Planning Agenda #_____

City of Wichita
City Council Meeting
October 2, 2001

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2001-00043 – ZONE CHANGE FROM "LI' LIMITED INDUSTRIAL TO "OT-O" OLD TOWN OVERLAY DISTRICT, LOCATED NORTH OF 2ND STREET AND EAST OF MOSLEY.**
(District #VI)

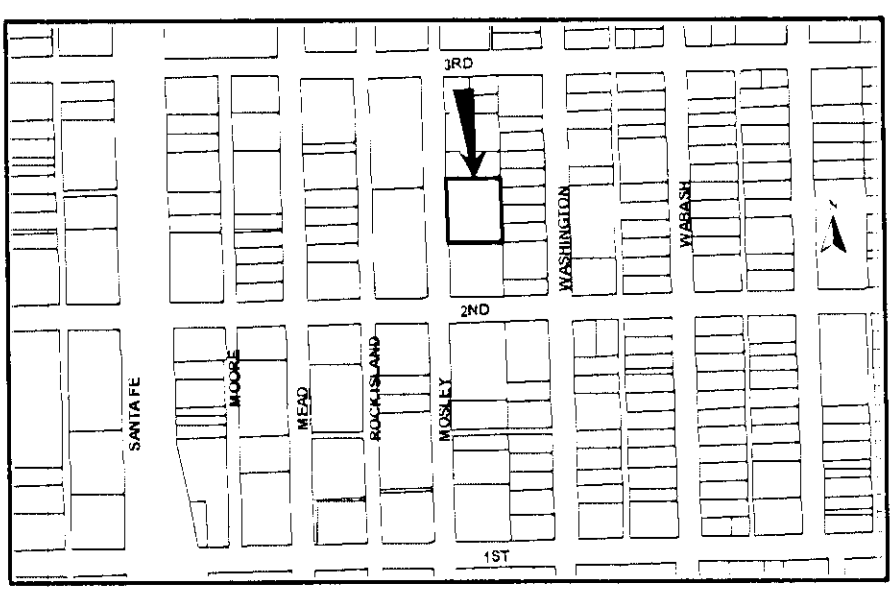
INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: (Approve 8-0-1).

Staff Recommendation: Approve

DAB Recommendation: Approve (8-0).



Background: The applicant is seeking inclusion of his property in the "OT-O" Old Town Overlay District. The property is located ¼ block north of Second Street, east of Mosley. There is not a particular use(r) committed to the property at this time. The site is developed with a single story commercial building that, under its current configuration, is divided into three identifiable spaces containing approximately 24,920 square feet. The buildings are currently being remodeled.

As depicted on the site plan, the applicant's property is virtually developed property line to property line, so there is not any room for on-site parking, except within the buildings. It appears there might be excess right-of-way located along Mosley that, with a "minor street permit," could be used for parking. There is a parking lot located immediately south of the application area, but the lot is not under the applicant's control. The same is true with an unpaved tract of land located west of the application area that is used for loading during daytime hours. The lack of parking is the primary reason for the request for "OT-O" zoning. The Old Town Overlay District has reduced parking requirements when compared to most other zoning districts, and has provisions which allow for the use of off-site shared public parking spaces by property owners in the Old Town Parking District by paying a monthly fee, in lieu of providing the parking directly. However, inclusion within the "OT-O" zoning district does not automatically include the property within the Old Town Parking District. A separate ordinance will have to be prepared and approved to include the site in the Old Town Parking District. Until the property is included in the parking district, the applicant will need to provide parking as required by the appropriate sections of the code. Because of the limited availability of nearby land for parking, the applicant is asking that the Overlay District for this addition include a special provision that would allow short term leases for parking to be counted towards meeting his parking requirements.

If this request is approved, the underlying zoning on the property would remain "LI" Limited Industrial, but the property would become subject to the design, signage and parking requirements of the "OT-O" district. The "OT-O" district also permits a wider range of uses, such as residential, that are not permitted by the existing "LI" zoning.

Surrounding properties are zoned "LI" and are predominantly developed with commercial, industrial and warehouse uses. The property immediately south of the application area is developed with surface parking. A vacant lot exists west of the applicant's property. The land located to the north and east is developed. The closest "OT-O" zoning is located a ¼ block south, just across Second Street. Another request for "OT-O" has been submitted at Third and Mead and was approved by MAPC (8-9-01) and City Council has approved a plan for redevelopment of the area to the west for a theatre / retail restaurant complex.

The MAPC heard this case on September 6, 2001, and recommended approval (7-0). The Commission also recommended special conditions that would apply only to this property –a) leased spaces that are not accompanied by a recorded agreement shall count towards meeting off-street parking requirements and b) off-site spaces may be located east of Washington Street. One person spoke in opposition. He indicated that he was not opposed to the request for "OT-O" zoning, but he felt the request should be deferred until the entire south of 3rd Street between the railroad tracks and Washington could be zoned "OT-O" and plan developed to address street improvements and parking needs.

District Advisory Board VI heard the request and recommended approval (8-0).

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, 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.)

First Read 10-2-01 Dept.

