Agenda Item #_____

City of Wichita
City Council Meeting
October 17, 2000

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2000-00035 - ZONE CHANGE FROM 'SF-6" SINGLE FAMILY RESIDENTIAL TO "NR" NEIGHBORHOOD RETAIL AND 'GO' GENERAL OFFICE, GENERALLY LOCATED ON THE WEST SIDE OF TYLER ROAD APPROXIMATELY 1/3 MILE SOUTH OF CENTRAL (427 NORTH TYLER)**
(District #V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve "NR" for the northern 94.7 feet and approve "GO" for the southern 94.7 feet, subject to platting within 1 year and subject to a Protective-Overlay (13-0).

DAB #VI Recommendation: Approve subject to Staff recommendations (9-0)

Staff Recommendation: Approve "NR" for the northern 94.7 feet and approve "NO" for the southern 94.7 feet, subject to platting within 1 year and subject to a Protective-Overlay.

Background: The applicants are requesting "NR" Neighborhood Retail on two unplatted tracts of land located on the west side of Tyler Road approximately 1/3 mile south of Central. Each tract is 17,993 square feet in size. Combined, the application area is 0.83 acre. The applicants, Robert C. Nelson and Andy P. Stephens, own the southern tract and have a contract to purchase the northern tract. They have indicated they would like to construct a medical office on the southern tract and a retail optical outlet on the northern tract.

The applicants originally requested "NR" for the entire application area. However, the building being planned for the southern tract is approximately 5,000 square feet on the main level, with a 5,000 square foot basement. This would be 10,000 square feet of gross floor area, which would exceed the size limitation of 8,000 square feet for a single commercial use in "NR." Therefore, they have changed their request to "GO" General

Office for the southern tract in order to accommodate the larger building size. This revision can be incorporated into this application since "GO" is a less intensive zoning district than "NR." However, there may be other limitations that restrict the size of the building. These would include compatibility setbacks along the south property line, landscaping along Tyler Road and the south property line, and parking requirements. Also, additional dedication of right-of-way on Tyler would be anticipated at the time of platting, which would further limit the size of the tracts.

The property is located immediately south of the entrance to Westlink Village Apartments, which is part of DP-9, Westlink Center. Most of the property north of the apartment complex entrance is zoned "LC" Limited Commercial, including an AutoZone and the shopping area at Westlink Center on the southwest corner of Central and Tyler. All corners of the Central and Tyler intersection are developed with a variety of retail uses. There is one house immediately north of the AutoZone that was rezoned in 1996 to "LC." Three houses remain zoned "SF-6" between the AutoZone and the intersection, with two being currently offered "for sale."

Wilbur Middle School is located across Tyler to the east. To the south, the property is zoned "SF-6" and is occupied by several residences. There is a drainage ditch along the west. The property beyond the drainage ditch and Wood Lane consists of single-family residences.

The northern tract, which adjoins the entrance to Westlink Village, is vacant. A single-family residence is located on the southern tract.

A protective overlay has been included in the Staff recommendations. The P-O would require the (1) the property be developed with buildings with a residential character; (2) the southern tract would be limited to "NO" Neighborhood Office uses; (3) freestanding signs would be monument-type with a maximum height of 10 feet; and (4) there shall be no point of access onto Tyler Road for the northern tract and one point of access for the southern tract.

At the District Advisory Board meeting held September 11, 2000, the board voted to recommend approval subject to Staff recommendations. A neighbor, Kenneth Long, was present and spoke in opposition.

At the MAPC meeting held September 21, 2000, MAPC voted (13-0) to recommend approval subject to Staff recommendations. There were no citizens present to speak.

A valid protest petition has been filed representing 12.54 % of the property within 200 feet of the proposed rezoning. This protest does not invoke the ¾ majority vote by Council since it is below 20 %.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of Protective-Overlay #79 and subject to platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; 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.)

(150004) Published in The Derby Reporter October 10, 2003

ORDINANCE NO. 45-797

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. ZON 2000-35

Zone change request from "SF-5" Single-Family Residential District to "GO" General Office District, and to P-O #79 Protective Overlay District, on property described as:

Lot 1, Block 1, Wichita Family Vision Second Addition, Wichita, Sedgwick County, Kansas,

Generally located on the west side of Tyler, south of Central.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The property shall be developed with a building that has a residential character, and that includes brick, masonry, wood or composite siding; a double-pitched roof with a minimum vertical rise of four inches for every twelve inches; and a maximum height of 25 feet.

2. Freestanding signs shall be monument type with a maximum height of 10 feet.

3. The site shall have no point of access onto Tyler Road.

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.

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

MAPC September 21, 2000
DAB #5 September 11, 2000

CASE NUMBER: ZON20000-00035

APPLICANT/AGENT: Andy P. Stephens and Robert C. Nelson (owners and contract purchasers); Edward E. and Wanda L. Boyles (owners); PEC c/o Rob Hartman (agent)

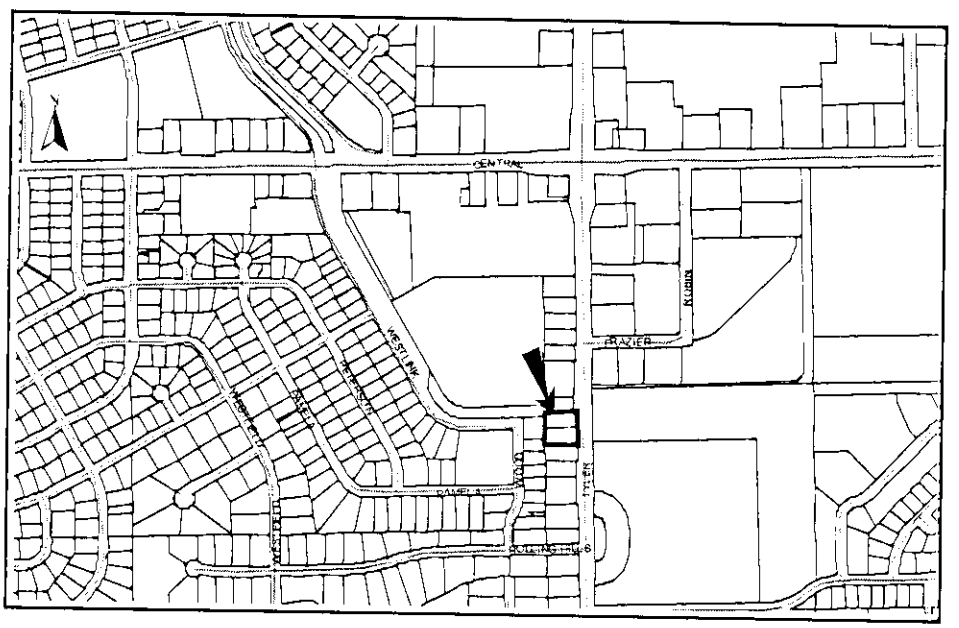
REQUEST: Zone change to "NR" Neighborhood Retail

CURRENT ZONING: "SF-6" Single-Family

SITE SIZE: 0.83 acre

LOCATION: On the west side of Tyler Road approximately 1/3 mile south of Central

PROPOSED USE: To develop property for medical office and retail office use



BACKGROUND: The applicants are requesting "NR" Neighborhood Retail on two unplatted tracts of land located on the west side of Tyler Road approximately 1/3 mile south of Central. Each tract is 17,993 square feet in size. Combined, the application area is 0.83 acre. The applicants, Robert C. Nelson and Andy P. Stephens, own the southern tract and have a contract to purchase the northern tract. They have indicated they would like to construct a medical office on the southern tract and a retail optical outlet on the northern tract.

The applicants originally requested "NR" for the entire application area. However, the building being planned for the southern tract is approximately 5,000 square feet on the main level, with a 5,000 square foot basement. This would be 10,000 square feet of gross floor area, which would exceed the size limitation of 8,000 square feet for a single commercial use in "NR." Therefore, they have changed their request to "GO" General Office for the southern tract in order to accommodate the larger building size. This revision can be incorporated into this application since "GO" is a less intensive zoning district than "NR." However, there may be other limitations that restrict the size of the building. These would include compatibility setbacks along the south property line, landscaping along Tyler Road and the south property line, and parking requirements. Also, additional dedication of right-of-way on Tyler would be anticipated at the time of platting, which would further limit the size of the tracts.

The property is located immediately south of the entrance to Westlink Village Apartments, which is part of DP-9, Westlink Center. Most of the property north of the apartment complex entrance is zoned "LC" Limited Commercial, including an AutoZone and the shopping area at Westlink Center on the southwest corner of Central and Tyler. All corners of the Central and Tyler intersection are developed with a variety of retail uses. There is one house immediately north of the AutoZone that was rezoned in 1996 to "LC." Three houses remain zoned "SF-6" between the AutoZone and the intersection, with two being currently offered "for sale."

Wilbur Middle School is located across Tyler to the east. To the south, the property is zoned "SF-6" and is occupied by several residences. There is a drainage ditch along the west. The property beyond the drainage ditch and Wood Lane consists of single-family residences.

The northern tract, which adjoins the entrance to Westlink Village, is vacant. A single-family residence is located on the southern tract.

CASE HISTORY: The property is unplatted. A zoning request from "AA" Single-Family to "BB" for the southern tract was denied (Z-2742) April 1, 1986.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"; "SF-6"	Apartments, retail uses, three residences

SOUTH:	"SF-6"	Residences
EAST:	"SF-6"	Wilbur Middle School
WEST:	"SF-6"	Residences, drainage ditch

PUBLIC SERVICES: The property is located along Tyler Road, an arterial street. Traffic counts for 1997 were 18506 ADTs on the south leg of the intersection of Central and Tyler. Projected volumes for 2030 are 24,499. The southern tract has one existing drive entrance onto Tyler. There is no curb cut to the northern tract. Tyler is improved as a four-lane arterial with no left-turn storage or right-turn lanes in front of the subject property. Currently, a short right-turn accel/decel lane begins at the northern edge of the AutoZone and ends at the edge of the major opening to the Westlink Village Apartments. The major opening has a divided entrance with one lane entering and two lanes exiting onto Tyler.

