

ACTION

COMMITTEE	DATE
M.A.P.C. <i>Letter signed</i>	<i>8-28-82</i>
MAPC <i>Advisory on Public Hearing</i>	<i>7-1-82</i>
B.C.C./B. CO. C.	
MAPC <i>approved</i>	<i>8-12-82</i>
BCC <i>Ref. to MAPC for reconsideration</i>	<i>9-7-82</i>
MAPC <i>Approved as amended</i>	<i>9-23-82</i>
BCC <i>Placed on 1st read w/ amend.</i>	<i>11-2-82</i>
BCC <i>Adopted</i>	<i>11-9-82</i>

DR 79-17 - Amendment to City Zoning Ordinance - Restricted Business District.

WICHITA-SEDGWICK COUNTY

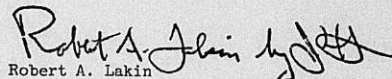
DATE
November 5, 1982

METROPOLITAN AREA PLANNING DEPARTMENT

TO E. H. Denton, City Manager
FROM Robert A. Lakin, Director of Planning
SUBJECT DR-79-17 - Office Commercial District

Attached is a copy of the ordinance establishing the "OC" Office Commercial District as amended by the City Commission and placed on first reading at the meeting of November 2, 1982. This ordinance has been placed on the City Clerk's agenda for the meeting of November 9, 1982.

Excluded from the ordinance are the eight uses as set forth by action of the commission on November 2 and the associated sections of the ordinance that referred to said uses; such as kennels and pet runs, and also the language related to drive up windows. An additional section is added on the bottom of page 8 related to the prohibition of portable signs.


Robert A. Lakin

RAL:GEL:sad

Attachment

ORDINANCE NO.

AN ORDINANCE ENACTING 28.04.085 AND AMENDING THE ZONING ORDINANCE OF THE CITY OF WICHITA, KANSAS BY ESTABLISHING A NEW ZONING CLASSIFICATION TO BE DESIGNATED AS THE "OC" OFFICE COMMERCIAL ZONING DISTRICT; ADOPTING REGULATIONS AS TO LOCATION, CONSTRUCTION AND USE OF BUILDINGS, STRUCTURES AND LAND WITHIN SUCH DISTRICT OR CLASSIFICATION; AMENDING SECTIONS 28.04.030, 28.04.139 (E), 28.04.150 (A) AND 28.04.210 (3) OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND REPEALING SAID ORIGINAL SECTIONS 28.04.030, 28.04.139 (E), 28.04.150 (A) AND 28.04.210 (3).

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 28.04.030 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

"28.04.030 Zoning classification or districts. In order to regulate and restrict the use and improvement of lands and the location, type, construction and use of building improvements located within the city; to prevent overcrowding of land, to preserve property values; to promote the general welfare, public safety and health; and to preserve personal and property rights; all lots, parcels and tracts of land located within the city, together with any and all building improvements located thereon, shall be zoned into one of the following classifications or districts:

- "AA" - One-family dwelling classification or district.
- "A" - Two-family dwelling classification or district.
- "RB" - Four-family dwelling classification or district.
- "R-5" - General residence district.
- "R-6" - General residence district.
- "B" - Multiple-family dwelling classification or district.
- "BB" - Office district regulations.
- "OC" - Office Commercial classification or district.
- "LC" - Light commercial classification or district.
- "C" - Commercial classification or district.
- "D" - Central business classification or district.
- "E" - Light industrial classification or district.
- "F" - Heavy industrial classification or district.
- "G" - Mobile home classification or district.
- "U" - University classification or district."

Section 28.04.085 shall be added to the ordinance to read as follows:

"28.04.085 "OC" Office Commercial District Regulations. This district is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are also compatible one to another within the district itself. They are generally smaller, have less intense uses or are of such size to be low traffic generators. This district shall be established only when the property is contiguous to an arterial street as designated by Map 13-A of the Transportation Plan, or amendments thereto; or be established on a property that is contiguous to any non-residential zoning district.

In the "OC" Office Commercial District, no building or premises shall be used and no building or premises shall be hereafter converted, altered, enlarged or erected except for one or more of the uses permitted by the use regulations of this section. All buildings and structures erected, enlarged, converted or altered in the "OC" Office Commercial District shall conform to the area and bulk regulations set forth in this section.

A. USE REGULATIONS. Permitted uses shall include only the following and shall be subject to the use limitations set forth herein:

1. Offices, including the following:
 - a. Abstract and Title Companies.
 - b. Accountants Offices.
 - c. Advertising Agencies.
 - d. Architects Offices.
 - e. Artist Studios and Art Galleries.
 - f. Attorneys Offices.
 - g. Broadcasting or recording studios without transmitter towers.
 - h. Computer and Data Processing Offices.
 - i. Dance Studios.
 - j. Dental Offices and Clinics.

- k. Engineers Offices.
 - l. Medical Offices and Clinics.
 - m. Minor Surgery Centers.
 - n. Offices, administrative, clerical and sales services including the display of sample or inventory items made available for demonstration purposes and where such display constitutes less than half of the floor area. Such display material shall be limited to small business type machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture and larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.
 - o. Optician and Optical Dispensaries.
 - p. Photography Studios.
 - q. Real Estate Offices.
 - r. Religious Offices and Headquarters.
 - s. Travel Agencies and Transportation Ticket Offices.
2. Retail stores and personal service businesses including the following:
- a. Antique Store.
 - b. Apparel and Accessory Store.
 - c. Artist, Craft and Hobby Supply Store.
 - d. Camera Shop and Photographic Supplies.
 - e. Child Day Care Centers.
 - f. Cigar, Tobacco and Candy Store.

- g. Clothing and Costume Rental Store.
- h. Cleaning and Laundry Pickup Stations.
- i. Drug Store, Pharmacy or Apothecary.
- j. Electric Household Appliance, Television and Stereo Repair.
- k. Florist Shop.
- l. Hair Stylists (Barber and Beauty Shops).
- m. Jewelry and Jewelry Repair.
- n. Key Shop.
- o. Medical and Orthopedic Appliance Stores (retail or rental).
- p. Office Supplies (not including furniture).
- q. Photographic Equipment and Print Shops.
- r. Picture Framing Shop.
- s. Shoe Repair Shop.
- t. Tailor Shops.

3. Residential uses as follows:

- a. Each business or office may have an owner residence as a part of the business or office structure.
- b. Residential Uses as permitted in the R-5 General Residential District.

4. Miscellaneous type uses including the following:

- a. Accessory uses when determined to be subordinate in area, extent and purpose to the principal use

served; and is determined by the Superintendent of Central Inspection to contribute to the necessity of the principal residence or business established on the zoning lot.

- b. Off-street parking and loading accessory to a principal use established on the zoning lot.
- c. Signs as set forth in Section 28.04.139.

5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 2.12.590(C) of the Code: provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.

- a. Offices, retail stores and personal service businesses not specifically listed as a permitted use above, when it can be determined that the use is comparable to any of the above.

B. LOT SIZE REQUIREMENTS:

1. Minimum lot area

- a. Single family detached dwellings 6,000 sq. ft.
(Not built as part of an office
or commercial use)
- b. Two family dwellings 3,000 sq. ft./DU
- c. Multiple family dwellings 2,500 sq. ft./DU
- d. All other permitted uses 6,000 sq. ft.

2. Minimum Lot Width: 50 feet

3. Minimum Lot Depth: 100 feet

C. BULK REGULATIONS:

- 1. Maximum structure height: 35 feet
- 2. Maximum lot coverage: 40%

3. Minimum yard requirements:

a. Minimum front yard: 20 feet or as shown on a recorded plat.

b. Minimum side yard: 5 feet or as shown on a recorded plat.

Exception: For a non-residential main use adjacent to a nonresidential district, the interior side lot line may be 0-feet, however if a side yard is provided, it must be a minimum of 5 feet.

c. Minimum rear yard: 10 feet.

D. USE LIMITATIONS:

1. No individual business use shall occupy more than 5,000 square feet of floor area; provided however, an exception to this limitation may be granted by the Board of Zoning Appeals subject to the following conditions:

a. A basement area, not exceeding the area used for office or sales use, is used only for storage, records, mechanical equipment or other nonperson uses.

b. Such area shall be determined to be nontraffic generating and deemed to be exempt from off-street parking requirements.

c. Required off-street parking shall not be determined to be less than that required by the floor area used for office or sales purposes.

- d. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations required in Chapter 28.04 of the Code.
2. All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
 3. Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sales which do not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods and services to the home; ie., florist truck, TV repair truck. Vehicles stored or retained on site overnight shall be stored within the main structure, an enclosed garage or when approved by the Director of Planning as to adequate screening material and location, within an enclosed compound.
 4. No business shall display or store goods or equipment outside of an enclosed building.
 5. No business establishment shall offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles.
 6. Motor vehicle parts, service or fuels shall not be dispensed in this district.

7. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property."

Section 28.04.139(E) shall be amended to read as follows:

"E. SIGNS PERMITTED IN THE "BB" OFFICE DISTRICT, THE "OC" OFFICE COMMERCIAL DISTRICT AND THE "U" UNIVERSITY DISTRICT.

1. Ground or pole identifications signs, provided no individual sign shall exceed thirty-two square feet of gross surface area or exceed a height of thirty feet. Only one ground or pole sign shall be permitted for any office or business; provided however, when more than one business is located on a zoning lot additional signs may be permitted when a distance separation of fifty feet along the street frontage is maintained. When the distance separation of fifty feet does not permit each individual business a sign, the businesses shall share the use of the permitted number of signs. Under no circumstance shall the total gross surface area of all ground or pole signs on a zoning lot exceed 1/2 square feet per lineal foot of frontage; provided however a zoning lot with 64 feet or less frontage shall be permitted a sign of 32 square feet of gross surface area. No ground or pole sign shall be located closer than fifteen feet to an adjacent property. Any sign permitted by this section shall be limited to indirect or internal illumination of white light only and without flashing or moving images.
2. Notwithstanding the provisions of subsection C-13 of Section 28.04.139 of the code, portable signs shall not be permitted.

3. Building sign not exceeding thirty square feet in area or thirty feet in height, and be limited to one for each major use in the building. Such signs shall be limited to indirect or internal illumination of white light only and without flashing or moving images."

Section 28.04.150(A) shall be amended to read as follows:

"28.04.160 General regulations. A. ANNEXATIONS. Any territory hereafter annexed to the City of Wichita shall, simultaneous with annexation, be initially assigned that zoning district designation as set forth immediately below:

Those territories zoned "R", "R-1", or "AA" under the terms of the Sedgwick County Zoning Resolution shall be zoned "AA" under the terms of this chapter; provided, however, residential subdivisions for two-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "A" under the terms of this chapter; and, further provided, residential subdivisions for multiple-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "R-5" under the terms of this chapter:

Those territories zoned "BB" under the terms of the Sedgwick County Zoning Resolution shall be zoned "BB" under the terms of this chapter;

Those territories zoned "OC" under the terms of the Sedgwick County Zoning Resolution shall be zoned "OC" under the terms of this chapter;

Those territories zoned "LC" under the terms of the Sedgwick County Zoning Resolution shall be zoned "LC" under the terms of this chapter; provided, however, residential subdivisions where "LC" zoning was granted for the express purpose of permitting

multi-family residential development as reflected in the official minutes and records of the planning commission and county commission, shall be zoned "R-6" under the terms of this chapter;

Those territories zoned "C" under the terms of the Sedgwick County Zoning Resolution shall be zoned "C" under the terms of this chapter;

Those territories zoned "E" under the terms of the Sedgwick County Zoning Resolution shall be zoned "E" under the terms of this chapter;

Those territories zoned "F" under the terms of the Sedgwick County Zoning Resolution shall be zoned "F" under the terms of this chapter;

Mobile home parks, provided they have first been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "G" Mobile Home District under the terms of this chapter.

Notwithstanding any other provisions of this chapter, the conditions of a conditional use permit, approved under the terms of the Sedgwick County Zoning Resolution, shall be honored for a period of one year from the date of annexation or until a public hearing is held to act on any zoning change request. The owner of any property included in a conditional use permit may file an application for a change of zoning at no fee at any time within one year of the date of annexation.

Whenever annexed territory has been approved for a change of zoning under the terms of the Sedgwick County Zoning Resolution, but the publication of the resolution has been withheld pending compliance with conditions established by the board of county commissioners, comparable zoning as set forth under the

the terms of the ordinance codified in this subsection shall be placed on the property upon completion of the conditions as set forth in the annexation ordinance.

Such zoning classification initially established simultaneous with annexation under the terms of this section shall remain in full force and effect until the governing body of the city shall have, by ordinance, amended such zoning classification provided, however, that the governing body shall not amend such zoning classification until a public hearing shall have been held as provided in Section 28.04.210 of this code."

Section 28.04.210(3) shall be amended to read as follows:

"3. Changes by other individuals or groups.

3.1 A proposal for an amendment or change in zoning may be initiated by the governing body without fee, the planning commission or upon application of the owner of the property affected. The application shall be filed with the planning commission upon forms and accompanied by such data and information as may be prescribed by the planning commission so as to ensure the fullest practicable presentation of facts for the permanent record.

3.2 For the purpose of defraying costs of proceedings described herein, filing and publication fees shall be paid upon the filing of each application for a change of district boundaries or classification as follows:

SIZE OF APPLICATION AREA

Zoning Classifications Requested	Up to and including 3 acres	Over 3 acres to 6 acres	Over 6 acres to 15 acres	Over 15 acres
"AA"&"A"	\$200	\$300	\$400	\$500
"RB", "R-5", "R-6"&"U"	\$300	\$400	\$500	\$600
"G"	N/A	\$400	\$500	\$600
"B"&"BB"	\$350	\$450	\$550	\$650
"OC", "LC", "C"	\$400	\$500	\$600	\$700
"D", "E"&"F"	\$400	\$500	\$600	\$700

Residential C.U.P. Original - \$500 plus \$5 per acre for each acre over 40 acres

Amendments

Major - (design or use change that would affect 50% or more of the area contained within the C.U.P. \$500)

Minor- (design or use change that would affect less than 50% of the area contained within the C.U.P. \$200)

Commercial C.U.P. Original - when filed with rezoning application \$200 plus \$5 per acre for each acre over 15 acres

Original - when filed separately \$500 plus \$5 per acre for each acre over 15 acres

Amendments

Major - (design or use change that would affect 50% or more of the area contained within the C.U.P. \$500)

Minor - (design or use change that would affect less than 50% of the area contained within the C.U.P. \$200)

A fee of one hundred fifty dollars shall be charged for those requests for special permits or uses, where authorized by the zoning ordinance, that are referred by the board of city commissioners to the metropolitan area planning commission for public hearing and recommendation. Said fee shall be paid by the applicant prior to the scheduling of a hearing before the metropolitan area planning commission.

Any person requesting deferral of a case shall be charged a fee of fifty dollars to cover administrative cost at such time that the deferral is granted.

A written receipt shall be issued to the person making such a payment and records thereof shall be kept in such a manner as prescribed by law. For the period commencing with the enactment of this section to December 31, 1980, no fee shall be required for a case initiated by a department of the city for a historic designation.

3.3 No application for any change of zoning classification shall be filed within one year following a previous application on the same property or portion thereof; provided, however, the zoning committee of the planning commission, upon petition by the applicant, may permit a refiling of said application after six months of the original publication date, when significant physical, economic or land use changes have taken place within the immediate vicinity or a significant zoning ordinance text change has been adopted, or when the reapplication is for a change of zoning classification more restrictive than the original request. The applicant shall submit a statement in detail, setting out those changes which he deems significant and upon which he relies for refiling the original application."

The originals of Sections 28.04.030, 28.04.139 (E), 28.04.150 (A) and 28.04.210 (3) of the Code of the City of Wichita, Kansas are hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this ___ day of _____, 1982.

Albert J. Kirk, Mayor

ATTEST:

Donald C. Gisick, City Clerk

(SEAL)

The above instrument approved as to form

this _____ day of _____
John D. Deffen
City Clerk

WICHITA-SEDGWICK COUNTY *Item 6*
METROPOLITAN AREA PLANNING DEPARTMENT

DATE
October 25, 1982

TO E. H. Denton, City Manager
FROM Robert A. Lakin, Director of Planning
SUBJECT DR-79-17 - Office Commercial District

*Wichita Bureau
1502 S Skelton*
Cindy Sunde Long
John Jacobson
JCO
5/4
PMC
5/21 meeting

*Wichita, if possible
repeal.*

Attached is a delineated copy of an amendment to the City of Wichita zoning ordinance that is recommended by the Planning Commission for adoption. Please place this on the agenda for City Commission consideration on November 2, 1982 at 11:00 a.m.

BACKGROUND

The development of a zoning district for limited retail and service type uses was first discussed by the Planning Commission in 1979. After several informal sessions, it was the action of the Planning Commission to defer indefinitely any formal hearings. In July 1982, the Planning Commission agreed to reconsider a district that would be a district that would be inbetween the "BB" Office District and the "LC" Light Commercial District to provide for a certain number of limited retail uses and service type uses. In many respects, however, the "OC" District is more restrictive specifically as it relates to dwelling unit density (29 du/a vs. 75 du/a) and to size or intensity of individual uses (5,000 sq.ft. vs. unlimited in other commercial districts).

1/4
1/4
1/4
1/4
1/4
1/4

The Planning Commission advertised the district for public hearing which was held on August 12, 1982. A copy of the Planning Commission's previous recommendation is attached.

Since this proposal was first presented to you on September 7, 1982, the Planning Commission has reconsidered their recommendation and made three basic changes in the text.

- a. Reduce the maximum floor area for an individual business from 7,500 square feet to 5,000 square feet.
- b. Permit the establishment of the district only when the property is contiguous to an arterial street or contiguous to any non-residential zoning district.
- c. Eliminated Laundramats from the list of permitted uses.

maintain
accept and
like portable
business removal
by 1/24/82
H-1

11/2
Call Dave
Tanner
Denton to take
as part of in the
minutes

A copy of the Planning Commission minutes of September 23, 1982 are attached for your information. Also a copy of my memo to the Planning Commission relating the City Commission recommendations when the amendment was returned for reconsideration.

SUMMARY

The district as now proposed will provide for office, commercial and service type uses subject to limitations that should make them more compatible to existing neighborhoods than the establishment of Light Commercial on properties to provide for some limited retail uses. These limitations will include the following:

1. 5,000 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Traffic Engineer.
5. Restaurants, liquor stores, and clubs are excluded from the district.
6. Permit the overnight storage of service vehicles on the property within an enclosed building or when appropriately screened within an enclosed compound.
7. The location of the district must be contiguous to an arterial street or contiguous to any non-residential district.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and place the ordinance on first reading.
2. Make whatever changes are deemed to be in the best interest of the public and plan the ordinance on first reading.

Robert A. Lakin

Robert A. Lakin
Director of Planning

RAL:GEL:sad
Attachments

cc: Metropolitan Area Planning Commission Members
Robert Feldner, Superintendent of Central Inspection
Don Anderson, Director of Housing and Economic Development
Wichita Area Board of Realtors, 717 North Emporia, Wichita 67214
Wichita Area Builders Association, Attn. John Oliphant, 730 North
Main, Wichita 67203
Mrs. James Rees, 139 Bonnie Brae, Wichita 67207
J. Hartmetz, 234 North Armour, Wichita 67206
Clyde Boston, 522 Sylvan Lane, Wichita 67218
Charlene Kleffner, 8629 Stoneridge, Wichita 67206
Mr. Chambers, 6837 Sheriac Circle, Wichita 67209
Victor Fuhr, 1502 South Hillside, Wichita 67211
Dick Huffman, 945 North Emporia, Wichita 67214
Pat Butterworth, 314 South Clifton, Wichita 67218

Additions underline
Deletions marked through.

ORDINANCE NO.

AN ORDINANCE ENACTING 28.04.085 AND AMENDING THE ZONING ORDINANCE OF THE CITY OF WICHITA, KANSAS BY ESTABLISHING A NEW ZONING CLASSIFICATION TO BE DESIGNATED AS THE "OC" OFFICE COMMERCIAL ZONING DISTRICT; ADOPTING REGULATIONS AS TO LOCATION, CONSTRUCTION AND USE OF BUILDINGS, STRUCTURES AND LAND WITHIN SUCH DISTRICT OR CLASSIFICATION; AMENDING SECTIONS 28.04.030, 28.04.139 (E), 28.04.150 (A) AND 28.04.210 (3) OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND REPEALING SAID ORIGINAL SECTIONS 28.04.030, 28.04.139 (E), 28.04.150 (A) AND 28.04.210 (3).

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

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- "AA" - One-family dwelling classification or district.
- "A" - Two-family dwelling classification or district.
- "RB" - Four-family dwelling classification or district.
- "R-5" - General residence district.
- "R-6" - General residence district.
- "B" - Multiple-family dwelling classification or district.
- "BB" - Office district regulations.
- "OC" - Office Commercial classification or district.
- "LC" - Light commercial classification or district.
- "C" - Commercial classification or district.
- "D" - Central business classification or district.
- "E" - Light industrial classification or district.
- "F" - Heavy industrial classification or district.
- "G" - Mobile home classification or district.
- "U" - University classification or district."

Section 28-14.085 shall be added to the ordinance to read as follows:

"28.04.085 "OC" Office Commercial District Regulations.

This district is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are also compatible one to another within the district itself. They are generally smaller, have less intense uses or are of such size to be low traffic generators. This district shall be established only when the property is contiguous to an arterial street as designated by Map 13-A of the Transportation Plan, or amendments thereto; or be established on a property that is contiguous to any non-residential zoning district.

In the "OC" Office Commercial District, no building or premises shall be used and no building or premises shall be hereafter converted, altered, enlarged or erected except for one or more of the uses permitted by the use regulations of this section. All buildings and structures erected, enlarged, converted or altered in the "OC" Office Commercial District shall conform to the area and bulk regulations set forth in this section.

A. USE REGULATIONS. Permitted uses shall include only the following and shall be subject to the use limitations set forth herein:

1. Offices, including the following:

- a. Abstract and Title Companies.
- b. Accountants Offices.
- c. Advertising Agencies.
- d. Architects Offices.
- e. Artist Studios and Art Galleries.
- f. Attorneys Offices.
- g. Broadcasting or recording studios without transmitter towers.
- h. Computer and Data Processing Offices. ✓
- i. Dance Studios. ✓
- j. Dental Offices and Clinics.

k. Engineers Offices.

l. Financial Offices - branch banks, savings and loan, brokerage houses and title insurance. ✓ 0

m. Medical Offices and Clinics.

n. Minor Surgery Centers. ✓

o. Offices, administrative, clerical and sales services including the display of sample or inventory items made available for demonstration purposes and where such display constitutes less than half of the floor area. Such display material shall be limited to small business type machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture and larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.

p. Optician and Optical Dispensaries.

q. Photography Studios.

r. Real Estate Offices. ✓

s. Religious Offices and Headquarters.

t. Travel Agencies and Transportation Ticket Offices.

u. Veterinarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets). ✓

2. Retail stores and personal service businesses including the following:

a. Antique Store.

b. Apparel and Accessory Store. ✓

c. Artist, Craft and Hobby Supply Store.

d. Book and Magazine Store. 0

e. Boutiques. ✓ 0

f. Camera Shop and Photographic Supplies.

g. Child Day Care Centers.

h. Cigar, Tobacco and Candy Store.

- i. Clothing and Costume Rental Store.
- j. Cleaning and Laundry Pickup Stations.
- k. Drug Store, Pharmacy or Apothecary.
- l. Electric Household Appliance, Television and Stereo Repair.
- m. Florist Shop.
- n. Gift Shop. ✓ 0
- o. Hair Stylists (Barber and Beauty Shops).
- p. Health Centers including Indoor Racquet Ball Courts. ✓ 0
- q. Jewelry and Jewelry Repair.
- r. Key Shop.
- s. Medical and Orthopedic Appliance Stores (retail or rental).
- t. Office Supplies (not including furniture).
- u. Photographic Equipment and Print Shops.
- v. Pet Sales and Grooming Stores. — 0
- w. Picture Framing Shop.
- x. Shoe Repair Shop.
- y. Stationery, Card and Gift Shop. ✓ — 0
- z. Tailor Shops.

3. Residential uses as follows:

- a. Each business or office may have an owner residence as a part of the business or office structure.
- b. Residential Uses as permitted in the R-5 General Residential District.

