

DR 78-25 - Policy Study, Depth of
Light Commercial Zoning on the
south side of U.S. 54.

ACTION

DATE

COMMITTEE _____

M.A.P.C.

Approved

11/9/78

B.C.C./B.C.O.C.

*Approved &
recommended*

12-5-78

DR 78-25 - Policy Study, Depth of
Light Commercial Zoning on the
south side of U.S. 54.

WICHITA-SEDGWICK COUNTY

DATE
October 3, 1978

METROPOLITAN AREA PLANNING DEPARTMENT

TO Metropolitan Area Planning Commission
FROM Jack H. Galbraith, Chief Planner
SUBJECT DR 78-25 - Policy Study, Depth of Light Commercial Zoning
on the south side of U.S. 54

In consideration of zone case Z-2050 for the Toyota agency at the southwest corner of Calhoun and Kellogg Drive, the Board of City Commissioners, at their regular meeting of July 11, 1978, directed that the staff do a study as to the appropriate depth of light commercial zoning in the east Kellogg area.

In reviewing zoning maps and zone change request history over the past ten years, it soon becomes apparent that the major problem area is on the south side of Kellogg in an area between Woodlawn and Rock Road. Over the past several years, both the Metropolitan Area Planning Commission and the Board of City Commissioners have had an adopted policy of looking with favor on the deepening of light commercial zoning on East Kellogg for existing businesses on Kellogg. This policy has permitted several businesses to expand and in most areas of Kellogg has not resulted in major expansions of the "LC" Light Commercial District. However, in the one mile segment on the south side of Kellogg between Woodlawn and Rock Road, there is a concentration of seven new and used automotive sales agencies. This type of use requires large amounts of land area in order to store the new and used cars and expansion of the agencies over the past several years has resulted in intrusions of the "LC" Light Commercial District into the residential neighborhood to the south. With the congested traffic conditions on Kellogg itself, it has become quite common for the test driving of automobiles to occur down the residential side streets. In addition, the unloading of trucks at night as well as the lights, noise, and general traffic associated with new and used car sales has impacted the surrounding residences. There are also three motor hotels or motels located in this segment of Kellogg and there have been several problems associated with truck parking and noise associated with these uses.

The area on the south side of Kellogg between Woodlawn and Rock Road is generally zoned the "LC" Light Commercial District with the exception of the southeast corner of Mission Road and Kellogg which is zoned the "A" Two Family District and developed with a church; and the southwest corner of Mission Road and Kellogg

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which is zoned the "A" Two Family District and developed with a legal nonconforming shopping center containing a restaurant, antique store, interior design store, a craft shop, and a stereo sale operation. Although two interior spots of "C" Commercial zoning have been approved for body and fender shops associated with new and used car agencies and three spots of the "BB" Office District have been approved for employee and customer parking lots, the area is primarily zoned and developed with "LC" Light Commercial uses. The predominant land uses are new and used car sales (7), restaurants (8), motor hotels (3), and various other uses such as barber and beauty shops, general office, a church, a bowling alley, furniture sales, liquor store, auto repair, financial center, and other general business uses. Over the past few years there have been several requests approved for the expansion of the "LC" Light Commercial District as well as the spots of "BB" zoning at the northwest corner of Orme and Longfellow, (Z-1909, 1977) the northwest corner of Orme and Armour (Z-1383, 1972) and the east side of Whittier Road in an area south of Kellogg which was an old case approved prior to formation of the MAPC. There have also been seven Board of Zoning Appeals exceptions for new and used car lots approved (BZA 42-64, 38-66, 22-72, 13-73, 14-73, 2-78, 31-78) as well as BZA approval of a variance of the sign size of the Hilton Inn (BZA 10-75), variance of off-street parking and front yard setback for the church (BZA 15-68, 16-68) and BZA approval of trailer rental (BZA 2-68). Three requests for the "LC" Light Commercial District are currently pending before the Commissions (Z-2050, Z-2071, Z-2072).

When examining the current development and depth of zoning in the study area, it must be recognized that the portion between Woodlawn and Gouverneur Road is somewhat different than the portion of the study area between Gouverneur Road and Rock Road. The "LC" Light Commercial District is approximately 400 feet in depth at the southeast corner of Woodlawn and Kellogg and then drops to a depth of approximately 270 feet east to Gouverneur Road. With the exception of one commercial lot and the "A" Two Family District at the corners of Mission Road and Kellogg, the light commercial district is separated by alleys from the residential uses to the south which are predominantly single family houses fronting on Orme Street and backing into the alley to the rear of the commercial uses. Between Woodlawn and Hunter the residential uses are fourplexes, again separated by an alley from the commercial uses. The four new and used car sales operations and one motel between Woodlawn and Gouverneur are developed at a smaller scale than those east of Gouverneur and the single family units to the south are well maintained and form a portion of viable neighborhood. These factors of existing depth of "LC", quality single family

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residences backing into the commercial, smaller scale commercial operations to the north, and the existence of the alley as a buffer combine to limit the need for major depth expansions of commercial zoning between Woodlawn and Gouverneur Road. Should additional parking be required for the commercial uses in this area, it is suggested that applications be considered on an individual basis by the Board of Zoning Appeals for an off-street parking exception on areas south of the alley. Such procedure would not require a change in zoning yet would permit employee and customer parking subject to such conditions as the Board of Zoning Appeals would establish to protect the adjacent residential areas.

From Gouverneur Road east to Rock Road the depth of Light Commercial zoning is greater than the segment to the west and the development is at a larger scale, with three large auto dealerships (Scholfield Pontiac, Eddy's Toyota, and Kellogg Chrysler-Plymouth), two motor hotels (Holiday Inn, Hilton Inn), and the large East Side Financial Center. Other smaller restaurants, liquor store, and general business uses have been developed, but the primary impact on the neighborhood to the south is from the larger users. This is an area of numerous citizen complaints regarding lights, noise, truck loading, storage and unloading, and infringement of the commercial uses into the residential neighborhood to the south. Between Calhoun and Hunter north of Orme Street, there are only three residential properties which are not owned by the commercial users and Orme Street would appear to offer the most appropriate buffer between the commercial and residential uses. However, some of the residents on the south side of Orme between Calhoun and Armour Drive note that the elevation of their homes is so much higher than the commercial users to the north that effective screening is next to impossible and have suggested that their lots might also be appropriate for commercial usage. The Planning Staff did consider an alternative of permitting the Light Commercial district to extend south of Orme and include the first tier of lots so that the residential uses could back into the commercial uses and eliminate the elevation problem, however, after some deliberation, it was our feeling that such would result in the eventual elimination of twenty five additional residential structures and that no matter where the depth line is placed, it will cause individual hardships to some people. The CPO or neighborhood may wish to recommend extension of the "LC" depth line further south, but the staff feels that the suggested depth of approximately Orme Street accommodates existing development trends yet preserves the maximum number of residential structures.

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The approximately 520 feet of light commercial depth at the southeast corner of Gouverneur Road and Kellogg should form the southernmost points of a "LC" depth line extended east to Calhoun and would approximate the Orme depth suggested between Calhoun and Hunter. From Longfellow east to Rock Road the houses on the north side of Orme are well maintained and back into the East Side Financial Center/Hilton Inn commercial development and there appears to be little justification for increasing the current depth. It should be noted that there is an existing masonry wall south of the East Side Financial Center/Hilton Inn which was a requirement of the C.U.P. to separate residential and commercial uses and that wooden screening fences and masonry walls have also been required in conjunction with previous Board of Zoning Appeals action and City Commission approval of certain zone changes. It is especially important to maintain these screening requirements between Gouverneur Road and Longfellow because the residential uses either front or side, rather than back into, the commercial uses and are, therefore, more susceptible to impact. The present policy of orienting the commercial uses to Kellogg and denying commercial access to the residential streets should also be retained.

The commercial uses on the south side of Kellogg between Woodlawn and Rock Road have significantly impacted the neighborhood to the south. However, many of the complaints are beyond the scope of zoning and the powers of the MAPC to remedy. A strict enforcement of existing City Codes by both the Police Department and the Office of Central Inspection of the Department of Public Works is a prerequisite for any improvement of existing problems regardless of what zoning policies may or may not be established.

In discussing with the Assistant Traffic Engineer alternatives for limiting traffic from the commercial users into the residential areas to the south, it was his opinion that the type of traffic diverters which could be installed on Calhoun, Hunter, and Longfellow would create further enforcement problems in the area and would not appreciably improve the situation. It was his suggestion that if the neighborhood chose to limit the traffic from the commercial users, it would be a better solution to require replatting with the zone change, vacate the northern sections of the street and cul-de-sac the street (developers expense) on the southern edge of the commercial or office development with complete access control on the cul-de-sac. This would offer the most protection to the neighborhood yet would also require that the residents own access be by a circuitous route rather than directly from Kellogg. It would be helpful if the

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Citizen Participation Organization and neighborhood residents comment on the suggestion to require vacation of the commercial portions of the streets and cul-de-sacs on Hunter and Calhoun prior to this requirement being incorporated into the policy statement. Although Traffic Engineering has reservations about the use of traffic diverters in this area, MAPD staff still believe that they should be considered as an alternative. The cul-de-sac method is only feasible if future zone changes occur, whereas the diverters could be installed to alleviate an existing problem regardless of future zone change requests. The residential neighborhood should decide whether the elimination of the commercial traffic warrants the closing of the street or the installation of diverters.

It is recommended that the Metropolitan Area Planning Commission and the Board of City Commissioners establish the following policies regarding the depth of commercial zoning on the south side of Kellogg between Woodlawn and Rock Road.

1. Not look with favor on extensions of the "LC" Light Commercial District or "BB" Office District on the south side of Kellogg between Woodlawn and Gouverneur Road to a depth greater than the existing east-west alley south of Kellogg (as extended through the lots where the alley does not currently exist), or an approximate depth of 270 feet. Requests for additional parking south of the alley should be considered by the Board of Zoning Appeals on an individual basis rather than by extension of zoning district.
2. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Gouverneur Road and Whittier Road.
3. That the "LC" Light Commercial or "BB" Office District not be extended south of Lots 1 and 3, Keys Second Addition on the south side of Kellogg between Whittier and Calhoun, and that approvals of such districts north of that point be subject to complete access control on the residential streets.
4. That the "LC" Light Commercial District and the "BB" Office District be limited to the north of Orme Street for existing uses having access to Kellogg Drive on the south side of Kellogg between Calhoun and Longfellow provided that complete access control be maintained on the residential streets.

