

City of Wichita  
City Council Meeting  
September 11, 2001

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council Members

**SUBJECT:** ZON2001-00044 - REQUEST FOR ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "NO" NEIGHBORHOOD OFFICE, LOCATED 10211 EAST 21<sup>ST</sup> STREET NORTH, SOUTH OF 21<sup>ST</sup> STREET NORTH, BETWEEN WEBB AND GREENWICH.

(District #II)

*M. Brown*

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning

**MAPC Recommendation:** Approve, subject to platting within 1 year (10-2).

**Staff Recommendation:** Approve, subject to platting within 1 year.

**DAB Recommendation:** Approve (7-0).

**Background:** The applicant is requesting "NO" Neighborhood Office on a 7.37-acre unplatted parcel south of 21<sup>st</sup> Street North, between Webb and Greenwich. The undeveloped property is currently zoned "SF-5" Single Family.

The application area abuts similar, undeveloped, "SF-5" zoned property to the south, east and west. The area to the south of the application area is platted for single-family development, and the property to the west is platted and planned as a church site. A smaller, extended portion of the application area property abuts the county line, and "SF-20" (Single Family) zoned property to the east. To the north of the application area, across 21<sup>st</sup> Street North, is the Tallgrass East Residential CUP, DP 163. The Tallgrass Residential CUP, zoned "SF-5," maintains a masonry screen wall along 21<sup>st</sup> Street North. Areas zoned "LC," Limited Commercial, exist at both the 21<sup>st</sup> Street North and Webb intersection, and the 21<sup>st</sup> Street North and Greenwich intersection. Approximately 600 feet to the west of the application area is property zoned "B" Multi-family; this property is developed with apartment units.

The proposed zone change, from "SF-5" to "NO," would require platting, and conformance to all property development standards in the Unified Zoning Code.

At the MAPC hearing on August 9, 2001 the applicant spoke in support of the planning staff recommendation for approval of the zone change from SF-5 to NO. The Planning Commission discussed access management issues with the proposed zone change site, leaving the resolution of these issues for the time of platting. The Planning Director also discussed how the proposal did not meet the objective of creating mixed-use centers in which traffic for vehicles could be better handled and the development would be more conducive to pedestrian and public transit usage. No citizens requested to be heard at the hearing. The MACP voted 10-2 to approve, subject to platting within 1 year.

On Monday, August 6, 2000, the *District Advisory Board (DAB) for Council District II* considered the zone change request. The DAB Members were provided the public notice and MAPD staff comments for review. No citizens other than the applicant's agent requested to be heard at the hearing. The DAB voted 7-0 to approve.

**Recommended Action:**

1. Concur with the findings of the MAPC and approve the zone change, subject to platting within one year, *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.)

ORDINANCE NO. 45-542

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 2001-44**

Request for zone change from "SF-5" Single-Family Residential District to "NO" Neighborhood Office District, described as:

Lot 1, Block 1, Remington Place Second Addition

Generally located on the south side of 21<sup>st</sup> Street North, east of Webb 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.

ADOPTED this 14<sup>th</sup> day of January, 2003.

ATTEST:

Pat Graves  
Pat Graves, City Clerk



Bob Knight  
Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf  
Gary E. Rebenstorf, City Attorney



# STAFF REPORT

MAPC 8-09-01  
DAB 8-06-01

**CASE NUMBER:** ZON2001-00044

**APPLICANT/AGENT:** Covenant Development Corporation, Stephen Dawson (owner); Ron Peake Design Build, Ron Peak (contract purchaser); PEC, PA, Gary Wiley (agent)

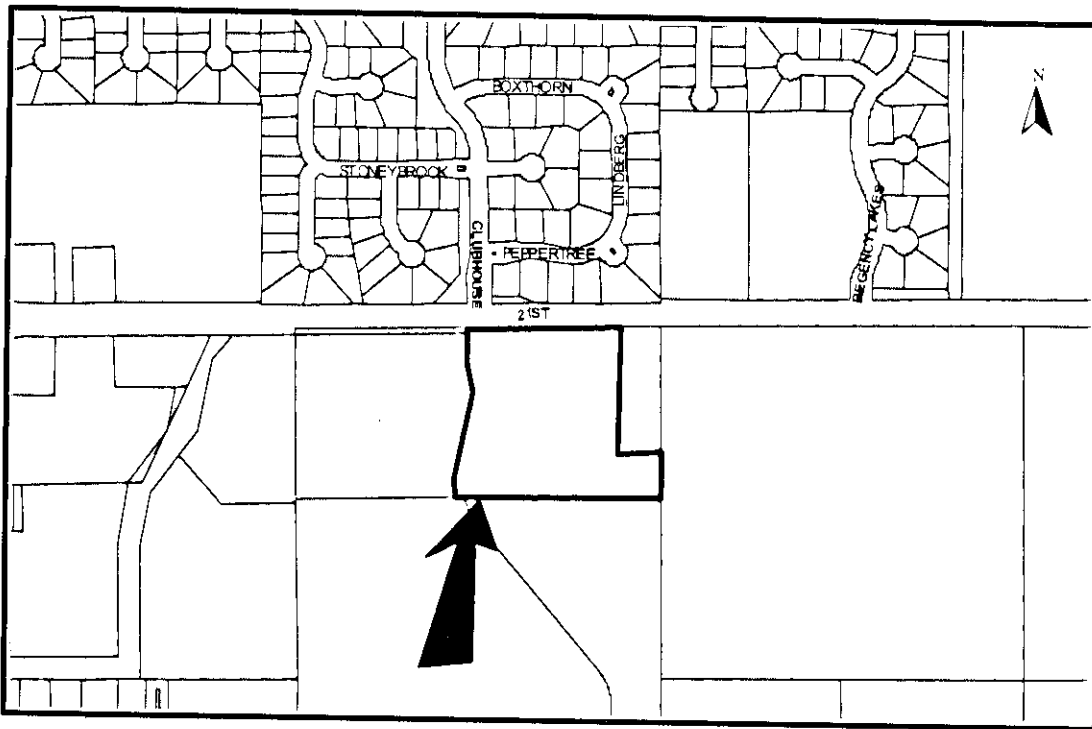
**REQUEST:** Zone change to "NO" Neighborhood Office

