Planning Agenda Item #_____

City of Wichita
City Council Meeting

April 18, 1995

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3164 - ZONE CHANGE REQUEST FROM THE "A" TWO-FAMILY DWELLING DISTRICT TO THE "BB" OFFICE AND THE "LC" LIGHT COMMERCIAL DISTRICTS, LOCATED AT THE SOUTHEAST CORNER OF 16TH STREET NORTH AND TYLER. **(District #5)**

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to filing of the voluntary restrictive covenant (10-2).

Staff Recommendation: Deny.

CPO Recommendation: CPO Council "5 " voted 3-2 to recommend approval of the zone change request.

Background: On March 23, 1995, the MAPC considered a zone change from the 'A' Two Family Dwelling District to the 'BB' Office District for 1.07 acres and to the 'LC' Light Commercial District for 0.44 acres located at the southeast corner of 16th Street North and Tyler Road. The site is undeveloped and platted as Lot 2, Block 1, Fire Station No. 16 Addition.

The applicant recently purchased the subject property from the City. Now, the applicant proposes to develop a financial institution (possibly 3,000 square feet) at the intersection on the portion of the site proposed for 'LC' zoning, with office buildings (total of 13,000 square feet) to be located south and east of the financial institution on the portion of the site proposed for 'BB' zoning. The applicant has volunteered to submit a restrictive covenant for the 'LC' tract to restrict the property to financial institutions and all uses permitted in the 'BB' zoning district. The covenant would require the exterior facades for all buildings for both the 'LC' and 'BB' zoned tracts to be designed with a residential architectural character, and share similar color, texture, and building materials and building roofs as the surrounding residential areas. Also, sign limitations would be placed on the 'LC' tract.

The subject property is surrounded by a church to the north, single family homes to the east, the City's Fire Station No. 16 to the south, and single family homes to the west side of Tyler Road which back up to the roadway. 16th Street North serves as the primary entrance from Tyler Road for a number of cul-de-sacs to the east. This mile segment of Tyler Road includes a few churches, the City's fire station, and a day care center south of the fire station. However, except for the planned commercial centers located at the Tyler Road intersections at 13th Street North and 21st Street North, Tyler Road is entirely zoned for residential uses. Approval of any nonresidential zoning in this mid-mile location would not be consistent with the Comprehensive Plan and its recommendation to discourage extended "strip commercial" development along the City's arterial roadways.

Planning staff has a number of concerns for granting nonresidential zoning in this location. Staff recognizes that a fire station and day care center are located to the south of the subject property; however, staff does not feel that the location of those uses justify granting any mid-mile "spot zoning" with high traffic generating uses (financial institution). This entire mile of Tyler Road is zoned for residential uses, with the commercial and office uses located in "planned centers" at the major arterial intersections -- as recommended by the Comprehensive Plan. The proposed uses would likely push Tyler Road to over-capacity, and the unprotected turning movements in this mid-mile location would present a traffic safety problem. In addition, the increased traffic on 16th Street, which serves as the primary entrance to several residential neighborhoods to the east, will interfere with the convenience of access for those residents.

At the MAPC hearing, there were no members of the public in opposition to the request, and the applicant submitted petitions of support from nearby property owners. Yet, despite staff's concerns about this request, the MAPC voted to recommend approval of the zone change and the MAPC did not recommend any guarantees for road improvements to Tyler Road. The MAPC approval was subject to the conditions volunteered by the applicant as part of a restrictive covenant.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading; 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

May 15, 1995

TO: Pat Burnett, Deputy City Clerk

FROM: Kevin Kokes, Senior Planner, Current Plans Division

SUBJECT: Zoning Ordinance for Z-3164

On April 18, 1995, the Wichita City Council approved the above-referenced zone change request, subject to filing of the voluntary restrictive covenant. Publication of the zoning ordinance was to be withheld until the covenant was recorded with the Register of Deeds.

The covenant was recorded with the Register of Deeds on May 5, 1995, and therefore, the Ordinance establishing the zone change may now be published.

(_____) Published in The Daily Reporter on _____

ORDINANCE NO. ~~376~~ 42-776

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:

FILE COPY

Case No. Z-3164

Zone change request from the "A" Two-Family Dwelling District to the "BB" Office Districts

All of Lot 2, Block 1, Fire Station 16 Addition, Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of 16th Street North and Tyler Road.

SECTION 2. That upon the taking effect of the 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 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.

ADOPTED AT WICHITA, KANSAS, _____

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT

March 23, 1995

CASE NUMBER: Z-3164

APPLICANT/AGENT: Edward J. Roberts, Thomas F. Patten, Jeff J. Lucke

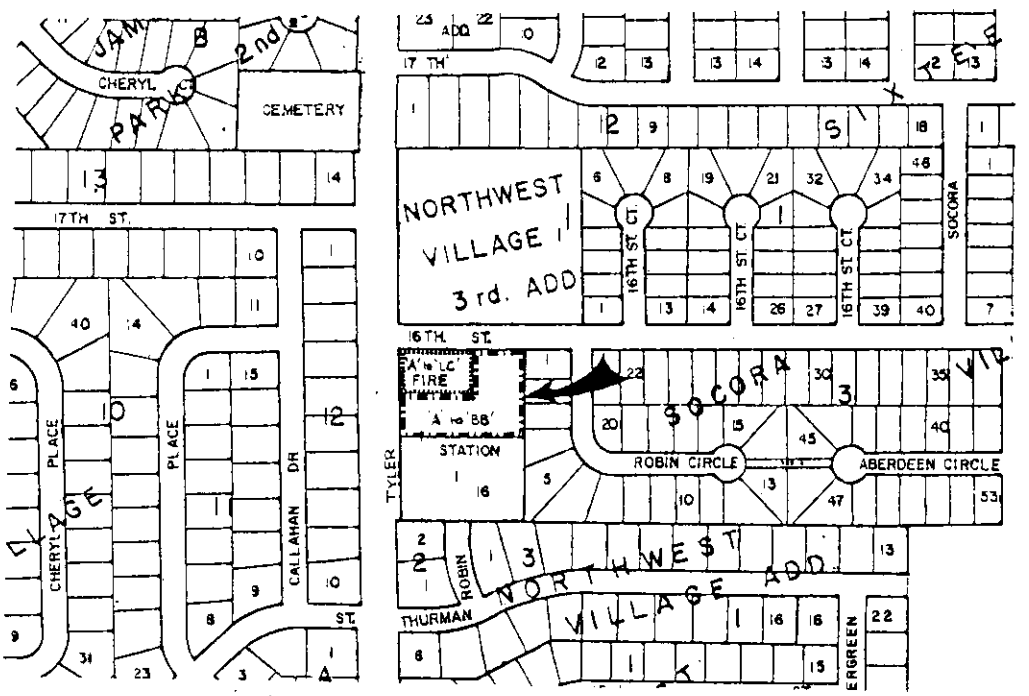
REQUEST: Zone change to 'BB' Office District and 'LC' Light Commercial

CURRENT ZONING: 'A' Two Family Dwelling District

SITE SIZE: 'A' to 'BB': 1.07 acres
'A' to 'LC': 0.44 acres

LOCATION: Southeast corner of 16th Street North and Tyler Road

PROPOSED USE: Bank and offices



BACKGROUND: The applicant requests a zone change from the 'A' Two Family Dwelling District to the 'BB' Office District for 1.07 acres and to the 'LC' Light Commercial District for 0.44 acres located at the southeast corner of 16th Street North and Tyler Road. The site is undeveloped and platted as Lot 2, Block 1, Fire Station No. 16 Addition.

The applicant recently purchased the subject property from the City. Now, the applicant proposes to develop a financial institution (possibly 3,000 square feet) at the intersection on the portion of the site proposed for 'LC' zoning, with office buildings (total of 13,000 square feet) to be located south and east of the financial institution on the portion of the site proposed for 'BB' zoning. The applicant has volunteered to submit a restrictive covenant for the 'LC' tract to restrict the property to financial institutions and all uses permitted in the 'BB' zoning district.

The subject property is surrounded by a church to the north, single family homes to the east, the City's Fire Station No. 16 to the south, and single family homes to the west side of Tyler Road which back up to the roadway. 16th Street North serves as the primary entrance from Tyler Road for a number of cul-de-sacs to the east. This mile segment of Tyler Road includes a few churches, the City's fire station, and a day care center south of the fire station. However, except for the planned commercial centers located at the Tyler Road intersections at 13th Street North and 21st Street North, Tyler Road is entirely zoned for residential uses. Approval of any nonresidential zoning in this mid-mile location would not be consistent with the Comprehensive Plan and its recommendation to discourage extended "strip commercial" development along the City's arterial roadways.

CASE HISTORY: The Fire Station No. 16 Addition was platted in 1992.

ADJACENT ZONING AND LAND USE:

NORTH:	'AA'	Church
SOUTH:	'A'	Fire Station No. 16
EAST:	'AA'	Single family homes
WEST:	'AA'	Single family homes

PUBLIC SERVICES: Municipal services are available from an 16-inch water line along Tyler Road and an 8-inch sewer line along the east side of the application area. The site has access to Tyler Road, a 4-lane arterial with 50 feet of existing half-street right-of-way. Tyler Road does not have any accel / decel lanes or left-turn lanes in this area. The subject property also has access to 16th Street North, a 2-lane residential street with 64 feet of existing right-of-way.

Traffic counts for 16th Street are not available since it is a residential street. Existing traffic volumes on Tyler Road range from approximately 12,220 ADT at

13th Street to 7,177 ADT near 21st Street North. The 2020 Transportation Plan projects traffic on Tyler Road to increase to nearly 19,000 ADT north of 13th Street, and indicates that the existing four traffic lanes should be adequate to handle those volumes. According to national standards reported by the Institute of Transportation Engineers, a 3,000 square foot bank could generate an 873 ADT (the applicant claims that his and other local banks will not generate that much traffic), and 13,000 square feet of office space could generate 317 ADT, thus resulting in an additional 1,190 ADT. Transportation staff indicate that the potential traffic generated from the proposed uses would push Tyler Road over 20,000 ADT in the future. The current City Capital Improvement Program does not project any road improvement projects for this segment of Tyler Road.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area for low density residential uses. This residential category provides for a variety of residential land uses such as traditional, single-family detached homes, zero lot line units and cluster subdivisions, as well as schools, churches, and similar uses found in such areas.

As for commercial and office uses, the Comprehensive Plan recommends that such uses should be located in "planned centers" in compact clusters versus extended strip developments. The Plan recommends that such "centers" would be most appropriately located at arterial intersections or at the intersection of an arterial and collector street, where proper turn lanes are in place or planned. Commercially-generated traffic should not feed directly onto residential streets. Also, commercial and office uses should have required site design features which limit noise, lighting, and other activity so as to not adversely impact surrounding residential areas.

RECOMMENDATION: Planning staff has a number of concerns for granting nonresidential zoning in this location. Staff recognizes that a fire station and day care center are located to the south of the subject property; however, staff does not feel that the location of those uses justify granting any mid-mile "spot zoning" with high traffic generating uses (financial institution). This entire mile of Tyler Road is zoned for residential uses, with the commercial and office uses located in "planned centers" at the major arterial intersections -- as recommended by the Comprehensive Plan. The proposed uses would likely push Tyler Road to over-capacity, and the unprotected turning movements in this mid-mile location would present a traffic safety problem. In addition, the increased traffic on 16th Street, which serves as the primary entrance to several residential neighborhoods to the east, will interfere with the convenience of access for those residents. Therefore, planning staff recommends that the request be DENIED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by a mixture of single family residential, and public / institutional uses. The proposed "spot zoning" for commercial and office uses would not be consistent with the residential character of this area.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property can still be used as a church site or it could be subdivided with a cul-de-sac for residential uses, similar to the residential cul-de-sacs to the east along 16th Street North, or with some other type of residential development.

3. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: When the applicant purchased the property from the City, it was zoned residentially and there were no assurances of rezoning. There are numerous other locations properly zoned on the west side of the city to accommodate the proposed uses.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies this area for low density residential uses. The request would not be consistent with the Comprehensive Plan which recommends that such uses should be located in "planned centers" in compact clusters at arterial intersections versus extended strip developments. The site would also not have any restrictions to limit noise, lighting, and other activities that could adversely impact surrounding residential areas.

6. Impact of the proposed development on community facilities: The potential traffic generated from the proposed uses would push Tyler Road over its capacity in the future under its current design, and result in increased traffic hazards.

However, if the application is approved, staff recommends that the restrictive covenant also contain sign limitations for the 'LC' tract (eg. maximum 20 foot tall sign with a maximum 60 sq.ft. area on each frontage; no portable or off-site signs, and no flashing, moving, rotating, or signs with moving lights which create illusions of movement shall be permitted). We would also suggest that, to reduce traffic problems, the applicant be required to guarantee a left-turn lane for southbound traffic on Tyler Road turning onto 16th Street North.