

Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
August 14, 2001

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council Members

**SUBJECT:** ZON2001-00038 – ZONE CHANGE FROM “GO” GENERAL OFFICE TO “LC” LIMITED COMMERCIAL WITH A PROTECTIVE OVERLAY TO LIMIT THOSE USES TO THOSE PERMITTED BY THE “GO” GENERAL OFFICE DISTRICT PLUS HOTEL OR MOTEL, LOCATED ON THE SOUTHEAST CORNER OF EDMONT AND RUTAN. (District #1)

**INITIATED BY:** Metropolitan Area Planning Department *DM*

**AGENDA ACTION:** Planning

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**MAPC Recommendation:** Approve, subject to staff recommendation (8-1).

**DAB Recommendation:** Deny (7-2).

**Staff Recommendation:** Approve, subject to the provisions of a (P-O) Protective Overlay.

**Background:** The applicant is requesting a zone change from “GO” General Office to “LC” Limited Commercial on a platted 0.76 acre tract located at the southeast corner of Edgemont and Rutan. The applicant also is requesting a Protective Overlay to limit uses on the subject property to those permitted by the “GO” General Office district plus hotel or motel.

The applicant indicates that Wesley Medical Center that is located west of the subject property will be expanded and that the expansion will occur on the site of the existing Wesley Motor Hotel, which is located at the northwest corner of Central and Rutan. Therefore, the applicant is seeking to relocate the Wesley Motor Hotel to the subject property.

The Unified Zoning Code limits a hotel or motel on properties in the “GO” General Office district to sites along a street that is classified as an arterial street or higher classification. Since the subject property is not along an arterial street, the applicant is requesting “LC” Limited Commercial zoning, which permits a hotel or motel by right.

The attached site plan shows an 89 room hotel located in the northwest corner of the subject property. As shown, the hotel could not be constructed simply with the granting of "LC" Limited Commercial zoning. Much of the parking shown for the hotel is located off-site or in the street right-of-way for Edgemont. An off-site parking agreement will be needed for parking to be located in Sleepy Hollow Park. Since Sleepy Hollow Park is zoned "TF-3" Two-Family Residential, a Conditional Use will be required to permit an ancillary parking area. The applicant has submitted a request to vacate the street right-of-way for Edgemont, which would make the parking shown along the south side of Edgemont on-site. A Zoning Adjustment will be required to reduce the hotel's total parking requirement. Under recently adopted provisions of the Unified Zoning Code, parking requirements can be reduced by up to 25% with administrative approval for all redevelopment of existing sites with new construction.

As shown, the hotel building encroaches into 20 foot platted building setbacks along the north and west property lines. These building setbacks will need to be vacated. Alternatively, the City Law Department indicates that when the vacation of the street rights-of-way is considered a finding can be made that determines that the vacation of the street rights-of-way moves the setback lines accordingly with the property line.

The site plan shows a private drive covered with a canopy that is partially located within the street right-of-way for Rutan. The applicant has submitted a request to vacate the street right-of-way for Rutan, which would then allow the private drive and canopy in the locations shown.

The character of the surrounding area is dominated by the Wesley Medical Center. The property north of the site is zoned "TF-3" Two-Family Residential and is Sleepy Hollow Park. The property east of the site is zoned "GO" General Office and is a parking lot for an office building. Further to the east across Vassar on property zoned "TF-3" Two-Family Residential are single-family residences. The properties south of the site are zoned "B" Multi-Family and "GO" General Office and are developed with apartments, a medical research office, and a Ronald McDonald House. The properties east of the site are zoned "GO" General Office and "LC" Limited Commercial and are developed with the Wesley Medical Center and the existing Wesley Motor Hotel.

At the MAPC hearing on July 19, 2001, the applicant presented a revised site plan (attached) that shows parking to be located within the right-of-way for Edgemont rather than encroaching into Sleepy Hollow Park property as shown on the initial site plan. Several residents spoke against the request citing concerns with the request's impact on the park, traffic, and quality of life in the neighborhood. The residents also suggested that they preferred for the hotel to be located across Central to the south. The MAPC voted (8-1) to approve the zone change from "GO" General Office to "LC" Limited Commercial subject to a Protective Overlay to limit uses to those permitted by the "GO" General Office district plus hotel or motel.

**Recommendation:**

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District; place the ordinance establishing the zone change on first reading; 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.)

( ) 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. ZON2001-00038**

Request for zone change from "GO" General Office to "LC" Limited Commercial and "P-O" Protective Overlay District #100, on property described as:

Lot 3, Wesley Medical Center Second Addition, Wichita, Kansas, Sedgwick County, Kansas. Generally located on the southeast corner of Edgemont and Rutan.

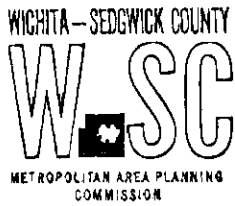
SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. Uses shall be limited to those permitted by right in the "GO" General Office district plus hotel or motel.

