



Wichita-Sedgwick County Metropolitan Area Planning Department

June 30, 2005

Team Players , LLC
C/o Mike Boyd
128 S. Dellrose
Wichita, KS 67218

Re: **VAC2005-00022** - Request to vacate street right-of-way, generally located west of Hillside Street and south of Central Avenue.

Dear Mr. Boyd:

At its regular meeting on Tuesday, June 28, 2005, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,

Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220,
Cheney, KS, 67205-0220
Baughman Company, P.A., c/o Russ Ewy, 315 Ellis, Wichita, KS 67211
Gregg E & Pamela K Collins, 1567 Milton, Derby, KS 67037
William L Cummings, 3018 E 8th, Wichita, KS 67214
Jennie L Schwab, 6849 Trinity Circle, Wichita, KS 67226
Spangles Inc., 437 N Hillside, Wichita, KS 67214
Floyd L & Carol Thomas Revocable Trusts, 2716 E Douglas, Wichita, KS 67214
City of Wichita, Property Management Office Mailstop 1-134

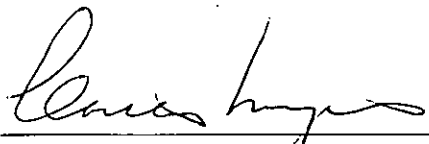
2. No private rights will be injured or endangered by the vacation of the above-described street right-of-way acquired by taking, and the public will suffer no loss or inconvenience thereby.
3. Record the dedication by separate instrument of the Restrictive Covenant.
4. Record the dedication by separate instrument of Abutter's Access Rights.
5. Retain the described vacated right-of-way as a utility easement.
6. In justice to the petitioner(s), the prayer of the petition ought to be granted.
7. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
8. The vacation of the street right-of-way acquired by taking described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 28th day of June 2005 ordered that the above-described street right-of-way acquired by taking is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

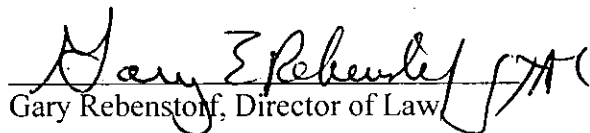
ATTEST:


Karen Sublett, City Clerk




Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



AGENDA ITEM NO. _____

STAFF REPORT

MAPC January 13, 2005

DAB I, January 3, 2005

CASE NUMBER: ZON2004-00065

APPLICANT/OWNER: Wichita Ear Properties, LLC c/o Richard Cummins (owner)
Walter Morris & Sons c/o Mike Boyd (contract purchaser)

AGENT: Baughman company, PA, Terry Smythe

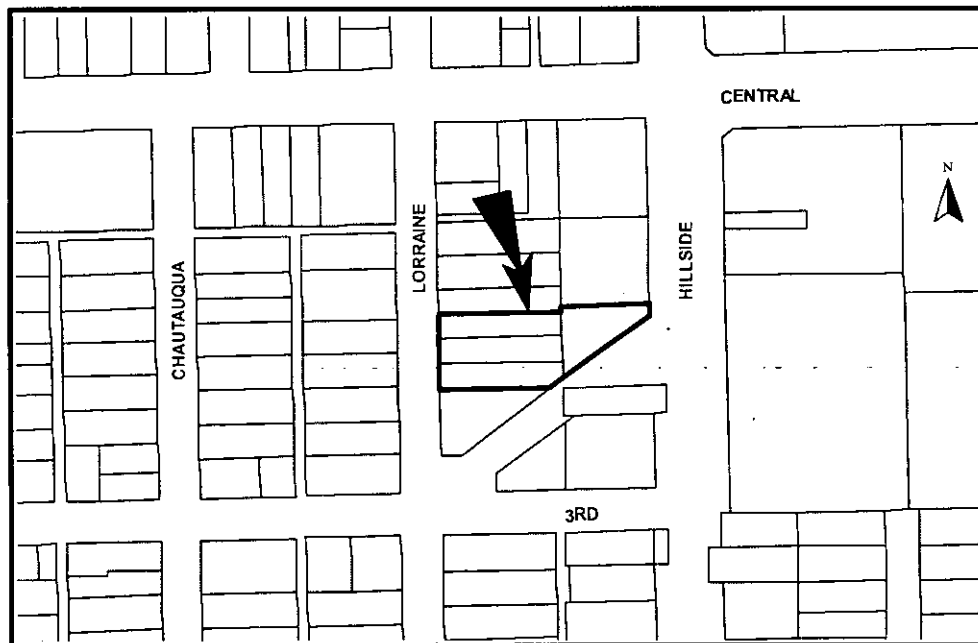
REQUEST: "LC" Limited Commercial

CURRENT ZONING: "B" Multi-family Residential & "GC" General Commercial

SITE SIZE: Approximately 0.84 acres

LOCATION: Between Hillside Avenue & Lorraine Street, approximately 305-feet south of Central Avenue

PROPOSED USE: Restaurant with drive up window



BACKGROUND: The applicant requests a zone change from and "B" Multi-family Residential "GC" General Commercial to "LC" Limited Commercial on what can generally describe as a southern portion of Lot F, a portion of a drainage reserve, and the southern ¾ portion of Lot B, all in the Maple Grove Addition. The subject properties are located between Hillside Avenue & Lorraine Street, approximately 305-feet south of Central Avenue. The subject site is currently developed as a brick, one story medical office with a parking lot on the Hillside Avenue frontage (Lot F, zoned "GC" and "B") and vacant land (Lot B, zoned "B") on the Lorraine frontage. The applicant proposes redevelopment of the property as a restaurant with a drive up window

