Agenda Item #_____

City of Wichita
City Council Meeting
FEBRUARY 5, 2002

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2001-00074 – ZONE CHANGE FROM "LC" LIMITED COMMERCIAL TO "OW" OFFICE WAREHOUSE. GENERALLY LOCATED BETWEEN GOW AND JOANN, NORTH OF CENTRAL; 715 AND 723 NORTH GOW, AND 726 NORTH JOANN.**
(District VI)

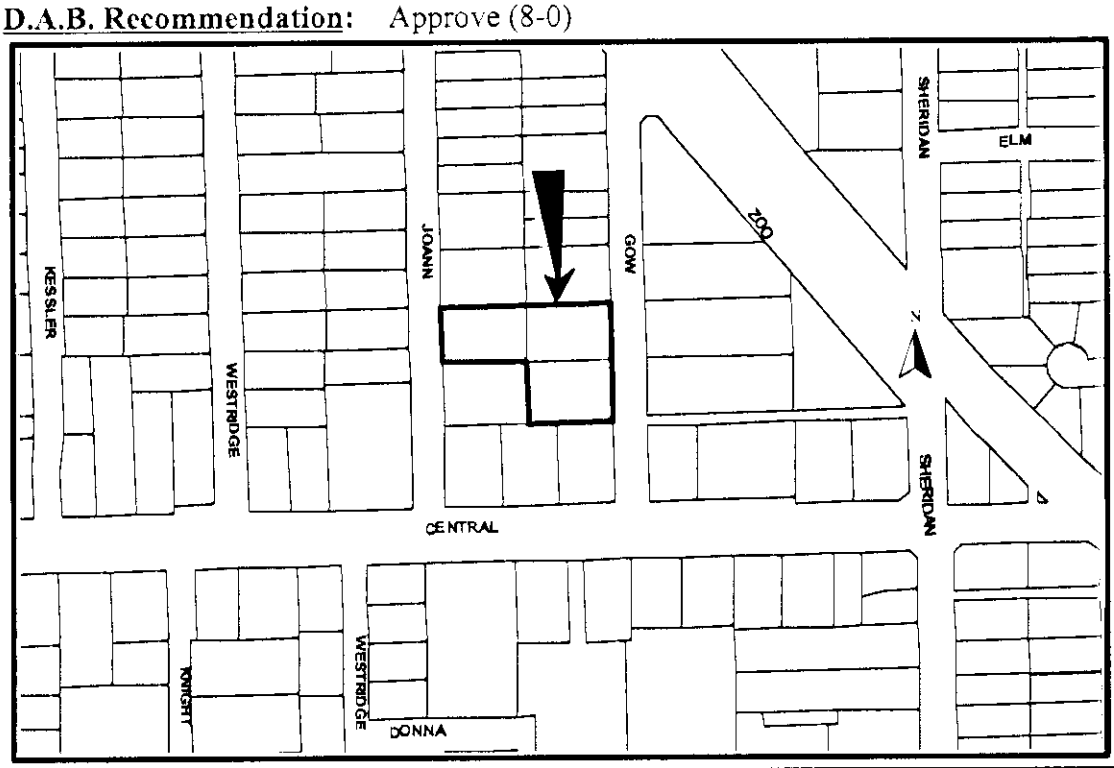
INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (10-0).

Staff Recommendation: Approve.

D.A.B. Recommendation: Approve (8-0)



BACKGROUND: The applicant requests "OW" Office Warehouse zoning on three platted lots located between Gow and Joann, north of Central. The three lots are currently zoned "LC" Limited Commercial, and are developed with one metal building on each lot. One of the buildings is occupied while the other two are vacant. One potential tenant is a sign company, which requires the ability to do limited manufacturing in order to fabricate signage. The "OW" district permits limited manufacturing as a use by right. It is the opinion of the applicant that "OW" zoning would make these properties more marketable. The "OW" district is intended to provide office and warehousing space for the building trades and similar businesses with operating characteristics that do not require highly visible locations or vehicular access required by retail or high intensity office uses.

The applicant also owns the abutting lot to the north on Gow. This property was rezoned to "OW" in 1998, it is developed with a metal building similar to those on the application area, and houses a concrete products business. North of the application area on Joan are "SF-5" zoned lots developed with single-family homes. South of the application area, facing Central, are three "LC" zoned lots developed with a parking area, a restaurant, and an automobile electric shop. East of the application area on Gow are "GO" zoned lots developed with apartment buildings, a vacant "SF-5" zoned lot, and an "LI" zoned lot developed with manufacturing. West of the application area on Joann is an "LC" zoned lot developed with an insurance business, and "SF-5" zoned lots developed with single-family homes.

The neighborhood character is a mix of "LC" zoned businesses, some housed in metal buildings; "SF-5" zoned homes; "GO" zoned apartments; one "LI" zoned manufacturing facility; and one "OW' zoned metal building.

