

Planning Agenda Item # _____

City of Wichita
City Council Meeting

February 7, 1995

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3154 - ZONE CHANGE REQUEST FROM THE "AA" ONE-FAMILY DWELLING DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT, LOCATED 1/8 MILE SOUTH OF 37TH STREET NORTH ON THE EAST SIDE OF WOODLAWN. (District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Deny "LC", Approve "OC" & "R-6" (12-1).

Staff Recommendation: Deny "LC", Approve "OC & "R-6".

CPO Recommendation: CPO Council "2" voted 7-0-1 to deny "LC", and approve "OC" & "R-6".

Background: On January 12, 1995, the MAPC considered a zone change from the "AA" One Family Dwelling District to the "LC" Light Commercial District for a 2.77 acre unplatted site located 1/8 mile south of 37th Street North on the east side of Woodlawn. The applicant proposes to operate a photography studio in the single family home which is currently on the site. The proposed use is first permitted by right in the "OC" Office Commercial District.

The subject property is surrounded by single family homes to the west and Chisholm Creek and single family homes to the east. According to the FEMA maps, approximately the east third of the site is located within the floodplain for the Chisholm Creek. The areas north and south of the subject property are undeveloped at this time, however, community unit plans have been approved for these areas which permit a mixture of single family, duplex, multiple family, and commercial uses.

The Brush Creek Community Unit Plan (DP-128) is located between the subject property and 37th Street North. The 71-acre Brush Creek C.U.P. permits a mixture of single family, duplex, and multiple family residential uses, as well as 15.74 acres zoned and permitted for "LC" uses at the southeast corner of the Woodlawn / 37th Street North intersection. The area directly north of the

application area (10.21 gross areas including 3.2 acres of floodway) is zoned "R-6" and permitted to be developed with as many as 175 garden apartments.

In 1986, a 20-acre site located south of the subject property extending to the south side of the K-96 Expressway was approved for commercial uses under the Killarney West Community Unit Plan (DP-156). Approximately 5 acres of this C.U.P. was platted as the Valentine Addition (directly south of the application area), which is undeveloped at this time. The remaining portions of this C.U.P., 15 acres located at the northeast and southeast corners of the Woodlawn / K-96 Expressway interchange were closed due to failure to plat.

Including the 11.7-acre Whispering Brook Commercial C.U.P. at the southwest corner of Woodlawn and 37th Street North and another 1.7 acre "LC" parcel at the northeast corner of the intersection, as well as the expected nonresidential zoning at the Woodlawn / K-96 interchange, there are nearly 50 acres of land in this area for commercial uses, all of which are undeveloped at this time.

At the MAPC hearing, there were no members of the public to speak in opposition to the request. However, Planning staff has concern about granting additional "LC" zoning in this area that already has an abundance of undeveloped "LC" zoning. Also, the subject property would not be part of either planned Commercial CUP's to the north or south and would not be subject to the development restrictions of these commercial centers to ensure compatibility of surrounding properties.

Since the "OC" District would permit the proposed use and it is unlikely that the rear portion of this site would be used for nonresidential uses due to the length of the lot, staff initially recommended that the west 200 feet be rezoned "OC" and the remaining portion of the site be rezoned "R-6" General Residence District so that it could be developed in conjunction with the future multiple family development to the north. At the MAPC hearing, staff and the applicant agreed to approving "OC" for the western 300 feet to accommodate all the buildings on the site, with the remaining portion to be rezoned "R-6".

Recommendations/Actions:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition 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 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**

August 26, 1996

TO: Pat Burnett, Deputy City Clerk
FROM: Russ Ewy, Associate Planner, Current Plans Division
SUBJECT: Zoning Ordinance for Z-3154

On May 7, 1996, the Wichita City Council approved the plat of Linder Addition and placed on first reading the associated zone change ordinance. Publication of the zoning ordinance was to be withheld until the plat was recorded.

The plat was recorded with the Register of Deeds on June 6, 1996, and therefore, the Ordinance establishing the zone change may now be published.

