Planning Agenda Item #_____

City of Wichita
City Council Meeting

May 9, 1995

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3163 - ZONE CHANGE REQUEST FROM THE "A" TWO-FAMILY DWELLING DISTRICT TO THE "BB" OFFICE DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF ORCHARD AVENUE AND HOLYOKE AVENUE. **(District #1)**

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to replatting within one year, and filing of the voluntary restrictive covenant (10-3-1).

Staff Recommendation: Approve, subject to platting within one year.

CPO Recommendation: CPO Council "1 " voted 4-3 to recommend approval of "B" zoning and the limitation of a 35-foot maximum building height.

Background: On March 23, 1995, the MAPC considered a request for a zone change from the 'A' Two Family Dwelling District to the 'BB' Office District for a 0.98 acre platted site located at the southwest corner of Orchard Avenue & Holyoke Avenue. The applicant proposes to develop the Wesley Medical Center Birthing Unit in this location.

The subject property is currently developed with two single family homes at the intersection, with the remaining portion of the site used for parking purposes. The property is surrounded by several single family homes on the north side of Orchard Avenue, the Wesley Medical Center on the south side of Murdock, and the Wichita Children's Home and playground on the east side of Holyoke Avenue.

The Wesley Medical Center plans to develop the site with a 24-bed Birthing center. A preliminary plan for this site indicates that the two existing single family homes would be removed, with the 1-story birthing center facility to be constructed on the eastern half of this block between Hillside and Holyoke Avenue. The plans also call for Holyoke to be vacated between Murdock and Orchard, and

a new parking lot to be constructed east of the facility on the south side of the Children's Home. The site would have access from Murdock. No access is planned from Orchard Avenue or Hillside.

On Monday, March 20, 1995, the CPO Northeast Neighborhood Council (1) considered the request and voted 7-0 to recommend approval of the zone change to 'BB', subject to MAPD staff comments, with access controls for Orchard Avenue and Holyoke and that efforts be made to save mature trees during construction.

At the MAPC hearing on March 23, 1995, a number of area residents expressed concern about the proposal. The residents also asked for a number of restrictions including: building height restrictions, access controls, a solid (masonry) screening wall, additional landscaping, architectural restrictions, and lighting restrictions. Following extensive discussion, the MAPC voted to defer the request 3-weeks to allow the applicant and the neighborhood to discuss possible restrictions for this site. The MAPC also requested that the CPO have another opportunity to consider the request.

The CPO Council reconsidered the request on April 10, 1995, at which time Wesley Officials suggested a number of conditions to be volunteered as part of a restrictive covenant. After discussion, the CPO voted 4-3 to recommend approval of 'B' zoning, rather than 'BB' zoning as originally requested. The CPO also recommended that building heights be limited to 35 feet. Those members of the CPO who voted in opposition to the request expressed concerns about traffic congestion, ingress and egress to the site, and building heights.

On April 13, 1995, the MAPC again considered this request. At the MAPC hearing, Wesley Officials amended the zoning request from 'BB' to the 'B' Multiple Family Dwelling District and also submitted a restrictive covenant that would: (1) require an eight foot masonry wall along the northern portion of the site extending from Hillside to Vassar; (2) restrict access from Orchard and Holyoke; (3) require the planting of four additional deciduous along Orchard across from the residential properties and require that the existing trees be saved or replanted if damaged during construction; (4) shield and direct lighting away from surrounding residential properties; and (5) limit the maximum building height to 35 feet for the "current construction" of the birthing center -- which would have allowed Wesley to construct a taller building on the site at a later date.

Despite the restrictions offered by Wesley at the MAPC hearing, a number of area residents continued to express opposition to the request -- such as increased vehicular traffic through the nearby neighborhoods, the potential for a multiple story building on the site in the future, and the continued expansion of the medical center complex into the neighborhood. The citizens indicated that many years ago, Wesley Officials promised that no development would occur north of Murdock. Area residents also questioned the need for a separate birthing center facility and indicated that it would be more suitable in other locations.

