Agenda Item #_____

City of Wichita
City Council Meeting
September 11, 2001

Agenda Report #_____

**TO:** Mayor and City Council Members

**SUBJECT:** **ZON2001-00045 – REQUEST FOR AN ADDITION TO THE "OT" OLD TOWN OVERLAY DISTRICT TO PERMIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT, CURRENTLY ZONED "LI" LIMITED INDUSTRIAL, LOCATED AT THE SOUTHEAST CORNER OF MEAD AND 3RD STREET.** (District #VI)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning

**MAPC Recommendation:** Approve (11-1).

**Staff Recommendation:** Approve.

**DAB Recommendation:** Approve, subject to staff comments (10-0).

**Background:** The applicant is requesting "OT-O" Old Town Overlay zoning district designation for property located south of 3rd Street between Meade and Rock Island. If the "OT-O" request is approved, the underlying zoning would remain "LI" Limited Industrial, but would become subject to the design, signage and parking requirements of the "OT-O" district, and would permit residential uses on this property which are not currently permitted by the underlying "LI" zoning. The applicant proposes to re-develop the Case Supply building into 47 apartments.

The existing building is 4 1/2 stories in height with a brick facade that was previously used as a warehouse. The applicant indicates the exterior facade would remain as is except an elevator would be installed on the south side and windows would be replaced with a style that replicates the original windows. The buildings facade blends perfectly with the predominate style of buildings currently found in the Old Town district. Currently, there are loading docks located on the south and west sides of the building with parking areas located next to the docks. Proposed plans call for the basement to be remodeled for parking that would provide for the majority of required on-site parking spaces. On-site residential parking is calculated at 1 space per unit in the "OT-O" district

in comparison to the 1.25 to 1.75 ratios normally used, and owners can waive some or all of their parking requirements by paying fees to the City's "parking district".

Currently, the Old Town Overlay District stops at 2nd Street. If approved, this request would represent an "island" of the "OT-O" district within a larger area zoned "LI". However, the Commission and City Council have previously approved an expansion of the district south of Douglas, and there is a concurrent request for the "OT-O" district for property located north of 2nd Street, on Mosley (ZON2001-00043). If approved, that case would be an "island" of "OT" in a larger area of "LI" zoning as well. There is an expectation that there will be additional requests for "OT-O" zoning in the general area thereby alleviating concerns over the spottiness of these initial "OT" requests north of the original Old Town district.

All nearby properties are zoned "LI" Limited Industrial and used for commercial and industrial type uses.

District Advisory Board VI reviewed this request on August 6, 2001, and recommended approval 10-0. No one other than the applicant spoke. DAB members inquired about the anticipated rent rates, size of apartments and if the exterior would be modified. The MAPC heard the case August 9, 2001, and recommended approval (11-1). The lone voter in opposition to the request felt it was inappropriate to locate residential uses in an area that is zoned for industrial uses.

**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.)

Pub (_____) Published in The Wichita Eagle on SEP 22 2001

ORDINANCE NO. 45-050

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. ZON2001-00045**

Request for an addition to the "OT" Old Town Overlay District to permit multi-family residential development described as:

N. 25 ft. of Lot 9 and all of Lots 10, 11, 12, Block A, H. L. and Annie M. Taylor's Addition, to the City of Wichita, Sedgwick County, Kansas, except East 10 feet of said Lots taken for street together with the East 10 feet of vacated Mead Avenue adjacent on the west. Generally located on the southeast corner of Mead and 3rd Street.

