

Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
October 2, 2001

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council Members

**SUBJECT:** ZON2001-00050 Zone change from "B" Multi-Family Residential to "NO" Neighborhood Office. Generally located north of Central, between Terrace and Pershing. (District #II)

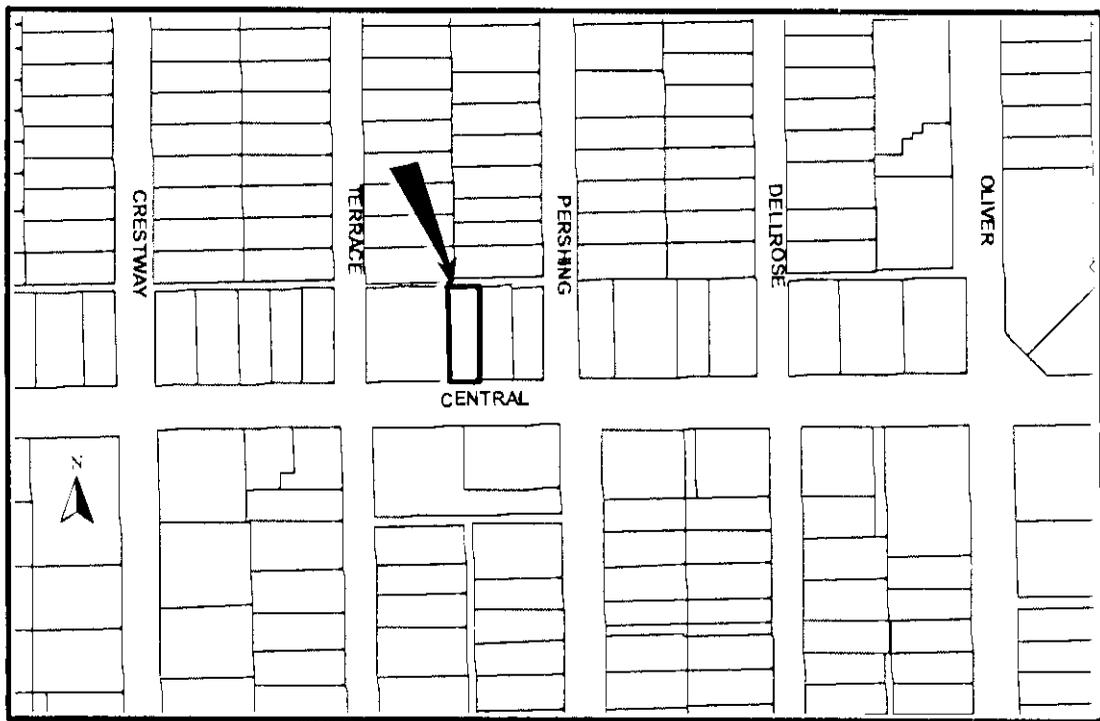
**INITIATED BY:** Metropolitan Area Planning Department *W. K. Grant*

**AGENDA ACTION:** Planning

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**MAPC Recommendation:** Approve (9-0)

**Staff Recommendation:** Approve



**BACKGROUND:** The applicant requests a zone change from “B” Multi-Family to “NO” Neighborhood Office on a 0.17 acre platted tract located north of Central, between Terrace and Pershing. The site is currently developed with a vacant office building that formerly housed a dental practice. The site’s current “B” Multi-Family zoning permits offices for medical services but does not permit offices for other professions. The applicant has requested to rezone the property to “NO” Neighborhood Office to permit offices for other professionals such as accountants, architects, attorneys, etc. in addition to the currently permitted medical offices.

The surrounding area is characterized by a mixture of uses with commercial uses to the south and east and residential uses to the north and west. The properties north of the site are zoned “TF-3” Two-Family Residential and are developed with single-family residences. The property west of the site is zoned “TF-3” Two-Family Residential and is developed with duplexes. The property east of the site is zoned “B” Multi-Family and is developed with a medical office. The property south of the site across Central is zoned “LC” Limited Commercial and is developed with a service station.

Planning staff recommended that the request be approved subject to the dedication of access control along Central except for the east 15 feet of the property and the dedication of cross-lot access to abutting properties to the east and west. At the MAPC hearing on September 6, 2001, there were no speakers in favor of or in opposition to the request. The MAPC voted (9-0) to approve the request subject to the recommended conditions of planning staff.

