

Agenda Item # _____

City of Wichita
City Council Meeting
January 15, 2002
Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2001-00070 - Zone Change from "LC" Limited Commercial to "GC" General Commercial to relocate a sign business from Harry and Market intersection to the application area on Broadway. Generally located on the northwest corner of Broadway and Harry. (District #1)

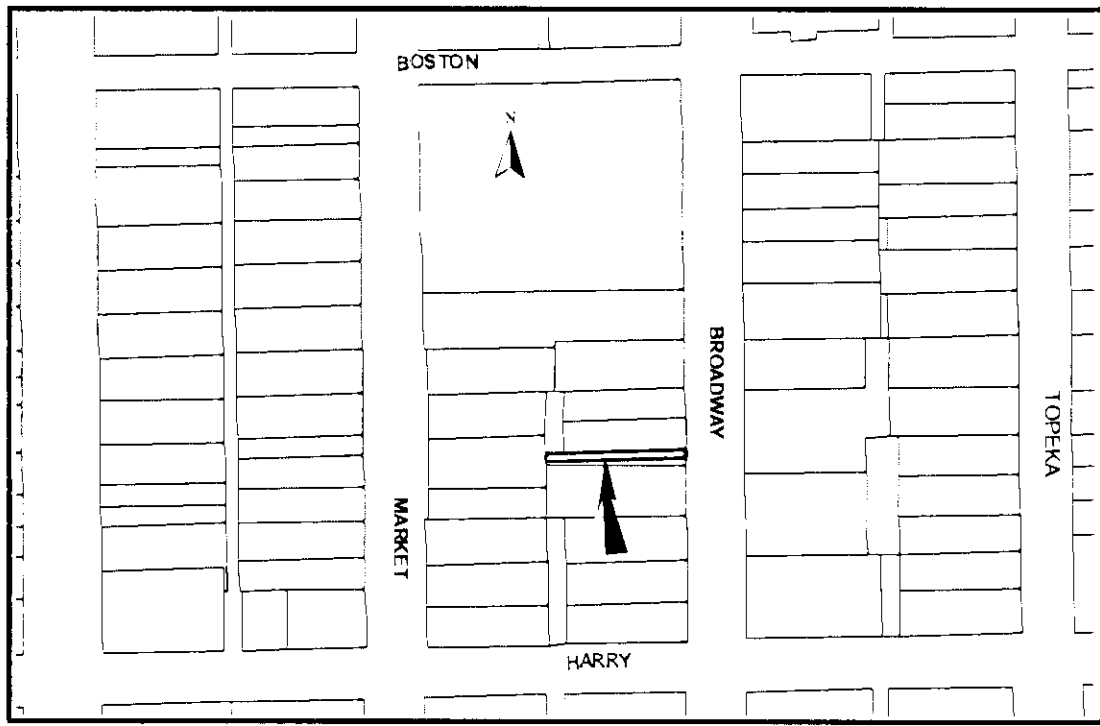
INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to staff recommendation (12-0-2).

Staff Recommendation: Approve, subject to replatting the development within two parcels within one year; contingent dedication; right-of way and dedication of access control; and a cross-lot access agreement.



BACKGROUND: This request is associated with ZON2001-64, a zone change request approved by MAPC on November 26, 2001. The Wichita City Council approved ZON2001-64 on December 11th, 2001. The current zone change request is now necessary to accomplish the desired development, according to the site plan submitted for the ZON2001-64 case. Following the ZON2001-64 MAPC hearing, the agent for the applicant discovered that this small application area was not included in the previous zone change request. The application area is approximately 1,600 square feet located northwest of the Broadway and Harry intersection, it is currently zoned "LC," and is part of a property developed with a single-family residence. The applicant requests "GC" zoning to relocate a sign business to the application area, and to develop a Walgreens store at the corner. The applicant intends to replat the development site into two parcels. 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 the 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.

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

The MAPC heard this request as a consent item on December 20th, 2001; the action of the MAPC was to approve the request by a vote of 12-0-2.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change subject to replatting into two parcels within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; 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.)

Final Read
3-5-02
WH

Published in The Wichita Eagle on APR 18 2002

ORDINANCE NO. 45-222

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. ZON2001-00070

Request for zone change from "LC" Limited Commercial to "GC" General Commercial described as east 139.9 feet of the north 22 feet of Lot 1:

BENCOR 3RD ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS.

Generally located Northwest corner of Harry & Broadway:

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, MAR 19 2002

ATTEST:

For Patery E. Ellis Deputy
Pat Burnett, City Clerk
Bob Knight, Mayor



(SEAL)

Approved as to form

Gary E. Regenstorf
Gary E. Regenstorf, City Attorney

RECEIVED

APR 15 2002

METROPOLITAN PLANNING
ROUTE 3

STAFF REPORT

MAPC 12-20-01

CASE NUMBER: ZON2001-00070

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

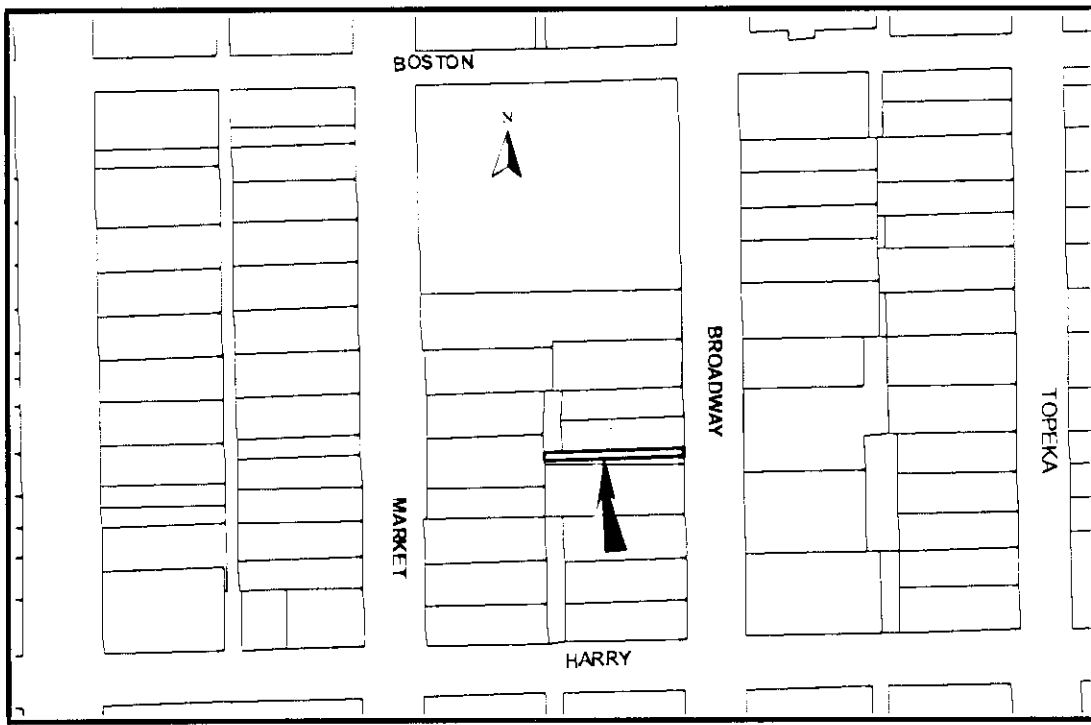
REQUEST: Zone change to "GC" General Commercial

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 1,600 square feet

LOCATION: Northwest corner of Broadway and Harry

PROPOSED USE: To relocate a sign business from the Harry and Market intersection to the application area on Broadway.



BACKGROUND: This request is associated with ZON2001-64, a zone change request approved by MAPC on November 26, 2001. The Wichita City Council approved ZON2001-64 on December 11th, 2001. The current zone change request is now necessary to accomplish the desired development, according to the site plan submitted for the ZON2001-64 case, and attached to this report. Following the ZON2001-64 MAPC hearing, the agent for the applicant discovered that this small application area was not included in the previous zone change request. The application area is approximately 1,600 square feet located northwest of the Broadway and Harry intersection, it is currently zoned "LC," and is part of a property developed with a single-family residence. The applicant requests "GC" zoning to relocate a sign business to the application area, and to develop a Walgreens store at the corner. The applicant intends to replat the development site into two parcels. 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 the 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 the proposed development would require conformance to all property development standards in the *Unified Zoning Code*.

CASE HISTORY: ZON2001-64 was approved by MAPC in November of 2001, and approved by Wichita City Council on December 11, 2001. The three northern lots of the ZON2001-64 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. At the Harry 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 existing half-width right-of-way for Broadway at the application area is 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." The "GC" zoning district falls within the Plan's 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. Because of site and operational constraints for the proposed sign business relocation, staff recommends that the application area 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 the development into two parcels within one year. The replat should include provisions for: a contingent dedication of 20 feet of right-of-way on Broadway; dedication of access control with 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, rezoning the parcel from "LC" to "GC" will allow the sign business to be relocated from the corner, and yet remain in the same neighborhood, and allow the development of a Walgreens store at the corner.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of "GC" zoning on this 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 redevelopment of the application area 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.