Tyler carries a heavy volume of through traffic. Also, the presence of Wilbur Middle School on the eastern side creates heavy turning movements during the beginning and ending of the school day. The CIP has scheduled addition of a continuous two-way left turn lane from Maple to Central in 2007.

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 "low density residential." The adjacent property to the north is identified as "commercial."

"Commercial Locational Guidelines" for small-scale commercial sites include (1) being located adjacent to arterial streets that provide needed ingress and egress in order to avoid traffic congestion, and not feeding directly onto local residential streets; (2) having required site-design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential areas, (3) being in compact clusters rather than strip developments, and (4) guiding commercial uses located in planned centers toward established areas of similar development.

"Office Locational Guidelines" include (1) being located adjacent to arterial streets; (2) local, service-oriented offices being 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.

RECOMMENDATION: This property represents the edge to commercial uses to the north and residential uses to the south. The character of Tyler Road from Maple to 21st Street North is that of heavily traveled arterial street with commercial uses clustered on the corners of the intersections at Maple, Central, 13th and 21st. The mid-mile locations, however, were developed with residences, most of which face directly onto Tyler. Other mid-mile location uses include Wilbur Middle School, churches, a cemetery, a day care, and several offices. There are several mid-mile office uses already located along Tyler,

primarily north of Central. The unifying characteristic of all mid-mile office locations is that they all are developed in a residential character, including a pitched roof and building materials compatible with the surrounding residential areas, or are located in residences that have been remodeled for office use. The result has been to encourage continued residential use in the mid-mile locations along Tyler Road.

The application area has served as the boundary between residential and commercial use on the western side of Tyler, south of Central. Any zoning change to these tracts needs to retain a strong buffer between the residential and commercial uses, and restrict any negative impact of traffic flow along Tyler.

Based on these considerations and upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year and subject to the following.

A. APPROVE the zone change to "NR" Neighborhood Retail for the northern 94.7 feet of the application area.

B. APPROVE the zone change to "GO" General Office for the southern 94.7 feet of the application area.

C. The property shall be subject to a Protective-Overlay with the following conditions:

1. The property shall be developed with a building that has a residential character, and that includes brick, masonry, wood or composite siding; a double-pitched roof with a minimum vertical rise of 4 inches for every twelve inches; and a maximum height of 25 feet.

2. The southern 94.7 feet shall be restricted to only those uses permitted in the "NO" Neighborhood Office district. Property development standards, including but not limited to minimum lot size, width and setbacks shall be those of the "NO" Neighborhood Office district.

3. Freestanding signs shall be monument type with a maximum height of 10 feet.

4. The northern 94.7 feet shall have no point of access onto Tyler Road; the southern 94.7 feet shall be restricted to one point of access onto Tyler Road.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The land north and northeast

is commercial; the land to the northwest is multi-family. The property across Tyler Road is zoned "SF-6" but is the site of Wilbur Middle School. All property to the south and west is residential, and includes other residences facing onto Tyler and a drainage ditch along the rear of the application area.

2. The suitability of the subject property for the uses to which it has been restricted: In particular, the northern tract has remained vacant, probably due to its proximity to the commercial uses to the north. It is unlikely any "SF-6" development would occur on this property. The southern tract is developed with a residence and could continue to be used in this manner.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: "GO" General Office allows office uses, a few commercial uses, a wide range of public and civic uses, and a range of residential uses that would not be permitted in "SF-6" district. Approval of the zoning request might increase pressure for more office uses along Tyler Road south toward Maple. However, the P-O to restrict the "GO" tract to "NO" uses would eliminate the more intense commercial uses. Additionally, the site size eliminates some of public, civic, and higher intensity residential uses. The drainage ditch provides rear yard separation between the adjacent tract and the residences to the east. This eliminates some of the potential conflicts between the "GO" uses and the "low density residential" uses. The separation of the "NR" tract with a "GO" tract that has been restricted to "NO" uses should reduce pressure for encroachment of other commercial uses to the south.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested change in zoning classification is not in conformance with the Wichita Land Use Guide, although there is a precedence for "office" designation on the Land Use Guide in other similar locations along Tyler Road. The "NR" tract would be a buffer between the "LC" tract to the north, which is in conformance with Commercial Locational Guidelines.

5. Impact of the proposed development on community facilities: The major impact is the projected increase in traffic along an arterial street where turning movements would impede the traffic flow. This could be mitigated by limiting driveways as recommended, and extending the accel/decel lane across the front of the property.