

OCA150006 BID 37529-009 CID #76383
Published in The Wichita Eagle on July 17, 2007
ORDINANCE NO. 47-524

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. ZON2007-17

Request for zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial on property described as:

Beginning 1246.25' North and 30' East of the Southwest corner of the Southwest 1/4; thence East 590'; thence North 366'; thence West 590'; thence South 366' to beginning 3-27-2E.

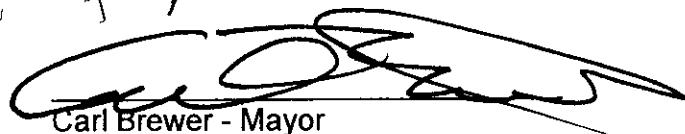
Generally located East of Greenwich and south of K-96 (2400 N Greenwich).

SECTION 2. That upon the taking effect of this ordinance, the above zone 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.

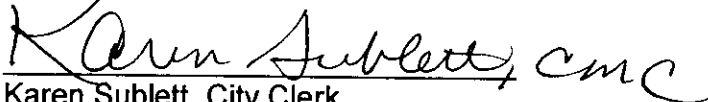
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, July 17, 2007




Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney



AGENDA ITEM NO. _____

STAFF REPORT

MAPC, June 7, 2007

FILE COPY

CASE NUMBER: ZON2007-17

APPLICANT/AGENT: Harold Sutter (applicant), Baughman Company, P.A. c/o Terry Smythe (agent)

