

STAFF REPORT
(One-Step Final Plat)

CASE NUMBER: SUB 2005-01 -- HANNEMAN ADDITION

OWNER/APPLICANT: Delbert W. and Rebecca A. Hanneman, 3652 Armstrong, Wichita, KS 67204

SURVEYOR/ENGINEER: Baughman Company, P.A., 315 Ellis, Wichita, KS 67211

LOCATION: East of Meridian, South of 37th St. North

SITE SIZE: 1.26 acres

NUMBER OF LOTS

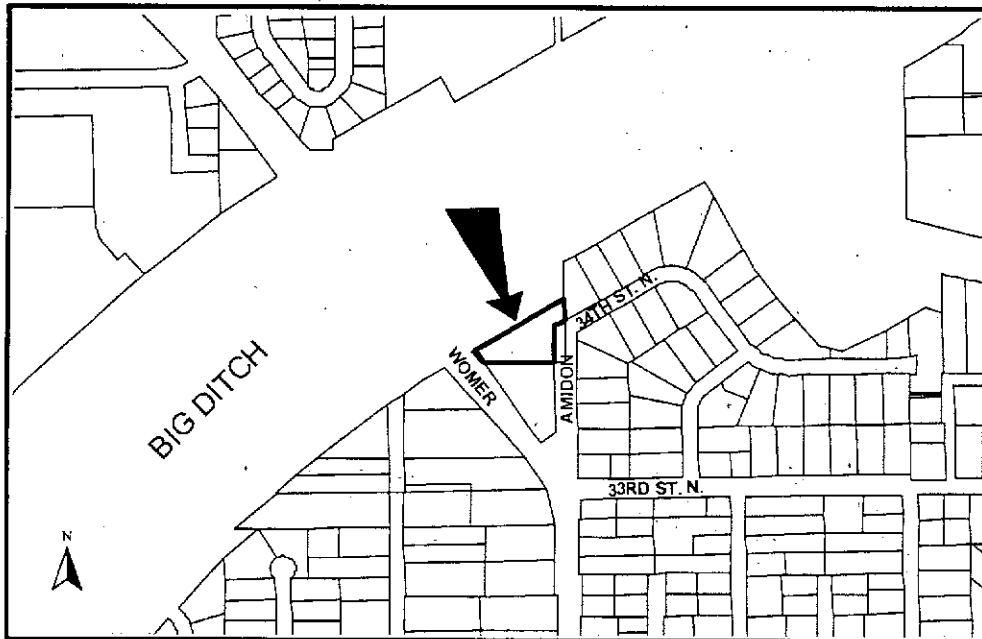
Residential:	
Office:	1
Commercial:	
Industrial:	
Total:	1

MINIMUM LOT AREA: 1.11 acres

CURRENT ZONING: SF-5, Single-Family Residential

PROPOSED ZONING: NO, Neighborhood Office

VICINITY MAP



NOTE: This is an unplatted site located within the City. The site has been approved for a zone change (ZON 2004-50) from SF-5, Single-Family Residential to NO, Neighborhood Office. A Protective Overlay (P-O #148) was also approved for this site addressing uses, signage, access, paving and lighting.

STAFF COMMENTS:

- A. City water services are available to serve the site. Fees in lieu of assessment regarding sewer connections are required; or in the alternative a petition may be provided for sewer extension.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. City Engineering needs to comment on the status of the applicant's drainage plan.
- D. In accordance with the Protective Overlay complete access control was platted along Womer.
- E. Reference to K-96 Highway should be removed on Womer.
- F. Street right-of-width needs to be denoted for Womer.
- G. In accordance with the Protective Overlay, a cross-lot access agreement with the property to the south shall be provided.
- H. In accordance with the Protective Overlay, the applicant shall provide a No Protest Agreement for the future paving of Amidon.
- I. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- J. A PO Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved PO and its special conditions for development on this property.
- K. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.

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- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- S. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- T. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

13. Case No.: ZON2004-50 – Delbert W. and Rebecca Hannamen (owner); Nancy Jo Combs (agent) Request Zone change from "SF-5" Single-family Residential to "NO" Neighborhood Office on property described as;

A tract in the Southeast Quarter of the Northwest Quarter of Section 31, Township 26, South, Range 1 East of the 6th P.M., Sedgwick County, Kansas lying Northeasterly of K-96 Highway and Southeasterly of the Floodway taken by Condemnation Case A-39338, except that part platted as North Amidon Medical Center Addition and except that part taken for road. Generally located West of Amidon and 34th Street North.

BACKGROUND: The applicant requests a zone change from "SF-5" Single-family to "NO" Neighborhood Office on property located one lot north of the junction of Womer and North Amidon, which subsequently becomes 34th Street North when the street turns to the northeast. The applicant has indicated the desire to convert an existing residence to general office use for a small CPA office. The office would operate on the scale of a typical home occupation as allowed in residential zoning districts of greater intensity of "SF'5" except that nobody would be living in the residence.

According to the information submitted by the applicant, the applicant intends to remodel the interior of the structure, and to add parking/drive aisles as necessary to meet Unified Zoning Code requirements. The parking lot would be located on the lot and landscaped to screen it from view of the residences across Amidon. (See attached statement from applicant).

The property is located north of a medical office building zoned "GO" General Office. The property to the southwest across Womer is zoned "LC" Limited Commercial and is vacant except for a cell tower on the west edge of the tract. The property to the east and northeast is zoned "SF-5" Single-family Residential and developed with single-family residences. The Wichita-Valley Center Flood Control Project (the Big Ditch) lies to the north/northwest.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: Unzoned	Wichita-Sedgwick County Flood Control Project
SOUTH: "GO"	Medical office
EAST: "SF-5"	Single-family residences
WEST: "LC"	Vacant, cell tower

PUBLIC SERVICES: The property is located on the east side of Womer, a principal arterial that diverges in a northwesterly direction from Amidon a block north of 33rd Street North. Womer continues across the Big Ditch and flows into Meridian. The property also has frontage on the west side of the continuation of Amidon, which becomes a residential street north of its divergence from Womer. Amidon is unpaved, and only a half-width right-of-way has been dedicated from the plat to the east of this tract.

Traffic counts on Womer were 12,544 cars per day (ADT) in 2002 and projected to increase to 14,473 in 2030. No access currently exists on Womer, and the position of the tract on the reverse curve along Womer, compounded by the rising grade to the top of an incline north of the subject property, makes direct access to Womer a traffic hazard.

Public water and sewer services are available, but the site is currently on a septic system.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended 1/02" of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies the subject tract as "low-density residential", which is in conflict with "NO" zoning. However, the adjacent property to the south is identified as "office."

The Commercial location guidelines contained in the 2002 update of the Wichita-Sedgwick County Comprehensive Plan 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. If coupled with a protective overlay to keep the property residential in appearance and low intensity in use, the proposed zoning conforms to these guidelines except with respect to access via a local residential street. This guideline could also be realized by cross-lot access and use of the drive to the south as the main point of access.

RECOMMENDATION: The suggested protective overlay would allow conversion of the structure to a small-scale office use that operates similar to a home occupation except that residential occupancy would not be required and the addition of a parking area would be allowed. This is the lowest possible intensity of commercial use. It would be expected to have limited impact except for perhaps a small increase in traffic on the residential street. It would serve as a transitional use to buffer the residential neighborhood to the east from the traffic on Womer. 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 "NO" Neighborhood Office subject to a Protective Overlay #148 with the following provisions:

1. The office use shall be conducted within the premises of the current structure but shall have those improvements such as but not limited to parking and drive aisles and landscaping to comply with the Unified Zoning Code site development regulations. Additionally, the parking lot shall be located and landscaped to screen it from view of the residential zoning east of Amidon.
2. No more than eight individuals (including related family members) shall be allowed to work from the premises at any one time.
3. No direct access shall be allowed onto Womer.
4. The property owner shall grant a cross-lot easement in favor of the property to the south and seek to obtain an easement from the property to the south to serve as the main point of access to the subject property.
5. The property owner shall execute an agreement with the City not to protest paving of Amidon.
6. The property owner shall execute a guarantee for extension of sewer to the property.
7. Light poles, including base and fixtures, shall not exceed 14 feet in height and shall be shielded to prevent spillage to the northeast and east.
8. No signage on Amidon shall be permitted larger than two square feet; provided that it shall not be illuminated and shall be mounted flat against the façade of the building. Ground signage on Womer shall be limited to 10 feet in height.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property is located north of a medical office building zoned "GO" General Office. The property to the southwest across Womer is zoned "LC" Limited Commercial and is vacant except for a cell tower on the west edge of the tract. The property to the east and northeast is zoned "SF-5" Single-family Residential and developed with single-family residences. The Wichita-Valley Center Flood Control Project (the Big Ditch) lies to the north/northwest.
2. The suitability of the subject property for the uses to which it has been restricted: The property could continue to be used as a single-family residence. It's proximity to the office to the south and location along Womer somewhat reduce the attractiveness of residential use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The protective overlay provisions would mitigate most impacts associated with nonresidential use. The main impact would be a potential increase in traffic on an unpaved street.

4. The length of time the subject property has remained vacant as zoned: According to the agent, the structure had been on the market for over six months as currently zoned prior to purchase by the applicant.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "Wichita Land Use Guide, as amended 1/02" of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies the subject tract as "low-density residential", which is in conflict with "NO" zoning. However, the adjacent property to the south is identified as "office." The Commercial location guidelines contained in the 2002 update of the Wichita-Sedgwick County Comprehensive Plan 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. If coupled with a protective overlay to keep the property residential in appearance and low intensity in use, the proposed zoning conforms to these guidelines except with respect to access via a local residential street. This guideline could also be realized by cross-lot access and use of the drive to the south as the main point of access.

6. Impact of the proposed development on community facilities: The main impact is that traffic might increase. A typical level of traffic generated by a single-family dwelling is approximately 10 cars/day. The site is 1.2 acres in size, certainly large enough to be subdivided into at least one additional dwelling, which would generate approximately 20 cars per day. Typically, 2,000 square feet of office would be expected to generate 40 cars per day (20 vehicles/1,000 square feet of gross floor area). According to the applicant, it would generate perhaps 10-20 cars per day (4-5 employees, plus 3-5 clients per day). If the use operates within these limitations, it should not exert a significant impact on the unpaved road, but if the traffic counts rise beyond the level expected from residential use, it would increase pressure to pave the street.

DONNA GOLTRY Planning staff presented the staff report.

SHERMAN When you come off of Womer and go into Amidon, and the doctor's office is sitting here, they come in off of Womer?

GOLTRY They come in off Womer.

SHERMAN How could you have cross-lot access the way this is positioned? Because the doctor's office is sitting east and west, is it not?

GOLTRY Actually you still have a grade problem. Their parking lot is right on the other side of the doctor's office, and it connects to the drive here and in the front of the building; that would be the place. We did initially look at the possibility of cross-lot access. With the cross-lot access you would be losing grade, and it would be a steep grade- about 10 percent.

SHERMAN How would that look?

GOLTRY Obviously not too good because the doctor to the south is not willing to grant it.

SHERMAN I know. He put a lot of work in that property.

GOLTRY I think, in this case, this is why staff recommendation is--let's get the cross-lot access as a possibility on the northern lot at this point, and seek to get it on the southern lot in the future. But, if you can't get it at this time, maybe things will change in the future. You need to hold out your option for cross-lot access in case things are redeveloped a way in the future where it could work.

HENTZEN Do you really think that since the present doctor there says "no" that you want to force these people to sign a cross-lot access?

GOLTRY That would be the way to proceed, because that way you have it in place for the northern lot.

HENTZEN There is not that much territory up there to develop. You don't need a cross-lot access.

GOLTRY Well, you could get access directly off it, and then you wouldn't have to the access off the residential street.

SHERMAN Where? How?

GOLTRY Through the parking lot.

SHERMAN The portion that is on the west side of his building.

GOLTRY Yes.

SHERMAN There are like three or four stalls over here and then there is...

GOLTRY The parking lot ends in kind of a hammer head turnaround. And, if it was simply extended, it would provide direct access to the front of their building.

DEL HANNAMEN I am the CPA and my wife Rebecca is the Office Manager. We tried to relieve some of the concerns to the neighborhood by letter, and phone conversations. The initial concerns were about whether we were going to put up commercial signage, and where the parking lot was going to be, and the increased traffic, and office access for our property devaluing the property across the street. The property is located alongside another office, as you have seen. The doctor said that he was concerned about the liability about having non-patients driving through his parking lot. And the second concern was that he has a lot of older clients, and he said they get confused, and they might follow one of our people into our parking lot, and then, how do they get out of there? He was also concerned about once he granted it that it would be on the property forever and the future was scary to him as well.

REBECCA HANNAMEN Also in his letter he said that he would not grant the cross lot access but that he was in favor of our business opening.

DEL HANNAMEN The discussion on the traffic increase was our word against our opposition, we tried to very fairly say that the street has had the luxury of having one single elderly women living on this property for a number years. The chances that a single person were to buy this property, if we were to resale it, and keep it residential is very slight because it is on a concrete slab and it has three bedrooms on one end of the house and another bedroom by the front door and it is 1.2 acres. I think there is going to be an increase in traffic regardless.

SHERMAN What type of business do you have, again?

DEL HANNAMEN It will be an accounting CPA business.

SHERMAN How many clients is that?

DEL HANNAMEN I have 250 personal tax returns.

SHERMAN I am concerned about the traffic on Amidon. You are not going to have a lot of people coming in and out of your place are you?

DEL HANNAMEN We estimated 3-5 clients a day on an average.

SHERMAN Was that a gravel road?

DEL HANNAMEN That is the issue.

MITCHELL What type of paving begins at the end of the curve that is just east of you, isn't that just asphalt?

DEL HANNEMAN It is concrete, cement.

DALE WHEELER, 3446 N. AMIDON, Wichita, KS 67204 I am here representing the five homeowners who live on this dirt section of the road. My house is directly across the street from the subject property. On Womer Street that goes up high, there is a large berm on the backside of the doctor's house and the subject property is located in a valley. And, unless you are looking for that house, you are not going to see it. So that puts the emphasis on Amidon. This will increase traffic on Amidon. I have a petitions opposing the zone change. Most of my reasons are the access to the subject property is from Amidon. The entire block providing access to the subject property is a dirt road, and we don't want increased taxes.

At the DAB meeting the applicants have tried to give the impression that the property was vacant and this is not the case. The same lady that lived there 30 years, and raised a family there did not move out until the contract was signed, and the stipulation that the house would not be rezoned. They also have indicated that the house was in dire need of repair. They purchased the housing knowing the house was in a residential area.

According to the staff report, the Land Use Guide identifies the tract as low-density residential, which is in conflict with the "NO" zone. It is also not in conformance with the Comprehensive

Plan. My neighbors and I urge you to consider our right to live in a peaceful and quite neighborhood as it has been and should remain.

MITCHELL Would you still object if the street was paved?

WHEELER Yes.

HENTZEN How long has that doctor been in there? What is his property zoned?

WHEELER I would estimate 10-11 years.

GOLTRY The zoning for the doctor's office is "GO" General Office.

PHILLIP BROWN 3424 N. Amidon We bought our house in 1991. It is a nice area, but the doctors' office is on Womer. If they do decide to pave Amidon, they will take what little bit of front yard we have anyway. If they don't, it is going to be just a dust cloud for years to come. What would happen if in 4-5 years that it is down in too far of a hole and would sell it to someone else, and it is zoned "NO"? Then what would we expect to get after that?

DUNLAP On a home occupation business how many employees can come and go a day without it being rezoned from residential?

GOLTRY Depends on the zoning classification. For "SF-5" you can't have any outside employees, for "TF-3" you can have one outside employee, and for "RR" you can have up to four.

DUNLAP This is not rural?

GOLTRY No this is "SF-5". This was an attempt to blend together home occupation attributes with low intensity zoning in an area that has an access problem.

DUNLAP I was just going to see if we could do it without changing the zoning.

GOLTRY No, you have to live in it and you can't have any outside employees in "SF-5".

SHERMAN This is really bothering me, because I am always encouraging small businesses to do whatever they need to do to get started. So I appreciate this couple wanting to get their business going in this particular location. Because it is so difficult, you have this street that goes up and

you are asking the doctor to take access, which there is very little room to do anything between those two areas, and then you have this dirt road. I am perplexed how this would work under any circumstance. Even if you pave that street, coming around that corner of their building it cannot be seen from Womer. And this is not a generally commercial area. I have a problem with this project.

WARNER This type of business is not the type of business that they are going to drive by and look for a sign and stop. He has a clientele that he has probably had for years, and they don't know where they are going before they go there. So they are not going to be looking at a sign and trying to find Amidon. They are going to know where they are going if they need to get there in the first place. It looks to me like the subdivision on the north and to the east; do they enter on Amidon to get access to that? It looks like you have traffic already using the dirt road.

REBECCA HANNAMEN We are a small 250, client accounting firm. With the new technology everything comes by computer or fax and our traffic level would not create more traffic. It is hard to address opposition when you are neighbors, and you don't want be offensive, and you are addressing fears rather than facts. Since we took position of the property on the 28th, we have never signed a contract with the contingency. We looked at the house and offered her the full price. We bought it, and she had it on the market for 6 months. These people who are expressing opposition, they have had one single lady there, but after she moved out it might start generating traffic again. And, we are proposing the lot requires it could generate. The property character has changed over the years. When you are in this house, you don't feel a part of the neighborhood. The sound from Womer, because it goes down a little bit, it is an uphill grade, it changes to 45 mph, the traffic sound is very loud. You walk out your front door and there is a doctors' office parking lot.

It was stated that there are five signatures in opposition. I did phone and visit with two of those people last night. One of them, Mr. Massey, very plainly said, because we have sent out two letters, and we have tried to communicate with the neighborhood anyway, he said that he signed a piece of paper, and he said he had no idea what he signed. He is 80 years old and his wife died three years ago, and he said he didn't care what happened across the street. Then the lady on the corner, Evelyn Biggs, who initially when our first letter went out, she called right off and said it was fine with her. But then last night, she said someone came to her and told her there was going to be a big parking lot and lots of commercial signage.

DUNLAP These communications that you made with the neighborhood, were they prior to you purchasing the property or after you purchased the property?

DEL HANNAMEN The first one we sent out on a Friday and the following Wednesday we signed the contract after we had two positive phone calls. That following Friday, we got the letter from Mr. Wheeler, and we had already signed the purchase contract. And we, then we had a problem with the title descriptions, and we closed a week ago Wednesday.

DUNLAP You bought the property knowing that it was residential and knowing that you could not run a business there, and assuming you could get the zoning changed?

REBECCA HANNAMEN We did have our meeting here at City Hall and after that meeting, and after everything they told us could go wrong, yes, you are correct, we wrote a contract on the house simply because we did feel it was the absolutely perfect location for an office. And we did feel we would be good for the neighborhood. The lady selling the house was ready to move in with her sister.

MOTION: To approve the zone change without the cross-lot easement in Item 4.

MITCHELL moved, WARREN seconded the motion.

BISHOP I am going to oppose the motion. However, I believe without having the access to Womer, it is going to put some stress on that neighborhood for business traffic and the neighborhood office will run with the land. So if they have to sell it, who knows how much traffic the next business will generate.

DUNLAP I would have probably supported this with the cross-lot application. Even though I know the doctor won't allow it right now it might happen someday.

SUBSTITUTE MOTION: To approve the zone change per staff comments and conditions.

JOHNSON moved, DOWNING seconded the motion, and it carried 6-4.
(MITCHELL, HENTZEN, SHERMAN, DUNLAP opposed.)

closure

CLOSURE - HANNEMAN ADDITION

PT 01	North: 6114.7811		East :	11974.0266
Line	Course: S 89-29-16 W	Length: 274.5100		
PT 02	North: 6112.3271		East :	11699.5276
Line	Course: N 35-27-43 W	Length: 70.7100		
PT 03	North: 6169.9204		East :	11658.5043
Curve	Length: 103.4395		Radius: 5239.6700	
	Delta: 1-07-52		Tangent: 51.7175	
	Chord: 103.4300		Course: N 60-00-11 E	
	Course In: S 30-33-45 E		Course Out: N 29-25-53 W	
RP	North: 1658.1715		East :	14322.7610
PT 04	End North: 6221.6346		East :	11748.0869
Line	Course: N 60-30-36 E	Length: 303.2500		
PT 05	North: 6370.9160		East :	12012.0483
Line	Course: S 00-27-00 E	Length: 93.0300		
PT 06	North: 6277.8888		East :	12012.7790
Line	Course: S 60-34-00 W	Length: 45.7300		
PT 07	North: 6255.4166		East :	11972.9514
Line	Course: S 00-26-28 E	Length: 140.6400		
PT 01	North: 6114.7808		East :	11974.0342