

(150004) Published in The Wichita Eagle on _____
ORDINANCE NO. _____

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. ZON2004-00020

Request for zone change from "TF-3" Two-family Residential to "GO" Generally Office on property described as:

The north 140-feet of the following tract of land described as: Beginning 660 feet East and 924 feet South of the Northwest corner of the Southwest Quarter of Section 24, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, thence East 165 feet; thence South 396 feet; thence West 165 feet; thence North to the place of beginning, except the South 2 Rods used for road and street purposes. Generally located 1 block east of the Douglas Avenue – West Street intersection, more specifically 300-feet northeast of the Douglas Avenue – McComas Avenue intersection.

SUBJECT TO THE PROVISIONS OF THE FOLLOWING PROTECTIVE OVERLAY #144:

1. Signage will be a monument type and per Sign Code for the "NO" Neighborhood Office zoning district. No signs or illuminated signs are permitted along the north, northwest and east sides of the "GO" General Office zoned portion of the property where abutting or adjacent to residential zoning. No flashing, rotating or moving signs, signs with moving lights, or signs that create the illusion of movement are permitted. No portable or off-site signs are permitted.
2. Parking lot lighting elements will be a maximum of 14-feet tall and be a full cut-off type. A full cut-off type of exterior lighting is constructed in such a matter that all light emitted is projected downward, is permanently affixed and is nonadjustable. Lighting will be located no closer than 30-feet from the north and east sides of the "GO" zoned portion of the property and directed towards the south and west sides of the site.

3. Landscaping will be 1.5 times the minimum per the landscape code. A 15-foot landscape buffer will be provided along the north and east sides of the "GO" General Office zoned portion of the property. Landscaping will be installed at the time of any improvements to the "GO" General Office zoned portion of the property. Prior to the issuances of any building or paving permits a landscape plan will be reviewed and approved by the Planning Director.
4. At the time of any improvements to the "GO" General Office zoned portion of the property solid screening will be provided on the north and east sides of the "GO" General Office zoned portion of the property.
5. Permitted uses on the "GO" General Office zoned portion of the property are single-family residential, two-family residential and a commercial parking lot.
6. Platting for the entire site will be required at the time of any improvements, including paving, to the "GO" General Office zoned portion of the property or the "LC" Limited Commercial zoned portion of the property.
7. The maximum height for all structures is 35-feet.
8. No new points of access from McComas Avenue onto the "GO" General Office zoned portion of the property are permitted.

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, _____

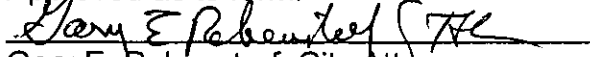
Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