**CURRENT ZONING:** "SF-5" Single-Family

**SITE SIZE:** 7.37 acres

**LOCATION:** 10211 21<sup>st</sup> Street N., south of 21<sup>st</sup> Street N., between Webb and Greenwich.

**PROPOSED USE:** The contract purchaser proposes to construct a dental office, insurance office, and other neighborhood offices.



**FILE COPY**

**BACKGROUND:** The applicant is requesting "NO" Neighborhood Office on a 7.37-acre unplatted parcel south of 21<sup>st</sup> Street N., between Webb and Greenwich. The undeveloped property is currently zoned "SF-5" Single Family.

The application area abuts similar, undeveloped, "SF-5" zoned property to the south, east and west. The area to the south of the application area is platted for single-family development, and the property to the west is platted and planned as a church site. A smaller, extended portion of the application area property abuts the county line, and "SF-20" (Single Family) zoned property to the east. To the north of the application area, across 21<sup>st</sup> Street N., is the Tallgrass East Residential CUP, DP 163. The Tallgrass Residential CUP, which is zoned "SF-5," maintains a masonry screen wall along 21<sup>st</sup> Street N. Areas zoned "LC," Limited Commercial, exist at both the 21<sup>st</sup> Street N. and Webb intersection, and the 21<sup>st</sup> Street N. and Greenwich intersection. Approximately 600 feet to the west of the application area is property zoned "B" Multi-family, this property is developed with apartment units.

The proposed zone change, from "SF-5" to "NO," would require platting, and conformance to all property development standards in the Unified Zoning Code.

**CASE HISTORY:** The Remington Place Subdivision for the property to the south and west was filed on January 8, 2001, and was recorded on May 10, 2001.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"SF-5"	single family residences
SOUTH:	"SF-5"	platted for single family residences
EAST:	"SF-5," "SF-20"	unplatted and undeveloped
WEST:	"SF-5"	platted, proposed church site

**PUBLIC SERVICES:** The property is located along 21<sup>st</sup> Street N., a five-lane arterial street. The traffic count for year 2000 along this section of 21<sup>st</sup> Street N. was 7,508 cars per day (ADTs). The projected traffic volume for 2030 is 21,256 cars per day. This would appear to leave extra capacity for the development of this property with offices generating about 1600 ADTs, compared to about 25 homes generating 250 ADTs. No street projects are included in the C.I.P. The undeveloped property currently has no vehicular access. The existing half-width right-of-way for 21<sup>st</sup> Street N. is 60 feet.

**CONFORMANCE TO PLANS/POLICIES:** The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as "low density residential."

"Office Locational Guidelines" of the *Comprehensive Plan* include (1) being located adjacent to arterial streets; (2) having local, service-oriented offices 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:** The Comprehensive Plan suggests that office uses should be incorporated within or adjacent to retail commercial developments at arterial intersections. This location, separated from the commercial intersection by single family and multifamily zoning, will not promote the Plan's concept of mixed-use activity centers where higher traffic-generating uses are clustered so they are more conducive to pedestrian activity and transit service. In retrospect, this property would have come closer to the Plan's goals if the developer had merely switched the office and church parcels. However, since the Neighborhood Office district has been designed to be a compatible neighbor to low density residential uses, and office developments in this part of the city have been well-designed, and since there appears to be available capacity in the street system, Planning staff finds that a zone change to Neighborhood Office could be acceptable.

The planning staff would anticipate platting for this property to include a right in/right out only driveway east of Cranbrook from the property onto 21<sup>st</sup> Street N., should that additional access be necessary. Also, the planning staff would anticipate platting for this property to include the marking or improvement of a southbound left turn on Cranbrook to the property access point, a decel lane on eastbound 21<sup>st</sup> Street N. west of Cranbrook, and a guarantee to be held for a pro rata share of the signalization of the 21<sup>st</sup> Street N., Cranbrook, and Clubhouse intersection if necessary in the future.

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

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties immediately surrounding the application area are all zoned "SF-5." The property across 21<sup>st</sup> Street is developed with single-family residences, the property to the south is platted for single-family residences, and the property to the west is platted and planned as a church site. Commercial and multi-family zoning and uses exist at and near the nearby intersection of 21<sup>st</sup> Street N. and Webb. The proposed office development should be consistent in scale, if not in traffic generating intensity, with the surrounding uses.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed with single-family residences. However, the location of the application area along a major arterial street makes it suitable for office uses as well.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: If the property is developed in a manner similar to other upscale office projects in the vicinity, the impact on residences across 21<sup>st</sup> Street N. and any future surrounding residential development should be reduced.

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 *Comprehensive Plan "Wichita Land Use Guide,"* and not in conformance with all the locational guidelines of the plan. However, it is in conformance with the purpose of the "NO" district as a very low-intensity office use that is compatible with nearby residential use, so long as site design compatibility requirements are included in the approval.
5. Impact of the proposed development on community facilities: The main impact would be to increase turning movements at the mid-block location on 21<sup>st</sup> Street N. Planning for future access management as this frontage develops will help minimize the number of traffic conflicts and accidents.