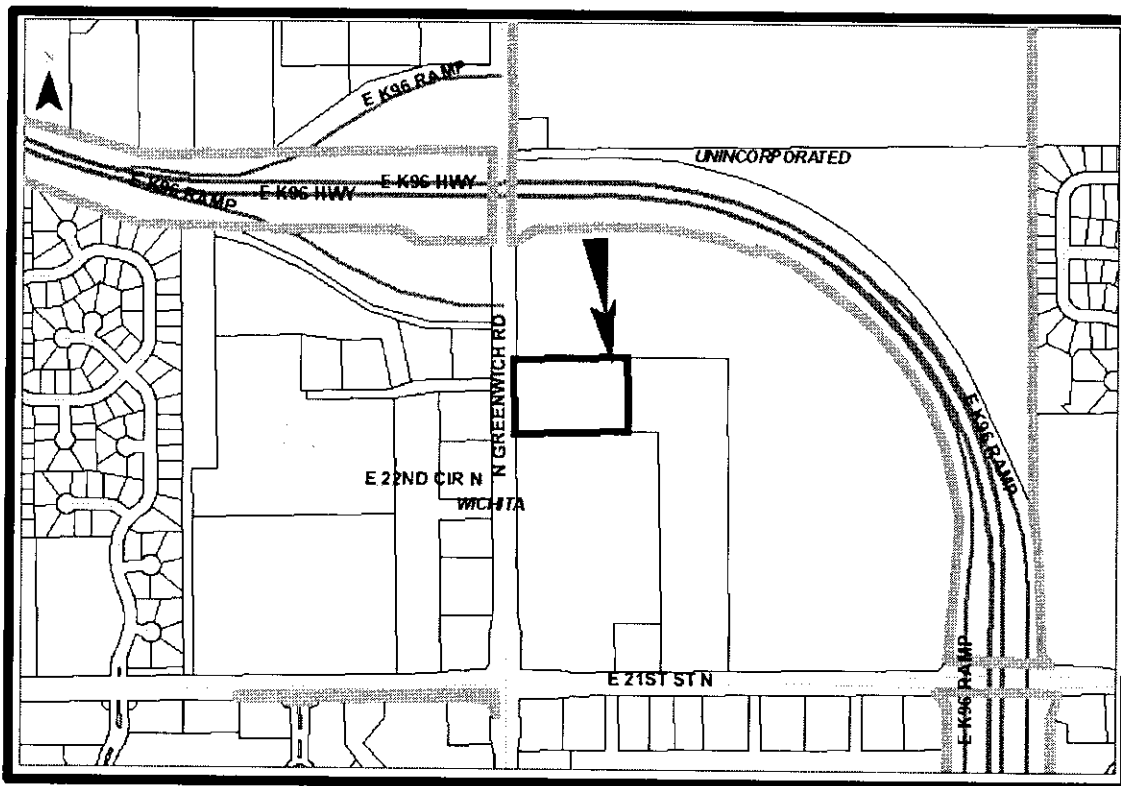
REQUEST: "LC" Limited Commercial

CURRENT ZONING: "SF-5" Single-family Residential

SITE SIZE: 4.8 acres

LOCATION: East of Greenwich and south of K-96 (2400 N Greenwich)

PROPOSED USE: Commercial development



BACKGROUND: The applicant requests a zone change from “SF-5” Single-family Residential to “LC” Limited Commercial on an unplatted 4.8-acre parcel. The site is less than six acres; therefore the Unified Zoning Code (UZO) will not require a Community Unit Plan to develop the property under commercial zoning. The site is located east of Greenwich and south of K-96. The applicant intends to develop the site with commercial uses.

North and east of the site is an SF-5 zoned cemetery, with a wireless communications tower, approved as a conditional use (CU-435) in 1997. Property north and east of the site was also approved for LC zoning and DP-291, Cedar Creek Marketplace Commercial CUP, subject to platting by August 7, 2007. South of the site is an LC zoned strip center, west of the site is the LC and GC zoned Regency Lakes Commercial CUP (DP-234) with retail and restaurant uses.

CASE HISTORY: The unplatted property has a single-family residence built in 1929.

ADJACENT ZONING AND LAND USE:

NORTH:	“SF-5”	Single-family residence
SOUTH:	“LC”	Strip commercial
EAST:	“SF-5”	Cemetery, wireless communication tower
WEST:	“LC,” “GC”	Retail, restaurant

PUBLIC SERVICES: The subject property has frontage along Greenwich Road, a four-lane paved arterial with a 50-foot half-street right-of-way (ROW) at the application area. Greenwich at the site has a raised median with turn lane access to the Regency lakes CUP.

Current traffic volumes on this portion of Greenwich are 5,309 vehicles per day. The 2030 Transportation Plan shows this portion of Greenwich remaining a four lane arterial. The site has municipal water and sewer.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as appropriate for “Regional Commercial” use. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites be located adjacent to arterials and employ site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

The Unified Zoning Code (UZO) would require screening and compatibility setbacks from residential zoned property. The Landscape Ordinance would require a landscape plan for the proposed development.

The Wichita Access Management Policy would require that Greenwich have a 60-foot half-width ROW (ten feet more than what presently exists). The policy would require 200 feet between right-in right-out openings, and 400 feet between full movement openings, and would promote cross-lot circulation with commercial developments to the north, south, and east.

RECOMMENDATION: This request conforms to the Comprehensive Plan Land Use Guide and Commercial Locational Guidelines. ROW width and access control are concerns with commercial development at this location on a heavily traveled arterial street with nearby expressway access.

ROW dedication, access control, and drainage issues should be resolved through the platting process.

Based upon the information available prior to the public hearings, planning staff recommends that the requested zone change be APPROVED, subject to platting the property within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by commercial zoning and uses south and west of the site, near the Greenwich/21st Street North and the Greenwich/K-96 intersections. North and east of the site is characterized by residential zoning with a cemetery, a wireless tower, and undeveloped land.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single-family Residential and could continue to be used for residential development. The site may not be desirable for residences due to arterial street frontage near an expressway.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Permitted land uses under the requested LC zoning will be more intense than those permitted under the current residential zoning. Property north and east of the site is owned by a cemetery, and will most likely never develop with residential uses. Therefore, removal of restrictions on this site will have no detrimental affect on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as appropriate for "Regional Commercial" use. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites be located adjacent to arterials and employ site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas.
5. Impact of the proposed development on community facilities: Provided that drainage and traffic access policies are met, community facilities should not be impacted by the proposed development.