After extensive discussion, Wesley Officials volunteered to restrict the maximum building height for all current and future buildings in the application area (the 0.98 acre northeast portion of the

block) to 35 feet. The MAPC then voted 10-3 to recommend approval of 'B' zoning, subject to replatting and also subject to the conditions volunteered at the hearing to be filed as a restrictive covenant.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council, and subject to filing of the voluntary restrictive covenant; 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 first hearing).

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

September 19, 1995

TO: Pat Burnett, Deputy City Clerk

FROM: Kevin Kokes, Senior Planner, Current Plans Division

SUBJECT: Zoning Ordinance for Z-3163

On August 29, 1995, the Wichita City Council approved the plat of Wesley Medical Center 5th Addition and placed on first reading the associated zone change ordinance. Publication of the zoning ordinance was to be withheld until the plat and voluntary restrictive covenant was recorded

The plat was recorded with the Register of Deeds on September 15, 1995, and therefore, the Ordinance establishing the zone change may now be published.

( ) Published in The Daily Reporter on 9/22/95

ORDINANCE NO. 42-845

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 28.04.210, THE CODE OF THE CITY OF WICHITA, KANSAS.

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 Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3163

Zone Change from the "A" Two-family Dwelling District to the "B" Multiple-family Dwelling District

Lots 31 and 32, except the North 5 feet thereof for road right-of-way; and vacated alley adjacent on the South, Myers Subdivision of Lots 1 and 3 in Block 6, Frisco Heights Addition to Wichita, Kansas, Sedgwick County, Kansas.

Lots 1, 3, 5, 7, 9, 11, 13, 15, and 17 on Orchard Avenue, except the North 5 feet of Lots 1, 3, 5, 7, 9 and 11 for road right-of-way; and the North Half of vacated alley adjacent on the South; AND Lot 18 and the East Half of Lot 16, on Murdock (Highland) Avenue, and the South Half of vacated alley adjacent on the North, The Grandview Subdivision of Lots 2 and 4 in Block 6, Frisco Heights, Wichita, Kansas, Sedgwick County, Kansas (Now being platted as part of the Wesley Medical Center 5th Addition, to Wichita, Sedgwick County, Kansas.)

Generally located north of Murdock and east of Hillside.

SECTION 2. That upon the taking effect of the Ordinance, the above zoning change 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 Zoning Ordinance 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.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT

March 23, 1995

CASE NUMBER: Z-3163

APPLICANT/AGENT: Nester R. Weigand, Jr., HCA Health Services of Kansas, Leslie G. Rudd / P.E.C., c/o Gary Wiley, Wesley Medical Center c/o Thomas L. Nester

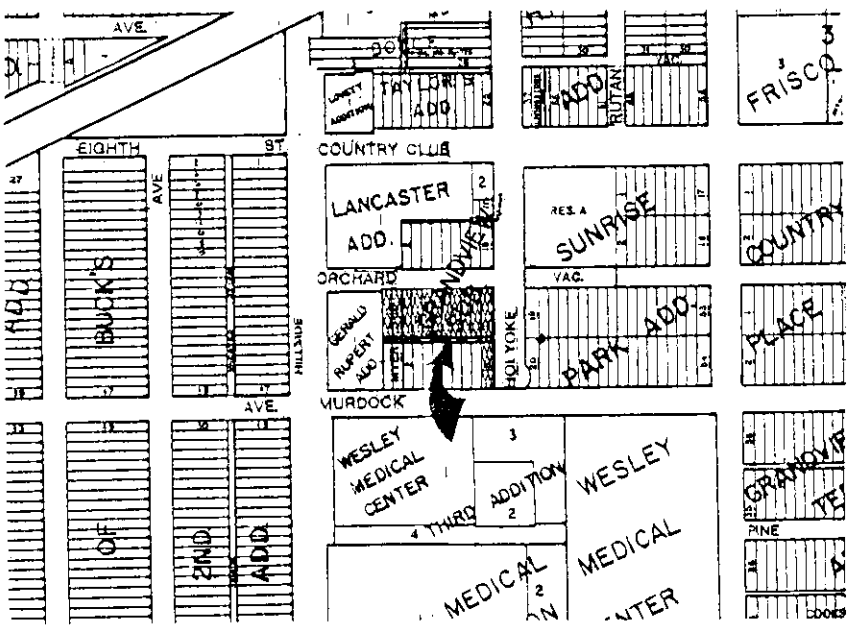
REQUEST: Zone change to 'BB' Office District

