Agenda Item #_____

City of Wichita
City Council Meeting
November 6, 2001

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2001-00055 – Zone change from "TF-3" Two-Family Residential to "NO" Neighborhood Office. Generally located on the southwest corner of Seneca and Crawford (2701 S. Seneca).**
(District #IV)

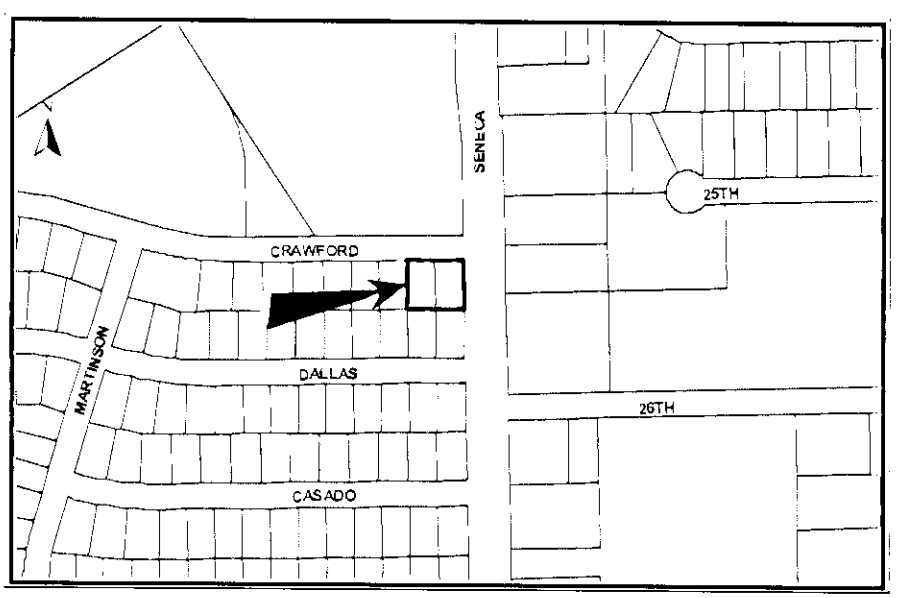
INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to the provisions of a (P-O) Protective Overlay, with in only access permitted on Seneca and dedication of a two-foot utility easement (9-5).

Staff Recommendation: Approve, with access limited to Crawford and dedication of a two-foot utility easement (6-0).

DAB Recommendation: Approve, subject to the provisions of a (P-O) Protective Overlay, with in only access permitted on Seneca and dedication of a two-foot utility easement (6-0).



BACKGROUND: The applicant is requesting "NO" Neighborhood Office on two, platted lots (Lots 10 & 11, Block 7, Westway Park Addition) located on the southwest corner of the Seneca – Crawford intersection, one block southwest of the Seneca – Pawnee intersection. Lot 11, is a corner lot with Lot 10 the first lot, on Crawford, to the west of it. The properties are currently zoned "TF-3". Lot 11 is developed with a single-family residence, with the house and its driveway oriented onto Seneca. There is wooden fence on the south (abutting a single family residence on SF-5 zoning) and east sides. Lot 10 is not developed and appears to be part of the lawn of Lot 11, there is no access onto Lot 10, via a curb cut. Currently the applicant has converted the attached garage into an insurance office; per UZC, this is a permitted home occupancy. The owner intends to redevelop the property as an office, and move to a different home. The two lots together appear to be large enough to be developed into a non-residential use.

There is a large retail strip center (CUP DP-21, across Crawford Street) north of the properties, which contains restaurants, offices and retail. The strip extends 2 blocks west of Seneca and takes up the first block south of the Pawnee – Seneca intersection. There is access to the strip (besides the access off of Seneca and Pawnee) from Crawford Street, facing the applicant's property. There is mixed retail, a movie theater, restaurants, fast food restaurants, and offices to the northeast and southeast (across Seneca) of the subject properties. There appears to be only two single-family residences on the east side of Seneca from Pawnee to 31st Street South. Southwest of the properties along Seneca from Pawnee to 31st Street South, there are single-family residences broken by churches, schools and offices. These non-residential uses and structures are usually occupying either the corner lot or lots; the west side of Seneca has more single-family residential zoning and development than the east side.

The proposed conversion of the property to office use would entail providing off-street parking and screening in accordance with the zoning code. Compatibility setbacks normally would not be required if the conversion does not involve new construction. Similarly, the Landscape Ordinance normally would not be triggered unless the increased value after conversion to the non-residential use was more than 50 percent of the original improvements.

Staff recommended approval of the request, subject to a two-foot utility easement dedication and the following Protective Overlay:

1. The property shall be developed and/or redeveloped 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. Freestanding signs shall be monument-type with a maximum height of 8 feet.
3. Per Traffic Engineer's recommendation the existing access onto Seneca will be closed with access being onto Crawford Street.
4. Lighting shall conform to lighting standards in Sec. IV-B.4 of the Unified Zoning Code and be limited to no more than 14 feet in height.
5. Parking shall meet the UZC requirements.

6. Landscaping shall be provided that is equivalent to a landscaped street yard, parking lot landscaping and screening along Seneca, and a buffer along the property lines adjoining a residential district, as required in the City of Wichita Landscape Ordinance. A Landscape Plan shall be submitted to the Director of Planning for approval prior to the issuance of a building permit.

At the DAB IV meeting on October 4, 2001 the applicant's agent requested that the DAB recommend amending the Protective Overlay by changing conditions #1 and #3. The agent's requested that the pitch on the roof be a minimum vertical rise of 3 inches for every twelve inches (#1), rather than the Staff's recommended minimum vertical rise of 4 inches for every twelve inches and to allow access onto Seneca as right in only from the existing drive (#3), rather Staff's recommendation that the existing access onto Seneca be closed, with access being onto Crawford Street. The DAB approved the zoning change request with the agent's request for the changes to the Protective Overlay on conditions #1 and #3. No one spoke in opposition to the case at the DAB IV meeting.

At the MAPC hearing on October 11, 2001 the MAPC approved, 9-5, the zoning change request with the changes made to the Protective Overlay as approved at the DAV IV meeting. No one spoke in opposition to the case at the MAPC hearing.

After the MAPC meeting, Staff determined that the length of planned expansion to the existing building was forcing a one way-configuration of the proposed parking lot, which in turn dictated the request for a one-way drive on Seneca. Staff has requested that the applicant consider a reconfiguration or reduction of the proposed expansion area to permit the parking and access to be redesigned to allow all access onto Crawford, per Staff recommendation, rather than the in only access onto Seneca. Staff will report on the applicant's response at the Council meeting.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, subject to the recommended provisions of a Protective Overlay District and subject to the dedication of a utility easement, place the ordinance on first reading, but withhold publication of the ordinance until dedication instrument is submitted; 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.)

(_____) Published in The Wichita Eagle on _____

ORDINANCE NO. 45-138

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. ZON2001-00055

Request for zone change from "TF-3" Two-Family Residential to "NO" Neighborhood Office and to "P-O" Protective Overlay District #105, on property described as:

Lots 10 and 11, Block 7, Westway Park, an Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located on the southwest corner of Seneca and Crawford (2701 S. Seneca).

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The property shall be developed and/or redeveloped 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 3 inches for every twelve inches; and a maximum height of 25 feet.

2. Freestanding signs shall be monument-type with a maximum height of 8 feet.

3. Access off of Seneca Street shall be designed as in-only.

4. Lighting shall conform to lighting standards in Sec. IV-B.4 of the Unified Zoning Code and be limited to no more than 14 feet in height.

5. Landscaping shall be provided that is equivalent to a landscaped street yard, parking lot landscaping and screening along Seneca, and a buffer along the property lines adjoining a residential district, as required in the City of Wichita Landscape Ordinance. A Landscape Plan shall be submitted to the Director of Planning for approval prior to the issuance of a building permit.

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 ma, s hereby reincorporated as a part 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, NOV 2 0 2001

ATTEST:

Pat Burnett, City Clerk

Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 8
October 11, 2001

STAFF REPORT

CASE NUMBER: ZON2001-00055

APPLICANT/OWNER: Lymon W Edwards

AGENT: PEC, PA, Gary Wiley

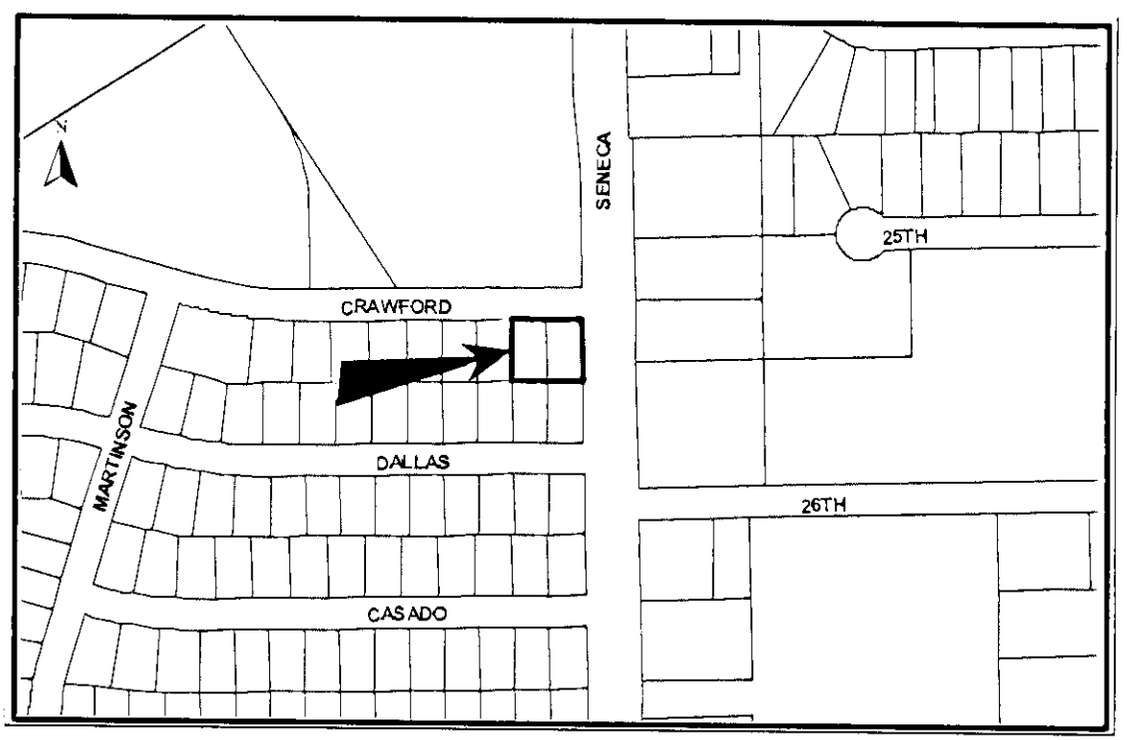
REQUEST: Zone change to "NO" Neighborhood Office

CURRENT ZONING: "TF-3" Two-Family

SITE SIZE: Two lots totaling approximately 15,180 square feet.

LOCATION: Southwest of the Seneca – Pawnee intersection, specifically the southwest corner of the Crawford – Seneca intersection.

PROPOSED USE: Conversion of a single-family residence to an office.



BACKGROUND: The applicant is requesting "NO" Neighborhood Office on two, platted lots (Lots 10 & 11, Block 7, Westway Park Addition) located on the southwest corner of the Seneca – Crawford intersection, one block southwest of the Seneca – Pawnee intersection. Lot 11, is a corner lot with Lot 10 the first lot, on Crawford, to the west of it. The properties are currently zoned "TF-3". Lot 11 is developed with a single-family residence, with the house and its driveway oriented onto Seneca. There is wooden fence on the south (abutting a single family residence on SF-5 zoning) and east sides. Lot 10 is not developed and appears to be part of the lawn of Lot 11, there is no access onto Lot 10, via a curb cut. Currently the applicant has converted the attached garage into an insurance office; per UZC, this is a permitted home occupancy. The owner intends to redevelop the property as an office, and move to a different home. The two lots together appear to be large enough to be developed into a non-residential use.

There is a large retail strip center (CUP DP-21, across Crawford Street) north of the properties, which contains restaurants, offices and retail. The strip extends 2 blocks west of Seneca and takes up the first block south of the Pawnee – Seneca intersection. There is access to the strip (besides the access off of Seneca and Pawnee) from Crawford Street, facing the applicant's property. There is mixed retail, a movie theater, restaurants, fast food restaurants, and offices to the northeast and southeast (across Seneca) of the subject properties. There appears to be only two single-family residences on the east side of Seneca from Pawnee to 31st Street South. Southwest of the properties along Seneca from Pawnee to 31st Street South, there are single-family residence broken by churches and offices. These non-residential uses and structures usually occupying either the corner lot or lots; the west side of Seneca has more single family residential zoning and development than the east side.

