

Agenda Item # _____

City of Wichita
City Council Meeting
July 17, 2001

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2001-00035 ZONE CHANGE FROM "B" MULTI-FAMILY RESIDENTIAL AND "SF-5" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMEMRCIAL, LOCATED NORTHWEST OF THE WEST STREET-8TH STREET INTERSECTION. (District #VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions (12-0).

Staff Recommendation: Approve.

DAB Recommendation: DAB #6 voted to approve request (7-0).

Background: The applicant is requesting consideration for a zoning change from "B" Multi-Family and "SF-5" Single Family Residential to "LC" Limited Commercial, on Lot 4, Newton Gardens Addition, for an automobile window tinting shop. This activity is classified as "vehicle repair limited" and a permitted use in "LC" Limited Commercial zoning. The applicant proposes to use the attached double garage for the window tinting business and continue to live in the house. The applicant will need to acquire the appropriate permits and inspections for this mixed use of the structure. Access to the proposed business will be through the existing curb cuts, a large "double wide" curb cut that is used by the applicant and the property to the south and a curb cut on the south side that serves as the drive way entrance to the attached double garage. The front yard of the site has been paved over with concrete, from the house to the curb with the exception of a small half moon grass spot with a tree in it. The requested zoning to "LC" Limited Commercial will permit the applicant to run an automotive window tinting shop, as well as motor vehicle repair or maintenance services within a completely enclosed building, but not including paint and body shops.

The site has occupied "SF-5", Single Family Residential zoning abutting it on the east side. North and south of the site are lots zoned "LC" Limited Commercial with converted residential structures being used as a tax service, sewing shop and a beauty

shop. Across West Street, on the west side, there is "LC" Limited Commercial and "B" Multifamily zoned lots with auto repair or maintenance related businesses, local retail and office. Most of these businesses are in non-residential structures.

There have been numerous zoning changes on this section of West Street, from 8th Street on the south to the Zoo Blvd – West Street intersection on the north:

- (a) Z-2331 – From "AA" One Family & "B" Multifamily to "LC" Limited Commercial, located on the abutting south lot on the east side of West Street, approved in 1981.
- (b) Z-2738 – From "AA" One Family & "B" Multifamily to "LC" Limited Commercial, located 2 lots north of the site on the east side of West Street, approved in 1986.
- (c) Z-2366 – From "B" Multifamily to "LC" Limited Commercial, located between 10th and 9th on the east side of West Street, approved in 1981.
- (d) Z-3226 – From "B" Multifamily to "LC Limited Commercial, located across West Street west of the site, approved in 1997.

In these cases the change has been from "B" Multifamily and/or "AA" One Family to "LC" Limited Commercial zoning. The uses for these zoning changes have added office, local retail services and auto repair or maintenance related businesses to this section of West Street, which has eroded the desirability of residential uses on this street. This area is in transition from residential use to commercial zoning and uses.

Based on the continuing transition to commercial zoning and uses in this area, Planning Staff and the MAPC have recommended approval of the zone change, subject to the dedication of additional right-of-way along West Street, upgrading the existing utility easement located in the rear of the lot, and the contingent dedication of access control to allow only one opening on West Street should the lot be re-developed in the future.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, withhold publication of the ordinance until the required dedication instruments have been submitted to the clerk for recording, or
2. Return the application to the MAPC for reconsideration

