

Agenda Item # _____

City of Wichita
City Council Meeting
August 20, 2002

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2002-00033 - Zone change from "SF-5" Single-Family Residential to "GC" General Commercial. Generally located east of Webb Road, north of Chamberlain, District II

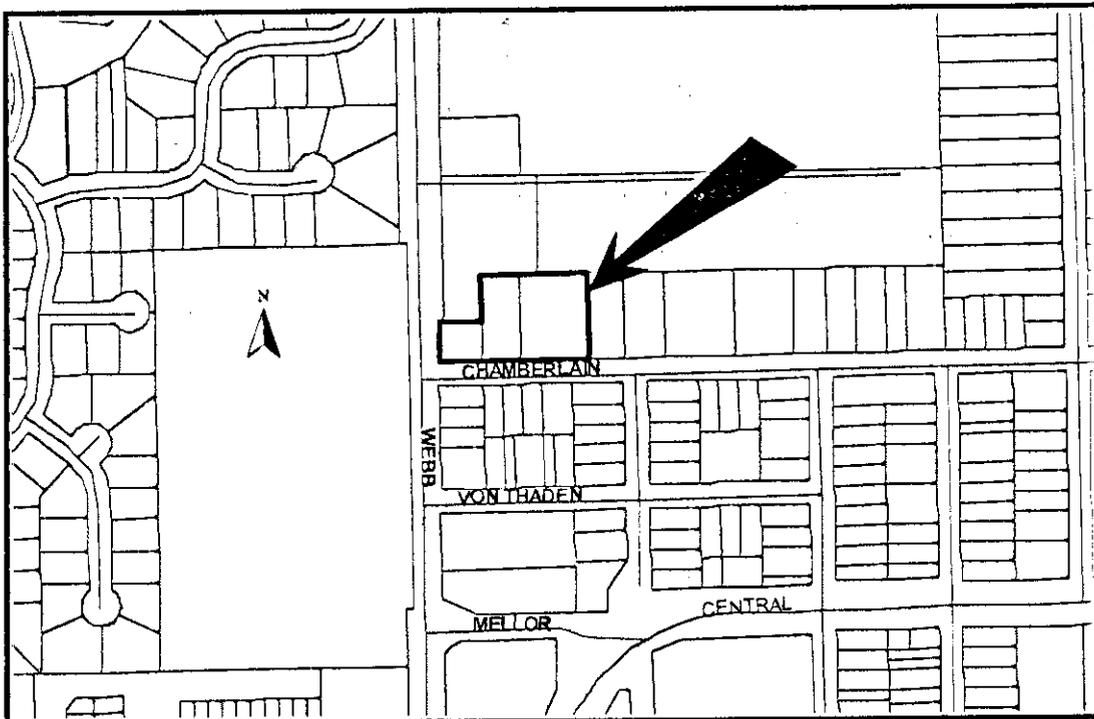
INITIATED BY: Metropolitan Area Planning Department *Kronst*

AGENDA ACTION: Planning

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

DAB Recommendation: Approve, subject to staff recommendations. (13-0)

Staff Recommendation: Approve, subject to platting within one year.



BACKGROUND: The applicant is seeking "GC" General Commercial zoning for three unplatted tracts comprising 1.6 acres located east of Webb Road and north of Chamberlain. These three properties are currently zoned "SF-5" Single-family Residential. The property closest to Webb Road has an existing building that may be vacant, and was at one time occupied by County EMS. The other two tracts are vacant. The application states the reason for the request is "to develop the property for commercial use." Additional discussions with the applicant's agent indicate that a strip mall or small office-commercial center similar to others located in nearby developments is intended. Staff is also advised that the zoning is not being requested to expand the All Star Sports complex located to the northeast. The application area contains a number of older trees. This site is located within "Area A" of the "Airport Hazard Map" which limits heights to 25 feet unless specifically reviewed and permitted by a separate procedure.

Property to the north is zoned "GC" General Commercial and is developed with two commercial buildings and an outdoor recreational use (All Star Sports). Land located to the east, south and west is zoned "SF-5" Single-family Residential. Properties to the east and south are developed with single-family homes of varying age, type and maintenance level. Property to the west is developed with Minneha Elementary School. A wooden fence exists along the south half of the common lot located east of the application area. A hedgerow of trees is located along the northern half of that same common lot line. Further to the north and south of the application area, properties are zoned "LI" Limited Industrial. Raytheon Aircraft, its runway and related aircraft businesses are the dominant land use further east and south of the application area. With the exception of the properties fronting Webb and Central, the general area's development pattern was established during World War II, and there have been minimal changes to the properties located east of Webb and north of re-located Central. Properties fronting Webb and re-located Central have recently seen re-development.

If this request is approved, the site will have to be developed in compliance with compatibility setbacks, screening and buffering, as well as with the Landscape Ordinance. The property will need to be platted. At the time of platting, access controls, road improvements and other typical improvements would be determined (e.g. complete access control to Webb Road, and guarantees for improvements that could include left-turn lane, signalization and paving.)

District Advisory Board II reviewed this request on July 15, 2002, and recommended approval 13-0. DAB members asked questions regarding the trees on the site, what type of uses were envisioned, and why the applicant did not ask for "LC" Limited Commercial zoning. The Metropolitan Area Planning Commission heard this case on July 25, 2002, and recommended approval, subject to platting within one year. No citizen comments were received at either the DAB or MAPC meetings.

No protest petitions have been received.

Recommended action:

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

W. H. Paul

(150004) Published in The Derby Reporter on _____

ORDINANCE NO. 45-751

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. ZON 2002-33

Request for zone change from "SF-5" Single-Family Residential District to "GC" General Commercial District, on property described as:

Lot 1, Block A, Cornejo East Addition, Wichita, Sedgwick County, Kansas.

Generally located north of Central, on the east side of Webb Road.

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 this 1st day of July, 2003.

ATTEST:

Pat Graves
Pat Graves, City Clerk

Carlos Mayans
Carlos Mayans, Mayor

(SEAL)



Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

Knebel, Scott

From: Knebel, Scott
Sent: Wednesday, August 13, 2003 1:58 PM
To: Graves, Patricia; Ellis, Patsy
Subject: FW: ZON2002-00033

Sensitivity: Private

I have not received a copy of the publication affidavit for this ordinance. Please send me a copy of the affidavit so that I may update the zoning map. Thanks.

-----Original Message-----

From: Knebel, Scott
Sent: Tuesday, July 08, 2003 10:34 AM
To: Graves, Patricia; Ellis, Patsy
Subject: ZON2002-00033
Sensitivity: Private

The zoning ordinance for ZON2002-00033 was approved on first reading on June 17, 2003 when the City Council approved SUB2002-00110 - Cornejo East Addition. Publication of the ordinance was to be withheld until the plat was recorded. The plat has been recorded; therefore, the ordinance should now be published. Thank you for your assistance.



STAFF REPORT

DAB II 7-15-02

MAPC 7-25-02

CASE NUMBER: ZON2002-33

APPLICANT/AGENT: Triple J of Wichita, LLC (Ron Cornejo, manager) / Robert Kaplan, Attorney

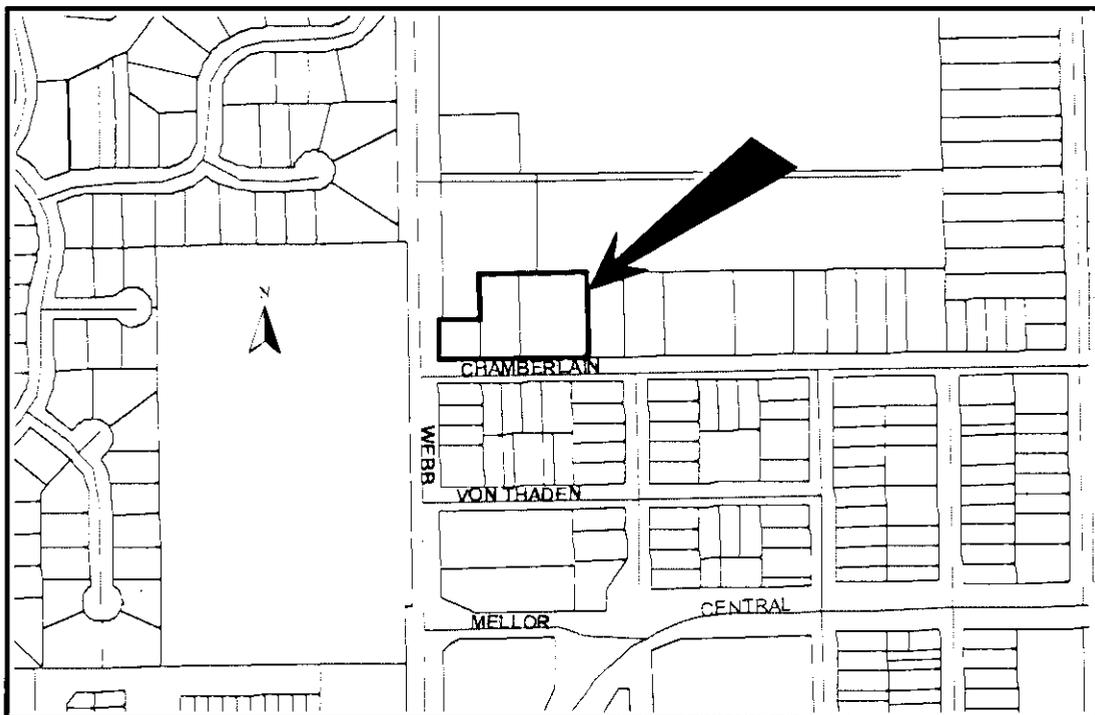
REQUEST: "GC" General Commercial

CURRENT ZONING: "SF-5" Single-family Residential

SITE SIZE: 1.6 acres

LOCATION: East of Webb Road, north of Chamberlain (9604, 9606 E. Chamberlain and 700 N. Webb Road)