East of the subject site and across Hillside Avenue is PUD01-02. Its uses including free standing general retail, a neighborhood-shopping strip, a restaurant, a hotel/motel, and office. South of the subject site is the previously mentioned drainage easement (Misc. Book 575, Page 217), which has part of the site's parking lot on it. South of the parking lot and within the drainage easement is a drainage channel, which runs west, over what used to be 3rd Street, to its intersection with the drainage channel that runs parallel with IH-135. There are four-plexes located south of the drainage channel. There is also a duplex south of the site and on the north side of the drainage channel. All properties south of the subject site are zoned "B". North of the subject site there are an offices and a Spangles restaurant with a drive up window, all of these properties are zoned "GC". There is also a vacant single-family residence, zoned "B". The Wesley Hospital complex is located northeast of the subject site, on the northeast corner of Hillside Avenue and Central Avenue. Properties west of the site, across Lorraine Street, include single-family residences and a small apartment complex, all zoned "B".

Any development on the subject property will be required to meet screening, compatibility standards and landscaping. Access control shall be reviewed, by the Traffic Engineer, according to the redevelopment of the site.

CASE HISTORY: The subject properties are platted as a part of the Maple Grove Addition, which was recorded with the Register of Deeds July 10, 1886. DAB I considered this request at their January 3, 2005 meeting and recommended approval of the zone change with the provisions of PO #150.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC", "B"	Offices, restaurant with drive up window, vacant residential
SOUTH:	"B"	Four-plexus, duplex
WEST:	"B"	Single-family residences, small apartment complex
EAST:	"PUD"	Office, retail, restaurant, hotel/motel

PUBLIC SERVICES: The site has access to Hillside Avenue and Lorraine Street. Hillside is a five-lane arterial along the site. Current traffic volumes, at the Hillside – Central Avenues intersection are approximately 22,000 and 20,000 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on Central and Hillside will increase to

approximately 24,000 and 26,000 vehicles per day. Lorraine Street is a paved residential street that intersects with Central Avenue on its north end and dead ends at the drainage channel on its south end. Water, sewer and all other utilities are available.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide of the Comprehensive Plan classified the subject tract as "high density residential" on its western portion and "commercial" on its eastern portion. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The request, with the provisions of the proposed protective overlay, conforms to the Land Use Guide and the Commercial Locational Guidelines of the Comprehensive Plan.

RECOMMENDATION: Potential negative effects, from the expansion of commercial uses onto the western "B" zoned portion of the site, on the residential neighbors to the south and west would be mitigated by existing codes and a protective overlay.

Based upon information available prior to the public hearings, Staff recommends APPROVAL of "LC" zoning subject to PO #150.

1. Dedication by separate instrument of access control onto Hillside Avenue and no access onto Lorraine Street, per the Traffic Engineer's recommendation.
2. Provide a restrictive covenant binding and tying the properties together.
3. The following uses are prohibited: manufactured home, correctional placement residence (limited and general), cemetery, broadcast and recording studios, animal care general, hospital, heliport, printing and coping limited, convenience store, car wash, construction sales and service, night club, tavern, pawn shop, recreation and entertainment indoor, vehicle repair limited, service station, reverse vending machine, wireless communication facilities, recycling collection station (private), asphalt or concrete plant, outdoor storage.
4. Maximum building height of 35 feet.
5. The speaker order board shall not project sound so as to be audible from the residential developments located to the west or the to the south, or any other residential use in the vicinity.
6. On site pole lights no higher than 14-foot. They shall be hooded and directed onto the site and away from the residential developments west and south of the site.

7. The trash dumpster shall be located a minimum of 20-feet from the west, north and south property lines with solid screening around it.
8. Solid screening around the south, west and north property lines shall be provided.
9. Signage will be as allowed in the "LC" zoning district, with no signs allowed on the west, north or south sides of the property or on the building.
10. Redevelopment plans for of the portion of the site located in the drainage easement, which is currently a parking lot, will need to be reviewed and approved by Strom Water, prior to construction.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The neighborhood located around the Hillside Avenue - Central Avenue intersection is dominated by the Wesley Hospital complex and the retail/commercial development south of Wesley. Retail, both sit down restaurants and restaurants with drive up windows, banks, medical offices, offices, and a motel have also developed around the intersection. The more recent of these non-residential developments include sites with a Planned Unit Development (PUD) and protective overlays (PO). The provisions of the PUD and the POs were implemented to lessen the adverse impact of these developments on the residential neighborhoods abutting them. Most of the residential development around the subject site consists of older single-family residences, some older four-plexes and duplexes, and one more recently built small apartment building.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "GC" General Commercial and "B" Multi-family Residential on its eastern portion and "B" on its western portion. The property is currently developed with a one-story, brick medical office on the "GC" zoned portion of the property, which is a use permitted by right. The eastern portion of the site zoned "B" is developed as the medical office's parking. The western "B" zoned portion of the site is not developed and is probably too small to approach the kind of density allowed by this zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed "LC" zoning would allow similar types of development on the "GC" zoned portion of the site. The implementation of the provisions of the Protective Overlay, the requirements of the Landscape Ordinance and the standards of the Unified Zoning Code over the whole site, and specifically on the "B" zoned portion of the site, would limit the adverse impact on the adjacent residential developments.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies the subject

property as appropriate for "commercial" or "high density residential" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. With the provisions of the proposed Protective Overlay the request conforms to the Land Use Guide and Commercial Locational Guidelines of the Comprehensive Plan.

5. Impact of the proposed development on community facilities: Community facilities should be minimally impacted.

