

City of Wichita
City Council Meeting
March 16, 2004

Agenda Report No. _____

TO: Mayor and City Council Members

SUBJECT: ZON2003-00069 – Zone change from “SF-5” Single-family Residential and “GO” General Office to “NR” Neighborhood Retail. Generally located on the southeast corner of Central and Vassar. (District II)

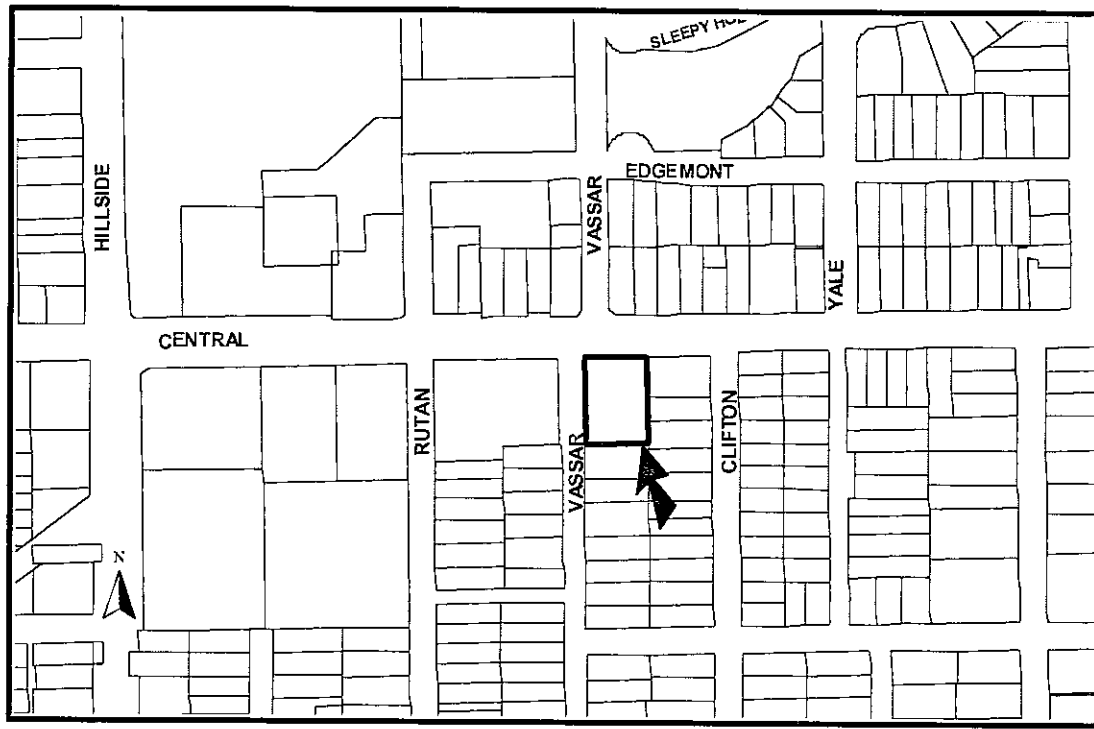
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA ACTION: Planning (non-consent)

MAPC Recommendation: Approve “NR” Neighborhood Retail (8-2-1).

Staff Recommendation: Deny.

DAB Recommendation: Approve, “GO” General Office (6-0).



BACKGROUND: The applicant is requesting to rezone a 0.59-acre tract from "SF-5" Single-family Residential and "GO" General Office to "NR" Neighborhood Retail. The applicant originally requested "LC" Limited Commercial zoning, but reduced the request to "NR" prior to the public hearings. The site is located on the southeast corner of Central and Vassar.

The surrounding property is zoned "GO" to the north and east, "TF-3" Two-family Residential and "SF-5" Single-family Residential to the southeast, south and southwest, and "LC" and "GO" to the west. A bank is located on the property to the west. An office, owned by the same owner as this request for rezoning, is located to the east. A single-family residence is located across the street from this office and single-family residences abut the remaining portions of the requested rezoning to the southeast, south and southwest. The property north of Central was recently approved for rezoning from "TF-3" to "GO" subject to a protective overlay and is vacant. Several residential structures were demolished during the past six months. The Wesley Hospital complex and associated uses are located to the northwest.

A lengthy zoning battle was fought on this site in 1979, when the owner requested "LC" but was granted equivalent to today's "GO" General Office and "SF-5". The case files noted the city's policy to stop business expansion along Central no farther east than Clifton.

At the District II Advisory Board meeting held February 2, 2004, the DAB voted (6-0) to deny "NR" and but allow "GO" subject to the same type of protective overlay provisions as the property to the north of Central. A group of neighborhood residents were present and spoke in opposition to the request. They discussed the impact of rerouting traffic from a commercial use onto narrow residential streets that are already overburdened with traffic from the nearby retail uses and the elementary school on Clifton. Residents on Vassar said several homes in the vicinity area being substantially remodeled. Further, home values had been low in the past and had been increasing recently. They felt strongly that the impact of the commercial use would be to reduce the value of their homes and halt the renovations underway.

After the DAB meeting, a neighborhood meeting was held where the proposed "NR" was again discussed. At this College Hill Neighborhood meeting held February 10, 2004, the agent for the applicant presented an alternative of opening a driveway aligned with Vassar north of Central as the fourth leg of the signalized intersection. Also, staff raised the possibility of using a one-way traffic pattern around the existing building on the adjoining lot (under the same ownership) to divert left-turn movements to the easternmost driveway on the adjoining "GO" lot.

Discussions have been held between neighborhood representatives and the agent after the neighborhood meeting. The agent has offered further restrictions to "NR" use if the lots were developed with nonresidential use. These restrictions would include eliminating the following uses: bank or financial institution; group residence, limited; correctional placement residence; recycling collection station, private; wireless communication facility; all industrial and agricultural uses. Restrict retail, general by eliminating department stores and automotive parts and accessories. Other restrictions would be a 30-foot building setback and a 10-foot landscape buffer on the south property line, allowing only one freestanding sign that would be a maximum of eight feet in height, and requiring residential character of buildings.

While these restrictions lower the intensity of commercial use, they do not solve the overriding access problem of no left turns into or out of the property. The agent's suggested addition of a private driveway added as a fourth leg to the signalized intersection was reviewed by the Traffic Engineer and found to pose significant safety hazards: (1) shortening the median would allow traffic to jog across Vassar at Central and pose a traffic hazard to eastbound Central motorists, (2) the additional driveway would be less than 20 feet from Vassar, significantly below access management policies and add another multiple turning movement conflict, and possibly jeopardize the recent investments and redevelopment of the Central and Hillside. Wichita spent significant sums widening and improving traffic conditions at Central and Hillside last year. The traffic flow is already complex. The recent redevelopment at Wesley Medical Center and College Hill Square is a significant improvement in the community. Increasing the intensity of use for a single small parcel may negatively impact these other investments.

The Traffic Engineer has indicated the only way the proposed new driveway could safely function would be to make Vassar south of Central a cul-de-sac or reroute Vassar. The costs would include: reconstruction of the median, modification and addition of traffic signalization equipment, and the cost of installing the cul-de-sac or rerouting Vassar.

At the MAPC meeting held February 19, 2004, MAPC voted (8-2-1) to recommend "NR" Neighborhood Retail with the protective overlay restrictions. As at the previous DAB meeting and the neighborhood association meeting, a large group of neighborhood residents were present in opposition to the rezoning to commercial use, preferring the current zoning that would be office for the area along Central and residential (or parking lot) for the area to the south. The MAPC motion recommended adding restaurants as a prohibited use to the protective overlay. The protective overlay provisions recommended are:

1. Provide cross-lot connections with the property to the east in the same ownership; close one drive on Central and two of the three existing drives (the northernmost and southernmost) on Vassar.
2. Allow those uses permitted by right in the "NR" zoning district with the following "NR" (and "GO") uses prohibited: animal care, limited and general; bank or financial institution; broadcast and recording studio; cemetery; correctional placement residence, limited and general; funeral home; group home, limited, general, and commercial; group residence, general and limited; manufactured home; heliport; hospital; hotel or motel, marine facility, recreational; printing and copying, limited; recycling collection station, private; restaurant; school, elementary, middle, and high; vocational school; warehouse, self-service storage; wireless communication facility; and all industrial, manufacturing and extractive uses. Retail, general shall be allowed subject to the "NR" special restrictions and subject to prohibition of department stores and automotive parts and accessories.
3. The development shall meet all landscaping, screening, lighting, compatibility and buffering requirements, per the UZC and the Landscaping Ordinance, including one shade tree or the equivalent every 20 feet along the residential edge(s) of the development for any nonresidential development, and meet the following requirements: provide a 30 foot building setback for nonresidential uses on the south property line and a 10 foot landscape buffer along the south property line; install a solid screening fence a minimum of six feet in height and plant trees at a rate of one tree per 20 feet along the south property line and the southern 100 feet of west property line, and maintain the existing solid evergreen screen and solid screening fence on the southern 100 feet of the east property line.
4. Restrict building height to 35 feet.
5. Restrict freestanding signs to one monument type sign no more than eight feet in height and subject to size limitations of the "NR" district.
6. Require nonresidential buildings to residential in architectural character and materials, including that metal shall not be used as exterior materials except for incidental accent or trim.
7. All uses shall be developed to minimize light trespass and glare from nonresidential uses to residential zoning districts by employing cut-off luminaries and by limiting light fixtures, including base and poles, to no more than 14 feet.
8. No sound amplification system for projecting music or human voices shall be permitted on the property if the music and/or voices can be heard within any residential zoning district, which is located within a 500-foot radius of the site.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, subject to the conditions of the protective overlay; approve first reading of the ordinance establishing the zone change; or
2. Return the application to MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-third-majority vote of the members of the membership of the governing body on the first hearing.)

ORDINANCE NO. 46-138

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. ZON2003-00069

Request for zone change from "SF-5" Single-family Residential and "GO" General Office to "GO" General Office on property described as:

Lot 1, Block B, Central Bank & Trust Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Central and Vassar.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #134:

1. Provide cross-lot connection with the property to the east in the same ownership; close two of the three existing drives (the northernmost and southernmost) on Vassar.
2. Allow those uses permitted by right in the "GO" zoning district and personal care service and personal improvement service granted as a Conditional Use, with the following uses prohibited: animal care, limited and general; bank or financial institution; broadcast and recording studio; cemetery; correctional placement residence, limited and general; funeral home; group home, limited, general, and commercial; group residence, general and limited; manufactured home; heliport; hospital; hotel or motel, marine facility, recreational; printing and coping, limited; recycling collection station, private; school, elementary, middle, and high; vocational school; warehouse, self-service storage; wireless communication facility; and all industrial, manufacturing and extractive uses.
3. The development shall meet all landscaping, screening, lighting, building setbacks, compatibility standards and buffering requirements, per the UZC and the Landscaping Ordinance, including one shade tree or the equivalent every 20 feet along the residential edge(s) of the development for any nonresidential development, and provide a 10 foot landscape buffer along the south property line; install a solid screening fence a minimum of six feet in height and plant trees at a rate of one tree per 20 feet along the south property line and the southern 60 feet of west property line and parking lot landscaping and screening extending to the drive on Vassar, and maintain the existing solid evergreen screen and solid screening fence on the southern 100 feet of the east property line.
4. Restrict building height to 35 feet.
5. Restrict freestanding signs to one monument type sign no more than eight feet in height and subject to size limitations of the "GO" district.
6. Require nonresidential buildings to residential in architectural character and materials, including that metal shall not be used as exterior materials except for incidental accent or trim.

7. All uses shall be developed to minimize light trespass and glare from nonresidential uses to residential zoning districts by employing cut-off luminaires and by limiting light fixtures, including base and poles, to no more than 14 feet.
8. No sound amplification system for projecting music or human voices shall be permitted on the property if the music and/or voices can be heard within any residential zoning district, which is located within a 500-foot radius of the site.

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,

April 9, 2004

Carlos Mayans
Carlos Mayans, Mayor

ATTEST:

for Gately Ellis, Deputy
Karen Schofield, City Clerk

(SEAL)

Approved as to form

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney