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ORDINANCE NO. 47-291

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. ZON2006-00037

Request for Zone change from "SF-5" Single-family Residential to "GO" General Office, on property described as:

Lot 13, Block 2, Cottonwood Village Sixth, an addition to Wichita, Sedgwick County, Kansas. Generally located north of E. 29th Street N. and between Rock and Woodlawn.

Subject to the following Protective Overlay PO#181: Land Uses on the site shall be limited to those permitted in the "NO" Neighborhood Office zoning district, and Personal Improvement Service only.

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 AT WICHITA, KANSAS, November 14, 2006.

Carlos Mayans - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

STAFF REPORT

MAPC, October 5, 2006

DAB I, October 2, 2006

CASE NUMBER: ZON2006-00037

APPLICANT/AGENT: St Albans Episcopal Church (applicant), PEC c/o Rob Hartman (agent)

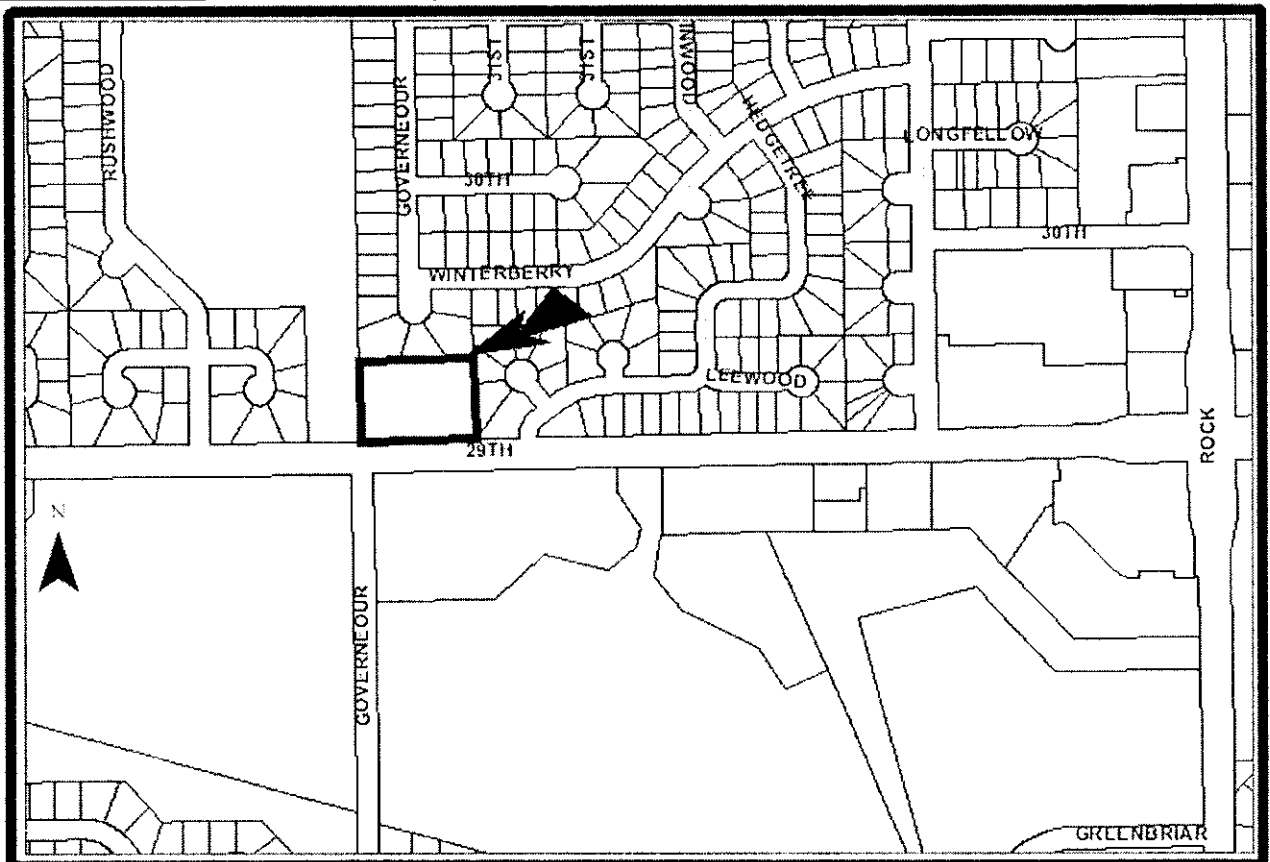
REQUEST: "GO" General Office

CURRENT ZONING: "SF-5" Single-family Residential

SITE SIZE: 2.1 acres

LOCATION: North of 29th Street North and east of Gouverneur (7230 E 29th Street North)

PROPOSED USE: Uses permitted under "GO" General Office zoning



BACKGROUND: The applicant requests a zone change from “SF-5” Single-family Residential to “GO” General Office on a 2.1-acre platted lot located north of 29th Street North and east of the Gouverneur intersection on the south side of 29th. The site is developed with a church and associated parking. The applicant indicates a desire to sell the property for uses permitted under GO zoning.

The immediate surrounding area is zoned SF-5 and developed with single-family residences to the north and east. West of the site is an elementary school and single-family residences. Southwest of the site, across 29th Street, is an SF-5 zoned apartment complex, part of the DP-73 Residential CUP. Southeast of the site is an SF-5 zoned nursing home, also a part of DP-73. GO zoned property exists 560 feet east of the site, on the south side of 29th Street. The western lots of this GO property are vacant; one lot is developed with a medical office use. This GO property is part of the greater CUP DP 108, which includes “LC” Limited Commercial zoned property at the Rock intersection. Three of the four corners at the Rock/29th intersection are developed with LC zoned CUPs.

CASE HISTORY: The subject property was platted as Lot 13, Block 2, Cottonwood Village Addition in 1985.

ADJACENT ZONING AND LAND USE:

NORTH:	“SF-5”	Single-family residential
SOUTH:	“SF-5”, DP-73	Multi-family residential, nursing home
EAST:	“SF-5”	Single-family residential
WEST:	“SF-5”	Elementary school, single-family residential

PUBLIC SERVICES: The subject property has frontage along 29th Street North, a four-lane arterial street with a 50-foot half-street right-of-way (ROW). The south side of 29th has an additional turn lane at the Gouverneur intersection. The site has one access point to 29th, the plat grants two openings. Current traffic volumes on this portion of 29th are 13,101 vehicles per day. The 2030 Transportation Plan recommends that this portion of 29th remain a four-lane arterial. All other typical municipal services are available. The application area has a 40-foot pipeline easement running north-south through the property.

CONFORMANCE TO PLANS/POLICIES: The Wichita Functional Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for “Major Institutional” use, consistent with the church on the site. The Office Locational Guidelines of the Comprehensive Plan recommend that office sites be located adjacent to arterial streets. The Office Locational Guidelines go on to recommend that local, service-oriented offices should be incorporated within or adjacent to neighborhood and community scale commercial development. The guidelines indicate that low-density office uses can serve as a transitional land use between residential uses and higher intensity uses. The Comprehensive Plan generally discourages increased zoning intensity at mid-mile locations, discouraging strip development along arterials. This request is not in conformance with the Comprehensive Plan.

The Access Management Policy recommends 400 feet between full access points on arterial streets; the existing driveway on this site is approximately 300 feet from Hedgetree Street to the east. The Access Management Policy also recommends a 200-foot offset for drives on opposite sides of an arterial, this site has approximately 130 feet between the existing drive and Gouverneur on the south side of 29th.

The Unified Zoning Code (UZO) would require screening between single-family residential development and proposed development on this site, and would require setbacks from all property lines. The Landscape Ordinance would require a landscape plan for the proposed development.

RECOMMENDATION: The Comprehensive Plan generally discourages mid-mile arterial increases in zoning intensity; the Access Management Policy would discourage increased intensity at this site as well, particularly where there is no side street for improved access. "NO" Neighborhood Office zoning may be more compatible with the abutting single-family residences, and would be more consistent with the Comprehensive Plan Office Locational Guidelines statement that "low-density office uses can serve as a transitional land use between residential uses and higher intensity uses." Uses prohibited under NO but permitted under GO include: convalescent care facility, general correctional placement residence, commercial group home, hospital, bed and breakfast, broadcast recording studio, funeral home, and commercial parking area. Uses that are permitted in GO but would require a Conditional Use Permit in NO include: cemetery, college/university, and limited correctional placement residence. Uses that are not permitted in NO but require a Conditional Use Permit in GO include: limited animal care, bank or financial institution, heliport, personal care service, personal improvement service, limited printing and copying, vocational school, and self-storage warehouse. NO zoning limits individual commercial uses to 8,000 square feet of gross floor area, ensuring "low density" development near residences.

Based upon the information available prior to the public hearings, planning staff recommends that the request be DENIED. However, should the Planning Commission find the site suitable for low density office development, staff recommends that the site be approved for "NO" Neighborhood Office zoning, subject to dedication of access control along 29th Street North except for one opening.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is zoned "SF-5" Single-family residential. "GO" General Office zoning exists south of 29th Street North, approximately 560 feet east of this site. Abutting property to the north and east are single-family residences, an elementary school exists to the west, apartments and a nursing home exist to the south. Office and commercial uses exist within commercial Community Unit Plans at the 29th Street North and Rock intersection.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single-family Residential, which accommodates churches and places of worship, schools, parks, and single-family residential development. The property could be developed as zoned; it may not be a desirable location for single-family residential development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Permitted land uses under the requested "GO" General Office zoning could be significantly more intense than those permitted under the current residential zoning. The standards of the Unified Zoning Code and the Landscape Ordinance may help to limit noise, lighting, and other activity from adversely impacting the abutting single-family residences. Increased traffic at this site would impact traffic flow on 29th Street North, and could cause traffic conflicts with Gouverneur and Hedgetree Streets.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita Functional Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Major Institutional" use, consistent with the church on the site. The Office Locational Guidelines of the Comprehensive Plan recommend that office sites be located adjacent to arterial streets. The Office Locational Guidelines recommend that local, service-oriented offices should be incorporated within or adjacent to neighborhood and community scale commercial development. The guidelines also indicate that low-density office uses can serve as a transitional land use between residential uses and higher intensity uses. The Comprehensive Plan generally discourages increased zoning intensity at mid-mile locations, discouraging strip development along arterials. This request is not in conformance with the Comprehensive Plan.
5. Impact of the proposed development on community facilities: Increased traffic at this site would impact traffic flow on 29th Street North, and could cause traffic conflicts with Gouverneur and Hedgetree Streets.