Planning Agenda Item #_____

City of Wichita
City Council Meeting

November 21, 1995

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3181 - B&E INVESTMENTS C/O MATT ECK (PROPERTY OWNER), KEN DILLEHAY (CONTRACT PURCHASER)/BAUGHMAN CO. C/O PHIL MEYER (AGENT), J.P. WEIGAND & SONS C/O GRANT TIDMANN (AGENT) REQUESTS ZONE CHANGE FROM 'AA' ONE FAMILY DWELLING DISTRICT TO 'BB' OFFICE DISTRICT, LOCATED SOUTHWEST OF 21ST STREET NORTH AND VALLEYVIEW.
(DISTRICT #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to replatting within one year, and filing of voluntary restrictive covenant (9-2).

Staff Recommendation: Deny

CPO Recommendation: Deny (8-1)

Background: The applicant requests a zone change from the 'AA' One Family Dwelling District to the 'BB' Office District for a 4.1 acre portion of Lot 1, Block 1, Timber Ridge 2nd Addition, located at the southwest of 21st Street North and Valleyview. The application area is currently undeveloped.

When the subject property was platted, it was intended for a church site. Now, the applicant proposes to rezone and sell the northern 304 feet of the platted lot, with the 1.6 acres of Lot 1 along 20th Street North (southern 120 feet of Lot 1) to be replatted and reserved for single family homes. The applicant indicates that a contract purchaser wishes to develop an office park on the subject property.

This is a reapplication (by a different contract purchaser) from a previous request (Z-3160) that was considered by the CPO 5 and the MAPC in March 1995. Previously, the applicant proposed to rezone 1.38 acres to 'LC' zoning, located approximately 285 feet west of Valleyview, in order to

develop two pad sites along 21st Street North, one of which was proposed for a fast food restaurant.

The applicant also proposed to rezone 2.69 acres of the site to 'BB' zoning, which would have wrapped around the 'LC' zoning and extended east to Valleyview.

The previous request had significant opposition from area property owners. Area residents expressed concerns about increased traffic on area roadways, the amount of commercial zoning already near the 21st St. / Maize Road intersection, encroachment into the residential neighborhood, the potential loss of the 21st Street landscape median, and the lack of conformance with the Comprehensive Plan. Both the CPO 5 and the MAPC recommended denial of the request. The applicant subsequently withdrew the request prior to consideration by the Wichita City Council. The proposed restaurant obtained another pad site at the 21st St. / Maize Road intersection.

The site is surrounded by developed or developing single family subdivisions to the north, east, and south. In 1990, the City Council approved the Greystone Commercial CUP (DP-197), an undeveloped 12.58 acre site located directly to the west. This area includes a number of restrictions for permitted uses, signage, access controls, and requires a masonry wall along the south and east sides of the development.

The subject property would not be subject to the restrictions typically included in commercial CUPs. However, the applicant has proposed a restrictive covenant that would maintain complete access control to Valleyview and would permit all uses allowed in the 'BB' Office District, except for apartment complexes, duplexes, multiple family dwelling units, hotels / motels, post office, group home, homeless shelter and other types of shelters, private clubs, and nursing home or assisted living facility from the site. Therefore, the site could still be developed with single family, church, office, medical and dental clinic, hospital, parking lot, or a day care center.

The proposed covenant would also require that all buildings on the site be designed with a consistent architectural design and would be limited to a maximum building height of 35 feet. The covenant would further require a minimum 15 foot landscape buffer along the east property line, a six (6) foot high masonry wall along the south property line at the time any portion of the property is developed, and would prohibit moving or flashing signs, off-site signs, and portable signs (which is already prohibited by the Sign Code for properties zoned 'BB'). The property would comply with the sign code, the Landscape Ordinance, and the requirement to shield or direct lighting away from residential properties. The proposed covenant does not address access to 21st Street North or the commercial area to the west.

Currently, there are 67 acres of nonresidential zoning at the 21st Street North / Maize Road intersection, a majority of which remains undeveloped at this time. A Dillons grocery store is planned for a portion of the commercial area at the northeast corner of the intersection. Both the southwest and northwest corners of the intersection are partially developed at this time. The First

National Bank of Anthony is under construction west of the subject property, with the remainder of the commercial development undeveloped.

The CPO voted to recommend denial of this request; however, after the public hearing held on October 26, 1995, the MAPC voted 9-2 to recommend approval of the request, subject to replatting and filing the voluntary restrictive covenant. With the restrictions offered by the applicant, the MAPC felt that the request would not have a detrimental impact on nearby properties. The MAPC also noted relatively little opposition from the neighborhood, and the length of time the property has remained vacant as zoned.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting and recording of the voluntary restrictive covenant; 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 consideration.

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

( ) Published in The Daily Reporter on 8-30-96

ORDINANCE NO. 43-132

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 ORDINANCE NO. 43-014.

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 Ordinance No. 43-014, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3181

Zone Change from the "AA" One-Family Dwelling District (now "SF-6" Single-Family District) to the"BB" Office District (now "GO" General Office District)

Lots 1, 2, 3 and 4, Timber Ridge 3rd Addition, Wichita, Sedgwick County, Kansas

Generally located at the southwest corner of 21st Street North and Valleyview.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning change 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, _____.

ATTEST:

(SEAL) Pat Burnett, Deputy City Clerk

Bob Knight, Mayor

Approved as to form:

Gary E. Rebenstorf, City Attorney