Agenda Item #_____

City of Wichita
City Council Meeting
October 17, 2000

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2000-00040 - ZONE CHANGE FROM 'MF-18" MULTI-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL, GENERALLY LOCATED NORTH OF 50TH STREET SOUTH AND WEST OF SENECA.** (District #IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to staff recommendation (12-0).

DAB Recommendation: Approve, subject to staff recommendation (6-0).

Staff Recommendation: Approve.

Background: The applicant requests a zone change from "MF-18" Multi-Family to "LC" Limited Commercial on a 0.6 acre platted tract located north of 50th Street South and west of Seneca. The subject property is currently undeveloped but adjoins the applicant's business (Dutch's Greenhouse) along the south property line. The applicant proposes to construct a greenhouse on the subject property for the indoor storage of materials used for operations and sales. The "LC" Limited Commercial zoning district permits a greenhouse for wholesale and/or retail purposes by right. Greenhouses are included in the Unified Zoning Code definition of Agricultural Sales and Service.

The surrounding area is characterized by both commercial and residential uses with significant amounts of undeveloped property remaining. The property immediately south of the site is developed with Dutch's Greenhouse on property zoned "GO" General Office and "LC" Limited Commercial. The property immediately north of the site is developed with a beauty shop on property zoned "NR" Neighborhood Retail. The remaining properties north and south of the site are zoned "SF-6" Single-Family Residential and are developed with single-family residences on unpaved streets. Several residential lots north and south of the subject property remain undeveloped. The property

west of the site is undeveloped and is zoned "MF-18" Multi-Family. The property immediately east of the site across Seneca is zoned "MH" Manufactured Housing and is developed with a manufactured home park. The remaining properties east of the site are zoned "SF-6" Single Family Residential and are undeveloped.

At the hearing on September 21, 2000, the MAPC voted (12-0) to approve the request. There were no speakers, other than the applicant, for or against the request.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading, or

2. Return the application to the 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 _____

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 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. ZON2000-00040

Request for zone change from "MF-18" Multi-Family Residential to "LC" Limited Commercial on property described as:

The North 127.64 feet of the East 200 feet of Lot 1, Block 1, Seneca Hills 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located north of 50th Street South and west of Seneca.

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.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 10

STAFF REPORT

DAB IV September 20, 2000
MAPC September 21, 2000

CASE NUMBER: ZON2000-00040

APPLICANT/AGENT: Gerard Deree (Owner/Applicant); PEC, P.A. c/o Gary Wiley (Agent)

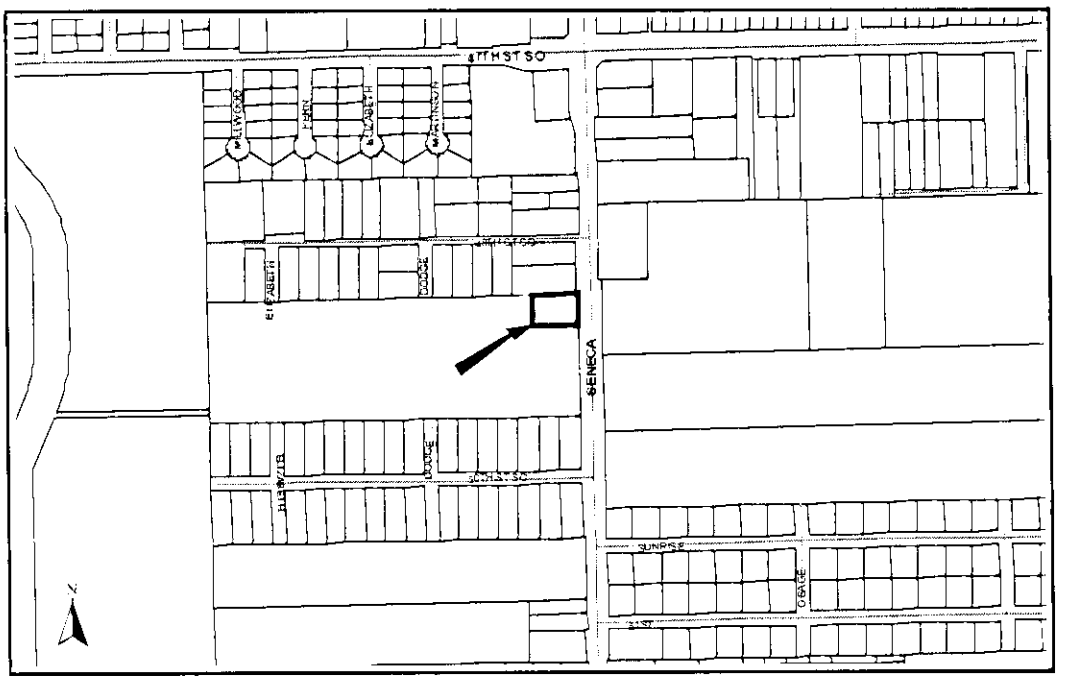
REQUEST: "LC" Limited Commercial

CURRENT ZONING: "MF-18" Multi-Family

SITE SIZE: 0.6 acres

LOCATION: North of 50th Street South and west of Seneca

PROPOSED USE: Greenhouse



BACKGROUND: The applicant requests a zone change from "MF-18" Multi-Family to "LC" Limited Commercial on a 0.6 acre platted tract located north of 50th Street South and west of Seneca. The subject property is currently undeveloped but adjoins the applicant's business (Dutch's Greenhouse) along the south property line. The applicant proposes to construct a greenhouse on the subject property for the indoor storage of materials used for operations and sales. The "LC" Limited Commercial zoning district permits a greenhouse for wholesale and/or retail purposes by right. Greenhouses are included in the Unified Zoning Code definition of Agricultural Sales and Service.

The surrounding area is characterized by both commercial and residential uses with significant amounts of undeveloped property remaining. The property immediately south of the site is developed with Dutch's Greenhouse on property zoned "GO" General Office and "LC" Limited Commercial. The property immediately north of the site is developed with a beauty shop on property zoned "NR" Neighborhood Retail. The remaining properties north and south of the site are zoned "SF-6" Single-Family Residential and are developed with single-family residences on unpaved streets. Several residential lots north and south of the subject property remain undeveloped. The property west of the site is undeveloped and is zoned "MF-18" Multi-Family. The property immediately east of the site across Seneca is zoned "MH" Manufactured Housing and is developed with a manufactured home park. The remaining properties east of the site are zoned "SF-6" Single Family Residential and are undeveloped.

CASE HISTORY: The site is platted as part of the Seneca Hills 2nd Addition, which was recorded May 1, 1985. The applicant's property south of the subject property has been approved for two zoning changes in the past for the establishment and expansion of the applicant's business (Dutch's Greenhouse). The southern-most portion of the applicant's property was changed (Z-0787) from "AA" One-Family to "LC" Limited Commercial on September 2, 1966 to establish the applicant's business at the site. The portion of the applicant's property immediately south of the subject property was changed (Z-3015) from "R-5" General Residence to "LC" Limited Commercial and "BB" Office on January 18, 1991 to expand the applicant's business.

ADJACENT ZONING AND LAND USE:

NORTH:	"NR"	Personal Care Service
SOUTH:	"GO & LC"	Agricultural Sales and Service
EAST:	"MH"	Manufactured Home Park
WEST:	"MF-18"	Undeveloped

PUBLIC SERVICES: The site has access to Seneca, a four-lane arterial street with 1997 traffic volumes of approximately 6,300 vehicles per day. The 2030 Transportation Plan estimates that traffic volume on Seneca will increase to approximately 9,000 vehicles per day. The proposed greenhouse would generate

approximately 120 additional vehicles per day. Public water and sewer currently serve the site.

CONFORMANCE TO PLANS/POLICIES: Despite the site's zoning for multi-family residential development, the Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The proposed use of the subject property meets these locational guidelines for commercial development. Additionally, expansions of businesses at existing sites are generally encouraged over constructing completely new sites for business expansions.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by both commercial and residential uses with significant amounts of undeveloped property remaining. The property immediately south of the site is developed with Dutch's Greenhouse on property zoned "GO" General Office and "LC" Limited Commercial. The property immediately north of the site is developed with a beauty shop on property zoned "NR" Neighborhood Retail. The remaining properties north and south of the site are zoned "SF-6" Single-Family Residential and are developed with single-family residences on unplatted lots served by unpaved streets. Numerous residential lots north and south of the subject property remain undeveloped. The property west of the site is undeveloped and is zoned "MF-18" Multi-Family. The property east of the site across Seneca is zoned "MH" Manufactured Housing and is developed with a manufactured home park.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "MF-18" Multi-Family, which accommodates moderate-density, multi-family residential development and complementary land uses. Given the limited size of the subject property and its location adjoining an existing greenhouse, it is unlikely that the subject property would develop with multi-family residential uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The applicant's existing business (Dutch's Greenhouse) has existed in the area for over 35 years and does not appear to have had any detrimental

impacts on nearby properties. A small expansion of this business also should not have any detrimental impacts on nearby properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: Although the Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development, the Comprehensive Plan indicates that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The proposed use of the subject property meets these locational guidelines for commercial development. Additionally, expansions of businesses at existing sites are generally encouraged over constructing completely new sites for business expansions.

5. Impact of the proposed development on community facilities: Community facilities should not be adversely impacted, especially since Seneca has relatively low traffic volumes for a four-lane arterial street.