



Wichita-Sedgwick County Metropolitan Area Planning Department

June 23, 2023

ESP Realty LLC
Attn: Christopher Simons
700 South Broadway Street
Wichita, KS 67211

RE: ZON2023-00033: Zone change request in the City from TF-3 Two-Family Residential District to GO General Office District for a medical office, generally located south of East Elm Street and north of East Central Avenue, on the west side of North Lorraine Avenue and the east side of North Chautauqua Avenue.

Dear Applicant;

At its regular meeting on **June 22, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request subject to Protective Overlay #414, which reads:

1. The applicant shall provide screening along the west and north property lines sufficient to block the trespass of headlights. Screening may be accomplished through a screening fence, evergreen landscaping (trees and/or shrubs), or a combination thereof. If evergreen landscaping is used, plants shall be at least three (3) feet in height at the time of planting and spaced in such a way to create the effect of solid screening.
2. A landscape plan illustrating all required landscaping shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.

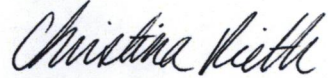
Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on July 6, 2023. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed and must be submitted to the City Clerk by **July 6, 2023 at 5:00 p.m.**

This case will be heard by the District I Advisory Board (DAB) on **Monday, July 10, 2023**, beginning at 6:00 p.m. DAB I meets at the Atwater Neighborhood Resource Center, 2755 East 19th Street North, Wichita, Kansas. For more information, please contact the Community Services Representative for District I, Tasha Hayes, at THayes@wichita.gov or (316) 303-8016.

This application will be heard by the Wichita City Council on **Tuesday, July 25, 2023**, beginning at 9:00 a.m.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,



Christina Rieth
Current Plans
Associate Planner

Copies to:

MABCD

Brandon Johnson, Councilmember District I

Tasha Hayes, CSR District I

Austin Kinzle, 6505 East Central Avenue, Wichita, KS 67206

Mitchell Binns, 255 North Mead Avenue, Suite 200, Wichita, KS 67202

Joshua Siebenaler, 3336 East Country Club Place, Wichita, KS 67208

Daniel and Margaret Anderson, 3733 East Sleepy Hollow Drive, Wichita, KS 67208

Stephen and Patricia Hileman, 139 South Fountain Avenue, Wichita, KS 67218

Carla Phillips, 545 North Lorraine, Wichita, KS 67214



Wichita-Sedgewick County Metropolitan Area Planning Department

August 1, 2023

ESP Realty LLC
Attn: Christopher Simons
700 South Broadway Street
Wichita, KS 67211-2224

Austin Kinzle
6505 East Central Avenue
Wichita, KS 67206

Mitchell Binns
255 North Mead Avenue
Suite 200
Wichita, KS 67202

RE: ZON2023-00033: Zone change request in the City from TF-3 Two-Family Residential District to GO General Office District for a medical office, generally located south of East Elm Street and north of East Central Avenue, on the west side of North Lorraine Avenue and the east side of North Chautauqua Avenue.

Dear Applicants;

At its regular meeting on August 1, 2023, the Wichita City Council (WCC) considered the above captioned request. The action of the WCC was to DENY the request.

Section V-D.11 of the Unified Zoning Code states that in the event that the governing body denies a request, a similar application shall not be refiled for one year from the latest advertised public hearing date (this would be the WCC hearing on August 1, 2023). A request for a more restrictive zoning classification shall not be filed for six months from the same date.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth
Associate Planner

Copies to: MABCD
Brandon Johnson, Council Member District I
Tasha Hayes, CSR District I



STAFF REPORT
MAPC: June 22, 2023
DAB I: July 10, 2023

AGENDA ITEM NO. 4.9

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- CASE NUMBER:** ZON2023-00033 (City)
- APPLICANT/AGENT:** Christopher Simons/ESP Realty LLC (Applicant)/Austin Kinzle (Agent)
- REQUEST:** GO General Office District
- CURRENT ZONING:** TF-3 Two-Family Residential District
- SITE SIZE:** 1.66 acres
- LOCATION:** Generally located north of East Central Avenue and south of East Elm Street, on the west side of North Lorraine Avenue and on the east side of North Chautauqua Avenue.
- PROPOSED USE:** Medical office building.
- RECOMMENDATION:** Approve with a Protective Overlay.



BACKGROUND: The applicant is requesting a zone change from TF-3 Two-Family Residential District to GO General Office District in the Bucks 2nd Addition Resurvey subdivision. The properties total 1.66 acres in size and are generally located north of East Central Avenue and south of East Elm Street, on the west side of North Lorraine Avenue and on the east side of North Chautauqua Avenue.

The applicant is requesting the zone change in order to construct a medical office. According to the site plan, the proposed building will measure 189 feet by 120 feet, for a total of 22,680 square feet. There will be 114 parking stalls on site, and the Unified Zoning Code requires one parking space per 333 square feet. Therefore, the property will have more parking on site than is required. There will also be two access points off North Lorraine Avenue and North Chautauqua Avenue.

Staff is recommending a Protective Overlay to help mitigate possible negative impacts to the residential properties to the north and west. Elements of this Protective Overlay are supported by land use compatibility guidelines from the *Community Investments Plan* as discussed below. The preliminary site plan illustrates a retaining wall on North Chautauqua Avenue. To mitigate light pollution from vehicular traffic on the adjacent residential streets, staff recommends in the Protective Overlay that the screening along the west and north property lines is sufficient to block the trespass of headlights. Screening may be accomplished through a screening fence, evergreen landscaping (trees and/or shrubs), or a combination thereof. If evergreen landscaping is used, plants shall be at least three (3) feet in height at the time of planting and spaced in such a way to create the effect of solid screening.

While B Multi-Family District is the most restrictive zoning to allow medical services, GO General Office District allows a slightly higher maximum height. The requested zone change to GO General Office District would also have a reduction in setbacks and an increase in permitted building height, as seen in the table below:

Property Development Standards	TF-3 Two-Family Residential District	GO General Office District	B Multi-Family Residential District
Minimum lot area	5,000 square feet for nonresidential uses	5,000 square feet for nonresidential uses	5,000 square feet for nonresidential uses
Front setback	25 feet	20 feet	20 feet
Rear setback	20 feet	10 feet	15 feet
Maximum height	35 feet	60 feet	55 feet, plus one foot of additional height for each foot of setback beyond the minimum required setbacks for all property lines
Minimum lot width	35 feet	No minimum	No minimum

Section IV-B.2 of the Unified Zoning Code (UZC) requires screening of commercial properties when abutting or across a street or alley from residential zoning districts. Because the property abuts residential zoning on the north and west sides, the applicant will be required to provide a solid screening fence of at least six feet in height along these property lines. The property will also need to adhere to the rules and regulations of the Wichita Sign Code, which prohibits buildings signs from facing residential zoning district if the building is within 150 feet of the residential lot line.

The applicant will need to adhere to the requirements of the Wichita Landscape Ordinance. In general, the ordinance requires one shade tree (or two ornamental trees) per 40 linear feet along the abutting residential property lines and a landscape street yard will be required. A landscape plan is required to be submitted for review and approval prior to the issuance of building permits. Landscaped buffers are also required along rear and side boundaries of nonresidential developments when adjacent to residential districts.

The UZC Sec.IV-C.5.a, Compatibility Height standards states that no structure shall exceed 35 feet in height within 50 feet of the lot line of property zoned TF-3 or more restrictive. The proposed GO zoned site abuts and is adjacent

to TF-3 zoned properties. Thus, the maximum height of 35 feet will be the same as the abutting and adjacent TF-3 zoned residences on the north and west sides of the property. The minimum building compatibility setback shall be 15 feet plus one foot for each five feet of lot width over 50 feet.

The character of the neighborhood is residential with major commercial uses at the arterial streets. Properties to the north of the subject site are zoned TF-3 Two-Family Residential District and are developed with a duplex and a single-family dwelling. Properties to the south are zoned LC Limited Commercial District and NR Neighborhood Retail District and are developed with an EMS station and a consignment store, respectively. Properties to the east are zoned GO General Office District and are developed with medical offices. Properties to the west are zoned TF-3 Two-Family Residential District and are developed with single-family dwellings.

CASE HISTORY: On May 8, 1906, the Bucks 2nd Addition Resurvey subdivision was created. There are no zoning cases associated with these properties.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Duplex, single-family dwelling
SOUTH:	LC, NR	EMS station, consignment store
EAST:	GO	Medical offices
WEST:	TF-3	Single-family dwellings

PUBLIC SERVICES: This site has access to North Lorraine Avenue, North Elm Street, and North Chautauqua Avenue, which are all two-way streets with sidewalks on each side. Municipal services, such as water and sewer, already exist on site. Wichita Transit serves the site within one block south of the subject site, on the northwest corner of East Central Avenue and North Chautauqua Avenue.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in conformance with the *Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) recommends the subject site as primarily appropriate for both “Residential and Employment Mix”, which the *Plan* defines as “areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity businesses uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.” The Protective Overlay, which includes screening and landscaping requirements, should mitigate the negative impacts associated with the proposed commercial development.

The Locational Guidelines of the *Community Investments Plan* provide a framework for decision-making regarding land use changes. One of the Guidelines in the Established Central Area is to “support expansion of existing uses to adjacent areas.” The proposed medical office will be adjacent to other medical office uses. The Design Guidelines state that “Ingress/egress locations to non-residential uses generally should not access residential streets unless such access will not negatively impact nearby residential areas.” While North Lorraine Avenue is traditionally a residential street, it has commercial and medical uses on both sides of the street on that block. Chautauqua is a residential street, but with the use being an office building, vehicular traffic will likely be accessing the site during normal business hours and not have significant detrimental impacts on neighboring properties. The Protective Overlay will mitigate possible light pollution caused by vehicular traffic.

The requested zone change is not in conformance with the *Wichita: Places for People Plan*. The subject site is located at the Regional Center at Central and Hillside. The *Plan* aims to “focus the greatest intensity of new development along the main corridors of Central and Hillside, and at the hospital campus.” The subject site is one block north of Central Avenue and encroaches upon a residential neighborhood. The building types identified at this site, between North Lorraine and North Chautauqua, should be mid-rise/apartment complexes. Furthermore, the *Plan* states that “the transition area provides opportunities for commercial development with small scale commercial and a high intensity of residential development with mid- to high-rise apartments.”

The requested zone change is not in conformance with the *Central Northeast Area Update*. The Plan addresses the

number of housing demolitions in the area. The Physical Indicators state that “There have been a net total of 210 dwelling units demolished since 1995. Most of the demolitions (290) took place between 1995-1999. Sadly, the number of new dwelling units has not kept pace with the number of demolitions.”

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to Protective Overlay #414:

Protective Overlay #414

1. The applicant shall provide screening along the west and north property lines sufficient to block the trespass of headlights. Screening may be accomplished through a screening fence, evergreen landscaping (trees and/or shrubs), or a combination thereof. If evergreen landscaping is used, plants shall be at least three (3) feet in height at the time of planting and spaced in such a way to create the effect of solid screening.
2. A landscape plan illustrating all required landscaping shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.

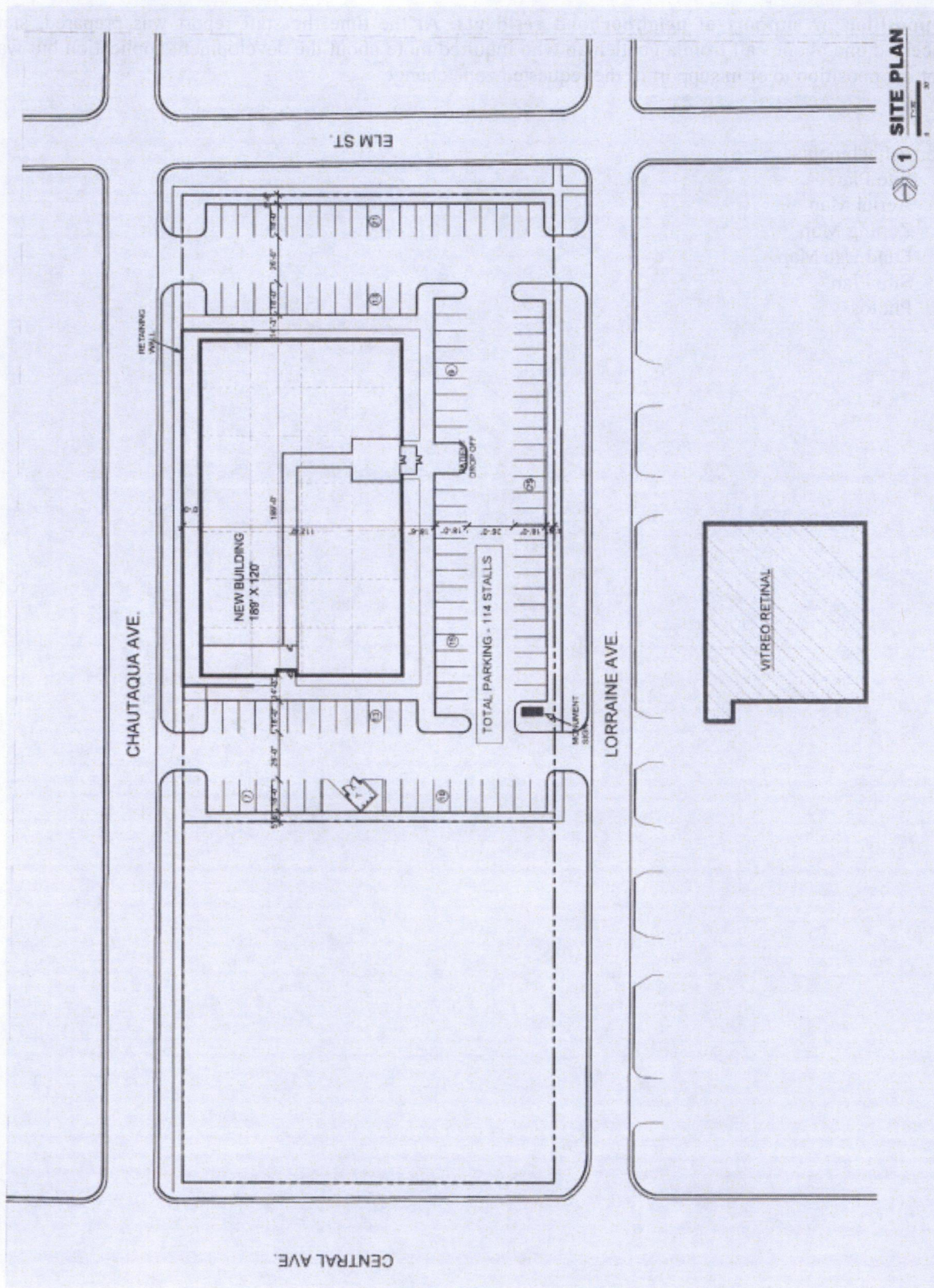
This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is residential with major commercial uses at the arterial streets. Properties to the north of the subject site are zoned TF-3 Two-Family Residential District and are developed with a duplex and a single-family dwelling. Properties to the south are zoned LC Limited Commercial District and NR Neighborhood Retail District and are developed with a EMS station and a consignment store, respectively. Properties to the east are zoned GO General Office District and are developed with medical offices. Properties to the west are zoned TF-3 Two-Family Residential District and are developed with single-family dwellings.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned TF-3 Two-Family Residential District, the property is suitable for a limited number of residential, public, and civic uses, including single-family residences and duplexes. Medical offices are not permitted in TF-3 zoning.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Office development adjacent to residential development may bring noise pollution, light pollution, and traffic to the area. The applicable screening and setback and height compatibility standards in the Unified Zoning Code, along with the Wichita Landscape Ordinance and the Protective Overlay, are designed to mitigate negative impacts of higher intensity uses (such as commercial development that is allowed by right in GO General Office District) abutting less intensive uses (single-family residential zoning).
4. **Length of time subject property has remained vacant as zoned:** The properties are not vacant. They have been developed with single-family dwellings since 1925.
5. **Relative gain to public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval would bring medical offices to the area, which is a gain to public health. Denial may represent a loss of economic opportunity for the applicant.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zoning is in conformance with the *Community Investments Plan*, but is not in conformance with the *Wichita: Places for People Plan* or the *Central Northeast Area Update*, as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** The Planning Department does not anticipate the requested zone change will have a significant impact on community facilities.

8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff received one phone call from a gentleman who inquired more about the development application but was not in opposition to or in support of the requested zone change.

Staff Report Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Plan
6. Photos

















**2035 Wichita
Future Growth
Concept Map**


Legend

-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

Statistical Development Areas

-  Other Urban Growth Areas 2014
-  Other Urban Growth Areas 2014
-  Rural Growth Areas 2014

LAND USE

-  Residential
-  Commercial
-  Industrial
-  Major Air Transportation & Military
-  Parks and Open Space
-  Agricultural or Vacant
-  Major Institutional
-  Nghbd_Plan_Areas



Looking west towards site



Looking south away from site



Looking west towards site



Looking north away from site



Looking east away from site



Looking east away from site



Looking east towards site



Looking east towards site



Looking east towards site



Looking west away from site



Looking west away from site



Looking west away from site

