


AGENDA ITEM REQUEST

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Proposed Agenda Item: ZON2001-00056 – Sedgwick County Zone change from “SF-20” Single-Family Residential to “NO” Neighborhood Office with a “PO” Protective Overlay. Generally located southeast of the 29th Street N- Tyler Intersection approximately 900 feet south of the intersection. (Commissioner District #4)

Presented By: Marvin S. Krout, Director of Planning 

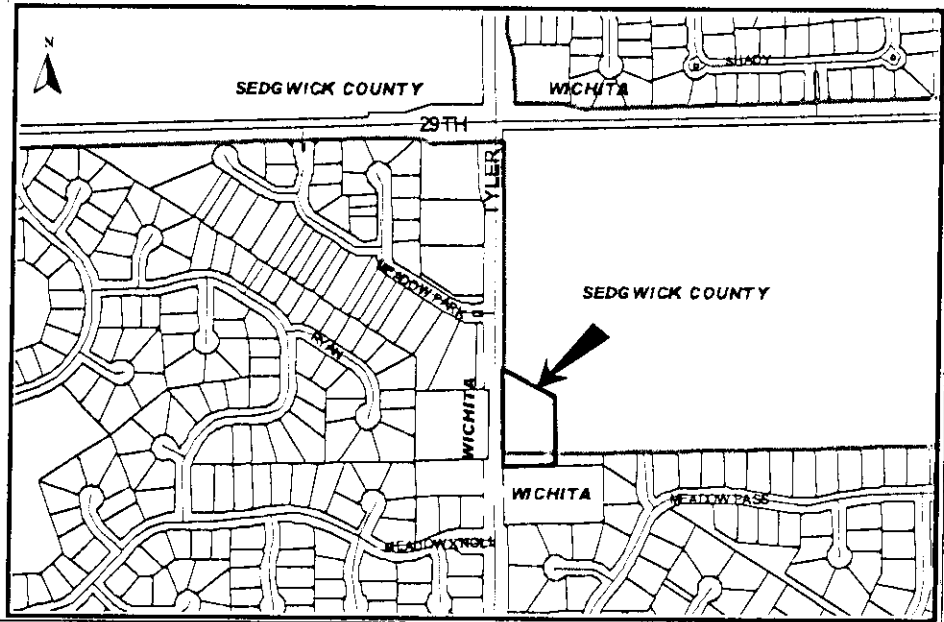
Recommended Action: Staff: Deny the request for “GO” General Office with a “PO” Protective Overlay. Staff recommends a zoning change to “NO” Neighborhood Office with a “PO” Protective Overlay, subject to platting within a year
MAPC: Approve Staff’s recommendation of a zoning change to “NO” Neighborhood Office with a “PO” Protective Overlay, subject to platting within a year (unanimous)

Proposed Agenda Date: March 20, 2002

Outside Attendees: Not applicable.

Multimedia Presentation: PowerPoint

Donations: Not applicable.



BACKGROUND: Staff has generally recommended denial of requests for non-residential zoning, as mid-mile sites, which do not comply with the Comprehensive Plan location guidelines for office use and would introduce zoning that is not compatible with the existing residential zoning. Even with the volunteered restrictions, the applicant's request would still allow buildings over 35 feet in height and high density multi-family development. In this case, Staff instead recommends a zoning change to "NO" Neighborhood Office with a "PO" Protective Overlay.

Staff's recommendation is based on several considerations. The subject property is isolated from the proposed subdivision it is located in by Reserve G and its lack of access to the residential streets in its proposed submission. The subject property also does not and will not have access to the other established subdivisions' street. This makes the site one of the few lots/properties having direct access and orientation onto an arterial rather through a residential collector, per existing and proposed plats. The location and configuration of the Arkla pipeline easement dissecting the property makes placement of a residences more problematic than a non-residential building. The pipeline easement location and configuration is unique to the subject property in this subdivision. The existing dental office is an example how a "NO" Neighborhood Office zoning coupled with strong design guidelines can blend a non-residential use into a residential area and offer a service that can potentially benefit a neighborhood. The "NO" Neighborhood Office zoning with a "PO" Protective Overlay would restrict development more than the "GO" General Office zoning with a "PO" Protective Overlay, thus preserving the overwhelming single family development in the area. It is reasonable to assume that the lot abutting to the south of the subject property at some time could request non-residential zoning. Considerations that could impact this possible action include the large size of the lot, approximately 2 acres, it not being a part of any subdivision or neighborhood association and the existence of "NO" Neighborhood Office zoning across the road and possibly abutting it to the north, i.e. the subject property. If this should occur, provisions should be made in the proposed plat that cross lot access be given to provide the same drive for the subject property and this abutting south property. This would also closer align the subject property's drive with the dental office drive across Tyler. In any case Staff recommends that the location of the drive onto Tyler be located on the south end of the lot and this access be reflected on the Final Plat.