The proposed zone change, from "LC" to "OW" would require conformance to all property development standards in the Unified Zoning Code, and special "OW" district regulations in the Unified Zoning Code. (e.g. maximum area devoted to display and retail sales, outdoor display and sales is restricted to within ten feet of the building, limitations on the amount of outdoor storage, and screening requirements for material stored outdoors)

This zone change request is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide" and "Commercial Locational Guidelines"; staff recommends approval of this zone change. As the application area is currently zoned "LC," it is currently required to provide screening and deflect lighting from residential neighbors; a zone change to the "OW" district maintains the same requirements. "OW" zoning precludes some uses which could be more intensive than those uses permitted by "LC" such as night clubs, car washes, convenience stores, and indoor recreation and entertainment.

Staff received one letter from a neighbor in opposition to the zone change request; the letter expressed a concern with dropping property values if the zone change is approved. DAB 6 heard this zone change request on January 7th, 2002. DAB 6 voted 8-0 to recommend approval. MAPC heard the zone change request on January 10th, 2002;

MAPC voted 10-0 to approve the zone change request. No opposition to the zone change request was presented at the MAPC hearing.

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.)

1st and 2-5-02 Duplicate

(150004) Published in the Wichita Eagle on FEB 16 02

ORDINANCE NO. 45-212

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. ZON2001-00074

Request for zone change from "LC" Limited Commercial to "OW" Office Warehouse, described as:

Lots 10, 23 and 24, Davis Gardens, Sedgwick County, Kansas. Generally located between Gow and Joann, north of Central; 715 and 723 North Gow, and 726 North Joann.

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, FEB 12 2002

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. 10

STAFF REPORT

MAPC 01-10-02
DAB VI 01-07-02

CASE NUMBER: ZON2001-00074

APPLICANT/AGENT: Ralph Rudy (owner); Austin Miller, Kim Edgington (agent)

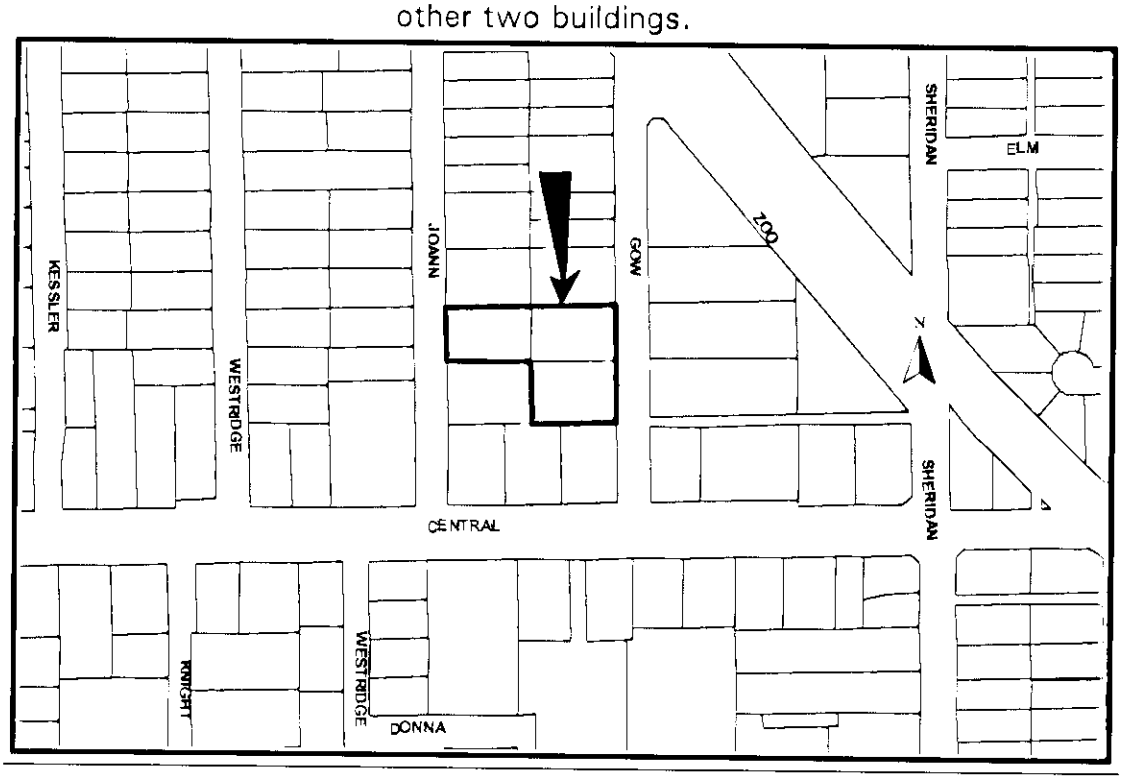
REQUEST: Zone change to "OW" Office Warehouse

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 1.03 acres

LOCATION: Between Gow and Joann, north of Central; 715 and 723 North Gow, and 726 North Joan

PROPOSED USE: To allow three existing metal buildings to be occupied with uses permitted in the "OW" district. The applicant proposes that a sign company will occupy one building, and future tenants for the other two buildings.