() Published in The Daily Reporter on 8-30-76

ORDINANCE NO. 43-192

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 ORDINANCE NO. 43-014.

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 Ordinance No. 43-014, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3154

Zone Change from the "AA" One-Family Dwelling District (now "SF-6" Single Family District) to the "OC" Office Commercial District (now "NR" Neighborhood Retail District) and "R-6" General Residence District (now "MF-29" Multi Family District)

"AA" ("SF-6") to "OC" ("NR")

The west 300 feet of Lot 1, Linder Addition to Wichita, Sedgwick County, Kansas

"AA" ("SF-6") to "R-6" ("MF-29")

Lot 1, Linder Addition to Wichita, Sedgwick County, Kansas, EXCEPT the west 300 feet thereof.

Generally located east of Woodlawn and south of 37th Street North.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning change 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 AT WICHITA, KANSAS, _____.

ATTEST:

(SEAL) Pat Burnett, Deputy City Clerk

Bob Knight, Mayor

Approved as to form:

Gary E. Rebenstorf, City Attorney

STAFF REPORT

January 12, 1995

CASE NUMBER: Z-3154

APPLICANT/AGENT: Carol A. Kinder & Earl George / Leo Goseland, SSS&G Inc., & Savoy, Ruggles, & Bohm

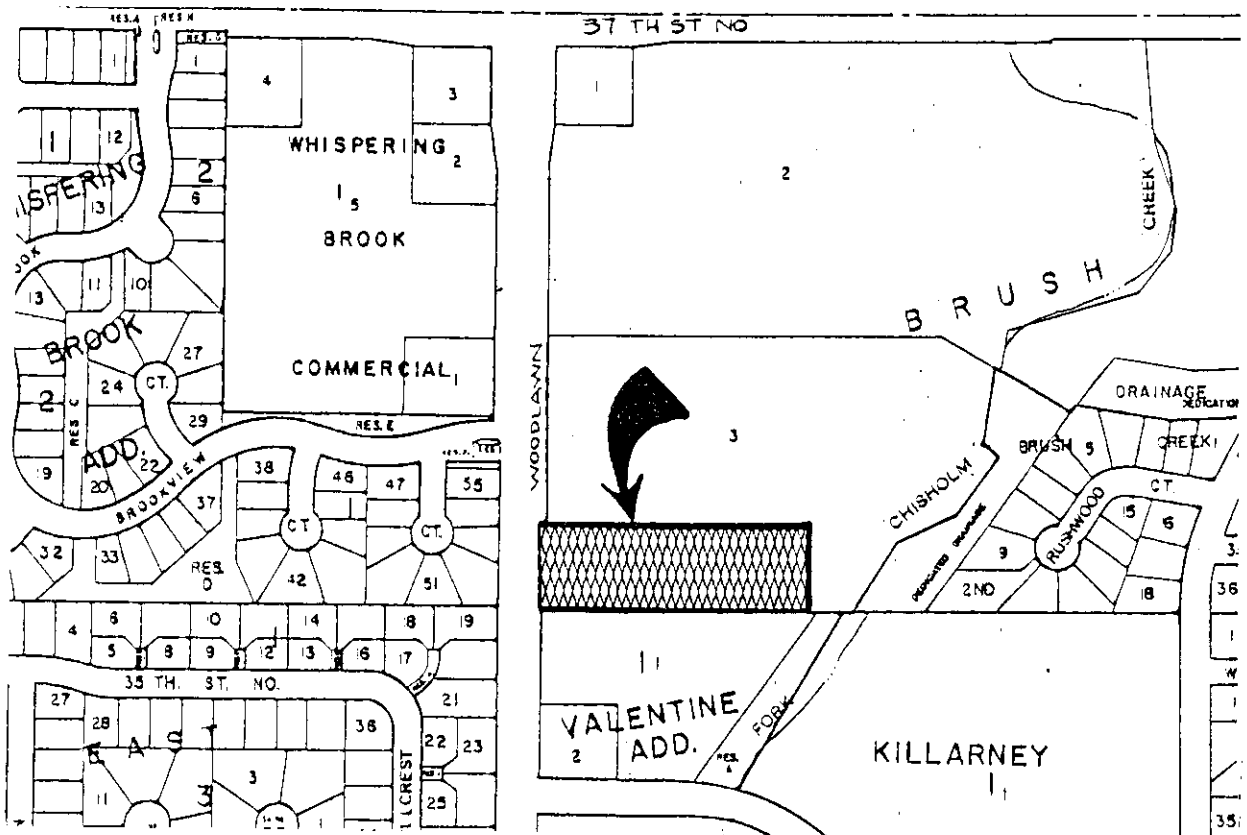
REQUEST: Zone change to "LC" Light Commercial

CURRENT ZONING: "AA" One Family Dwelling District

SITE SIZE: 2.77 acres

LOCATION: 1/8 mile south of 37th Street North on the east side of Woodlawn.

PROPOSED USE: Photography studio



BACKGROUND: The applicant requests a zone change from the "AA" One Family Dwelling District to the "LC" Light Commercial District for a 2.77 acre unplatted site located 1/4 mile south of 37th Street North on the east side of Woodlawn. The applicant proposes to operate a photography studio in the single family home which is currently on the site. The proposed use is first permitted by right in the "OC" Office Commercial District.

The subject property is surrounded by single family homes to the west and Chisholm Creek and single family homes to the east. According to the FEMA maps, approximately the east third of the site is located within the floodplain for the Chisholm Creek. The areas north and south of the subject property are undeveloped at this time, however, community unit plans have been approved for these areas which permit a mixture of single family, duplex, multiple family, and commercial uses.

The Brush Creek Community Unit Plan (DP-128) is located between the subject property and 37th Street North. The 71-acre Brush Creek C.U.P. permits a mixture of single family, duplex, and multiple family residential uses, as well as 15.74 acres zoned and permitted for "LC" uses at the southeast corner of the Woodlawn / 37th Street North intersection. The area directly north of the application area (10.21 gross areas including 3.2 acres of floodway) is zoned "R-6" and permitted to be developed with as many as 175 garden apartments.

In 1986, a 20-acre site located south of the subject property extending to the south side of the K-96 Expressway was approved for commercial uses under the Killarney West Community Unit Plan (DP-156). Approximately 5 acres of this C.U.P. was platted as the Valentine Addition (directly south of the application area), which is undeveloped at this time. The remaining portions of this C.U.P., 15 acres located at the northeast and southeast corners of the Woodlawn / K-96 Expressway interchange were closed due to failure to plat. However, given the location of those properties, staff expects that nonresidential zoning will again be approved for those sites in the future.

Including the 11.7-acre Whispering Brook Commercial C.U.P. at the southwest corner of Woodlawn and 37th Street North and another 1.7 acre "LC" parcel at the northeast corner of the intersection, as well as the expected nonresidential zoning at the Woodlawn / K-96 interchange, there are nearly 50 acres of land in this area for commercial uses, all of which are undeveloped at this time.

CASE HISTORY: No previous requests for the subject property.

ADJACENT ZONING AND LAND USE:

NORTH: "R-6" Undeveloped, agricultural uses
SOUTH: "LC" Undeveloped
EAST: "AA" Chisholm Creek, single family homes
WEST: "AA" Single family homes

PUBLIC SERVICES: According to City Engineering staff, municipal water service and sewer services are located nearby and the applicant would be required to guarantee the extension of such services when the property is platted.

The site has access to Woodlawn, a 2-lane paved section line arterial with 50 feet of existing half street right-of-way. A total of 60 feet of half street right-of-way was dedicated when the properties to the north were platted. Existing traffic volumes on Woodlawn are approximately 6,500 average daily trips (ADT) north of the K-96 Expressway. According to the 2020 Transportation Plan, traffic in this area is projected to increase to slightly more than 13,000 ADT. The Transportation Plan assumed that approximately 45 acres would develop with nonresidential uses, with about one-third of the development to be for retail uses and two-thirds of the development to be for nonretail uses (lower traffic generators). However, should this area develop with more retail uses than anticipated, traffic volumes could be significantly higher.