CURRENT ZONING: 'A' Two Family Dwelling District

SITE SIZE: 0.98 acres

LOCATION: Southwest corner of Orchard Avenue & Holyoke Avenue

PROPOSED USE: Wesley Medical Center Birthing Unit



BACKGROUND: The applicant requests a zone change from the 'A' Two Family Dwelling District to the 'BB' Office District for a 0.98 acre platted site located at the southwest corner of Orchard Avenue & Holyoke Avenue. The applicant proposes to develop the Wesley Medical Center Birthing Unit in this location.

The subject property is currently developed with two single family homes at the intersection, with the remaining portion of the site used for parking purposes. The property is surrounded by several single family homes on the north side of Orchard Avenue, the Wesley Medical Center on the south side of Murdock, and the Wichita Children's Home and playground on the east side of Holyoke Avenue.

The Wesley Medical Center plans to develop the site with a 24-bed birthing center. A preliminary plan for this site indicates that the two existing single family homes would be removed, with the 1-story birthing center facility to be constructed on the eastern half of this block between Hillside and Holyoke Avenue. The plans also call for Holyoke to be vacated between Murdock and Orchard, and a new parking lot to be constructed east of the facility on the south side of the Children's Home. The site would have access from Murdock. No access is planned from Orchard Avenue or Hillside.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	'A', 'BB'	Single family homes
SOUTH:	'BB'	Medical Center
EAST:	'B'	Children's home
WEST:	'BB'	Parking lot

PUBLIC SERVICES: Municipal water service located nearby from a 24-inch line along Murdock, a 12-inch line along Holyoke, a 6-inch line along Orchard, and an 8-inch line along Hillside. Municipal sewer service is available from an 8-inch line along the southern part of the application area. The primary vehicular access to this site would be from Murdock. The facility would be bordered on the north by Orchard Avenue, a 2-lane residential street with 60 feet of existing right-of-way. Holyoke Avenue, which would be vacated, is a 2-lane residential street with 80 feet of existing right-of-way.

Traffic counts are not available for residential streets. However, traffic volumes in the area range from 18,129 average daily trips (ADT) along Hillside near Central to 14,297 ADT along Hillside north of Murdock. Traffic volumes for Murdock are approximately 8,300 ADT east of Hillside. The 2020 Transportation Plan projects traffic along Hillside to increase to 22,687 ADT between Central and 9th Street North. The Plan designates Hillside as a 5-lane roadway.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area for office uses. The Comprehensive Plan recommends that such uses can serve as a traditional land use between residential uses and uses of higher intensity.

RECOMMENDATION: Planning staff recommends that the request be APPROVED, subject to replatting within 1-year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by medical, institutional, and residential uses. The proposed use would be compatible with the medical and institutional uses located to the east and south, as well as office uses located along Hillside.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed use would be subject to all landscaping and screening requirements for properties located across the street from residential zoning. Since much of the application area is already paved for parking purposes, the residential properties on the north side of Orchard should not be significantly impacted by the proposed 1-story medical structure.

3. Conformance of the requested change to adopted or recognized Plans/Policies: The request would be consistent with the Comprehensive Plan which identifies this area for office uses. The Comprehensive Plan recommends that such uses can serve as a traditional land use between residential uses and uses of higher intensity.

4. Impact of the proposed development on community facilities: Municipal water and sewer services are available to serve the subject property. The proposed use would increase traffic somewhat; however, the nearby major arterials are projected to have available traffic capacity in the future.