4. Dedication of complete access control onto Lorraine Avenue.

5. A restrictive covenant binding and tying the properties together.

6. Contingent dedication of 10-feet of right-of-way along the site's Hillside frontage.

7. Conformance to the current access management regulations.

8. Provide a guarantee for the paving of that portion of the alley that abuts the site

Financial Considerations: None

Legal Considerations: A dedication, by separate instrument, of complete access control onto Lorraine Avenue, a restrictive covenant, a contingent dedication of 10-feet of right-of-way along the site's Hillside frontage, and a petition insuring that alley pavement improvements will implemented, will be recorded with the Register of Deeds.

Recommendation/Actions:

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

2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

Agenda Item No. _____

City of Wichita
City Council Meeting
February 7, 2006

Agenda Report No. _____

FILE COPY

TO: Mayor and City Council

SUBJECT: ZON2005-00044 – Zone change from "TF-3" Two-family Residential, "MF-29" Multi-family Residential and "GO" General Office to "NR" Neighborhood Retail, with a Protective Overlay. Generally located between Hillside Avenue and Lorraine Street, midway between 2nd & 3rd Streets. (District I)

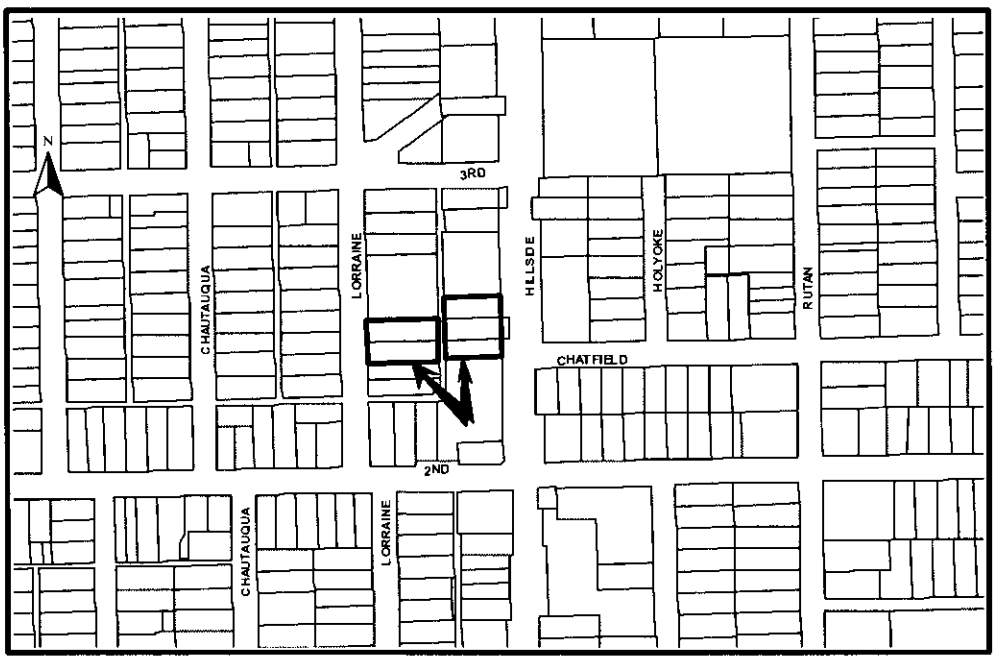
INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to provisions of Protective Overlay District #164 (10-0).

MAPD Staff Recommendations: Approve, subject to Protective Overlay District #164.

DAB Recommendations: Not applicable.



Background: The applicant requests a zone change from "TF-3" Duplex Residential, "MF-29" Multi-family Residential, and "GO" General Office to "NR" Neighborhood Retail on the platted, undeveloped site. The site is located between Hillside Avenue and Lorraine Street, midway between 2nd and 3rd Streets. This is the last undeveloped site on Hillside, between Douglas Avenue and Central Avenue. With the proposed zoning, the site's lots will have Hillside frontage and extend west to Lorraine Avenue. The applicant proposes development of the property for neighborhood retail uses.

Development east of the site, across Hillside Avenue, include small medical and dental offices zoned "GO", and a vacant single-family residence zoned "MF-29". South of the site is another medical office zoned "GO", and a parking lot zoned "TF-3". Properties west of the site, across Lorraine Street, include single-family residences zoned "TF-3". North of the site, along its Hillside frontage, is a medical office zoned "GO". Also north of the site, where it extends to Lorraine Avenue, is an apartment building zoned "B". Hillside Avenue, between Douglas Avenue and Central Avenue, is mostly stripped out and developed with medical and dental offices, a vet office, both drive through and sit down restaurants, retail, a bank, personal services, an older fire station and a few small apartments. The Wesley Hospital complex is located a block and a half northeast of the subject site, at Hillside Avenue and Central Avenue, and is the largest employer in the area.

The site has access to Hillside Avenue and Lorraine Avenue. Hillside is a five-lane arterial along the east side of the site. Lorraine is a paved residential street (on a portion of the site's west side) that intersects with 2nd Street on its south end and dead ends at a drainage channel on its north end. 2nd Street is a one-way street going west at this location. The site also has access onto Lorraine from a partially paved, platted alley. Water, sewer and all other utilities are available. Any development on the subject property will be required to meet access management regulations, compatibility setback standards, landscaping and any other applicable codes and development standards.

Comparing the uses allowed in "NR" zoning to the suggested types of uses sited in the Wichita Land Use Guide, the "NR" uses closely match the Guide's suggested "commercial, office, and personal services that do not have a significant regional draw". The uses allowed in "NR" zoning that are not allowed in the "GO" zoning district are restaurants, 2,000-sqaure feet or less in size, without drive through or curbside service and general retail uses. General retail uses do not include drive through or curbside service restaurants, convenience stores, vehicle repair limited or general, hotels/motels, service stations, car washes, night clubs, drinking establishments, taverns or pawn shops; none of these uses are permitted in the "NR" zoning district as well.

Analysis: The Metropolitan Area Planning Commission, at their October 20, 2005 meeting, recommended approval (10-0) of the requested "NR" zoning with the provisions of Protective Overlay (PO) #164. No one spoke in opposition to the zoning change at the MAPC meeting, and no phone calls were received protesting the proposed zone change. The provisions of PO #164 are:

1. On site pole lights shall be no higher than 14-foot. They shall be hooded and directed onto the site and away from the residential developments and zoning west, north and south of the site. No pole lights shall be located within the required compatibility setbacks along the west, south and north sides of the property.

2. Solid screening with a landscape buffer will be provided along the west side of the site where it has frontage along Lorraine Avenue and where "TF-3" Duplex Residential zoning is west of the site and along its south and north sides where it abuts "TF-3" and "B" Multi-family Residential zoning. Solid screening will also be provided along the site's Hillside frontage's west side where it is adjacent to "B" zoning.

3. Permitted uses on lots fronting Lorraine Avenue (Lots 56, 58, 60 & 62, the Maple Grove Addition: these are the lots currently zoned "TF-3") are parking for the rest of the "NR" site and all residential uses permitted in the "NR" zoning district.