The applicant had agreed with Staff's recommendation of "NO" Neighborhood Office with a "PO" Protective Overlay and withdrew their request for "GO" General Office with a "PO" Protective Overlay prior to the MAPC meeting. No one spoke in opposition to this request at the MAPC's advertised public hearing and the MAPC voted to approve the Staff's recommended zoning change with the protective overlay, subject to platting within a year. No written protests have been filed.

Analysis:	Not applicable
Alternatives:	Not applicable.
Financial Considerations:	Not applicable.
Policy Considerations:	Not applicable.

Legal Considerations:  *flm* **Approved as to form and signed by County Counselor's Office**

(_____) Published in the Wichita Eagle on JUN 8 2002

ORDINANCE NO. 45-330

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 CITY OF WICHITA CODE SEC. 28.04.010.

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 City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2001-00056

Zone change request from to "SF-20" Single-Family Residential District to "GO" General Office District and to P-O #109 - Protective Overlay District, for property described as:

Lot 1, Block B, Fossil Rim Estates Addition, Wichita, Sedgwick County, Kansas.

Generally located on the southeast corner of Tyler Road and 29th Street North.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The property shall be developed with a building that has exterior walls of brick, masonry, wood and/or composite siding and double-pitched gable or hip style roof.
2. Freestanding signs shall be monument-type with materials matching the materials of the building, per size allowed for "NO" Neighborhood Office zoning.

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.

CASE NUMBER: ZON2001-00056

APPLICANT/OWNER: Fouts & Geller c/o Jim Fouts

AGENT: Baughman Company, PA c/o Terry Smythe

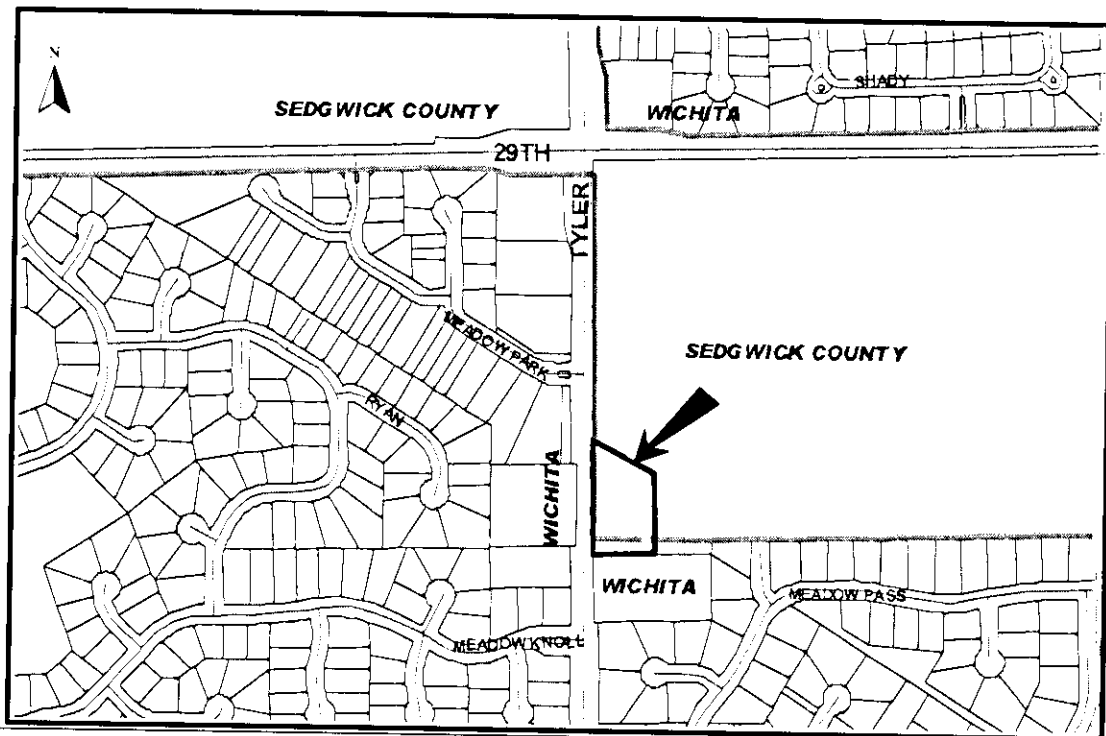
REQUEST: Zone change to "GO" General Office with a "PO" Protective Overlay

CURRENT ZONING: "SF-20" Single-Family

SITE SIZE: One Lot, approximately 1.4 acres.