The proposed conversion of the property to office use would entail providing off-street parking and screening in accordance with the zoning code. Compatibility setbacks would not be required if the conversion does not involve new construction. Similarly, the Landscape Ordinance would not be triggered unless the increased value after conversion to the non-residential use was more than 50 percent of the original improvements.

CASE HISTORY: The property was platted as the Westway Park Addition and recorded on October 31, 1955.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Limited Commercial "GO" General Office	CUP DP-21, restaurants, retail, offices
SOUTH:	"SF-5" Single Family Residential "GO" General Office	single-family residences, offices churches
EAST:	"LC" Limited Commercial	mixed retail, restaurants, offices

	"GO" General Office	
WEST:	"SF-5"	single-family residences

PUBLIC SERVICES: The property is located along Seneca, a five-lane arterial street. The traffic count for year 2000 was 19,341 cars per day (ADTs) south of the Seneca and Pawnee intersection, which is the closest major intersection. No street projects are included in the C.I.P. The properties have one drive entrance onto Seneca, from Lot 11. The properties have a platted 16-ft utility easement running along their south sides. 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 being "commercial".

"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 purpose of the "NO" Neighborhood Office district is to accommodate very low intensity office development generally appropriate near residential neighborhoods. The *Comprehensive Plan* "Wichita Land Use Guide" designates this property as either high density residential or commercial. Single-family residential uses abut this site to the south and west; although office uses, churches, and commercial uses are also near this property. The character of the non-single family residential land uses near this property, coupled with its location along a major arterial with a significant traffic volume, argues that small-scale office use with a residential character may be a reasonable alternative to the current single-family use. So long as the property maintains a residential design, provides ample compatibility setbacks and landscape buffers, and provides adequate parking, the effect of an office use on adjacent single-family residences should be minimized. Also, staff recommends that a change in zoning require the current 16-ft utility easement to be increased with a 2-ft dedication, bringing the utility easement within 2-ft of the current 20-ft standard.

Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the mentioned 2-ft utility easement dedication and the following Protective Overlay.

1. The property shall be developed and/or redeveloped 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. Freestanding signs shall be monument-type with a maximum height of 8 feet.
3. Per Traffic Engineer's recommendation the existing access onto Seneca will be closed with access being onto Crawford Street.
4. Lighting shall conform to lighting standards in Sec. IV-B.4 of the Unified Zoning Code and be limited to no more than 14 feet in height.
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DAB IV considered ZON2001-00055 at their Wednesday October 3, 2001 meeting. The agent for the case, Gary Wiley, agreed with Staff comments with the request that the DAB consider changing Protective Overlay conditions;

(1) The change in #1 is in regards to the minimum vertical rise in the roof from 4 inches for every 12 inches to the existing rise, which is closer to a minimum vertical rise of 3 inches for every 12 inches.

(2) Allow Traffic Engineer's to consider the applicant's proposal to change #3 to allow the existing opening/access onto Seneca to remain open as an in only and have an exit onto Crawford, per Exhibit I. The exhibit was not available to Staff prior to the DAB IV meeting.

No one spoke in opposition to the request for the zoning change of "TF-3" to "NO". DAB IV recommended approval of the zoning change with the Protective Overlay modified to reflect the applicant's request for the changes in #1 and #3.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property adjoining the application area to the north is zoned "LC" and "GO"; it is a large retail strip center, with mixed retail, restaurants and office. The properties across Seneca to the southeast and northeast are zoned "LC" and "GO", with development being mixed retail, restaurants, movie theater and office. Properties to the south are zoned "SF-5" and "GO" with development being office, mixed retail and churches. The character of the property surrounding the application area, along Seneca, is becoming less desirable for traditional single-family homes due to traffic volume and the predominance of non-residential zoning. As a result, more intensive zoning has been approved in this area.

2. The suitability of the subject property for the uses to which it has been restricted: The property could continue to be used for a single-family residence. However, the predominance of non-residential zoning and the traffic volume generated by the non-residential development makes this property less attractive

for single-family residential use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: So long as the property is developed with strong site development requirements to mitigate the impact of parking, lighting, and maintain the residential character of the structure, the impact on surrounding residences should be reduced. The effect of approving this request for "NO" might be to encourage adjacent residences to seek a similar approval.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: One of the purposes of the "NO" district is to be 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. The Comprehensive Plan shows this site to be appropriate for commercial use.

5. Impact of the proposed development on community facilities: The main impact would be to increase turning movements at the mid-block location on Seneca. Planning for future access management as this frontage redevelops will help minimize the number of traffic conflicts and accidents.