

Agenda Item # _____

City of Wichita
City Council Meeting
December 11, 2001

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2001-00064 – Zone Change from “LC” Limited Commercial to “GC” General Commercial and “GC” General Commercial to “LC” Limited Commercial. Generally located at the northwest corner of Harry and Broadway.
(District #1)

INITIATED BY: Metropolitan Area Planning Department

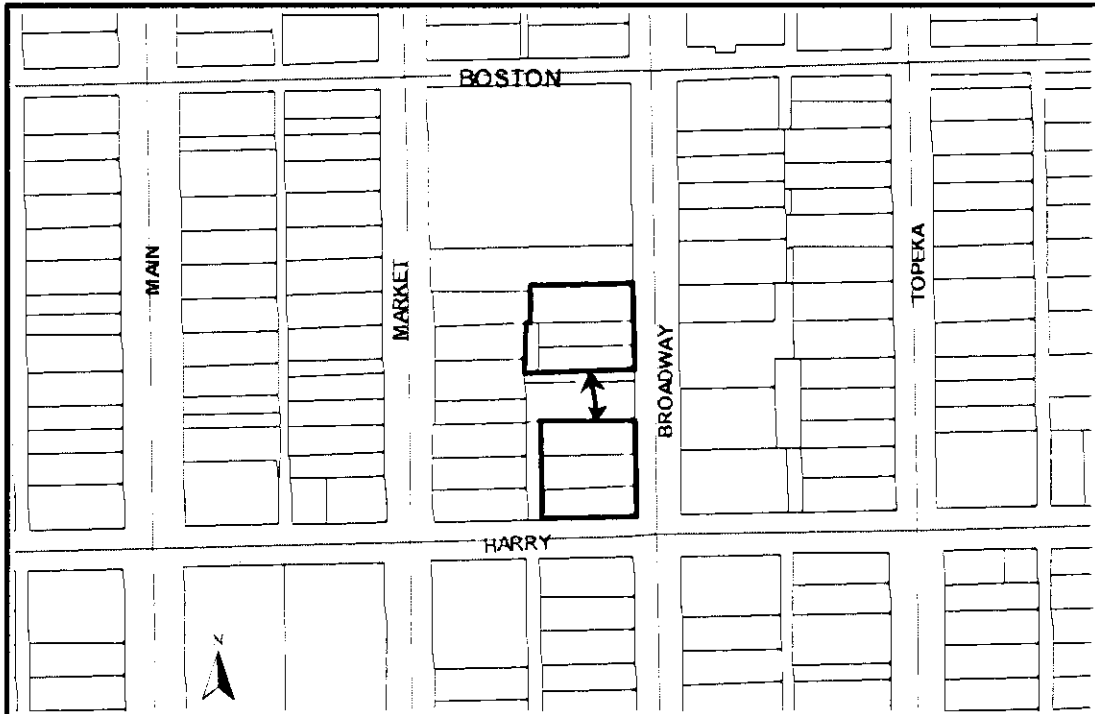


AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to staff recommendations (11-0).

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

DAB Recommendation: Defer until the Harry driveway location is clarified (7-3).



BACKGROUND: The applicant essentially requests a “GC” and “LC” zoning exchange between the two parcels highlighted on the map above. The application area is approximately .93-acres at the northwest quadrant of the Broadway and Harry intersection (1535 – 1559 South Broadway). The three lots at the intersection are currently zoned “GC” and developed with a used car lot; the applicant is requesting “LC” zoning for these lots to develop a Walgreens store. The three lots further north on Broadway, plus a portion of reserve, are currently zoned “LC” and developed with one single-family residence; the applicant requests “GC” zoning for this property to relocate a sign business. The one lot between the two application area parcels is zoned “LC” and is currently developed as a part of the used car sales at the corner; this lot will become part of the proposed Walgreens site. The applicants intend to replat the application areas into two parcels for development; the proposed replat will vacate privately held reserves at the development site. The proposed development would result in a parcel located at the corner of Broadway and Harry developed with a Walgreens, and a separate parcel to the immediate north on Broadway developed with a relocated sign business.

The application area abuts “LC” zoned property to the north and west. North of the application area is a pawnshop and associated parking, west of the application area are three single-family residences, a sign business (proposed to be relocated), and a computer business. Property across Broadway, east of the application area, is zoned “LC” and “GC,” and is developed with general strip commercial uses. Property south of the application area, across Harry, is zoned “GC” and developed with commercial uses. Southwest of the application area, across Harry, is property zoned “LC” and developed with parking for an elementary school located further west on Harry.

Staff recommends that the zone change request be approved, subject to replatting into two parcels within one year. The replat should include provisions for: dedication of 20 feet of right-of-way on Harry, 20 feet of right-of-way on Broadway for the southern parcel, and a contingent dedication of 20 feet of right-of-way on Broadway for the northern parcel; dedication of access control with one point of access from Harry, one point of access from Market, and two points of access from Broadway; and a cross-lot access agreement between the two parcels. The proposed zone change, from “LC” to “GC” and “GC” to “LC,” and the proposed development would require conformance to all property development standards in the *Unified Zoning Code*.

DAB 1 heard this zone change request on November 5th, 2001. DAB members discussed the location of the Harry driveway location with the agent for the applicant. DAB 1 voted 7-3 to defer their decision until the Harry driveway location is clarified. The exact Harry driveway location will be determined through the platting process. MAPC heard the zone change request on November 8th, 2001; MAPC voted 11-0 to approve the zone change request subject to staff comments. No opposition to the zone change request was presented at the MAPC hearing.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change subject to replatting into two parcels within one year; place the ordinance establishing the zone change on first reading: 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.)

_____) Published in The Wichita Eagle on DF 22 2001

ORDINANCE NO. 45-172

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. ZON2001-00064

Request for zone change from "LC" Limited Commercial to "GC" General Commercial and "GC" General Commercial to "LC" Limited Commercial.

GC to LC: Lots 1, 3, 5, 7, 9, and 11, on Lawrence Avenue, now Broadway, in Craven's Addition to the City of Wichita, Kansas Sedgwick County, Kansas

LC to GC: Lots 5, 7, 9, and 11, Goodwin's Addition to Wichita, Kansas Sedgwick County, Kansas; together with the north 72 feet of the Reserve, on Lawrence Avenue, now Broadway, in Brook's Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located at the northwest corner of Harry and Broadway.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

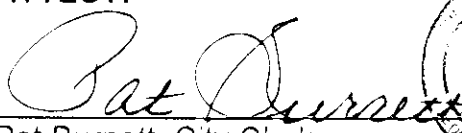
Subject to replatting into two parcels within one year.

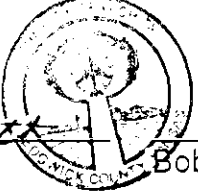
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

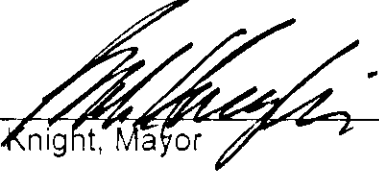
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, DEC 18 2001

ATTEST:

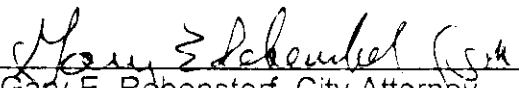

Pat Burnett, City Clerk


Bob Knight, Mayor



(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney



AGENDA ITEM NO. _____

STAFF REPORT

MAPC 11-08-01
DAB 11-05-01

CASE NUMBER: ZON2001-00064

APPLICANT/AGENT: Estate of Theodore Grant Davis, Jr., Deceased (owner); Stuart L. Ray, Executor; Baughman Company, PA, Russ Ewy (agent)

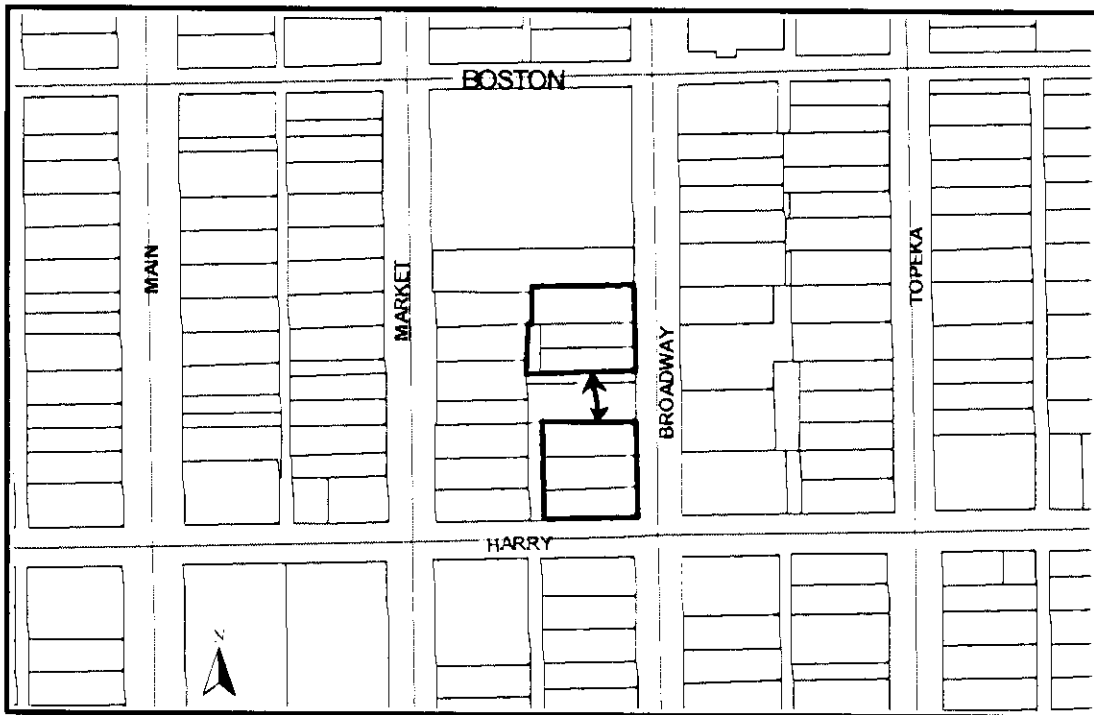
REQUEST: Zone change to "LC" Limited Commercial, and to "GC" General Commercial

CURRENT ZONING: "LC" Limited Commercial, "GC" General Commercial

SITE SIZE: .93 acres

LOCATION: Northwest corner of Broadway and Harry (1535 – 1559 South Broadway).

PROPOSED USE: To develop a Walgreens store at the intersection, and to relocate a sign business from the intersection to the north on Broadway.



BACKGROUND: The applicant essentially requests a "GC" and "LC" zoning exchange between the two parcels highlighted on the map above. The application area is approximately .93-acres at the northwest quadrant of the Broadway and Harry intersection (1535 – 1559 South Broadway). The three lots at the intersection are currently zoned "GC" and developed with a used car lot, the applicant is requesting "LC" zoning for these lots to develop a Walgreens store. The three lots further north on Broadway, plus a portion of reserve, are currently zoned "LC" and developed with one single-family residence; the applicant requests "GC" zoning for this property to relocate a sign business. The one lot between the two application area parcels is zoned "LC" and is currently developed as a part of the used car sales at the corner, this lot will become part of the proposed Walgreens site. The applicants intend to replat the application areas into two parcels for development; the proposed replat will vacate privately held reserves at the development site. The proposed development would result in a parcel located at the corner of Broadway and Harry developed with a Walgreens, and a separate parcel to the immediate north on Broadway developed with a relocated sign business (see the attached site plan).

The application area abuts "LC" zoned property to the north and west. North of the application area is a pawnshop and associated parking, west of the application area are three single-family residences, a sign business (proposed to be relocated), and a computer business. Property across Broadway, east of the application area, is zoned "LC" and "GC," and is developed with general strip commercial uses. Property south of the application area, across Harry, is zoned "GC" and developed with commercial uses. Southwest of the application area, across Harry, is property zoned "LC" and developed with parking for an elementary school located further west on Harry.