4. Miscellaneous type uses including the following:

- a. Accessory uses when determined to be subordinate in area, extent and purpose to the principal use

served; and is determined by the Superintendent of Central Inspection to contribute to the necessity of the principal residence or business established on the zoning lot.

- b. Off-street parking and loading accessory to a principal use established on the zoning lot.
- c. Signs as set forth in Section 28.04.139.

5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 2.12.590(C) of the Code: provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.

- a. Offices, retail stores and personal service businesses not specifically listed as a permitted use above, when it can be determined that the use is comparable to any of the above.

B. LOT SIZE REQUIREMENTS:

1. Minimum lot area

- a. Single family detached dwellings 6,000 sq. ft.
(Not built as part of an office
or commercial use)
- b. Two family dwellings 3,000 sq. ft./DU
- c. Multiple family dwellings 2,500 sq. ft./DU
- d. All other permitted uses 6,000 sq. ft.

2. Minimum Lot Width: 50 feet

3. Minimum Lot Depth: 100 feet

C. BULK REGULATIONS:

1. Maximum structure height: 35 feet

2. Maximum lot coverage: 40%

3. Minimum yard requirements:

- a. Minimum front yard: 20 feet or as shown on a recorded plat.
- b. Minimum side yard: 5 feet or as shown on a recorded plat.
Exception: For a non-residential main use adjacent to a nonresidential district, the interior side lot line may be 0-feet, however if a side yard is provided, it must be a minimum of 5 feet.
- c. Minimum rear yard: 10 feet.

D. USE LIMITATIONS:

1. No individual business use shall occupy more than 5,000 square feet of floor area; provided however, an exception to this limitation may be granted by the Board of Zoning Appeals subject to the following conditions:
- a. A basement area, not exceeding the area used for office or sales use, is used only for storage, records, mechanical equipment or other nonperson uses.
- b. Such area shall be determined to be nontraffic generating and deemed to be exempt from off-street parking requirements.
- c. Required off-street parking shall not be determined to be less than that required by the floor area used for office or sales purposes.

- d. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations required in Chapter 28.04 of the Code.
2. All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
3. Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sales which do not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods and services to the home; ie., florist truck, TV repair truck. Vehicles stored or retained on site overnight shall be stored within the main structure, an enclosed garage or when approved by the Director of Planning as to adequate screening material and location, within an enclosed compound.
4. No business shall display or store goods or equipment outside of an enclosed building.
5. Business establishment which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and Traffic Engineer a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking.
6. Motor vehicle parts, service or fuels shall not be dispensed in this district.

7. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.

8. No kennels or pet runs shall be permitted except within an enclosed building and provided further no noise or odor shall be discernible from the exterior of the building from such use."

Section 28.04.139(E) shall be amended to read as follows:

"E. SIGNS PERMITTED IN THE "BB" OFFICE DISTRICT, THE "OC" OFFICE COMMERCIAL DISTRICT AND THE "U" UNIVERSITY DISTRICT.

1. Ground or pole identifications signs, provided no individual sign shall exceed thirty-two square feet of gross surface area or exceed a height of thirty feet. Only one ground or pole sign shall be permitted for any office or business; provided however, when more than one business is located on a zoning lot additional signs may be permitted when a distance separation of fifty feet along the street frontage is maintained. When the distance separation of fifty feet does not permit each individual business a sign, the businesses shall share the use of the permitted number of signs. Under no circumstance shall the total gross surface area of all ground or pole signs on a zoning lot exceed 1/2 square feet per lineal foot of frontage; provided however a zoning lot with 64 feet or less frontage shall be permitted a sign of 32 square feet of gross surface area. No ground or pole sign shall be located closer than fifteen feet to an adjacent property. Any sign permitted by this section shall be limited to indirect or internal illumination of white light only and without flashing or moving images.

1. ~~Identification signs, provided they shall not exceed thirty two square feet in area nor exceed thirty feet in height and one per zoning lot. Such signs shall be limited to indirect or internal illumination of white light only.~~

2. Building sign not exceeding thirty-two square feet in area or thirty feet in height, and be limited to one for each major use in the building. Such signs shall be limited to indirect or internal illumination of white light only and without flashing or moving images."

Section 28.04.150(A) shall be amended to read as follows:

"28.04.160 General regulations. A. ANNEXATIONS. Any territory hereafter annexed to the City of Wichita shall, simultaneous with annexation, be initially assigned that zoning district designation as set forth immediately below:

Those territories zoned "R", "R-1", or "AA" under the terms of the Sedgwick County Zoning Resolution shall be zoned "AA" under the terms of this chapter; provided, however, residential subdivisions for two-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "A" under the terms of this chapter; and, further provided, residential subdivisions for multiple-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "R-5" under the terms of this chapter:

Those territories zoned "BB" under the terms of the Sedgwick County Zoning Resolution shall be zoned "BB" under the terms of this chapter;

Those territories zoned "OC" under the terms of the Sedgwick County Zoning Resolution shall be zoned "OC" under the terms of this chapter;

Those territories zoned "LC" under the terms of the Sedgwick County Zoning Resolution shall be zoned "LC" under the terms of this chapter; provided, however, residential subdivisions where "LC" zoning was granted for the express purpose of permitting multi-family residential development as reflected in the official minutes and records of the planning commission and county commission, shall be zoned "R-6" under the terms of this chapter;

Those territories zoned "C" under the terms of the Sedgwick County Zoning Resolution shall be zoned "C" under the terms of this chapter;

Those territories zoned "E" under the terms of the Sedgwick County Zoning Resolution shall be zoned "E" under the terms of this chapter;

Those territories zoned "F" under the terms of the Sedgwick County Zoning Resolution shall be zoned "F" under the terms of this chapter;

Mobile home parks, provided they have first been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "G" Mobile Home District under the terms of this chapter.

Notwithstanding any other provisions of this chapter, the conditions of a conditional use permit, approved under the terms of the Sedgwick County Zoning Resolution, shall be honored for a period of one year from the date of annexation or until a public hearing is held to act on any zoning change request. The owner of any property included in a conditional use permit may file an application for a change of zoning at no fee at any time within one year of the date of annexation.

Whenever annexed territory has been approved for a change of zoning under the terms of the Sedgwick County Zoning Resolution, but the publication of the resolution has been withheld pending compliance with conditions established by the board of county commissioners, comparable zoning as set forth under the

the terms of the ordinance codified in this subsection shall be placed on the property upon completion of the conditions as set forth in the annexation ordinance.

Such zoning classification initially established simultaneous with annexation under the terms of this section shall remain in full force and effect until the governing body of the city shall have, by ordinance, amended such zoning classification provided, however, that the governing body shall not amend such zoning classification until a public hearing shall have been held as provided in Section 28.04.210 of this code."

Section 28.04.210(3) shall be amended to read as follows:

"3. Changes by other individuals or groups.

3.1 A proposal for an amendment or change in zoning may be initiated by the governing body without fee, the planning commission or upon application of the owner of the property affected. The application shall be filed with the planning commission upon forms and accompanied by such data and information as may be prescribed by the planning commission so as to ensure the fullest practicable presentation of facts for the permanent record.

3.2 For the purpose of defraying costs of proceedings described herein, filing and publication fees shall be paid upon the filing of each application for a change of district boundaries or classification as follows:

SIZE OF APPLICATION AREA

Zoning Classifications Requested	Up to and including 3 acres	Over 3 acres to 6 acres	Over 6 acres to 15 acres	Over 15 acres
"AA" & "A"	\$200	\$300	\$400	\$500
"RB", "R-5", "R-6" & "U"	\$300	\$400	\$500	\$600
"G"	N/A	\$400	\$500	\$600
"B" & "BB"	\$350	\$450	\$550	\$650
"OC", "LC", "C"				
"D", "E" & "F"	\$400	\$500	\$600	\$700
Residential C.U.P.	Original - \$500 plus \$5 per acre for each acre over 40 acres			
	Amendments			
	Major - (design or use change that would affect 50% or more of the area contained within the C.U.P. \$500			
	Minor - (design or use change that would affect less than 50% of the area contained within the C.U.P. \$200			
Commercial C.U.P.	Original - when filed with rezoning application \$200 plus \$5 per acre for each acre over 15 acres			
	Original - when filed separately \$500 plus \$5 per acre for each acre over 15 acres			
	Amendments			
	Major - (design or use change that would affect 50% or more of the area contained within the C.U.P. \$500			
	Minor - (design or use change that would affect less than 50% of the area contained within the C.U.P. \$200			

A fee of one hundred fifty dollars shall be charged for those requests for special permits or uses, where authorized by the zoning ordinance, that are referred by the board of city commissioners to the metropolitan area planning commission for public hearing and recommendation. Said fee shall be paid by the applicant prior to the scheduling of a hearing before the metropolitan area planning commission.

Any person requesting deferral of a case shall be charged a fee of fifty dollars to cover administrative cost at such time that the deferral is granted.

A written receipt shall be issued to the person making such a payment and records thereof shall be kept in such a manner as prescribed by law. For the period commencing with the enactment of this section to December 31, 1980, no fee shall be required for a case initiated by a department of the city for a historic designation.

3.3 No application for any change of zoning classification shall be filed within one year following a previous application on the same property or portion thereof; provided, however, the zoning committee of the planning commission, upon petition by the applicant, may permit a refiling of said application after six months of the original publication date, when significant physical, economic or land use changes have taken place within the immediate vicinity or a significant zoning ordinance text change has been adopted, or when the reapplication is for a change of zoning classification more restrictive than the original request. The applicant shall submit a statement in detail, setting out those changes which he deems significant and upon which he relies for refiling the original application."

The originals of Sections 28.04.030, 28.04.139 (E), 28.04.150 (A) and 28.04.210 (3) of the Code of the City of Wichita, Kansas are hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this ___ day of _____, 1982.

Albert J. Kirk, Mayor

ATTEST:

Donald C. Gisick, City Clerk

(SEAL)

This above instrument prepared as to form

this _____ day of _____
John Decker
City Clerk

November 1, 1982

Board of City Commissioners
(through E. H. Denton, City Manager)
Robert A. Lakin, Director of Planning

DR-79-17

I have been asked to compare the sign requirements in the new "OC" District with those in the existing "LC" Light Commercial and the "BB" Office Districts. I have had my staff prepare the attached table which provides the comparison. This should make it easier to identify the specific standards for signs as compared to our existing districts.

Robert A. Lakin
Director of Planning

RAL:rme
Attachment

10-29-82

SIGN LIMITATIONS

DR 79-17

SIGNS		ZONING DISTRICTS		
TYPE	LIMITATIONS	"BB"	"OC"	"LC"
GROUND OR POLE	Max. Area/Ind. sign Allow Area/prop. frontg. Max. Hgt. No. / business Illum. permitted	32 sq ft $\frac{1}{2}$ $\text{sq ft}/\text{lin. ft.}$ 30' 1 YES	32 sq ft $\frac{1}{2}$ $\text{sq ft}/\text{lin. ft.}$ 30' 1 YES	150 sq ft -600 sq ft 2 $\text{sq ft}/\text{lin. ft.}$ 30'-55' N.A. YES
BUILDING	Max. Area/Ind. sign No. / business Illum. permitted	32 sq ft 1 YES	32 sq ft 1 YES	25% Bldg. E.L. 3 YES
PORTABLE	Max. Area Max. Hgt. No. / business Illum. Permitted	60 sq ft 10' 1 No	60 sq ft 10' 1 No	60 sq ft 10' 1 YES

WICHITA-SEDGWICK COUNTY

DATE

October 25, 1982

METROPOLITAN AREA PLANNING DEPARTMENT

TO E. H. Denton, City Manager
FROM Robert A. Lakin, Director of Planning
SUBJECT DR-79-17 - Office Commercial District

Attached is a delineated copy of an amendment to the City of Wichita zoning ordinance that is recommended by the Planning Commission for adoption. Please place this on the agenda for City Commission consideration on November 2, 1982 at 11:00 a.m.

BACKGROUND

The development of a zoning district for limited retail and service type uses was first discussed by the Planning Commission in 1979. After several informal sessions, it was the action of the Planning Commission to defer indefinitely any formal hearings. In July 1982, the Planning Commission agreed to reconsider a district that would be a district that would be inbetween the "BB" Office District and the "LC" Light Commercial District to provide for a certain number of limited retail uses and service type uses. In many respects, however, the "OC" District is more restrictive specifically as it relates to dwelling unit density (29 du/a vs. 75 du/a) and to size or intensity of individual uses (5,000 sq.ft. vs. unlimited in other commercial districts).

The Planning Commission advertised the district for public hearing which was held on August 12, 1982. A copy of the Planning Commission's previous recommendation is attached.

Since this proposal was first presented to you on September 7, 1982, the Planning Commission has reconsidered their recommendation and made three basic changes in the text.

- a. Reduce the maximum floor area for an individual business from 7,500 square feet to 5,000 square feet.
- b. Permit the establishment of the district only when the property is contiguous to an arterial street or contiguous to any non-residential zoning district.
- c. Eliminated Laundramats from the list of permitted uses.

A copy of the Planning Commission minutes of September 23, 1982 are attached for your information. Also a copy of my memo to the Planning Commission relating the City Commission recommendations when this amendment was returned for reconsideration.

SUMMARY

The district as now proposed will provide for office, commercial and service type uses subject to limitations that should make them more compatible to existing neighborhoods than the establishment of Light Commercial on properties to provide for some limited retail uses. These limitations will include the following:

1. 5,000 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Traffic Engineer.
5. Restaurants, liquor stores, and clubs are excluded from the district.
6. Permit the overnight storage of service vehicles on the property within an enclosed building or when appropriately screened within an enclosed compound.
7. The location of the district must be contiguous to an arterial street or contiguous to any non-residential district.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and place the ordinance on first reading.
2. Make whatever changes are deemed to be in the best interest of the public and plan the ordinance on first reading.

Robert A. Lakin

Robert A. Lakin
Director of Planning

RAL:GEL:sad
Attachments

cc: Metropolitan Area Planning Commission Members
Robert Feldner, Superintendent of Central Inspection
Don Anderson, Director of Housing and Economic Development
Wichita Area Board of Realtors, 717 North Emporia, Wichita 67214
Wichita Area Builders Association, Attn. John Oliphant, 730 North
Main, Wichita 67203
Mrs. James Rees, 139 Bonnie Brae, Wichita 67207
J. Hartmetz, 234 North Armour, Wichita 67206
Clyde Boston, 522 Sylvan Lane, Wichita 67218
Charlene Kleffner, 8629 Stoneridge, Wichita 67206
Mr. Chambers, 6837 Sheriac Circle, Wichita 67209
Victor Fuhr, 1502 South Hillside, Wichita 67211
Dick Huffman, 945 North Emporia, Wichita 67214
Pat Butterworth, 314 South Clifton, Wichita 67218

Additions underlined.
Deletions ~~marked-through~~.

ORDINANCE NO.

AN ORDINANCE ENACTING 28.04.085 AND AMENDING THE ZONING ORDINANCE OF THE CITY OF WICHITA, KANSAS BY ESTABLISHING A NEW ZONING CLASSIFICATION TO BE DESIGNATED AS THE "OC" OFFICE COMMERCIAL ZONING DISTRICT; ADOPTING REGULATIONS AS TO LOCATION, CONSTRUCTION AND USE OF BUILDINGS, STRUCTURES AND LAND WITHIN SUCH DISTRICT OR CLASSIFICATION; AMENDING SECTIONS 28.04.030, 28.04.139 (E), 28.04.150 (A) AND 28.04.210 (3) OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND REPEALING SAID ORIGINAL SECTIONS 28.04.030, 28.04.139 (E), 28.04.150 (A) AND 28.04.210 (3).

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 28.04.030 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

"28.04.030 Zoning classification or districts. In order to regulate and restrict the use and improvement of lands and the location, type, construction and use of building improvements located within the city; to prevent overcrowding of land, to preserve property values; to promote the general welfare, public safety and health; and to preserve personal and property rights; all lots, parcels and tracts of land located within the city, together with any and all building improvements located thereon, shall be zoned into one of the following classifications or districts:

- "AA" - One-family dwelling classification or district.
- "A" - Two-family dwelling classification or district.
- "RB" - Four-family dwelling classification or district.
- "R-5" - General residence district.
- "R-6" - General residence district.
- "B" - Multiple-family dwelling classification or district.
- "BB" - Office district regulations.
- "OC" - Office Commercial classification or district.
- "LC" - Light commercial classification or district.
- "C" - Commercial classification or district.
- "D" - Central business classification or district.
- "E" - Light industrial classification or district.
- "F" - Heavy industrial classification or district.
- "G" - Mobile home classification or district.
- "U" - University classification or district."

Section 28.04.085 shall be added to the ordinance to read as follows:

"28.04.085 "OC" Office Commercial District Regulations.

This district is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are also compatible one to another within the district itself. They are generally smaller, have less intense uses or are of such size to be low traffic generators. This district shall be established only when the property is contiguous to an arterial street as designated by Map 13-A of the Transportation Plan, or amendments thereto; or be established on a property that is contiguous to any non-residential zoning district.

In the "OC" Office Commercial District, no building or premises shall be used and no building or premises shall be hereafter converted, altered, enlarged or erected except for one or more of the uses permitted by the use regulations of this section. All buildings and structures erected, enlarged, converted or altered in the "OC" Office Commercial District shall conform to the area and bulk regulations set forth in this section.

A. USE REGULATIONS. Permitted uses shall include only the following and shall be subject to the use limitations set forth herein:

1. Offices, including the following:

- a. Abstract and Title Companies.
- b. Accountants Offices.
- c. Advertising Agencies.
- d. Architects Offices.
- e. Artist Studios and Art Galleries.
- f. Attorneys Offices.
- g. Broadcasting or recording studios without transmitter towers.
- h. Computer and Data Processing Offices.
- i. Dance Studios.
- j. Dental Offices and Clinics.

k. Engineers Offices.

l. Financial Offices - branch banks, savings and loan, brokerage houses and title insurance.

m. Medical Offices and Clinics.

n. Minor Surgery Centers.

o. Offices, administrative, clerical and sales services including the display of sample or inventory items made available for demonstration purposes and where such display constitutes less than half of the floor area. Such display material shall be limited to small business type machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture and larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.

p. Optician and Optical Dispensaries.

q. Photography Studios.

r. Real Estate Offices.

s. Religious Offices and Headquarters.

t. Travel Agencies and Transportation Ticket Offices.

u. Veterinarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).

2. Retail stores and personal service businesses including the following:

a. Antique Store.

b. Apparel and Accessory Store.

c. Artist, Craft and Hobby Supply Store.

d. Book and Magazine Store.

e. Boutiques.

f. Camera Shop and Photographic Supplies.

g. Child Day Care Centers.

h. Cigar, Tobacco and Candy Store.

- i. Clothing and Costume Rental Store.
- j. Cleaning and Laundry Pickup Stations.
- k. Drug Store, Pharmacy or Apothecary.
- l. Electric Household Appliance, Television and Stereo Repair.
- m. Florist Shop.
- n. Gift Shop.
- o. Hair Stylists (Barber and Beauty Shops).
- p. Health Centers including Indoor Racquet Ball Courts.
- g. Jewelry and Jewelry Repair.
- r. Key Shop.
- s. Medical and Orthopedic Appliance Stores (retail or rental).
- t. Office Supplies (not including furniture).
- u. Photographic Equipment and Print Shops.
- v. Pet Sales and Grooming Stores.
- w. Picture Framing Shop.
- x. Shoe Repair Shop.
- y. Stationery, Card and Gift Shop.
- z. Tailor Shops.

3. Residential uses as follows:

- a. Each business or office may have an owner residence as a part of the business or office structure.
- b. Residential Uses as permitted in the R-5 General Residential District.

4. Miscellaneous type uses including the following:

- a. Accessory uses when determined to be subordinate in area, extent and purpose to the principal use

served; and is determined by the Superintendent of Central Inspection to contribute to the necessity of the principal residence or business established on the zoning lot.

- b. Off-street parking and loading accessory to a principal use established on the zoning lot.
- c. Signs as set forth in Section 28.04.139.

5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 2.12.590(C) of the Code: provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.

- a. Offices, retail stores and personal service businesses not specifically listed as a permitted use above, when it can be determined that the use is comparable to any of the above.

B. LOT SIZE REQUIREMENTS:

1. Minimum lot area

a. Single family detached dwellings 6,000 sq. ft.
(Not built as part of an office or commercial use)

b. Two family dwellings 3,000 sq. ft./DU

c. Multiple family dwellings 2,500 sq. ft./DU

d. All other permitted uses 6,000 sq. ft.

2. Minimum Lot Width: 50 feet

3. Minimum Lot Depth: 100 feet

C. BULK REGULATIONS:

1. Maximum structure height: 35 feet

2. Maximum lot coverage: 40%

3. Minimum yard requirements:

a. Minimum front yard: 20 feet or as shown on a recorded plat.

b. Minimum side yard: 5 feet or as shown on a recorded plat.

Exception: For a non-residential main use adjacent to a nonresidential district, the interior side lot line may be 0-feet, however if a side yard is provided, it must be a minimum of 5 feet.

c. Minimum rear yard: 10 feet.

D. USE LIMITATIONS:

1. No individual business use shall occupy more than 5,000 square feet of floor area; provided however, an exception to this limitation may be granted by the Board of Zoning Appeals subject to the following conditions:

a. A basement area, not exceeding the area used for office or sales use, is used only for storage, records, mechanical equipment or other nonperson uses.

b. Such area shall be determined to be nontraffic generating and deemed to be exempt from off-street parking requirements.

c. Required off-street parking shall not be determined to be less than that required by the floor area used for office or sales purposes.

- d. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations required in Chapter 28.04 of the Code.
2. All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
3. Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sales which do not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods and services to the home; ie., florist truck, TV repair truck. Vehicles stored or retained on site overnight shall be stored within the main structure, an enclosed garage or when approved by the Director of Planning as to adequate screening material and location, within an enclosed compound.
4. No business shall display or store goods or equipment outside of an enclosed building.
5. Business establishment which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and Traffic Engineer a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking.
6. Motor vehicle parts, service or fuels shall not be dispensed in this district.

7. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.

8. No kennels or pet runs shall be permitted except within an enclosed building and provided further no noise or odor shall be discernible from the exterior of the building from such use."

Section 28.04.139(E) shall be amended to read as follows:

"E. SIGNS PERMITTED IN THE "BB" OFFICE DISTRICT, THE "OC" OFFICE COMMERCIAL DISTRICT AND THE "U" UNIVERSITY DISTRICT.

1. Ground or pole identifications signs, provided no individual sign shall exceed thirty-two square feet of gross surface area or exceed a height of thirty feet. Only one ground or pole sign shall be permitted for any office or business; provided however, when more than one business is located on a zoning lot additional signs may be permitted when a distance separation of fifty feet along the street frontage is maintained. When the distance separation of fifty feet does not permit each individual business a sign, the businesses shall share the use of the permitted number of signs. Under no circumstance shall the total gross surface area of all ground or pole signs on a zoning lot exceed 1/2 square feet per lineal foot of frontage; provided however a zoning lot with 64 feet or less frontage shall be permitted a sign of 32 square feet of gross surface area. No ground or pole sign shall be located closer than fifteen feet to an adjacent property. Any sign permitted by this section shall be limited to indirect or internal illumination of white light only and without flashing or moving images.

1. ~~Identification signs, provided they shall not exceed thirty two square feet in area nor exceed thirty feet in height and one per zoning lot. Such signs shall be limited to indirect or internal illumination of white light only.~~

2. Building sign not exceeding thirty-two square feet in area or thirty feet in height, and be limited to one for each major use in the building. Such signs shall be limited to indirect or internal illumination of white light only and without flashing or moving images."

Section 28.04.150(A) shall be amended to read as follows:

"28.04.160 General regulations. A. ANNEXATIONS. Any territory hereafter annexed to the City of Wichita shall, simultaneous with annexation, be initially assigned that zoning district designation as set forth immediately below:

Those territories zoned "R", "R-1", or "AA" under the terms of the Sedgwick County Zoning Resolution shall be zoned "AA" under the terms of this chapter; provided, however, residential subdivisions for two-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "A" under the terms of this chapter; and, further provided, residential subdivisions for multiple-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "R-5" under the terms of this chapter:

Those territories zoned "BB" under the terms of the Sedgwick County Zoning Resolution shall be zoned "BB" under the terms of this chapter;

Those territories zoned "OC" under the terms of the Sedgwick County Zoning Resolution shall be zoned "OC" under the terms of this chapter;

Those territories zoned "LC" under the terms of the Sedgwick County Zoning Resolution shall be zoned "LC" under the terms of this chapter; provided, however, residential subdivisions where "LC" zoning was granted for the express purpose of permitting multi-family residential development as reflected in the official minutes and records of the planning commission and county commission, shall be zoned "R-6" under the terms of this chapter;

Those territories zoned "C" under the terms of the Sedgwick County Zoning Resolution shall be zoned "C" under the terms of this chapter;

Those territories zoned "E" under the terms of the Sedgwick County Zoning Resolution shall be zoned "E" under the terms of this chapter;

Those territories zoned "F" under the terms of the Sedgwick County Zoning Resolution shall be zoned "F" under the terms of this chapter;

Mobile home parks, provided they have first been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "G" Mobile Home District under the terms of this chapter.

Notwithstanding any other provisions of this chapter, the conditions of a conditional use permit, approved under the terms of the Sedgwick County Zoning Resolution, shall be honored for a period of one year from the date of annexation or until a public hearing is held to act on any zoning change request. The owner of any property included in a conditional use permit may file an application for a change of zoning at no fee at any time within one year of the date of annexation.

Whenever annexed territory has been approved for a change of zoning under the terms of the Sedgwick County Zoning Resolution, but the publication of the resolution has been withheld pending compliance with conditions established by the board of county commissioners, comparable zoning as set forth under the

the terms of the ordinance codified in this subsection shall be placed on the property upon completion of the conditions as set forth in the annexation ordinance.

Such zoning classification initially established simultaneous with annexation under the terms of this section shall remain in full force and effect until the governing body of the city shall have, by ordinance, amended such zoning classification provided, however, that the governing body shall not amend such zoning classification until a public hearing shall have been held as provided in Section 28.04.210 of this code."

Section 28.04.210(3) shall be amended to read as follows:

"3. Changes by other individuals or groups.

3.1 A proposal for an amendment or change in zoning may be initiated by the governing body without fee, the planning commission or upon application of the owner of the property affected. The application shall be filed with the planning commission upon forms and accompanied by such data and information as may be prescribed by the planning commission so as to ensure the fullest practicable presentation of facts for the permanent record.

3.2 For the purpose of defraying costs of proceedings described herein, filing and publication fees shall be paid upon the filing of each application for a change of district boundaries or classification as follows:

SIZE OF APPLICATION AREA

Zoning Classifications Requested	Up to and including 3 acres	Over 3 acres to 6 acres	Over 6 acres to 15 acres	Over 15 acres
"AA" & "A"	\$200	\$300	\$400	\$500
"RB", "R-5", "R-6" & "U"	\$300	\$400	\$500	\$600
"G"	N/A	\$400	\$500	\$600
"B" & "BB"	\$350	\$450	\$550	\$650
"QC", "LC", "C"	\$400	\$500	\$600	\$700
"D", "E" & "F"	\$400	\$500	\$600	\$700
Residential C.U.P.	Original - \$500 plus \$5 per acre for each acre over 40 acres			
	Amendments			
	Major -	(design or use change that would affect 50% or more of the area contained within the C.U.P.		\$500
	Minor-	(design or use change that would affect less than 50% of the area contained within the C.U.P.		\$200
Commercial C.U.P.	Original - when filed with rezoning application			
	Original - when filed separately	\$200 plus \$5 per acre for each acre over 15 acres		\$500 plus \$5 per acre for each acre over 15 acres
	Amendments			
	Major -	(design or use change that would affect 50% or more of the area contained within the C.U.P.		\$500
	Minor -	(design or use change that would affect less than 50% of the area contained within the C.U.P.		\$200

A fee of one hundred fifty dollars shall be charged for those requests for special permits or uses, where authorized by the zoning ordinance, that are referred by the board of city commissioners to the metropolitan area planning commission for public hearing and recommendation. Said fee shall be paid by the applicant prior to the scheduling of a hearing before the metropolitan area planning commission.

Any person requesting deferral of a case shall be charged a fee of fifty dollars to cover administrative cost at such time that the deferral is granted.

A written receipt shall be issued to the person making such a payment and records thereof shall be kept in such a manner as prescribed by law. For the period commencing with the enactment of this section to December 31, 1980, no fee shall be required for a case initiated by a department of the city for a historic designation.

3.3 No application for any change of zoning classification shall be filed within one year following a previous application on the same property or portion thereof; provided, however, the zoning committee of the planning commission, upon petition by the applicant, may permit a refiling of said application after six months of the original publication date, when significant physical, economic or land use changes have taken place within the immediate vicinity or a significant zoning ordinance text change has been adopted, or when the reapplication is for a change of zoning classification more restrictive than the original request. The applicant shall submit a statement in detail, setting out those changes which he deems significant and upon which he relies for refiling the original application."

The originals of Sections 28.04.030, 28.04.139 (E), 28.04.150 (A) and 28.04.210 (3) of the Code of the City of Wichita, Kansas are hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this ___ day of _____, 1982.

Albert J. Kirk, Mayor

ATTEST:

Donald C. Gisick, City Clerk

(SEE)

The above instrument appeared as to date

this _____ day of _____

John Decker
City Secretary

WICHITA-SEDGWICK COUNTY

DATE
September 16, 1982

METROPOLITAN AREA PLANNING DEPARTMENT

TO Wichita Sedgwick County Metropolitan Area Planning Commission
FROM Robert A. Lakin, Director of Planning
SUBJECT DR-79-17 - Office Commercial

At the meeting of September 7, 1982, the City Commission considered the Planning Commission's recommendation for adoption of the attached ordinance to include a new zoning district into the zoning ordinance as the "OC" Office Commercial District. After discussion by the public and due consideration, it was the recommendation of the City Commission to return the ordinance to the Planning Commission for reconsideration. This item has been placed on your agenda for the Planning Commission Meeting of September 23, 1982.

SUMMARY OF CITY COMMISSION COMMENTS:

One Commissioner (Knight) was not supportive of the ordinance. One Commissioner (Brown) was supportive of the ordinance as submitted. The other three commissioners were supportive but had concerns of the ordinance.

As a result of the ECC discussion, the following issues were returned to the MAPC for further consideration:

- a. Limiting the district to properties along arterials or when the district would be adjacent to non-residential zoning if the property is not along an arterial.
- b. The reduction of the 7500 square foot single use limitation to a number in the range of possible 5,000 square feet.
- c. Concern as to allowing the use of drive-up or drive-thru windows in this district.
- d. Concern as to the sign limitations proposed in the district. (I believe this related to size, number and type.)
- e. Consideration of a more restricted list of uses.

A copy of the City Commission minutes is attached for your information.

SUMMARY:

It appears that the majority of the City Commission agrees with the Planning Commission that the "OC" District is needed, but with reservations.

In response to the five major comments made by the City Commission I submit the following comments for your consideration:

- a. I feel that some limitation on the location of the district along arterials or when adjacent to a non-residential district would be appropriate. The inclusion of the language as previously submitted at your public hearing and marked as Attachment "B" is suggested for your consideration. This is not new procedure as the "C" Mobile Home District has had a similar clause since its inception. Its inclusion may be thought of as a strengthening of the intent clause.
- b. In reviewing one of the latest publications from Urban Land Institute on commercial properties, I find that the majority of uses generally found in neighborhood shopping centers occupy less than three thousand square feet of gross leasable area in a center. Only three uses listed on Attachment "A" have a median GLA that exceeds 3,000 square feet, of which only the drug store is a listed permitted use in the ordinance. Although neighborhood shopping centers and the "OC" District are not exactly alike, many of the uses are like uses and the impacts are similar. I would suggest that a 5,000 square feet limitation would not substantially impair the usefulness of this district.
- c. As far as drive-up or drive-thru windows for permitted uses are concerned, it would appear that this largely depends on the uses left in the district. If financial uses are left in as well as other selected uses such as photo developing, dry cleaners, etc., then the provision as written should stay.
- d. As to the concern of signs, it should be noted that the use of permanent ground or pole signs are limited to identification signs only and the maximum size of any one sign is 32 square feet. As a comparison, the limitation for an on-site ground or pole sign in the "LC" District on an arterial street is never less than 150 square feet and on a residential street is 50 square feet. As written, the use of a portable sign is permitted the same as in any office and commercial district. Should the planning commission desire to prohibit the use of portable signs in this district, language should be developed to restrict the use of portable signs in the "OC" District.
- e. As to the concern of the list of permitted uses in the district, there are possibly some that could be eliminated without jeopardizing the intent and purpose of the district.

METROPOLITAN AREA PLANNING DEPARTMENT

August 26, 1982

TO E. H. Denton, City Manager
 FROM Robert A. Lakin, Director of Planning
 SUBJECT DR-79-17 - Office Commercial District

Such uses would still be accommodated by the existing "LC" Light Commercial and the "C" Commercial Districts. The following uses were listed as questionable by at least one of the City Commissioners as being objectionable when located in close proximity to residential development.

1. Dance Studios.
2. Broadcasting and recording studios.
3. Computer and Data processing offices.
4. Financial offices.
5. Medical and Dental offices.
6. Minor surgery centers.
7. Display of Inventory items, (business machines, etc.)
8. Veterinarian clinics.
9. Book store.
10. Boutique.
11. Child Day Care.
12. Drug Store.
13. Florist.
14. Gift.
15. Health Centers.
16. Laundromats.
17. Pet Sales.
18. Taverns.

Among those that have higher volumes of traffic or late hours of operation, I would suggest you consider dropping the following:

4. Financial Offices.
5. Minor Surgery Centers.
7. Display of Inventory items, (due to possible problem of interpretation).
16. Laundromats.

Uses which might be alright with EZA approval would be the Vet Clinic and Pet Sales. I feel strongly that if "EB" allows Medical and Dental Offices, Child Day Care that they, if no other from the list, should remain in the "OC" District. It should be noted that taverns are not a permitted use in the district as presently written.

RECOMMENDATION:

Make such changes deemed to be in the best interest of the public and return a recommendation to the City Commission for adoption.

Robert A. Lakin
 Robert A. Lakin
 Director of Planning

RAL:GEE:sad

Attached is a delineated copy of an amendment to the City of Wichita zoning ordinance that is recommended by the Planning Commission for adoption. Please place this on the agenda for City Commission consideration on September 7, 1982 at 11:00 a.m.

BACKGROUND

It has been my observation that there is more conflict between applicants and staff, neighborhoods and applicants, and the Planning Commission and applicants, over whether or not "LC" is an appropriate zoning district to be granted when located adjacent to an existing residential development.

Prior to 1954 when the "EB" Office District was created, any office, other than medical offices, were required to be located in the "LC" Light Commercial District. At the present time, any small retail business or barber and beauty shop are required to be located in the "LC" Light Commercial District which is the same district that first permits service stations, repair garages, the large shopping centers and other high traffic retail businesses. There is in my opinion a clear need within the community to provide a district which allows the less intense uses that can be compatible with the adjacent residential community without the neighborhood fear of what can be located in the "LC" District.

The "OC" Office Commercial District as proposed should provide for such a district which will allow the relatively small retail and office uses considered to be low traffic generators and "good neighbors". Although this district will be available for any location, it should be considered as an expansion of the "EB" Office District to include some retail and service uses that can be located in areas where the complete range of "LC" uses would not be appropriate. It is also an improvement over "EB" in that the residential densities are lower and major uses which create traffic and other problems like hospitals and clinic are precluded by size from being in the "OC" District.

This district should be considered an opportunity, rather than an impediment, for development in the Wichita area. It should make it easier to deal with some of the "inbetween" areas such as the smaller parcels along the major streets where conversions could be appropriate.

August 26, 1982

SUMMARY

The district as proposed will provide for office, commercial and service type uses subject to limitations that should make them compatible to existing neighborhoods. These limitations will include the following:

1. 7,500 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Traffic Engineer (City) or Director of Public Works (County).
5. Restaurants, liquor stores, and clubs are excluded from the district.
6. Permit the overnight storage of service vehicles on the property within an enclosed building or when appropriately screened within an enclosed compound.
- *7. After public hearing and due consideration of all comments, the Planning Commission recommended that the ordinance be forwarded to the City Commission for adoption. An excerpt of the Planning Commission minutes is attached for your information.

*Several recommendations by various CPO councils were submitted. Several of the recommendations were discussed in depth at the MAC hearing. A copy of the CPO recommendations is attached.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and place the ordinance on first reading.

August 26, 1982

2. Return the amendment to the Planning Commission for reconsideration. The City Commission states the following reasons for such reconsideration.


Robert A. Lakin
Director of Planning

RAL:GEL:jps

Attachments

cc: Board of City Commissioners

Robert Feldner, Superintendent of Central Inspection
Don Anderson, Director of Housing and Economic Development
Wichita Area Board of Realtors, 717 North Emporia, Wichita,
Kansas, 67214
Wichita Area Builders Association, Attention: John Oliphant,
730 North Main, Wichita, Kansas, 67203

EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 23, 1982

- 11a. DR 79-17 - Reconsideration of the "OC" Office Commercial District (CITY).
- 11b. DR 82-19 - Reconsideration of the "OC" Office Commercial District (COUNTY).

LAKIN stated that both the City and County Commissions had returned the "OC" District to the Planning Commission for their reconsideration.

LAKIN said that that the City Commission listed several reasons for returning the "OC" District. One of the reasons was that the City Commission felt that the district should be located along arterials or adjacent to nonresidential districts. He said that in listening to the neighborhoods one of their concerns about the proposed District was that after adopting this district the Commission would misapply it by putting it in the middle of a residential area. LAKIN said that although he had differed with the Commission on occasion as to where they choose to recommend approval of commercial applications that intrude into residential areas, he did not feel that was a fair indictment to make against this district. Another thing that he was hearing from the neighborhoods was that if this was put in as a district it was going to be so much easier for the Commission's and governing bodies' conscience to finish strip zoning areas. They felt that if they had a little looser district like "LC", they might be a bit more cautious. LAKIN said his contention was that if the pressures were such that they were going to get a change, they would be as likely to get a change to either "BB" or "LC" and it really did not make a difference if "OC" was in the ordinance or not. LAKIN said that on the other hand he felt the neighborhoods had some reasons to be concerned. He said that traditionally over the years the Commissions views change and the result is that much of the arterial network is stripped out except for where there are new subdivision that back lots into arterials and there is access control. LAKIN stated that among the specifics that the City Commission gave them was the suggestion that it be adjacent to arterials or nonresidential zoning. He said that he supported that the last time and did not find that basically objectionable. This has been done before. It has been in the "G" Mobile Home District from the day that it was adopted, and with rare exception he felt that it had not created a major problem.

LAKIN said that he asked the County Commission to send this back to the Planning Commission because he wanted to keep these districts as close to each other as possible. He said that both Commissions indicated that they had grave concerns about the use of such a district, and spoke to it in terms of it being added and intruding into residential areas. He said that part of that was based on the way that the media has presented it.

BAYOUTH suggested that the Commission take each item and discuss it separately as presented in Lakin's memo dated September 16, 1982.

Item A. Limiting the district to properties along arterials or when the district would be adjacent to nonresidential zoning if the property is not along an arterial.

LAKIN said that he would strongly urge the Commission to consider approving this type of addition to the district.

BAYOUTH said that the only problem he has with this is that when they go back into a neighborhood to allow the expansion of a business, they might want to do it with "OC" rather than "LC", and it would not be on an arterial.

LAKIN said that if it is for expansion of a business or existing zoning pattern, then they would be adjacent to non-residential zoning.

GARDNER commented that as he reads the wording, his only concern revolves around the interpretation of the phrase "when adjacent to a nonresidential district". He said that if they treat that in the inclusive sense that it is adjacent to something other than residential then that justifies it. However, if it is treated in the exclusive sense that it cannot be adjacent to residential then there is a problem. He said that a slight change in the wording might get them around that problem.

LAKIN said that the language that was recommended speaks to being "located contiguous to any nonresidential zoning district". He felt that this was very precise.

GARDNER said that that would satisfy his concerns in that regard.

MOTION: That the Planning Commission approve additional wording that states that: "this district shall be located contiguous to an arterial street as designated by Map 13a of the Transportation Plan, or amendment thereto, or be located contiguous to any nonresidential zoning district". Hansen moved, Gardner seconded.

CAZEL left the meeting.

JAKE HARTMETZ, 234 North Armour, CPO Council "H", stated that when this came before the CPO Council before, they looked at it and did not like it. He reiterated some of the basic problems they have with this district. He said that they now have in existence 14 different zoning classifications in the City. "OC" would be number 15, and he did not feel that it was particularly needed. He asked the Commission to consider taking some of the light commercial uses that are actually fairly heavy commercial uses and moving them up to the "C" commercial district. He pointed out that Towne East was zoned "LC", and by no means was it light commercial. HARTMETZ said that creating another level of zoning is just mudding the water. The problem is that not all of the residential areas are immediately going to have shops in them, but contrary to Lakin's opinion, over the years they have seen in this community, by policy and practice, "creeping commercialism". He said that this will, in the long run, have the effect that people are talking about on residential areas that are now protected by some of the newer means that they have referred to. He felt that if the district is adopted they are going to pay the price 15 years down the line. HARTMETZ did not feel that the whole concept of "OC" was necessary.

He said that if it was necessary, they have two comments with regard to it as it was presented. One, it should be kept along arterials. The other is the size of the building. He said that in Lakin's comments he stated that of all of the uses listed, only three have an average floor area in excess of 3,000 square feet. HARTMETZ said that one of the problems of putting this type of thing next to residences is that a building of that size was going to stick out like a sore thumb. If it is kept down to a size equivalent to what is in the area it might be less objectionable. He said that the last thing that they objected to was some of the proposed uses. He did not feel that anyone present would want some of the uses next door to them. He mentioned upgrading "BB" and not placing another level of "LC" zoning in where it is not really needed.

BAYOUTH said that he was of the opinion that the reasoning behind "OC" was just what Lakin explained earlier. He suggested that it might be helpful if Lakin reviewed his comments.

HARTMETZ said that he heard Lakin and understood what he was saying. He said that what he was talking about was the need for compromise. He said that people were afraid of "LC" because the owner that owns it now and if he does something of what he says he going to do with it, then everything is fine. But ten years down the line somebody could buy that property and they would then have the wide open "LC" zoning there and could put anything in there. He said that they were promised at CPO "H" that the area to the west of Towne East would be developed as an office park, but they got stuck with ShowBiz and Target. He said that these were the kind of things that worried people.

GARDNER related to Hartmetz that his perspective on the "OC" District was almost 180 degrees from his. He said that he was inclined to tell him that he believed that Hartmetz's observations on zoning, real estate and land use are poorly based. He said that he felt that Hartmetz had relatively little knowledge of the broad areas across the City where there are a variety of applications on arterials because residential use is no longer the most desirable use. Some other alternative is being sought by a property owner and it, by and large, is acknowledged by the neighborhood to be a transitional sort of situation. He said that it is one thing to attempt to remain static and resist change, and there is virtue in that to a degree, but there is an element of change that occurs with real estate growth and change, in terms of overall economics, that Hartmetz does not appear to be conversant with to any major degree. He said that, in all due respect, the zoning category that is being proposed, if placed on arterials where residential uses are less than the highest and best use, which is obviously something that is subject to change over a time period and relates very directly to real estate values, the ability to have an additional zone tool somewhere between the "BB" Office which has no real limitation on the maximum size of a building, and the "LC" Light Commercial would be beneficial to neighborhoods. He said that Hartmetz's argument is oblivious to that, or appears at least unknowledgeable of the potential that apartment houses could be built in "BB" at 75 units to the acre, which generally is a highrise. He said that Hartmetz has not addressed that particular element of "BB" zoning. GARDNER said that what was being proposed in the "OC" districts limits the residential uses substantially. It also limits the maximum size of the medical uses substantially, and if they go with the amendment, any single use would be limited to 5,000 square feet maximum.

GARDNER said that "OC" would be a tremendously versatile tool in terms of limiting some of the problems that Hartmetz did not appear to know existed in other categories. He said that his opposition to this, without reference to what currently exists, puzzles him totally. GARDNER said that if someone has property on an arterial they now have a choice of "LC" Light Commercial or "BB" Office. If "BB" or "LC" is approved there is no restriction under the "BB" Office or the light commercial as to the maximum size of the use being proposed. GARDNER felt that if Hartmetz wanted to reduce the ability of nonresidential creeping in a cancer-like fashion into an area, then he should look at a category that limits the maximum size, which neither "BB" Office or "LC" does. He said that the Commission really does not have the ability to modify them at this point. If a category is adopted that does provide limits then they have a tremendous discretionary ability which is more than they presently have.

HARTMETZ said that his response to Gardner's comments is that it has not been evidenced in this city in the last 20 years that this Board acts with much discretion when it comes to commercial development.

GARDNER said that then obviously they have a difference of opinion. HARTMETZ said that was correct.

HANSEN commented that about three years ago there was a proposal for some kind of solution to this problem of light commercial intrusion into neighborhoods, and it came through in a zoning package. She said that there were people on the bench at that time that stood in total and complete opposition. She said that now they are sitting here in general agreement that they may have worked out what may be a workable compromise to deal with it. She said that as Lakin said, most of the tensions and frictions that occur on the bench and between the zoning applicants and the neighbors are primarily in this one area. The rest of the problems are a rather pragmatic marketplace type. This one creates constant problems. She said that now they feel as though they have worked out something that might be workable.

HARTMETZ said that he understood that. He was just voicing his opinion and telling the Commission what the CPO Council had said about it.

VICTOR FUHR, 1502 South Hillside, stated that he could see vividly what the Commission was confronted with. He said that this District gives one an option. He saw nothing wrong with the ordinance.

HANSEN restated the motion.

VOTE ON THE MOTION: It carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

Item B. The reduction of the 7500 square foot single use limitation to a number in the range of 5,000 square feet.

LAKIN stated that staff had been looking for something that had some data about the average size of the proposed uses. He has received a publication from Urban Land Institute entitled Dollar and Cents of Shopping Centers. In that book it discusses the type of leases that are held in super shopping centers, super regionals, regionals, community, and

"neighborhoods". He mentioned that he had sent the Commission a recap of the article. He said that essentially when you look at local owned stores as opposed to local chain, and national chain, there is a direct correlation to the size of the store with the locally owned being the smaller, and the nationals being the larger. He said that if you look at the size of some of the national chains who have uses in those centers you will find most of those sizes probably a little larger than the average. LAKIN said that the only one that he saw in there that would exceed 5,000 square feet was the super drugstore at a national chain level. As a result of that, he felt fairly comfortable in saying that 5,000 seems like it would not hurt anything and would provide more protection. He said that he heard at the City Commission numbers as low as 1,000 to 1,500 square feet, which he felt was too low. Mr. Hartmetz has suggested 3,000 feet, which is pretty close to what the average size is for the type of uses included in the district. He urged that the Commission reduce the maximum size from 7,500 square feet. He said that 5,000 square feet does not bother him in the least.

BAYOUTH asked if there was an existing building of 5,150 square feet, could there be an appeal to BZA.

LAKIN said that first of all this district is what he categorizes as a "floating district". It has yet to be established on the map, so there is nothing out there that is going to be affected in that fashion. He said that if a number is specifically set in the ordinance, such as 5,000 square feet, it has been the ruling of the Law Department that it could not be varied.

LOFTON felt that a 7,500 square foot building would be too large in a complex. He said that he would be opposed to anything over 5,000 square feet.

GARDNER stated that the way the category is written, it would limit the maximum size of any single user to some figure that they would arbitrarily establish. If the fact is considered that there are probably a lot of office zoned sites that might apply for this category to enhance their uses somewhat in the retail market, it should also be considered that they are going to be giving up multiple family and major clinic uses, to pick up some retail capacity. GARDNER said that the category that would most likely convert to this use would be "BB" Office. He said that 5,000 square feet in maximum size would probably be the smallest they would want to have and still give this category a maximum amount of latitude. He said that if the square footage is limited too severely, then it would prompt people to come in and apply for light commercial.

LOFTON said that what he was saying was that there are some uses that just should not be in the "OC" District, such as broadcasting studios, dance studios or data processing offices, because these type of buildings would need more square footage.

