

City of Wichita
City Council Meeting
September 17, 2002

Agenda Report # _____

TO: Mayor and City Council Members *MS*

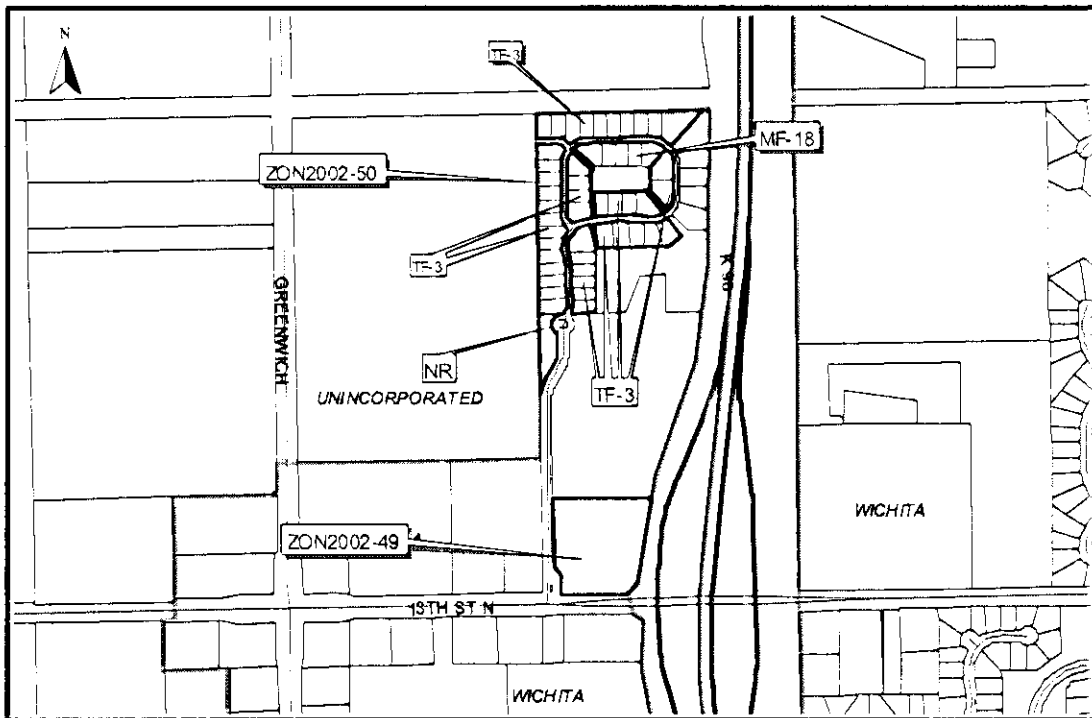
SUBJECT: ZON2002-00049 (Associated with ZON2002-00050) – Zone change from “SF-5” Single-family Residential to “LC” Limited Commercial, “NR” Neighborhood Retail, “MF-18” Multi-Family and “TF-3” Two-family Residential. Generally located at the northwest corner of 13th Street North and K-96. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject staff recommendation. (12-0)

Staff Recommendation: Approve, subject to replatting within one year.



BACKGROUND: The applicant requests a zone change from “SF-5” Single Family to “LC” Limited Commercial, “NR” Neighborhood Retail, “MF-18” Multi-Family, and “TF-3” Two-Family on 18.2 acres of platted property located at the northwest corner of 13th Street North and K-96. An attached plat of the property illustrates the areas requested for rezoning. The applicant owns a total of 43.2 acres at this location, with the remainder of the property to remain zoned “SF-5” Single-Family and to be developed with a church and a detention pond. The applicant proposes to develop the areas to be rezoned with a retail center, a broadcast studio, multi-family housing, and duplexes.

The surrounding area is characterized primarily by developing commercial uses with much of land still undeveloped. The property to the south across 13th Street North is zoned “LC” Limited Commercial and is developed with a movie theater. The property to the east across K-96 is zoned “SF-5” Single-Family and is developed as a cemetery. The property to the north is zoned “SF-20” Single-Family and is undeveloped. The property to the west is zoned “SF-20” Single-Family and “LC” Limited Commercial and is undeveloped.

At the MAPC hearing on August 22, 2002, there were no speakers, other than the applicant, either in favor of or in opposition to the request. The MAPC voted (12-0) to recommend approval of the zone change subject to replatting the property within one year, except that the narrow strips of Reserve A between Lots 11 & 12 and Lots 1 & 15, Block 3 be rezoned to “TF-3” instead of “MF-18”.