BACKGROUND: The applicant requests "OW" Office Warehouse zoning on three platted lots located between Gow and Joann, north of Central. The three lots are currently zoned "LC" Limited Commercial, and are developed with one metal building on each lot. One of the buildings is occupied while the other two are vacant. One potential tenant is a sign company, which requires the ability to do limited manufacturing in order to fabricate signage. The "OW" district permits limited manufacturing as a use by right. It is the opinion of the applicant that "OW" zoning would make these properties more marketable. The "OW" district is intended to provide office and warehousing space for the building trades and similar businesses with operating characteristics that do not require highly visible locations or vehicular access required by retail or high intensity office uses.

The applicant also owns the abutting lot to the north on Gow. This property was rezoned to "OW" in 1998, it is developed with a metal building similar to those on the application area, and houses a concrete products business. North of the application area on Joan are "SF-5" zoned lots developed with single-family homes. South of the application area, facing Central, are three "LC" zoned lots developed with a parking area, a restaurant, and an automobile electric shop. East of the application area on Gow are "GO" zoned lots developed with apartment buildings, a vacant "SF-5" zoned lot, and an "LI" zoned lot developed with manufacturing. West of the application area on Joann is an "LC" zoned lot developed with an insurance business, and "SF-5" zoned lots developed with single-family homes.

The neighborhood character is a mix of "LC" zoned businesses, some housed in metal buildings; "SF-5" zoned homes; "GO" zoned apartments; one "LI" zoned manufacturing facility; and one "OW' zoned metal building.

The proposed zone change, from "LC" to "OW" would require conformance to all property development standards in the Unified Zoning Code, and special "OW" district regulations in the Unified Zoning Code. (e.g. maximum area devoted to display and retail sales, outdoor display and sales is restricted to within ten feet of the building, limitations on the amount of outdoor storage, and screening requirements for material stored outdoors)

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	"OW," "SF-5"	concrete product business, single-family homes
SOUTH:	"LC"	restaurant, parking, automobile electric business
EAST:	"GO," "SF-5," "LI"	apartments, manufacturing, single-family homes

WEST: "LC," "SF-5" insurance business, single-family homes

PUBLIC SERVICES: The property is located along Gow and Joann, north of Central. Gow is a paved, two lane residential street. Joann is an unpaved, two lane residential street; no traffic counts or projections have been done for Gow or Joann. A zone change to "OW" could lower the potential traffic generated by the application area, as compared to the traffic that could be generated by uses currently permitted under the "LC" zoning.

The existing half-width right-of-way for Gow and Joann is 30 feet. No street projects are included in the C.I.P. for the immediate area. No utility easements exist within the application area.

City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as "Commercial" and "Low Density Residential." The proposed update to the "Wichita Land Use Guide" identifies this area as "Commercial" and "Industrial," better reflecting the current zoning and land uses. The Unified Zoning Code defines the "OW" zoning district as generally compatible with the "Commercial" and "Industrial" designations of the Comprehensive Plan. The Plan encourages the protection of residential areas from the impact of high intensity uses by the use of buffers, set backs, and landscaping.

RECOMMENDATION: This zone change request is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide" and "Commercial Locational Guidelines." As the application area is currently zoned "LC," it is currently required to provide screening and deflect lighting from residential neighbors; a zone change to the "OW" district maintains the same requirements. "OW" zoning precludes some uses which could be more intensive than those uses permitted by "LC" such as night clubs, car washes, convenience stores, and indoor recreation and entertainment.

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: The property abutting the application area to the north is zoned "OW," developed with a metal building similar to those on the application area, and used for a concrete product business. A zone change from "LC" to "OW" at the application area should not affect the character of the neighborhood.

2. The suitability of the subject property for the uses to which it has been restricted: The property could continue to be used as it is currently zoned. However, the large metal buildings on the application area could be better used for typical "OW" uses than for certain "LC" uses – such as retail sales.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of "OW" zoning on this property will actually restrict the more intense uses permitted in the "LC" district. Approval of the requested zoning should not detrimentally affect nearby properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide," and it is in conformance with the commercial locational guidelines of the plan.

5. Impact of the proposed development on community facilities: A zone change at the application area to "OW" will permit less intensive uses, and generate potentially less traffic, than those uses currently permitted under the "LC" district. This zone change should not increase demands on community facilities.