

Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
May 14, 2002

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council Members

**SUBJECT:** **ZON2002-00016 – Zone change from “SF-5” Single-Family Residential to “NO” Neighborhood Office with a “PO” Protective Overlay #110. Generally located southeast of the 21<sup>st</sup> Street N. – Maize Road intersection, approximately 1200 feet south of that intersection, 1930 N. Maize Road. (District V)**

**INITIATED BY:** Metropolitan Area Planning Department

*Maurin Kraft*

**AGENDA ACTION:** Planning

**MAPC Recommendation:** Approve, subject to staff recommendations. (9-0)

**Staff Recommendation:** Approve, subject to P.O. #110 conditions.

**D.A.B Recommendation:** To be considered by DAB VI, May 6, 2001

**BACKGROUND:** The applicant is requesting “NO” Neighborhood Office zoning with a “PO” Protective Overlay on Lot 1, Block 2, Graf – Goldston 2<sup>nd</sup> Addition. The site is a vacant, corner lot with frontage on both Belle Vista and Maize Road. The site has access onto Belle Vista, a residential road. The Maize Road frontage has complete access control. The applicant proposes to build a 1,598 square-foot insurance office.

There is established single-family housing within residential zoning in all directions from the site, with a few exceptions. There is a church north of the site, across Belle Vista and another church being built west of the site across Maize Road. Both church sites are zoned “SF-5” single family residential. There is also a large cemetery south of the site zoned “SF-5”. There are single-family residences abutting the east and south sides of the site.

The only non-residential zonings and developments that are located between the commercial zoning and development at the intersections of 21<sup>st</sup> Street North – Maize and 13<sup>th</sup> Street North – Maize, is a dentist office located across (southwest approximately 200- feet) Maize from the site and an excavation company located to the west of the dentist office. The dentist office is a result of SCZ -0748 an approved change for “NO” Neighborhood Office zoning from “SF-20” zoning. The MAPC and the BCC approved the zoning in 1997. The development is located on approximately 1.35 acres, has access

onto Maize Road and is non-residential in character. The excavation company was approved by the MAPC and the BCC in 1973 as CU-156. Both properties are now in the City.

The proposed zoning change of the property to "NO" zoning would trigger parking, landscaping, lighting and screening in accordance with the zoning code. The applicant has provided a site plan showing the proposed development. The proposed development, as shown on the site plan and other exhibits submitted by the applicant, is in character with the surrounding single family residential development and shows screening, landscaping, & parking. Revisions will need to be made to remove parking from the front and extend the landscape buffer on the east side of the site.

No one spoke in opposition to the request at the April 18, MAPC meeting and there have been no written protest received. The MAPC recommended approval of the zoning change request from "SF-5" Single Family Residential to "NO" Neighborhood Office subject to the following Protective Overlay, #110:

1. The property shall be developed with a building that has exterior walls of brick and/or wood and a double-pitched gable or hip style roof.
2. One freestanding monument-type sign with materials matching the materials of the building not exceeding 6-feet height.
3. The site shall be developed in general conformance with the revised site and landscape plans as approved by the Planning Director.
4. Permitted uses shall be restricted to single-family residential, medical office or general office uses.

The MAPC and the Planning Staff have recommended zoning changes with protective overlays on residential properties that abut arterials, are adjacent to non-residential and residential uses and are on the edge of the mid-mile location criteria for non-residential zoning. One of the purposes of the "NO" district is to be a very low-intensity office use that is compatible with nearby residential uses. Within the limited uses in the "NO" Neighborhood Office district, the limited size of the subject property and the Protective Overlay the rezoning of this property should not adversely affect nearby properties.

**Recommended action:**

- (1) Concur with the findings of the MAPC and approve the zoning change with the Protective Overlay, #110 on the first reading or:
- (2) Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3-majority vote of the membership of the governing body on the first hearing.)

**PUBLIC SERVICES:** The property is located along Maize Road, at this point a 4-lane paved street with a center turn lane. It is designated as a 4 lane arterial. Bella Vista is a residential street. There are no traffic counts at this intersection, but traffic along Maize going north to 21<sup>st</sup> Street North is 9576 ATD and 12042 ATD going south to 13<sup>th</sup> Street North. The subject property has one drive entrance onto Bella Vista and complete access control along Maize, per the Plat. Public water and sewer services are available.

**CONFORMANCE TO PLANS/POLICIES:** The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as being "low density residential". The Graf – Goldston 2nd Addition is low density residential, with the possible exception of the subject property.

"Office Locational Guidelines" of the *Comprehensive Plan* include (1) being located adjacent to arterial streets; (2) having local, service-oriented offices incorporated within or adjacent to neighborhood and community scale commercial development, and (3) having low-density office use as a transitional land use between residential uses and higher intensity uses. The proposed zoning change to "NO" with a "PO" meets these guidelines

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the zoning change from "SF-5" Single Family Residential to "NO" Neighborhood Office be APPROVED, subject to the following Protective Overlay.

1. The property shall be developed with a building that has exterior walls of brick and/or wood and a double-pitched gable or hip style roof.
2. One freestanding monument-type sign with materials matching the materials of the building not exceeding 6-feet hieght.
3. The site shall be developed in general conformance with the revised site and landscape plans as approved by the Planning Director.
4. Permitted uses shall be restricted to single family residential, medical office or general office uses.
5. All setbacks shall remain as the current "SF-5" zoning standards or those that are dedicated on the Graf-Goldston 2<sup>nd</sup> Addition.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject property is in a developed residential subdivision, with adjacent churches, dentist office, excavation company and a cemetery. All of the adjacent zoning is "SF-5" Single Family Residential to the north, east, south and west, with two exceptions being the "NO" zoning for the dentist office and CU-156 - "GC"

zoning for the excavation company. "LC" Limited Commercial zoning and development is located on the intersections of 21<sup>st</sup> Street North and Maize and of 13<sup>th</sup> Street North and Maize.

2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed as residential in conformance to its current zoning of "SF-5" Single Family Residential. The property has been vacant since being platting in 1996. Residentially zoned lots that are abutting arterials and adjacent to non-residential uses are more problematic to market for single-family residential development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Within the limited uses in the "NO" Neighborhood Office district, the limited size of the subject property and the Protective Overlay the rezoning of this property should not adversely affect nearby properties. The site will also have to comply with all landscaping, buffering and other development requirements in the zoning code.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Comprehensive Plan shows this site to be appropriate for "low density residential" and adjacent to "commercial" use. The subject property is on the edge of the mid-mile location criteria for non-residential zoning. One of the purposes of the "NO" district is to be a very low-intensity office use that is compatible with nearby residential use.
5. Impact of the proposed development on community facilities: Water and sewer would not be negatively impacted by the zoning change. The Plat allows for one opening from this site onto Bella Vista, the traffic generated by "NO" Neighborhood Office zoning/development would be minimal. Traffic generated by office use is 11 ATD per 10,000 square-feet compared to 10 ATD for single family residential of 10,000 square feet. The difference in traffic will be minimal.

(150004) Published in The Wichita Eagle on MAY 25 2004

ORDINANCE NO. 45-323

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. ZON2002-00016**

Request for zone change from "SF-5" Single-Family Residential to "NO" Neighborhood Office and "P-O" **Protective Overlay District #110**, on property described as:

Lot 1, Block 2, Graf Goldston 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas. Generally located southeast of the 21<sup>st</sup> Street N – Maize Road intersection, approximately 1200 feet south of that intersection, 1930 N. Maize Road.

**SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:**

1. The property shall be developed with a building that has exterior walls of brick and/or wood and a double-pitched gable or hip style roof.
2. One freestanding monument-type sign with materials matching the materials of the building not exceeding 6-feet height.
3. The site shall be developed in general conformance with the revised site and landscape plans as approved by the Planning Director.
4. Permitted uses shall be restricted to single-family residential, medical office or general office uses.
5. All setbacks shall remain as the current "SF-5" zoning standards or those that are dedicated on the Graf-Goldston 2<sup>nd</sup> Addition.

**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,** MAY 21 2002

**ATTEST:**

*for Patsy E. Ellis, Deputy*  
Pat Burnett, City Clerk  
(SEAL)

*Bob Knight*  
Bob Knight, Mayor

Approved as to form:



*Gary E. Rebenstorf*  
Gary E. Rebenstorf, City Attorney



AGENDA ITEM NO. \_\_\_\_\_

## STAFF REPORT

April 18, 2002

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**CASE NUMBER:** ZON2002-00016

**OWNER:** Long Properties

**APPLICANT/AGENT:** Steve Clark

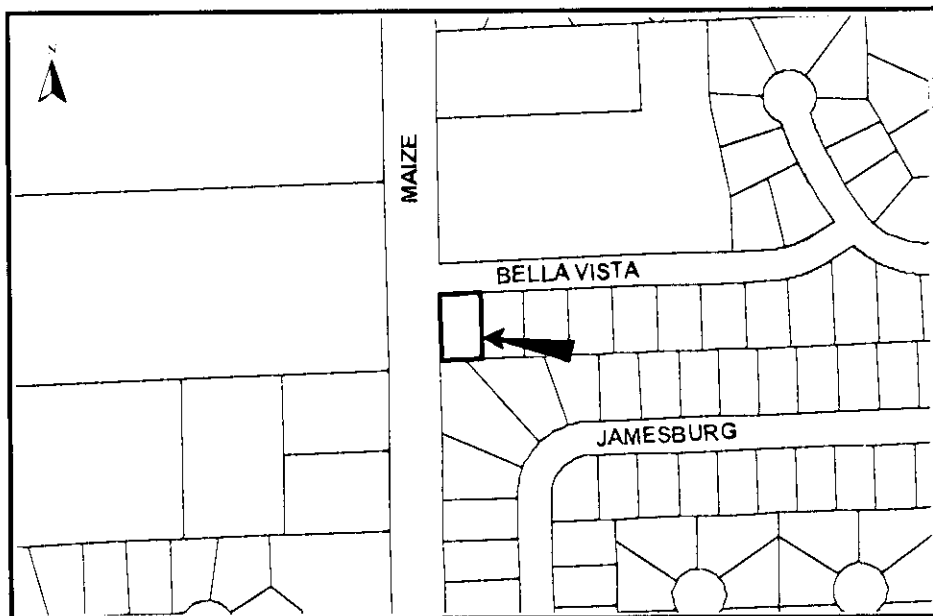
**REQUEST:** Zone change to "NO" Neighborhood Office with a "PO" Protective Overlay

**CURRENT ZONING:** "SF-5" Single-Family Residential

**SITE SIZE:** Approximately 9,875 square-feet.

**LOCATION:** Southeast of the 21<sup>st</sup> Street N – Maize Road intersection, approximately 1200 feet south of that intersection, 1930 N Maize Road.

**PROPOSED USE:** An insurance office.



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**CASE HISTORY:** The property was platted as the Graf – Goldston 2nd Addition and recorded in 1996.

**ADJACENT ZONING AND LAND USE:**

|        |                                  |                             |
|--------|----------------------------------|-----------------------------|
| NORTH: | “SF-5” Single Family Residential | single-family, church       |
| SOUTH: | “SF-5” Single Family Residential | single-family               |
| EAST:  | “SF-5” Single Family Residential | single family               |
| WEST:  | “SF-5” Single Family Residential | undeveloped, church, office |
|        | “NO” Neighborhood Office         |                             |

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North. The subject property has one drive entrance onto Bella Vista and complete access control along Maize, per the Plat. Public water and sewer services are available.

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