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5. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Longfellow and Rock Road.
6. Consideration should be given to either the use of traffic diverter or to vacating the northern portions of Calhoun and Hunter Streets and providing a cul-de-sac on the southern edge of the commercial development. The cul-de-sac might be accomplished through requiring replatting for expansions of the Light Commercial District and securing appropriate guarantees during the platting process. The use of traffic diverters might require initial expenditure by the City.

It is also recommended that vigorous enforcement programs be undertaken by both the Wichita Police Department and the Office of Central Inspection to enforce existing City Codes and BZA conditions of approval regarding lights, noise, truck loading/unloading, and other complaints by neighborhood residents.

Consideration of this item has been scheduled for your agenda of November 9, 1978.

Jack Galbraith
Jack Galbraith, Chief Planner
Current Plans Division

APPROVED:

Robert A. Lakin

Robert A. Lakin
Director of Planning

JHG:MM:el

cc: Ray Trail, Assistant City Manager
David L. Furnas, Coordinator, CPO

EXCERPT FROM THE PLANNING COMMISSION MINUTES OF NOVEMBER 9, 1978:

16. DR 78-25 - Policy Study, Depth of Light Commercial Zoning on the south side of U. S. 54.

MICHAEL MEEK, Senior Planner, stated that during July 1978, in consideration of zone case Z-2050 for the Toyota agency before the Board of City Commissioners, the Commission request a zoning policy statement by the Planning Commission on what would be the logical extent of the depth of light commercial zoning on East Kellogg in consideration of future zone change requests. MEEK said that in viewing zone case history in that area, the staff noted that primarily the zone change activity had occurred between Woodlawn and Rock Road on the south side of Kellogg. He reviewed the following memorandum to the Commission:

"In consideration of zone case Z-2050 for the Toyota agency at the southwest corner of Calhoun and Kellogg Drive, the Board of City Commissioners, at their regular meeting of July 11, 1978, directed that the staff do a study as to the appropriate depth of light commercial zoning in the east Kellogg area.

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The area on the south side of Kellogg between Woodlawn and Rock Road is generally zoned the "LC" Light Commercial District with the exception of the southeast corner of Mission Road and Kellogg which is zoned the "A" Two Family District and developed with a church; and the southwest corner of Mission Road and Kellogg which is zoned the "A" Two Family District and developed with a legal nonconforming shopping center containing a restaurant, antique store, interior design store, a craft shop, and a stereo sale operation. Although two interior spots of "C" Commercial zoning have been approved for body and fender shops associated with new and used car agencies and three spots of the "BB" Office District have been approved for employee and customer parking lots, the area is primarily zoned and developed with "LC" Light Commercial uses. The predominant land uses are new and used car sales (7), restaurants (8), motor hotels (3), and various other uses such as barber and beauty shops, general office, a church, a bowling alley, furniture sales, liquor store, auto repair, financial center, and other general business uses. Over the past few years there have been several requests approved for the expansion of the "LC" Light Commercial District as well as the spots of "BB" zoning at the northwest corner of Orme and Longfellow, (Z-1909, 1977) the northwest corner of Orme and

Armour (Z-1383, 1972) and the east side of Whittier Road in an area south of Kellogg which was an old case approved prior to formation of the MAPC. There have also been seven Board of Zoning Appeals exceptions for new and used car lots approved (BZA 42-64, 38-66, 22-72, 13-73, 14-73, 2-78, 31-78) as well as BZA approval of a variance of the sign size of the Hilton Inn (BZA 10-75), variance of off-street parking and front yard setback for the church (BZA 15-68, 16-68) and BZA approval of trailer rental (BZA 2-68). Three requests for the "LC" Light Commercial District are currently pending before the Commissions (Z-2050, Z-2071, Z-2072).

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2. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Gouverneur Road and Whittier Road.

3. That the "LC" Light Commercial or "BB" Office District not be extended south of Lots 1 and 3, Keys Second Addition on the south side of Kellogg between Whittier and Calhoun, and that approvals of such districts north of that point be subject to complete access control on the residential streets.
4. That the "LC" Light Commercial District and the "BB" Office District be limited to the north of Orme Street for existing uses having access to Kellogg Drive on the south side of Kellogg between Calhoun and Longfellow provided that complete access control be maintained on the residential streets.
5. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Longfellow and Rock Road.
6. Consideration should be given to either the use of traffic diverter or to vacating the northern portions of Calhoun and Hunter Streets and providing a cul-de-sac on the southern edge of the commercial development. The cul-de-sac might be accomplished through requiring replatting for expansions of the Light Commercial District and securing appropriate guarantees during the platting process. The use of traffic diverters might require initial expenditure by the City.

It is also recommended that vigorous enforcement programs be undertaken by both the Wichita Police Department and the Office of Central Inspection to enforce existing City Codes and BZA conditions of approval regarding lights, noise, truck loading/unloading, and other complaints by neighborhood residents."

MEEK added that CPO Council "H" concurred with the boundary lines that staff had suggested. They also requested that the Planning Department and Traffic Engineering prepare a study of the use of traffic diverters and provide that information to the CPO for their review.

BAYOUTH stated that when setting a policy such as this, some might think that you are doing the residents a favor, but what was actually being done from an economic standpoint, was devaluating the property. He said that he has yet to see a piece of residential property next to a light commercial property depreciate. If boundaries are set for light commercial, then the cost of the residential property would depreciate.

BAYOUTH added that a poll should be taken in the neighborhood to see if diverters were acceptable.

MAY stated that she was on the CPO Council Area "H", and that attached to the November 9 memo, there was a petition list that came from the neighborhood asking that they be part of a plan to discuss the possibility of diverters or cul-de-sacs along with the Planning and Traffic Engineering Departments. She pointed out that a cul-de-sac might take time to develop whereas a diverter would be possible immediately.

SAVINA asked if the Fire Department had been asked anything about diverters or cul-de-sacs.

LAKIN stated that the Fire Department had not been brought into this and if the question of diverters was to be pursued, then such input would be sought, but for now it was simply raised as a parallel question with the zoning policy.

MAY asked that since the original memorandum had a suggestion of consideration of diverters or vacating a street, would the Planning Commission automatically be a part of that decision.

LAKIN said that normally that has been an area of the Traffic Commission. He noted that where there has been an item of mutual interest, there have been joint meetings between the MAPC and Traffic Commissions as in the Towne West discussions.

KEITH SANBORN, attorney representing Mrs. Mickelson, asked the Commission not to make a final determination on the policy study until consideration was given as to how it would affect the next case.

BELL stated it was his understanding that the reason the study was on the agenda where it was, was because of the next agenda item.

SANBORN said that one of the problems in addition to the traffic flow is the use of portions of areas that are allowed for parking of passenger vehicles by heavy vehicles, some of which run all night. He said his client was confronted with a rather difficult choice. She was concerned about the truck traffic coming down Orme and trucks loading and unloading in areas where they are not permitted to. There is more of a noise problem than anything else. SANBORN said that his client hoped that consideration would be given to excluding truck traffic from that area.

BELL asked if part of Mr. Sanborn's client's particular problem was that her house was in close proximity to a motel parking lot upon which the vehicles end up. He asked, was not it already zoned for the activity that was occurring there. He pointed out that the Planning Commission was not a law enforcing body.

SANBORN stated that if an activity with restrictions, and a history of the activity shows that the requirements that were made to balance the neighborhood and the activity, were repeatedly disregarded, then one means of preventing future activity was not to rely upon the fact that restrictions had been placed, since those restrictions had not obtained the desired result.

BELL asked how could the problem of the diesel trucks be stopped.

SANBORN said that if the trucks were removed from the area that would alleviate the problem. If granting the zone change carried with it certain restrictions imposed, but those restrictions were repeatedly violated, then the Planning Commission should come to the conclusion that the restriction imposed did not reach the result desired.

SAVINA asked staff if it was illegal for a truck driver to park in the parking lot of a motel if he wanted to rent a room.

GALBRAITH said it would be illegal if the truck was parked on property zoned "BB" Office zoning, and south of the Holiday Inn was a large lot zoned "BB" and there have been on occasions, trucks parked there with their diesel engines running during the winter. Trucks are permitted to park in the light commercial district in conjunction with a motel.

SAVINA felt there was something wrong with the laws if a motel was permitted to be constructed and at the same time knowing that truck parking was illegal.

GALBRAITH said that was why the "BB" Office District was established to the south of the Holiday Inn, to protect the neighborhood from the trucks which could be parked on the northern portions of the Holiday Inn site which are zoned "LC".

BAYOUTH felt the noise problem was the thing to be faced.

BARRIER stated that this points up one of the difficulties that this Commission continuously runs into and that was, although they make requirements in grants of zoning, they obviously have no way in enforcing it. She said that she would finally like to see this problem resolved in some way. The violations of noise occurs primarily at night and that is when Central Inspection was not inspecting. She felt that when there was light commercial abutting residential, it is the Planning Commission's and Central Inspection's responsibility to do a better job. BARRIER said that she visited the area and felt the whole situation needed to be studied carefully and not make a snap judgment.

BARRIER stated that there has been a great deal of talk in recent months about the scarcity of moderate priced housing. Those are very nice houses in that area and she felt it was ridiculous to allow any kind of zoning change that would mean that that kind of housing would deteriorate. BARRIER asked if the CPO was in favor of the policy statement.

GALBRAITH stated yes, they were in favor of the depth line as recommended.

BARRIER asked Mr. Sanborn if his client wished this study to be deferred.

SANBORN said that if the Commission decided, as a matter of policy, to grant the application which his client was opposing, that if he did not speak she would never be heard. He said he brought forward the noise problem which was one of the serious parts of his client's problem, as an additional factor to be considered.

