LC” Limited Commercial. Generally located south of Central and east of Westridge. (District IV)

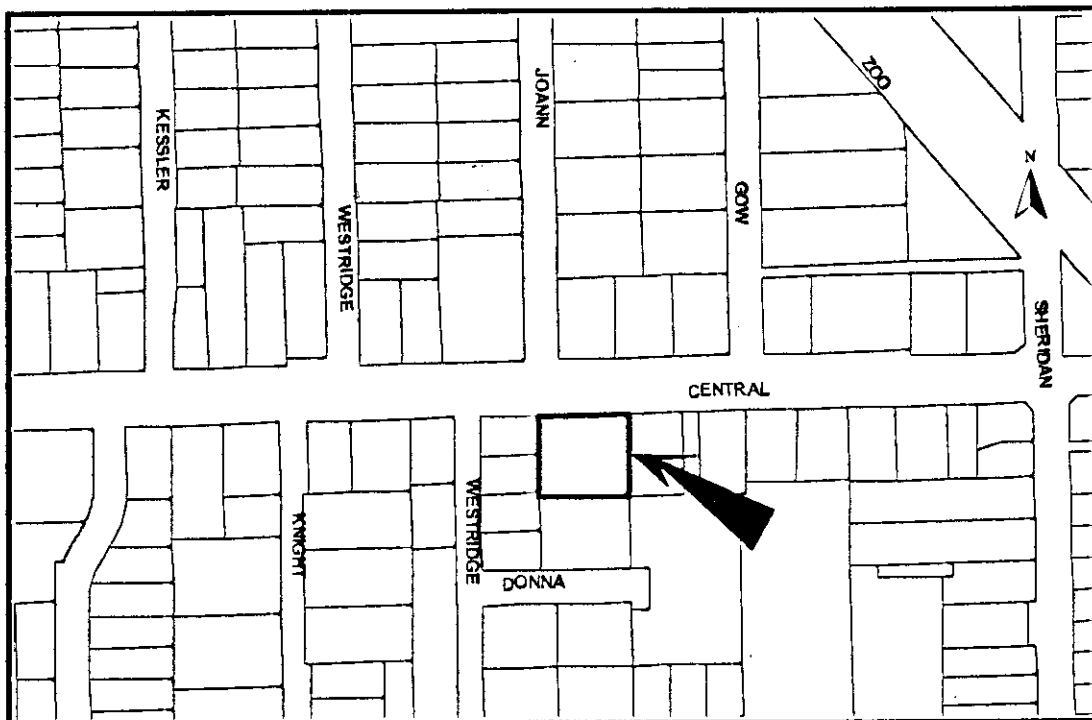
**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning

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**MAPC Recommendation:** Deny “LC” Limited Commercial and approve “NR” Neighborhood Retail, subject to staff recommendation. (13-0)

**Staff Recommendation:** Deny “LC” Limited Commercial and approve “NR” Neighborhood Retail subject to replatting within one-year.



**BACKGROUND:** The applicant requests a zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial on a 0.5 acre platted tract located south of Central and east of Westridge. The subject property is currently developed with a single-family residence. The applicant has not specified a proposed use for the subject property.

The surrounding area is characterized by a mixture of commercial and residential uses with many of the properties along Central developed with commercial uses and the remainder of the properties in the area, including properties fronting Central, developed with residential uses. The property to the west is zoned "NR" Neighborhood Retail and is developed with a medical office. The property to the north across Central is zoned "LC" Limited Commercial and is developed with a restaurant. The property to the east is zoned "LC" Limited Commercial and is developed with retail. The property to south is owned by the applicant, is zoned "B" Multi-Family Residential, and is undeveloped.

The subject property is the north 145 feet of Lot 5, Block 1, Peacock Addition, which was recorded January 31, 1955. On January 31, 1995, the City Council, based on a recommendation from the MAPC, denied a zone change request (Z-3151) to "LC" Limited Commercial and instead approved "OC" Office Commercial (now "NR" Neighborhood Retail) for the subject property. The zone change was approved subject to replatting, which was never completed; therefore, the zone change was denied and the request closed. The lower-intensity zoning district was approved for the subject property in part to be consistent with a zone change on another property (Z-3112) located two blocks to the west at Central and Kessler. Since the time of the last zone change request on the subject property, a zone change (Z-3289) to "NR" Neighborhood Retail was approved on the property immediately west of the subject property. For both neighboring properties zoned "NR" Neighborhood Retail, the applicant's request for "LC" Limited Commercial was denied in favor of "NR" Neighborhood Retail zoning.

While planning staff finds the subject property appropriate for commercial development, the types of uses permitted by the "LC" Limited Commercial zoning district (i.e., drive-through restaurants, convenience stores, and auto-related uses such as vehicle repair) are too intense given the limited size of site and the site's location removed from an arterial intersection and near existing residential development. Intense commercial development of the site would likely lead to adverse impacts from lighting, noise, and trash on surrounding residential land uses. To mitigate these impacts, planning staff recommends that the subject property be developed with small, neighborhood serving commercial development such as specialty retail, service businesses, and small, sit-down restaurants. These types of uses are permitted by the "NR" Neighborhood Retail zoning district. Based upon information available prior to the public hearings, planning staff recommended that the request for "LC" Limited Commercial zoning be denied and instead that "NR" Neighborhood Retail zoning be approved subject to replatting within one year.

At the MAPC hearing on August 8, 2002, the applicant agreed with the recommendation of planning staff to approve "NR" Neighborhood Retail instead of "LC" Limited Commercial. There were no speakers, other than the applicant, either for or against the rezoning request. The

MAPC voted 13-0 to deny "LC" Limited Commercial and approve "NR" Neighborhood Retail subject to replatting the property within one year.

**Recommended action:**

1. Concur with the findings of the MAPC and deny the request for "LC" Limited Commercial and instead approve a zone change to "NR" Neighborhood Retail, subject to replatting the property within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; 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 the first hearing.)

ORDINANCE NO. 45-717

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 2002-44

Zone change from "SF-5" Single-Family Residential District to "NR" Neighborhood Retail District on property described as:

Lot 1, Block A, Peacock Second Addition, Wichita, Sedgwick County, Kansas.

Generally located south of Central and east of West Street.

**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 \_\_\_\_\_ MAY 13 2003 \_\_\_\_\_

ATTEST:

for Pat Graves, City Clerk Pat Graves, Deputy



/s/  
Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney  
Gary E. Rebenstorf, City Attorney

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JUL 15 2003

METROPOLITAN PLANNING  
ROUTE 5 Scott E.



AGENDA ITEM NO. 13

## STAFF REPORT

MAPC August 8, 2002

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CASE NUMBER: ZON2002-00044

APPLICANT/AGENT: Danville I, LLC c/o Ronald Peden (Owner); Don Klausmeyer Construction (Contract Purchaser) Lorena R. Wilson and Kelly R. Phipps (Applicants) Baughman Company, PA c/o Terry Smythe (Agent)

