Agenda Item #_____

City of Wichita
City Council Meeting
July 13, 1999

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **Z-3323 – ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "GC" GENERAL COMMERCIAL, LOCATED EAST OF BROADWAY AND SOUTH OF 37TH STREET SOUTH.** (District #III)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to the additional provisions of a (P-O) Protective Overlay #56 (11-0).

Staff Recommendation: Approve, subject to the additional provisions of a (P-O) Protective Overlay.

CPO Recommendation: Approve, subject to MAPD staff recommendations (5-0).

Background: The applicant is requesting a zone change from "SF-6" Single Family to "GC" General Commercial for a 5,500 square foot tract, with dimensions of 50 feet by 110 feet, located along 37th Street South approximately 1000 feet east of Broadway. The applicant is seeking the zone change to store vehicles outdoors legally.

Currently there are about 15 vehicles, some antiques, stored on the property. There is not a primary structure, such as a residence, on the lot. The applicant would like to continue storing the vehicles on the lot, but this requires "GC" General Commercial zoning. The lot abuts an unpaved private road that is the extension of 37th Street South, and is only 300 feet from the banks of the Arkansas River.

The area has the flavor of a river settlement that grew up prior to zoning and subdivision controls. 37th Street South has a dozen residences stretched along its frontage between South Broadway and the river. Most of the residences are in need of maintenance. The property is zoned "GC" General Commercial for a depth of 600 feet from Broadway, and "SF-6" for the

remaining 700 feet to the river. There are a few businesses along the street, including a bait shop also owned by the applicant and located on property zoned "SF-6".

The property north and south of 37th Street has the same zoning pattern of 600 feet of "GC" stretching eastward from Broadway and the remaining property zoned "SF-6". However, the property to the south is an outdoor vehicle storage yard although the rear portion is zoned "SF-6". This outdoor storage lot adjoins the property for which the rezoning is requested and is separated by a corrugated metal fence from the subject tract. The property to the north is a mix of residential and commercial. Farther north, the property is zoned with a strip of "GC" all the way to the river and a strip of "LI" Limited Industrial all the way to the river. A commercial greenhouse facility is located on the "GC" tract, and a lake (old sandpit) occupies the "LI" tract.

The area has been the target of a community policing effort to get property owners to comply with health and safety codes. Some of the efforts have focussed on cleaning up a tire storage area and other open storage along the street, as well as addressing other health and safety issues in the area. These efforts have apparently improved the area relative to before the effort began.

The presence of the Arkansas River within 300 feet of the property presents some unique circumstances. Taking a broader look at the area for rezoning would require considering the unique and prominent place that the Arkansas River holds in the urban landscape within Wichita. Riverside Park and the Riverside neighborhood have been a valuable resource since their establishment. Over the last half century, the Arkansas River has been upgraded to become a community focal point through the downtown area and along McLean Boulevard, with a network of museums and parks stretching along its banks downtown. The current construction of Exploration Place will be a major boost in the prominence of the river as well as be a major regional tourist destination focussing interest in the Arkansas River. As one travels southward along McLean Boulevard from downtown to Herman Hill Park on Pawnee, the general character of the river is a wide grassy bank flanked on the west by McLean and a mix of institutional uses (West High), industrial facilities, and further south, residential neighborhoods with back lot orientation to McLean. On the east of the riverbank the back yards of residential neighborhoods are visible. Approaching Watson Park and Broadway, the old concrete bridge over the river at Broadway is visible along McLean. This drive ends only one and one-half miles north of the subject tract. The corner of Broadway and Pawnee is commercial. There is a large apartment complex to the southeast of the shopping center with Wal-Mart. The complex occupies the eastern bank of the Arkansas River.

The character of the urban streetscape changes in the segment of Broadway south of the Arkansas River. The property is occupied by general commercial uses, especially car lots and mobile home sales lots. Railroad tracts separate the river from visibility. However, it is possible that a major parkway improvement effort in this area could expand the existing parkway development to the south and add a valuable resource for community use and potentially a highly regarded residential area with riverfront view. This would probably require redevelopment along Broadway, or perhaps an alternate route adjacent to the Wichita Valley Center Flood Control project that flanks the western bank of the Arkansas River. The Parks and Pathways Park and Open Space Master Plan has already identified the Arkansas River as an existing pathway as far

south the application area, and as a proposed pathway continuing southward to MacArthur Road. The Plan shows the pathway on the east bank of the river in the application area.

At the CPO(3) meeting held June 10, 1999, the CPO council voted unanimously to recommend approval subject to staff comments. There were no citizens to speak on the application.

At the MAPC meeting held June 10, 1999, MAPC voted (11-0) to recommend approval subject to the Protective Overlay. The applicant stated that he was requesting the rezoning to be able to store vehicles on the property. He was in agreement to conditions of the Protective Overlay that limited the "GC" uses to vehicle storage yard only and to meeting screening requirements. Issues raised by the MAPC were whether this might be seen as "spot zoning" and whether it was possible to accomplish the intended use with a Conditional Use instead of a rezoning with a Protective Overlay.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change to "GC", subject to the additional recommended provisions of a Protective Overlay District #56, and 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 2/3rd majority vote of the membership of the governing body on the first hearing.)

(_____) Published in The Daily Reporter on 7-23-99

ORDINANCE NO. 44-298

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. Z- 3323

Zone change request from "SF-6" Single Family District to "GC" General Commercial District AND TO "P-O" Protective Overlay District #56, described as:

A tract of ground beginning at a point 743.3 feet south and 935.6 feet east of the Northwest corner of Lot 10, Section 9, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence South 110 feet; thence East 50 feet; thence North 110 feet; thence West 50 feet to the point of beginning. Generally located east of Broadway and south of 37th Street South.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

A. Permitted uses allowed in the "GC" General Commercial zone shall be restricted to vehicle storage yard only and to all uses permitted in the "SF-6" Single Family district.

B. A screening fence of no less than 6 feet or more than 8 feet in height, composed of wood, masonry, or other solid materials, not including chain link or corrugated metal, be installed and maintained along the perimeter of the storage yard, with the design to be approved as to construction by the Office of Central Inspection. No vehicles shall be visible above the top of the fence.

C. Any violation of these conditions shall result in the Protective Overlay being violated and shall render it no longer in effect

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, July 20, 1999

ATTEST:

for Pat Burnett, CITY CLERK — Bob Knight, MAYOR

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney