

Agenda Item # _____

City of Wichita
City Council Meeting
May 15, 2001

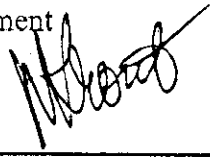
Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: ZON2001-00018 - ZONE CHANGE FROM "MF-18"
MULTI-FAMILY RESIDENTIAL TO "GO" GENERAL
OFFICE, LOCATED ON THE NORTHEAST CORNER
OF HARRY AND TODD. (District #II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



MAPC Recommendation: Approve, subject to the conditions of a (P-O) Protective Overlay District (10-0).

Staff Recommendation: Approve, subject to the conditions of a (P-O) Protective Overlay District.

Background: The applicant requests a zone change from "MF-18" Multi-Family Residential to "GO" General Office on a 2.4 acre platted tract located at the northeast corner of Harry and Todd. The applicant proposes to develop the subject property with office uses.

The surrounding area is characterized by a mixture of uses on the developing fringe of Wichita with apartments to the northwest, duplexes to the north, single-family residences to the south, undeveloped property zoned for office development to the west, and agricultural and large lot residential uses to the east. The properties east and south of the site are zoned "SF-6" Single-Family Residential. The properties north of the site are zoned "MF-18" Multi-Family Residential and "TF-3" Two-Family Residential. The property west of the site is zoned "GO" General Office.

At the hearing on April 19, 2001, there were no speakers, other than the applicant, for or against the request. The MAPC voted (10-0) to approve the request subject to the following additional provisions of a Protective Overlay District:

1. The following uses shall not be permitted: group residence, limited; group residence, general; correctional placement residence, limited; correctional placement residence, general; and hotel or motel.
2. Residential development shall be limited to a maximum density of 17.4 dwelling units per acre.
3. Buildings shall be limited to a maximum height of 45 feet.
4. Prior to the issuance of a building permit, the applicant shall submit a site plan indicating the location of access drives on Todd for approval by the Planning Director and Traffic Engineer and shall develop the site in general conformance with the approved site plan. The applicant shall design the site with access drives that minimize turning movement conflicts by either aligning access drives with the access drives to the property on the west or by separating access drives from both Harry and the access drives to the property on the west by at least 150 feet.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change subject to the additional provisions of a Protective Overlay District; 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 2/3 majority vote of the membership of the governing body on the first hearing.)

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() Published in The Wichita Eagle on 7/26/01

ORDINANCE NO. 44-977

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. ZON2001-00018

Request for zone change from "MF-18" Multi-Family Residential to "GO" General Office, and to "P-O" Protective Overlay District #94 described as:

Lot 29, Block 3, Park Meadow Estates, Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Harry and Todd.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The following uses shall not be permitted: group residence, limited; group residence, general; correctional placement residence, limited; correctional placement residence, general; and hotel or motel.
2. Residential development shall be limited to a maximum density of 17.4 dwelling units per acre.
3. Buildings shall be limited to a maximum height of 45 feet.
4. Prior to the issuance of a building permit, the applicant shall submit a site plan indicating the location of access drives on Todd for approval by the Planning Director and Traffic Engineer and shall develop the site in general conformance with the approved site plan. The applicant shall design the site with access drives that minimize turning movement conflicts by either aligning access drives with the access drives to the property on the west or by separating access drives from both Harry and the access drives to the property on the west by at least 150 feet.

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 22, 2001

ATTEST:



Pat Burnett
Pat Burnett, City Clerk

Bob Knight
Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

STAFF REPORT

MAPC April 19, 2001

CASE NUMBER: ZON2001-00018

APPLICANT/AGENT: Gene Vitarelli (Owner/Applicant); Savoy, Ruggles & Bohm
c/o Randy Johnson (Agent)

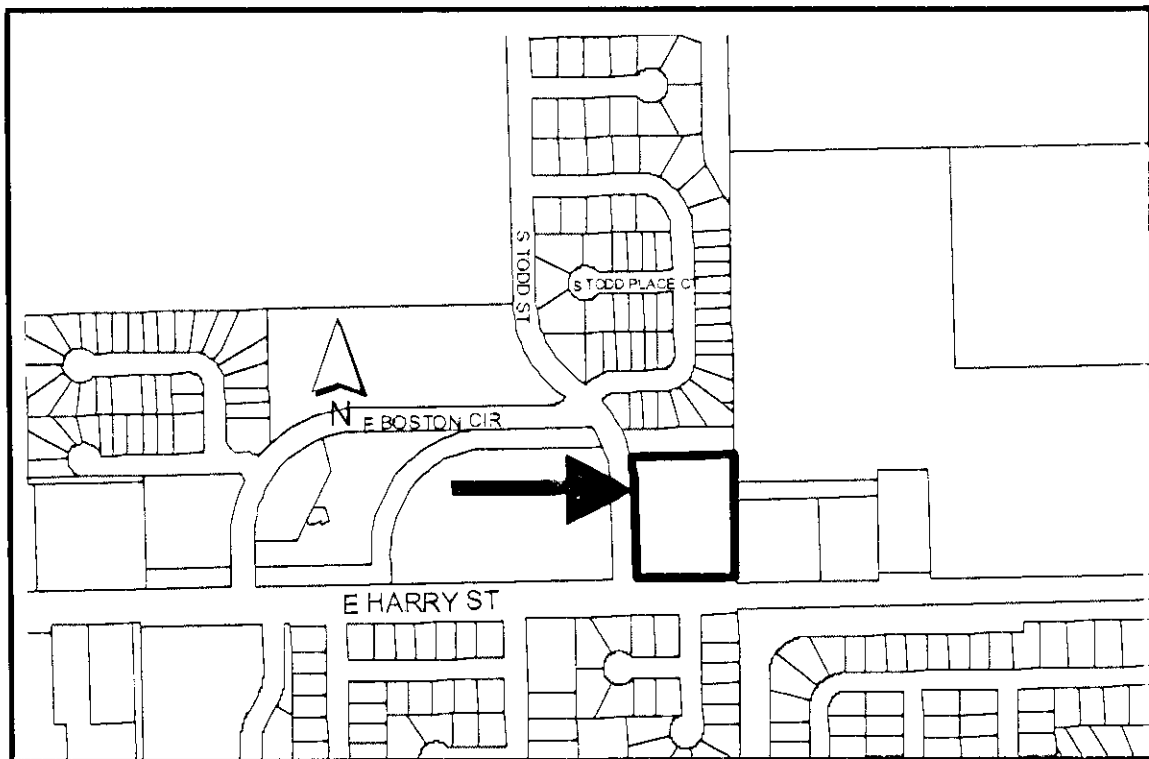
REQUEST: "GO" General Office

CURRENT ZONING: "MF-18" Multi-Family Residential

SITE SIZE: 2.4 acres

LOCATION: Northeast corner of Harry and Todd

PROPOSED USE: Office uses



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BACKGROUND: The applicant requests a zone change from "MF-18" Multi-Family Residential to "GO" General Office on a 2.4 acre platted tract located at the northeast corner of Harry and Todd. The applicant proposes to develop the subject property with office uses.

The surrounding area is characterized by a mixture of uses on the developing fringe of Wichita with apartments to the northwest, duplexes to the north, single-family residences to the south, undeveloped property zoned for office development to the west, and agricultural and large lot residential uses to the east. The properties east and south of the site are zoned "SF-6" Single-Family Residential. The properties north of the site are zoned "MF-18" Multi-Family Residential and "TF-3" Two-Family Residential. The property west of the site is zoned "GO" General Office.

CASE HISTORY: A zone change request (SCZ-0270) to "C" Commercial was denied by the MAPC and withdrawn by the applicant on November 16, 1971. The subject property was platted as Lot 29, Block 3 Park Meadow Estates Addition on August 18, 1976. On September 27, 1976, the zoning on the subject property was changed (SCZ-0325) to "AA" One-Family and a Conditional Use (CU-160) was approved for the establishment of a multi-family housing development with a gross density of 7 units per acre. The Official Zoning Map dated April 14, 1977 shows the zoning of the subject property as "R-5" General Residence with the restrictions of CU-160 removed from the property, which appears to have been changed as a result of the property being annexed by the City of Wichita. When the Unified Zoning Code was adopted on March 4, 1996, the zoning of the subject property converted from "R-5" General Residence to "MF-18" Multi-Family Residential.

ADJACENT ZONING AND LAND USE:

NORTH:	"MF-18" & "TF-3"	Apartments, duplexes
SOUTH:	"SF-6"	Single-family residences
EAST:	"SF-6"	Agriculture, large lot residential
WEST:	"GO"	Undeveloped

PUBLIC SERVICES: The site has frontage along Harry, a four-lane arterial street; however, the site has no access to Harry due to platted access control. The site's only access is to Todd, a two-lane collector street that intersects with Harry at the south end of the site. Harry had 1997 traffic volumes of approximately 9,000 vehicles per day. The 2030 Transportation Plan projects traffic volumes on Harry to increase to approximately 13,000 vehicles per day. The projections in the 2030 Transportation Plan assumed that the subject property would be developed with multi-family residential uses. The proposed office uses could increase the traffic volume by approximately 150 vehicles per day. While the increased traffic volume is not significant, the overall traffic generated by the site is high enough (approximately 450 vehicles per day) that planning staff is recommending conditions to ensure that the

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location of access drives along Todd do not conflict with Harry or the location of access drives to the property on the west side of Todd. Public water and sewer service are available to be extended to the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for "High-Density Residential" development. The "High-Density Residential" category is intended to support residential densities in excess of 10 unit per acre, such as garden apartments, condominiums, and special residential accommodations for the elderly. With the exception of a higher traffic generation rate, office uses have similar impacts on nearby properties as high-density residential uses.

RECOMMENDATION: Planning staff finds that the subject property is appropriate for office development; however, the "GO" General Office zoning district permits higher intensity uses than can be supported by planning staff. Therefore, planning staff is recommending limitations on permitted uses and additional site design requirements to ensure compatibility with surrounding residential uses. In addition, the location of access drives on the proposed site plan could cause turning movement conflicts; therefore, planning staff is recommending that the location of access drives be approved by the Planning Director and Traffic Engineer. Based upon the information available prior to the public hearings, planning staff recommends that the request be **APPROVED** subject to the following conditions of a Protective Overlay District:

1. The following uses shall not be permitted: group residence, limited; group residence, general; correctional placement residence, limited; correctional placement residence, general; and hotel or motel.
2. Residential development shall be limited to a maximum density of 17.4 dwelling units per acre.
3. Buildings shall be limited to a maximum height of 45 feet.
4. Prior to the issuance of a building permit, the applicant shall submit a site plan indicating the location of access drives on Todd for approval by the Planning Director and Traffic Engineer and shall develop the site in general conformance with the approved site plan. The applicant shall design the site with access drives that minimize turning movement conflicts by either aligning access drives with the access drives to the property on the west or by separating access drives from both Harry and the access drives to the property on the west by at least 150 feet.

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 uses on the developing fringe of Wichita with apartments to the northwest, duplexes to the north, single-family residences to the south, undeveloped property zoned for office development to the west, and

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agricultural and large lot residential uses to the east. The properties east and south of the site are zoned "SF-6" Single-Family Residential. The properties north of the site are zoned "MF-18" Multi-Family Residential and "TF-3" Two-Family Residential. The property west of the site is zoned "GO" General Office.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "MF-18" Multi-Family Residential, which accommodates moderate-density, multi-family residential development and complementary land uses. The site is suitable for multi-family residential uses; however, the site has not developed in the 24 years that it has been zoned for multi-family residential uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by the recommended provisions of a Protective Overlay and the existing regulations of the Unified Zoning Code, Landscape Ordinance, and Sign Code, which should limit noise, lighting, and other activity from adversely impacting surrounding residential areas. Additionally, the subject property is separated from adjacent residential properties by a drainage ditch to the north by an arterial street to the south, which should further limit detrimental affects on nearby properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for "High-Density Residential" development. With the exception of higher traffic generation rates, office uses tend to have similar impacts on nearby properties as high-density residential uses
5. Impact of the proposed development on community facilities: Community facilities are adequate to address the additional traffic generated by the development with the recent widening of Harry to four lanes.

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