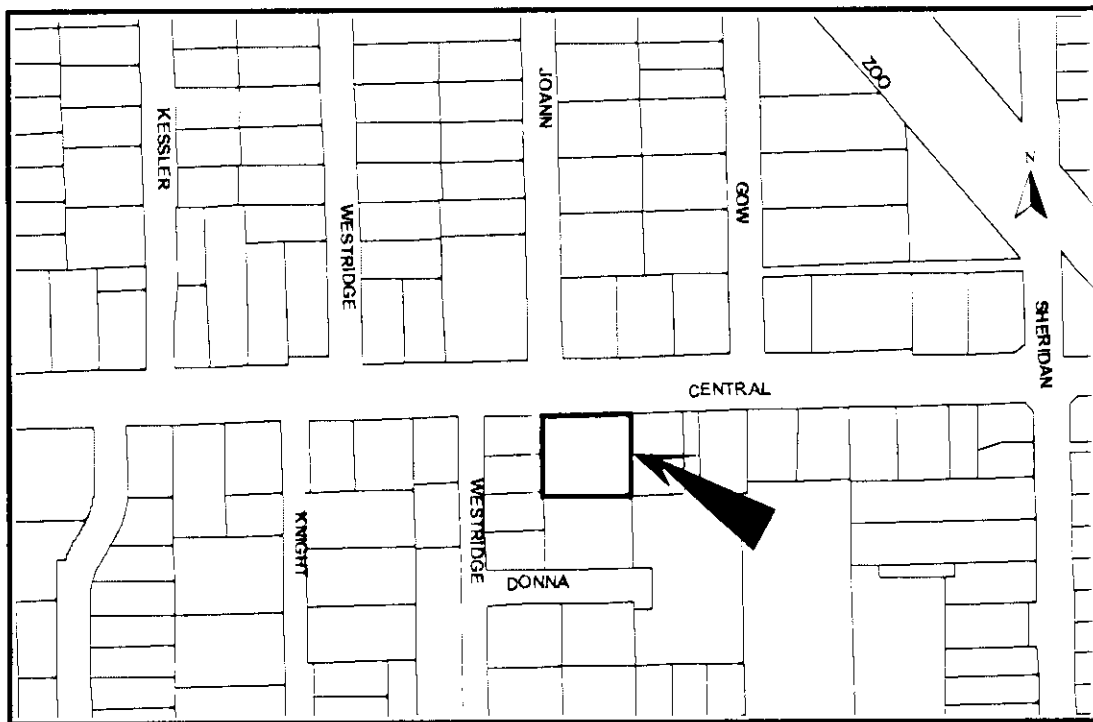
REQUEST: "LC" Limited Commercial

CURRENT ZONING: "SF-5" Single-Family Residential

SITE SIZE: 0.5 acres

LOCATION: South of Central and east of Westridge

PROPOSED USE: Unspecified



**BACKGROUND:** The applicant requests a zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial on a 0.5 acre platted tract located south of Central and east of Westridge. The subject property is currently developed with a single-family residence. The applicant has not specified a proposed use for the subject property.

The surrounding area is characterized by a mixture of commercial and residential uses with many of the properties along Central developed with commercial uses and the remainder of the properties in the area, including properties fronting Central, developed with residential uses. The property to the west is zoned "NR" Neighborhood Retail and is developed with a medical office. The property to the north across Central is zoned "LC" Limited Commercial and is developed with a restaurant. The property to the east is zoned "LC" Limited Commercial and is developed with retail. The property to south is owned by the applicant, is zoned "B" Multi-Family Residential, and is undeveloped.

**CASE HISTORY:** The subject property is the north 145 feet of Lot 5, Block 1, Peacock Addition, which was recorded January 31, 1955. On January 31, 1995, the City Council, based on a recommendation from the MAPC, denied a zone change request (Z-3151) to "LC" Limited Commercial and instead approved "OC" Office Commercial (now "NR" Neighborhood Retail) for the subject property. The zone change was approved subject to replatting, which was never completed; therefore, the zone change was denied and the request closed. The lower-intensity zoning district was approved for the subject property in part to be consistent with a zone change on another property (Z-3112) located two blocks to the west at Central and Kessler. Since the time of the last zone change request on the subject property, a zone change (Z-3289) to "NR" Neighborhood Retail was approved on the property immediately west of the subject property. For both neighboring properties zoned "NR" Neighborhood Retail, the applicant's request for "LC" Limited Commercial was denied in favor of "NR" Neighborhood Retail zoning.

**ADJACENT ZONING AND LAND USE:**

|        |      |                |
|--------|------|----------------|
| NORTH: | "LC" | Restaurant     |
| SOUTH: | "B"  | Undeveloped    |
| EAST:  | "LC" | Retail         |
| WEST:  | "NR" | Medical office |

**PUBLIC SERVICES:** The subject property has access to Central, a five-lane arterial street with current traffic volumes of approximately 16,000 vehicles per day. The 2030 Transportation Plan projects future traffic volumes on Central will not increase. The 2030 Transportation plan projected no change in traffic volume based on the assumption that additional crossings of I-235/Big Ditch would be constructed at 13<sup>th</sup>

Street, 21<sup>st</sup> Street, and 25<sup>th</sup>/29<sup>th</sup> Street by 2030. If one or more of these crossings is not constructed, then future traffic volumes on Central likely will increase.