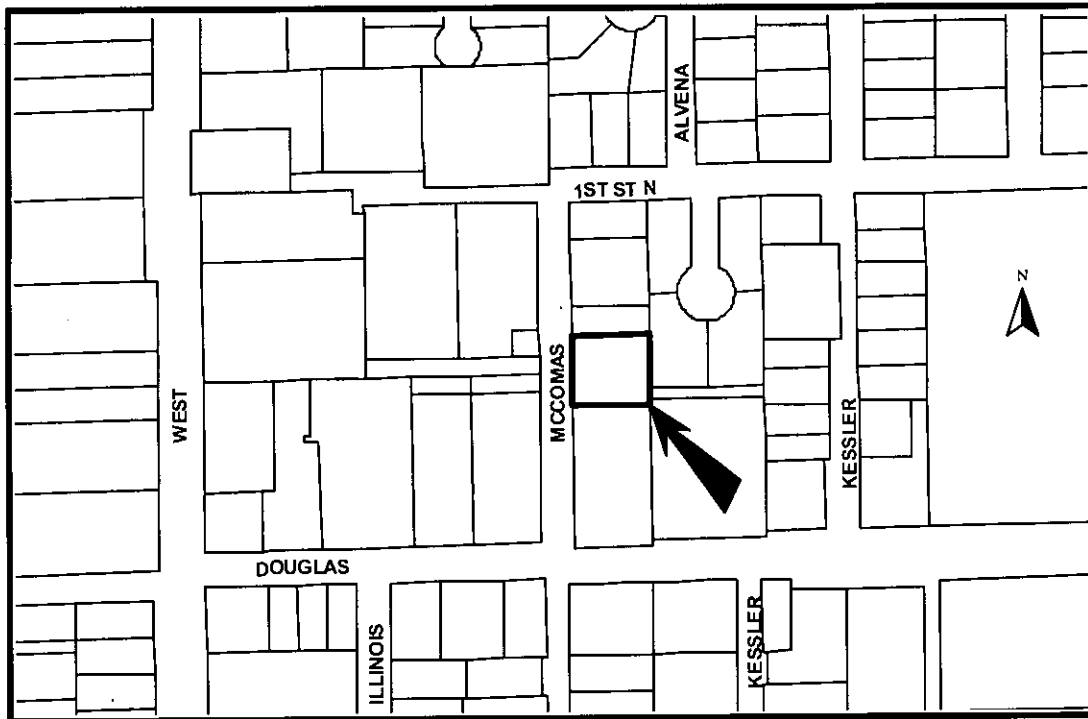


Gary E. Rebenstorf, City Attorney

STAFF REPORT

MAPC – May 20, 2004
DAB VI – May 19, 2004

- CASE NUMBER:** ZON2004-00020
- APPLICANTS:** Dale R & Jolene K Smith
- REQUEST:** "LC" Limited Commercial
- CURRENT ZONING:** "TF-3" Two-family Residential
- SITE SIZE:** Approximately 0.37 acres
- LOCATION:** 1 block east of the Douglas Avenue – West Street intersection, more specifically 300-feet northeast of the Douglas Avenue – McComas Avenue intersection
- PROPOSED USES:** Off street parking area for beautician school



BACKGROUND: The applicant's 1.23-acre (396-foot (x) 135-foot) unplatted tract is divided by two zoning classifications. The south portion of the applicant's tract is zoned "LC" Limited Commercial. The north 120-foot (x) 135-foot of the applicant's tract is zoned TF-3" Two-family Residential. The applicant is requesting consideration for a zoning change from "TF-3" to "LC" on this north portion of the tract. The applicant's "LC" portion of the tract is mostly paved commercial parking built around an on site auto repair business (currently not operating) and a residential structure, which is used as residential rental property. The parking area serves the on site business and residential rental, plus a beautician school located east of the site, across McComas Avenue. Approximately 25-foot (x) 135-foot of the paved parking area lies in the "TF-3" zoned portion of the tract. This section of the existing parking area in the "TF-3" zoning is what has triggered the zoning change request. The zoning change request covers all of the "TF-3" zoned section of the applicant's tract, which is undeveloped except for the nonconforming parking area that was extended onto it from the "LC" portion of the applicant's tract. The applicant is not proposing to build anymore parking at this time. A parking area, commercial, is a permitted use in "GO" General Office, "NR" Neighborhood Retail, "LC" Limited Commercial, "GC" General Commercial, "CBD" Central Business District, "LI" Limited Industrial or "GI" General Industrial zoning district.

The adjacent properties to the east and north of the site are zoned "TF-3" and are developed primarily as single family residential or as duplexes. Most of these residential structures in the adjacent residential areas were built from the 1920s to 1930, with the few remaining residences built in the late 1960s to the mid 1970s. The properties to the west, across McComas Avenue, are zoned "B" Multi-family Residential and "LC". The property zoned "B" is developed as apartments and was built in the early 1970s. The "LC" zoned property has a commercial strip center on it (built in the early 1950s) and currently contains the beautician school which is using the applicant's existing parking areas in both the "LC" and "TF-3" zoned sections. Any future development of the portion of the applicant's re-zoned tract would require platting of the whole tract and would trigger landscaping, screening and any other applicable development standards, permits and inspections.

The applicant's tract is also located in a revitalization area, which is an area that has experienced some decline but still has good market and development opportunities. Physical improvements and flexibility of regulations, such as parking, is recommended by the Comprehensive Plan to create innovative and economically feasible projects in the area.

CASE HISTORY: The 0.37-acre site is part of a 1.28-acre unplatted tract.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3" Two-family residential	Single-family residential
EAST:	"TF-3" Two-family residential	Two-family residential
SOUTH:	"LC" Limited commercial	Unimproved commercial parking Single-family structure Convenience store
WEST:	"LC" Limited commercial "B" Multi-family residential	Beautician school Apartments

PUBLIC SERVICES: Douglas is classified as an urban collector and is a paved two-lane road, at this point with room for street side parking. McComas Avenue is a paved residential street. Average Daily Trips (ADT) at the Douglas – West intersection, one block west of the site, is 22,971 ADTs north, 24,279 ADTs south, 7,452 ADTs east and 3,509 ADTs west. There are no CIP's for Douglas. There is a CIP for drainage improvement from West Street east, to be located north of the site, but in the general area. There is gas, water, sewer and electricity for the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The "Low Density Residential" category provides for the lowest density (1 to 6 units per acre) of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivisions, and planned developments with a mix of housing types that may include townhouse and multi-family units. The "Commercial" Locational Guideline of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The applicant's tract partially complies with the locational criteria in that there is access onto Douglas Avenue, but the tract also has access onto McComas, a residential street, which is not in compliance with locational criteria. The requested "LC" zoning for the commercial parking could possibly bring uses not recommended by the Comprehensive Plan into the immediate area. The Unified Zoning Code requires a zoning change from residential zoning to "GO", "NR", "LC", "GC", "CBD", "LI" or "GI" for a parking area, commercial.

RECOMMENDATION: Based on the information available prior to the public hearing, staff recommends the application be APPROVED, for "GO" General Office zoning, rather than the requested "LC" zoning. The "GO" zoning would bring the nonconforming 25-foot (x) 135-foot section of the existing parking area into compliance with the UZC. The "GO" zoning district would provide a transitional zoning between the applicant's existing predominate "LC" zoning and the abutting residential zoning and development, as recommended by the "Office" Locational Guideline of the Comprehensive Plan. Because the subject site is in a revitalization area, the applicant has requested flexibility in regards to the zone change request

triggering the platting requirement, thus any future development, including paving for parking, on the recommended "GO" zoning would trigger the platting of the whole unplatted tract and require landscaping, screening, lighting, access control and any other applicable development standards, permits and inspections for future development on the "GO" section of the site.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The surrounding area is zoned "TF-3", "LC" and "B". Use of the surrounding area is predominately for single-family residential, duplex residential & apartments with small stand alone or small strip retail and commercial located along Douglas Avenue. There is abutting single-family residential and duplex residential homes north and east of the subject site.
2. The suitability of the subject property for the uses to which it has been restricted: The site could be developed for single-family or duplex residential use, although its proximity to existing older, small scale commercial uses has probably made it less desirable.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. The "GO" zoning district would provide a transitional zoning between the abutting single-family and duplex residential development and the existing commercial development as recommended by the "Office" Locational Guideline of the Comprehensive Plan.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Comprehensive Plan shows this site as appropriate for low density residential. Douglas at this location provides the access needed for the existing parking, which is all located in the existing "LC" zoned portion of the applicant's tract, except for the 25-foot (x) 135-foot encroaching into the "TF-3" zoned portion of the applicant's tract. The applicant's tract is also located in a revitalization area, which is an area that has experienced some decline but still has good market and development opportunities. Physical improvements and flexibility of regulations, such as parking, is recommended by the Comprehensive Plan to create innovative and economically feasible projects in the area. The Planning Commission has a policy of generally supporting the expansion of existing businesses and it is reasonable to assume that expansion of the existing parking is possible.
4. Impact of the proposed development on community facilities: The impact of this development on the community facilities will be minimal.