JONES stated that it was his understanding that this was just a policy study, and after seeing this area, he felt there was a problem with the residents and the businesses. The problem does not show on the map, but the big problem is the elevation. He did not feel that the Commission had the technical knowlege to solve all of the problems, but should study it.

MOTION: That the Planning Commission recommend to the City Commission that this policy study be approved subject to the recommendations 1 through 5 as contained in the staff report, and 6 be amended as follows:

1. Not look with favor on extensions of the "LC" Light Commercial District or "BB" Office District on the south side of Kellogg between Woodlawn and Gouverneur Road to a depth greater than the existing east-west alley south of Kellogg (as extended through the lots where the alley does not currently exist), or an approximate depth of 270 feet. Requests for additional parking south of the alley should be considered by the Board of Zoning Appeals on an individual basis rather than by extension of zoning district.
2. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Gouverneur Road and Whittier Road.
3. That the "LC" Light Commercial or "BB" Office District not be extended south of Lots 1 and 3, Keys Second Addition on the south side of Kellogg between Whittier and Calhoun, and that approvals of such districts north of that point be subject to complete access control on the residential streets.
4. That the "LC" Light Commercial District and the "BB" Office District be limited to the north of Orme Street for existing uses having access to Kellogg Drive on the south side of Kellogg between Calhoun and Longfellow provided that complete access control be maintained on the residential streets.

5. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Longfellow and Rock Road.
6. That the staff of the Traffic Engineering Division of the Department of Public Works and the staff of the Metropolitan Area Planning Department develop a study to consider the use of traffic diverters, cul-de-sacs, or other methods to limit the flow of commercial traffic from Kellogg into the residential areas by provision of such devices on Hunter, Calhoun, and Longfellow Drive. Said study should be provided to the Area "H" Citizen Participation Organization, the Traffic Commission, and the Metropolitan Area Planning Commission for recommendation to the Board of City Commissioners, as to the preferred method (if any) of limiting said traffic flows.

May moved, Bell seconded.

BELL commented that he did not intend to be too vigorous in his questioning of Mr. Sanborn, but did want to point up the problem that they were faced with. It was not only that the Planning Commission has only one function, the declaration of policy, and was not an enforcement agency of any kind. He said that he sympathized with Mr. Sanborn's client's frustrations with the problems that were occurring there, but those were problems that occur, not because of the zoning, but in spite of the zoning.

MAY stated that the reason she made the motion was that this was as far as she wished to see the light commercial go. She said that she was not willing to say that she would look only at the use of land and not at some of the other considerations that was very important to what happens to a neighborhood.

VOTE ON THE MOTION: It carried
unanimously. Cole and Taylor
were absent.

WICHITA-SEDGWICK COUNTY

DATE

December 15, 1978

METROPOLITAN AREA PLANNING DEPARTMENT

TO Zoning Policy Statement File
FROM Mike Meek, Senior Planner
SUBJECT DR 78-25 - Depth of Light Commercial Zoning
on the south side of U.S. 54.

On December 5, 1978, the Board of Wichita City Commissioners passed a motion establishing the following policies regarding the maximum depth of Light Commercial Zoning on the south side of U.S. 54 in an area between Woodlawn and Rock Road:

1. Not look with favor on extensions of the "LC" Light Commercial District or "BB" Office District on the south side of Kellogg between Woodlawn and Gouverneur Road to a depth greater than the existing east-west alley south of Kellogg (as extended through the lots where the alley does not currently exist), or an approximate depth of 270 feet. Requests for additional parking south of the alley should be considered by the Board of Zoning Appeals on an individual basis rather than by extension of zoning district.
2. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Gouverneur Road and Whittier Road.
3. That the "LC" Light Commercial or "BB" Office District not be extended south of Lots 1 and 3, Keys Second Addition on the south side of Kellogg between Whittier and Calhoun, and that approvals of such districts north of that point be subject to complete access control on the residential streets.
4. That the "LC" Light Commercial District and the "BB" Office District be limited to the north of Orme Street for existing uses having access to Kellogg Drive on the south side of Kellogg between Calhoun and Longfellow provided that complete access control be maintained on the residential streets.
5. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Longfellow and Rock Road.

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Zoning Policy Statement File
December 15, 1978

The BCC also approved an additional statement relating to the same area as follows:

6. That the staff of the Traffic Engineering Division of the Department of Public Works and the staff of the Metropolitan Area Planning Department develop a study to consider the use of traffic diverters, cul-de-sacs, or other methods to limit the flow of commercial traffic from Kellogg into the residential areas by provision of such devices on Hunter, Calhoun, and Longfellow Drive. Said study should be provided to the Area "H" Citizen Participation Organization, the Traffic Commission, and the Metropolitan Area Planning Commission for recommendation to the Board of City Commissioners, as to the preferred method (if any) of limiting said traffic flows.

Mike Meek
Mike Meek
Senior Planner

MM:el

WICHITA-SEDGWICK COUNTY

DATE

November 15, 1978

METROPOLITAN AREA PLANNING DEPARTMENT

TO Eugene Denton, City Manager
FROM Robert A. Lakin, Director of Planning
SUBJECT DR 78-25 Policy Study - Depth of Light Commercial Zoning
on the south side of U.S. 54

On Thursday, November 9, 1978, the Metropolitan Area Planning Commission considered the above referenced policy study. It was their action to approve recommendations one (1) through five (5) as contained in the staff report as follows:

1. Not look with favor on extensions of the "LC" Light Commercial District or "BB" Office District on the south side of Kellogg between Woodlawn and Gouverneur Road to a depth greater than the existing east-west alley south of Kellogg (as extended through the lots where the alley does not currently exist), or an approximate depth of 270 feet. Requests for additional parking south of the alley should be considered by the Board of Zoning Appeals on an individual basis rather than by extension of zoning district.
2. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Gouverneur Road and Whittier Road.
3. That the "LC" Light Commercial or "BB" Office District not be extended south of Lots 1 and 3, Keys Second Addition on the south side of Kellogg between Whittier and Calhoun, and that approvals of such districts north of that point be subject to complete access control on the residential streets.
4. That the "LC" Light Commercial District and the "BB" Office District be limited to the north of Orme Street for existing uses having access to Kellogg Drive on the south side of Kellogg between Calhoun and Longfellow provided that complete access control be maintained on the residential streets.
5. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Longfellow and Rock Road.

November 15, 1978
Page Two
Eugene H. Denton
Re: DR 78-25

The MAPC also included in their motion that Recommendation number six (6), as contained in the staff report be amended to read as follows:

6. That the staff of the Traffic Engineering Division of the Department of Public Works and the staff of the Metropolitan Area Planning Department develop a study to consider the use of traffic diverters, cul-de-sacs, or other methods to limit the flow of commercial traffic from Kellogg into the residential areas by provision of such devices on Hunter, Calhoun, and Longfellow Drive. Said study should be provided to the Area "H" Citizen Participation Organization, the Traffic Commission, and the Metropolitan Area Planning Commission for recommendation to the Board of City Commissioners, as to the preferred method (if any) of limiting said traffic flows.

Attached are copies of the MAPD policy study staff report and recommendations from the Area "H" Citizen Participation Organization.

RECOMMENDED ACTION

Adopt the boundary line of maximum depth of light commercial zoning on East Kellogg from Woodlawn to Rock Road as described in the Metropolitan Area Planning Commission's recommendations one (1) through five (5) and instruct the City Manager to direct the staffs of the Traffic Engineering Division of the Department of Public Works and the Metropolitan Area Planning Department to prepare the study as noted in MAPC recommendation number six (6).

Please schedule this item for consideration by the Board of City Commissioners at their regular meeting of December 5, 1978. Should you have questions or require additional information, please advise.


Robert A. Lakin
Director of Planning

RAL:MM:bbc
Attachments

cc: Paul Graves, Traffic Engineer

November 15, 1978

Mr. Keith Sanborn
Sanborn Hollingsworth and Arbuckle
2110 E. Douglas
Wichita, Kansas 67214

Re: DR 78-25 Policy Study -
Depth of Light Commercial
Zoning on the south side
of U.S. 54

Dear Mr. Sanborn:

On Thursday, November 9, 1978, the Metropolitan Area Planning Commission considered the above referenced policy study. It was their action to approve recommendations one (1) through five (5) as contained in the staff report as follows:

1. Not look with favor on extensions of the "LC" Light Commercial District or "BB" Office District on the south side of Kellogg between Woodlawn and Gouverneur Road to a depth greater than the existing east-west alley south of Kellogg (as extended through the lots where the alley does not currently exist), or an approximate depth of 270 feet. Requests for additional parking south of the alley should be considered by the Board of Zoning Appeals on an individual basis rather than by extension of zoning district.
2. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Gouverneur Road and Whittier Road.
3. That the "LC" Light Commercial or "BB" Office District not be extended south of Lots 1 and 3, Keys Second Addition on the south side of Kellogg between Whittier and Calhoun, and that approvals of such districts north of that point be subject to complete access control on the residential streets.

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November 15, 1978
Keith Sanborn
Re: DR 78-25

4. That the "LC" Light Commercial District and the "BB" Office District be limited to the north of Orme Street for existing uses having access to Kellogg Drive on the south side of Kellogg between Calhoun and Longfellow provided that complete access control be maintained on the residential streets.
5. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Longfellow and Rock Road.

The MAPC also included in their motion that recommendation number six (6), as contained in the staff report be amended to read as follows:

6. That the staff of the Traffic Engineering Division of the Department of Public Works and the staff of the Metropolitan Area Planning Department develop a study to consider the use of traffic diverters, cul-de-sacs, or other methods to limit the flow of commercial traffic from Kellogg into the residential areas by provision of such devices on Hunter, Calhoun, and Longfellow Drive. Said study should be provided to the Area "H" Citizen Participation Organization, the Traffic Commission, and the Metropolitan Area Planning Commission for recommendation to the Board of City Commissioners, as to the preferred method (if any) of limiting said traffic flows.

This item has been scheduled for consideration by the Board of City Commissioners on December 5, 1978. Should you have questions regarding this matter, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:MM:bbc

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

November 15, 1978

TO Memo to the File
FROM Mike Meek, Senior Planner
SUBJECT DR 78-25 Policy Study - Depth of Light Commercial Zoning
on the south side of U.S. 54

On Thursday, November 9, 1978, the Metropolitan Area Planning Commission considered the above referenced policy study. It was their action to approve recommendations one (1) through five (5) as contained in the staff report as follows:

1. Not look with favor on extensions of the "LC" Light Commercial District or "BB" Office District on the south side of Kellogg between Woodlawn and Gouverneur Road to a depth greater than the existing east-west alley south of Kellogg (as extended through the lots where the alley does not currently exist), or an approximate depth of 270 feet. Requests for additional parking south of the alley should be considered by the Board of Zoning Appeals on an individual basis rather than by extension of zoning district.
2. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Gouverneur Road and Whittier Road.
3. That the "LC" Light Commercial or "BB" Office District not be extended south of Lots 1 and 3, Keys Second Addition on the south side of Kellogg between Whittier and Calhoun, and that approvals of such districts north of that point be subject to complete access control on the residential streets.
4. That the "LC" Light Commercial District and the "BB" Office District be limited to the north of Orme Street for existing uses having access to Kellogg Drive on the south side of Kellogg between Calhoun and Longfellow provided that complete access control be maintained on the residential streets.
5. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Longfellow and Rock Road.

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November 15, 1978
Memo to the File
Re: DR 78-25

The MAPC also included in their motion that recommendation number six (6), as contained in the staff report be amended to read as follows:

6. That the staff of the Traffic Engineering Division of the Department of Public Works and the staff of the Metropolitan Area Planning Department develop a study to consider the use of traffic diverters, cul-de-sacs, or other methods to limit the flow of commercial traffic from Kellogg into the residential areas by provision of such devices on Hunter, Calhoun, and Longfellow Drive. Said study should be provided to the Area "H" Citizen Participation Organization, the Traffic Commission, and the Metropolitan Area Planning Commission for recommendation to the Board of City Commissioners, as to the preferred method (if any) of limiting said traffic flows.

This item has now been scheduled for consideration by the Board of City Commissioners on December 5, 1978. The RECOMMENDED ACTION should be to approve recommendations one (1) through six (6) of the Metropolitan Area Planning Commission and for the City Commission to instruct the City Manager to direct the staffs of the Traffic Engineering Division and the Metropolitan Area Planning Department to prepare the study as noted in recommendation number six (6).

Mike Meek

Mike Meek
Senior Planner

MM:bbc

EXCERPT FROM THE PLANNING COMMISSION MINUTES OF NOVEMBER 9, 1978:

16. DR 78-25 - Policy Study, Depth of Light Commercial Zoning on the south side of U. S. 54.

MICHAEL MEEK, Senior Planner, stated that during July 1978, in consideration of zone case Z-2050 for the Toyota agency before the Board of City Commissioners, the Commission request a zoning policy statement by the Planning Commission on what would be the logical extent of the depth of light commercial zoning on East Kellogg in consideration of future zone change requests. MEEK said that in viewing zone case history in that area, the staff noted that primarily the zone change activity had occurred between Woodlawn and Rock Road on the south side of Kellogg. He reviewed the following memorandum to the Commission:

"In consideration of zone case Z-2050 for the Toyota agency at the southwest corner of Calhoun and Kellogg Drive, the Board of City Commissioners, at their regular meeting of July 11, 1978, directed that the staff do a study as to the appropriate depth of light commercial zoning in the east Kellogg area.

In reviewing zoning maps and zone change request history over the past ten years, it soon becomes apparent that the major problem area is on the south side of Kellogg in an area between Woodlawn and Rock Road. Over the past several years, both the Metropolitan Area Planning Commission and the Board of City Commissioners have had an adopted policy of looking with favor on the deepening of light commercial zoning on East Kellogg for existing businesses on Kellogg. This policy has permitted several businesses to expand and in most areas of Kellogg has not resulted in major expansions of the "LC" Light Commercial District. However, in the one mile segment on the south side of Kellogg between Woodlawn and Rock Road, there is a concentration of seven new and used automotive sales agencies. This type of use requires large amounts of land area in order to store the new and used cars and expansion of the agencies over the past several years has resulted in intrusions of the "LC" Light Commercial District into the residential neighborhood to the south. With the congested traffic conditions on Kellogg itself, it has become quite common for the test driving of automobiles to occur down the residential side streets. In addition, the unloading of trucks at night as well as the lights, noise, and general traffic associated with new and used car sales has impacted the surrounding residences. There are also three motor hotels or motels located in this segment of Kellogg and there have been several problems associated with truck parking and noise associated with these uses.

The area on the south side of Kellogg between Woodlawn and Rock Road is generally zoned the "LC" Light Commercial District with the exception of the southeast corner of Mission Road and Kellogg which is zoned the "A" Two Family District and developed with a church; and the southwest corner of Mission Road and Kellogg which is zoned the "A" Two Family District and developed with a legal nonconforming shopping center containing a restaurant, antique store, interior design store, a craft shop, and a stereo sale operation. Although two interior spots of "C" Commercial zoning have been approved for body and fender shops associated with new and used car agencies and three spots of the "BB" Office District have been approved for employee and customer parking lots, the area is primarily zoned and developed with "LC" Light Commercial uses. The predominant land uses are new and used car sales (7), restaurants (8), motor hotels (3), and various other uses such as barber and beauty shops, general office, a church, a bowling alley, furniture sales, liquor store, auto repair, financial center, and other general business uses. Over the past few years there have been several requests approved for the expansion of the "LC" Light Commercial District as well as the spots of "BB" zoning at the northwest corner of Orme and Longfellow, (Z-1909, 1977) the northwest corner of Orme and

Armour (Z-1383, 1972) and the east side of Whittier Road in an area south of Kellogg which was an old case approved prior to formation of the MAPC. There have also been seven Board of Zoning Appeals exceptions for new and used car lots approved (BZA 42-64, 38-66, 22-72, 13-73, 14-73, 2-78, 31-78) as well as BZA approval of a variance of the sign size of the Hilton Inn (BZA 10-75), variance of off-street parking and front yard setback for the church (BZA 15-68, 16-68) and BZA approval of trailer rental (BZA 2-68). Three requests for the "LC" Light Commercial District are currently pending before the Commissions (Z-2050, Z-2071, Z-2072).

When examining the current development and depth of zoning in the study area, it must be recognized that the portion between Woodlawn and Gouverneur Road is somewhat different than the portion of the study area between Gouverneur Road and Rock Road. The "LC" Light Commercial District is approximately 400 feet in depth at the southeast corner of Woodlawn and Kellogg and then drops to a depth of approximately 270 feet east to Gouverneur Road. With the exception of one commercial lot and the "A" Two Family District at the corners of Mission Road and Kellogg, the light commercial district is separated by alleys from the residential uses to the south which are predominantly single family houses fronting on Orme Street and backing into the alley to the rear of the commercial uses. Between Woodlawn and Hunter the residential uses are fourplexes, again separated by an alley from the commercial uses. The four new and used car sales operations and one motel between Woodlawn and Gouverneur are developed at a smaller scale than those east of Gouverneur and the single family units to the south are well maintained and form a portion of viable neighborhood. These factors of existing depth of "LC", quality single family residences backing into the commercial, smaller scale commercial operations to the north, and the existence of the alley as a buffer combine to limit the need for major depth expansions of commercial zoning between Woodlawn and Gouverneur Road. Should additional parking be required for the commercial uses in this area, it is suggested that applications be considered on an individual basis by the Board of Zoning Appeals for an off-street parking exception on areas south of the alley. Such procedure would not require a change in zoning yet would permit employee and customer parking subject to such conditions as the Board of Zoning Appeals would establish to protect the adjacent residential areas.

From Gouverneur Road east to Rock Road the depth of Light Commercial zoning is greater than the segment to the west and the development is at a larger scale, with three large auto dealerships (Scholfield Pontiac, Eddy's Toyota, and Kellogg Chrysler-Plymouth), two motor hotels (Holiday Inn, Hilton Inn), and the large East Side Financial Center. Other smaller restaurants, liquor store, and general business uses have been developed -- but the primary impact on the neighborhood to the south is from the larger users. This is an area of numerous citizen complaints regarding lights, noise, truck loading, storage and unloading, and infringement of the commercial uses into the residential neighborhood to the south. Between Calhoun and Hunter north of Orme Street, there are only three residential properties which are not owned by the commercial users and Orme Street would appear to offer the most appropriate buffer between the commercial and residential uses. However, some of the residents on the south side of Orme between Calhoun and Armour Drive note that the elevation of their homes is so much higher than the commercial users to the north that effective screening is next to impossible and have suggested that their lots might also be appropriate for commercial usage.

The approximately 520 feet of light commercial depth at the southeast corner of Gouverneur Road and Kellogg should form the southernmost points of a "LC" depth line extended east to Calhoun and would approximate the Orme depth suggested between Calhoun and Hunter. From Longfellow east to Rock Road the houses on the north side of Orme are well maintained and back into the East Side Financial Center/Hilton Inn commercial

development and there appears to be little justification for increasing the current depth. It should be noted that there is an existing masonry wall south of the East Side Financial Center/Hilton Inn which was a requirement of the C.U.P. to separate residential and commercial uses and that wooden screening fences and masonry walls have also been required in conjunction with previous Board of Zoning Appeals action and City Commission approval of certain zone changes. It is especially important to maintain these screening requirements between Gouverneur Road and Longfellow because the residential uses either front or side, rather than back into, the commercial uses and are, therefore, more susceptible to impact. The present policy of orienting the commercial uses to Kellogg and denying commercial access to the residential streets should also be retained.

The commercial uses on the south side of Kellogg between Woodlawn and Rock Road have significantly impacted the neighborhood to the south. However, many of the complaints are beyond the scope of zoning and the powers of the MAPC to remedy. A strict enforcement of existing City Codes by both the Police Department and the Office of Central Inspection of the Department of Public Works is a prerequisite for any improvement of existing problems regardless of what zoning policies may or may not be established.