The proposed zone change, from "LC" to "GC" and "GC" to "LC," and the proposed development would require conformance to all property development standards in the *Unified Zoning Code*.

CASE HISTORY: The three northern lots of the application area were approved for a used car sales Conditional Use in 1998.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	pawnshop, parking
SOUTH:	"GC," "LC"	general commercial, school parking
EAST:	"GC," "LC"	general commercial
WEST:	"LC"	single-family homes, sign business, computer business

PUBLIC SERVICES: The property is located along South Broadway, a four-lane arterial street, and along Harry, also a four-lane arterial street. At this intersection, Broadway has an additional southbound right turn lane, and Harry has an additional eastbound right turn lane. The traffic count in March of 2000 along this section of Broadway was 11,997 cars per day (ADTs); the projected traffic volume for 2030 is 10,323 cars per day. The traffic count in March of 2000 along this section of Harry was 9,596 cars per day (ADTs); the projected traffic volume for 2030 is 16,970 cars per day.

The existing half-width right-of-way for Broadway at the application area is 30 feet; and the existing half-width right-of-way for Harry at the application area is also 30 feet. No street projects are included in the C.I.P. for the immediate area. No utility easements exist within the application area.

City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as "Commercial." This zone change request simply exchanges "LC" and "GC" zoning, both of these zones fall within the definition of "Commercial."

RECOMMENDATION: This zone change request is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide" and "Commercial Locational Guidelines." As these properties are redeveloped, the *Unified Zoning Code* property development standards for screening, landscaping, and lighting will mitigate any negative impacts on nearby residential properties. The proposed redevelopment has the potential to improve neighborhood appearance and retail services. The applicants met with the planning staff and agree with planning staff's recommendations concerning access control, right-of-way dedications, and cross-lot agreements. Planning staff recommends that vehicular access control be maintained at the application area by permitting one point of access from Harry (relocated to the east, to align with the alley across Harry), one point of access from Market, two points of access from Broadway, and cross-lot circulation between the two proposed parcels. Planning Staff recommends that an additional 20 feet of right-of-way be dedicated as a condition of this zone change request, bringing both of these arterial streets to the desired 50-foot half-width right-of-way standard. However, because of site and operational constraints for the proposed sign business relocation, staff recommends that the proposed northern parcel make a contingent 20-foot right-of-way dedication.

Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to replatting into two parcels within one year. The replat should include provisions for: dedication of 20 feet of right-of-way on Harry, 20 feet of right-of-way on Broadway for the southern parcel, and a contingent dedication of 20 feet of right-of-way on Broadway for the northern parcel; dedication of access control with one point of access from Harry, one point of access from Market, and two points of access from Broadway; and a cross-lot access agreement between the two parcels.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All property abutting the application area is zoned "LC." The properties across Broadway and Harry from the application area are zoned "LC" and "GC." Most land uses in this area are commercial or parking, with the exception of three single-family residences to the west of the application area, these residences face South Market Street. The character of the Broadway and Harry intersection is that of an older commercial strip area.
2. The suitability of the subject property for the uses to which it has been restricted: The property could continue to be used as it is currently zoned. However, downzoning the corner from "GC" to "LC" will allow for the proposed neighborhood scale retail development. Likewise, rezoning the northern parcel from "LC" to "GC" will allow the sign business to be relocated from the corner, and yet remain in the same neighborhood.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of "LC" zoning at the corner has the effect of "downzoning," and allows less intensive development. Approval of "GC" zoning on the northern parcel will permit uses not currently permitted at this location, screening and landscaping requirements will mitigate impacts on the residential properties to the immediate west.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is in conformance with the *Comprehensive Plan "Wichita Land Use Guide,"* and it is in conformance with all the commercial locational guidelines of the plan.
5. Impact of the proposed development on community facilities: The proposed Walgreens store at this location will generate more traffic than the current used car lot. Therefore, the dedication of additional street right-of-way, limiting access control, and providing for cross-lot circulation will address potential increased demand on community facilities.