

City of Wichita
City Council Meeting
May 4, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: ZON2004-00008 – Zone change from “TF-3” Two-family Residential to “GO” General Office. Located at the northeast corner of Clifton and Bayley. (District III)

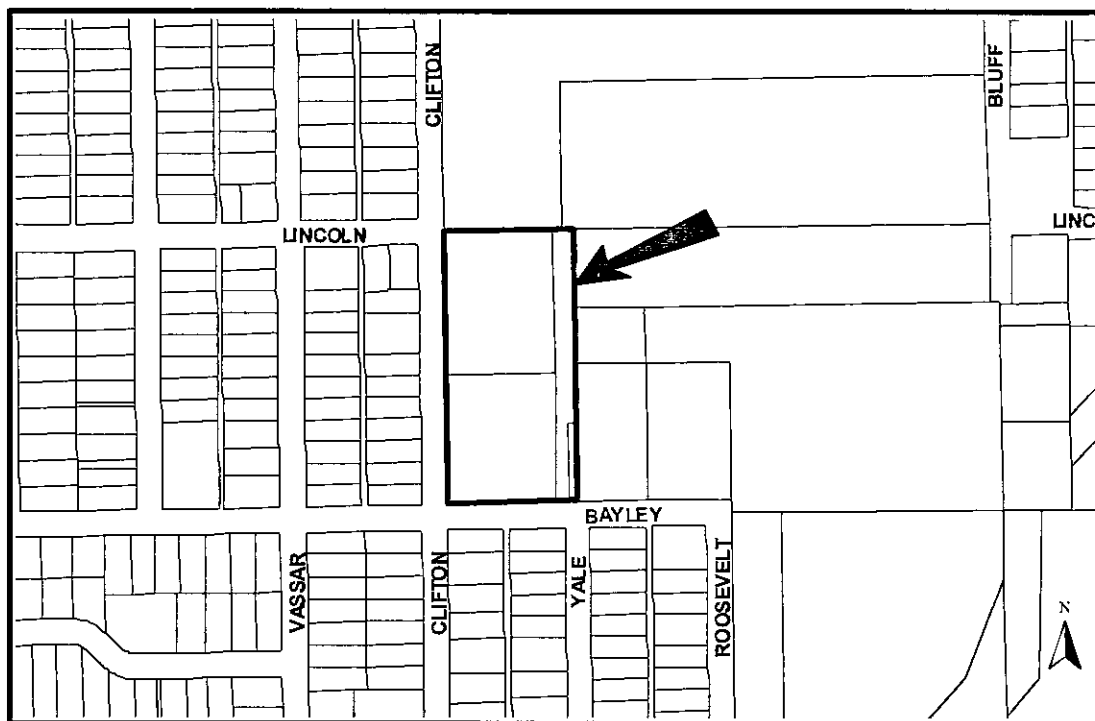
INITIATED BY: Metropolitan Area Planning Department *DVM
GWS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to platting within one-year. (10-0)

DAB Recommendations: Approve, subject to platting within one-year. (8-0)

MAPD Staff Recommendations: Approve, subject to platting within one-year.



Background: The applicant requests a zone change from "TF-3" Two-Family Residential to "GO" General Office on a 5.2 acre unplatted tract located at the northeast corner of Clifton and Bayley. The applicant proposes to construct a one-story brick office building to house the computer networking center and associated staff for Via Christi Regional Medical Center. The proposed use is first permitted in the "GO" General Office zoning district.

The surrounding area is characterized by a mixture of residential, institutional, and medical-related uses. The predominate uses in the area are the Sisters of St. Joseph Convent that is located north and east of and immediately adjacent to the subject property and the Via Christi Regional Medical Center St. Joseph Campus that is located one block south of the subject property. The abutting property to the north is zoned "TF-3" Two-Family Residential and "GC" General Commercial and is developed with a convent. The "GC"-zoned portion of the property located to the north was rezoned to permit a heliport for the St. Joseph hospital. The abutting property to the east is zoned "B" Multi-Family and is developed with a medical support office building. The properties located to south across Bayley and to the west across Clifton are zoned "TF-3" Two-Family Residential and are developed with single family residences.

Analysis: At the DAB Hearing on April 7, 2004, and the MAPC hearing on April 8, 2004, several nearby residents spoke in opposition to the request citing concerns with negative impacts of commercial development on residential property values, increased traffic, loss of open space, and creating a precedent for additional commercial zoning and uses in the neighborhood. Both the DAB (8-0) and the MAPC (10-0) recommended approval of the zone change subject to platting the property within one year. The plat for the property (Sisters of St. Joseph Sixth Addition) is scheduled for City Council action at the same meeting as the zone change request.

One neighboring property owner submitted a written protest petition. While the protesting neighbor's property is partially within 200 feet of the area proposed for rezoning, the land area represented by the written protest is significantly less than the 20% required to trigger the three-fourths vote requirement. Therefore, the request may be approved by a simple majority vote of the City Council.

Financial Considerations: None.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Concur with the findings of the MAPC and approve the zone change; or
2. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a two-third majority vote of the City Council on the first hearing.)

(150004) P shed in The Wichita Eagle on 6-6-04

ORDINANCE NO. 46-176

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 2004-08

Zone change from "TF-3" Two-family Residential District to "GO" General Office District, on property described as:

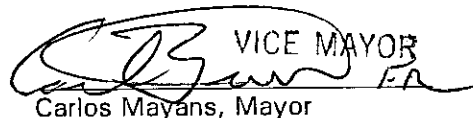
Lots 1 and 2, Block A, Sisters of St. Joseph Sixth Addition, Wichita, Sedgwick County, Kansas.

Generally located east of Hillside, on the south side of Lincoln (extended).

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 11th day of May, 2004.


VICE MAYOR
Carlos Mayans, Mayor

ATTEST:



Karen Sublett City Clerk

(SEAL)

Approved as to form:




Gary E. Rebenstorf, City Attorney