

Agenda Item # _____

City of Wichita
City Council Meeting
October 17, 2000

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2000-00038 - ZONE CHANGE FROM "SF-6"
SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED
COMMERCIAL DISTRICT, LOCATED ON THE
NORTHWEST CORNER OF MAPLE AND BEBE.
(District #IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

DAB-IV Recommendation: Approve "NR" Neighborhood Retail with two access points
from Bebe Street (6-0-1/Carraher abstained).

MAPC Recommendation: Approve "NR" Neighborhood Retail subject to platting
within 1 year and to conditions (9-4).

Staff Recommendation: Approve "NR" Neighborhood Retail subject to platting
within 1 year and to conditions.

Background: The applicants are requesting a zone change from "SF-6" Single-Family Residential to "LC" Limited Commercial on two platted lots containing less than a one acre (20,149 sq. ft.) located at the northwest corner of Maple and Bebe Streets. The applicants have not identified a specific use but plan to develop the property for retail uses. Currently the single-family house located on the application area is being rented and used as a residence. Access to the lots is from Maple, a four-lane arterial and a private drive off of Bebe, a residential street. There is one opening along Maple into the property.

The surrounding area has mixed uses with single-family residential uses to the west and north, retail uses to the east with the "Maple Street Mini Mall" and car wash further to the east that are zoned "LC" and the Towne West Shopping Center to the south that is zoned "LC." Currently, there is considerable commercial development taking place along Maple, progressing west of West Street.

The District Advisory Board (DAB) for District IV considered this request on September 20, 2000. The applicant stated that he would prefer "LC" Limited Commercial zoning for his property. According to the applicant, two access points are needed along Bebe since the proposed retail building will face east towards Bebe. The DAB Members voted 6-0-1 (Carragher abstaining) to recommend "NR" Neighborhood Retail subject to MAPD staff comments, to recommend two access points along Bebe and to close the access along Maple.

The MAPC considered this request on September 21, 2000 and were provided a memorandum from the DAB-IV meeting for review. Following considerable discussion, MAPC Members voted 9-4 to recommend approval of the "NR" designation. The four members who voted in opposition believed that the applicant should receive the "LC" zoning category since the area is being commercially developed and there was no neighborhood opposition.

Although the applicant is requesting "LC" Limited Commercial, MAPD staff believes that the "NR" Neighborhood Retail zoning category would be more appropriate for the application area. The purpose of the "NR" retail district is to accommodate very-low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhood. The "NR" designation will serve as a buffer from more intense commercial uses to the east. Additionally, with a "NR" designation there is no need for a Protective Overlay that would have special conditions to prevent unwanted uses in the neighborhood. There is a wide range of commercial uses permitted with a "NR" zoning designation per the Wichita-Sedgwick County Unified Zoning Code (UZC).

There was one official protest petition submitted that represents 11.94% of the official notification area (see attachment), short of the of 20% that is required to trigger a supermajority vote on the City Council.

Recommended Action:

1. Concur with the findings of the MAPC, approve the "NR" Neighborhood Retail zone change, subject to the conditions of platting; 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 DAB or MAPC for reconsideration.

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

() Published in the Wichita Eagle on JUN 8 2002

ORDINANCE NO. 45-329

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 CITY OF WICHITA CODE SEC. 28.04.010.

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 City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2000-00038

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

Muller Addition, Wichita, Sedgwick County, Kansas.

Generally located on the north side of Maple, between I-235 and 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 JUN 4 2002

ATTEST:



Pat Burnett, City Clerk


Bob Knight, Mayor

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney



AGENDA ITEM NO. 8

STAFF REPORT

DAB4 – September 20, 2000

MAPC – September 21, 2000

CASE NUMBER: ZON2000-00038

APPLICANT/AGENT: Larry L. Muller & Carol A. Muller (Owners/Applicants);
c/o Al Herman (Agent)

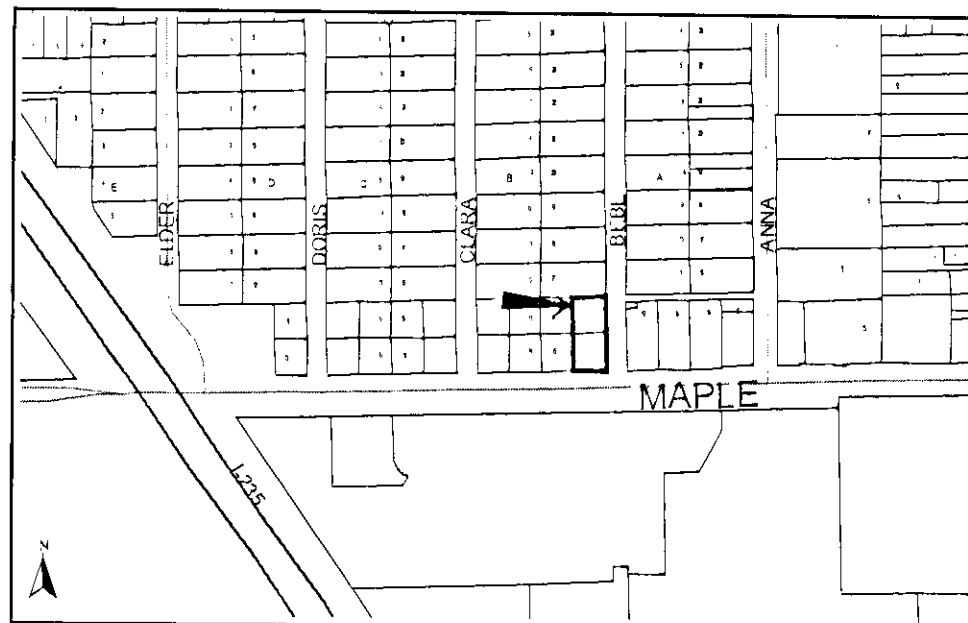
REQUEST: Zone change to "LC" Limited Commercial

CURRENT ZONING: "SF-6" Single-Family Residential

SITE SIZE: 20,482.53 square feet (less than one acre)

LOCATION: Northwest corner of Maple and Bebe

PROPOSED USE: Retail/commercial uses



BACKGROUND: The applicants are requesting a zone change from "SF-6" Single-Family Residential to "LC" Limited Commercial on two platted lots containing less than a one acre (20,149 sq. ft.) located at the northwest corner of Maple and Bebe Streets. The applicants have not identified a specific use but plan to develop the property for retail uses. Currently the single-family house located on the application area is being rented and used as a residence. Access to the lots is from Maple, a four-lane arterial and a private drive off of Bebe, a residential street. There is one opening along Maple into the property.

The surrounding area has mixed uses with single-family residential uses to the west and north, retail uses to the east with the "Maple Street Mini Mall" and car wash further to the east that are zoned "LC" and the Towne West Shopping Center to the south that is zoned "LC." Currently, there is considerable commercial development taking place along Maple, progressing west of West Street.

Although the applicant is requesting "LC" Limited Commercial, MAPD staff believes that the "NR" Neighborhood Retail zoning category would be more appropriate for the application area. The purpose of the "NR" retail district is to accommodate very-low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhood. The "NR" designation will serve as a buffer from more intense commercial uses to the east. The applicants have no specific plan at this time but generally want to operate a retail business. There is a wide range of commercial uses permitted with a "NR" zoning designation per the Wichita-Sedgwick County Unified Zoning Code (UZC).

CASE HISTORY: The subject property (lots 15 & 16) is currently platted as the "Westbreeze Second Addition" in 1949.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6"	Residential Dwellings
SOUTH:	"LC"	Towne West Shopping Center
EAST:	"LC"	Mini Mall/Car Wash
WEST:	"SF-6"	Residential Dwellings

PUBLIC SERVICES: This site has one access from Maple, a four-lane arterial, and a private drive off of Bebe, a residential street. Traffic volumes for 2000 are 20,772 (ADT) along Maple. Traffic volumes projected for 2030 are projected to be 26,009. Maple Street has been widened for access to and from Towne West and a fifth lane storage turning lane is in place. Municipal services are available to this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the 1999 Comprehensive Plan identifies the general location as appropriate for “Low-Density Residential” development. This residential category provides for the lowest density of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivisions and planned developments with a mix of housing types that may include townhouse and multi-family units. Schools, churches and other similar uses are also found in this category. The request does not technically conform to the Land Use Guidelines as suggested in the Comprehensive Plan. The Comprehensive Plan indicates, however, that commercial uses are appropriate directly to the east (mini mall and car wash) and south (Towne West Shopping Center) of the application area.

RECOMMENDATION: Based upon these concerns, and the information available prior to the public hearing, planning staff recommends following:

- A. **APPROVE** the zone change (ZON2000-00038) to “NR” Neighborhood Retail subject to replatting within one year and subject to the following conditions:
1. The application area shall be restricted to those uses allowed as permitted uses in the “NR” Neighborhood Retail zoning district.
 2. Building heights shall be limited to 25 feet in height.
 3. The applicant will comply with noise, setback and height compatibility standards, zoning screening and landscaping requirements
 4. The applicant shall submit a landscape plan to the Director of Planning for approval prior to development.
 5. Access shall be limited to one driveway along Maple, on the west property line, and be made available for access by the lot to the west if it is rezoned and developed.
 6. The applicant shall dedicate 2 feet of additional utility easement along the northern perimeter; 2 feet from the south side of the existing 8-foot utility easement, thus upgrading this utility easement to current city standards (10 feet).
 7. The applicant shall dedicate, by separate instrument, 10 feet of additional right-of-way (ROW) along Maple.
 8. Outdoor speakers and sound amplification systems shall not be permitted.

9. Prior to publishing the resolution or ordinance establishing the zone change, the applicants shall record a document with the Register of Deeds indicating that this tract includes special conditions for development on this property.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area has mixed uses with single-family residential uses to the west and north with a mini mall and car wash further to the east that are zoned "LC" and the Towne West Shopping Center to the south that is zoned "LC." Currently, there is considerable commercial development taking place along Maple, progressing west of West Street. The most directly impacted properties by the proposed development are several residential properties zoned "SF-6" Single-Family Residential located to the west and north, where the character of development is that of predominately single-story dwellings.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "SF-6" Single-Family Residential and could be developed for single-family use. This proposed commercial development would discourage residential use in the immediate vicinity.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The suggested "NR" Neighborhood Retail zoning designation would reduce the intensity of commercial uses allowed on the application area. With these restrictions, the retail uses could serve as a buffer between the residential uses to the west and north and the commercial activities concentrated south of the application area (Towne West Shopping Center).
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the 1999 Comprehensive Plan identifies the general location as appropriate for "Low-Density Residential" development. This residential category provides for the lowest density of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivisions and planned developments with a mix of housing types that may include townhouse and multi-family units. Schools, churches and other similar uses are also found in this category. The request does not technically conform to the Land Use Guidelines as suggested in the Comprehensive Plan. The Comprehensive Plan indicates, however, that commercial uses are appropriate uses directly to the east (mini mall and car wash) and south (Towne West Shopping Center).
5. Impact of the proposed development on community facilities: This site has one access from Maple, a four-lane arterial, and a private drive off of Bebe, a residential street. Traffic volumes for 2000 are 20,772 (ADT) along Maple. Traffic volumes projected for 2030 are projected to be 26,009. Maple Street has been widened for access to and from Towne West and a fifth lane storage turning lane is in place. The applicant is being required to dedicate, by separate instrument, an additional 10 foot of right-of-way along Maple. The presence of a single point of access onto Maple could pose potential traffic problems for turning, both into and out of the site. The applicant is being required to close the access along Bebe, a residential