**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.

FILE COPY



AGENDA ITEM NO. \_\_\_\_\_

## STAFF REPORT

DAB | July 16, 2001

MAPC July 19, 2001

CASE NUMBER: ZON2001-00038

APPLICANT/AGENT: Wesley Medical Center LLC c/o David S. Nevill  
(Owner/Applicant); Baughman Company PA c/o Russ Ewy  
(Agent)

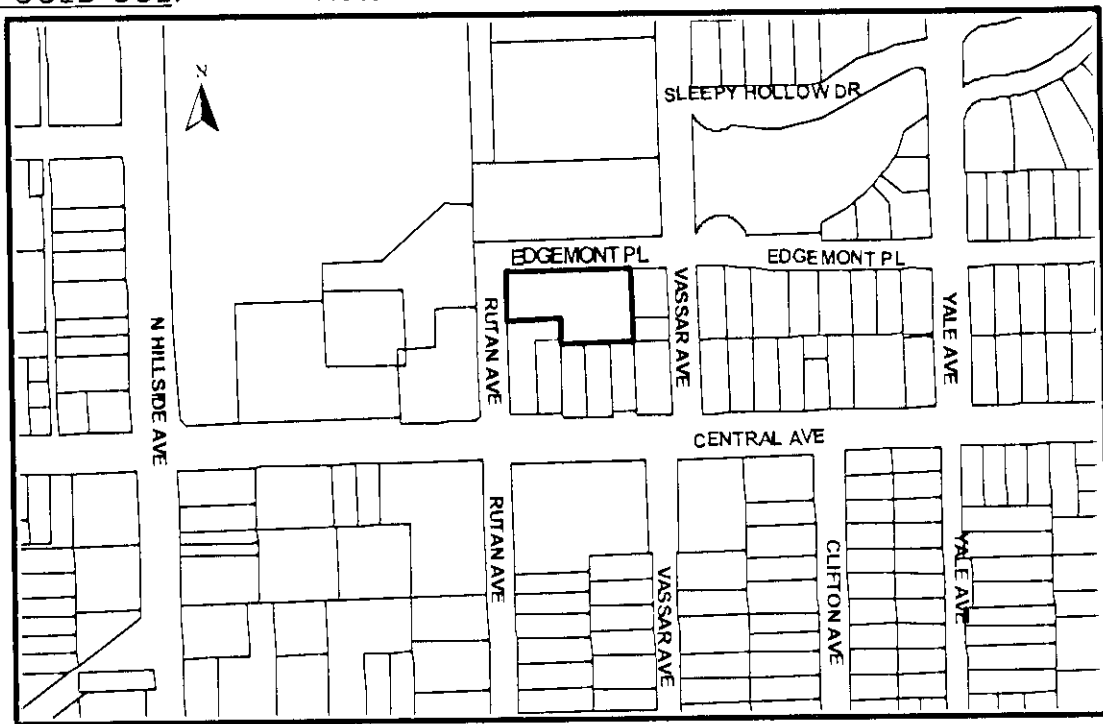
REQUEST: "LC" Limited Commercial with a Protective Overlay to limit  
uses to those permitted by the "GO" General Office district  
plus hotel or motel

CURRENT ZONING: "GO" General Office

SITE SIZE: 0.76 acres

LOCATION: Southeast corner of Edgemont and Rutan

PROPOSED USE: Hotel



**BACKGROUND:** The applicant is requesting a zone change from "GO" General Office to "LC" Limited Commercial on a platted 0.76 acre tract located at the southeast corner of Edgemont and Rutan. The applicant also is requesting a Protective Overlay to limit uses on the subject property to those permitted by the "GO" General Office district plus hotel or motel.

The applicant indicates that Wesley Medical Center that is located west of the subject property will be expanded and that the expansion will occur on the site of the existing Wesley Motor Hotel, which is located at the northwest corner of Central and Rutan. Therefore, the applicant is seeking to relocate the Wesley Motor Hotel to the subject property.

The Unified Zoning Code limits a hotel or motel on properties in the "GO" General Office district to sites along a street that is classified as an arterial street or higher classification. Since the subject property is not along an arterial street, the applicant is requesting "LC" Limited Commercial zoning, which permits a hotel or motel by right.

The attached site plan shows an 89 room hotel located in the northwest corner of the subject property. As shown, the hotel could not be constructed simply with the granting of "LC" Limited Commercial zoning. Much of the parking shown for the hotel is located off-site or in the street right-of-way for Edgemont. An off-site parking agreement will be needed for parking to be located in Sleepy Hollow Park. Since Sleepy Hollow Park is zoned "TF-3" Two-Family Residential, a Conditional Use will be required to permit an ancillary parking area. The applicant has submitted a request to vacate the street right-of-way for Edgemont, which would make the parking shown along the south side of Edgemont on-site. A Zoning Adjustment will be required to reduce the hotel's total parking requirement. Under recently adopted provisions of the Unified Zoning Code, parking requirements can be reduced by up to 25% with administrative approval for all redevelopment of existing sites with new construction.