(_____) Published in The Wichita Eagle on OCT 20 2001

ORDINANCE NO. 45-064

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. ZON2001-00043

Request for zone change from "LI" Limited Industrial to "OT-O" Overlay District, described as:

North .73 feet of Lot 3, all of Lots 4, 5, 6, and the South Half of Lot 7, Block B, H. L. and Annie M. Taylor's Addition to Wichita, Sedgwick County Kansas. Generally located north of 2nd Street and east of Mosley.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS, P.O. #103 HEREIN:

1. Leased parking spaces that have not been obtained by a recorded agreement in accordance with Sections IV-A.9.c and IV-A.10.d of the Unified Zoning Code shall count towards meeting the off-street parking requirements, if the parking is paved, dimensioned, and marked in accordance with requirements of the zoning code and the City Engineer, and is made available to the general public.

2. Off-site parking spaces must be located in accordance with Section IV-A.10 of the Zoning Code in order to meet off-street parking requirements except that they may also be located in a parking lot that is east of Washington Street with frontage on that street (normally, parking areas located across an arterial street from the use may not be counted toward meeting minimum requirements).

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, City Clerk

Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

Agenda Item NO. 5

STAFF REPORT

DAB 6 9-5-01
MAPC 9-6-01

CASE NUMBER: ZON 2001-00043

APPLICANT/AGENT: Sheldon Kamen (applicant/owner); Greg Ferris (agent)

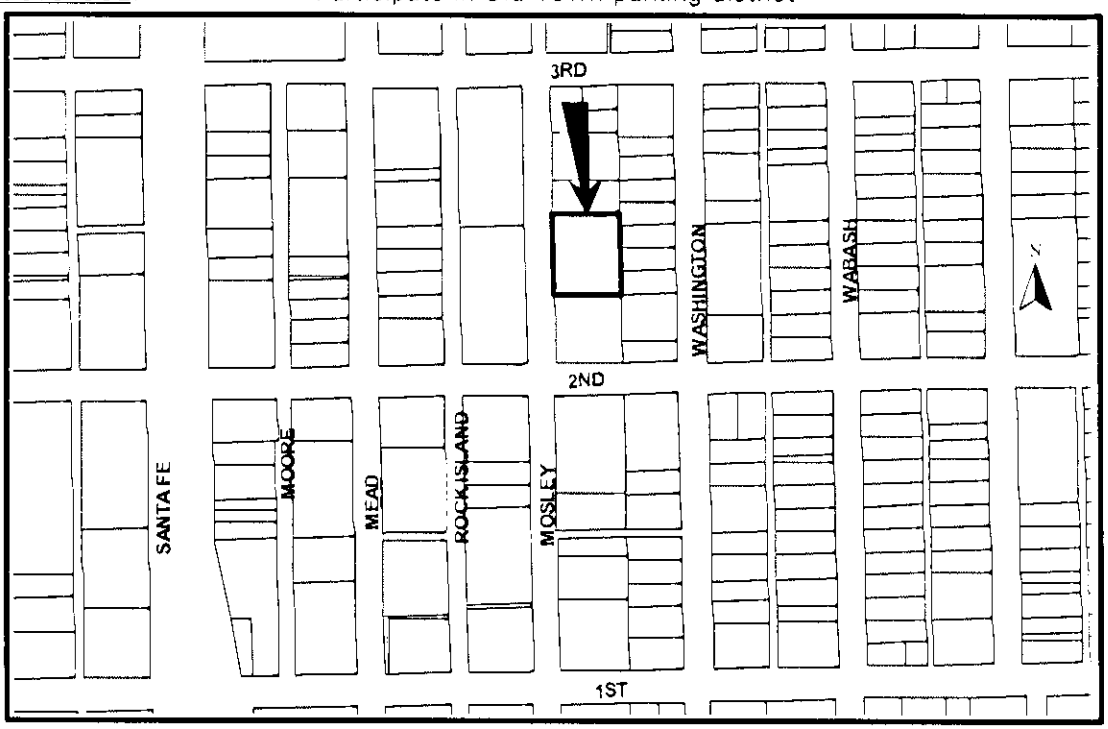
REQUEST: Addition to the "OT-O" Old Town Overlay district

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: Approx. 25,000 square feet

LOCATION: One-quarter block north of 2nd Street, east of Moseley Street

PROPOSED USE: Participate in Old Town parking district



BACKGROUND: The applicant is seeking inclusion of his property in the "OT-O" Old Town Overlay District. The property is located ¼ block north of Second Street, east of Mosley. There is not a particular use(r) committed to the property at this time. The site is developed with a single story commercial building that, under its current configuration, is divided into three identifiable spaces containing approximately 24,920 square feet. The buildings are currently being remodeled.