LOCATION: Southeast of the 29th Street N - Tyler intersection, approximately 900 feet south of the intersection.

PROPOSED USE: To allow restricted uses within the "GO" General Office district.



BACKGROUND: The applicant is requesting "GO" General Office with a "PO" Protective Overlay on Lot 1, Block B, Fossil Rim Estates. Fossil Rim Estates is a proposed subdivision located south and east of the 29th Street North – Tyler Road intersection. The Preliminary Plat was approved January 17, 2002. The Subdivision Committee will consider the Final Plat February 28, 2002. The subdivision has frontage on both 29th Street North and Tyler, approximately 500-530 feet from the intersection. The subdivision is removed from the east and south corners of the intersection by property zoned "LC" Limited Commercial. The subdivision's access onto 29th and Tyler consists of two residential streets onto 29th and one residential street onto Tyler. The subject property, Lot 1, Block B, has separate access (per plat) onto Tyler and is not connected to the subdivision's residential streets. The subject property is the only lot proposed to be non-residential in the subdivision's total of 71 lots. The other 70 lots are zoned "SF-20" Single-Family. The subject property has a reserve, Reserve G, separating it from the residential lots on its east and north sides. Reserve G is to be used for landscaping, lakes, open space, berms, sidewalks, and drainage purposes with utilities within the reserve to be confined to easements. The subject property has a platted 30 foot Arkla pipeline easement, located approximately 40 feet north of the south property line, running parallel to the south property line and at a northwest to southeast angle through it. This pipeline easement dissects this lot into 3 sections. The site will be redeveloped and the current structure will be taken out.

The area around the subject property is developing primarily as residential. There is established housing within residential zoning in all directions from the subject property, including a house abutting it to the south. The commercial zoning at the 29th Street North -Tyler intersection is undeveloped at this time. The subject property and the proposed subdivision, Fossil Rim Estates, are in Sedgwick County. This proposed subdivision is part of a County pocket surrounded by the Wichita City limits. The property northwest of the 29th Street North- Tyler Road intersection is in the County and is being used for agriculture. Commercial development will be confined to the intersection and will be small in scale with the current zoning and established residential development around it.

The only non-residential zoning - development that is located between the commercial zoning and development at the intersections of 21st Street North – Tyler Road and 29th Street North - Tyler Road is a dental office located across (southwest approximately 100 feet) Tyler from the subject property. SCZ -0747 is an approved change for "NO" Neighborhood Office zoning from "SF-20" zoning. The MAPC and the BBC approved the zoning in 1997. The request allowed the conversion of an existing residential structure into a dental office. The development has mature trees and landscaping in the front, with parking sitting deep into the property behind the landscaping and in front of the brick residential designed dental office. A monument sign is in the front advertising the office. This building is one of the older in the area

where the residential is relatively new, i.e., coming after the house that is now a dental office was built. The property is now in the City.

The proposed zoning change of the property to office use would entail providing off-street parking, landscaping, lighting and screening in accordance with the zoning code. The applicant's agent has provided a listed of uses that would not be permitted in the "PO". In reference to the uses in "GO" General Office, per UZC, the agent's use contains both uses permitted by right and conditional uses for "GO" zoning.

CASE HISTORY: The property is being platted as the Fossil Rim Estates Addition. The Preliminary Plat was approved January 17, 2002. The Subdivision Committee will consider the Final Plat February 28, 2002.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20" Single Family Residential	undeveloped
SOUTH:	"SF-5" Single Family Residential	single-family residences
EAST:	"SF-20"	undeveloped
WEST:	"SF-5"	single-family residences

PUBLIC SERVICES: The property is located along Tyler Road, at this point a two-lane paved street with turn lanes. It is designated as a two lane arterial. Tyler is a City road south of the 29th Street North – Tyler intersection. Tyler north of the intersection is a County road and is paved. 29th Street North is a County road at this intersection and is not paved west of the intersection. 29th Street North is designated as a two-lane arterial. The traffic count for the year 2000 was 1524 cars per day (ADTs) south, 485 ADTs north, 1674 ADTs east and 720 cars ADTs of the Tyler and 29th Street North intersection, which is the closest major intersection. Projected for Tyler into 2030 should not require major widening of Tyler. The subject property has one drive entrance onto Tyler, per the proposed Fossil Rim Estates Final Plat. 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 "low density residential". The proposed Fossil Rim Estates Addition is low density residential, with the exception of the subject property.

"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. The proposed zoning change to "GO" with a "PO" is an abrupt transition from the low density residential around it.