MOTION: That the Planning Commission recommend that the 7,500 square feet maximum floor area for a single user be reduced to 5,000 square feet. Chisholm moved, Hansen seconded and it carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

Item C. Concern as to allowing the use of drive-up or drive-thru windows in this district.

LAKIN stated that there was a requirement in the ordinance that required the staff to look at circulation patterns so they could say that there is enough queuing room to handle that particular function. LAKIN said his concern was the cars that are left in the street trying to get in to a drive-thru. He said that he was reasonably content to leave this section in the way it is because of the way the market is going. If the Commission feels strongly that it should be taken out, then they should begin to look at some of the other uses such as finance, photographic studios, etc., because they are dependent on that type of operation.

CHISHOLM did not feel that they needed to discuss this particular question separate from the discussion soon to come up in regard to those uses that should be deleted. He felt that this could be better handled in the full discussion of the uses as opposed to discussing it separately.

GARDNER said that he disagreed, but for a slightly different reason. The fact is that those uses are dealt with in the ordinance where it states that "business establishments which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and the Traffic Engineer a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking". GARDNER said that he believed, for any application that would utilize a drive-in facility, that with the requirement of having to meet both the Director of Planning and the Traffic Engineer's approval, that those problems which people are concerned about would be dealt with very adequately by the professional staff in approving the site development plan for that sort of use. He said that he was reasonably confident that they have demonstrated over the past several years that they have the ability to discern what is or what is not a reasonable arrangement. He felt that this is something that would probably be of a limited nature in this category, nevertheless it could be included and retained with those administrative provisions without difficulty. He felt that the objection from the City Commission was particularly based upon a lack of knowledge that this level of stringent requirement would be placed on that use. GARDNER suggested that Lakin explain this provision when the ordinance is returned to the City Commission.

MOTION: That the Planning Commission recommend that this item be retained as originally written. Gardner moved, Chisholm seconded and it carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

Item D. Concern as to the sign limitations proposed in the district.

LAKIN felt that there was a fairly solid view at City Commission that the sign provision was too expansive and allowed too much. They did not specify in any great way what they thought were the problems. He said that he heard that portable signs should not be allowed in this district, and he wholly concurred. He said that as he listened, it seemed inconsistent to what they had just done with the sign ordinance.

MOTION: That the Planning Commission recommend that Section D be amended to prohibit portable signs. Hansen moved.

The motion died for lack of a second.

BAYOUTH could not see how they could legally prohibit portable signs.

LAKIN said that it could be done legally. Portable signs are not allowed in the "AA" district either.

MOTION: That the Planning Commission recommend that the segment on signs be approved as originally written with no change. Gardner moved, Chisholm seconded and it carried with a vote of 5 in favor (Gardner, Chisholm, Bayouth, Lofton and Parsons) and 1 opposed (Hansen). Cazel was not present. Goebel, Jones and Wilson were absent.

Item E. Consideration of a more restricted list of uses.

LAKIN said that the list of uses that he had included was from two lists given to him by City Commissioners. They had gone through the list and found these uses that bothered them. He pointed out that taverns were not a permitted use in this district, so he did not know why that bothered them. He felt that the financial offices would tend to have more volume. The minor surgery centers might have some volume. He said that his only problem on the "display of inventory items" was that he did not know how Central Inspection would interpret it. The "laundromats" does not bother him on volume, but their hours of operation are such that it probably does not fit as neatly in the district as perhaps some of the other uses. He felt that some of the use items should stay in, for example the child day care centers and veterinarian clinics. They have been found to be very good neighbors.

BAYOUTH asked if the only objections to financial institutions were the traffic volumes. He had never seen one create a problem.

LAKIN stated that the peaking characteristic of those operations has been the primary concern, particularly the banks.

GARDNER commented that in the last five years those that have been more aggressive in acquisition of prime sites for the development of quality facilities have paid high dollar amounts for the sites that they have acquired. The larger institutions are acquiring sites that are of such an expensive nature that they probably tend to gravitate toward an intensity of use that might be called light commercial zoning anyway. He said that there is a major difference between a little remote money card center that might be located in closer into a neighborhood and a major type facility with large drive-thru lines. They will probably find the economics of the marketplace dictating that on the larger facilities they are going to pay a premium for the larger sites and are likely to want a higher level of zoning. GARDNER said that they would probably not see very many financial offices or institutions in this kind of category except those that are smaller. He did not believe that they had a legitimate fear from the major facilities wanting to locate in this category. He felt that fear of the financial offices at this point was ill-placed.

The following items were considered separately. The motion to recommend that the specific use remain in the district was:

1. Dance Studios.

VOTE: It carried with a vote of 5 in favor (Gardner, Bayouth, Chisholm, Hansen and Parsons) and 1 opposed (Lofton). Cazel was not present. Goebel, Jones and Wilson were absent.

2. Broadcasting and recording studios.

BAYOUTH asked how this item could create a problem. They don't generate any traffic.

LAKIN said that he was not sure he could respond. He said that the uses were included in a list without an explanation as to what characteristics made the City Commission feel that they were inappropriate in that area.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

3. Computer and Data processing offices.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

4. Financial offices.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

5. Medical and Dental offices.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

6. Minor surgery centers.

VOTE: It carried with a vote of 5 in favor (Gardner, Bayouth, Chisholm, Parsons and Lofton) and 1 opposed (Hansen). Cazel was not present. Goebel, Jones and Wilson were absent.

7. Display of inventory items, (business machines, etc.)

BAYOUTH said that he would like some clarification on this item.

LAKIN said that they were talking about office, administrative, clerical and sales services that included the display of sample or inventory items made available for demonstration purposes, where such display constitutes less than half of the floor area. He said that such display material shall be limited to small business type machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture and larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

8. Verterinarian Clinics.

VOTE: It resulted in a moot vote with 3 in favor (Gardner, Bayouth and Parsons) and 3 opposed (Hansen, Lofton and Chisholm). Cazel was not present. Goebel, Jones and Wilson were absent.

GARDNER asked if it was possible to limit this to clinics with enclosed kennel facilities only.

LAKIN pointed out that the ordinance states that no kennels or pet runs shall be permitted except within an enclosed building and provided further that no noise or odor shall be discernible from the exterior of the building from such use. He said that that was primarily an enforcement problem.

GARDNER said that what he was relating to was that in some of the major shopping centers there are pet stores and they occupy a couple thousand feet. The pets are inside. They don't have a noise or odor problem particularly, and he did not see a lot of difference of keeping animals in that situation as compared to a veterinarian clinic.

LAKIN said that since this resulted in a tie vote he would consider it staying in the ordinance unless the City Commission strikes it.

9. Book stores:

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

10. Boutique.

LAKIN commented that the problem here is lack of conciseness about the definition.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

11. Child Day Care.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

12. Drug Store.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

13. Florist.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

14. Gift Shops.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

15. Health Centers.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

16. Laundromats.

VOTE: It failed with a vote of 2 in favor (Gardner and Bayouth) and 4 opposed (Hansen, Lofton, Chisholm and Parsons). Cazel was not present. Goebel, Jones and Wilson were absent.

17. Pet Sales.

VOTE: It carried with a vote of 4 in favor (Bayouth, Gardner, Chisholm and Parsons) and 2 opposed (Hansen and Lofton). Cazel was not present. Goebel, Jones and Wilson were absent.

For the record LAKIN stated that he had received a letter from Mrs. Web Quinius objecting to the district and its inclusion into the ordinance.

LAKIN said that he wanted to mention the potential amendment to the ordinance where they are talking about what happens when they bring a district into the City. They assumed that there would be a like amendment in the County, so they included the phrase "that "OC" in the County would be "OC" in the City". If for any reason the County chooses not to adopt the district, then he would recommend to the City Commission that that particular clause be dropped.

MOTION: That the Planning Commission recommend to the City and County Commissions that the ordinance and resolution, as amended, be adopted. Chisholm moved, Hansen seconded and it carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

WICHITA-SEDGWICK COUNTY

DATE
September 16, 1982

METROPOLITAN AREA PLANNING DEPARTMENT

RE: AGENDA ITEM NO. 111086

TO Wichita Sedgwick County Metropolitan Area Planning Commission

FROM Robert A. Lakin, Director of Planning

SUBJECT DR-79-17 - Office Commercial

79

*Job description
234 Adams
Victor Park 1700 S. Willis*

At the meeting of September 7, 1982, the City Commission considered the Planning Commission's recommendation for adoption of the attached ordinance to include a new zoning district into the zoning ordinance as the "OC" Office Commercial District. After discussion by the public and due consideration, it was the recommendation of the City Commission to return the ordinance to the Planning Commission for reconsideration. This item has been placed on your agenda for the Planning Commission Meeting of September 23, 1982.

SUMMARY OF CITY COMMISSION COMMENTS:

One Commissioner (Knight) was not supportive of the ordinance. One Commissioner (Brown) was supportive of the ordinance as submitted. The other three commissioners were supportive but had concerns of the ordinance.

As a result of the BCC discussion, the following issues were returned to the MAPC for further consideration:

- a. Limiting the district to properties along arterials or when the district would be adjacent to non-residential zoning if the property is not along an arterial.
- b. The reduction of the 7500 square foot single use limitation to a number in the range of possible 5,000 square feet.
- c. Concern as to allowing the use of drive-up or drive-thru windows in this district.
- d. Concern as to the sign limitations proposed in the district (I believe this related to size, number and type.)
- e. Consideration of a more restricted list of uses.

*Goodman & phone
attache B. 60
Chickadee/Kloman
5000
Goodman's proposal as written
w/ Comm on to all that
Staff has to
approve
Leave as is
5-1-Klein*

A copy of the City Commission minutes is attached for your information.

SUMMARY:

It appears that the majority of the City Commission agrees with the Planning Commission that the "OC" District is needed, but with reservations.

In response to the five major comments made by the City Commission I submit the following comments for your consideration:

- a. I feel that some limitation on the location of the district along arterials or when adjacent to a non-residential district would be appropriate. The inclusion of the language as previously submitted at your public hearing and marked as Attachment "B" is suggested for your consideration. This is not new procedure as the "G" Mobile Home District has had a similar clause since its inception. It's inclusion may be thought of as a strengthening of the intent clause.
- b. In reviewing one of the latest publications from Urban Land Institute on commercial properties, I find that the majority of uses generally found in neighborhood shopping centers occupy less than three thousand square feet of gross leasable area in a center. Only three uses listed on Attachment "A" have a median GLA that exceeds 3,000 square feet, of which only the drug store is a listed permitted use in the ordinance. Although neighborhood shopping centers and the "OC" District are not exactly alike, many of the uses are like uses and the impacts are similar. I would suggest that a 5,000 square feet limitation would not substantially impair the usefulness of this district.
- c. As far as drive-up or drive-thru windows for permitted uses are concerned, it would appear that this largely depends on the uses left in the district. If financial uses are left in as well as other selected uses such as photo developing, dry cleaners, etc., then the provision as written should stay.
- d. As to the concern of signs, it should be noted that the use of permanent ground or pole signs are limited to identification signs only and the maximum size of any one sign is 32 square feet. As a comparison, the limitation for an on-site ground or pole sign in the "LC" District on an arterial street is never less than 150 square feet and on a residential street is 50 square feet. As written, the use of a portable sign is permitted the same as in any office and commercial district. Should the planning commission desire to prohibit the use of portable signs in this district, language should be developed to restrict the use of portable signs in the "OC" District.
- e. As to the concern of the list of permitted uses in the district, there are possibly some that could be eliminated without jeopardizing the intent and purpose of the district.

Such uses would still be accomodated by the existing "LC" Light Commercial and the "C" Commercial Districts. The following uses were listed as questionable by at least one of the City Commissioners as being objectionable when located in close proximity to residential development.

1. Dance Studios. *OK*
2. Broadcasting and recording studios. *OK*
3. Computer and Data processing offices. *OK*
4. Financial offices. *OK*
5. Medical and Dental offices. *OK*
6. Minor surgery centers. *5-1*
7. Display of Inventory items, (business machines, etc.)
8. Veterinarian clinics. *+4 3-3*
9. Book store. *OK*
10. Boutique. *OK*
11. Child Day Care. *OK*
12. Drug Store. *OK*
13. Florist. *OK*
14. Gift. *OK*
15. Health Centers. *OK*
16. Laundromats. *OK*
17. Pet Sales. *4-2*
18. Taverns. *not originally included*

Among those that have higher volumes of traffic or late hours of operation, I would suggest you consider dropping the following:

4. Financial offices.
5. Minor Surgery Centers.
7. Display of Inventory items, (due to possible problem of interpretation).
16. Laundromats.

Uses which might be alright with BZA approval would be the Vet Clinic and Pet Sales. I feel strongly that if "BB" allows Medical and Dental Offices, Child Day Care that they, if no other from the list, should remain in the "OC" District. It should be noted that taverns are not a permitted use in the district as presently written.

RECOMMENDATION:

Make such changes deemed to be in the best interest of the public and return a recommendation to the City Commission for adoption.



Robert A. Lakin
Director of Planning

RAL:GEL:sad

cc: Board of City Commissioners
Robert Feldner, Superintendent of Central Inspection
Don Anderson, Director of Housing & Economic Development
Wichita Area Board of Realtors, 717 North Emporia, Wichita, Ks. 67214
Wichita Area Builders Association, Attn: John Oliphant, 730 North
Main, Wichita, Ks. 67203

J.P. Hills

September 19, 1982

To-
Members of Metropolitan Area Planning Commission
Members of the Wichita City Commission
Members of Wichita Eagle-Beacon Staff

We, as concerned citizens and home owners in the Riverside area, are opposed to the possible change in the OFFICE COMMERCIAL ZONING as proposed in the City Commission meeting of September 7, 1982. We think it is a poor plan to open up the arterial streets which are now residential to any commercial development.

The quality of life of our community is dependent upon the neighborhoods retaining their structure and not being split-up by such commercial development.

Thank you for your consideration.

Mr. and Mrs. Hal Linnard
Mr. and Mrs. Web Quinius
1429 Woodrow
Wichita, Kansas 67203

C.C./Mayor Albert Kirk
Commissioner Bob Brown
Commissioner Margilee Wright
Commissioner Bob Knight
Commissioner R. D. Martens
MAFC Members
Wichita Eagle-Beacon Staff

RECEIVED

SEP 20 1982

METROPOLITAN PLANNING

ROUTE _____

WICHITA-SEDGWICK COUNTY

DATE
September 16, 1982

METROPOLITAN AREA PLANNING DEPARTMENT

TO Wichita Sedgwick County Metropolitan Area Planning Commission
FROM Robert A. Lakin, Director of Planning
SUBJECT DR-79-17 - Office Commercial

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As a result of the BCC discussion, the following issues were returned to the MAPC for further consideration:

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- c. Concern as to allowing the use of drive-up or drive-thru windows in this district.
- d. Concern as to the sign limitations proposed in the district. (I believe this related to size, number and type.)
- e. Consideration of a more restricted list of uses.

A copy of the City Commission minutes is attached for your information.

SUMMARY:

It appears that the majority of the City Commission agrees with the Planning Commission that the "OC" District is needed, but with reservations.

In response to the five major comments made by the City Commission I submit the following comments for your consideration:

- a. I feel that some limitation on the location of the district along arterials or when adjacent to a non-residential district would be appropriate. The inclusion of the language as previously submitted at your public hearing and marked as Attachment "B" is suggested for your consideration. This is not new procedure as the "G" Mobile Home District has had a similar clause since its inception. It's inclusion may be thought of as a strengthening of the intent clause.
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- c. As far as drive-up or drive-thru windows for permitted uses are concerned, it would appear that this largely depends on the uses left in the district. If financial uses are left in as well as other selected uses such as photo developing, dry cleaners, etc., then the provision as written should stay.
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- e. As to the concern of the list of permitted uses in the district, there are possibly some that could be eliminated without jeopardizing the intent and purpose of the district.

Such uses would still be accommodated by the existing "LC" Light Commercial and the "C" Commercial Districts. The following uses were listed as questionable by at least one of the City Commissioners as being objectionable when located in close proximity to residential development.

1. Dance Studios.
2. Broadcasting and recording studios.
3. Computer and Data processing offices.
4. Financial offices.
5. Medical and Dental offices.
6. Minor surgery centers.
7. Display of Inventory items, (business machines, etc.)
8. Veterinarian clinics.
9. Book store.
10. Boutique.
11. Child Day Care.
12. Drug Store.
13. Florist.
14. Gift.
15. Health Centers.
16. Laundromats.
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Among those that have higher volumes of traffic or late hours of operation, I would suggest you consider dropping the following:

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RECOMMENDATION:

Make such changes deemed to be in the best interest of the public and return a recommendation to the City Commission for adoption.



Robert A. Lakin
Director of Planning

RAL:GEL:sad

cc: Board of City Commissioners
Robert Feldner, Superintendent of Central Inspection
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Wichita Area Board of Realtors, 717 North Emporia, Wichita, Ks. 67214
Wichita Area Builders Association, Attn: John Oliphant, 730 North
Main, Wichita, Ks. 67203

D. Summary of Tenant Information Tables

For the convenience of the reader, Tables 6-19 through 6-23 have been prepared by extracting the median figure from the computer tables that present detailed information on tenant characteristics in neighborhood shopping centers. Throughout, all dollar figures are shown per square foot of GLA on an annual basis. The column headed "Rate of Percentage Rent" should be read as percent figures, not as dollar amounts. The information on tenants is presented in two different formats: (1) the median, lower decile, and upper decile for GLA and rate of percentage rent; and (2) the median, top 10 percent, and top 2 percent for sales, rent, common area charges, and total charges.

For characteristics shown by the detailed tenant information tables, the top 10 percent and top 2 percent may show a value that appears to be disproportionately

high in sales, rent, and total charges per square foot of GLA. These large values generally apply to shops occupying a small area and should not be construed as being typical of prevailing rates.

Most Common Tenants

Table 6-19 presents the typical GLA, sales volume, and total rent for the 20 tenants most frequently found in participating neighborhood shopping centers. This table should not be interpreted as presenting a model neighborhood center. Instead, it shows the median value in GLA, sales volume, and total rent for each of the tenants that appear most frequently in neighborhood centers. Beauty shops and supermarkets are tenants most frequently found in neighborhood shopping centers.

Table 6-19
Tenants Most Frequently Found in Neighborhood Shopping Centers

Tenant Classification	Rank	Median GLA	Median Sales Volume per Square Foot GLA	Median Total Rent per Square Foot GLA
Food				
Supermarket	2	24,650	\$228.57	\$2.99
Food service				
Restaurant without liquor	7	2,282	85.43	5.50
Restaurant with liquor	3	3,260	105.79	6.50
Fast food/carryout	8	1,500	101.20	6.50
Clothing				
Ladies ready-to-wear	5	1,800	81.56	5.42
Home appliances/music				
Radio, TV, hi-fi	18	2,000	85.33	4.62
Gifts/specialty				
Cards and gifts	14	2,000	44.82	5.49
Decorative accessories	20	1,000	82.70	7.20
Jewelry and cosmetics				
Jewelry	15	960	126.95	7.00
Liquor				
Liquor and wine	13	2,400	202.45	5.69
Drugs				
Drug	9	5,631	110.30	3.50
Other retail				
Other retail	4	1,200	71.55	5.50
Personal service				
Beauty				
Barber	1	1,145	63.88	5.20
Cleaner and dyers	12	656	51.22	5.00
Laundry	6	1,500	49.42	4.80
	17	1,500	27.69	4.01
Financial				
Banks	19	2,594	—	5.62
Savings and loan	16	2,053	—	6.59
Real estate	10	1,310	—	6.05
Offices (other than financial)				
Medical and dental	11	1,120	—	6.00

8-12-82

Attachment B

Add to the first paragraph of 28.04.085 of the City of Wichita Zoning Ordinance amendment dated 7-12-82.

"This district shall be located contiguous to an arterial street as designated by Map 13-A of the Transportation Plan, or amendments thereto, or be located contiguous to any non-residential zoning district.

A similar amendment should be added to the first paragraph of SECTION 6-1 of the Sedgwick County Zoning Resolution.

COMMISSIONERS PROCEEDINGS

JOURNAL 131

SEPTEMBER 7, 1982

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DR 79-17 - AMENDMENT
TO ZONING ORD.

DR 79-17 - PROPOSED AMENDMENT TO THE WICHITA ZONING ORDINANCE
PERTAINING TO OFFICE COMMERCIAL DISTRICT, presented.

Presented for consideration is a proposed amendment to the City of Wichita zoning ordinance which will provide an "OC" Office Commercial District. Such a district will allow the relatively small retail and office uses considered to be low traffic generators and "good neighbors."

The proposed new zoning classification is proposed because there is often conflict between applicants and staff, neighborhoods and applicants, and the Planning Commission and applicants, over whether or not "LC" Light Commercial is an appropriate zoning district to be granted when the property is located adjacent to an existing residential development.

Prior to 1954 when the "BB" Office District was created, any offices, other than medical offices, were required to be located in the "LC" Light Commercial District. At the present time, any small retail business or barber and beauty shop is required to locate in the "LC" Light Commercial District which is the same district that first permits service stations, repair garages, the large shopping centers and other high traffic retail businesses. There appears to be a need within the community to provide a district which allows the less intense uses that can be compatible with the adjacent residential community without the neighborhood fear of what could be located in the "LC" District once the "LC" zoning is approved.

The "OC" Office Commercial District as proposed will provide for office, commercial and service type uses subject to limitations that should make them compatible to existing neighborhoods. The limitations will include the following:

- 1) 7,500 square feet of floor area for any one business.
- 2) No display or storage of goods or equipment outside of an enclosed building.
- 3) No dispensing of fuels or the sale of parts of services or vehicles shall be permitted.
- 4) Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Traffic Engineer (City) or Director of Public Works (County).
- 5) Restaurants, liquor stores and clubs are excluded from the district.
- 6) Permit the overnight storage of service vehicles on the property within an enclosed building or when appropriately screened within an enclosed compound.

COMMISSIONERS PROCEEDINGS

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SEPTEMBER 7, 1982

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Although the "OC" Office Commercial District will be available for any location, it should be considered as an expansion of the "BB" Office District to include some retail and service uses that can be located in areas where the complete range of "LC" uses would not be appropriate. It is also an improvement over "BB" in that the residential densities are lower and major uses which create traffic and other problems like hospitals and clinics are precluded by size from being in the "OC" District.

The "OC" District should be considered an opportunity rather an impediment for development in the Wichita area. It should make it easier to deal with some of the "in between" areas such as the smaller parcels along the major streets where conversions could be appropriate.

The Planning Commission recommended that the City Commission approve the ordinance amendment.

Bob Lakin

Bob Lakin gave a brief history of the need for such an ordinance and presented the proposed ordinance and answered questions of the Commission.

Mayor Kirk

Mayor Kirk asked if there was anyone present who wished to be heard on this item.

The following individuals spoke against the Commissioners approving the ordinance:

Mrs. James Rees, 139 Bonnie Brae
J. Barmetz, 234 N. Armour
Clyde Boston, 522 Sylvan Lane
Charlotte Klefner, Chairman of CFO Area Council "B"

The following individuals spoke in favor of approval of the ordinance:

Mr. Chambers

Mr. Chambers, 6837 Sheriac Circle, stated he was in favor with limitations.

Victor Fuhr, 1502 S. Hillside
Dick Buffman, 945 N. Emporia

Jim Gardner, Jr.

Jim Gardner, Jr., Chairman of MAPC, stated that the MAPC would have more latitude in their determinations in regard to offering zoning changes and related several instances where they turned down "LC" zoning in certain areas when this "OC" zoning might have applied and would give the applicant a better opportunity to get better use from his property. Mr. Gardner stated that he was sorry to see what the newspaper implied that it would open up every neighborhood to this type of zoning when he said that in actuality anybody with enough money to plow down to apply for "LC" zoning could apply for it in any area they see fit, but the Planning Commission and the City Commissioners still have the prerogative to approve or disapprove of that zoning as they find it applicable. Mr. Gardner asked the City Commission to look with favor on the approval of this ordinance as presented.

Comm. Wright

Commissioner Wright stated that she feels that this ordinance is more restricted than the "LC" and also felt that it was something that is needed as a tool for the Planning Commission and the City Commission but she is concerned in regard to limiting it possibly to arterials or other non-residential areas. She would like to see a less square foot basis, possibly 5,000 square foot and stated that another thing that concerned her that she was looking at was the drive-up window aspect allowed by the ordinance.