Recommended action:

1. Concur with the findings of the MAPC and approve the zone change as recommended by the MAPC, subject to the condition of replatting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

ORDINANCE NO. 45-705

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. ZON 2002-49

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

Lots 1, 2 and 3, Block 1, Chapel Hill Second Addition, Wichita, Sedgwick County, Kansas.

Generally located on the north side of 13th Street North, east of Greenwich Road.

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

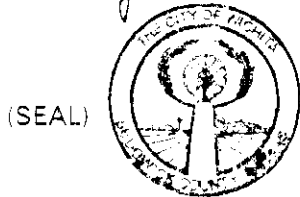
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED THIS _____ MAY 6 2003 _____,

ATTEST:

for Paty Ellis, Deputy
Pat Graves, City Clerk

Carlos Mayans
Carlos Mayans, Mayor



Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

RECEIVED

JUN 17 2003

METROPOLITAN PLANNING

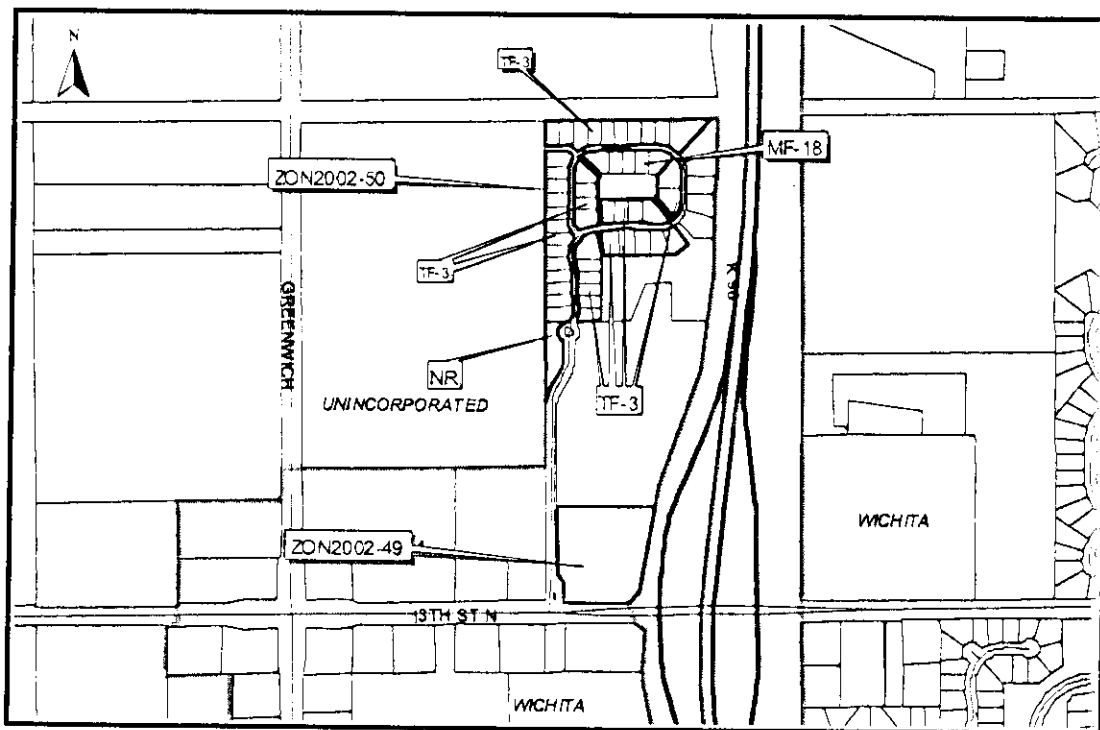


SA-4
AGENDA ITEM NO. 5B

STAFF REPORT
MAPC August 22, 2002

FILE COPY

- CASE NUMBER: ZON2002-00049 and ZON2002-00050
- APPLICANT/AGENT: Chapel Hill Village, LLC and Chapel Hill Fellowship United Methodist Church (Owner/Applicant); Professional Engineering Consultants c/o Rob Hartman (Agent)
- REQUEST: "LC" Limited Commercial, "NR" Neighborhood Retail, "MF-18" Multi-Family, and "TF-3" Two-Family
- CURRENT ZONING: "SF-5" Single-Family
- SITE SIZE: 18.2 acres
- LOCATION: Northwest corner of 13th Street North and K-96
- PROPOSED USE: Retail center, broadcast studio, multi-family housing, and duplexes



BACKGROUND: The applicant requests a zone change from "SF-5" Single Family to "LC" Limited Commercial, "NR" Neighborhood Retail, "MF-18" Multi-Family, and "TF-3" Two-Family on 18.2 acres of platted property located at the northwest corner of 13th Street North and K-96. An attached plat of the property illustrates the areas requested for rezoning. The applicant owns a total of 43.2 acres at this location, with the remainder of the property to remain zoned "SF-5" Single-Family and to be developed with a church and a detention pond. The applicant proposes to develop the areas to be rezoned with a retail center, a broadcast studio, multi-family housing, and duplexes.

