

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. ZON2007-00058

Request for a zone change from "B" Multi-family Residential to "LC" Limited Commercial, on property described as:

Lots 40, 39, 38, 37, 28, 27, 26, 25, 24, & 23, Block 4, East Highland Addition, Wichita, Sedgwick County, Kansas. Generally located northeast of the Oliver & Central Avenues intersection.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #201, being complete within one-year of approval by the governing body:

(1)(a) Dedication of additional right-of-way along Oliver Avenue to meet the 50-foot of half street right-of-way standard for this intersection. (b) Dedication of cross lot access between the site and one of the applicants' abutting southern (bingo hall) property. (c) Dedication of access control onto Oliver Avenue and possible complete access control onto Glendale Avenue. All reviewed and approved by the Traffic Engineer, all accomplished either through the replatting process or by dedication by separate instruments.

(2) Because the site is partially in a FEMA flood area provide a drainage plan for review and approval by the Storm Water Engineer.

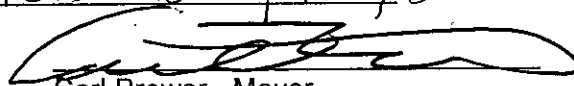
(3) No signage allowed along the north and east sides of the site, where the site is abutting and adjacent to residential development. No off-site signs. Monument signs are allowed per the sign code for the "LC" zoning district.

(4) On site pole lighting will be no taller than 15-feet including the base/pedestal. Pole lighting will be directed down onto the site away from adjacent residential development. No pole lighting will be placed within setbacks.

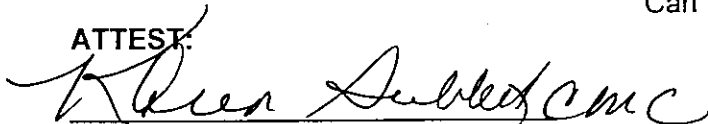
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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, February 12, 2008.

