

OCA150006 BID 37529-009 CID #76383
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ORDINANCE NO. 47-714

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. ZON2007-50

Request for zone change from "GO" General Office to "LC" Limited Commercial on property described as:

Lot 13, Brad Boone Addition, Sedgwick County, Kansas.

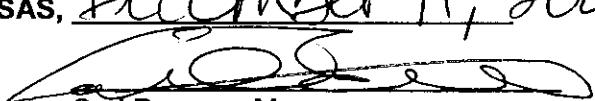
Generally located on the west side of Rock Road one block south of Rockhill Street.

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.

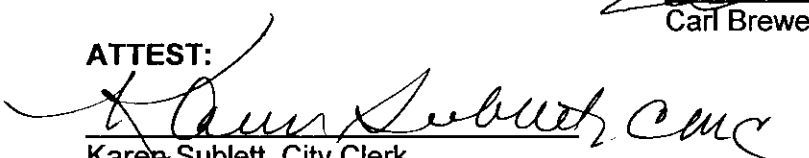
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS,

December 11, 2007

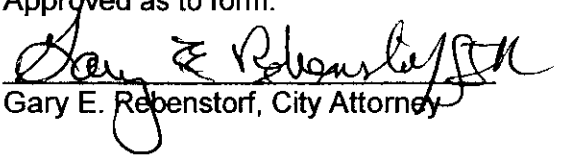

Carl Brewer - Mayor

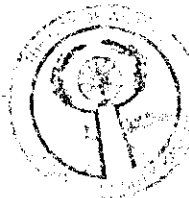
ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney



BACKGROUND: The applicant proposes to rezone 1.1 acre from "GO" General Office to "LC" Limited Commercial and amend DP-62 Chelsea Station Community Unit Plan to create Parcel 3A from Parcel 3. The amendment and zone change would allow for the reuse of this parcel as a commercial rather than office parcel. Uses would be all uses permitted by right in the LC district except the following prohibited uses: correctional placement residences, pawn shops, taverns, nightclubs, asphalt or concrete plants, sexually oriented businesses and adult entertainment as defined by the City Code. Also, the uses of vehicle storage yards and general vehicle repair would be shown as prohibited, even though they are never permitted in the LC district. Outdoor storage would be prohibited.

The applicant has requested to reduce the building setback on Rock Road and along the south property line from 75 feet to 35 feet. Since this is a platted setback, a vacation action would be required also.

Currently the CUP prohibits billboards on parcels zoned LC (Parcels 1 and 2) and this also should apply to Parcel 3A if rezoned LC. The maximum building coverage of 30 percent, the floor area ratio of 1:0.40 and the maximum building height of 35 feet would be the same as currently allowed.

The proposed Parcel 3A is located on the southeast corner of DP-62, a large CUP including the quarter-section (160 acres) on the southwest corner of 21st Street North and Rock Road.

Currently a medical office occupies the subject tract. The remainder of Parcel 3, which would remain zoned GO, is restricted to offices and personal services and was developed with the understanding that the area now being requested for LC was under the same restrictions. To protect the office on the remaining portions of Parcel 3, additional screening is requested by staff.

West of Parcel 3, the property is developed with duplexes on property zoned "MF-29" Multi-family Residential (Parcel 5 of DP-62). The property north of Parcel 3 (Parcel * of DP-62) is zoned MF-29 and is developed with a large apartment complex. The property to the northeast is part of a large shopping center, DP-191, that is zoned LC. A large estate located on 160 acres of property zoned "SF-5" Single-family Residential is located to the southeast. A rail-banked right-of-way abuts the property on the south and a furniture store and a bookstore on property zoned LC are located south of the rail-banked right-of-way.

CASE HISTORY: The property is platted as the Brad Boone Addition, recorded April 1, 1981. The CUP was originally approved in January 29, 1974. Three amendments have been processed since 2001. Amendment #7 was approved in 2001 subject to platting and would have divided Parcel 8 into two parcels; the new parcel along Rock Road would have been zoned LC and available for commercial/retail development similar to this request. However, the rezoning was subject to replatting that was never done. Thus, the amendment was considered denied and closed for failure to plat. Amendments #8 and #9

allowed greater building signage on Parcel 2 for two separate uses (Garts Sports and Best Buy).

ADJACENT ZONING AND LAND USE:

NORTH:	GO, MF-29	Office, apartment complex
SOUTH:	LC	Furniture store, bookstore
EAST:	LC, SF-5	Shopping center, large residential estate
WEST:	GO, MF-29	Offices, duplexes

PUBLIC SERVICES: The property is located on Rock Road, a principal arterial improved with four through lanes, dual left-turn lanes and right-turn accel/decel lanes. Traffic counts for 2006 were 26,240 vehicles per day on Rock Road at 21st Street North. No direct access is allowed onto Rock Road, rather the site is access from a cul-de-sac serving all of Parcel 3. Normal public services are available.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "local commercial." This is in conformance with the proposed amendment. **Commercial Objective III.B** encourages future commercial areas to: "Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses." The proposed uses are similar to the development on the property to the northeast and south, but could have detrimental impacts on the property to the southeast. **Strategy III.B.2** seeks to integrate out parcels to planned centers through shared internal circulation, shared signage, similar landscaping and building materials, and combined ingress/egress locations. The CUP does not conform to these guidelines. Rather, it is more like a stand-alone commercial parcel surrounded on the north and west by lower intensity office development.

RECOMMENDATION: Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to the following conditions:

A. APPROVE Amendment #10 to DP-62, subject to the following conditions:

1. Add to General Provision #7: For Parcel 3A, screening shall be in accordance with Article IV of the Unified Zoning Code of the City of Wichita. However, all service areas (trash dumpsters, loading docks, outdoor work and storage areas, mechanical and rooftop equipment) shall have solid screening if adjacent to office or residential property or visible from Rock Road. Such screening may be composed of solid evergreen, solid masonry or a combination of solid fence and evergreen and shall be reviewed and approved by the Director of Planning prior to issuing building permits and installed at the time development occurs.
2. The following uses shall also be prohibited in Parcel 3A: vehicle repair, limited, service station, convenience store and nursery and garden center.

3. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
4. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
5. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-62) includes special conditions for development on this property.
6. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: currently a medical office occupies the subject tract. The remainder of Parcel 3, which would still be zoned GO, is restricted to offices and personal services. West of Parcel 3, the property is developed with duplexes on property zoned "MF-29" Multi-family Residential (Parcel 5 of DP-62). The property north of Parcel 3 (Parcel * of DP-62) is zoned MF-29 and is developed with a large apartment complex. The property to the northeast is part of a large shopping center, DP-191, that is zoned LC. A large estate located on 160 acres of property zoned "SF-5" Single-family Residential is located to the southeast. A rail-banked right-of-way abuts the property on the south and a furniture store and a bookstore on property zoned LC are located south of the rail-banked right-of-way.
2. The suitability of the subject property for the uses to which it has been restricted: The area is suitable for the use as currently zoned (general office) but the proposed commercial uses are similar to those on the east side of Rock Road, the uses on the west side of Rock Road located one-eighth mile to the north and the property south of the rail-banked right-of-way.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The LC uses should be restricted to eliminate some of the more intensive auto-oriented commercial uses. Currently a medical office occupies the subject tract. The remainder of Parcel 3, which would remain zoned GO, is restricted to offices and personal services and was developed with the understanding that the area now being requested for LC was under the same restrictions. To protect the office on the remaining portions of Parcel 3, additional screening is requested by staff.
4. Length of time the subject property has remained vacant as zoned: The property is currently in use as an office site.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County*

Comprehensive Plan identifies this area as appropriate for "local commercial." This is in conformance with the proposed amendment. **Commercial Objective III.B** encourages future commercial areas to: "Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses." The type of uses proposed are more in alignment with the property to the northeast and south and could have detrimental impacts on the property to the southeast. **Strategy III.B.2** seeks to integrate out parcels to planned centers through shared internal circulation, shared signage, similar landscaping and building materials, and combined ingress/egress locations. The CUP does not conform to these guidelines. Rather, it is more like a stand-alone commercial parcel surrounded on the north and west by lower intensity office development.

6. Impact of the proposed development on community facilities: The requested amendment and zone change could result in more traffic on Rock Road, but probably not a significant increment considering the substantial volume of retail and restaurant traffic already generated by Bradley Fair Shopping Center to the northeast and Tallgrass Center to the north along 21st Street North.