Comm. Knight

Commissioner Knight stated that he was non-supportive of the ordinance and felt the residential areas should stay residential and further felt that the approval of an "OC" district might open it up to more intrusion into the residential areas.

Comm. Brown

Commissioner Brown stated that he will support the ordinance as presented.

Comm. Martens

Commissioner Martens stated he was in favor of the ordinance but he liked Commissioner Wright's felt that it should be restricted to arterial streets and the square footage should be less. He stated that looking at the list of businesses that were included in it he objected to possibly eight and when asked by the Mayor, stated that the following businesses he found that he would not like to have near or by his home being broadcasting and recording studios, dance studios, some sales and service with displays out, veterinarian

COMMISSIONERS PROCEEDINGS

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SEPTEMBER 7, 1982

PAGE 244

offices, child day care centers, health centers including indoor racquet ball courts, laundromats, and pet sales and grooming were some that he would find objectionable.

for Kirk

Mayor Kirk stated that he was concerned about the signage and size of the structure allowed and in his mind as to whether it should be restricted to arterial streets and he, too, was concerned over some of the businesses listed that would be acceptable in this type zoning.

John Dekker excused, Bernard Borst, Senior Assistant City Attorney present.

tion --

Wright moved that the ordinance be returned to the Planning Commission for further consideration and the Commission be instructed in their consideration to look at the size, possibly making it 5,000 square foot maximum, of locating the possibility of using this new zone adjacent to arterial or other non-residential areas only, looking at the drive-up window aspect, the signage and possible consideration for more restrictive uses of the "OC" zoning. Motion carried 3 to 2. Brown, Knight - NO.

-- carried

district to include some retail and service uses that can be located in areas where the complete range of "LC" uses would not be appropriate. It is also an improvement over "3B" in that the residential densities are lower and major uses which create traffic and other problems like hospitals and clinics are precluded by size from being in the "OC" District.

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Send copies to these people

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Clyde Boston, 522 Sylvan Lane
Charlotte Kleffner, Chairman of CPO Area Council "H"

*8679 Stoneridge
67206*

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*Plus Pat Buttenworth
3145. Clayton*

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A- 5 copies pls

(47)

KIRK

Office (10)
Dance studio
Broadcasting
Computers
Dance studio
Funeral office
Minor surgery
Medical
Display of theory items
Veteran's office
Dental

Retail + Service (17)

Book
Boutique?
Child day care
Jung store
Florist
Gift?
Health center
Laundromat
Pet sales
Stationery, card, + gift
TAVERNS?

No done up window

9/7/82.

James Reese (ms) H

- Affects people having no notice - 30 days notice
- remain strictly residential
- * - areas created only on application. [no new MKS created, market shifted into OC-LC.
- 90m already subj to more than 40 men by force if zone change to LC is made.

- Rock Rd.

Chambers A

6867 Wilkesgate

1, L, U of A,

6, L, P, W of B..

done in,

get shops

3-2
~~7500~~ 6000 return to HAFE
 Re #
 articles
 since upgrade

Mr. Huntmety, Ann on [from H]

- 7500 = 47 a hour

- * - 8000# = Benton, Rodgers (both levels)
- LC + community is now open

Boettcher
Clayton Boettcher

522 Sycamore Lane

Victor Burr 1502 S Hillside
School of Dress Design

Ms Charalle Kleffner - LC + OC remodel.

Canton

Kleffner 425 N.

Wright - Reconnides
- limited to external
- change of # to 5000
- drive up window

Knight - not responsive -
Brown - Adipose -
Master - 8 or 9 not wanted next door to him -
- drive up window
- sign -
- on outside -
athome 1g, 1i 14 2g
2u 2p 2r
less #, possible 5M-

Kirk
Sign

external
we put same in master.

Wright for recon indicator Kirk 2u MC
1. external ~~MC~~
2. # to 5000 3-2
3. Drive up
4. Sign
5. more restrictive use list.

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 12, 1982

READVERTISED:

4. Case No. DR 79-17 - Office Commercial District.

NEW CASE:

5. Case No. DR 82-19 - Office Commercial District.

LAKIN stated that these cases cover practically the same areas. One is an amendment to the City text and the other is an amendment to the County text. He mentioned that they have had a couple of work sessions on the amendments recently and about three years ago when a similar proposal was discussed. He said that it has been the staff's feelings for some time that there is a void between the "BB" and "LC" districts for uses that have a mixed office and light commercial character. LAKIN said that the staff approaches this proposed district on the basis of trying to include a number of retail and personal uses, while trying to limit the large traffic generating uses and what might be major intrusions in the neighborhoods. He pointed out that this has been done primarily by limiting the size of any single use. He said that they have also tried to do it through the list of uses that are permitted, particularly by trying to stay away from many of the high volume automobile oriented uses, such as drive-ins, etc. Where such uses are allowed, an opportunity to review a site plan for such things as drive-in windows, to make sure there are queuing areas available so that major problems don't develop out of it. LAKIN said that during the last review of the proposed district with the Planning Commission, several issues were raised that they wanted to be addressed. LAKIN said that staff attempted to address one of those issues by including a residential development potential at a density equal to the "R-5" district. The side yard setback has been adjusted so that when the district is adjacent to a nonresidential zoning district a building could be built with a zero setback. He said that they tried to deal with the overnight storage of vehicles, and have tried to adjust a couple of the other uses that the Commission felt should be permitted. He felt that the staff phrased the changes in such a way that the area in the proposed district would not be abtrusive to the uses in a residential district.

LAKIN said that staff also prepared a similar district for the County so that there would be compatible use districts in both the unincorporated area of the County and within the City. The districts are slightly different in format. He said that a memo with the proposed district was sent to the CPO and staff has received a number of comments from them. LAKIN stated that some of the comments recommended approval. The recommendations of approval also suggest that there might be some "sunset clause" established relating to the development of the property and also relating to the specific use applied for. He said that he viewed that as a fairly major qualification. He felt that it should be clear for the record and in particularly for the City Commission, that when a zoning district is approved, it is basically approved for all of the uses in that district even though an applicant may have a

specific use in mind. Therefore, he did not think that under the State statutes, and as the way case law is handled in Kansas, that they can effectively pursue that recommendation without changing the legislation to allow individual negotiated uses on a sunset basis. If there is a feeling that a piece of property should be developed within a given period of time or the approval should be withdrawn, the only way, currently, that they can effectively do that is to reinstate the case, advertise it and send notices proposing to change it back to its original zoning. It would have to be done in the same fashion as when the applicant brought the case in originally. Should the City Commission or the Planning Commission feel strongly enough about any individual case to initiate a case, he said that he would urge that they do it selectively and not uniformly, or they could end up spending a lot of money. If it was decided to rezone property if it wasn't developed to within a certain time period the City Commission could instruct staff that if the property is not developed within two years, to initiate a case and bring it back to the Commission's attention for consideration.

LAKIN said that CPO Council "A" suggested that "RB" restrictions instead of "R-5" restrictions should be included in the "OC" district. He said that the "RB" density is greater than the "R-5" and he did not understand their reasoning other than four units probably has a greater comfort factor for many people because that is what they have seen in Wichita over the last 30 years. Things like permitting the townhouses, and/or garden apartments that are allowed in "R-5", even though they would be at a lesser density than in the "RB", are apparently making some of the neighborhoods uneasy. He said that he would still recommend that if they are going to have any residential in the proposed district that the "R-5" is a better choice than "RB".

LAKIN stated that CPO Council Area "F" recommended that "R-5" restrictions be included. He said that they wanted to further restrict the district to prohibit rap parlors and escort services. He said that he looked at this again because the district is designed to accommodate some retail uses and personal services, and he supposed with just a small amount of imagination one could put rap parlors and escort services under the "personal service" category. However, he said that he has read through that district and as he understood and interpreted it that he could recommend to the enforcing agencies that he did not find that any of the listed specific uses could be judged to include rap parlors or escort services. He cautioned the Commission that there was one provision in the ordinance that said that the Board of Zoning Appeals could add other uses providing they make a determination that they are alike and similar in nature. He said that staff discussed how this could be covered, and the conclusion was that they could revise the use limitations or limitations of this district to include a list of uses that cannot be put in by the BZA. The problem with that is definitions. What is a rap parlor? What is an escort service? If they are limited, they will have to be defined. LAKIN said that the Law Department has been trying to do that for five years, and have not succeeded. He said the other problem is that if all of the uses that are not wanted are named then the list becomes very long, and he did not feel that they would want to do that. LAKIN said that he really had no viable suggestion to make to the Commission to further reinforce the provision other than he was comfortable with the way it is written.

LAKIN pointed out that CPO Council Area "I" wanted some deletions under miscellaneous type uses and exceptions that could be allowed by the Board of Zoning Appeals.

LAKIN said that CPO Council Area "B" was opposed to this district because it was too broad. He said that the last time this was discussed with the Planning Commission about three years ago, comments were made that it was too narrow. He felt that they have been fairly selective in those uses that were included but nothing is ever perfect. In the enforcement of the districts you will find that there are too many uses in some and not enough in others, and like every district it will be subject to some modification. He cautioned that if they have erred on the side of being too broad, his guess would be that they would never change it. It is easier to add something than to subtract, and in a zoning ordinance the development industry always perceives subtracting as taking something from them. LAKIN said the Council did raise another interesting point in suggesting that the district should be restricted to locations fronting on arterial streets. That suggestion resulted in some discussion between staff members. He said that one of the things that staff discussed was what would happen with the people who might be in home occupations. He said that what the Commission may get in the future is an applicant saying, "Well, I want to sell something out of my house, so why don't you just put the "OC" District in the middle of this section of land, because it is obviously appropriate because staff had the "OC" district adopted because it would be compatible with residential districts". LAKIN said it was not the staff's intent that that be the practice. The same thing could be done now with "LC". He said that there may be merit in the recommendation and he has drafted some language that simply says that this district shall be located along arterials or adjacent to nonresidential districts. That should preclude, as a matter of intent, its misuse by future planning commissions and governing bodies. He urged that the Commission consider it.

LAKIN noted that CPO Council Area "H" was particularly concerned about the Bonnie Brae area. He said that he knew they were concerned about the pressures of strip zoning along Rock Road but he did not know how to get around that. Anytime that there is a Towne East, pressure is going to be present from the day the shopping center is built to request additional zoning. He said that he was not sure that he could see that it was more appropriate to zone the east side of Rock Road, and the side blocks coming into it, with "OC" rather than with "LC".

LAKIN said that CPO Council Area "L" made some interesting comments primarily opposed to any new zoning classification, unless the entire zoning ordinance was revised. He said that that was not his proposal. This proposed classification stands and falls on its own. He said that there were a number of other recommendations that could be looked at but they were very detailed and specific. There are some interesting height adjustments recommended to make it compatible with residential uses. In regard to the use limitations of 7500 square foot, they suggest that it be limited to 1000 square foot for each individual use. LAKIN said that he had been thinking about that item too, and he felt that 7500 was a little on the high side. He said that the 1000 square foot limitation was on the low side and would make the district

ineffective and not usable. He said that he was a little uneasy about including restrictions on operating hours because he did not know how to enforce them. The inspectors go home at 5:00 p.m., even if it is a good idea to limit them to 9:00 p.m. He felt that it would be more effective to include a use list which tends to address that issue rather than to try to put that type of limitation in.

LAKIN called the Commission's attention to the height limitations in the proposed County district. He urged that if the districts are approved, that the following modification be made: "No building shall be erected or enlarged to exceed a height of 35 feet".

PARSONS noted that the CPO Councils opposed to the the new district was not listed.

LAKIN said that no Council had recommended complete denial of the proposed district.

LAKIN said that CPO should be complimented for the comments that were submitted. He felt that they had spent a good deal of time, and had given a great deal of thought on the district, and good suggestions had been made.

GARY OSTERMAN, attorney, representing Pat Butterworth, stated that she is the operator of a business at Edgemoor and Lincoln and an applicant for light commercial zoning. He said that she had gotten involved in a business that, unfortunately, was improperly zoned. She has an application before the City Commission and there was some concern as to whether or not it would pass. In discussing the matter with Lakin, the idea of this new zoning classification was discussed. He felt that it particularly meets the need of persons in the same situation as Pat Butterworth. He said that she operates a health and beauty salon in a low density residential area. Because of the concerns of the neighborhood that the "LC" zoning classification may in some way allow future businesses to come in with a different operation, this would be objectionable to the neighborhood. He felt that the explanation and the background set forth by Lakin is exactly the situation that Mrs. Butterworth finds herself in. She needs a classification and she fits perfectly in this classification. He urged the Commission, on Mrs. Butterworth's behalf, to follow the recommendations of Lakin, and give considerable thought to this type of classification.

BAYOUTH asked if the Board of Realtors had been contacted and if they had made any comments.

LAKIN said that they were furnished copies. He said that they are routinely furnished information on any text change, however the staff has received no comments back.

WILSON commented to Osterman that if this ordinance was passed it would not help Mrs. Butterworth in any way. She would still have to apply for this district. Any change would still have to be reviewed and she would still have to go through the same procedure. It would give the Commission the opportunity of finding an alternative for taking care of that sort of situation. He said that the biggest thing that they have to do is to get the realtors to realize that when someone rents or subleases that they are the ones that should be liable. It should not be up to this Commission or City Commission or anyone else to take care of it.

HANSEN agreed with Wilson's comments.

ERNIE HENDERSON, stated that she was involved with the salon at 838 South Edgemoor, in that she does the herbal body wraps. She said that she also was a real estate broker. She said that she believed that most of them do make certain that their properties are either properly zoned or they make the lease subject to rezoning. She realized that the person who owns this property is a realtor and broker, and it was unfortunate that this did happen, but she felt that most of them are a little more careful than that. She said that, speaking as a broker, she felt that there have been many times that she has seen people who are in a similar situation as Pat Butterworth, supplying a service, not unlike a doctor or dentist who have been hurt by the current regulations. She said that a beauty salon does not create as much traffic flow as a doctor's office. She has not seen traffic congestion around a beauty salon like she sees when she goes to her doctor, who sets his appointments every 15 minutes. She felt that this type of salon would not hurt a neighborhood and in fact could be helpful to have services closer to where the people are.

BAYOUTH said that the purpose of the Commission was to handle the appeals regardless of who makes the mistakes.

WILSON responded that that was not his intent of his comment. His comment was pertaining to the fact that each case had to be reviewed individually, regardless of who was in involved. The zoning should be for the property, not to solve the problems of the applicant that were created by others.

HENRY SANFORD, 2188-Flynn, speaking in behalf of CPO Area "H", stated that they were in opposition to the new district. He said that he really had not intended to address the Butterworth case directly, but since it has been discussed quite a bit, he decided to speak. They discussed the case at their meeting of July 26, and although Mrs. Butterworth might be an extreme case, the problem they saw in a zoning such as this was that six months later someone could open a dog kennel there. The zoning ordinance would allow it so long as they could hide the odor which would be subject to enforcement. They felt that something like that would be very difficult to enforce. They voted unanimously, 6-0, against the new ordinance as it was presented. SANFORD said that the Council felt the uses were very broad, to be allowed in residential areas. If the district would not be allowed in residential areas then the Council would like to discuss it again. They felt that the proposed district would be granted more frequently and easily than to do it by exception or rezoning as it would be done now. They felt that it did need narrowing. They discussed enforcement as being one of the major problems. He said that he has had a problem in his own neighborhood with enforcement of just a home occupation. It is difficult to enforce some rules on home occupations. The main one is the storing and parking of vehicles.

GARDNER commented that the Commission was specifically considering the "OC" district and that remarks should essentially be limited to commentary on the "OC" district and those items specifically addressed in that category. He felt that the problem Sanford was specifically alluding to in was not germane to the "OC" district.

SANFORD responded that the Council felt that due to the fact that the Butterworth case had some connection with the reintroduction of this zoning again, that it may have something to do with home occupations. He would hate to think that the gentlemen across the street from him would be granted the new classification which would allow him to store and park dump trucks on his property.

GARDNER asked if Sanford believed the new category to include that sort of thing. SANFORD said that he brought up the truck situation in reference to the general problem of enforcement in any zoning district. SANFORD said that the Council felt, that there were no provisions for more enforcement in this new classification than what they have now. They do feel that more enforcement would probably be necessary if this new office-commercial zoning is granted and they felt that more than likely it would be granted. They felt that it would be an encroachment into the residential neighborhoods. It may become the buffer zone between residential and light commercial rather than between the office and light commercial districts. He said that they do support an alternative that Lakin had mentioned in the memo to the Planning Commission dated June 24, (alternative number 3) that would provide provisions in the zoning ordinance to allow other uses by special permits or exceptions. SANFORD said that the Council felt that each case should be looked at individually when they feel that it encroaches upon a residential neighborhood. Enforcement was one of their major issues, and they felt that without the courts behind the enforcement, they hated to see more commercial zoning approaching residential zoning.

HANSEN stated that some of them see this as a protection and an enhancement device for a neighborhood. When one watches the Commission votes, you see cases where light commercial is permitted in residential areas. That can seem as opening a very wide door, and a neighborhood may have, further down the road, a Quik Trip, or something less desirable. She said that in her mind this is a half a loaf and she feels that it would offer some protection for the neighborhoods. She felt that this district was a step in the right direction.

GOEBEL stated that in his estimation all that this is about is narrowing the gap between districts to give the people another category to use. There will consistently be a problem with zoning and that is why, someday, they will have to have something between the "BB" and "LC" districts.

HENRY PACK, 8121 Mocking Bird, said that he believed that the case of Mrs. Butterworth was, to a very large degree, a red herring. No one in her neighborhood had any opposition to her operation until it became necessary for her to apply for light commercial zoning. So Mrs. Butterworth's situation is far removed from what this ordinance will permit. Anyone that looks at the proposed district with its 30 foot high buildings, 30 foot high signs, 25 square feet on each side, signs 50 feet apart, can see it is light commercial zoning with a few of the most objectionable operations eliminated from it. It simply makes the encroachment of light commercial on residential areas easier. If anyone thinks that they are going to have less opposition from a residential neighborhood on requests for this zoning than they do to a light commercial zoning, he would beg to differ. They would be just as opposed to zoning of this classification in his area as they would be to light commercial zoning, when both of them are highly undesirable. This district has no provisions

for requiring architectural compatibility and very questionable limitations as far as traffic is concerned.

GARDNER responded that he did not think that there was any pretense of a case being made that this is the sort of zoning you consider for inserting in the middle of a predominant residential area as was unfortunately stated in a newspaper article. To approach this category with that perspective is wholly unrealistic, just as it would be to say industrial zoning is not an objectionable category if placed in a residential neighborhood. He said that in all due respect to Mr. Pack's remarks, when this category is considered for an appropriate location, where one might otherwise appropriately consider office or light commercial zoning, it has a very specific application. He said that it may, in fact, be adjacent to some residential uses since this City does not totally separate residential uses from the rest of the world. GARDNER said that it might be preferable, given a trend such as along East Central, which is a transitional area, to approve "OC" rather than light commercial with some of the use categories that are included in "LC" district. GARDNER said that he did not think that the category was too broad or liberal.

PACK said that there are places that could be found in the City of Wichita where this would be a suitable classification but there is nothing in this ordinance that says that it would be applied in only certain areas or within certain districts. This ordinance would be applicable anywhere.

HANSEN said that this bench frequently finds it very easy to change zoning to light commercial anyway and she seriously objects to it frequently. She asked Pack how he felt about the proposal if this zoning would be located just on arterial streets.

PACK said that it would be an improvement.

WILSON felt that the proposed district really should be named "KTH" (keep them honest) instead of "OC". There are so many applicants that come and say that they just want a site zoned light commercial because they just want to put in an office and would sell life insurance out of that office. Then nothing happens for six months because the applicant could not get his loan, so he sells it to a Quik Trip. He said that if everybody agrees to the "OC" amendment, it would keep them honest and then a lid could be put on it. If everything was zoned "commercial" and they forgot "light commercial" then the first thing they would know, they would have a foundry in there when all they said they wanted was an office. There has to be some place a lid can be put on it. WILSON said that this has nothing to do with the Butterworth zoning. When the Butterworth case was considered the Planning Commission recommended that "LC" zoning only under the structure, so that when Mrs. Butterworth moved out in two months, the owner of that property could not put a dog kennel or anything else in. He said that they were trying to protect that neighborhood. If they are to continue to protect the neighborhood they will have to have something in there that would keep the people, that are applying, to their word.

PACK said that that would be a good feature for this proposal. He asked that rather than use a new ordinance to accomplish that purpose, why can't that particular point be introduced into the light commercial district and the same prohibition put in the light commercial district.

LOFTON stated that he agreed with Wilson. He felt that if the applicant could not tell the Commission what they were going to put on the property then the zoning should be denied.

GOEBEL remarked that if the Commission approved cases as Lofton suggested then the Commission would be getting into contract zoning. The applicant would have to be held to one category, such as service stations. If the zoning was to be held to only service stations there would not be any service stations left because they are building them into everything else. The Savings and Loan people were the ones really against the last zoning ordinance because there were too many categories and it would have designated each piece of property to a lesser use. He said that the thing that is being said now is that three or four categories could be put inbetween, but it would make it harder for people to use the piece of property.

BRUCE HUMPHREY, 1704 Fairview, said that he would like to echo the concerns of CPO Council "H", and the Bonnie Brae Association. He said that he represented the Midtown Citizens Association, who in their monthly meeting last week, discussed this proposed change and had enough concern about it, as they read it, that they wanted to come before the Commission to share that concern. He said that Lakin had been extremely articulate and he and his staff had obviously put a lot of time into drafting this proposed district and there have been a number of changes suggested out of CPO areas and discussed. He suggested that those changes be incorporated into the new recommendations. He suggested that they should incorporate the Commission's suggestions, those of the CPO and Lakin's thoughts and take advantage of a revised ordinance and offer it to the CPO's to find out what the implications of the new district would be. He said that there were some real positive things in the district in spite of their concerns about it. He felt that it has a potential to be the kind of protection that the Commission has expressed it will be. He said that half a loaf was better than none. If it was possible for them to see the second draft, he would like to have it sent out to the CPO's and neighborhoods and let them have a chance to react to that.

JOHN MORRIS, 3737 Sleepy Hollow, appearing as President of the Sleepy Hollow Neighborhood Association, stated that basically they agree with the general concept and need expressed in this ordinance change. They fully support the amendment Lakin suggested with regard to the arterial street location. If that is made a part of this zoning ordinance it would create a far different animal than they have now. He said that with that amendment, they would basically have only three objections. Those three objections are the permitted uses, the signage allowance, and the square footage requirement. He said that basically they did not agree that all of the permitted uses should be in this classification. He said that they know that it is a matter of definition and a matter of drawing the line somewhere. He felt that in the proposed district they should be more restrictive, and in being more restrictive this classification would be more useful. For example, under the concept that they envision, abstract and title companies would not need to be in this "OC" zoning. "LC" zoning would be an appropriate zoning for those kind of uses. Branch banks, Savings and Loans, brokerage houses, minor surgery centers, opticians and optical dispensers, small clothing stores, and that kind of thing, they felt should be retained in "LC" zoning and not put in the "OC"

zoning. They believe that the signage allowances are too permissive and should be reduced. They also believed that the 7500 square foot provision was too great. He felt that 1500 or 2500 would make it a more viable ordinance change, and it certainly gives more protection for the neighborhood associations. It would still allow the opportunity to have that additional step somewhat less than "LC". MORRIS said that they agree with the concept. They support the effort and appreciate it. They differ slightly in some of the fine tunings necessary and certainly they support the idea that it be restricted to the arterial streets as Lakin suggested.

GARDNER responded to the arterial comment. He said that someone could come in and say that they had arterial frontage somewhere near Rutan or Vassar and therefore they felt that they would qualify for "OC". GARDNER said that frankly there was no guarantee that if it was restricted to arterials that that would be a good location for it. There is a dentist office a little further down the way that has kept the neighborhood in kind of a froth for a couple of years. It is a situation where being on an arterial has no bearing from the neighborhood's perspective. He said that there is a massive inconsistency in the approach that being on an arterial therefore makes it more appropriate. He submitted that being on an arterial does in fact have bearing, but that is only a singular element that must be considered but to include it in the proposed district is begging the issue. He said that in regard to the size of the business and the choice of exclusions and inclusions he was not sure he perceived the logic in that reasoning. He said that if he had trouble with abstract and title companies how would he differentiate those from insurance companies. He submitted that they were dealing with something on a little bit higher level than "BB" Office and if the location was not appropriate for "BB" Office then they would not be very bright to submit an application for something of a higher and denser usage. He said that he would concur with Morris in that regard that maybe some categories would not be appropriate in a neighborhood, but neither would the office categories below, and to delete those potential uses from this category would not help anyone.