**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, SEP 18 2001

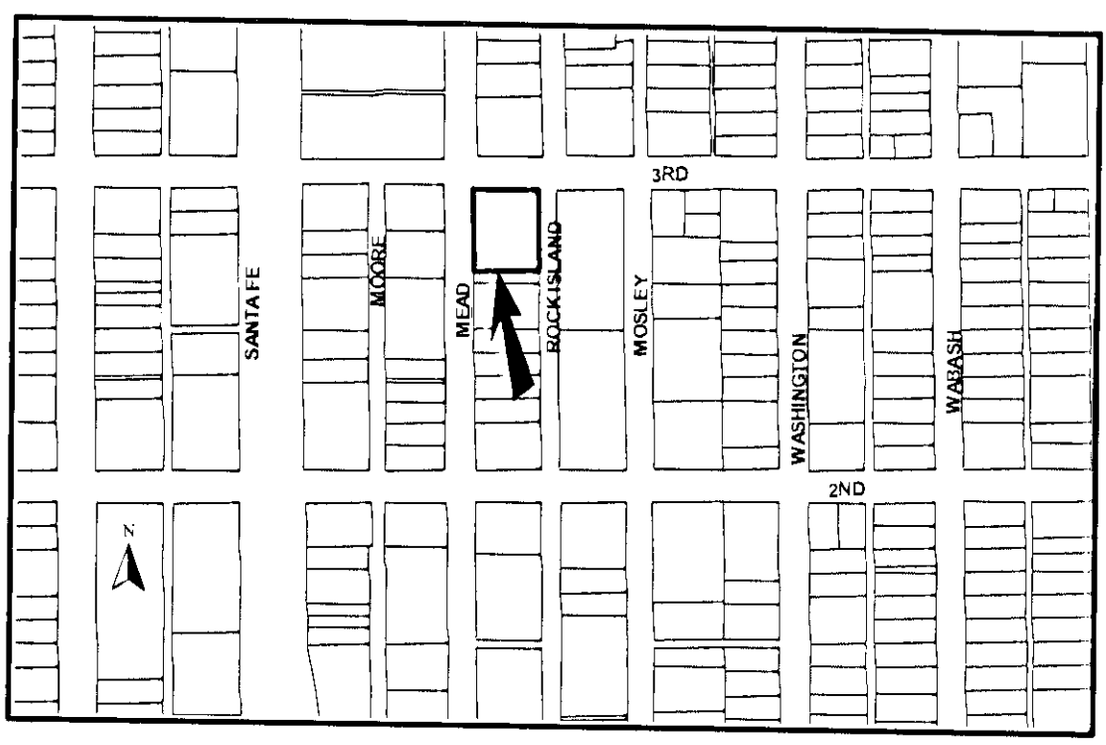
WICHITA–SEDGWICK COUNTY

AGENDA ITEM NO. #4

# STAFF REPORT

MAPC 8/9/01
DAB VI 8/6/01

| | |
|---|---|
| CASE NUMBER: | ZON2001-00045 |
| OWNER/APPLICANT: | Rush Investment, LLC / Edwin Rush (Owner-Co-Applicant); Garrison L. Hassenflu (Co-Applicant) |
| AGENT: | Garrison L. Hassenflu |
| REQUEST: | Addition to the "OT" Old Town Overlay District to permit multi-family residential development |
| CURRENT ZONING: | "LI" Limited Industrial |
| SITE SIZE: | .56 acre |
| LOCATION: | Southeast corner of Mead and 3rd Street |
| PROPOSED USE: | Multi-family residential |



**BACKGROUND**: The applicant is requesting"OT-O" Old Town Overlay zoning district designation for property located south of 3rd Street between Meade and Rock Island. If the "OT-O" request is approved, the underlying zoning would remain "LI" Limited Industrial, but would become subject to the design, signage and parking requirements of the "OT-O" district, and would permit residential uses on this property which are not currently permitted by the underlying "LI" zoning. The applicant proposes to re-develop the Case Supply building into 47 apartments.

The existing building is 4 1/2 stories in height with a brick facade that was previously used as a warehouse. The applicant indicates the exterior facade would remain as is except an elevator would be installed on the south side and windows would be replaced with a style that replicates the original windows. The buildings facade blends perfectly with the predominate style of buildings currently found in the Old Town district. Currently, there are loading docks located on the south and west sides of the building with parking areas located next to the docks. Proposed plans call for the basement to be remodeled for parking which would provide for the majority of required on-site parking spaces. On-site residential parking is calculated at 1 space per unit in the "OT-O" district in comparison to the 1.25 to 1.75 ratios normally used, and owners can waive some or all of their parking requirements by paying fees to the City's "parking district".

Currently, the Old Town Overlay District stops at 2nd Street. If approved, this request would represent an "island" of the "OT-O" district within a larger area zoned "LI". However, the Commission and City Council have previously approved an expansion of the district south of Douglas, and there is a concurrent request for the "OT-O" district for property located north of 2nd Street, on Mosley (ZON2001-00043). If approved, that case would be an "island" of "OT" in a larger area of "LI" zoning as well. There is an expectation that there will be additional requests for "OT-O" zoning in the general area thereby allevating concerns over the spotiness of these initial "OT" requests north of the original Old Town district.

All nearby properties are zoned "LI" Limited Industrial and used for commercial and industrial type uses.

**CASE HISTORY**: H. L. And A. M. Taylor Addition was platted around 1900.

**ADJACENT ZONING AND LAND USE**:

NORTH: "LI" Limited Industrial; warehouse
SOUTH: "LI" Limited Industrial; warehouse
EAST: "LI" Limited Industrial; warehouse/wholesale lumber

WEST: "LI" Limited Industrial; warehouse

**PUBLIC SERVICES:** All normal public services are available. Meade, Rock Island and 3rd Streets are brick streets having 60 feet, 40 feet and 70 feet respectively of right-of-way.

**CONFORMANCE TO PLANS/POLICIES:** The "Wichita Land Use Guide" 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 identified the area north of Douglas as the "Old Town/Rock Island Rehabiltation" 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 are underutilized. It is also noted that there was an unmet demand for more urban style, loft housing, and indicated the market could be absorbed by Old Town.

Strategy II.A.1 of the 1999 Comprehenive Plan indicates that zoning is an appropriate tool to promote mixed use and higher density developments.

**RECOMMENDATION:** The "OT-O" desigation assists in redevelopment of the property in two ways. It allows for residential use of the property that would otherwise be prohibited since the base zoning is "LI" Limited Industrial. It also supports the the Downtown Plan goal of providing additional residential use in the Downtown area. The "OT-O" designation also reduces the amount of on-site parking that would otherwise be required for the proposed use. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. All nearby properties are zoned "LI" Limited Industrial and used for commercial or industrial uses. The properties surrounding the application area are part of the larger original warehouse district and still has some active commerical and industrial uses. However, three-quarters of a block to the south is the original Old Town district which has seen a successful transition from the older warehouse use to a mixed use environment.

2. The suitablility of the subject property for the uses to which it has been restricted. The property is zoned "LI" Limited Industrial, which permits nearly all use except residential. It is possible the site could be used for permitted uses, but it is unlikely as the site is currently vacant and there

is increasing interest for Old Town type uses in the general area.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Increased parking demand and traffic volumes would result, but the applicant will have to provide required parking and exisitng street improvements appear to be adequate to handle anticipated increases.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The requested change supports the Downtown Plan by encouraging residential uses in the Downtown area and the re-use of an exisiting vacant building within the warehouse district.

5. Impact of the proposed development on community facilities: A modest increase in parking and traffic will occur. However, the applicant will need to provide off-site parking sufficient to meet code requirements and street rights-of-way are adequate to provide traffic circulation.