If the subject property were developed with a high-traffic generating use permitted in the "LC" Limited Commercial district such as a convenience store or drive-through restaurant, the subject property would generate approximately 600-900 additional vehicles per day. If the property were developed with a small strip shopping center containing specialty retail, service businesses, and small, sit-down restaurants, the subject property would generate approximately 200-300 additional vehicles per day.

While the site has been platted, no access controls have been provided along Central for the subject property. Several issues will make addressing access issues at the time of replatting difficult. First, there is an access drive to Central at the east edge of the subject property that serves the existing single-family residence. The existing access drive is separated from the access drive to the neighboring property to the east by only 25 feet, which makes shared access with the property to east desirable. Second, the neighboring property to the west also has an access drive that is only 25 feet from the subject property, which could be a second point of shared access. Finally, Westridge is offset at Central and is located directly across from the subject property on the north side of Central, which creates turning movement conflicts with traffic from the subject property. The turning movements conflicts are increased since the neighboring property north of Central has an access drive only 90 feet east of Central that is offset from the existing access drive to the subject property.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Commercial" development. The Commercial Locational Guidelines indicate that commercial sites should be located adjacent to arterial streets and should have site design features that limit noise, lighting, and other aspects of commercial activity that may adversely impact surrounding residential land uses.

The Goals, Objectives, and Strategies of the Wichita-Sedgwick County Comprehensive Plan also provide guidance regarding land use. The Land Use-Commercial/Office section contains the following strategy pertaining to the requested zone change:

- III.B3. Work with property owners and businesses to reduce the number of access points along arterial streets, thus improving traffic safety and flow.

**RECOMMENDATION:** While planning staff finds the subject property appropriate for commercial development, the types of uses permitted by the "LC" Limited Commercial zoning district (i.e., drive-through restaurants, convenience stores, and auto-related uses such as vehicle repair) are too intense given the limited size of site and the site's

location removed from an arterial intersection and near existing residential development. Intense commercial development of the site would likely lead to adverse impacts from lighting, noise, and trash on surrounding residential land uses. To mitigate these impacts, planning staff recommends that the subject property be developed with small, neighborhood serving commercial development such as specialty retail, service businesses, and small, sit-down restaurants. These types of uses are permitted by the "NR" Neighborhood Retail zoning district. Based upon information available prior to the public hearings, planning staff recommends that the request for "LC" Limited Commercial zoning be DENIED and instead that "NR" Neighborhood Retail zoning be APPROVED, subject to replatting within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by a mixture of commercial and residential uses with many of the properties along Central developed with commercial uses and the remainder of the properties in the area, including properties fronting Central, developed with residential uses. While some properties in the area are zoned "LC" Limited Commercial, the more recent requests for zoning changes to "LC" have been denied in favor of rezoning to the "NR" Neighborhood Retail zoning district, which is more compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-5" Single-Family Residential, which accommodates moderate-density single-family residential development and complementary land uses. The purpose of the "NR" Neighborhood Retail district recommended by planning staff is to accommodate very-low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods. Given the site's location along an arterial and the orientation of the structure facing the arterial street, the long-term viability of the existing single-family residence on the site is questionable. The long-term use of the property is more suited for low-intensity commercial or office uses permitted in the "NR" district.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: While some the existing commercial properties in the area are zoned "LC" Limited Commercial, the zoning of these properties was granted prior to the adoption of the 1993 Comprehensive Plan, which provided strategies for increasing compatibility between commercial and residential uses through the use of lower intensity zoning classifications for properties removed from an arterial intersection and near existing residential development. Within the past several years, the Unified Zoning Code has been amended to create a "NR"

Neighborhood Retail district that permits low-intensity commercial and office uses that are appropriate near residential neighborhoods. While the low-intensity nature of the commercial and office uses permitted by the "NR" district should mitigate most detrimental affects on nearby residential uses, the screening, lighting, and compatibility standards of the Unified Zoning Code; the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance; and the greater restrictions on signage in the "NR" district in the Sign Code should further limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Commercial" development. The "NR" Neighborhood Retail zoning district recommended by planning staff is compatible with the "Commercial" designation. The Comprehensive Plan strategies pertaining to access control can be addressed through the platting process.
5. Impact of the proposed development on community facilities: Community facilities should not be adversely impacted as long as sufficient right-of-way, access controls, and traffic improvements are provided for through the platting process.