MORRIS stated that in regard to the arterial designation he saw that only as a minimum prerequisite before consideration of the further appropriateness of this classification. MORRIS said that merely because a site is on an arterial street, that, in his opinion, does not mean that one automatically ought to have the "OC" designation bestowed. He felt that it did add a further restriction that is appropriate.

GARDNER said that he appreciated Morris' remarks in that regard but believed that the minimum prerequisite was the filing fee. Beyond that there are so many other factors to consider that the arterial location merely becomes one of many.

MORRIS said that they have approached this from the standpoint of looking at a district, fully realizing that there is no contract zoning in existence in Wichita, and that once it is opened up for one acceptable use for that specific location, it is opened up for all permitted uses under the ordinance. That is why they took a specific look at the permitted uses and they found some that they do not see as fitting into that specific category that they envision ought to be created by this additional classification.

WILSON asked why were abstract and title companies not alright, but attorney offices were.

MORRIS responded that an abstract and title company was generally not a one or two person operation. It is generally larger, even though it would fall under the 7500 square foot limitation whereas there are many semi-retired professional, attorneys, accountants, engineers, etc., that practice out of their home or want some location close to their residence and he felt the usage would be very low density.

HANSEN remarked that it seemed to her that it was Bonnie Brae and Sleepy Hollow who were here to speak to the issue and certainly they have had encroachment on their neighborhoods. They have had to battle zoning on a steady basis because of things the Commission did not feel were compatible. She said that she sees this as a step toward helping the neighborhoods.

MOTION: That the Planning Commission recommend to the City Commission and the County Commission that the "OC" Office-Commercial category be approved with the change that height limitation read "thirty-five feet" instead of "forty-five feet" in the County resolution, as staff recommended. Bayouth moved, Hansen seconded.

Discussion followed on whether this designation should be on arterials only. LAKIN stated for purposes of the record he wanted to clarify if the motion was to recommend approval as advertised, together with the amendment on the height restriction in the County. BAYOUTH said that was correct.

VOTE ON THE MOTION: It carried unanimously. Cazal, Chisholm and Jones were absent.

LOFTON left the meeting.

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE August 31, 1982



TO E.H. Denton, City Manager
FROM Shirley Mast, Administrative Aide III

SUBJECT CPO Recommendations on
DR 79-17 Possible Amendment
to City of Wichita Zoning
Ordinance - Officer Commercial
District

Below are recommendations from the CPO Councils that considered the captioned issue after the August 12th MAPC public hearing. Also attached are copies of the CPO Councils' recommendations that were provided to the MAPC prior to the hearing.

"G" - Opposed the creation of the new "OC" zoning district. The Council indicated they were of the opinion the "OC" district permits commercial development to encroach into residential neighborhoods and they want to see the residential neighborhood retained.

"M" - Supported the creation of the new "OC" zoning classification with a 6000 sq. ft. maximum area, six (6) foot side yard setback, and a prohibition on the use of portable signs within the "OC" zoning district.

Please present the CPO Councils' recommendations to the City Commission when the issue is considered on September 7th.

Shirley Mast
Shirley Mast
Administrative Aide III

SM:dm

Noted:

Sarah Gilbert
Sarah Gilbert
CP Coordinator

cc: Robert Lakin, Director of Planning

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE August 9, 1982



TO Robert Lakin, Director of Planning
FROM Shirley Mast, Administrative Aide III

SUBJECT DR 79-17 Possible Amendments
to City of Wichita Zoning
Ordinance - Office Commercial
District

During the first week of August, 13 of the 15 Neighborhood CPD Councils considered the proposed amendments to the City's Zoning Ordinance concerning the "OC" Office Commercial District. The recommendations of the Councils have been divided into three categories, those supporting the "OC" district as proposed, those supporting the "OC" district with changes, and those opposed to the new "OC" district. The recommendations of the Councils are as follows:

SUPPORTED THE "OC" - OFFICE COMMERCIAL DISTRICT AS PROPOSED (4)

"C", "D", "J", and "K"

"K" also recommended that a serious look be given to holding applicants responsible for maintaining the use that was originally applied for and consideration given to establishing a sunset clause to limit the time that property can remain undeveloped after being rezoned.

SUPPORTED THE "OC" - OFFICE COMMERCIAL DISTRICT WITH CHANGES (3)

- "A" - Approved the "OC" district with the change that "R-5" General Residence District part (b) under Residential Uses be changed to "RB" Four Family Dwelling District.
- "F" - Approved the "OC" district with the exception of the "R-5" residential density that is allowed and with modifications to further restrict the district to prohibit rap parlors and escort services.
- "I" - Approved the "OC" district with the deletions of Sub sections 4 and 5 under "Miscellaneous type Uses and Uses Permitted as exceptions by the Board of Zoning Appeals.

OPPOSED THE "OC" - OFFICE COMMERCIAL DISTRICT (6)

- "B" - Opposed the "OC" district because the classification is too broad, it is not restrictive compared to light commercial zoning, and its use is not restricted to property fronting onto arterial streets.
- "E" - Opposed the "OC" district because of the extensiveness of the use regulations and because of the opinion that the district is not in the best interest of the residential neighborhood.

Robert Lakin, Director of Planning
DR 79-17 Possible Amendments of Ordinance
August 9, 1982 - Page 2

"H" - Opposed the concept of the "OC" district because it will encroach upon residential areas and they see need to preserve residential neighborhoods. The Council supported the use of the Board of Zoning Appeals procedure for variances or exceptions.

It should be noted that strong opposition was expressed by residents in the Bonnie Brae area to this CPD Council concerning the "OC" district.

"L" - Opposed the addition of any new zoning classification, unless the entire zoning ordinance is revised and recommended that, when the entire ordinance is revised, the following changes in the proposed "OC" district be made:

1. That any screening be consistent with the surrounding area.
2. Delete allowing of drive-up windows.
3. Reduce allowed square footage from 7500 square feet to 1000 for any one business.
4. Retain only the following office uses: Abstract and Title companies, Accountants offices, Advertising Agencies, Architects offices, Artist Galleries, Attorneys offices, Broadcasting or recording studios without transmitter towers, Computer and Data Processing offices, Dental offices, Engineers offices, Offices, administrative, and clerical, Optician, Real Estate offices, and Religious offices and Headquarters.
5. Retain only the following Retail stores and personal service businesses Uses; Child day care centers, Hair stylists (Barber and Beauty shops), jewelry repair shops, key shops, pet grooming stores, picture framing shops, and tailor shops.
6. Amend maximum structure height from 35 ft. to "not taller than average height of residential structures within 300 ft."
7. For bulk regulations, delete the exception portion to the minimum side yard requirements.
8. Under Use Limitations, amend 7500 sq. ft. of floor area to 1000 sq. ft. (D-1), delete sales use (D-1a), delete retail from D-2, delete florist truck and "approval by Director of Planning" in D-3, strike D-5 (drive-up windows).
9. Limit signs to attached on-site-signs, no ground or pole signs.
10. Height of sign shall not exceed 90% of building height.
11. Limit hours of operation from 6:00 a.m. to 9:00 p.m.

"N" - Opposed the "OC" district because the existing BZA variances and exceptions could be used therefore making the new district unnecessary. The Council also indicated the "OC" district would virtually eliminate space between buildings and result in more business encroachment into residential neighborhoods which could indirectly increase crime in the neighborhoods.

Note: Area "G" and "M" made no recommendations.

Please provide the Councils' recommendations and comments to the MAPC when this matter is considered at its August 12th meeting.

Noted:

Sarah Gilbert, CP Coordinator


Shirley Masz
Administrative Aide III

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE August 9, 1982



TO Robert Lakin, Director of Planning
FROM Shirley Mast, Administrative Aide III

SUBJECT DR 79-17 Possible Amendments to City of Wichita Zoning Ordinance - Office Commercial District

During the first week of August, 13 of the 15 Neighborhood CPO Councils considered the proposed amendments to the City's Zoning Ordinance concerning the "OC" Office Commercial District. The recommendations of the Councils have been divided into three categories, those supporting the "OC" district as proposed, those supporting the "OC" district with changes, and those opposed to the new "OC" district. The recommendations of the councils are as follows:

SUPPORTED THE "OC" - OFFICE COMMERCIAL DISTRICT AS PROPOSED (4)

"M", "M", "M", and "M"

"M" also recommended that a serious look be given to holding applicants responsible for maintaining the use that was originally applied for and consideration given to establishing a sunset clause to limit the time that property can remain undeveloped after being rezoned.

must rezone

SUPPORTED THE "OC" - OFFICE COMMERCIAL DISTRICT WITH CHANGES (3)

"M" - Approved the "OC" district with the change that "R-5" General Residence District part (b) under Residential Uses be changed to "M" Four Family Dwelling District.

R-5 density less

"M" - Approved the "OC" district with the exception of the "R-5" residential density that is allowed and with modifications to further restrict the district to prohibit rap parlors and escort services.

personal review only then BZA unless not likely

"M" - Approved the "OC" district with the deletions of Sub sections 4 and 5 under "Miscellaneous Type Uses and Uses Permitted as Exceptions by the Board of Zoning Appeals."

Accession use retains

OPPOSED THE "OC" - OFFICE COMMERCIAL DISTRICT (6)

"B" - Opposed the "OC" district because the classification is too broad, it is not restrictive compared to light commercial zoning, and its use is not restricted to property fronting onto arterial streets.

designate - empty corner

"E" - Opposed the "OC" district because of the extensiveness of the use regulations and because of the opinion that the district is not in the best interest of the residential neighborhood.

good thought we have at language

I don't know whether the coalition would be the 10 in the west or east of neighborhood

Robert Lakin, Director of Planning
DR 79-17 Possible Amendments of Ordinances
August 9, 1982 - Page 2

expansion of zoning problem + expanded on last 100 new exception

"M" - Opposed the concept of the "OC" district because it will encroach upon residential areas and they see need to preserve residential neighborhoods. The Council supported the use of the Board of Zoning Appeals procedure for variances or exceptions.

It should be noted that strong opposition was expressed by residents in the Bonnie Brae area to this CPO Council concerning the "OC" district.

"M" - Opposed the addition of any new zoning classification, unless the entire zoning ordinance is revised and recommended that, when the entire ordinance is revised, the following changes in the proposed "OC" district be made:

1. That any screening be consistent with the surrounding area.
2. Delete allowing of drive-up windows.
3. Reduce allowed square footage from 7500 square feet to 1000 for any one business.
4. Retain only the following office uses: Abstract and Title companies, Accounts offices, Advertising Agencies, Architects offices, Artist Galleries, Attorneys offices, Broadcasting or recording studios without transmitter towers, Computer and Data Processing offices, Dental offices, Engineers offices, Offices, administrative, and clerical, Optician, Real Estate offices, and Religious offices and Headquarters.
5. Retain only the following Retail stores and personal service businesses Uses: Child day care centers, Hair stylists (Barber and Beauty shops), jewelry repair shops, key shops, pet grooming stores, picture framing shops, and tailor shops.
6. Amend maximum structure height from 35 ft. to "not taller than average height of residential structures within 300 ft."
7. For bulk regulations, delete the exception portion to the minimum side yard requirements.
8. Under Use Limitations, amend 7500 sq. ft. of floor area to 1000 sq. ft. (D-1), delete sales use (D-1a), delete retail from D-2, delete florist truck and "Approval by Director of Planning" in D-3, strike D-5 (drive-up windows).
9. Limit signs to attached on-site signs, no ground or pole signs.
10. Height of sign shall not exceed 90% of building height.
11. Limit hours of operation from 6:00 a.m. to 9:00 p.m.

"M" - Opposed the "OC" district because the existing "A" variances and exceptions could be used therefore making the new district unnecessary. The Council also indicated the "OC" district would virtually eliminate space between buildings and result in more business encroachment into residential neighborhoods which could indirectly increase crime in the neighborhoods.

Note: Area "M" and "M" made no recommendations.

Please provide the Councils' recommendations and comments to the MAPC when this matter is considered at its August 12th meeting.

Noted: Sarah Gilbert, CP Coordinator

Shirley Mast
Administrative Aide III

Issue of zoning encroachment: a policy issue of BLC + MAPC - suspension incorporation of district (3) BZA variance No - if their admin approve no appeal to BLC must be spelled out in ord. (3) Board of zoning use last enforcement

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 26, 1982

TO E. H. Denton, City Manager
FROM Robert A. Lakin, Director of Planning
SUBJECT DR-79-17 - Office Commercial District

Attached is a delineated copy of an amendment to the City of Wichita zoning ordinance that is recommended by the Planning Commission for adoption. Please place this on the agenda for City Commission consideration on September 7, 1982 at 11:00 a.m.

BACKGROUND

It has been my observation that there is more conflict between applicants and staff, neighborhoods and applicants, and the Planning Commission and applicants, over whether or not "LC" is an appropriate zoning district to be granted when located adjacent to an existing residential development.

Prior to 1954 when the "BB" Office District was created, any office, other than medical offices, were required to be located in the "LC" Light Commercial District. At the present time, any small retail business or barber and beauty shop are required to be located in the "LC" Light Commercial District which is the same district that first permits service stations, repair garages, the large shopping centers and other high traffic retail businesses. There is in my opinion a clear need within the community to provide a district which allows the less intense uses that can be compatible with the adjacent residential community without the neighborhood fear of what can be located in the "LC" District.

The "OC" Office Commercial District as proposed should provide for such a district which will allow the relatively small retail and office uses considered to be low traffic generators and "good neighbors". Although this district will be available for any location, it should be considered as an expansion of the "BB" Office District to include some retail and service uses that can be located in areas where the complete range of "LC" uses would not be appropriate. It is also an improvement over "BB" in that the residential densities are lower and major uses which create traffic and other problems like hospitals and clinic are precluded by size from being in the "OC" District.

This district should be considered an opportunity, rather than an impediment, for development in the Wichita area. It should make it easier to deal with some of the "inbetween" areas such as the smaller parcels along the major streets where conversions could be appropriate.

off
Retired - Proff Sr
Rev @ R-5

SUMMARY

The district as proposed will provide for office, commercial and service type uses subject to limitations that should make them compatible to existing neighborhoods. These limitations will include the following:

- 1. 7,500 square feet of floor area for any one business.
no major grocery store, Kmart etc.
- 2. No display or storage of goods or equipment outside of an enclosed building.
- 3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
- 4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Traffic Engineer (City) or Director of Public Works (County).
- 5. Restaurants, liquor stores, and clubs are excluded from the district. *no Chicks, Madch*
- 6. Permit the overnight storage of service vehicles on the property within an enclosed building or when appropriately screened within an enclosed compound.
no face stand parking, only on site as an accessory use, no use as parking buffer
- *7. After public hearing and due consideration of all comments, the Planning Commission recommended that the ordinance be forwarded to the City Commission for adoption. An excerpt of the Planning Commission minutes is attached for your information.

re. engineer's comments.

CPO
all of MAPC
7-6 for
in some form

*Several recommendations by various CPO councils were submitted. Several of the recommendations were discussed in depth at the MAPC hearing. A copy of the CPO recommendations is attached.

70

RECOMMENDED ACTION

- 1. Concur in the recommendation of the Planning Commission and place the ordinance on first reading.

E. H. Denton, City Manager

- 3 -

August 26, 1982

2. Return the amendment to the Planning Commission for reconsideration. The City Commission states the following reasons for such reconsideration.



Robert A. Lakin
Director of Planning

RAL:GEL:jps

Attachments

cc: Board of City Commissioners

Robert Feldner, Superintendent of Central Inspection

Don Anderson, Director of Housing and Economic Development

Wichita Area Board of Realtors, 717 North Emporia, Wichita,
Kansas, 67214

Wichita Area Builders Association, Attention: John Oliphant,
730 North Main, Wichita, Kansas, 67203

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 26, 1982

TO E. H. Denton, City Manager
FROM Robert A. Lakin, Director of Planning
SUBJECT DR-79-17 - Office Commercial District

Attached is a delineated copy of an amendment to the City of Wichita zoning ordinance that is recommended by the Planning Commission for adoption. Please place this on the agenda for City Commission consideration on September 7, 1982 at 11:00 a.m.

BACKGROUND

It has been my observation that there is more conflict between applicants and staff, neighborhoods and applicants, and the Planning Commission and applicants, over whether or not "LC" is an appropriate zoning district to be granted when located adjacent to an existing residential development.

Prior to 1954 when the "BB" Office District was created, any office, other than medical offices, were required to be located in the "LC" Light Commercial District. At the present time, any small retail business or barber and beauty shop are required to be located in the "LC" Light Commercial District which is the same district that first permits service stations, repair garages, the large shopping centers and other high traffic retail businesses. There is in my opinion a clear need within the community to provide a district which allows the less intense uses that can be compatible with the adjacent residential community without the neighborhood fear of what can be located in the "LC" District.

The "OC" Office Commercial District as proposed should provide for such a district which will allow the relatively small retail and office uses considered to be low traffic generators and "good neighbors". Although this district will be available for any location, it should be considered as an expansion of the "BB" Office District to include some retail and service uses that can be located in areas where the complete range of "LC" uses would not be appropriate. It is also an improvement over "BB" in that the residential densities are lower and major uses which create traffic and other problems like hospitals and clinic are precluded by size from being in the "OC" District.

This district should be considered an opportunity, rather than an impediment, for development in the Wichita area. It should make it easier to deal with some of the "inbetween" areas such as the smaller parcels along the major streets where conversions could be appropriate.

August 26, 1982

SUMMARY

The district as proposed will provide for office, commercial and service type uses subject to limitations that should make them compatible to existing neighborhoods. These limitations will include the following:

1. 7,500 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Traffic Engineer (City) or Director of Public Works (County).
5. Restaurants, liquor stores, and clubs are excluded from the district.
6. Permit the overnight storage of service vehicles on the property within an enclosed building or when appropriately screened within an enclosed compound.
- *7. After public hearing and due consideration of all comments, the Planning Commission recommended that the ordinance be forwarded to the City Commission for adoption. An excerpt of the Planning Commission minutes is attached for your information.

*Several recommendations by various CPO councils were submitted. Several of the recommendations were discussed in depth at the MAPC hearing. A copy of the CPO recommendations is attached.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and place the ordinance on first reading.

E. H. Denton, City Manager

- 3 -

August 26, 1982

2. Return the amendment to the Planning Commission for reconsideration. The City Commission states the following reasons for such reconsideration.



Robert A. Lakin
Director of Planning

RAL:GEL:jps

Attachments

cc: Board of City Commissioners
Robert Feldner, Superintendent of Central Inspection
Don Anderson, Director of Housing and Economic Development
Wichita Area Board of Realtors, 717 North Emporia, Wichita,
Kansas, 67214
Wichita Area Builders Association, Attention: John Oliphant,
730 North Main, Wichita, Kansas, 67203

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE August 9, 1982



TO Robert Lakin, Director of Planning
FROM Shirley Mast, Administrative Aide III

SUBJECT DR 79-17 Possible Amendments
to City of Wichita Zoning
Ordinance - Office Commercial
District

Robert Lakin, Director of Planning
DR 79-17 Possible Amendments of Ordinance.
August 9, 1982 - Page 2

During the first week of August, 13 of the 15 Neighborhood CPD Councils considered the proposed amendment to the City's Zoning Ordinance concerning the "OC" Office Commercial District. The recommendations of the Councils have been divided into three categories, those supporting the "OC" district as proposed, those supporting the "OC" district with changes, and those opposed to the new "OC" district. The recommendations of the Councils are as follows:

SUPPORTED THE "OC" - OFFICE COMMERCIAL DISTRICT AS PROPOSED (4)

"C", "D", "J", and "K"

"C" also recommended that a serious look be given to holding applicants responsible for maintaining the use that was originally applied for and consideration given to establishing a sunset clause to limit the time that property can remain undeveloped after being rezoned.

SUPPORTED THE "OC" - OFFICE COMMERCIAL DISTRICT WITH CHANGES (3)

"M" - Approved the "OC" district with the change that "R-5" General Residence District part (b) under Residential Uses be changed to "R3" Four Family Dwelling District.

"H" - Approved the "OC" district with the exception of the "R-5" residential density that is allowed and with modifications to further restrict the district to prohibit rap parlors and escort services.

"I" - Approved the "OC" district with the deletions of Sub sections 4 and 5 under "Miscellaneous type Uses and Uses Permitted as exceptions by the Board of Zoning Appeals."

OPPOSED THE "OC" - OFFICE COMMERCIAL DISTRICT (6)

"B" - Opposed the "OC" district because the classification is too broad, it is not restrictive compared to light commercial zoning, and its use is not restricted to property fronting onto arterial streets.

"E" - Opposed the "OC" district because of the extensiveness of the use regulations and because of the opinion that the district is not in the best interest of the residential neighborhood.

"H" - Opposed the concept of the "OC" district because it will encroach upon residential areas and they see need to preserve residential neighborhoods. The Council supported the use of the Board of Zoning Appeals procedure for variances or exceptions.

It should be noted that strong opposition was expressed by residents in the Bonnie Brae area to this CPD Council concerning the "OC" district.

"L" - Opposed the addition of any new zoning classification, unless the entire zoning ordinance is revised and recommended that, when the entire ordinance is revised, the following changes in the proposed "OC" district be made:

1. That any screening be consistent with the surrounding area.
2. Delete allowing of drive-up windows.
3. Reduce allowed square footage from 7500 square feet to 1000 for any one business.
4. Retain only the following office uses: Abstract and Title companies, Accountants offices, Advertising Agencies, Architects offices, Art Galleries, Attorneys offices, Broadcasting or recording studios without transmitter towers, Computer and Data Processing offices, Dental offices, Engineers offices, Offices, administrative, and clerical, Optician, Real Estate offices, and Religious offices and Headquarters.
5. Retain only the following detail stores and personal service businesses Uses: Child day care centers, Hair stylists (Barber and Beauty shops), jewelry repair shops, key shops, pet grooming stores, picture framing shops, and tailor shops.
6. Amend maximum structure height from 35 ft. to "not taller than average height of residential structures within 300 ft."
7. For bulk regulations, delete the exception portion to the minimum side yard requirements.
8. Under Use Limitations, amend 7500 sq. ft. of floor area to 1000 sq. ft. (D-1), delete sales use (D-1a), delete retail from D-2, delete florist truck and "Approval by Director of Planning" in D-3, strike D-5 (drive-up windows).
9. Limit signs to attached on-site signs, no ground or pole signs.
10. Height of sign shall not exceed 90% of building height.
11. Limit hours of operation from 6:00 a.m. to 9:00 p.m.

"N" - Opposed the "OC" district because the existing BZA variances and exceptions could be used therefore making the new district unnecessary. The Council also indicated the "OC" district would virtually eliminate space between buildings and result in more business encroachment into residential neighborhoods which could indirectly increase crime in the neighborhoods.

Note: Area "G" and "W" made no recommendations.

Please provide the Councils' recommendations and comments to the MAPC when this matter is considered at its August 12th meeting.

Noted:
Sarah Gilbert, CP Coordinator

Shirley Mast
Shirley Mast
Administrative Aide III

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 26, 1982

TO E. H. Denton, City Manager
FROM Robert A. Lakin, Director of Planning
SUBJECT DR-79-17 - Office Commercial District

Attached is a delineated copy of an amendment to the City of Wichita zoning ordinance that is recommended by the Planning Commission for adoption. Please place this on the agenda for City Commission consideration on September 7, 1982 at 11:00 a.m.

BACKGROUND

It has been my observation that there is more conflict between applicants and staff, neighborhoods and applicants, and the Planning Commission and applicants, over whether or not "LC" is an appropriate zoning district to be granted when located adjacent to an existing residential development.

Prior to 1954 when the "BB" Office District was created, any office, other than medical offices, were required to be located in the "LC" Light Commercial District. At the present time, any small retail business or barber and beauty shop are required to be located in the "LC" Light Commercial District which is the same district that first permits service stations, repair garages, the large shopping centers and other high traffic retail businesses. There is in my opinion a clear need within the community to provide a district which allows the less intense uses that can be compatible with the adjacent residential community without the neighborhood fear of what can be located in the "LC" District.

