

Agenda Item # _____

City of Wichita
City Council Meeting
March 5, 2002

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2001-00076 (Associated with CON2001-00068) - Zone change from "SF-5" Single-Family Residential and "B" Multi-Family Residential to "LC" Limited Commercial. Associated with Conditional Use request for vehicle and equipment sales. Generally located west of north West Street between 2nd and 3rd Streets (323 N. West Street). (District #IV)

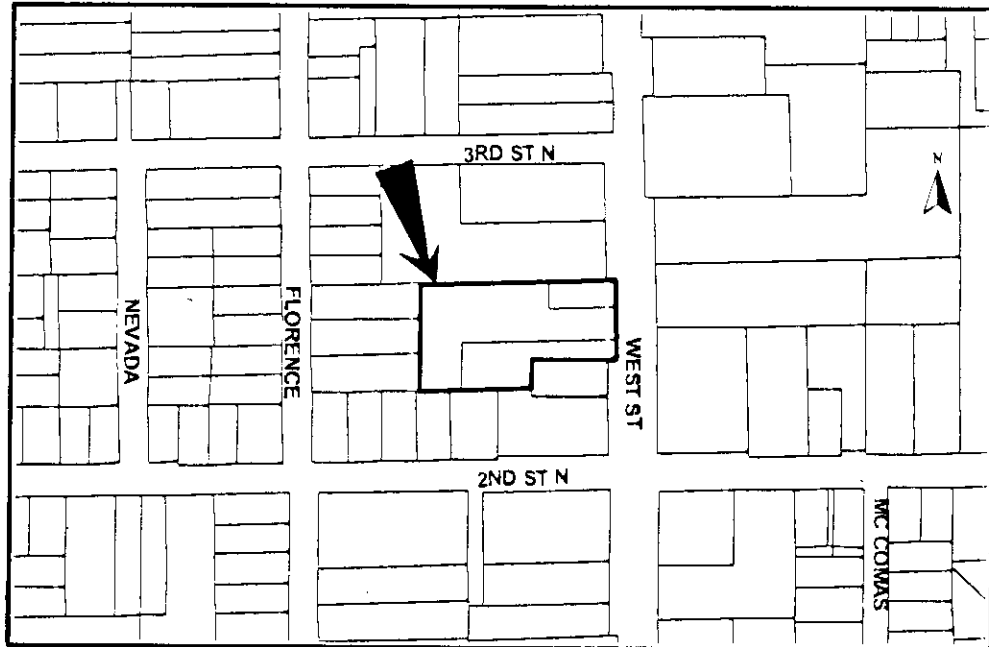
INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions and replatting (10-0).

Staff Recommendation: Approve.

DAB Recommendation: Approve, subject to staff comments (7-0).



BACKGROUND: The applicant requests "LC" zoning and a Conditional Use for vehicle and equipment sales on a vacant 1.65-acre site located on the west side of North West Street, between 2nd and 3rd Streets. The front halves of these three lots are zoned "B" Multi-family, the back half of the site is zoned "SF-5." North of the application area is an existing motorcycle sales and maintenance business under the same ownership as the application area, this property was rezoned to "GC" General Commercial in 1976.

The applicants intend to replat the application area into one lot developed with a motorcycle sales facility. The motorcycle sales facility will be primarily vehicle and equipment sales, with a maximum of 1000 square feet designated for retail sales of clothing, accessories, etc. Planning staff met with the applicant and his agent, and are in agreement with the proposed site plan and proposed conditions for the associated Conditional Use request for vehicle and equipment sales in "LC." The site plan demonstrates the applicant's efforts to mitigate negative impacts on residential neighbors through the use of a 15-foot compatibility setback, screening, conservation of existing trees, and additional planted trees to double the 1 per 40-foot requirement.

North of the existing motorcycle sales on West is an "LC" zoned property developed with a Southwestern Bell facility. South of the application area on West Street are several "LC" zoned properties; a house converted to a hair salon abutting the application area, and Caro Properties LLC further to the south. East of the application area on West are "LC" zoned properties developed with a television station, a skating rink, and a car wash. West of the application area are "SF-5" zoned lots developed with single-family housing.

The proposed zone change, from "B" and "SF-5" to "LC," and the proposed development with a conditional use for vehicle and equipment sales would require conformance to all property development standards in the *Unified Zoning Code*.

DAB IV heard this request on February 6th, 2002 and recommended approval subject to staff comments (7-0), no members of the public commented on the request. MAPC heard this request on February 7th, 2002 and approved subject to staff comments (10-0); again, no members of the public commented on the request.

The proposed conditions for the Conditional Use request are:

1. The Conditional Use shall be subject to the approved site plan.
2. Visual screening of areas contiguous to residential zoning districts shall be provided to protect adjacent properties from light, debris, and noise and to preserve adjacent property values.
3. All parking, storage and display areas shall be paved with concrete, asphalt, or asphaltic concrete.
4. The lighting standards of the Unified Zoning Code Section IV-B.4. shall be complied with. No string-type or search lighting shall be permitted.
5. The compatibility noise standards of the Unified Zoning Code Section IV-C.6 shall be complied with. Outdoor speakers and sound amplification systems shall not be permitted.
6. No repair work shall be conducted on the site.

7. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable, flashing, moving or off-site signs shall be permitted and no streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices shall be permitted.
8. There shall be no use of elevated platforms for the display of vehicles.
9. There shall be no test-driving of vehicles on the site.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change and Conditional Use permit, subject to the recommended conditions and subject to replatting within one year; approve the resolution authorizing the Conditional Use; place the zoning 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.)

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Read
7-9-02
W.H.
() Published in the Wichita Eagle on 07-02

ORDINANCE NO. 45-361

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 2001-76

Request for a zone change from "SF-5" Single-Family Residential District and "B" Multi-Family Residential District to "LC" Limited Commercial District, described as:

Lot 1, Block A, K and N Motorcycle Addition, Wichita, Sedgwick County, Kansas

Generally located on the west side of West Street, north of Second Street.

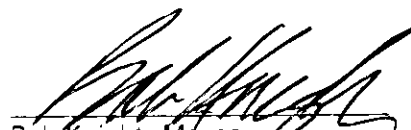
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

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 AT WICHITA, KANSAS, JUL 16 2002

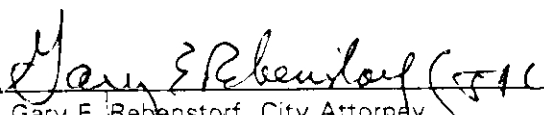
ATTEST:


Pat Burnett, City Clerk


Bob Knight, Mayor



Approved as to form:


Gary E. Rebenstorf, City Attorney



STAFF REPORT

MAPC 02-07-02

DAB 4 02-06-02

AGENDA ITEM NO. 3A/3B

FILE COPY

CASE NUMBER: ZON2001-00076, CON2001-00068

APPLICANT/AGENT: Kieth Harris (owner); Baughman Company, PA, Phil Meyer (agent)