As depicted on the site plan, the applicant's property is virtually developed property line to property line, so there is not any room for on-site parking, except within the buildings. It appears there might be excess right-of-way located along Mosley that, with a "minor street permit," could be used for parking. There is a parking lot located immediately south of the application area, but the lot is not under the applicant's control. The same is true with an unpaved tract of land located west of the application area that is used for loading during daytime hours. The lack of parking is the primary reason for the request for "OT-O" zoning. The Old Town Overlay District has reduced parking requirements when compared to most other zoning districts, and has provisions which allow for the use of off-site shared public parking spaces by property owners in the Old Town Parking District by paying a monthly fee, in lieu of providing the parking directly. However, inclusion within the "OT-O" zoning district does not automatically include the property within the Old Town Parking District. A separate ordinance will have to be prepared and approved to include the site in the Old Town Parking District. Until the property is included in the parking district, the applicant will need to provide parking as required by the appropriate sections of the code. Because of the limited availability of nearby land for parking, the applicant is asking that the Overlay District for this addition include a special provision that would allow short term leases for parking to be counted towards meeting his parking requirements.

If this request is approved, the underlying zoning on the property would remain "LI" Limited Industrial, but the property would become subject to the design, signage and parking requirements of the "OT-O" district. The "OT-O" district also permits a wider range of uses, such as residential, that are not permitted by the existing "LI" zoning.

Surrounding properties are zoned "LI" and are predominantly developed with commercial, industrial and warehouse uses. The property immediately south of the application area is developed with surface parking. A vacant lot exists west of the applicant's property. The land located to the north and east is developed. The closest "OT-O" zoning is located a ¼ block south, just across Second Street. Another request for "OT-O" has been submitted at Third and Mead and was approved by MAPC (8-9-01) and City Council has approved a plan for redevelopment of the area to the west for a theatre / retail restaurant complex.

CASE HISTORY: The property was platted around 1900.

ADJACENT ZONING AND LAND USE:

NORTH:	"LI" Limited Industrial; warehouse / industrial
SOUTH:	"LI" Limited Industrial; parking lot
EAST:	"LI" Limited Industrial; commercial
WEST:	"LI" Limited Industrial; vacant / warehouse / printing company

PUBLIC SERVICES: All normal public services are available. Moseley, a concrete street with railroad tracks, has 60 feet of street right-of-way.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the "Wichita-Sedgwick County Comprehensive Plan" does not specifically address this area but refers to the "Development Plan for Downtown Wichita" (June 1989). Similarly, the Downtown Plan

does not provide specific land use recommendations for the area, but identifies the area north of Douglas and east of the railroad tracks as the "Old Town/Rock Island Rehabilitation" challenge.

The Downtown Plan included a goal of mixed-use development, with the objective of introducing lodging, residential and/or recreational activities to areas that were underutilized during non-working hours.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request to create this addition to the "OT-O" District be APPROVED, incorporating the following special conditions that would apply only to this property:

1. Leased parking spaces that have not been obtained by a recorded agreement in accordance with Sections IV-A.9.c and IV-A.10.d of the Unified Zoning Code shall count towards meeting the off-street parking requirements, if the parking is paved, dimensioned, and marked in accordance with requirements of the zoning code and the City Engineer, and is made available to the general public.

2. Off-site parking spaces must be located in accordance with Section IV-A.10 of the Zoning Code in order to meet off-street parking requirements except that they may also be located in a parking lot that is east of Washington Street with frontage on that street (normally, parking areas located across an arterial street from the use may not be counted toward meeting minimum requirements).

We recognize that the additional flexibility regarding leased parking has the potential for creating abuses when leases lapse, and more administrative burdens for City Staff to monitor the leases. Also, if this flexibility is granted to this property owner, it should also be granted to other owners in the "OT-O" district in the future if requested.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All property located adjacent to the site is zoned "LI" Limited Industrial and is developed with industrial type uses. There is a parking lot located south of the application area, but the lot is not under the applicant's ownership or control. A vacant unpaved lot is located west of the application area but it is not under the applicant's control. The area is an old warehouse district whose early 1900's era buildings are mostly occupied by fairly intense land uses, but because of the area's proximity to the Old Town redevelopment area, is likely to experience increasing pressure for conversion to entertainment or specialty shopping. "OT-O" zoning exists ¼ block to the south. "OT-O" zoning has been approved by the MAPC ½ block north and one block west.

2. The suitability of the subject property for the uses to which it has been restricted: The site could be used for many commercial uses as it is currently zoned, however the "LI" district requires parking to be provided, if the sues changes to ones that have greater parking requirements. The overlay district provides a mechanism for handling the parking more flexibly.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Depending upon the site's ultimate use, increased demand for parking could occur that would not be met immediately by the City through the Parking District. This could add congestion and conflicts for the existing uses in the vicinity that are operating on week days.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is consistent with core area redevelopment efforts supported by the *Development Plan for Downtown Wichita* in that this would represent an expansion of the Old Town/Rock Island Rehabilitation zone.

5. Impact of the proposed development on community facilities: Conversion to uses that increase in the demand for parking spaces would put more pressure on the City to purchase and improve more land for public parking, and the fees charged to property owners in the Parking District are not sufficient to pay the entire cost of providing public parking, which means the City would continue to subsidize parking in this area as it has south of Second Street. Also, it is reasonable to expect that the infrastructure of streets, drainage, lighting, etc. will be upgraded as it has been south of Second Street.