Agenda Item #_____

City of Wichita
City Council Meeting
March 6, 2001

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2000-00066** - ZONE CHANGE FROM "MF-18" MULTI-FAMILY RESIDENTIAL TO "GO" GENERAL OFFICE, LOCATED ON THE NORTHWEST CORNER OF HARRY AND TODD (District #II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to staff recommendation (10-0).

Staff Recommendation: Approve, subject to the provisions of a "P-O" Protective Overlay district.

Background: The applicant requests a zone change from "MF-18" Multi-Family Residential to "GO" General Office on a 5.44 acre platted tract located at the northwest corner of Harry and Todd.

The applicant proposes to develop the subject property with a bank at the northwest corner of Harry and Todd, which received Conditional Use approval from the MAPC subject to approval of the zone change by the City Council. A daycare center is proposed for the western portion of the subject property. A two-story office building is proposed for the northeast corner of the site, and a one-story office building is proposed for the middle of the site. The subject property is separated from adjacent properties by a drainage ditch to the north and west and by streets to the south and east. A site plan illustrating the proposed development is attached.

The proposed office, bank, and day care uses could increase the traffic volume on Harry by as much as 1,300 vehicles per day. While the resulting traffic volume on Harry is still within the range for Level of Service D for a four-lane arterial street, planning staff is concerned about the proposed alignment of access drives in relation Cranbrook (a collector street on the south side of Harry) and the corresponding potential for turning movement conflicts.

The surrounding area is characterized by a mixture of uses with apartments to the north, duplexes to the northeast, single-family residences to the south, and undeveloped property zoned for multi-family residential development to the east and west. The properties north, east, and west of the site are zoned "MF-18" Multi-Family Residential. The properties northeast of the site are zoned "TF-3" Two-Family Residential. The properties south of the site are zoned "SF-6" Single-Family Residential.

At the hearing on February 8, 2001, there were no speakers, other than the applicant, for or against the request. The MAPC voted (10-0) to approve the request subject to the following additional provisions of a Protective Overlay District:

1. The following uses shall not be permitted: group residence, limited; group residence, general; correctional placement residence, limited; correctional placement residence, general; and hotel or motel.
2. Residential development shall be limited to a maximum density of 17.4 dwelling units per acre.
3. Buildings shall be limited to a maximum height of 45 feet.
4. Prior to the issuance of a building permit, the applicant shall submit a site plan for approval by the Planning Director and Traffic Engineer and shall develop the site in general conformance with the approved site plan. The applicant shall attempt to design the site with access drives that minimize turning movement conflicts by either aligning the western-most drive with Cranbrook or separating it from Cranbrook by at least 150 feet.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change subject to the additional provisions of a Protective Overlay District; place the ordinance establishing the zone change on first reading, 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.)

_____) Published in The Wichita Eagle on _____

ORDINANCE NO. _____

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. ZON2000-00066

Request for zone change from "MF-18" Multi-Family Residential to "GO" General Office, and to "P-O" Protective Overlay District #88 on property described as:

Lot 2, Block 2, Park Meadow Estates, Sedgwick County, Kansas. Generally located on the northwest corner of Harry and Todd.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The following uses shall not be permitted: group residence, limited; group residence, general; correctional placement residence, limited; correctional placement residence, general; and hotel or motel.
2. Residential development shall be limited to a maximum density of 17.4 dwelling units per acre.
3. Buildings shall be limited to a maximum height of 45 feet.
4. Prior to the issuance of a building permit, the applicant shall submit a site plan for approval by the Planning Director and Traffic Engineer and shall develop the site in general conformance with the approved site plan. The applicant shall attempt to design the site with access drives that minimize turning movement conflicts by either aligning the western-most drive with Cranbrook or separating it from Cranbrook by at least 150 feet.

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.