PROPOSED USE: Commercial



BACKGROUND: The applicant is seeking "GC" General Commercial zoning for three unplatted tracts comprising 1.6 acres located east of Webb Road and north of Chamberlain. These three properties are currently zoned "SF-5" Single-family Residential. The property closest to Webb Road has an existing building that may be vacant, and was at one time occupied by County EMS. The other two tracts are vacant. The application states the reason for the request is "to develop the property for commercial use." Additional discussions with the applicant's agent indicate that a strip mall or small office-commercial center similar to others located in nearby developments is intended. Staff is also advised that the zoning is not being requested to expand the All Star Sports complex located to the northeast. The application area contains a number of older trees. This site is located within "Area A" of the "Airport Hazard Map" which limits heights to 25 feet unless specifically reviewed and permitted by a separate procedure.

Property to the north is zoned "GC" General Commercial and is developed with two commercial buildings and an outdoor recreational use (All Star Sports). Land located to the east, south and west is zoned "SF-5" Single-family Residential. Properties to the east and south are developed with single-family homes of varying age, type and maintenance level. Property to the west is developed with Minneha Elementary School. A wooden fence exists along the south half of the common lot located east of the application area. A hedgerow of trees is located along the northern half of that same common lot line. Further to the north and south of the application area, properties are zoned "LI" Limited Industrial. Raytheon Aircraft, it's runway and related aircraft businesses are the dominant land use further east and south of the application area. With the exception of the properties fronting Webb and Central, the general area's development pattern was established during World War II, and there have been minimal changes to the properties located east of Webb and north of re-located Central. Properties fronting Webb and re-located Central have recently seen re-development.

If this request is approved, the site will have to be developed in compliance with compatibility setbacks, screening and buffering, as well as with the Landscape Ordinance. The property will need to be platted. At the time of platting, access controls, road improvements and other typical improvements would be determined (e.g. complete access control to Webb Road, and guarantees for improvements that could include left-turn lane, signalization and paving.)

CASE HISTORY: The property closest to Webb Road had special permit DR 82-16 that allows a government building for an Emergency Management Service use approved in 1982.

ADJACENT ZONING AND LAND USE:

NORTH: "GC" General Commercial; commercial buildings, outdoor recreation
SOUTH: "SF-5" Single-family Residential;
EAST: "SF-5" Single-family Residential;
WEST: "SF-5" Single-family Residential; Minneha Elementary School, single family residential

PUBLIC SERVICES: Webb Road is an improved 4-lane arterial street that carries an average daily traffic volume of 17,872 vehicles. The 2030 Transportation Plan projects this segment of Webb Road to be four-lane arterial carrying an average daily traffic volume of 11,983. Chamberlain is a local street, constructed to minimum standards. If the site were developed at 30% of the area, 20,909 square feet of retail use could result, which could generate an average of 878 trips per day. If the site were to develop with all office uses, the site could generate 230 trips per day. At level of service D, a four lane arterial such as Webb Road can carry approximately 20,000 average daily trips. Public sewer and water services are available for extension.

CONFORMANCE TO PLANS/POLICIES: Commercial location guidelines contained in the 1999 update of the *Wichita-Sedgwick County Comprehensive Plan* indicate that commercial sites should: be located adjacent to arterial streets or major thoroughfares; be coordinated with mass transit routes, high density residential, employment or other intensive uses; have site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential uses; be located in compact clusters or nodes versus extended strip development; and be located in areas of similar development, and where traffic patterns, land uses and utilities can support such development. The *Wichita Land Use Guide* recommended land use map depicts this site as appropriate for industrial uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property to the north is zoned "GC" General Commercial and is developed with two commercial buildings and an outdoor recreational use (All Star Sports). Properties to the east, south and west are zoned "SF-5" Single-family Residential. Properties to

the east and south are developed with single-family homes of varying age, type and maintenance. Property to the west is developed with Minneha Elementary School. This is an area that is transitioning from primarily a 1940's era single-family residential and vacant lot setting to more intense retail and commercial uses.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-5" Single-family Residential. It could be developed as such, however, there have been new non-residential uses developed to the north and further to the south in recent months, making the site less desirable for single-family usage. The parcel with Webb Road frontage is less likely to be suitable for long-term residential use. The Webb Road parcel's small size makes it difficult to re-develop without additional land, making the properties to the east important to the successful use of Webb Road frontage.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Traffic will increase over current usage. The intensity of land uses will also increase. However, code required screening, fencing and landscaping should minimize potential impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: "GC" uses are less intensive than the plan's recommendation of industrial uses for this site. Webb Road is a four-lane arterial street, municipal services are available, and the east side of Webb Road in this general area has been re-developing with similar uses.
6. Impact of the proposed development on community facilities: Traffic will increase, and there will be sewer and water improvements needed, however the needed improvements will be accounted for during platting.