As shown, the hotel building encroaches into 20 foot platted building setbacks along the north and west property lines. These building setbacks will need to be vacated. Alternatively, the City Law Department indicates that when the vacation of the street rights-of-way is considered a finding can be made that determines that the vacation of the street rights-of-way moves the setback lines accordingly with the property line.

The site plan shows a private drive covered with a canopy that is partially located within the street right-of-way for Rutan. The applicant has submitted a request to vacate the street right-of-way for Rutan, which would then allow the private drive and canopy in the locations shown.

The character of the surrounding area is dominated by the Wesley Medical Center. The property north of the site is zoned "TF-3" Two-Family Residential and is Sleepy Hollow Park. The property east of the site is zoned "GO" General Office and is a

parking lot for an office building. Further to the east across Vassar on property zoned "TF-3" Two-Family Residential are single-family residences. The properties south of the site are zoned "B" Multi-Family and "GO" General Office and are developed with apartments, a medical research office, and a Ronald McDonald House. The properties east of the site are zoned "GO" General Office and "LC" Limited Commercial and are developed with the Wesley Medical Center and the existing Wesley Motor Hotel.

**CASE HISTORY:** A Use Exception (BZA 24-65) was granted July 27, 1965 to permit an ancillary parking area in a residential district. The zoning of the eastern portion of subject property was changed (Z-1286) from "TF-3" Two-Family Residential to "BB" Office (now "GO" General Office) on June 11, 1971. The property was replatted as Wesley Medical Center 2<sup>nd</sup> Addition on August 7, 1975. The zoning of the western portion of subject property was changed (Z-1964) from "TF-3" Two-Family Residential to "BB" Office (now "GO" General Office) on November 9, 1977. A Variance (BZA 15-83) was granted April 26, 1983 to permit the maximum building height to be increased at the setback line to 80 feet.

**ADJACENT ZONING AND LAND USE:**

NORTH: "TF-3" Sleepy Hollow Park  
SOUTH: "B" & "GO" Apartments, medical research office, Ronald McDonald House  
EAST: "GO" & "TF-3" Parking lot, single-family residences  
WEST: "GO" & "LC" Wesley Medical Center, Wesley Motor Hotel

**PUBLIC SERVICES:** The site has access to both Edgemont and Rutan, which are both local streets. The applicant has requested to vacate both streets, which would then become private drives or parking areas. If the streets are vacated, access to the site will be via private drive to Central, a five lane arterial, or Vassar, a local street. Municipal water and sewer currently serves the site.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Public/Institutional" uses. The Comprehensive Plan indicates that "Institutional" uses include churches, hospitals, private schools, and cemeteries. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following provision of a Protective Overlay District:

1. Uses shall be limited to those permitted by right in the "GO" General Office district plus hotel or motel.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is dominated by the Wesley Medical Center. Commercial zoning exists in the area including commercial zoning for the existing Wesley Motor Hotel located immediately across the street from the subject property. The uses surrounding the site are primarily of an institutional or commercial/office nature.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "GO" General Office and is suitable for the uses to which it has been restricted. However, the MAPC has an informal policy of supporting expansions of existing businesses. Rezoning the subject property will allow the Wesley Motor Hotel to relocate, which in turn allows the expansion of the Wesley Medical Center.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The Protective Overlay will limit uses on the site to those currently permitted plus hotel or motel. A hotel has existed in the area for over 40 years without any apparent detrimental affects on nearby properties. Detrimental affects should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance, which should limit noise, lighting, and other activity from adversely impacting surrounding residential areas. Additionally, the subject property is separated from existing single-family residences properties by a parking lot and a street.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Public/Institutional" uses. The Comprehensive Plan indicates that "Institutional" uses include churches, hospitals, private schools, and cemeteries. The proposed hotel would primarily serve users of Wesley Medical Center; therefore, the proposed hotel use is found to be consistent with the "Institutional" designation in this instance. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. While the site does not have direct access to an arterial, it is located one block from an arterial, and if the requested vacation Rutan is granted, the site will access an arterial from a private drive in a similar fashion to an interior lot in a large commercial development.



5. Impact of the proposed development on community facilities: No impacts on community facilities have been identified as a result of the rezoning request. Allowing parking as shown on the site plan may detrimentally impact Sleepy Hollow Park; however, approving the zone change request will not permit parking in the park. Additional public hearings and approvals will be required, and it is likely that less parking will be located in the park, since the Park Board has voiced opposition to the allowing the parking as shown on the submitted site plan. An alternative for parking could be an off-site parking agreement with Wesley Medical Center, which has a parking garage north of the park.