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

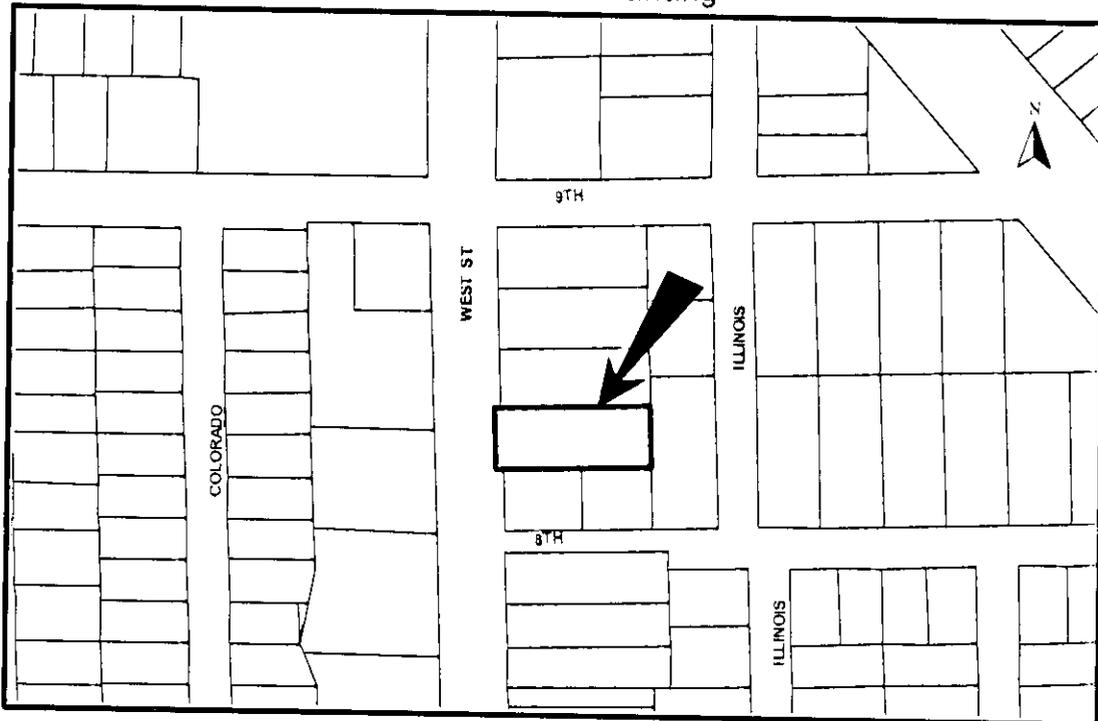


AGENDA ITEM NO. 4

STAFF REPORT

MAPC – June 21, 2001

CASE NUMBER: ZON2001-00035
OWNER/APPLICANT: Set V. Nguyen & Nam T. Tran
REQUEST: "LC" Limited Commercial
CURRENT ZONING: "B" Multifamily & "SF-5" Residential
SITE SIZE: 0.45 acres
LOCATION: Northwest of the West St – 8th St intersection
PROPOSED USES: Automobile window tinting



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The proposed development will trigger required landscaping (per approval by the

Planning Director), screening and development according to City Codes. The applicant will need to dedicate 10-ft of ROW, bring the utility easements up to current standards and close the north curb cut.

CASE HISTORY: The property is Lot 4, Newton Gardens Addition, which was recorded November 22, 1948.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Limited Commercial	Office - Commercial
EAST:	SF-5 Single Family	Residential
SOUTH:	"LC" Limited Commercial	Office - Commercial
WEST:	"B" Multifamily	Office - Commercial
	"LC" Limited Commercial	

PUBLIC SERVICES: West is classified as a 5-lane arterial and 8th & 9th Streets are paved residential roads. The estimated traffic volume of (ADT) trips per day at the Zoo Boulevard - West Street intersection (the nearest major intersection, 1 ½ blocks north of the site) is 8255 ADTs on the west side, 15820 ADTs on the north side, 17060 ADTs on the east side and 16735 ADTs on the south side. Water/sewer and other municipal services are provided to the site.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan identifies this property as "Commercial". Commercial location guidelines indicate that commercial uses should be adjacent to arterial streets and for those commercial uses not located in strip centers to be guided to established areas of similar development and where traffic patterns, surrounding land uses and utilities can support such development.

RECOMMENDATION: Based on the information available prior to the public hearing, staff recommends the application be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The West Street corridor area from Zoo Boulevard on the north to Central on the south is zoned primarily "LC" Limited Commercial. The development is local retail, office, restaurants, auto repair limited and a used car sales lot. Non-residential zoning and development is generally confined to property abutting West Street with single family or multifamily residential behind it.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "B" Multifamily and "SF-5" Single Family Residential. It is currently developed with a single-family residence. Single-family residences on arterial roads have become less desirable for continued

single-family use. The "B" portion of the yard is too small to develop for multifamily. These reasons make the current zoning not suitable.

3. Extent to which removal of the restrictions will detrimentally affect nearby property. Any detrimental effects would be mitigated by code required development standards.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The request for an automotive window tinting shop in "LC" Limited Commercial is a permitted use per the Unified Zoning Code. The current zoning of "SF-5" Single Family Residential and "B" Multifamily is not called out as suitable for this site by the Comprehensive Plan; Commercial is.
5. Impact of the proposed development on community facilities: The impact of this development on the community facilities will be minimal.