Agenda Item #_____

City of Wichita
City Council Meeting
May 25, 1999

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **Z-3319 - ZONE CHANGE FROM "B" MULTI-FAMILY TO "NO" NEIGHBORHOOD OFFICE, LOCATED ON THE NORTH SIDE OF MAPLE APPROXIMATELY 800 FEET EAST OF TYLER** (District #V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (12-0-1).

Staff Recommendation: Approve.

CPO Recommendation: Approve (5-0).

Background: The applicant is requesting a zone change from "B" Multi Family to "NO" Neighborhood Office for a 1.77 acre tract located north of Maple approximately 800 feet east of Tyler in order to convert the existing residence to office use.

The original portion of the structure was built as a farmhouse on the property in 1892, and was expanded during the late 1940s. Currently, the structure is approximately 5,000 square feet in size and has a large, well-established yard. The lot is about 220 feet in width and 400 feet in depth. The house is set back nearly 140 feet from the street and has one driveway onto Maple, plus a second drive onto Evergreen Lane. A low brick retaining wall visually separates the yard from Maple, and the house is well screened by landscaping. It is zoned for multi-family use but was used as a farmhouse, as a restaurant specializing in fried chicken from 1950 to 1957 (The Farm), then as a private residence again from that time until 1990, and most recently, as a bed and breakfast.

When the house was originally built it was in a rural area. Due to its location along the original U.S. 54, a scattering of other residences had been built along Maple in the vicinity by as early as 1938. Today, the property is surrounded by a mix of low-density and high density residential uses. The adjoining property to the east is an 8-unit residential development with two duplexes and one four-plex on a single lot. The adjoining property to the west is a four-plex. Single family residences on 1/3 to one acre lots are found to the north of the site; across Maple to the south is a subdivision of single family residences. There are several commercial uses approximately one block west of the site. There is a drive-in restaurant, commercial building and a convenience store on the north side of Maple between Robin Lane and Tyler Road. There is a church and an apartment complex on the south side of Maple.

The proposed use for the property is to convert the residence into an office. The contract purchaser proposes to use it for a mortgage banking office and has requested "NO" Neighborhood Office zoning. The applicant has stated that the house and site would remain in the same general appearance, but the overall condition of the structure would be upgraded. The type of business operated by the applicant involves a relatively small number of employees and generates a very low volume of clients traveling to the site per day. However, rezoning the property from "B" Multi-Family to "NO" would allow the property to be used for any general office use that meets the criteria of the Uniform Zoning Code for "NO" zoning, so that a more appropriate consideration is whether a typical office use would be an acceptable use for the property in question. On the other hand, the "B" district permits the use of this property as a medical clinic, which is generally more intensive than general office use.

The purpose of the "NO" Neighborhood Office District, which was added to the Unified Zoning Code adopted August 29, 1997, is "to accommodate very-low intensity office development and other complementary land uses that are generally appropriate near residential neighborhoods." It is a zoning district that can be placed as a buffer between residential uses and commercial uses of higher intensity.

The "NO" Neighborhood Office District adds the following uses to those already permitted in "B" Multi-Family: general office, ATMs, and cultural groups (museums, etc) as uses permitted "by right" and ancillary parking lots as uses permitted only by "conditional use". The "NO" zoning transfers some of the uses permitted "by right" under "B" zoning to "conditional uses" (multi-family, group residence, limited, assisted living, college or university, community assembly), and eliminates other uses altogether (cemetery, convalescent care facility, hospital, school, marine facility).

At the CPO(5) meeting on April 28, 1999, there were no members of the public who spoke in opposition. After very brief discussion, the CPO voted to recommend approval subject to staff comments (5-0).

At the MAPC meeting on April 29, 1999, there were no members of the public who spoke in opposition. After a presentation by the applicant and brief discussion, MAPC voted to recommend approval (12-0-1).

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change to "NO"; 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 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 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. Z- 3319

Zone change request from "B" Multi-Family District to "NO" Neighborhood Office District, described as:

S 5 FT LOT 30 EXC W 159.5 FT & LOT 32 EXC W 159.5 FT AND EXC E 98 FT & EXC S 20 FT FOR ST. EVERGREEN PLACE ADDITION, SEDGWICK COUNTY, KANSAS. Generally located on the north side of Maple approximately 800 feet east of Tyler.

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, _____

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