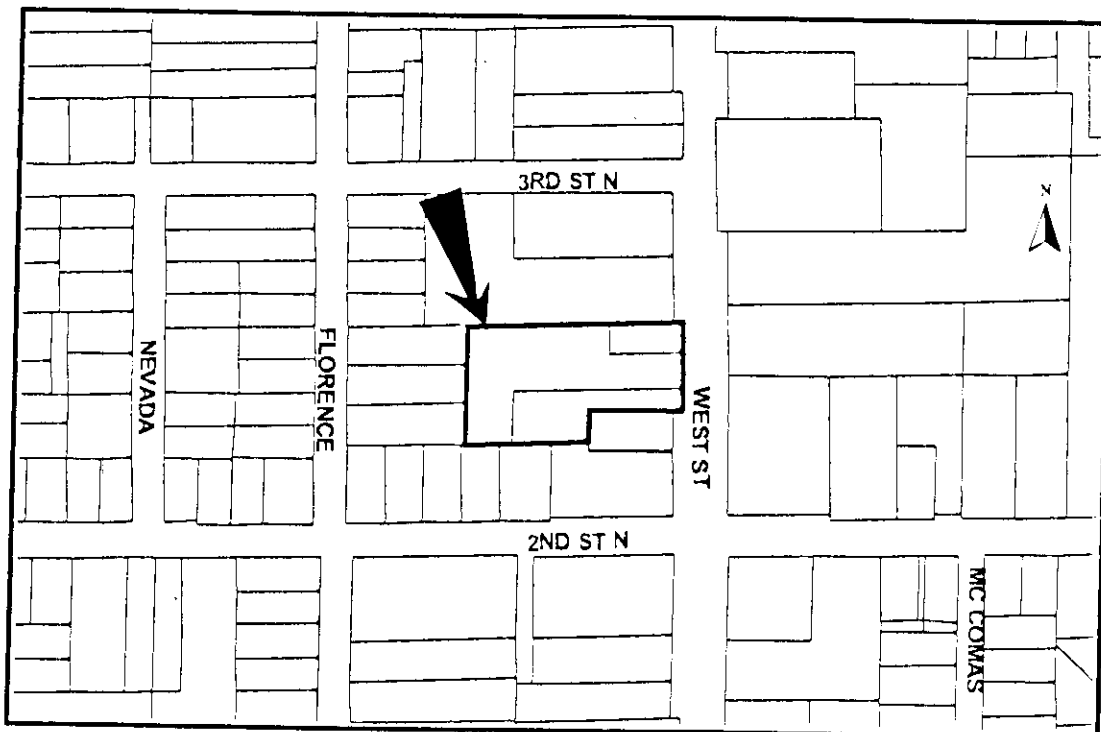
REQUEST: Zone change to "LC" Limited Commercial; associated with Conditional Use request for vehicle and equipment sales

CURRENT ZONING: "SF-5" Single Family Residential, "B" Multi-Family Residential

SITE SIZE: 1.65 acres

LOCATION: West of North West Street between 2nd and 3rd Streets (323 N. West Street).

PROPOSED USE: Motorcycle and accessory sales.



BACKGROUND: The applicant requests "LC" zoning and a Conditional Use for vehicle and equipment sales on a vacant 1.65-acre site located on the west side of North West Street, between 2nd and 3rd Streets. The front halves of these three lots are zoned "B" Multi-family, the back half of the site is zoned "SF-5." North of the application area is an existing motorcycle sales and maintenance business under the same ownership as the application area, this property was rezoned to "GC" General Commercial in 1976.

The applicants intend to replat the application area into one lot developed with a motorcycle sales facility. The motorcycle sales facility will be primarily vehicle and equipment sales, with a maximum of 1000 square feet designated for retail sales of clothing, accessories, etc. Planning staff met with the applicant and his agent, and are in agreement with the proposed site plan and proposed conditions for the associated Conditional Use request for vehicle and equipment sales in "LC." The attached site plan demonstrates the applicants efforts to mitigate negative impacts on residential neighbors through the use of a 15-foot compatibility setback, screening, conservation of existing trees, and additional planted trees to double the 1 per 40-foot requirement.

North of the existing motorcycle sales on West is an "LC" zoned property developed with a Southwestern Bell facility. South of the application area on West Street are several "LC" zoned properties; a house converted to a hair salon abutting the application area, and Cargo Properties LLC further to the south. East of the application area on West are "LC" zoned properties developed with a television station, a skating rink, and a car wash. West of the application area are "SF-5" zoned lots developed with single-family housing.

The proposed zone change, from "B" and "SF-5" to "LC," and the proposed development would require conformance to all property development standards in the *Unified Zoning Code*.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC," "LC"	existing motorcycle sales, Southwestern Bell
SOUTH:	"LC"	hair salon, Cargo Properties LLC
EAST:	"LC"	television station, skating rink, car wash
WEST:	"SF-5"	single-family homes

PUBLIC SERVICES: The property is located along North West Street, a four-lane arterial

section line road. The traffic count in March of 2000 along this section of West was 19,703 cars per day (ADTs); the projected traffic volume for 2030 is 24,516 cars per day.

The existing half-width right-of-way for West at the application area is 30 feet. No street projects are included in the C.I.P. for the immediate area, the Wichita-Sedgwick County *2030 Transportation Plan* indicates that this portion of West Street will become a 5-lane arterial. No utility easements exist within the application area.

City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as "Commercial."

RECOMMENDATION: This zone change request is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide" and "Commercial Locational Guidelines." As this property is redeveloped, the *Unified Zoning Code* property development standards for screening, landscaping, and lighting will mitigate any negative impacts on nearby residential properties. Planning staff met with the applicant and his agent, and are in agreement with the proposed site plan and proposed conditions for the associated Conditional Use request for vehicle and equipment sales in "LC." The applicant is also in agreement with staff concerning a recommended replat of the application area into one lot, through which the applicant will be expected to provide a recommended 20-foot right-of-way dedication on West street, a recommended dedication of access control on West except for one point of access, and a cross lot circulation agreement between the application area and the property to the immediate north under the same ownership.

Based upon information available prior to the public hearings, planning staff recommends that the zone change request be APPROVED, subject to replatting into one parcel within one year. Staff also recommends that the associated Conditional Use request for Vehicle and Equipment Sales in "LC" be APPROVED, subject to the following Conditions:

1. The Conditional Use shall be subject to the approved site plan.
2. Visual screening of areas contiguous to residential zoning districts shall be provided to protect adjacent properties from light, debris, and noise and to preserve adjacent property values.
3. All parking, storage and display areas shall be paved with concrete , asphalt, or asphaltic concrete.
4. The lighting standards of the Unified Zoning Code Section IV-B.4. shall be complied with. No string-type or search lighting shall be permitted.
5. The compatibility noise standards of the Unified Zoning Code Section IV-C.6 shall be complied with. Outdoor speakers and sound amplification systems shall not be permitted.
6. No repair work shall be conducted on the site.

7. Only those signs permitted in the "LC" zoning district shall be permitted on this site, except that no portable, flashing, moving or off-site signs shall be permitted and no streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices shall be permitted.
8. There shall be no use of elevated platforms for the display of vehicles.
9. There shall be no test-driving of vehicles on the site.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All other properties along this section of West Street are zoned "LC" or "GC" and developed with non-residential uses, including existing motorcycle sales to the immediate north of the application area. This section of West Street is an older commercial strip, the proposed development should not detract from the character of the neighborhood. The applicant has agreed to compatibility buffers, screening, and exceeding the landscape ordinance requirements in order to mitigate any negative impacts on residential neighbors.
2. The suitability of the subject property for the uses to which it has been restricted: The vacant property could be developed for single and multi-family housing, as it is currently zoned. However, the commercial strip character of this section of West Street makes this area unattractive for a residential area.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of "LC" zoning at the application area will allow for more intensive development than the current zoning permits. The *Unified Zoning Code* property development standards for screening, landscaping, noise, and lighting will mitigate any negative impacts on the nearby residential properties to the west; likewise, recommended conditions for the proposed vehicle and equipment sales Conditional Use should mitigate any negative impacts on the nearby residential properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is in conformance with the *Comprehensive Plan "Wichita Land Use Guide,"* and it is in conformance with the commercial locational guidelines of the plan.
5. Impact of the proposed development on community facilities: The proposed motorcycle sales at this location will generate more traffic than the current vacant lot; however, the proposed use should not generate as much traffic as currently permitted multi-family residential uses. The dedication of additional street right-of-way, limiting access control, and providing for cross-lot circulation will address potential increased demand on community facilities.