In discussing with the Assistant Traffic Engineer alternatives for limiting traffic from the commercial users into the residential areas to the south, it was his opinion that the type of traffic diverters which could be installed on Calhoun, Hunter, and Longfellow would create further enforcement problems in the area and would not appreciably improve the situation. It was his suggestion that if the neighborhood chose to limit the traffic from the commercial users, it would be a better solution to require replatting with the zone change, vacate the northern sections of the street and cul-de-sac the street (developers expense) on the southern edge of the commercial or office development with complete access control on the cul-de-sac. This would offer the most protection to the neighborhood yet would also require that the residents own access be by a circuitous route rather than directly from Kellogg. It would be helpful of the Cityzen Participation Organization and neighborhood residents comment on the suggestion to require vacation of the commercial portions of the streets and cul-de-sacs on Hunter and Calhoun prior to this requirement being incorporated into the policy statement. Although Traffic Engineering has reservations about the use of traffic diverters in this area, MAPD staff still believe that they should be considered as an alternative. The cul-de-sac method is only feasible if future zone changes occur, whereas the diverters could be installed to alleviate an existing problem regardless of future zone change requests. The residential neighborhood should decide whether the elimination of the commercial traffic warrants the closing of the street or the installation of diverters.

It is recommended that the Metropolitan Area Planning Commission and the Board of City Commissioners establish the following policies regarding the depth of commercial zoning on the south side of Kellogg between Woodlawn and Rock Road.

1. Not look with favor on extensions of the "LC" Light Commercial District or "BB" Office District on the south side of Kellogg between Woodlawn and Gouverneur Road to a depth greater than the existing east-west alley south of Kellogg (as extended through the lots where the alley does not currently exist), or an approximate depth of 270 feet.
2. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Gouverneur Road and Whittier Road.

3. That the "LC" Light Commercial or "BB" Office District not be extended south of Lots 1 and 3, Keys Second Addition on the south side of Kellogg between Whittier and Calhoun, and that approvals of such districts north of that point be subject to complete access control on the residential streets.
4. That the "LC" Light Commercial District and the "BB" Office District be limited to the north of Orme Street for existing uses having access to Kellogg Drive on the south side of Kellogg between Calhoun and Longfellow provided that complete access control be maintained on the residential streets.
5. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Longfellow and Rock Road.
6. Consideration should be given to either the use of traffic diverter or to vacating the northern portions of Calhoun and Hunter Streets and providing a cul-de-sac on the southern edge of the commercial development. The cul-de-sac might be accomplished through requiring replatting for expansions of the Light Commercial District and securing appropriate guarantees during the platting process. The use of traffic diverters might require initial expenditure by the City.

It is also recommended that vigorous enforcement programs be undertaken by both the Wichita Police Department and the Office of Central Inspection to enforce existing City Codes and BZA conditions of approval regarding lights, noise, truck loading/unloading, and other complaints by neighborhood residents."

MEEK added that CPO Council "H" concurred with the boundary lines that staff had suggested. They also requested that the Planning Department and Traffic Engineering prepare a study of the use of traffic diverters and provide that information to the CPO for their review.

BAYOUTH stated that when setting a policy such as this, some might think that you are doing the residents a favor, but what was actually being done from an economic standpoint, was devaluating the property. He said that he has yet to see a piece of residential property next to a light commercial property depreciate. If boundaries are set for light commercial, then the cost of the residential property would depreciate.

BAYOUTH added that a poll should be taken in the neighborhood to see if diverters were acceptable.

MAY stated that she was on the CPO Council Area "H", and that attached to the November 9 memo, there was a petition list that came from the neighborhood asking that they be part of a plan to discuss the possibility of diverters or cul-de-sacs along with the Planning and Traffic Engineering Departments. She pointed out that a cul-de-sac might take time to develop whereas a diverter would be possible immediately.

SAVINA asked if the Fire Department had been asked anything about diverters or cul-de-sacs.

LAKIN stated that the Fire Department had not been brought into this and if the question of diverters was to be pursued, then such input would be south, but for now it was simply raised as a parallel question with the zoning policy.

MAY asked that since the original memorandum had a suggestion of consideration of diverters or vacating a street, would the Planning Commission automatically be a part of that decision.

LAKIN said that normally that has been an area of the Traffic Commission. He noted that where there has been an item of mutual interest, there have been joint meetings between the MAPC and Traffic Commissions as in the Towne West discussions.

KEITH SANBORN, attorney representing Mrs. Mickelson, asked the Commission not to make a final determination on the policy study until consideration was given as to how it would affect the next case.

BELL stated it was his understanding that the reason the study was on the agenda where it was, was because of the next agenda item.

SANBORN said that one of the problems in addition to the traffic flow is the use of portions of areas that are allowed for parking of passenger vehicles by heavy vehicles, some of which run all night. He said his client was confronted with a rather difficult choice. She was concerned about the truck traffic coming down Orme and trucks loading and unloading in areas where they are not permitted to. There is more of a noise problem than anything else. SANBORN said that his client hoped that consideration would be given to excluding truck traffic from that area.

BELL asked if part of Mr. Sanborn's client's particular problem was that her house was in close proximity to a motel parking lot upon which the vehicles end up. He asked, was not it already zoned for the activity that was occurring there. He pointed out that the Planning Commission was not a law enforcing body.

SANBORN stated that if an activity with restrictions, and a history of the activity shows that the requirements that were made to balance the neighborhood and the activity, were repeatedly disregarded, then one means of preventing future activity was not to rely upon the fact that restrictions had been placed, since those restrictions had not obtained the desired result.

BELL asked how could the problem of the diesel trucks be stopped.

SANBORN said that if the trucks were removed from the area that would alleviate the problem. If granting the zone change carried with it certain restrictions imposed, but those restrictions were repeatedly violated, then the Planning Commission should come to the conclusion that the restriction imposed did not reach the result desired.

SAVINA asked staff if it was illegal for a truck driver to park in the parking lot of a motel if he wanted to rent a room.

GALBRAITH said it would be illegal if the truck was parked on property zoned "BB" Office zoning, and south of the Holiday Inn was a large lot zoned "BB" and there have been on occasions, trucks parked there with their diesel engines running during the winter. Trucks are permitted to park in the light commercial district in conjunction with a motel.

SAVINA felt there was something wrong with the laws if a motel was permitted to be constructed and at the same time knowing that truck parking was illegal.

GALBRAITH said that was why the "BB" Office District was established to the south of the Holiday Inn, to protect the neighborhood from the trucks which could be parked on the northern portions of the Holiday Inn site which are zoned "LC".

BAYOUTH felt the noise problem was the thing to be faced.

BARRIER stated that this points up one of the difficulties that this Commission continuously runs into and that was, although they make requirements in grants of zoning, they obviously have no way in enforcing it. She said that she would finally like to see this problem resolved in some way. The violations of noise occurs primarily at night and that is when Central Inspection was not inspecting. She felt that when there was light commercial abutting residential, it is the Planning Commission's and Central Inspection's responsibility to do a better job. BARRIER said that she visited the area and felt the whole situation needed to be studied carefully and not make a snap judgment.

BARRIER stated that there has been a great deal of talk in recent months about the scarcity of moderate priced housing. Those are very nice houses in that area and she felt it was ridiculous to allow any kind of zoning change that would mean that that kind of housing would deteriorate. BARRIER asked if the CPO was in favor of the policy statement.

GALBRAITH stated yes, they were in favor of the depth line as recommended.

BARRIER asked Mr. Sanborn if his client wished this study to be deferred.

SANBORN said that if the Commission decided, as a matter of policy, to grant the application which his client was opposing, that if he did not speak she would never be heard. He said he brought forward the noise problem which was one of the serious parts of his client's problem, as an additional factor to be considered.

JONES stated that it was his understanding that this was just a policy study, and after seeing this area, he felt there was a problem with the residents and the businesses. The problem does not show on the map, but the big problem is the elevation. He did not feel that the Commission had the technical knowlege to solve all of the problems, but should study it.

MOTION: That the Planning Commission recommend to the City Commission that this policy study be approved subject to the recommendations 1 through 5 as contained in the staff report, and 6 be amended as follows:

1. Not look with favor on extensions of the "LC" Light Commercial District or "BB" Office District on the south side of Kellogg between Woodlawn and Gouverneur Road to a depth greater than the existing east-west alley south of Kellogg (as extended through the lots where the alley does not currently exist), or an approximate depth of 270 feet. Requests for additional parking south of the alley should be considered by the Board of Zoning Appeals on an individual basis rather than by extension of zoning district.
2. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Gouverneur Road and Whittier Road.
3. That the "LC" Light Commercial or "BB" Office District not be extended south of Lots 1 and 3, Keys Second Addition on the south side of Kellogg between Whittier and Calhoun, and that approvals of such districts north of that point be subject to complete access control on the residential streets.
4. That the "LC" Light Commercial District and the "BB" Office District be limited to the north of Orme Street for existing uses having access to Kellogg Drive on the south side of Kellogg between Calhoun and Longfellow provided that complete access control be maintained on the residential streets.

5. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Longfellow and Rock Road.
6. That the staff of the Traffic Engineering Division of the Department of Public Works and the staff of the Metropolitan Area Planning Department develop a study to consider the use of traffic diverters, cul-de-sacs, or other methods to limit the flow of commercial traffic from Kellogg into the residential areas by provision of such devices on Hunter, Calhoun, and Longfellow Drive. Said study should be provided to the Area "H" Citizen Participation Organization, the Traffic Commission, and the Metropolitan Area Planning Commission for recommendation to the Board of City Commissioners, as to the preferred method (if any) of limiting said traffic flows.

May moved, Bell seconded.

BELL commented that he did not intend to be too vigorous in his questioning of Mr. Sanborn, but did want to point up the problem that they were faced with. It was not only that the Planning Commission has only one function, the declaration of policy, and was not an enforcement agency of any kind. He said that he sympathized with Mr. Sanborn's client's frustrations with the problems that were occurring there, but those were problems that occur, not because of the zoning, but in spite of the zoning.

MAY stated that the reason she made the motion was that this was as far as she wished to see the light commercial go. She said that she was not willing to say that she would look only at the use of land and not at some of the other considerations that was very important to what happens to a neighborhood.

VOTE ON THE MOTION: It carried
unanimously. Cole and Taylor
were absent.

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE November 9, 1978

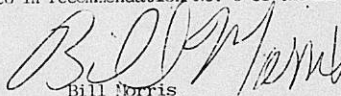
TO Jack Galbraith, Chief Planner, Current Plans, MAPD

FROM Bill Morris, CPO Administrative Aide

SUBJECT DR 78-25 - Policy Study, Depth
of Light Commercial Zoning on
the south side of US 54.

On November 6, 1978, CPO Council "H" considered that part of the captioned study that addresses the question of traffic control measures. Several residents of the affected neighborhood were present to present a petition (see attachment) that indicates their desire to work with Planning Department staff and Traffic Engineering staff to find a reasonable solution to their traffic problems.

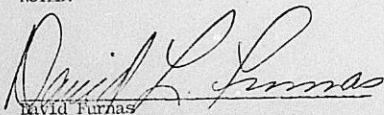
Council "H" voted 7-0 to ask Planning Department and Traffic Engineering staff to work with the residents to develop an effective traffic diverter program for the general area referred to in recommendation No. 6 of the DR 78-25.



Bill Morris
CPO Administrative Aide

BM:ml

NOTED:



David L. Furnas
Citizen Participation Coordinator

10/28/78

This is a petition to have a traffic study made of Calhoun to restrict the flow of traffic down Calhoun ^{to Gilbert - Armoult} ~~and~~ onto Dame St. Further info will be notified to you if this petition goes through about what the study brought about and when they would hand down the decision as to the study of traffic on a cul-de-sac or diverter of some kind.

Please, sign if you want the study made. We need 50% of affected residents and businesses to initiate a traffic study.

Thank you.

	<u>Name</u>	<u>Address</u>	<u>Phone No.</u>
1.	Ronald P. Clements	555 Calhoun	686-7650
2.	Thomas Taneta	548 Calhoun	684-4325
3.	Maryna Wisungu	554 Calhoun	685-6177
4.	Cliff Amberty	601 Calhoun	681-0815
5.	Bill Popeluda	607 Calhoun	685-3626
6.	Terilyse Pettis	633 Calhoun	685-2960
7.	Atongo C. Smith Jr.	602 Calhoun	685-5933
8.	Stan Dabe	636 Calhoun	681-3600
9.	Niggin Kelly	627 Calhoun	681-4328
10.	John Wood	7309 E. Dame St.	685-6893
11.	Bob Ramsey	7315 1/2 Dame	685-2739
12.	Mervin Russell	7327 E. Dame	682-3006

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NO.</u>
3	Robert D. Michelon	7321 Orme	683-6790
4	Mrs. Lisa White	609 S. Armour Av	684-3958
5	Nichelle Enice	651 Calhoun	683-7726
6	Jan Putnam	7341 Indianapolis	686-9323
7	Bruce West	663 So. Armour	683-0451
8	Jay Davis	7323 E. Hilbert	686-0344
9	DeMovic Gordang	7309 E. Gilbert	682-8592
10	Helen Kuhn	7301 E. Gilbert	684-6349
11	Mary J. Giacola	7227 E. Hilbert	685-0653
12	S.M. Duke	7219 E. Gilman	684-4679
13	Cleg Pilson	7220 E. Hilbert	684-3489
14	Betty Naman	7310 E. Hilbert	684-8260
15	James & Pat Harney	7316 E. Hilbert	682-5952
16	Judy A. Breker	7329 E. Hilbert	684-5733
17	Ruth St. Clair	7334 E. Hilbert	682-9088
18	Carolyn Alaban	657 S. Armour	685-5833
19	Larry D. Stover	701 So. Armour	681-3384
20	W. Co. Ramsey	7317 E. Gilbert	684-8235
21	E. W. Lang	645 Calhoun	684-8117

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE November 1, 1978

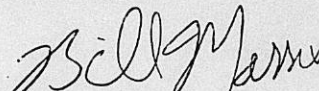
TO Jack Galbraith, Chief Planner, Current Plans, MAPD
FROM Bill Morris, CPO Administrative Aide

SUBJECT DR 78-25 - Policy Study, Depth
of Light Commercial Zoning on
the south side of US 54.

On October 16, 1978, CPO Council "H" considered the captioned subject. Approximately 13 neighborhood residents were present to review the proposed policies. The Council voted 6-0 to approve of the boundary line as presented on the map attached to the zoning study. The Council also approved (6-0) recommendation number six of the report with the addition that Longfellow Drive be considered for traffic diversion.

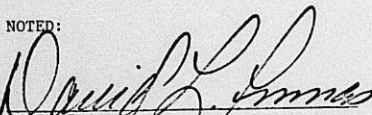
Finally the Council unanimously supported the final paragraph of the report regarding the need for a vigorous enforcement program by City Departments of City Codes, BZA conditions, and other complaints by neighborhood residents.

On November 6 Council, "H" will again meet with residents of the affected area to address specific actions that can be undertaken to control traffic problems in the area.


Bill Morris
CPO Administrative Aide

BM:ml

NOTED:


David Furnas
Citizen Participation Coordinator

October 6, 1978

David L. Furnas, Coordinator, Citizen Participation
Organization
Mike Meek, Senior Planner

DR 78-25 Policy Study, Depth of Light Commercial
Zoning on the south side of U.S. 54

Attached are ten copies of the zoning depth policy study on East Kellogg, as requested by the Board of City Commissioners on July 11, 1978. You might note that the study requests that the neighborhood, through the Citizen Participation Organization, address two specific points:

1. Whether the neighborhood would favor the extension of the "LC" Light Commercial District south of Orme Street.
2. Whether the neighborhood favors the use of traffic diverters or vacation and termination of the residential streets of Calhoun and Hunter in cul-de-sacs in order to limit the flow of traffic into neighborhood.

This item has been scheduled for consideration by the MAPC on November 9, 1978.

Mike Meek
Senior Planner

MM:el
Attachments

October 3, 1978

Metropolitan Area Planning Commission

Jack H. Galbraith, Chief Planner

DR 78-25 - Policy Study, Depth of Light Commercial Zoning
on the south side of U.S. 54

In consideration of zone case Z-2050 for the Toyota agency at the southwest corner of Calhoun and Kellogg Drive, the Board of City Commissioners, at their regular meeting of July 11, 1978, directed that the staff do a study as to the appropriate depth of light commercial zoning in the east Kellogg area.

In reviewing zoning maps and zone change request history over the past ten years, it soon becomes apparent that the major problem area is on the south side of Kellogg in an area between Woodlawn and Rock Road. Over the past several years, both the Metropolitan Area Planning Commission and the Board of City Commissioners have had an adopted policy of looking with favor on the deepening of light commercial zoning on East Kellogg for existing businesses on Kellogg. This policy has permitted several businesses to expand and in most areas of Kellogg has not resulted in major expansions of the "LC" Light Commercial District. However, in the one mile segment on the south side of Kellogg between Woodlawn and Rock Road, there is a concentration of seven new and used automotive sales agencies. This type of use requires large amounts of land area in order to store the new and used cars and expansion of the agencies over the past several years has resulted in intrusions of the "LC" Light Commercial District into the residential neighborhood to the south. With the congested traffic conditions on Kellogg itself, it has become quite common for the test driving of automobiles to occur down the residential side streets. In addition, the unloading of trucks at night as well as the lights, noise, and general traffic associated with new and used car sales has impacted the surrounding residences. There are also three motor hotels or motels located in this segment of Kellogg and there have been several problems associated with truck parking and noise associated with these uses.

The area on the south side of Kellogg between Woodlawn and Rock Road is generally zoned the "LC" Light Commercial District with the exception of the southeast corner of Mission Road and Kellogg which is zoned the "A" Two Family District and developed with a church; and the southwest corner of Mission Road and Kellogg

Page Two
Metropolitan Area Planning Commission
October 3, 1978

which is zoned the "A" Two Family District and developed with a legal nonconforming shopping center containing a restaurant, antique store, interior design store, a craft shop, and a stereo sale operation. Although two interior spots of "C" Commercial zoning have been approved for body and fender shops associated with new and used car agencies and three spots of the "BB" Office District have been approved for employee and customer parking lots, the area is primarily zoned and developed with "LC" Light Commercial uses. The predominant land uses are new and used car sales (7), restaurants (8), motor hotels (3), and various other uses such as barber and beauty shops, general office, a church, a bowling alley, furniture sales, liquor store, auto repair, financial center, and other general business uses. Over the past few years there have been several requests approved for the expansion of the "LC" Light Commercial District as well as the spots of "BB" zoning at the northwest corner of Orme and Longfellow, (Z-1909, 1977) the northwest corner of Orme and Armour (Z-1383, 1972) and the east side of Whittier Road in an area south of Kellogg which was an old case approved prior to formation of the MAPC. There have also been seven Board of Zoning Appeals exceptions for new and used car lots approved (BZA 42-64, 38-66, 22-72, 13-73, 14-73, 2-78, 31-78) as well as BZA approval of a variance of the sign size of the Hilton Inn (BZA 10-75), variance of off-street parking and front yard setback for the church (BZA 15-68, 16-68) and BZA approval of trailer rental (BZA 2-68). Three requests for the "LC" Light Commercial District are currently pending before the Commissions (Z-2050, Z-2071, Z-2072).

When examining the current development and depth of zoning in the study area, it must be recognized that the portion between Woodlawn and Gouverneur Road is somewhat different than the portion of the study area between Gouverneur Road and Rock Road. The "LC" Light Commercial District is approximately 400 feet in depth at the southeast corner of Woodlawn and Kellogg and then drops to a depth of approximately 270 feet east to Gouverneur Road. With the exception of one commercial lot and the "A" Two Family District at the corners of Mission Road and Kellogg, the light commercial district is separated by alleys from the residential uses to the south which are predominantly single family houses fronting on Orme Street and backing into the alley to the rear of the commercial uses. Between Woodlawn and Hunter the residential uses are fourplexes, again separated by an alley from the commercial uses. The four new and used car sales operations and one motel between Woodlawn and Gouverneur are developed at a smaller scale than those east of Gouverneur and the single family units to the south are well maintained and form a portion of viable neighborhood. These factors of existing depth of "LC", quality single family

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October 3, 1978

residences backing into the commercial, smaller scale commercial operations to the north, and the existence of the alley as a buffer combine to limit the need for major depth expansions of commercial zoning between Woodlawn and Gouverneur Road. Should additional parking be required for the commercial uses in this area, it is suggested that applications be considered on an individual basis by the Board of Zoning Appeals for an off-street parking exception on areas south of the alley. Such procedure would not require a change in zoning yet would permit employee and customer parking subject to such conditions as the Board of Zoning Appeals would establish to protect the adjacent residential areas.

From Gouverneur Road east to Rock Road the depth of Light Commercial zoning is greater than the segment to the west and the development is at a larger scale, with three large auto dealerships (Scholfield Pontiac, Eddy's Toyota, and Kellogg Chrysler-Plymouth), two motor hotels (Holiday Inn, Hilton Inn), and the large East Side Financial Center. Other smaller restaurants, liquor store, and general business uses have been developed, but the primary impact on the neighborhood to the south is from the larger users. This is an area of numerous citizen complaints regarding lights, noise, truck loading, storage and unloading, and infringement of the commercial uses into the residential neighborhood to the south. Between Calhoun and Hunter north of Orme Street, there are only three residential properties which are not owned by the commercial users and Orme Street would appear to offer the most appropriate buffer between the commercial and residential uses. However, some of the residents on the south side of Orme between Calhoun and Armour Drive note that the elevation of their homes is so much higher than the commercial users to the north that effective screening is next to impossible and have suggested that their lots might also be appropriate for commercial usage. The Planning Staff did consider an alternative of permitting the Light Commercial district to extend south of Orme and include the first tier of lots so that the residential uses could back into the commercial uses and eliminate the elevation problem, however, after some deliberation, it was our feeling that such would result in the eventual elimination of twenty five additional residential structures and that no matter where the depth line is placed, it will cause individual hardships to some people. The CPO or neighborhood may wish to recommend extension of the "LC" depth line further south, but the staff feels that the suggested depth of approximately Orme Street accommodates existing development trends yet preserves the maximum number of residential structures.

*Longfellow?
Orme?*

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Metropolitan Area Planning Commission
October 3, 1978

The approximately 520 feet of light commercial depth at the southeast corner of Gouverneur Road and Kellogg should form the southernmost points of a "LC" depth line extended east to Calhoun and would approximate the Orme depth suggested between Calhoun and Hunter. From Longfellow east to Rock Road the houses on the north side of Orme are well maintained and back into the East Side Financial Center/Hilton Inn commercial development and there appears to be little justification for increasing the current depth. It should be noted that there is an existing masonry wall south of the East Side Financial Center/Hilton Inn which was a requirement of the C.U.P. to separate residential and commercial uses and that wooden screening fences and masonry walls have also been required in conjunction with previous Board of Zoning Appeals action and City Commission approval of certain zone changes. It is especially important to maintain these screening requirements between Gouverneur Road and Longfellow because the residential uses either front or side, rather than back into, the commercial uses and are, therefore, more susceptible to impact. The present policy of orienting the commercial uses to Kellogg and denying commercial access to the residential streets should also be retained.

The commercial uses on the south side of Kellogg between Woodlawn and Rock Road have significantly impacted the neighborhood to the south. However, many of the complaints are beyond the scope of zoning and the powers of the MAPC to remedy. A strict enforcement of existing City Codes by both the Police Department and the Office of Central Inspection of the Department of Public Works is a prerequisite for any improvement of existing problems regardless of what zoning policies may or may not be established.

In discussing with the Assistant Traffic Engineer alternatives for limiting traffic from the commercial users into the residential areas to the south, it was his opinion that the type of traffic diverters which could be installed on Calhoun, Hunter, and Longfellow would create further enforcement problems in the area and would not appreciably improve the situation. It was his suggestion that if the neighborhood chose to limit the traffic from the commercial users, it would be a better solution to require replatting with the zone change, vacate the northern sections of the street and cul-de-sac the street (developers expense) on the southern edge of the commercial or office development with complete access control on the cul-de-sac. This would offer the most protection to the neighborhood yet would also require that the residents own access be by a circuitous route rather than directly from Kellogg. It would be helpful if the

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Citizen Participation Organization and neighborhood residents comment on the suggestion to require vacation of the commercial portions of the streets and cul-de-sacs on Hunter and Calhoun prior to this requirement being incorporated into the policy statement. Although Traffic Engineering has reservations about the use of traffic diverters in this area, MAPD staff still believe that they should be considered as an alternative. The cul-de-sac method is only feasible if future zone changes occur, whereas the diverters could be installed to alleviate an existing problem regardless of future zone change requests. The residential neighborhood should decide whether the elimination of the commercial traffic warrants the closing of the street or the installation of diverters.

It is recommended that the Metropolitan Area Planning Commission and the Board of City Commissioners establish the following policies regarding the depth of commercial zoning on the south side of Kellogg between Woodlawn and Rock Road.

1. Not look with favor on extensions of the "LC" Light Commercial District or "BB" Office District on the south side of Kellogg between Woodlawn and Gouverneur Road to a depth greater than the existing east-west alley south of Kellogg (as extended through the lots where the alley does not currently exist), or an approximate depth of 270 feet. Requests for additional parking south of the alley should be considered by the Board of Zoning Appeals on an individual basis rather than by extension of zoning district.
2. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Gouverneur Road and Whittier Road.
3. That the "LC" Light Commercial or "BB" Office District not be extended south of Lots 1 and 3, Keys Second Addition on the south side of Kellogg between Whittier and Calhoun, and that approvals of such districts north of that point be subject to complete access control on the residential streets.
4. That the "LC" Light Commercial District and the "BB" Office District be limited to the north of Orme Street for existing uses having access to Kellogg Drive on the south side of Kellogg between Calhoun and Longfellow provided that complete access control be maintained on the residential streets.

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Metropolitan Area Planning Commission
October 3, 1978

5. That the existing depth of "LC" Light Commercial zoning not be extended on the south side of Kellogg between Longfellow and Rock Road.
6. Consideration should be given to either the use of traffic diverter or to vacating the northern portions of Calhoun and Hunter Streets and providing a cul-de-sac on the southern edge of the commercial development. The cul-de-sac might be accomplished through requiring replatting for expansions of the Light Commercial District and securing appropriate guarantees during the platting process. The use of traffic diverters might require initial expenditure by the City.

It is also recommended that vigorous enforcement programs be undertaken by both the Wichita Police Department and the Office of Central Inspection to enforce existing City Codes and BZA conditions of approval regarding lights, noise, truck loading/unloading, and other complaints by neighborhood residents.

Consideration of this item has been scheduled for your agenda of November 9, 1978.

Jack Galbraith, Chief Planner
Current Plans Division

APPROVED:

Robert A. Lakin
Director of Planning

JHG:MM:el

cc: Ray Trail, Assistant City Manager
David L. Furnas, Coordinator, CPO

WICHITA-SEDGWICK COUNTY

DATE
July 12, 1978

METROPOLITAN AREA PLANNING DEPARTMENT

TO Michael Meek, Senior Planner
FROM Jack H. Galbraith, Chief Planner
SUBJECT Policy Study on Depth of Light Commercial Zoning
on the south side of U. S. 54 Highway.

At the Board of City Commission meeting on July 11, 1978, in consideration of zone case Z-2050 for the Toyota Agency, the City Commission directed that we do a study as to the appropriate depth of light commercial zoning in this area.

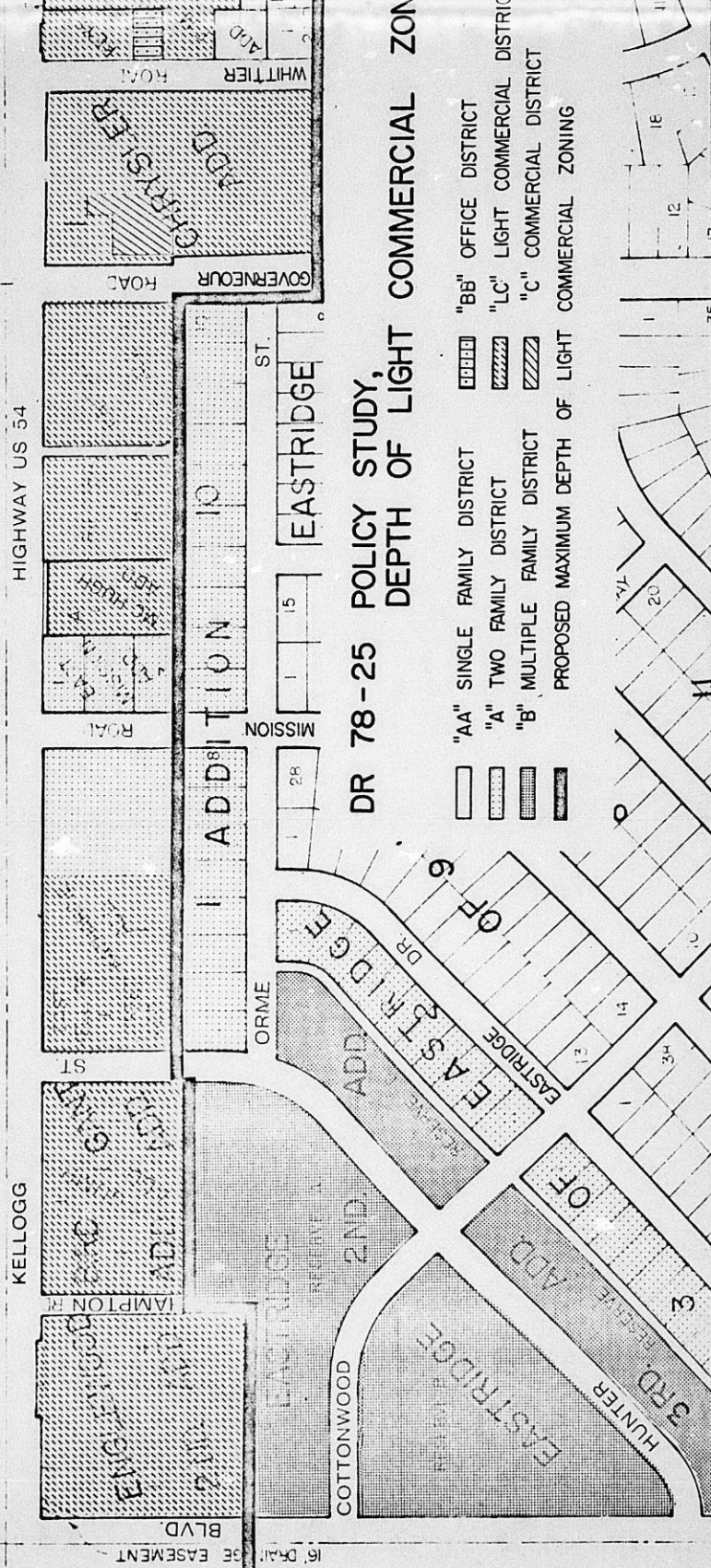
Please set up a DR file and review with me the existing zoning map prior to providing a draft of the zoning policy. My first impression is that we do this study for 1-1/2 miles from Rock Road west to Edgemoor. However, we may want to take it only to Woodlawn.

If possible, I would like to have the study in time to have CPO recommendations prior to the Planning Commission meeting of August 17, 1978.


Jack H. Galbraith
Chief Planner

JHG:el

cc: Robert Finch, Assistant City Manager



**DR 78-25 POLICY STUDY,
DEPTH OF LIGHT COMMERCIAL ZONING**

- "AA" SINGLE FAMILY DISTRICT
- ▨ "A" TWO FAMILY DISTRICT
- ▩ "B" MULTIPLE FAMILY DISTRICT
- ▧ "BB" OFFICE DISTRICT
- ▦ "LC" LIGHT COMMERCIAL DISTRICT
- ▤ "C" COMMERCIAL DISTRICT
- ▥ PROPOSED MAXIMUM DEPTH OF LIGHT COMMERCIAL ZONING

16' DRIVEWAY EASEMENT

KELLOGG

HIGHWAY US 54

ADDITION 10 EASTRIDGE

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ST.

MISSION

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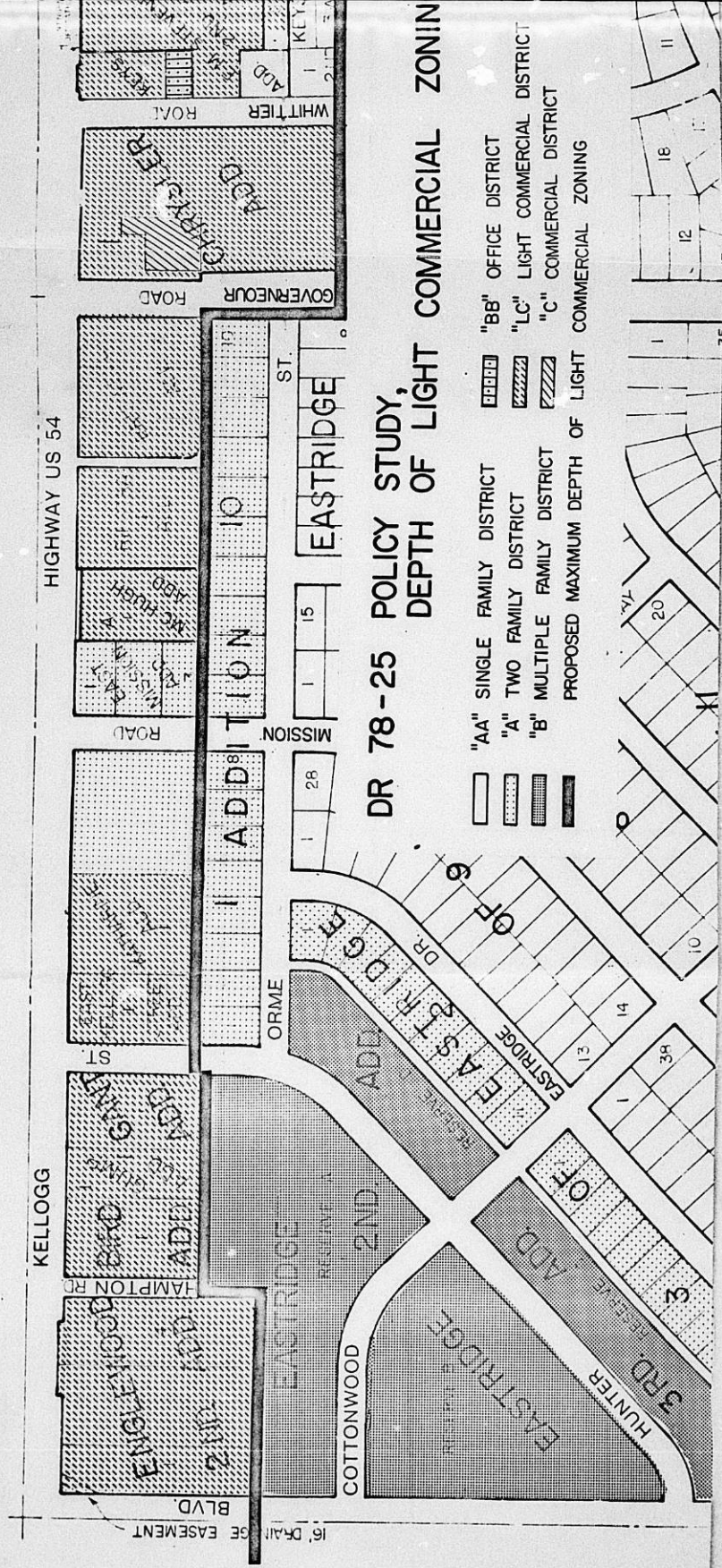
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**DR 78-25 POLICY STUDY,
DEPTH OF LIGHT COMMERCIAL ZONING**

- "AA" SINGLE FAMILY DISTRICT
- "A" TWO FAMILY DISTRICT
- "B" MULTIPLE FAMILY DISTRICT
- "BB" OFFICE DISTRICT
- "LC" LIGHT COMMERCIAL DISTRICT
- "C" COMMERCIAL DISTRICT
- PROPOSED MAXIMUM DEPTH OF LIGHT COMMERCIAL ZONING

HIGHWAY US 54

KELLOGG

EMERALD BOULEVARD
HUNTER
3RD

EMERALD BOULEVARD
HUNTER
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ORME ST.

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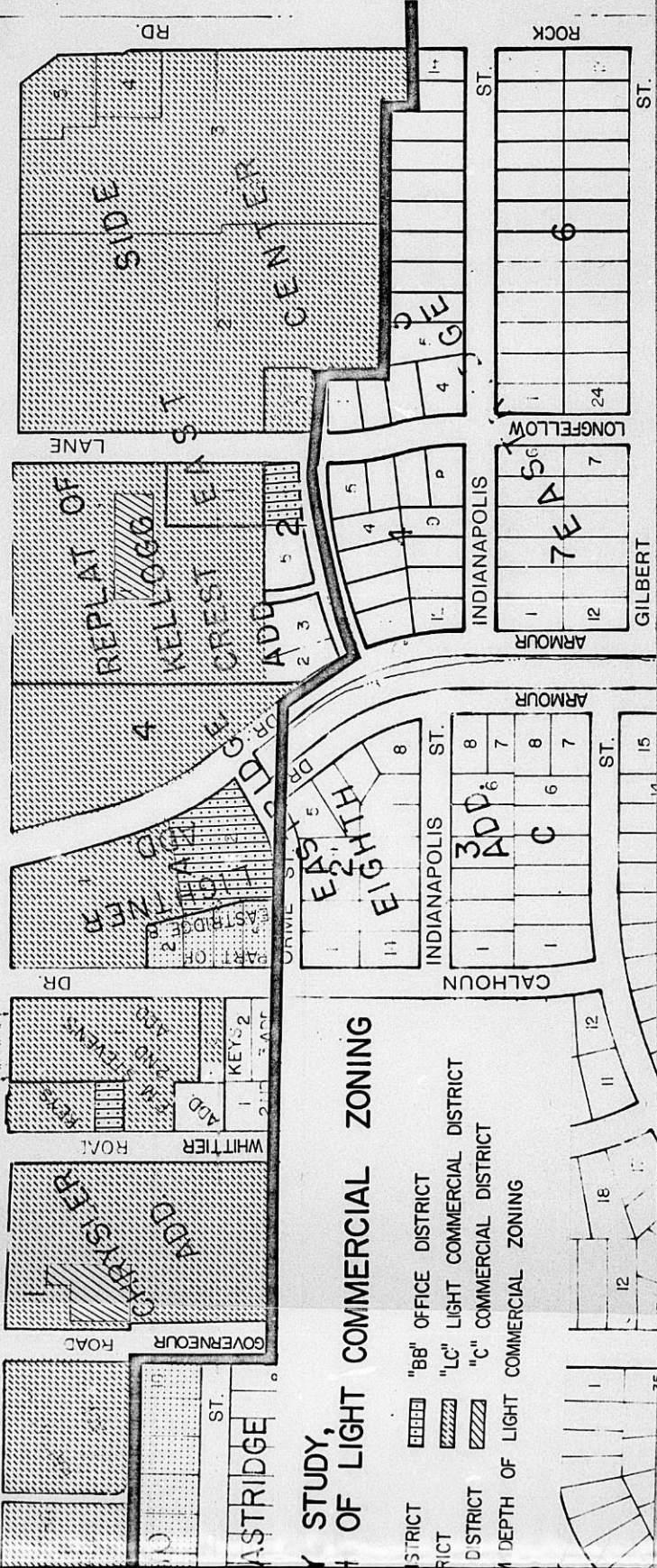
WHITTIER ROAD

WAY US 54

ST.

HIGHWAY K 56

RD



STUDY OF LIGHT COMMERCIAL ZONING

- STRICT [diagonal lines] "BB" OFFICE DISTRICT
- RICT [cross-hatch] "LC" LIGHT COMMERCIAL DISTRICT
- DISTRICT [diagonal lines] "C" COMMERCIAL DISTRICT
- DEPTH OF LIGHT COMMERCIAL ZONING

