


City of Wichita
City Council Meeting
September 18, 2001

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2001-00047 – Zone change from “SF-5” Single-Family Residential to “NR” Neighborhood Retail and “GO” General Office. Generally located on the east side of Maize Road, ½ mile north of 21st Street North. (District #V)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

MAPC Recommendation: Approve (10-0).

Staff Recommendation: Denied.

DAB Recommendation: Will hear on September 10, 2001.

BACKGROUND: The application area consists of a 3-acre, unplatted parcel on the east side of Maize Road, ½ mile north of 21st Street North. The undeveloped property is currently zoned “SF-5” Single Family. The owner/applicant also owns the abutting “SF-5” zoned parcel to the east. The applicant is requesting “NR” Neighborhood Retail on the western 1.45 acres of the application area, and “GO” General Office on the eastern 1.55 acres of the application area. Please see the attached site plan.

The application area abuts “SF-5” zoned property to the north, east, and south. Across Maize Road and to the west of the application area is the New Market Square CUP, New Market is developed on property zoned “LC” Limited Commercial, and “GO” General Office. To the north of the application area sits the Cadillac Lake floodplain area.

The proposed zone change, from “SF-5” to “NR” and “GO,” would require platting, and conformance to all property development standards in the Unified Zoning Code, including compatibility setbacks, screening and landscaping. As the application area sits just south of a floodplain area, drainage would have to be addressed at the time of platting.

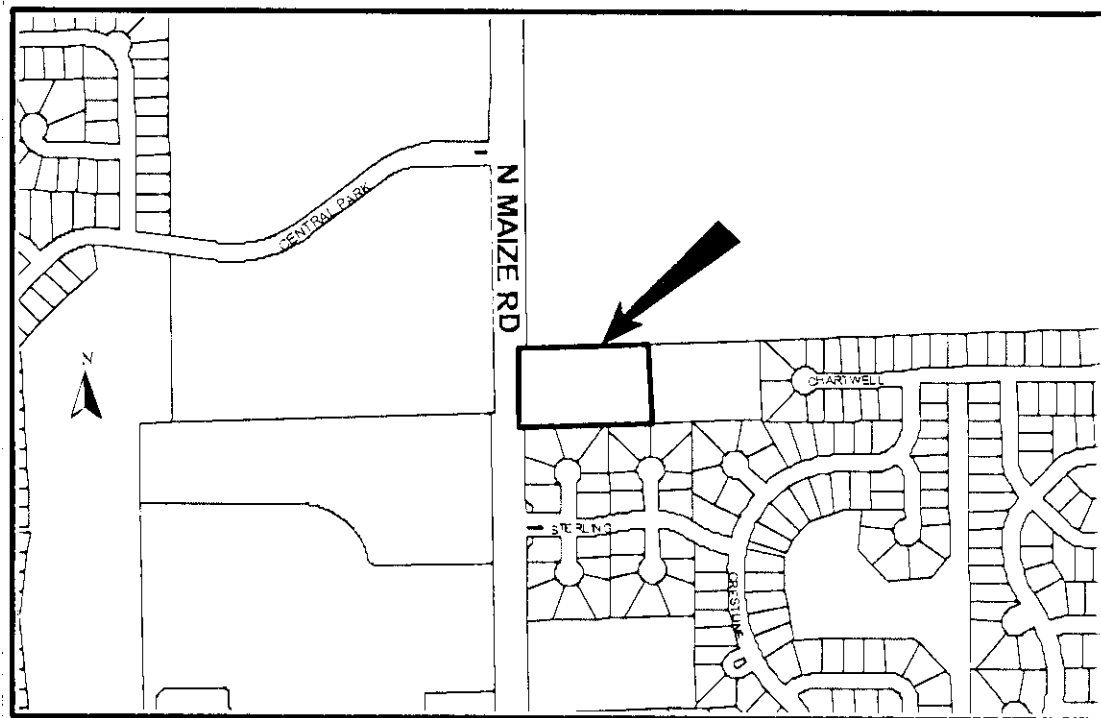
At the MAPC hearing on August 23rd, 2001, the applicant's agent spoke in support of the requested zone change. The Planning Staff received two letters from neighbors opposed to the requested zone change; these letters were distributed to the MAPC members. Several neighbors spoke at the hearing in opposition of the requested zone change. The opposing neighbors cited storm drainage problems from the application area bordering their properties, a change in neighborhood character, an increase in traffic in the area, and availability of office and retail zoned property across Maize in the New Market Square development. The MAPC voted (10-0) to approve the zone change request, subject to platting within one year and subject to the following Protective Overlay:

1. The property shall be developed with a masonry screen wall and landscaping along the south boundary of the application area.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, subject to platting within one year and the recommended provisions of a Protective Overlay District; place reading of the ordinance on first reading when the plat is forwarded to Council.
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.)



(150004) First Republished in the Wichita Eagle on July 27, 2002
Corrected and Republished on February 10, 2005

CORRECTED ORDINANCE NO. 45-336

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:

Zoning Case No. ZON 2001-47

Zone change request from "SF-5" Single-Family Residential District to "NR" Neighborhood Retail District and to "PO" Protective Overlay District #111, on property described as:

Lot 1 and Reserve B, Chadsworth Plaza Addition, Wichita, Sedgwick County, Kansas;

Zone change request from "SF-5" Single-Family Residential District to "GO" General Office District and to "PO" Protective Overlay District #111, on property described as:

Lot 2, Chadsworth Plaza Addition, Wichita, Sedgwick County, Kansas; and

Zoning Case No. ZON 2001-62

Zone change request from "SF-5" Single-Family Residential District to "NO" Neighborhood Office District and to "PO" Protective Overlay District #111, on property, described as:

Lots 3 and 4, Chadsworth Plaza Addition, Wichita, Sedgwick County, Kansas.

Generally located north of 21st Street North, on the east side of Maize Road.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. Construction of a masonry-screening wall along the south and east property line of the application area; and
2. Platting within one year.

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 18TH DAY OF JUNE, 2002.

ATTEST:



Karen Sublett

Karen Sublett, City Clerk

Carlos Mayans

Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Gary E Rebenstorf

Gary E Rebenstorf, City Attorney

STAFF REPORT

MAPC 8-23-01
DAB 9-10-01

CASE NUMBER: ZON2001-00047

APPLICANT/AGENT: BCS Development LLC, Marvin Schellenberg (owner); PEC, PA, Gary Wiley (agent)

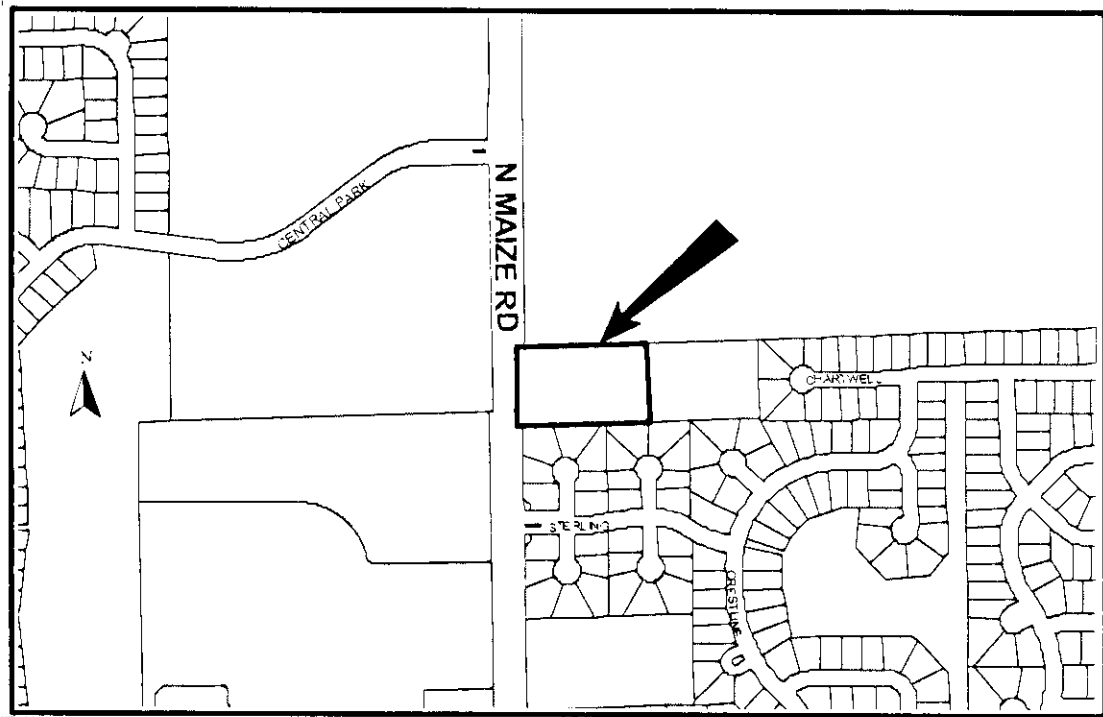
REQUEST: Zone change to "NR" Neighborhood Retail, and "GO" General Office

CURRENT ZONING: "SF-5" Single-Family

SITE SIZE: 3 acres

LOCATION: On the east side of Maize Road, ½ mile north of 21st Street North

PROPOSED USE: The applicant proposes to construct neighborhood retail and offices within the proposed development.



BACKGROUND: The application area consists of a 3-acre, unplatted parcel on the east side of Maize Road, ½ mile north of 21st Street North. The undeveloped property is currently zoned "SF-5" Single Family. The owner/applicant also owns the abutting "SF-5" zoned parcel to the east. The applicant is requesting "NR" Neighborhood Retail on the western 1.45 acres of the application area, and "GO" General Office on the eastern 1.55 acres of the application area. Please see the attached site plan.

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The proposed zone change, from "SF-5" to "NR" and "GO," would require platting, and conformance to all property development standards in the Unified Zoning Code, including compatibility setbacks, screening and landscaping. As the application area sits just south of a floodplain area, drainage would have to be addressed at the time of platting.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	single family residence
SOUTH:	"SF-5"	single family residences
EAST:	"SF-5"	single family residences
WEST:	"LC," "GO"	New Market Square CUP

PUBLIC SERVICES: The application area is located along Maize Road, a five-lane arterial street. A pedestrian/bicycle trail parallels Maize Road on the west side of the application area. The traffic count in March of 2001 along this section of Maize Road was 10,679 cars per day (ADTs). The projected traffic volume for 2030 is 14,192 cars per day. No street projects are included in the C.I.P. The undeveloped property currently has no vehicular access. The existing half-width right-of-way for Maize Road is 60 feet.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area as "low density residential." The "Wichita Land Use Guide" identifies the area just south and east of the application area as "low density residential," the area to the west as "commercial," and the area just north of the application area, the Cadillac Lake flood-plain area, as "parkland/open space."

"Office Locational Guidelines" of the Comprehensive Plan include (1) being located adjacent to arterial streets; (2) having local, service-oriented offices incorporated within or adjacent to neighborhood and community scale commercial development, and (3) having low-density

office use as a transitional land use between residential uses and higher intensity uses.

“Commercial Locational Guidelines” of the Comprehensive Plan include (1) located adjacent to arterial streets that provide needed ingress and egress in order to avoid traffic congestion, (2) required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses, and (3) in clusters or nodes at arterial intersections versus extended strip developments.

RECOMMENDATION: The Comprehensive Plan suggests that office uses should be incorporated within or adjacent to retail commercial developments at arterial intersections. This location, separated from the commercial intersection by single-family zoning and single-family use, will not promote the Plan’s concept of mixed-use activity centers where higher traffic-generating uses are clustered so they are more conducive to pedestrian activity and transit service. The application area is at a mid-mile location, the proposed access is too close to the residential collector street to the south for good traffic management. This proposal would create a dead end street, terminating with a residential cul-de-sac (see the attached site plan). This proposal could be considered more favorably if located at an arterial and collector intersection, not on a dead end residential street.

This commercial proposal would not serve as transitional zoning, from higher to lower intensity land uses, as suggested by the Comprehensive Plan, it would simply separate the existing Single-Family zones to the north and south of the application area. Adequate commercial and office zoning exists in the immediate vicinity with the New Market Square CUP across Maize from the application area; likewise, the application area could be developed as zoned with single family residences.

Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED. However, if the MAPC is favorably disposed toward rezoning, then we recommend that the three-acre site be limited to the “NO” Neighborhood Office zone classification.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties surrounding the application area to the north, east, and south are all zoned “SF-5.” The proposed development creates a dead-end street to be shared by commercial and residential uses. The proposed zone change, and therefore office and retail development, is not consistent in character or use with the surrounding residential neighborhood uses.
2. The suitability of the subject property for the uses to which it has been restricted: The property is best suited for single-family residences, and could be developed with single-family residences, or other uses permitted in the “SF-5” district.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: A change to office and retail zoning would impact the surrounding residences with increased traffic, increased turning movement conflicts on Maize Road, and a change

in neighborhood character.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested change in zoning classification is not in conformance with the Comprehensive Plan "Wichita Land Use Guide," and not in conformance with the office and commercial locational guidelines of the plan.
5. Impact of the proposed development on community facilities: A zone change at this mid-block location on Maize Road, onto a dead end street, would increase turning movement conflicts at the mid-block location, and would potentially increase accidents at that location.