

Planning Agenda Item # _____

City of Wichita
City Council Meeting
March 4, 1997

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3217-HERBERT & MARTHA OTTAWAY REQUESTS ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "GO" GENERAL OFFICE DISTRICT, LOCATED EAST OF WEST STREET, SOUTH OF 3RD STREET (316 N. WEST STREET).

(DISTRICT #4)

INITIATED BY: Metropolitan Area Planning Department *W. C. Crot*

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within 1 year, and to the additional provisions of a P-O District (13-0).

Staff Recommendation: Approve, subject to platting within 1 year, and to the additional provisions of a P-O District.

CPO Recommendation: Deny

Background: The applicant requests a zone change from "SF-6" Single Family Residential to "GO" General Office on a 1.2 acre portion of a larger platted lot (Lot 41 Knight Acres Addition) to permit the expansion of KSAS Fox Channel 24 Broadcast studio. The studio is located on the east side of West Street, approximately 400 feet north of Second Street. Located behind the studio are five satellite dishes (21-25 feet in diameter), a broadcast tower (140 feet tall) and employee parking. These satellite dishes, the tower and the parking would need to be relocated to allow the studio expansion. The application area is the site to which this equipment could be moved to accommodate the studio expansion. The application area is located to the east of the existing studio. The site is vacant but for a baseball diamond. Residences are located to the north and northeast and south. A large lot with a church on the southern end of the lot is located to the east. Other commercial and retail establishments are located to the west. The applicant has left a 150 foot wide strip along the southern end of his ownership zoned SF-6.

Furthermore, it should be noted that the height compatibility standards of the Zoning Code restrict

this tract to a maximum height of 65 feet, unless a variance is granted by the BZA.

The case was deferred during the January 16, 1997 Planning Commission hearing in order to address neighborhood concerns over the development of the application area. Questions on how this property was to be used and how the proposed zone change would impact the residential areas to the north and east were asked by residents of the area. The agent for the applicant stated that Fox Channel 24 wanted to relocate a portion of their employee parking to the subject property along with several satellite dishes. The Planning Commission discussed how to appropriately screen the parking lot from view, and what development concerns needed to be addressed through platting. After the discussion, the Commission moved to defer the case in order for the applicant to address these issues.

During the Planning Commission's discussion of this matter on January 30, 1997, questions concerning screening and road improvements were asked by the Commission. Both the applicant and area property owners were against improvements to either McComas Street or 3rd Street North. After discussion, the MAPC voted (13-0) to approve the request with the additional provisions of a Protective Overlay as recommended by staff. The P-O would limit uses, building height, access, and lighting. This case has been sent back to CPO (4) for re-consideration during their February 27, 1997 meeting.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District and subject to the condition of platting; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for consideration.

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

() Published in The Daily Reporter 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 CITY OF WICHITA CODE SEC. 28.04.010

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 City of Wichita Code Sec. 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3217

Zone change request from "SF-6" "Single-Family Residential District to "GO" General Office District, and to "P-O" Protective Overlay District #12 on property described as:

That portion of Lot 41, Knight Acres, Sedgwick County, Kansas, described as commencing at a point equidistant between the northeast corner of Lot 1, Ottaway Addition, and the southeast corner of said Lot 1; thence east parallel with the north line of Lot 41, Knight Acres, to the east line of said Lot 41; thence north along the east line of said Lot 41 to the northeast corner of said Lot 41; thence west along the north line of said Lot 41 to the northwest corner of said Lot 41; thence south along the west line of Lot 41 to the northeast corner of Lot 1, Ottaway Addition; thence south along the east line of said Lot 1 to the point of beginning. Generally located east of West Street, south of 3rd Street (316 North West Street).

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

- A. All structures including buildings and satellite dishes, etc. will be limited to the south 132 feet of this zone request. Parking may occur throughout the area being rezoned to the General Office district.
- B. Buildings will be limited to single-story structures with a maximum height of 35 feet.

- C. No access will be permitted to 3rd Street or McComas Street in their current configuration.
- D. The administrative adjustment provisions of the Wichita-Sedgwick County Unified Zoning Code, Section V-E.14 shall apply to this overlay.
- E. Outdoor lighting shall employ cut-off luminaries and shall be mounted at a height not exceeding one-half the distance from the neighboring lot unless evidence as provided to the Zoning Administration that the lights will be shielded away from neighboring lots.
- F. The applicant wishes to eliminate 54 permitted and conditional uses of the property. The property is hereby restricted to Broadcast/Recording Studios with accessory uses and General Offices.

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, _____

ATTEST:

Pat Burnett, City Clerk

Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney