

Agenda Item # _____

**City of Wichita
City Council Meeting
December 10, 2002**

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2002-00058- Zone change to "NR" Neighborhood Retail; and CUP2002-00040 DP243 #1 - Amendment to DP-243 Smithmoor Commercial C.U.P. Parcel 10 to allow neighborhood retail uses. Generally located on the south side of Harry approximately 200 feet east of Smithmoor Street. (District II)

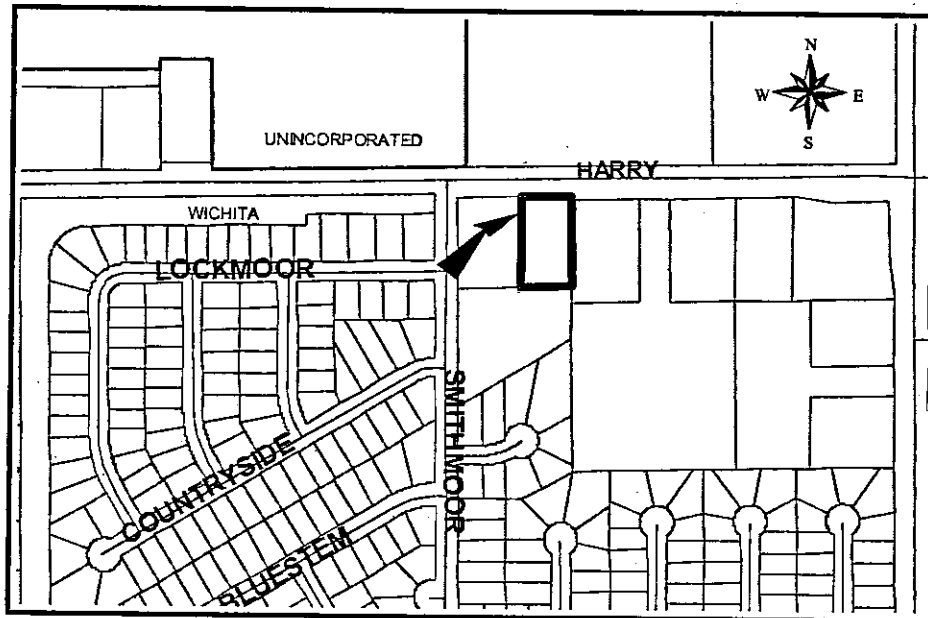
INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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

Staff Recommendation: Approve, subject to conditions.

DAB Recommendation: Approve, subject to MAPC recommendation (8-0)



BACKGROUND: The applicant is proposing to amend DP-243 Smithmoor Commercial Community Unit Plan and rezone Parcel 10, which is 0.9 acre in size, from "GO" General Office to "NR" Neighborhood Retail. The amendment would permit neighborhood retail uses.

The applicant did not request any additional changes to the C.U.P. except that the parcel would be permitted "NR" signage. Currently the Wichita Sign Code is identical for "GO" and "NR" so this would not represent an actual change in permitted signage. The C.U.P. requires uniform architectural design. The Weigand real estate office has established design precedence, and any building on this site would be required to follow its precedence. The parcel description does not specify the number of buildings permitted. A preliminary site plan submitted with the application showed one commercial building as a prototype. Other existing requirements of the C.U.P. include pedestrian circulation and screening of trash and service areas and rooftop equipment. The C.U.P. requires cross-lot circulation between Parcels 1, 10 and 11 and limits these parcels to one joint access point onto Harry and no access onto Smithmoor Street.

Neighborhood Retail is considered a more intensive zoning district than "GO" General Office because it allows general retail and restaurants, subject to size limitations on both types of uses and prohibiting drive-in and drive-through restaurants. It omits a number of uses permitted in "GO" including hotels and funeral homes, as well as some of the residential and public and civic uses.

Parcel 10 is part of a 24-acre community unit plan that is approved for development of on the southwest corner of Harry and Greenwich. The adjoining parcel to the west, Parcel 1, is zoned "GO" and is developed with a real estate office. Parcel 11 to the south is zoned "GO" also, but is vacant. The remainder of the C.U.P. to the east is zoned "LC" Limited Commercial. The land west of Smithmoor Street is already developed with single-family homes and is zoned "SF-5" Single-family. The land to the south of the C.U.P. is currently under development with single-family homes and is zoned "SF-5". The property to the north of Harry is held in large acreages and is zoned for residential use ("SF-5" and "SF-20" Single-family).

Transportation access is via Harry, a recently improved four-lane arterial street. Current traffic flow in 2002 on Harry was 7,736 average daily traffic volumes. Projected ADT for 2030 was 14,000 cars per day. Other normal municipal services are available.

Staff recommended approval to MAPC based on "NR" being one step greater in intensity than "GO", but still restricting the size of retail and the size of restaurants plus eliminate drive-in/drive-through activities and functioning as a buffer to the more intense "LC" uses to farther east. Staff requested an additional ten feet of right-of-way to be dedicated along Harry to conform to existing right-of-way widths for arterials per the Access Management Policy and that the C.U.P. be amended to indicate one building is permitted on Parcel.

At the MAPC meeting held November 7, 2002, MAPC voted (12-0) to approve subject to staff recommendations except to delete the request for the additional ten feet of right-of-way.

At the DAB II meeting held November 18, 2002, the board voted (8-0) to approve subject to MAPC recommendations.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change and C.U.P. Amendment #1, subject to the recommended conditions; approve first reading of the ordinance; or
2. Return the application to the MAPC for reconsideration

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

(150004) Published in The Wichita Eagle on DEC 21 2002

ORDINANCE NO. 45-527

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. ZON2002-00058

Request for zone change from "GO" General Office to "NR" Neighborhood Retail on property described as:

The North 265.00 feet of Lot 1, Block A, Smithmoor Commercial Addition to Wichita, Sedgwick County, Kansas except the West 190.00 feet. Generally located on the south side of Harry approximately 200 feet east of Smithmoor Street.

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 17 2002

ATTEST:




Pat Graves, City Clerk
(SEAL)





Bob Knight, Mayor

Approved as to form:


Gary E. Rebenstorf, City Attorney