RECOMMENDATION: DENY the request for "GO" General Office with a "PO" Protective Overlay. For sites located at the mid-mile, like this location, Staff has generally recommended denial of requests for non-residential zoning, as mid-mile sites which do not comply with the Comprehensive Plan location guidelines for office use and would introduce zoning that is not compatible with the existing residential zoning. Even with the volunteered restrictions, the applicant's request would still allow buildings over 35 feet in height and high density multi-family development. In this case, Staff instead recommends a zoning change to "NO" Neighborhood Office with a "PO" Protective Overlay. This recommendation is based on several considerations. The subject property is isolated from the proposed subdivision it is located in by Reserve G and its lack of access to the residential streets in its proposed submission. The subject property also does not and will not have access to the other established subdivisions' street. This makes the site one of the few lots/properties having direct access and orientation onto an arterial rather through a residential collector, per existing and proposed plats. The location and configuration of the Arkla pipeline easement dissecting the property makes placement of a residences more problematic than a non-residential building. The pipeline easement location and configuration is unique to the subject property in this subdivision. The existing dental office is an example how a "NO" Neighborhood Office zoning coupled with strong design guidelines can blend a non-residential use into a residential area and offer a service that can potentially benefit a neighborhood. The "NO" Neighborhood Office zoning with a "PO" Protective Overlay would restrict development more than the "GO" General Office zoning with a "PO" Protective Overlay, thus preserving the overwhelming single family development in the area. It is reasonable to assume that the lot abutting the subject property at some time could request non-residential zoning. Considerations that could impact this possible action include the large size of the lot, approximately 2 acres, it not being a part of any subdivision or neighborhood association and the existence of "NO" Neighborhood Office zoning across the road and possibly abutting it to the north, i.e. the subject property. If this should occur, provisions should be made in the proposed plat that cross lot access be given to provide the same drive for the subject property and this abutting south property. This would also closer align the subject property's drive with the dental office drive across Tyler. In any case Staff recommends that the location of the drive onto Tyler be located on the south end of the lot and this access be reflected on the Final Plat.

Based upon information available prior to the public hearings, planning staff recommends that the zoning change from "SF-20" Single Family Residential to "NO" Neighborhood Office, subject to the platting being approved within a year of this public hearing date, with the size and configuration of the subject property as shown being at the MAPC reflected on the approved Final Plat, and subject to the following Protective Overlay.

1. The property shall be developed with a building that has exterior walls of brick, masonry, wood and/or composite siding and double-pitched gable or hip style roof.
2. Freestanding signs shall be monument-type with materials matching the materials of the building, per size allowed for "NO" Neighborhood Office zoning.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject property is in a developed and developing residential area. The majority of the zoning is "SF-5" Single Family Residential to the south and west with some "TF-3" Two Family Residential. "SF-20" Single Family Residential zoning is located to the north and east with smaller amounts of SF-5" Single Family Residential zoning. "LC" Limited Commercial zoning is located on the intersection of 29th Street North and Tyler and has not been developed.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed as residential in conformance to its current zoning of "SF-20" Single Family Residential. The location and the configuration of the Arkla pipeline easement is unique to the subject property in reference to the other lots in the subdivision. This easement reduces site design opportunities for residential. The subject property's location on the southeast corner of the subdivision contains several features that isolate it from the rest of the subdivision. As shown on the proposed plat, the subject property is separated from the residential lots of the subdivision on its north and east sides by Reserve G. Development of Reserve G is (as specifically noted earlier in the report) for drainage, utilities or open space in nature, thus it is a buffer between the residential and the subject property. The subject property has no access to any of the subdivision's residential streets, thus further isolating it from the rest of the subdivision. These features of the subject property could be suitable to a neighborhood office site.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Within the limited uses in the "NO" Neighborhood Office district, the limited size of the subject property, the location and configuration of the subject property and those lots and reserves as shown on the Fossil Rim Estates Addition and the Protective Overlay the rezoning of this property should not adversely affect nearby properties. The site will also have to comply with all landscaping and buffering requirements in the zoning code.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Comprehensive Plan shows this site to

be appropriate for "low density residential" and adjacent to "commercial" use. The location of the subject property is approximately ¼ mile from the intersection and approximately 355 feet from the end of the "LC" Limited Commercial zoning at this intersection. The subject property is on the edge of the mid-mile location criteria for non-residential zoning. One of the purposes of the "NO" district is to be a very low-intensity office use that is compatible with nearby residential use.

5. Impact of the proposed development on community facilities: Water and sewer would not be negatively impacted by the zoning change. The proposed Fossil Rim Estates Final Plat allows for one opening from this site onto Tyler, the traffic generated by "NO" Neighborhood Office zoning/development would be minimal.