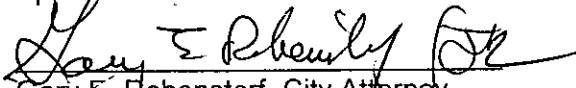

Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney





AGENDA ITEM NO. 4

STAFF REPORT

MAPC December 20, 2007

DAB I January 7, 2008

CASE NUMBER: ZON2007-00058

APPLICANT/OWNER: Jerry & Diane Brown, Dale Smith, & City of Wichita

AGENT: Poe & Associates, co Tim Austin

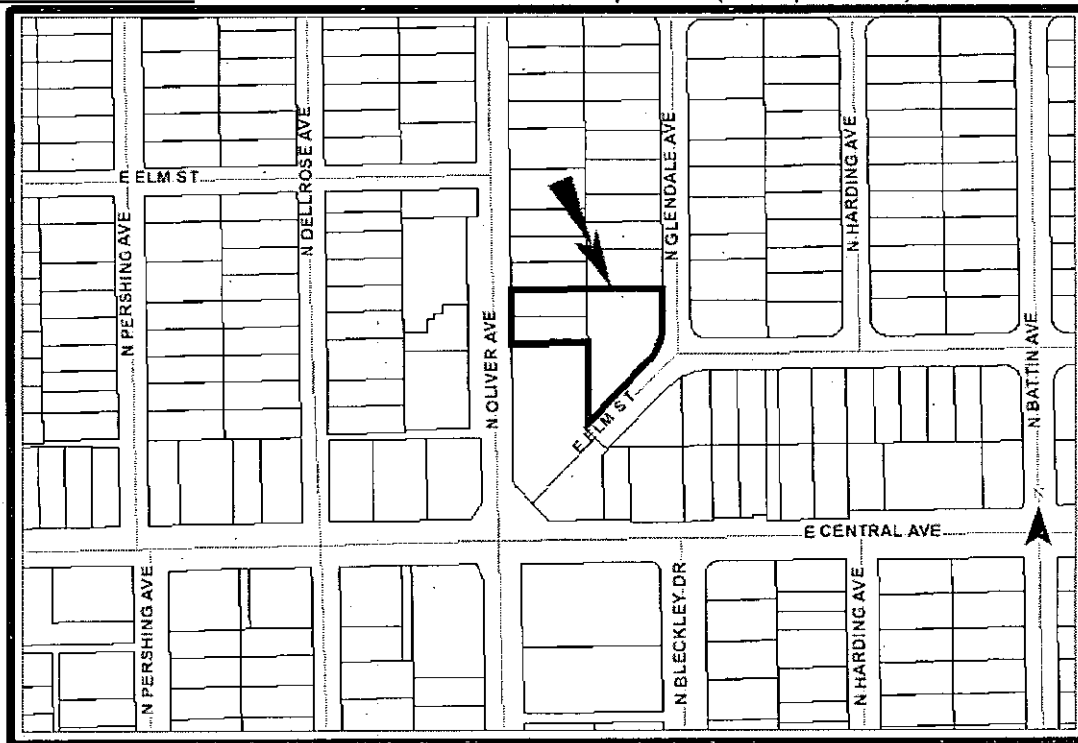
REQUEST: "LC" Limited Commercial

CURRENT ZONING: "B" Multi-family Residential

SITE SIZE: Approximately 0.87-acres

LOCATION: Generally located northeast of the Oliver & Central Avenues intersection

PROPOSED USE: Commercial redevelopment (not specified)



BACKGROUND: The applicant is requesting "LC" Limited Commercial zoning on Lots 40, 39, 38, 37, 28, 27, 26, 25, 24, & 23, Block 4, East Highland Addition. The site is currently zoned "B" Multi-family Residential. The site's Oliver Avenue side has two, vacant (built 1942 & 1944) single-family residence on it and a parking lot, in need of maintenance, along its Glendale Avenue side. The two residences on the Oliver side each have driveways onto Oliver and they face Oliver, which is a four-lane minor arterial. The parking lot on the Glendale side has several drives onto Glendale, which is a residential street.

A vacant bingo hall (1948, originally a movie theater), zoned "LC," abuts the site's south side and a portion of its west side. One of the applicants owns this bingo hall, which could become a part of a redevelopment of the subject site. An "LC" zoned, vacant liquor store (1947) is located south, across a vacated portion of Elm Street (V-1250), from the bingo hall. The vacation of this portion of Elm prevents traffic off of the Glendale side of the site from access onto Oliver and forces traffic through a residential neighborhood. West of the site, across Oliver there are a two-story apartment building (1977) and a single-story office building (1977), all zoned "GO," General Office. An "LC" zoned single-story office (1985) and Quick Trip (1991, on the Oliver – Central Avenues intersection) convenience store are south of the "GO" site. Abutting the north side of the site, there are "B" zoned single-family residences and what appears to be a vacant duplex (all built in the 1940s). East of the site, across Glendale, there are "TF-3," duplex, zoned single-family residences. Generally speaking the intersection of Oliver and Central has mostly commercial and some office zoned sites on all four of its corners, which are occupied by a small Dillon's, fast food, small strip retail/office and free standing retail/office, a Quick Trip, restaurants, auto garages, and some vacant retail/office buildings. Residential neighbors are located behind these developments and beginning where the commercial or office zoning ends along Central and Oliver.

CASE HISTORY: The site is part of the, East Highland Addition, which was recorded with the Register of Deeds August 5, 1924.

ADJACENT ZONING AND LAND USE:

NORTH:	"B"	single-family residences, vacant duplex
SOUTH:	"LC"	vacant bingo parlor, vacant liquor store
EAST:	"TF-3"	single-family residences
WEST:	"GO," "LC"	apartment, office, convenience store

PUBLIC SERVICES: All municipal services and utilities are available. Glendale Avenue is a paved residential street. Oliver Avenue is a paved four-lane minor arterial. Both roads are shown to remain the same on the 2030 "Transportation Plan." There are currently approximately 15,500 to 21,000 ATD on the Central-Oliver intersection. The 2030 high projection is 23,000 ATD. There appears to be 30-feet of half-street right-of-way at this location; 50-feet of half street ROW is the standard to allow for additional turn lanes at this intersection. Both the Ruffin 4th Addition (5-2-1973) and the Williams 2nd Addition (6-17-1976) dedicated 20-feet of ROW when they were replatted for redevelopment (built 1985 & 1977), both of these properties are located directly west of the site, across Oliver Avenue.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide", of the Comprehensive Plan identifies the site as appropriate for "urban residential" (the Oliver side) and "local commercial" (the Glendale side). The "urban residential" category includes all densities of residential development found within the urban municipality. The "local commercial" category includes commercial, office and personal service uses that do not have a regional draw. The site is also located within the "Central Northeast Area Plan," which recommends retaining existing businesses and attracting new businesses that would be more neighborhood serving retail and personal services. This site and the requested zoning are mostly in compliance with the "Land Use Guide" and the "Northeast Plan." The issue is the "Land Use Guide" showing the two single-family residences along Oliver to be used a residential. The fact that the residences are facing Oliver, have small front yards between them and Oliver, have access only onto Oliver and are within 300-feet of the Oliver-Central intersection has made them less attractive for residential use.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for the "LC" zoning be APPROVED, contingent on the provisions of Protective Overlay #120, being complete within one-year of approval by the governing body.

(1)(a) Dedication of ROW along Oliver to meet the 50-foot of half street ROW standard for this intersection. (b) Dedication of cross lot access between the site and one of the applicants' abutting southern (bingo hall) property. (c) Dedication of access control onto Oliver Avenue and possible complete access control onto Glendale Avenue. All reviewed and approved by the Traffic Engineer, all accomplished either through the replatting process or by dedication of separate instruments.

(2) Because the site is partially in a FEMA flood area provide a drainage plan for review and approval by the Storm Water Engineer.

(3) No signage allowed along the north and east sides of the site, where the site is adjacent to residential development. No off-site signs. Monument signs are allowed per the sign code for the "LC" zoning district.

(4) On site pole lighting will be no taller than 15-feet including the base/pedestal. Pole lighting will be directed down onto the site away from adjacent residential development. No pole lighting will be placed within setbacks.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties located along the four corners of the Oliver-Central Avenues' intersection are zoned "LC," with "B" and "GO" zoning coming into place further away from the intersection. Development in these zoning districts include a small Dillon's, fast food, small strip retail/office and free standing retail/office, a Quick Trip, restaurants and auto garages, some vacant retail/office buildings, with residential neighbors behind these developments and beginning where the commercial or office zoning ends. The residential development in this described area are zoned "B," "TF-3," and "SF-5."

2. The suitability of the subject property for the uses to which it has been restricted: Although the site is too small to reach the density allowed by the "B" zoning for an apartment development, its size is appropriate for its current use as two, single-family residences. The site's close proximity to the Oliver-Central intersection and the fact that the residences are facing Oliver, have small front yards between them and Oliver, have access only onto Oliver makes them less attractive as residential properties.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Code requirements for compatibility setbacks, screening, landscaping, as well as limiting access onto Oliver and Glendale streets could minimize the impact on the adjacent residential development east and north of the site. The access onto Glendale is problematic because the vacation of the adjacent portion of Elm prevents traffic off of the Glendale side of the site from access onto Oliver and forces traffic through a residential neighborhood. These considerations could also improve this side of the Oliver-Central intersection in regards to upgrading its appearance and more improved access onto Oliver.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide", of the Comprehensive Plan notes the site as appropriate for "urban residential" (the Oliver side) and "local commercial" (the Glendale side). The site is also located within the "Central Northeast Area Plan," which recommends retaining existing businesses and attracting new businesses that would be more neighborhood serving retail and personal services. The "Plan" also sites the need for reinvestment in the area through several types of funding. This site and the requested zoning are mostly in compliance with the "Land use Guide" and the "Northeast Plan." The issue is the "Land Use Guide" showing the two single-family residences along Oliver to be used a residential. The fact that the residences are facing Oliver, have small front yards between them and Oliver, have access only onto Oliver and are within 300-feet of the Oliver-Central intersection has made them less attractive for residential use.
5. Impact of the proposed development on community facilities: Traffic onto Oliver Avenue would increase off of the site and drainage off of the site will increase because of the additional paving in the redevelopment. Drainage is a concern because an eastern portion of the site, Glendale Avenue, and the adjacent eastern residential neighborhood are located in a FEMA flood area. Limiting or denying access onto Glendale is also an issue, in regards to keeping traffic out of the eastern adjacent residential neighborhood.