**Recommended Action:**

1. Concur with the findings of the MAPC and approve the zone change subject to the condition of dedicating access control and cross-lot access; place the ordinance establishing the zone change on first reading; and instruct the Clerk to withhold publication until the dedications are recorded with the Register of Deeds; or
2. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a 2/3 majority vote of the membership of the governing body on the first hearing.)

## Knebel, Scott

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**From:** Knebel, Scott  
**Sent:** Thursday, March 14, 2002 8:59 AM  
**To:** Burnett, Patricia; Pewewardy, Kathy  
**Subject:** Zoning Ordinances

**Sensitivity:** Private

Publication of the ordinance for the following zoning cases was to be withheld pending notification by Planning that platting or other conditions have been met. The conditions for the following zoning cases have been met; therefore, the ordinances for the following zoning cases should now be published.

<u>Case No.</u>	<u>1st Reading Date</u>
ZON2001-00050	10-2-01
SCZ-0785	12-18-01
ZON2001-00014	1-8-02
ZON2000-00022	1-15-02
Z-3329	2-5-02

Thank you for your assistance.

Duf

( ) Published in The Wichita Eagle on MAR 25 2002

ORDINANCE NO. 45-065

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. ZON2001-00050

Request for zone change from "B" Multi-Family Residential to "NO" Neighborhood Office, described as:

Lots 663 and 664, Overlook Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located north of Central, between Terrace and Pershing.

**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, OCT 16 2001

ATTEST:



Pat Burnett  
Pat Burnett, City Clerk

Bob Knight  
Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf  
Gary E. Rebenstorf, City Attorney



## STAFF REPORT

MAPC September 6, 2001

CASE NUMBER: ZON2001-00050

APPLICANT/AGENT: W.G. Enterprises LLC c/o W.G. Farha II (Owner/Applicant)

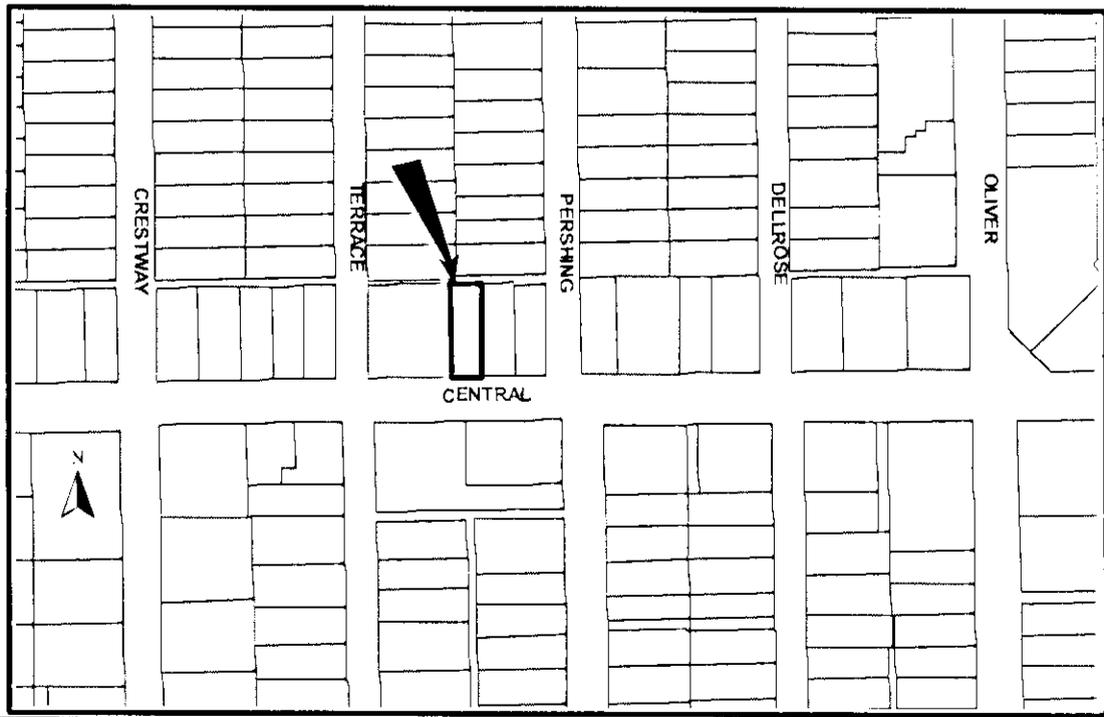
REQUEST: "NO" Neighborhood Office

CURRENT ZONING: "B" Multi-Family

SITE SIZE: 0.17 acres

LOCATION: North of Central, between Terrace and Pershing

PROPOSED USE: Office Uses



**BACKGROUND:** The applicant requests a zone change from “B” Multi-Family to “NO” Neighborhood Office on a 0.17 acre platted tract located north of Central, between Terrace and Pershing. The site is currently developed with a vacant office building that formerly housed a dental practice. The site’s current “B” Multi-Family zoning permits offices for medical services but does not permit offices for other professions. The applicant has requested to rezone the property to “NO” Neighborhood Office to permit offices for other professionals such as accountants, architects, attorneys, etc. in addition to the currently permitted medical offices.

The surrounding area is characterized by a mixture of uses with commercial uses to the south and east and residential uses to the north and west. The properties north of the site are zoned “TF-3” Two-Family Residential and are developed with single-family residences. The property west of the site is zoned “TF-3” Two-Family Residential and is developed with duplexes. The property east of the site is zoned “B” Multi-Family and is developed with a medical office. The property south of the site across Central is zoned “LC” Limited Commercial and is developed with a service station.

**CASE HISTORY:** The site is platted as part of the Overlook Addition, which was recorded April 2, 1914.

**ADJACENT ZONING AND LAND USE:**

NORTH:	“TF-3”	Single-family
SOUTH:	“LC”	Service station
EAST:	“B”	Medical office
WEST:	“TF-3”	Duplex

**PUBLIC SERVICES:** The site has access to Central via a shared drive with the medical office to the east. Central is a four-lane arterial street with a March 2001 traffic volume of approximately 20,000 vehicles per day. The 2030 Transportation Plan estimates that the traffic volume on Central will increase to approximately 28,000 vehicles per day. Planning staff recommends that the current shared access drive to the site be formalized through a dedication of access control and cross lot access to limit the impact of traffic and turning movements from the site on the capacity of the arterial street. Public water and sewer currently serve the site.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for “Low Density Residential” development. The Office Locational Guidelines in the Comprehensive Plan indicate that low-density office uses can serve as a transitional land use between residential uses and higher intensity uses. The proposed office uses would serve as such a transitional use between the residential uses located north and west of the subject property and the commercial uses located south and east of the subject property.

**RECOMMENDATION:** Based upon several factors, planning staff finds the subject property appropriate for neighborhood office uses. First, the subject property is currently zoned "B" Multi-Family (which permits medical offices) and has been used as an office for over 40 years without noticeable detrimental impacts upon surrounding properties. Second, the "NO" Neighborhood Office district does not permit multi-family uses by-right (the "B" district permits multi-family uses up to 75 units per acre), and the proposed neighborhood office uses likely will have less impact on the surrounding properties than redeveloping the site with multi-family uses. Based upon these factors and the information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to the dedication of access control along Central except for the east 15 feet of Lot 663, Overlook Addition and the dedication of cross lot access to Lots 661 and 662, Overlook Addition.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by a mixture of uses with commercial uses to the south and east and residential uses to the north and west. The properties north of the site are zoned "TF-3" Two-Family Residential and are developed with single-family residences. The property west of the site is zoned "TF-3" Two-Family Residential and is developed with duplexes. The property east of the site is zoned "B" Multi-Family and is developed with a medical office. The property south of the site across Central is zoned "LC" Limited Commercial and is developed with a service station. The proposed use of the site for offices for multiple professions rather than just as medical offices is consistent with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "B" Multi-Family, which permits offices for medical services. The site could be used for offices for strictly medical services; however, the proposed office use for multiple professions should have the same impact as an office for medical services only.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The "NO" Neighborhood Office district will reduce the potential detrimental affects that could result from the property being redeveloped with high-density residential uses under the current "B" Multi-Family zoning.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: Although the Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development, the Office Locational Guidelines in the Comprehensive Plan indicate that low-density office uses can serve as a

transitional land use between residential uses and higher intensity uses. The proposed office use would serve as such a transitional use between the residential uses located north and west of the subject property and the commercial uses located south and east of the subject property.

5. Impact of the proposed development on community facilities: Community facilities should not be adversely impacted, especially with the dedication of access control along the Central frontage and cross lot access to the medical office to the east.