The surrounding area is characterized primarily by developing commercial uses with much of land still undeveloped. The property to the south across 13th Street North is zoned "LC" Limited Commercial and is developed with a movie theater. The property to the east across K-96 is zoned "SF-5" Single-Family and is developed as a cemetery. The property to the north is zoned "SF-20" Single-Family and is undeveloped. The property to the west is zoned "SF-20" Single-Family and "LC" Limited Commercial and is undeveloped.

CASE HISTORY: The property is platted as Chapel Hill Addition, which was recorded April 8, 1999. The zoning on Lots 13-18, Block 1 was changed (SCZ-0767) to "TF-3" Two-Family on May 25, 1999.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Undeveloped
SOUTH:	"LC"	Theater
EAST:	"SF-5"	Cemetery
WEST:	"LC" & "SF-20"	Undeveloped

PUBLIC SERVICES: The subject property has frontage along 13th Street North, a four- to five-lane arterial street. Current traffic volumes on 13th Street North are approximately 5,700 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on 13th Street North will increase to approximately 17,700 vehicles per day. Public water and sewer service are available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Institutional" and "Low Density Residential" development. The Commercial Location Guidelines indicate that commercial sites should be located adjacent to arterial streets and have site design features that limit noise, lighting, and other aspects from adversely impacting surrounding residential uses. The proposed commercial uses on the subject property meet these locational guidelines by being located along an arterial street and being buffered from surrounding residential uses by a church to the north, commercial uses to the west and south, and

a freeway to the east. The Residential Locational Guidelines indicate that medium density residential uses, such as those proposed by the applicant, should be located within walking distance of commercial centers and along roadways that avoid high traffic volumes in lower-density residential neighborhoods. The proposed duplexes and multi-family residential uses meet these locational guidelines.

RECOMMENDATION: While planning staff finds the rezoning request appropriate, the applicant has requested to rezone narrow strips of Reserve A between Lots 11 & 12 and Lots 1 & 15, Block 3 to "MF-18" Multi-Family. Since the property on either side of these narrow strips would be zoned "TF-3" Two-Family, such a zoning pattern would result in narrow strips of land that could not be built upon but would trigger compatibility and screening requirements with adjacent properties. To avoid, this planning staff recommends that these strips of land be rezoned "TF-3" Two-Family instead of "MF-18" Multi-Family. Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to replatting the property within one year, except that the narrow strips of Reserve A between Lots 11 & 12 and Lots 1 & 15, Block 3 be rezoned to "TF-3" and that the applicant provide a legal description of these areas prior to consideration of the zone change request by the City Council.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by developing commercial uses with much of land still undeveloped. Much of the surrounding land is zoned "LC" Limited Commercial. The proposed zoning is compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single-Family Residential, and could be developed with residential and institutional uses. Given its proximity to the freeway interchange, the area proposed for "LC" Limited Commercial is more suitable for commercial uses than residential uses. The remainder of the subject property is proposed for residential uses that are of an appropriate density given the subject property's proximity to commercial uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on remaining residential properties in the area should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscape street yard, parking lot screening, buffer landscaping requirements of the Landscape Ordinance, which should limit noise, lighting, and other activity from adversely impacting the residential properties to the north and west.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for “Institutional” and “Low Density Residential” development. The Commercial Location Guidelines indicate that commercial sites should be located adjacent to arterial streets and have site design features that limit noise, lighting, and other aspects from adversely impacting surrounding residential uses. The proposed commercial uses on the subject property meet these locational guidelines by being located along an arterial street and being buffered from surrounding residential uses by a church to the north, commercial uses to the west and south, and a freeway to the east. The Residential Locational Guidelines indicate that medium density residential uses, such as those proposed by the applicant, should be located within walking distance of commercial centers and along roadways that avoid high traffic volumes in lower-density residential neighborhoods. The proposed duplexes and multi-family residential uses meet these locational guidelines.

5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.