Planning Agenda Item #_____

City of Wichita
City Council Meeting

June 6, 1995

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3170 - ZONE CHANGE FROM THE "A" TWO FAMILY DWELLING DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT, LOCATED 1/3 MILE SOUTH OF HARRY ON THE EAST SIDE OF OLIVER.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve "LC" Light Commercial subject to recording of the voluntary restrictive covenant. (10-1-1)

Staff Recommendation: Approve "LC" Light Commercial subject to recording of the voluntary restrictive covenant.

CPO Recommendation: Approve "LC" Light Commercial subject to recording of the voluntary restrictive covenant.

Background: On May 11, 1995, the MAPC considered a zone change from the 'A' Two Family Dwelling District to the 'LC' Light Commercial District for a 0.38 acre unplatted site located ⅓ mile south of Harry on the east side of Oliver. The site is currently developed with a single family home which fronts onto Oliver. A garage structure is located east of the home, which has a driveway access to Glendale Avenue. The applicant proposes to use the property as a veterinary clinic for birds and small exotic animals, including cats and dogs, as well as her residence.

The proposed use is first permitted by right in the 'LC' zoning district, with all animals harbored indoors and noise or odors discernible at any building line. Small animal clinics are also permitted in the 'BB' Office District, with the approval of a Use Exception by the Board of Zoning Appeals (BZA). In such a situation, the applicant would be required to submit plans and specifications for the clinic and the BZA would be required to make the determination that no noise or odors would be discernible. Instead of applying for the 'BB' District and a Use Exception, which would require a public hearing before the MAPC and approval by the City Council and then a second public hearing before the BZA, the applicant chose to apply for 'LC' and volunteered a restrictive covenant

for the property. The covenant would restrict the uses on the site to those permitted in the 'BB' zoning district, plus small animal clinics.

The subject property is surrounded by a mixture of single family residential, multiple family residential, public and institutional uses, and strip commercial uses. The City's Clapp Golf Course is located on the west side of Oliver, the Park Regency Apartments are adjacent to the site to the south, single family homes are located on the east side of Glendale Avenue, and a single family home and the First Covenant Church are located to the north. Several strip commercial businesses are located further to the north on the east side of Oliver near the Harry intersection.

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

August 10, 1995

TO: Pat Burnett, Deputy City Clerk

FROM: Kevin Kokes, Senior Planner, Current Plans Division

SUBJECT: Zoning Ordinance for Z-3170

On June 6, 1995, the Wichita City Council approved the zone change (Z- 3170), subject to recording of the voluntary restrictive covenant.

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-3170

Zone change request from the "A" Two Family Dwelling District to the "LC" Light Commercial District.

A tract described as beginnning 56 rods south of the northwest quarter east 20 rods, south 8 rods, west 20 rods, thence north to beginning, except the south 65 feet and except condemnation case A-35290, and except condemnation case A-43699 for Oliver Street, in Section 36, Township 27S, Range 1E of the 6th P.M. Generally located ⅛ mile south of Harry on the east side of Oliver.

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.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3

STAFF REPORT

May 11, 1995

CASE NUMBER: Z-3170

APPLICANT/AGENT: Cleo LeMoine Ralston / Virginia A. Skinner

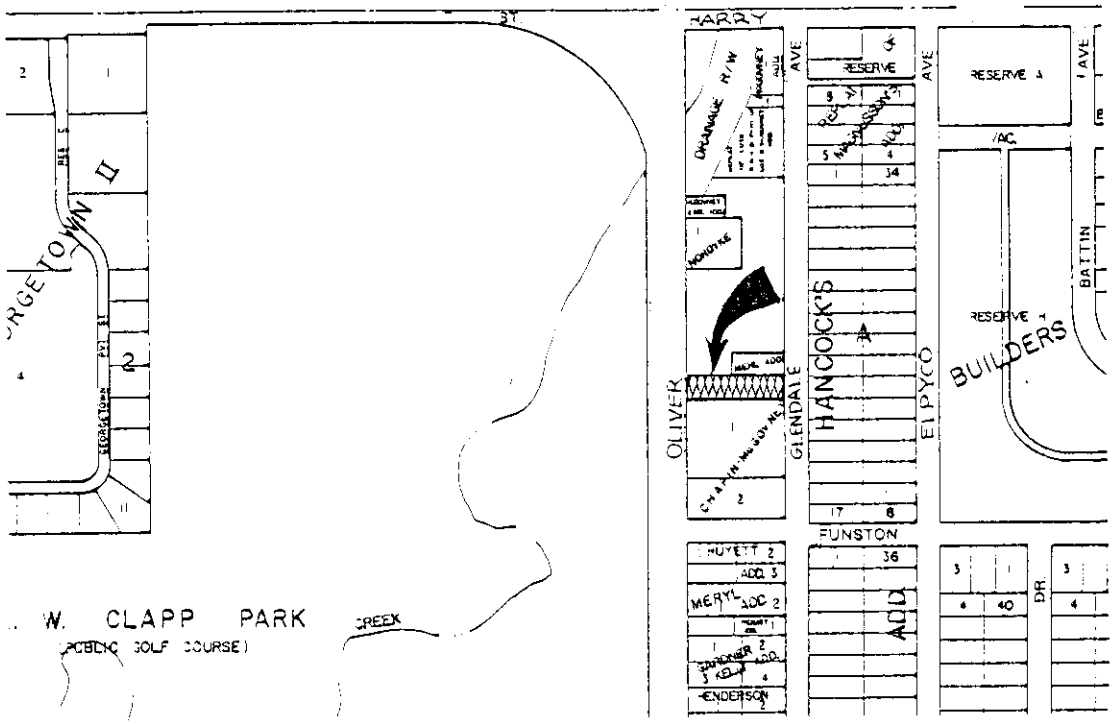
REQUEST: Zone change to 'LC' Light Commercial

CURRENT ZONING: 'A' Two Family Dwelling District

SITE SIZE: 0.38 acres

LOCATION: ⅓ mile south of Harry on the east side of Oliver

PROPOSED USE: Veterinary clinic for birds and small exotic animals



BACKGROUND: The applicant requests a zone change from the 'A' Two Family Dwelling District to the 'LC' Light Commercial District for a 0.38 acre unplatted site located ⅓ mile south of Harry on the east side of Oliver. The site is currently developed with a single family home which fronts onto Oliver. A garage structure is located east of the home, which has a driveway access to Glendale Avenue. The applicant proposes to use the property as a veterinary clinic for birds and small exotic animals, including cats and dogs, as well as her residence.

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The subject property is surrounded by a mixture of single family residential, multiple family residential, public and institutional uses, and strip commercial uses. The City's Clapp Golf Course is located on the west side of Oliver, the Park Regency Apartments are adjacent to the site to the south, single family homes are located on the east side of Glendale Avenue, and a single family home and the First Covenant Church are located to the north. Several strip commercial businesses are located further to the north on the east side of Oliver near the Harry intersection.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	'A'	Single family home, Church
SOUTH:	'BB'	Apartment complex
EAST:	'A'	Single family homes
WEST:	'AA'	Clapp Golf Course

PUBLIC SERVICES: Municipal water service is available from a 16-inch line along Oliver and a 2-inch line along Glendale. Sewer service is available from an 8-inch line through the center of the property. The site has access to Oliver, a 4-lane arterial with 50 feet of existing half-street right-of-way, and Glendale, a 2-lane residential street with 60 feet of right-of-way.

Existing traffic volumes on Oliver are approximately 16,800 average daily trips (ADT) south of the Harry intersection and is projected by the 2020 Transportation Plan to increase to 17,220 ADT. Oliver does not have a center left-turn lane to accommodate turning traffic to the site. However, Oliver is projected to continue to have available traffic capacity for the foreseeable future.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area for medium density residential uses. The Guide did not recognize the existing 'BB' zoning (occupied by the apartment complex to the south) or the 'LC' zoning further to the north along Oliver.

RECOMMENDATION: Although it might be preferable to have the site zoned 'BB' rather than 'LC', the proposed restrictive covenant would restrict the site to 'BB' uses. Also, staff does not feel that it is necessary to require the applicant to have two public hearings for the proposed use (MAPC and BZA) and we hope to change this requirement in the new zoning code, by permitting small animal clinics as a Conditional Use Permit in the General Office District.

Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to recording of the voluntary restrictive covenant. Although this site is unplatted, staff does not recommend platting at this time since municipal services are available, adequate right-of-way exists, and the proposed use would only require minor remodeling of the existing structure. Central Inspection staff indicate that platting would be required at a later date if this site is redeveloped.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject property is surrounded by a mixture of single family residential, multiple family residential, public and institutional uses, and strip commercial uses. There is only one other remaining single family home along Oliver in this block between Harry and Funston. The proposed 'LC' as restricted by the voluntary restrictive covenant would be consistent with the 'BB' zoning to the south.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: 'LC' zoning without any restrictions and without any access controls to the Glendale could introduce additional traffic on the residential street that would not be appropriate. However, by restricting the property to 'BB' uses, Glendale should not see a noticeable increase in traffic and should not be impacted by uses that generate large amounts of traffic in the evening hours. Also, the proposed animal clinic would be limited to an indoor facility and cannot generate any discernible noise or odor.

3. Impact of the proposed development on community facilities: Municipal water and sewer services are available to serve this site. The change in zoning classification from a residential to a nonresidential district on such a small tract would not significantly increase traffic on Oliver, and Oliver is projected to continue to have available traffic capacity in the future.