In order to accommodate the projected traffic increase, the City's Capital Improvement Programs plans for Woodlawn to be widened to 4-lanes from 33rd Street North to 36th Street North. The project, scheduled for 1995-1996, will replace the existing 2-lane asphalt street with 4-lane arterial pavement including necessary channelization and it will connect to improvements at the K-96 Expressway.

CONFORMANCE TO PLANS/POLICIES: The Land Use Map of the Comprehensive Plan identifies this area for commercial uses. However, the Map is in error in that it did not depict the residential zoning which currently exists in the mid-mile between 37th Street North and the K-96 Expressway. The commercial locational guidelines of the Comprehensive Plan recommend that commercial uses should be located in compact clusters versus extended strip developments, except for areas and streets where these uses already exist or where traffic patterns, surrounding land uses, and utilities can support such uses. The Plan also recommends that commercial development should have site design features which limit noise, lighting, and other activity so as to not adversely impact surrounding residential areas.

RECOMMENDATION: Planning staff has concern about granting additional "LC" zoning in this area that already has an abundance of undeveloped "LC" zoning. If the 2.77 acre subject property is approved for "LC", the undeveloped multiple

family property to the north (7 net acres) would be the only residentially zoned property on the east side of Woodlawn between the K-96 Expressway and 37th Street North. Thus making it likely that the multiple family property owner would request rezoning for "LC" uses as well, which would result in approximately 60 acres of zoning for nonresidential uses being stripped out along this half mile of Woodlawn. Also, the subject property would not be part of either planned commercial C.U.Ps to the north or south and would not be subject to the development restrictions of these commercial centers to ensure compatibility with surrounding properties.

Since the "OC" District would permit the proposed use and it is unlikely that the rear portion of this site would be used for nonresidential uses due to the length of the lot, staff feels that the east portion of the site should remain zoned for residential uses so that it could be developed in conjunction with the future multiple family development to the north. Therefore, planning staff recommends the following:

- A. DENY the request for "LC" Light Commercial.
- B. APPROVE "OC" Office Commercial for the west 200 feet of the application area, which would include the existing home that is proposed for the photography studio, and APPROVE "R-6" General Residence District for the remaining portion of the site, both subject to replatting within 1-year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: At this time, the area is characterized by a mixture of residential and agricultural uses. However, a mixture of commercial and multiple family developments are permitted on properties north and south of the subject site. The "OC" and "R-6" zoning districts would be more compatible with surrounding residential properties. The "OC" district is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas. These uses are generally smaller, have less intense uses or are of such size to be low traffic generators. The "R-6" district would allow the property owner to develop the eastern two-thirds of the site in conjunction with the future multiple family development to the north.

2. The suitability of the subject property for the uses to which it has been restricted: Given the potential for commercial development to the south and multiple family development to the north, a higher intensity residential use or a low intensity nonresidential use may be more appropriate for this location.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested "LC" zoning would not be part of either planned commercial C.U.Ps to the north or south and would not be subject to the development restrictions of these commercial centers to ensure compatibility with surrounding properties. Many "LC" uses would not be appropriate for this site which is surrounded by residential zoning in three directions. However, the uses permitted in the "OC" district are considered to be compatible when near residential areas and should not have long business hours that would negatively impact the residential uses in the area.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Map of the Comprehensive Plan identifies this area for commercial uses. However, the Map is in error in that it did not depict the residential zoning which currently exists in the mid-mile between 37th Street North and the K-96 Expressway. The "OC" district would be more consistent with the Plan's recommendation to limit strip development along arterial roadways and to limit noise, lighting, and other activity so as to not adversely impact surrounding residential areas.

5. Impact of the proposed development on community facilities: Municipal water and sewer services are located nearby and can be extended to serve the subject property. The increase in residential intensity and nonresidential uses on this site would increase traffic in this area. However, Woodlawn should have adequate traffic capacity to serve this area in the future.