

STAFF REPORT

DAB IV November 1, 2006

MAPC November 2, 2006

CASE NUMBER: ZON2006-00041

APPLICANT/OWNER: Newman University c/o Mark Dresselhaus

AGENT: Baughman Company, PA c/o Russ Ewy

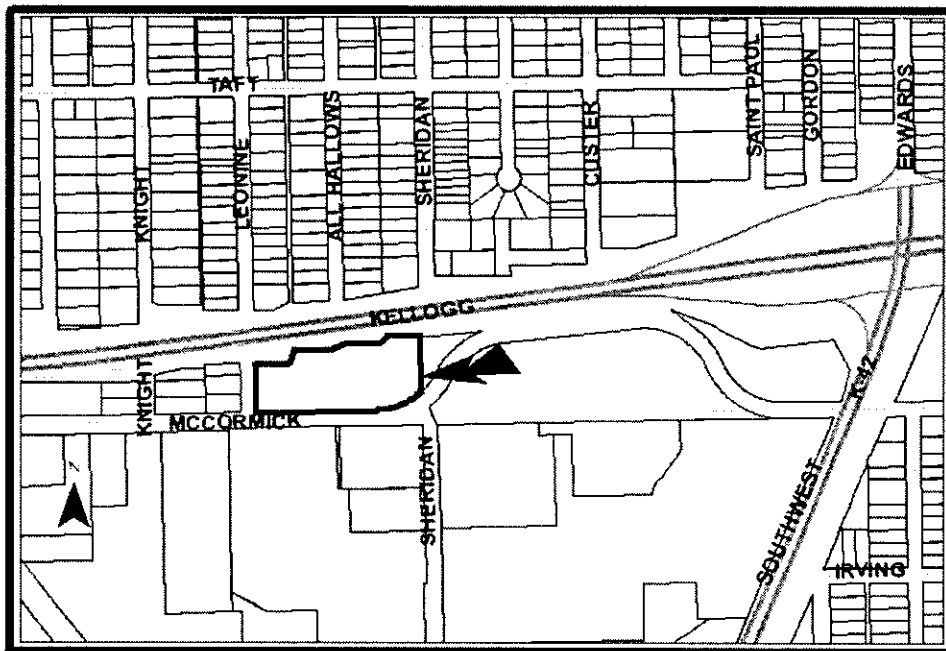
REQUEST: "U" University

CURRENT ZONING: "GO" General Office & "SF-5" Single-family Residential

SITE SIZE: 3.75-acres

LOCATION: Generally located south of Kellogg Street & west of K-42/Southwest Boulevard, on the northwest corner of Sheridan & McCormick Avenues

PROPOSED USE: Student housing and university purposes



BACKGROUND: The applicant requests “U” University zoning on Lot 1, Block 1, Newman University Second Addition, to develop as student housing and for university purposes. The “GO” General Office zoned portion of the site is currently developed as two, two-story apartments (built 1981), a two-story duplex with attached single car garages, a two-story single-family residence with an attached single car garage and a stand alone four car garage. The “SF-5” Single-family Residential zoned portion has a stand alone two car garage on the southeast portion while the rest is not developed.

The entire site is owned by Newman University, whose campus is located east and across Sheridan and McCormick Avenues from the site. The Newman University campus is zoned “B” Multi-family Residential and developed with buildings containing administration offices, classrooms and other uses associated with a small college. Playing fields, zoned “SF-5” Single-family Residential, used by the university’s sports teams are located south, across McCormick, from the site. Also located south of the site, across McCormick, is the “SF-5” zoned Westar Sheridan Electric Substation. Abutting the west side of the site is the Koons auto salvage yard, zoned “LI” Limited Industrial. The Koons site is the beginning of an extensive area of “LI” zoned properties, which begins immediately west of the Newman, and the “Adores of the Blood of Christ” religious order properties (Newman playing fields owners) and extends west, crossing West Street, to the Big Ditch, from Kellogg Street south to IH-235 and beyond. Development in the immediate “LI” area includes warehouses, a hardwood mill, outside storage, manufacturing and equipment sales and rentals. Abutting the site’s north side is Kellogg Street, which separates it and Newman’s campus from a predominately single-family residential neighborhood.

The proposed zone change, from “GO” and “SF-5” to “U,” and the proposed development, would require conformance to all property development standards in the Wichita-Sedgwick County *Unified Zoning Code* (UZO).

CASE HISTORY: The site was recorded with the Register of Deeds as the Newman University Second Addition October 19, 2005.

ADJACENT ZONING AND LAND USE:

NORTH:	Public Street ROW	Kellogg Street
SOUTH:	“SF-5”	Newman playing fields, electric substation
EAST:	“B”	Newman University campus
WEST:	“LI”	Auto salvage yard, warehouses, wood mill, outdoor storage, equipment rental and sales

PUBLIC SERVICES: The property is located along McCormick and Sheridan Avenues. Sheridan Avenue is a local north-south street that ends at the site’s parking lot and Kellogg Street and as a cul-de-sac further south of the site. Sheridan at this location serves the traffic going to Newman, its playing fields and the adjacent religious order

properties/development. McCormick is an urban collector street that has recently been rerouted and redesigned with a planting strip between its east-west lanes. City water and sewer as well as all other utilities are available at the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide Map", identifies the application area as "Major Institutional". This category includes institutional facilities of a significant size and scale or operation and could include a range of uses such as government facilities, military bases, libraries, schools, cemeteries, churches, hospitals and medical treatment facilities.

The "U" district is designed to serve as a base district or as an overlay district intended to accommodate the development of universities, colleges, seminaries, or other institutions of higher learning. As a base district it shall be applied to the main campus owned or leased by the educational institution. It may also be used as an overlay district on adjacent residential properties when the Planning Commission and the Governing Body have determined that the adjacent area is a logical and desirable location for: (1) Expansion of the university, college, seminary, or other institutions of learning, (2) Fraternities, sororities and related uses, (3) Offices, meeting rooms, laboratories and other facilities for educational, fraternal, professional, religious and research organizations and institutions with a demonstrated relationship to the university, college, seminary or other institution of learning, & (4) Libraries, art galleries, museums and other non profit cultural facilities that would provide a public benefit by such locations. The "U" district corresponds generally to the "Public/Institutional" land use designation of the *Wichita-Sedgwick County Comprehensive Plan*. The requested zoning conforms to the *Wichita-Sedgwick County Comprehensive Plan*.

RECOMMENDATION: The site is essentially an extension of the Newman campus and the university's current and planned activities. The proposed "U" zoning is in conformance with the *Wichita-Sedgwick County Comprehensive Plan* and perhaps allows the university to begin to adopt a zoning classification that more truly identifies its function, rather than its current mix of "SF-5", "B" and "GO" zoning. As this property develops, the UZC's property development standards will apply. Based upon information available prior to the public hearings, planning staff recommends that the zone change request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The Newman campus, its associated playing fields, and the abutting religious order's property are the only non-industrial zoning ("B", "GO" and "SF-5") and development west of Southwest Boulevard to West Street and south of Kellogg Street to IH 235. The areas west and south of the site are zoned "LI" and are developed as an auto salvage yard, warehouses, manufacturing, equipment rental and sales and outdoor storage and display. East of Newmans, railroad tracks run parallel to Southwest Boulevard with mostly "LI" zoning and nonresidential development abutting it.

2. The suitability of the subject property for the uses to which it has been restricted: All residential development on the site is zoned "GO", while the "SF-5" zoned portion of the site is mostly undeveloped, except for two free standing garages, which do not appear to have any function associated with the residences. The site abuts "LI" zoning, thus making the "SF-5" zoning probably inappropriate. Neither the "SF-5" nor the "GO" zoning match the intent of the university to redevelop the site as a more integrated part of the campus. The requested "U" zone change is a first for the Newman campus and its associated properties and more accurately fits the function of Newman.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: This zone change, and proposed development, should have no detrimental effect on nearby property, as Newman owns all the abutting and adjacent properties east and south of the site and the "LI" zoned auto salvage and Kellogg Street abut its west and north sides.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is in conformance with the "2030 Wichita Functional Land Use Guide Map", which identifies the site and the Newman properties as "Major Institutional".
5. Impact of the proposed development on community facilities: The requested rezoning should have not have any impact on community facilities.

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:

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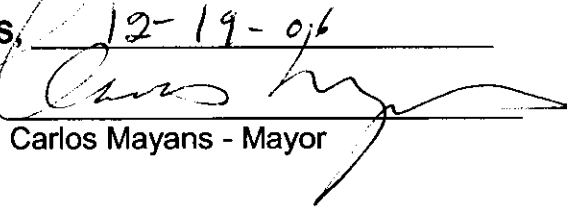
Request for Zone change from "SF-5" Single-family Residential and "GO" General Office to "U" University, on property described as:

Lot 1, Block 1, Newman University 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located south of Kellogg Avenue, west of State Highway K-42, on the northwest corner of Sheridan & McCormick Avenues.

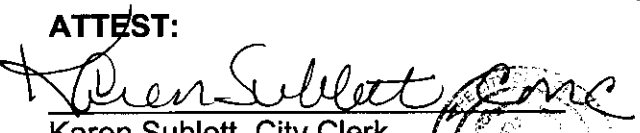
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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,

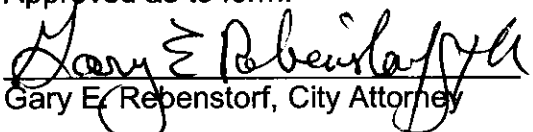
12-19-06

Carlos Mayans - Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney