Planning Agenda Item #_____

City of Wichita
City Council Meeting
October 21, 1997

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3249 - RIVERSIDE HEALTH SYSTEMS, INC. (PROPERTY OWNER/ APPLICANT); TERRY SMYTHE, BAUGHMAN CO. (AGENT) REQUEST ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "GO" GENERAL OFFICE, LOCATED WEST OF EDWARDS, NORTH OF MURDOCK, AND SOUTH OF 9TH STREET NORTH.

(DISTRICT #6)

INITIATED BY: Metropolitan Area Planning Department RE for MK

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to replatting within 1 year (10-0).

CPO Recommendation: Approve, subject to replatting within 1 year (8-0).

Staff Recommendation: Approve, subject to replatting within 1 year.

Background: The applicant requests a zone change from "SF-6" Single-Family Residential to "GO" General Office on approximately 5.1 platted acres, currently developed with single-family residences, located west of Edwards, north of Murdock, and south of 9th Street.

The applicant is requesting the zone change to expand the existing medical facilities and health-related services located further to the southeast of the application area. In addition to the zoning request, the applicants originally filed to have Edwards along this one block vacated (V-2048) in order to develop the site in the manner depicted on the attached site plan.

To the east of the application area and south of 9th Street is the McLean Manor elderly housing high-rise and undeveloped property owned by the City of Wichita, with Riverside Health Systems-owned property further to the southeast. Both tracts extend along McLean Blvd. and are zoned "GO" General Office. South and west of the subject property are single-family homes on property zoned "SF-6", as is property further to the north across 9th Street. To the northeast across 9th Street is an apartment complex on land zoned "GO".

In reviewing similar cases, staff has typically been supportive of small tracts being rezoned to the "NO" Neighborhood Office district as opposed to the "GO" General Office district when located near residential areas. However, while the "NO" district does allow medical service and office uses, the district does not allow hospital uses. Staff was also supportive of a recent Riverside Health System request for "GO" zoning further south of this site, near the intersection of Central and St. Paul (Z-3245 approved by the MAPC on August 28, 1997) based in part on the limited size of the application area, the relatively fixed boundary created by St. Paul to the west and Elm Street to the North, and the surrounding non-residential land uses to the south and east. However, this case involves a much larger area and introduces non-residential zoning across a local street and into a residential neighborhood. With the zoning request and the vacation of a local street that serves other residential property in the area, staff requested that a development plan outlining how this property will be incorporated with the other Riverside Health Systems holdings, and an indication of the intended use of this site, prior to recommending approval of the request.

The applicant in response submitted a preliminary development plan showing a proposed duplex and "independent living" development occurring on both sides of Edwards. The plan shows a reconfigured Edwards Street serving nine duplexes on three cul-de-sacs, with five of the duplexes located within the application area and the remaining four on property across the street to the east. The four duplex units to the east will back onto McLean, but with no direct access to McLean, and will be buffered with three large berms similar to those used by Riverside Health Systems further to the south. The plan shows an "independent living" complex situated in the southern half of the application area, with parking areas to the north and south.

Staff informed the applicant that the location of the proposed three story "independent living" complex will not meet the Unified Zoning Code's "compatibility" height standards (an additional three feet of setback beyond 50 feet for every one foot in height above 35 feet), and indicated the desirability of a greater setback along McLean Boulevard than indicated for two of the duplexes on the site plan.

During the September 25, 1997 MAPC meeting, the agent for the applicant discussed Riverside Health System's plan of providing independent living facilities as a part of their overall health care system. Neighborhood opponents spoke against the request due to the fact that the applicants will seek to close Edwards Street as part of the redevelopment plan for the property. The applicants indicated at the hearing that they had withdrawn the application to vacate the street, but there was still a good likelihood that they will seek to vacate the street in the future through the replat that will be required if the zoning is approved.

After the discussion, the MAPC voted (10-0) to approve the request, subject to replatting, as recommended by staff.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting; 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; or

3. Override the recommendation and deny the request, citing appropriate findings.

(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 Daily Reporter 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 CITY OF WICHITA CODE SEC. 28.04.010.

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 City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3249

Zone change request from "SF-6" Single-Family Residential District to "GO" General Office District, described as:

Lot 1, Block 1, Riverside Health Systems Third Addition, Wichita, Sedgwick County, Kansas.
Generally located west of Edwards, north of Murdock, and south of Ninth 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, _____

ATTEST:

_____
Pat Burnett, City Clerk

_____
Bob Knight, Mayor

(SEAL)

Approved as to form:

_____
Gary E. Rebenstorf, City Attorney