FILE COPY

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, _____

ATTEST:

_____
Pat Burnett, City Clerk

_____
Bob Knight, Mayor

(SEAL)

Approved as to form:

_____
Gary E. Rebenstorf, City Attorney

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

7A
AGENDA ITEM NO. 7B

STAFF REPORT

DAB II February 5, 2001
MAPC February 8, 2001

CASE NUMBER: ZON2000-00066 with CON2000-00062

APPLICANT/AGENT: Horst K. Hiller (Owner/Applicant); Lowen Architects, Inc. c/o Ray E. Lowen (Agent)

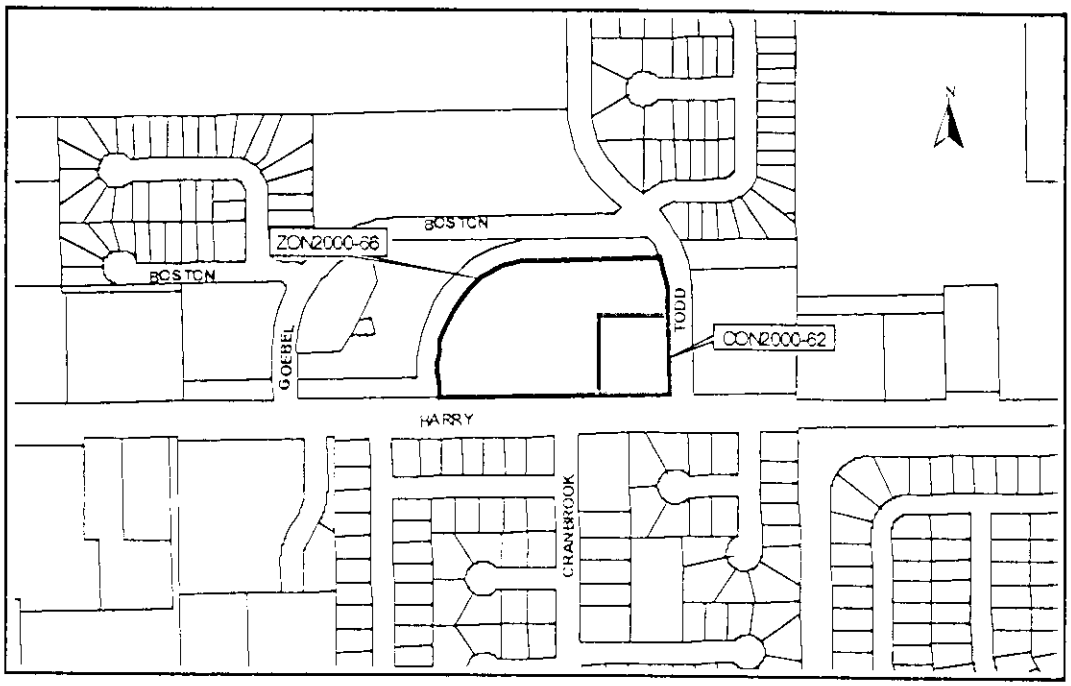
REQUEST: "GO" General Office

CURRENT ZONING: "MF-18" Multi-Family Residential

SITE SIZE: 5.44 acres

LOCATION: Northwest corner of Harry and Todd

PROPOSED USE: Bank, daycare, offices, or other uses permitted in "GO"



BACKGROUND: The applicant requests a zone change from "MF-18" Multi-Family Residential to "GO" General Office on a 5.44 acre platted tract located at the northwest corner of Harry and Todd. The applicant also requests a Conditional Use to permit a Bank or Financial Institution on a 1.03 acre portion of the property requested for "GO" zoning.

The applicant proposes to develop the subject property with a bank at the northwest corner of Harry and Todd. A daycare center is proposed for the western portion of the subject property. A two-story office building is proposed for the northeast corner of the site, and a one-story office building is proposed for the middle of the site. The subject property is separated from adjacent properties by a drainage ditch to the north and west and by streets to the south and east. A site plan illustrating the proposed development is attached.

The surrounding area is characterized by a mixture of uses with apartments to the north, duplexes to the northeast, single-family residences to the south, and undeveloped property zoned for multi-family residential development to the east and west. The properties north, east, and west of the site are zoned "MF-18" Multi-Family Residential. The properties northeast of the site are zoned "TF-3" Two-Family Residential. The properties south of the site are zoned "SF-6" Single-Family Residential.

CASE HISTORY: A zone change request (SCZ-0270) to "C" Commercial was denied by the MAPC and withdrawn by the applicant on November 16, 1971. The subject property was platted as Lot 2, Block 2 Park Meadow Estates Addition on August 18, 1976. On September 27, 1976, the zoning on the subject property was changed (SCZ-0325) to "AA" One-Family and a Conditional Use (CU-160) was approved for the establishment of a multi-family housing development with a gross density of 7 units per acre. The Official Zoning Map dated April 14, 1977 shows the zoning of the subject property as "R-5" General Residence with the restrictions of CU-160 removed from the property, which appears to have been changed as a result of the property being annexed by the City of Wichita. On October 23, 1990, the Board of Zoning Appeals approved a use exception to permit a child care center in the "R-5" General Residence District subject to construction within one year; however, the use exception was declared null and void for failure to meet the construction deadline. When the Unified Zoning Code was adopted on March 4, 1996, the zoning of the subject property converted to "MF-18" Multi-Family Residential.

ADJACENT ZONING AND LAND USE:

NORTH:	"MF-18"	Apartments
SOUTH:	"SF-6"	Single-Family Residences
EAST:	"MF-18"	Undeveloped
WEST:	"MF-18"	Undeveloped

PUBLIC SERVICES: The site has access to Harry, a four-lane arterial street, and Todd a two-lane collector street. Harry had 1997 traffic volumes of approximately 9,000 vehicles per day. The 2030 Transportation Plan projects traffic volumes on Harry to increase to approximately 13,000 vehicles per day. The projections in the 2030 Transportation Plan assumed that the subject property would be developed with multi-family residential uses. The proposed office, bank, and day care uses could increase the traffic volume on Harry by as much as 1,300 vehicles per day. While the resulting traffic volume on Harry is still within the range for Level of Service D for a four-lane arterial street, planning staff is concerned about the proposed alignment of access drives in relation Cranbrook (a collector street on the south side of Harry) and the corresponding potential for turning movement conflicts. Public water and sewer service are available to be extended to the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for "High-Density Residential" development. The "High-Density Residential" category is intended to support residential densities in excess of 10 unit per acre, such as garden apartments, condominiums, and special residential accommodations for the elderly. With the exception of a higher traffic generation rate, office uses such as those proposed by the applicant have similar impacts on nearby properties as high-density residential uses.

RECOMMENDATION: Planning staff finds that the subject property is appropriate for office development as proposed by the applicant; however, the "GO" General Office zoning district permits higher intensity uses than proposed. Therefore, planning staff is recommending limitations on permitted uses and additional site design requirements to ensure compatibility with surrounding residential uses. In addition, the location of access drives on the proposed site plan could cause potential turning movement conflicts; therefore, planning staff is recommending that the final site plan be approved by the Planning Director and Traffic Engineer. Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED as follows:

A. Approve the zone change for Lot 2, Block 2 Meadow Estates Addition to "GO" General Office subject to the following provisions of a Protective Overlay:

1. The following uses shall not be permitted: group residence, limited; group residence, general; correctional placement residence, limited; correctional placement residence, general; and hotel or motel.
2. Residential development shall be limited to a maximum density of 17.4 dwelling units per acre.
3. Buildings shall be limited to a maximum height of 45 feet.
4. Prior to the issuance of a building permit, the applicant shall submit a site plan for approval by the Planning Director and Traffic Engineer and shall develop the site in general conformance with the approved site plan. The

applicant shall attempt to design the site with access drives that minimize turning movement conflicts by either aligning the western-most drive with Cranbrook or separating it from Cranbrook by at least 150 feet.

B. Approve a Conditional Use for a Bank or Financial Institution for the south 225 feet of the east 200 feet of Lot 2, Block 2 Meadow Estates Addition subject to the following conditions:

1. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
2. Any violation of the conditions of approval shall render the Conditional Use null and void.

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 apartments to the north, duplexes to the northeast, a single-family residences to the south, and undeveloped property zoned for multi-family residential development to the east and west. The properties north, east, and west of the site are zoned "MF-18" Multi-Family Residential. The properties northeast of the site are zoned "TF-3" Two-Family Residential. The properties south of the site are zoned "SF-6" Single-Family Residential.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "MF-18" Multi-Family Residential, which accommodates moderate-density, multi-family residential development and complementary land uses. The site is suitable for multi-family residential uses; however, the site has not developed in the 24 years that it has been zoned for multi-family residential uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by the recommended provisions of a Protective Overlay and the existing regulations of the Unified Zoning Code, Landscape Ordinance, and Sign Code, which should limit noise, lighting, and other activity from adversely impacting surrounding residential areas. Additionally, the subject property is separated from adjacent properties by a drainage ditch to the north and west and by streets to the south and east, which should further limit detrimental affects on nearby properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for "High-Density

Residential" development. With the exception of higher traffic generation rates, office uses such as those proposed by the applicant tend to have similar impacts on nearby properties as high-density residential uses

5. Impact of the proposed development on community facilities: Community facilities are adequate to address the additional traffic generated by the development with the recent widening of Harry to four lanes.