The "OC" Office Commercial District as proposed should provide for such a district which will allow the relatively small retail and office uses considered to be low traffic generators and "good neighbors". Although this district will be available for any location, it should be considered as an expansion of the "BB" Office District to include some retail and service uses that can be located in areas where the complete range of "LC" uses would not be appropriate. It is also an improvement over "BB" in that the residential densities are lower and major uses which create traffic and other problems like hospitals and clinic are precluded by size from being in the "OC" District.

This district should be considered an opportunity, rather than an impediment, for development in the Wichita area. It should make it easier to deal with some of the "inbetween" areas such as the smaller parcels along the major streets where conversions could be appropriate.

SUMMARY

The district as proposed will provide for office, commercial and service type uses subject to limitations that should make them compatible to existing neighborhoods. These limitations will include the following:

1. 7,500 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Traffic Engineer (City) or Director of Public Works (County).
5. Restaurants, liquor stores, and clubs are excluded from the district.
6. Permit the overnight storage of service vehicles on the property within an enclosed building or when appropriately screened within an enclosed compound.
- *7. After public hearing and due consideration of all comments, the Planning Commission recommended that the ordinance be forwarded to the City Commission for adoption. An excerpt of the Planning Commission minutes is attached for your information.

*Several recommendations by various CPO councils were submitted. Several of the recommendations were discussed in depth at the MAPC hearing. A copy of the CPO recommendations is attached.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and place the ordinance on first reading.

E. H. Denton, City Manager

- 3 -

August 26, 1982

2. Return the amendment to the Planning Commission for reconsideration. The City Commission states the following reasons for such reconsideration.

Robert A. Lakin
Director of Planning

RAL:GEL:jps
Attachments

cc: Board of City Commissioners
Robert Feldner, Superintendent of Central Inspection
Don Anderson, Director of Housing and Economic Development
Wichita Area Board of Realtors, 717 North Emporia, Wichita,
Kansas, 67214
Wichita Area Builders Association, Attention: John Oliphant,
730 North Main, Wichita, Kansas, 67203

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE August 9, 1982



TO Robert Lakin, Director of Planning
FROM Shirley Mast, Administrative Aide III

SUBJECT DR 79-17 Possible Amendments
to City of Wichita Zoning
Ordinance - Office Commercial
District

During the first week of August, 13 of the 15 Neighborhood CPO Councils considered the proposed amendments to the City's Zoning Ordinance concerning the "OC" Office Commercial District. The recommendations of the Councils have been divided into three categories, those supporting the "OC" district as proposed, those supporting the "OC" district with changes, and those opposed to the new "OC" district. The recommendations of the Councils are as follows:

SUPPORTED THE "OC" - OFFICE COMMERCIAL DISTRICT AS PROPOSED (4)

"C", "D", "J", and "K"

"K" also recommended that a serious look be given to holding applicants responsible for maintaining the use that was originally applied for and consideration given to establishing a sunset clause to limit the time that property can remain undeveloped after being rezoned.

SUPPORTED THE "OC" - OFFICE COMMERCIAL DISTRICT WITH CHANGES (3)

"A" - Approved the "OC" district with the change that "R-5" General Residence District part (b) under Residential Uses be changed to "RB" Four Family Dwelling District.

"F" - Approved the "OC" district with the exception of the "R-5" residential density that is allowed and with modifications to further restrict the district to prohibit rap parlors and escort services.

"I" - Approved the "OC" district with the deletions of Sub sections 4 and 5 under "Miscellaneous type Uses and Uses Permitted as exceptions by the Board of Zoning Appeals.

OPPOSED THE "OC" - OFFICE COMMERCIAL DISTRICT (6)

"B" - Opposed the "OC" district because the classification is too broad, it is not restrictive compared to light commercial zoning, and its use is not restricted to property fronting onto arterial streets.

"E" - Opposed the "OC" district because of the extensiveness of the use regulations and because of the opinion that the district is not in the best interest of the residential neighborhood.

Robert Lakin, Director of Planning
DR 79-17 Possible Amendments of Ordinance
August 9, 1982 - Page 2

"H" - Opposed the concept of the "DC" district because it will encroach upon residential areas and they see need to preserve residential neighborhoods. The Council supported the use of the Board of Zoning Appeals procedure for variances or exceptions.

It should be noted that strong opposition was expressed by residents in the Bonnie Brae area to this CPD Council concerning the "DC" district.

"L" - Opposed the addition of any new zoning classification, unless the entire zoning ordinance is revised and recommended that, when the entire ordinance is revised, the following changes in the proposed "DC" district be made:

1. That any screening be consistent with the surrounding area.
2. Delete allowing of drive-up windows.
3. Reduce allowed square footage from 7500 square feet to 1000 for any one business.
4. Retain only the following office uses: Abstract and Title companies, Accountants offices, Advertising Agencies, Architects offices, Artist Galleries, Attorneys offices, Broadcasting or recording studios without transmitter towers, Computer and Data Processing offices, Dental offices, Engineers offices, Offices, administrative, and clerical, Optician, Real Estate offices, and Religious offices and Headquarters.
5. Retain only the following Retail stores and personal service businesses Uses; Child day care centers, Hair stylists (Barber and Beauty shops), jewelry repair shops, key shops, pet grooming stores, picture framing shops, and tailor shops.
6. Amend maximum structure height from 35 ft. to "not taller than average height of residential structures within 300 ft."
7. For bulk regulations, delete the exception portion to the minimum side yard requirements.
8. Under Use Limitations, amend 7500 sq. ft. of floor area to 1000 sq. ft. (D-1), delete sales use (D-1a), delete retail from D-2, delete florist truck and "approval by Director of Planning" in D-3, strike D-5 (drive-up windows).
9. Limit signs to attached on-site-signs, no ground or pole signs.
10. Height of sign shall not exceed 90% of building height.
11. Limit hours of operation from 6:00 a.m. to 9:00 p.m.

"N" - Opposed the "DC" district because the existing BZA variances and exceptions could be used therefore making the new district unnecessary. The Council also indicated the "DC" district would virtually eliminate space between buildings and result in more business encroachment into residential neighborhoods which could indirectly increase crime in the neighborhoods.

Note: Area "G" and "M" made no recommendations.

Please provide the Councils' recommendations and comments to the MAPC when this matter is considered at its August 12th meeting.

Noted: *Sarah Gilbert*
Sarah Gilbert, CP Coordinator

Shirley Mast
Shirley Mast
Administrative Aide III

WICHITA-SEDGWICK COUNTY

DATE
July 20, 1982

file

METROPOLITAN AREA PLANNING DEPARTMENT

TO Metropolitan Area Planning Commission
FROM Robert A. Lakin, Director of Planning
SUBJECT DR 79-17 and DR 82-19 - Office Commercial District

- 7500 towsing h
P-8 G

Attached are delineated copies of possible amendments to both the City of Wichita zoning ordinance and the Sedgwick County zoning resolution. Both of these amendments have been advertised for public hearing for the Planning Commission meeting of August 12, 1982. This meeting will begin at 1:30 p.m. in the City Commission Conference Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

BACKGROUND

As has been discussed with you several different times, it has been my observation that there is more conflict between applicants and staff, neighborhoods and applicants, and the Planning Commission and applicants, over whether or not "LC" is an appropriate zoning district to be granted when located adjacent to an existing residential development.

Prior to 1954 when the "BB" Office District was created, any office, other than medical offices, were required to be located in the "LC" Light Commercial District. At the present time, any small retail business or barber and beauty shop are required to be located in the "LC" Light Commercial District which is the same district that first permits service stations, repair garages, the large shopping centers and other high traffic retail businesses. There is in my opinion a clear need within the community to provide a district which allows the less intense uses that can be compatible with the adjacent residential community without the neighborhood fear of what can be located in the "LC" District.

The "OC" Office Commercial District as proposed should provide for such a district which will allow the relatively small retail and office uses considered to be low traffic generators and "good neighbors". Although this district will be available for any location, it should be considered as an expansion of the "BB" Office District to include some retail and service uses that can be located in areas where the complete range of "LC" uses would not be appropriate. It is also an improvement over "BB" in that the residential densities are lower and major uses which create traffic and other problems like hospitals and clinic are precluded by size from being in the "OC" district.

*Ray with K. Hansen
M.C. W.B. Eto, Hecht
amend*

This district should be considered an opportunity, rather than an impediment, for development in the Wichita area. It should make it easier to deal with some of the "inbetween" areas such as the smaller parcels along the major streets where conversions could be appropriate.

After discussion of this proposed district with the planning commission on July 1, 1982, the staff has incorporated a number of suggested changes which include the following:

1. The inclusion of residential uses at the density as permitted by the "R-5" General Residence District in the City (17.5 d.u./acre) and as permitted as a conditional use in the "AA" District in the county (15 d.u./acre).
2. The expansion of service uses to include business and commercial services.
3. To permit overnight storage of vehicles when appropriately screened within an enclosed compound.
4. The permission of less than a 5 foot side yard when adjacent to nonresidential properties.
5. The permission of floor area in a basement to exceed the 7500 square foot limitation when an exception is granted and the area has been determined to be nonperson areas.

SUMMARY:

The district as proposed will provide for office, commercial and service type uses subject to limitations that should make them compatible to existing neighborhoods. These limitations will include the following:

1. 7500 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Traffic Engineer (City) or Director of Public Works (County).
5. Restaurants, liquor stores, and clubs are excluded from the district.

RECOMMENDATION:

Make whatever changes are deemed to be in the best interests of the community and forward your recommendation to the City Commission and the County Commission for their consideration.



Robert A. Lakin
Director of Planning

RAL:GEL:sad

cc: Board of County Commissioners
E. H. Denton, City Manager
Robert Feldner, Superintendent of Central Inspection
Ron Worley, Director of Building & Zoning
Wichita Area Board of Realtors, 717 North Emporia, Wichita 67214
Wichita Area Builders Association, Attn. John Olyphant, 730 North Main,
Wichita 67203
Richard Euson, Assistant County Counselor
C.P.O.

• Additions underlined. •
• Corrections marked-through. •

07/12/82

DR 79-17

Possible Amendment to the
City of Wichita Zoning Ordinance Scheduled for
Public Hearing before the MAPC - Thursday, August 12, 1982

Recommended that Section 28.04.030 be amended to read
as follows:

28.04.030 Zoning classification or districts. In order to regulate and restrict the use and improvement of lands and the location, type, construction and use of building improvements located within the city; to prevent overcrowding of land, to preserve property values; to promote the general welfare, public safety and health; and to preserve personal and property rights; all lots, parcels and tracts of land located within the city, together with any and all building improvements located thereon, shall be zoned into one of the following classifications or districts:

- "AA" - One-family dwelling classification or district.
- "A" - Two-family dwelling classification or district.
- "RB" - Four-family dwelling classification or district.
- "R-5"- General residence district.
- "R-6"- General residence district.
- "B" - Multiple-family dwelling classification or district.
- "BB" - Office district regulations.

"OC" - Office Commercial classification or district.

- "LC" - Light commercial classification or district.
- "C" - Commercial classification or district.
- "D" - Central business classification or district.
- "E" - Light industrial classification or district.
- "F" - Heavy industrial classification or district.
- "G" - Mobile home classification or district.
- "U" - University classification or district.

Recommended that Section 28.04.085 be added to the ordinance as follows:

28.04.085 "OC" Office Commercial District Regulations.

This district is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are

also compatible one to another within the district itself. They are generally smaller, less intense uses or are of such size to be low traffic generators.

In the "OC" Office Commercial District, no building or premises shall be used and no building or premises shall be hereafter converted, altered, enlarged or erected except for one or more of the uses permitted by the use regulations of this section. All buildings and structures erected, enlarged, converted or altered in the "OC" Office Commercial District shall conform to the area and bulk regulations set forth in this section.

A. USE REGULATIONS. Permitted uses shall include only the following and shall be subject to the use limitations set forth herein:

1. Offices, including the following:
 - a. Abstract and Title Companies.
 - b. Accountants Offices.
 - c. Advertising Agencies.
 - d. Architects Offices.
 - e. Artist studios and Art Galleries.
 - f. Attorneys Offices.
 - g. Broadcasting or recording studios without transmitter towers.
 - h. Computer and Data Processing Offices.
 - i. Dance studios.
 - j. Dental Offices and Clinics.
 - k. Engineers Offices.
 - l. Financial offices - branch banks, savings and loan, brokerage houses and title insurance.
 - m. Medical Offices and Clinics.
 - n. Minor Surgery Centers.

- o. Offices, administrative, clerical and sales services including the display of sample or inventory items made available for demonstration purposes and where such display constitutes less than half of the floor area. Such display material shall be limited to small business type machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture and larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.
- p. Optician and Optical dispensaries.
- q. Photography studios.
- r. Real Estate Offices.
- s. Religious Offices and Headquarters.
- t. Travel Agencies and Transportation Ticket Offices.
- u. Veterinarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).
- 2. Retail stores and personal service businesses including the following:

 - a. Antique store.
 - b. Apparel and accessory store.
 - c. Artist, craft and hobby supply store.
 - d. Book and Magazine store.
 - e. Boutiques.
 - f. Camera shop and photographic supplies.
 - g. Child day care centers.
 - h. Cigar, tobacco and candy store.

- i. Clothing and costume rental store.
- j. Cleaning and laundry pickup stations.
- k. Drug store, pharmacy or apothecary.
- l. Electric household appliance, television and stereo repair.
- m. Florist shop.
- n. Gift shop.
- o. Hair Stylists (Barber and Beauty Shops).
- p. Health Centers including indoor racquet ball courts.
- q. Jewelry and jewelry repair.
- r. Key Shop.
- s. Laundromats (self-service).
- t. Medical and Orthopedic appliance stores (retail or rental).
- u. Office supplies (not including furniture).
- v. Photographic equipment and print shops.
- w. Pet sales and grooming stores.
- x. Picture framing shop.
- y. Shoe repair shop.
- z. Stationery, card and gift shop.
- aa. Tailor shops.

3. Residential uses as follows:

- a. Each business or office may have an owner residence as a part of the business or office structure.
- b. Residential Uses as permitted in the R-5 general Residential District.

4. Miscellaneous type uses including the following:

- a. Accessory uses when determined to be subordinate in area, extent and purpose to the principal use

served; and is determined by the Superintendent of Central Inspection to contribute to the necessity of the principal residence or business established on the zoning lot.

- b. Off-street parking and loading accessory to a principal use established on the zoning lot.
- c. Signs as set forth in Section 28.04.139.

5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 2.12.590(C) of the Code: provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.

- a. Offices, retail stores and personal service businesses not specifically listed as a permitted use above, when it can be determined that the use is comparable to any of the above.

B. LOT SIZE REQUIREMENTS:

1. Minimum lot area

- a. Single family detached dwellings (not built as part of an office or commercial use) 6,000 sq.ft.
- b. Two family dwellings 3,000 sq.ft./Du
- c. Multiple family dwellings 2,500 sq.ft./DU
- d. All other permitted uses 6,000 sq.ft.

2. Minimum Lot Width: 50 feet

3. Minimum Lot Depth: 100 feet

C. BULK REGULATIONS:

1. Maximum structure height; 35 feet
2. Maximum lot coverage: 40%
3. Minimum yard requirements:

a. Minimum front yard: 20 feet or as shown on a recorded plat.

b. Minimum side yard: 5 feet or as shown on a recorded plat.

Exception: For a non-residential main use adjacent to a nonresidential district, the interior side lot line may be 0-feet, however if a side yard is provided, it must be a minimum of 5 feet.

c. Minimum rear yard: 10 feet.

D. USE LIMITATIONS:

1. No individual business use shall occupy more than 7,500 square feet of floor area; provided however, an exception to this limitation may be granted by the Board of Zoning Appeals subject to the following conditions;
 - a. A basement area, not exceeding the area used for office or sales use, is used only for storage, records, mechanical equipment or other nonperson uses.
 - b. Such area shall be determined to be non-traffic generating and deemed to be exempt from off-street parking requirements.
 - c. Required off-street parking shall not be determined to be less than that required by the floor area used for office or sales purposes.

- d. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations required in Chapter 28.04 of the Code.
2. All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
3. Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sales which do not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods and services to the home; ie., florist truck, TV repair truck. Vehicles stored or retained on site overnight shall be stored within the main structure, an enclosed garage or when approved by the Director of Planning as to adequate screening material and location, within an enclosed compound.
4. No business shall display or store goods or equipment outside of an enclosed building.
5. Business establishment which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and Traffic Engineer a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking.
6. Motor vehicle parts, service or fuels shall not be dispensed in this district.
7. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.

8. No kennels or pet runs shall be permitted except within an enclosed building and provided further no noise or odor shall be discernible from the exterior of the building from such use.

Recommended that Section 28.04.139(E) be amended to read as follows:

E. SIGNS PERMITTED IN THE "BB" OFFICE DISTRICT, THE "OC" OFFICE COMMERCIAL DISTRICT AND THE "U" UNIVERSITY DISTRICT.

1. Ground or pole identification signs, provided no individual sign shall exceed thirty-two square feet of gross surface area or exceed a height of thirty feet. Only one ground or pole sign shall be permitted for any office or business; provided however, when more than one business is located on a zoning lot additional signs may be permitted when a distance separation of fifty feet along the street frontage is maintained. When the distance separation of fifty feet does not permit each individual business a sign, the businesses shall share the use of the permitted number of signs. Under no circumstance shall the total gross surface area of all ground or pole signs on a zoning lot exceed 1/2 square feet per lineal foot of frontage; provided however a zoning lot with 64 feet or less frontage shall be permitted a sign of 32 square feet of gross surface area. No ground or pole sign shall be located closer than fifteen feet to an adjacent property. Any sign permitted by this section shall be limited to indirect or internal illumination of white light only and without flashing or moving images.

1. ~~Identification signs, provided they shall not exceed thirty-two square feet in area nor exceed thirty feet in height and one per zoning lot. Such signs shall be limited to indirect or internal illumination of white light only.~~

2. Building sign not exceeding thirty-two square feet in area or thirty feet in height, and be limited to one for each major use in the building. Such signs shall be limited to indirect or internal illumination of white light only and without flashing or moving images.

Recommended that Section 28.04.150(A) be amended to read as follows:

28.04.160 General regulations. A. ANNEXATIONS. Any territory hereafter annexed to the city of Wichita shall, simultaneous with annexation, be initially assigned that zoning district designation as set forth immediately below:

Those territories zoned "R", "R-1", or "AA" under the terms of the Sedgwick County Zoning Resolution shall be zoned "AA" under the terms of this chapter; provided, however, residential subdivisions for two-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "A" under the terms of this chapter; and, further provided, residential subdivisions for multiple-family dwellings in the "AA" district that have been approved as a conditional use under the terms of this chapter;

Those territories zoned "BB" under the terms of the Sedgwick County Zoning Resolution shall be zoned "BB" under the terms of this chapter;

Those territories zoned "OC" under the terms of the Sedgwick County Zoning Resolution shall be zoned "OC" under the terms of this chapter;

Those territories zoned "LC" under the terms of the Sedgwick County Zoning Resolution shall be zoned "LC" under the terms of this chapter; provided, however, residential subdivisions where "LC" zoning was granted for the express purpose of permitting multi-family residential development as reflected in the official minutes and records of the planning commission and county commission, shall be zoned "R-6" under the terms of this chapter;

Those territories zoned "C" under the terms of the Sedgwick County Zoning Resolution shall be zoned "C" under the terms of this chapter;

Those territories zoned "E" under the terms of the Sedgwick County Zoning Resolution shall be zoned "E" under the terms of this chapter;

Those territories zoned "F" under the terms of the Sedgwick County Zoning Resolution shall be zoned "F" under the terms of this chapter;

Mobile home parks, provided they have first been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "G" mobile home district under the terms of this chapter.

Notwithstanding any other provisions of this chapter, the conditions of a conditional use permit, approved under the terms of the Sedgwick County Zoning Resolution, shall be honored for a period of one year from the date of annexation or until a public hearing is held to act on any zoning change request. The owner of any property included in a conditional use permit may file an application for a change of zoning at no fee at any time within one year of the date of annexation.

Whenever annexed territory has been approved for a change of zoning under the terms of the Sedgwick County Zoning Resolution, but the publication of the resolution has been withheld pending compliance with conditions established by the board of county commissioners, comparable zoning as set forth under the terms of the ordinance codified in this subsection shall be placed on the property upon completion of the conditions as set forth in the annexation ordinance.

Such zoning classification initially established simultaneous with annexation under the terms of this section shall remain in full force and effect until the governing body of the city shall have, by ordinance, amended such zoning classification provided, however, that the governing body shall not amend such zoning classification until a public hearing shall have been held as provided in Section 28.04.210 of this code.

Recommended that Section 28.04.210(3) be amended to read as follows:

3. Changes by other individuals or groups.

3.1 A proposal for an amendment or change in zoning may be initiated by the governing body without fee, the planning commission or upon application of the owner of the property affected. The application shall be filed with the planning commission upon forms and accompanied by such data and information as may be prescribed by the planning commission so as to ensure the fullest practicable presentation of facts for the permanent record.

3.2 For the purpose of defraying costs of proceedings described herein, filing and publication fees shall be paid upon the filing of each application for a change of district boundaries or classification as follows:

Size of Application Area

Zoning Classifications Requested	Up to and including 3 acres	Over 3 acres to 6 acres	Over 6 acres to 15 acres	Over 15 acres
"AA"&"A"	\$200	\$300	\$400	\$500
"RB", "R-5", "R-6"&"U"	\$300	\$400	\$500	\$600
"G"	N/A	\$400	\$500	\$600
"B"&"BB"	\$350	\$450	\$550	\$650
"OC", "LC", "C"				
"D", "E"&"F"	\$400	\$500	\$600	\$700

Residential C.U.P. Original-\$500 plus \$5 per acre for each acre over 40 acres

Amendments

Major- (design or use change that would affect 50% or more of the area contained within the C.U.P. \$500

Minor- (design or use change that would affect less than 50% of the area contained within the C.U.P. \$200

Commercial C.U.P. Original-when filed with rezoning application \$200 plus \$5 per acre for each acre over 15 acres

Original-when filed separately \$500 plus \$5 per acre for each acre over 15 acres

Amendments

Major-	(design or use change that would affect 50% or more of the area contained within the C.U.P.	\$500
Minor-	(design or use change that would affect less than 50% of the area contained within the C.U.P.	\$200

A fee of one hundred fifty dollars shall be charged for those requests for special permits or uses, where authorized by the zoning ordinance, that are referred by the board of city commissioners to the metropolitan area planning commission for public hearing and recommendation. Said fee shall be paid by the applicant prior to the scheduling of a hearing before the metropolitan area planning commission.

Any person requesting deferral of a case shall be charged a fee of fifty dollars to cover administrative cost at such time that the deferral is granted.

A written receipt shall be issued to the person making such a payment and records thereof shall be kept in such a manner as prescribed by law. For the period commencing with the enactment of this section to December 31, 1980, no fee shall be required for a case initiated by a department of the city for a historic designation.

3.3 No application for any change of zoning classification shall be filed within one year following a previous application on the same property or portion thereof; provided, however, the zoning committee of the planning commission, upon petition by the applicant, may permit a refiling of said application after six months of the original publication date, when significant physical, economic or land use changes have taken place within the immediate vicinity or a significant zoning ordinance text change has been adopted, or when the reapplication is for a change of zoning classification more restrictive than the original request. The applicant shall submit a statement in detail, setting out those changes which he deems significant and upon which he relies for refiling the original application.

Additions underlined.
Deletions ~~marked-through~~.

7/13/82

DR82-19

Possible Amendment to the
Zoning Resolution for Sedgwick County, Kansas,
Scheduled for Public Hearing Before the MAPC
Thursday, August 12, 1982

Recommended that Section I-Districts and General
Regulations, Paragraph 1 be amended to read as follows.

SECTION I
DISTRICTS AND GENERAL REGULATIONS

1. That portion of Sedgwick County, Kansas, between the Wichita City Limits and three (3) miles beyond; and between the Haysville City Limits and three (3) miles beyond; and between the Derby City Limits and three (3) miles beyond; and between the Mulvane City Limits and three (3) miles beyond; and between the Valley Center City Limits and three (3) miles beyond; between the Goddard City Limits and three (3) miles beyond; and that portion of the area within three (3) miles of the Cheney City Limits as established by the Board of County Commissioners on October 3, 1973, is hereby divided into ~~eight-(8)~~ nine (9) districts as follows:

<u>Symbol</u>	<u>Name</u>
"R" District	Rural Residential District
"R-1" District	Suburban Residential District
"AA" District	One Family Dwelling District
"BB" District	Office District
<u>"OC" District</u>	<u>Office Commercial District</u>
"IC" District	Light Commercial District
"C" District	General Commercial District
"E" District	Light Industrial District
"F" District	Heavy Industrial District

Recommended that the following Section be added to
the Resolution as Section 6-1.

SECTION 6-1
"OC" OFFICE COMMERCIAL DISTRICT CLASSIFICATION

The intent and purpose of this section is to establish a
use district that is limited to offices and limited retail and
service uses which are considered to be compatible when adjacent
to or near residential areas and which uses are also compatible

one to another within the district itself. They are generally smaller, less intense uses or are of such size to be low traffic generators.

Uses listed in the "OC" District shall be permitted, provided they comply with the following limitations:

- a) No individual business shall occupy more than 7,500 square feet of floor area; provided, however, an exception to this limitation may be granted by the Board of Zoning Appeals subject to the following conditions:
 - 1. A basement area, not exceeding the area used for office or sales use, is used only for storage, records, mechanical equipment or other non-person uses.
 - 2. Such area shall be determined to be non-traffic generating and deemed to be exempt from off-street parking requirements.
 - 3. Required off-street parking shall not be determined to be less than that required by the floor area used for office or sales purposes.
 - 4. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations of the zoning resolution.
- b) All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
- c) Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sales which do not require the use of vehicles and heavy equipment in the operation of the business

other than for delivery of goods or services to the home; i.e., florist truck, TV repair truck. Vehicles stored or retained on site overnight shall be stored within the main structure, an enclosed garage or when approved by the Director of Planning as to adequate screening material and location, within an enclosed compound.

- d). No business shall display or store goods or equipment outside of an enclosed building.
- e). Business establishment which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and the Director of Public Works, a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking.
- f). Motor vehicle parts, service or fuels shall not be dispensed in this district.
- g). Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.
- h). No kennels or pet runs shall be permitted except within an enclosed building and provided further, no noise or odor shall be discernible from the exterior of the building from such use.

The following regulations shall apply in all "OC" Districts;

- A. Uses Permitted
 - 1. Offices, including the following:
 - a). Abstract and Title Companies.
 - b). Accountants Offices.
 - c). Advertising Agencies.
 - d). Architects Offices.

- e) Artist Studios and Art Galleries.
- f) Attorneys Offices.
- g) Broadcasting or Recording Studios Without Transmitter Towers.
- h) Computer and Data Processing Offices.
- i) Dance Studios.
- j) Dental Offices and Clinics.
- k) Engineers Offices.
- l) Financial Offices - Branch Banks, Savings and Loan, Brokerage Houses and Title Insurance.
- m) Medical Offices and Clinics.
- n) Minor Surgery Centers.
- o) Offices, Administrative, Clerical and Sales Services, including the display of sample or inventory items made available for demonstration purposes and where such display constitutes less than half of the floor area, such display material shall be limited to small business machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture, larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.
- p) Optician & Optical Dispensaries.
- q) Photography Studios.
- r) Real Estate Offices.
- s) Religious Offices and Headquarters.
- t) Travel Agencies and Transportation Ticket Offices.
- u) Veterinarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).

2. Retail Stores and personal service businesses including the following:
- a) Antique Store.
 - b) Apparel and Accessory Store.
 - c) Artist, Craft and Hobby Supply Store.
 - d) Book and Magazine Store.
 - e) Boutiques.
 - f) Camera Shop and Photographic Supplies.
 - g) Child Day Care Centers.
 - h) Cigar, Tobacco and Candy Store.
 - i) Clothing and Costume Rental Store.
 - j) Cleaning and Laundry Pickup Stations.
 - k) Drug Store, Pharmacy or Apothecary.
 - l) Electric Household Appliances, Television and Stereo Repair.
 - m) Florist Shop.
 - n) Gift Shop.
 - o) Hair Stylists (Barber and Beauty Shops)
 - p) Health Centers Including Indoor Racquet Ball Courts.
 - q) Jewelry and Jewelry Repair.
 - r) Key Shop.
 - s) Laundromats (self-service).
 - t) Medical and Orthopedic Appliance Stores
 - u) Office Supplies (not including furniture).
 - v) Photographic Equipment and Print Shops.
 - w) Pet Sales and Grooming Stores.
 - x) Picture Framing Shop.
 - y) Photographic Equipment and Print Shops.
 - z) Stationery, Card and Gift Shops.
 - aa) Tailor Shops.
3. Residential uses as follows:
- a) Each Business or Office may have an owner residence as a part of the business or office structure.

b) Multiple-family dwellings, the same as permitted by conditional use in the "AA" District.

4. Miscellaneous type uses including the following:

- a) Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served; and is determined by the Director of Building and Zoning to contribute to the necessity of the principal residence or business established on the zoning lot.
- b) Off-street parking and loading accessory to a principal use established on the zoning lot.
- c) Signs shall be limited as follows:
- 1) Ground or pole signs shall be limited to one per business and shall not exceed 32 square feet in area and 30 feet in height. Whenever more than one business is located on a property a horizontal distance, along the street, shall be not less than 50 feet.
 - 2) Each business shall be permitted a sign located on the face of the building not to exceed 32 square feet.
 - 3) Lighting of signs must be limited to internal or indirect illumination of white light only and without flashing or moving images.

5. The Following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 12 of the Zoning

Resolution, Sedgwick County, Kansas; provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.

a. Offices, Retail Stores and Personal Service Businesses not specifically listed as a permitted use above, when it can be determined that the use is comparable to any of the above.

B. AREA REQUIREMENTS:

1. Lot Area: For any property having available and utilizing a public water supply and a municipal or community sewage disposal system shall have a minimum lot width of 75 feet and a minimum lot area of 10,000 square feet. Larger areas may be required as determined by the Wichita-Sedgwick County Department of Community Health for the installation of individual sewage disposal systems and private wells.
2. Front Yard: See Section 11-D.
3. Side Yard: No side yard shall be required unless the lot abuts a lot in an "R-1", "R", or "AA" District, but if any side yard is provided, the side yard shall be not less than five (5) feet. Where the side of a lot in the "OC" District abuts upon the side of a lot in an "R", "R-1", or "AA" District, there shall be a side yard the same as required in the "R", "R-1", or "AA" District. Where the rear of a corner lot abuts the side of a lot in an "R", "R-1", or "AA" District, the side yard on the street-side of the corner lot shall be ten (10) feet.

4. Rear Yard: There shall be a rear yard of not less than ten (10) feet.

C. HEIGHT LIMIT: No building shall be erected or enlarged to exceed three (3) stories, excluding basement, or forty five (45) feet, ~~whichever is less~~

Thirty

D. LOT COVERAGE: There shall be a maximum of 40 percent coverage of the lot by any structure.

Recommended that Section 11, Paragraph B-3b be amended to read as follows:

- b) Where any parking area or loading spaces as required in the "OC", "LC", "C", "E", or "F" Districts or FOF automobile or trailer sales areas, adjoins lots in "R", "R-1", "AA" or "BB" Districts such lot shall be protected the full length of the parking area or loading spaces (but not closer than 15 feet to any street lot line), by a permanent screen of solid wall, compact evergreen screen, or uniformly painted board fence, or woven wire fence, having a height of not less than 4 feet nor more than 6 feet, erected and maintained by the owner or user of such parking area or loading space.

Recommended that Section 11, Paragraph D-4 be amended to read as follows:

4. Zoning district front yard setbacks referred to in the above paragraphs are as follows:

- "R" - Rural Residential District, 30 feet
"R-1" - Suburban Residential District, 25 feet
"AA" - One Family Dwelling District, 25 feet
"BB" - Office District, 20 feet
"OC" - Office Commercial District, 20 feet
"LC" - Light Commercial District, 35 feet
"C" - General Commercial District, 35 feet
"E" - Light Industrial District, 35 feet
"F" - Heavy Industrial District, 35 feet

Recommended that Section 14, Paragraph C-2 be amended to read as follows:

2. Application: Application for any change of district boundaries or reclassification of districts as shown on the Zoning Map, shall be filed with the Commission upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record.

Each application shall be verified by at least one of the owners of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

Applications must be accompanied with a certified list of property owners of record and their addresses, if available, and if not available, then the address of the occupant of the premises, if tenanted, in all directions from the subject property for a distance of twice the frontage of the property, included in the application; provided, no distance need be more than 1,000 feet and cannot be less than 200 feet.

For the purpose of defraying costs of proceedings prescribed herein, filing and publication fees shall be paid to the County Treasurer or his agent upon the filing of such application for change in district classification. The fee for such application is as follows:

Size of Application Area

Zoning Classification	Up to & Including 3 Acres	Over 3 Acres to 6 Acres	Over 6 Acres to 15 Acres	Over 15 Acres
"R", "R-1" & "AA"	\$200	\$300	\$400	\$500
"BB"	350	450	550	650
"OC", "LC", "C", "E", & "F"	400	500	600	700

"CU" (Conditional Use Permit) - Fee required is the same as for the District in which it is located.
Special Permit - as authorized by the Zoning Resolution--\$150.

Any person requesting deferral of a zoning case or a conditional use case shall be charged a fee of \$50 at such time the deferral is granted to cover administrative costs.

A written receipt shall be issued to the person making such a payment and records thereof shall be in a manner as prescribed by law.

8/12/82

For

- Gary Luteran, atty for Pat Butterworth.
- Eric Henderson -

Opposed -

Henry Flynn.

2165 Flynn .. - CPO H

Some use too broad -
- 12 dog kennel

Henry Pech -

81 - - mockingbird

Bruce Humphrey - 1704 Fairview. Mid town City. Ave.

John Mannin 3733¹ Sleepy Hollow Ave.

- general concept agreed to

- Limit to exterior

plus.

1. Permitted use - be more restrictive.

2. Signage " " "

3. \$ = 7500. too great = 1500-2500 \$

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE August 9, 1982



TO Robert Lakin, Director of Planning

FROM Shirley Mast, Administrative Aide III

SUBJECT DR 79-17 Possible Amendments
to City of Wichita Zoning
Ordinance - Office Commercial
District

During the first week of August, 13 of the 15 Neighborhood CPO Councils considered the proposed amendments to the City's Zoning Ordinance concerning the "OC" Office Commercial District. The recommendations of the Councils have been divided into three categories, those supporting the "OC" district as proposed, those supporting the "OC" district with changes, and those opposed to the new "OC" district. The recommendations of the Councils are as follows:

SUPPORTED THE "OC" - OFFICE COMMERCIAL DISTRICT AS PROPOSED (4)

"C", "D", "J", and "K"

"K" also recommended that a serious look be given to holding applicants responsible for maintaining the use that was originally applied for and consideration given to establishing a sunset clause to limit the time that property can remain undeveloped after being rezoned.

*Policy to
Reinstate*

SUPPORTED THE "OC" - OFFICE COMMERCIAL DISTRICT WITH CHANGES (3)

"A" - Approved the "OC" district with the change that "R-5" General Residence District part (b) under Residential Uses be changed to "RB" Four Family Dwelling District.

"F" - Approved the "OC" district with the exception of the "R-5" residential density that is allowed and with modifications to further restrict the district to prohibit rap parlors and escort services.

B2A only

*without
in a possible*

list p 6

- Signer Stan

- Thom

- Roof park

"I" - Approved the "OC" district with the deletions of Sub sections 4 and 5 under "Miscellaneous type Uses and Uses Permitted as exceptions by the Board of Zoning Appeals.

OPPOSED THE "OC" - OFFICE COMMERCIAL DISTRICT (6)

"B" - Opposed the "OC" district because the classification is too broad, it is not restrictive compared to light commercial zoning, and its use is not restricted to property fronting onto arterial streets.

- vv

"E" - Opposed the "OC" district because of the extensiveness of the use regulations and because of the opinion that the district is not in the best interest of the residential neighborhood.

Robert Lakin, Director of Planning
DR 79-17 Possible Amendments of Ordinance
August 9, 1982 - Page 2

6-0 "H" - Opposed the concept of the "OC" district because it will encroach upon residential areas and they see need to preserve residential neighborhoods. The Council supported the use of the Board of Zoning Appeals procedure for variances or exceptions.

Encroach-
ment a
policy of
intent of
PL & Gov Bd
LC 0206

It should be noted that strong opposition was expressed by residents in the Bonnie Brae area to this CPD Council concerning the "OC" district.

"L" - Opposed the addition of any new zoning classification, unless the entire zoning ordinance is revised and recommended that, when the entire ordinance is revised, the following changes in the proposed "OC" district be made:

1. That any screening be consistent with the surrounding area. ?
2. Delete allowing of drive-up windows.
3. Reduce allowed square footage from 7500 square feet to 1000 for any one business.
4. Retain only the following office uses: Abstract and Title companies, Accountants offices, Advertising Agencies, Architects offices, Artist Galleries, Attorneys offices, Broadcasting or recording studios without transmitter towers, Computer and Data Processing offices, Dental offices, Engineers offices, Offices, administrative, and clerical, Optician, Real Estate offices, and Religious offices and Headquarters.
5. Retain only the following Retail stores and personal service businesses Uses; Child day care centers, Hair stylists (Barber and Beauty shops), jewelry repair shops, key shops, pet grooming stores, picture framing shops, and tailor shops.
6. Amend maximum structure height from 35 ft. to "not taller than average height of residential structures within 300 ft."
7. For bulk regulations, delete the exception portion to the minimum side yard requirements.
8. Under Use Limitations, amend 7500 sq. ft. of floor area to 1000 sq. ft. (D-1), delete sales use (D-1a), delete retail from D-2, delete florist truck and "approval by Director of Planning" in D-3, strike D-5 (drive-up windows).
9. Limit signs to attached on-site-signs, no ground or pole signs.
10. Height of sign shall not exceed 90% of building height.
11. Limit hours of operation from 6:00 a.m. to 9:00 p.m.

"N" - Opposed the "OC" district because the existing BZA variances and exceptions could be used therefore making the new district unnecessary. The Council also indicated the "OC" district would virtually eliminate space between buildings and result in more business encroachment into residential neighborhoods which could indirectly increase crime in the neighborhoods.

don't
understand
BZA
not a
plan
com. act.

Note: Area "G" and "M" made no recommendations.

Please provide the Councils' recommendations and comments to the MAPC when this matter is considered at its August 12th meeting.

Noted:
Sarah Gilbert
Sarah Gilbert, CP Coordinator

Shirley Mast
Shirley Mast
Administrative Aide III

8-12-82

Add to the first paragraph of 28.04.085 of the City of Wichita Zoning Ordinance amendment dated 7-12-82.

"This district shall be located contiguous to an arterial street as designated by Map 13-A of the Transportation Plan, or amendments thereto, or be located contiguous to any non-residential zoning district.

A similar amendment should be added to the first paragraph of SECTION 6-1 of the Sedgwick County Zoning Resolution.

July 21, 1982

Ms. Pat Butterworth
314 South Clifton
Wichita, Ks. 67218

Dear Ms. Butterworth:

Enclosed herewith is a copy of the material being sent to the Planning Commission related to a possible amendment to the zoning ordinance creating the "OC" Office Commercial District. Please note that a public hearing will be held on this proposed amendment on August 12, 1982 at the regular Planning Commission meeting which begins at 1:30 p.m.

If you have any questions, please give me a call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:GEL:sad

Encl.

July 21, 1982

Jeanette Rees
139 Bonnie Brae
Wichita, Ks. 67207

Dear Ms. Rees:

Enclosed herewith is a copy of the material being sent to the Planning Commission related to a possible amendment to the zoning ordinance creating the "OC" Office Commercial District. Please note that a public hearing will be held on this proposed amendment on August 12, 1982 at the regular Planning Commission meeting which begins at 1:30 p.m.

If you have any questions, please give me a call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:GEL:sad

Encl.

July 21, 1982

R. L. Smith
P. O. Box 18595
Wichita, Ks. 67218

Dear Mr. Smith:

Enclosed herewith is a copy of the material being sent to the Planning Commission related to a possible amendment to the zoning ordinance creating the "OC" Office Commercial District. Please note that a public hearing will be held on this proposed amendment on August 12, 1982 at the regular Planning Commission meeting which begins at 1:30 p.m.

If you have any questions, please give me a call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:GEL:sad

Encl.

July 21, 1982

Robert K. Leonard
817 South Edgemoor
Wichita, Ks. 67218

Dear Mr. Leonard:

Enclosed herewith is a copy of the material being sent to the Planning Commission related to a possible amendment to the zoning ordinance creating the "OC" Office Commercial District. Please note that a public hearing will be held on this proposed amendment on August 12, 1982 at the regular Planning Commission meeting which begins at 1:30 p.m.

If you have any questions, please give me a call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:GEL:sad

Encl.

July 21, 1982

Howard V. Plummer
828 South Edgemoor
Wichita, Ks. 67218

Dear Mr. Plummer:

Enclosed herewith is a copy of the material being sent to the Planning Commission related to a possible amendment to the zoning ordinance creating the "OC" Office Commercial District. Please note that a public hearing will be held on this proposed amendment on August 12, 1982 at the regular Planning Commission meeting which begins at 1:30 p.m.

If you have any questions, please give me a call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:GEL:sad

Encl.

WICHITA-SEDGWICK COUNTY

DATE
July 20, 1982

METROPOLITAN AREA PLANNING DEPARTMENT

TO Metropolitan Area Planning Commission
FROM Robert A. Lakin, Director of Planning
SUBJECT DR 79-17 and DR 82-19 - Office Commercial District

Attached are delineated copies of possible amendments to both the City of Wichita zoning ordinance and the Sedgwick County zoning resolution. Both of these amendments have been advertised for public hearing for the Planning Commission meeting of August 12, 1982. This meeting will begin at 1:30 p.m. in the City Commission Conference Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

BACKGROUND

As has been discussed with you several different times, it has been my observation that there is more conflict between applicants and staff, neighborhoods and applicants, and the Planning Commission and applicants, over whether or not "LC" is an appropriate zoning district to be granted when located adjacent to an existing residential development.

Prior to 1954 when the "BB" Office District was created, any office, other than medical offices, were required to be located in the "LC" Light Commercial District. At the present time, any small retail business or barber and beauty shop are required to be located in the "LC" Light Commercial District which is the same district that first permits service stations, repair garages, the large shopping centers and other high traffic retail businesses. There is in my opinion a clear need within the community to provide a district which allows the less intense uses that can be compatible with the adjacent residential community without the neighborhood fear of what can be located in the "LC" District.

The "OC" Office Commercial District as proposed should provide for such a district which will allow the relatively small retail and office uses considered to be low traffic generators and "good neighbors". Although this district will be available for any location, it should be considered as an expansion of the "BB" Office District to include some retail and service uses that can be located in areas where the complete range of "LC" uses would not be appropriate. It is also an improvement over "BB" in that the residential densities are lower and major uses which create traffic and other problems like hospitals and clinic are precluded by size from being in the "OC" district.

This district should be considered an opportunity, rather than an impediment, for development in the Wichita area. It should make it easier to deal with some of the "inbetween" areas such as the smaller parcels along the major streets where conversions could be appropriate.

After discussion of this proposed district with the planning commission on July 1, 1982, the staff has incorporated a number of suggested changes which include the following:

1. The inclusion of residential uses at the density as permitted by the "R-5" General Residence District in the City (17.5 d.u./acre) and as permitted as a conditional use in the "AA" District in the county (15 d.u./acre).
2. The expansion of service uses to include business and commercial services.
3. To permit overnight storage of vehicles when appropriately screened within an enclosed compound.
4. The permission of less than a 5 foot side yard when adjacent to nonresidential properties.
5. The permission of floor area in a basement to exceed the 7500 square foot limitation when an exception is granted and the area has been determined to be nonperson areas.

SUMMARY:

The district as proposed will provide for office, commercial and service type uses subject to limitations that should make them compatible to existing neighborhoods. These limitations will include the following:

1. 7500 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Traffic Engineer (City) or Director of Public Works (County).
5. Restaurants, liquor stores, and clubs are excluded from the district.

RECOMMENDATION:

Make whatever changes are deemed to be in the best interests of the community and forward your recommendation to the City Commission and the County Commission for their consideration.

Robert A. Lakin

Robert A. Lakin
Director of Planning

RAL:GEL:sad

cc: Board of County Commissioners
E. H. Denton, City Manager
Robert Feldner, Superintendent of Central Inspection
Ron Worley, Director of Building & Zoning
Wichita Area Board of Realtors, 717 North Emporia, Wichita 67214
Wichita Area Builders Association, Attn. John Olyphant, 730 North Main,
Wichita 67203
Richard Euson, Assistant County Counselor
C.P.O.

additions underlined.
Corrections marked through.

07/12/82

DR 79-17

Possible Amendment to the
City of Wichita Zoning Ordinance Scheduled for
Public Hearing before the MAPC - Thursday, August 12, 1982

Recommended that Section 28.04.030 be amended to read
as follows:

28.04.030 Zoning classification or districts. In order to regulate and restrict the use and improvement of lands and the location, type, construction and use of building improvements located within the city; to prevent overcrowding of land, to preserve property values; to promote the general welfare, public safety and health; and to preserve personal and property rights; all lots, parcels and tracts of land located within the city, together with any and all building improvements located thereon, shall be zoned into one of the following classifications or districts:

- "AA" - One-family dwelling classification or district.
- "A" - Two-family dwelling classification or district.
- "RB" - Four-family dwelling classification or district.
- "R-5"- General residence district.
- "R-6"- General residence district.
- "B" - Multiple-family dwelling classification or district.
- "BB" - Office district regulations.

"OC" - Office Commercial classification or district.

- "LC" - Light commercial classification or district.
- "C" - Commercial classification or district.
- "D" - Central business classification or district.
- "E" - Light industrial classification or district.
- "F" - Heavy industrial classification or district.
- "G" - Mobile home classification or district.
- "U" - University classification or district.

Recommended that Section 28.04.085 be added to the ordinance as follows:

28.04.085 "OC" Office Commercial District Regulations.

This district is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are

also compatible one to another within the district itself.
They are generally smaller, less intense uses or are of
such size to be low traffic generators.

In the "OC" Office Commercial District, no building
or premises shall be used and no building or premises
shall be hereafter converted, altered, enlarged or erected
except for one or more of the uses permitted by the use
regulations of this section. All buildings and structures
erected, enlarged, converted or altered in the "OC" Office
Commercial District shall conform to the area and bulk
regulations set forth in this section.

A. USE REGULATIONS. Permitted uses shall include only
the following and shall be subject to the use limi-
tations set forth herein:

1. Offices, including the following:
 - a. Abstract and Title Companies.
 - b. Accountants Offices.
 - c. Advertising Agencies.
 - d. Architects Offices.
 - e. Artist studios and Art Galleries.
 - f. Attorneys Offices.
 - g. Broadcasting or recording studios without
transmitter towers.
 - h. Computer and Data Processing Offices.
 - i. Dance studios.
 - j. Dental Offices and Clinics.
 - k. Engineers Offices.
 - l. Financial offices - branch banks, savings
and loan, brokerage houses and title
insurance.
 - m. Medical Offices and Clinics.
 - n. Minor Surgery Centers.

- o. Offices, administrative, clerical and sales services including the display of sample or inventory items made available for demonstration purposes and where such display constitutes less than half of the floor area. Such display material shall be limited to small business type machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture and larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.
- p. Optician and Optical dispensaries.
- q. Photography studios.
- r. Real Estate Offices.
- s. Religious Offices and Headquarters.
- t. Travel Agencies and Transportation Ticket Offices.
- u. Veterinarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).
- 2. Retail stores and personal service businesses including the following:

 - a. Antique store.
 - b. Apparel and accessory store.
 - c. Artist, craft and hobby supply store.
 - d. Book and Magazine store.
 - e. Boutiques.
 - f. Camera shop and photographic supplies.
 - g. Child day care centers.
 - h. Cigar, tobacco and candy store.

- i. Clothing and costume rental store.
- j. Cleaning and laundry pickup stations.
- k. Drug store, pharmacy or apothecary.
- l. Electric household appliance, television and stereo repair.
- m. Florist shop.
- n. Gift shop.
- o. Hair Stylists (Barber and Beauty Shops).
- p. Health Centers including indoor racquet ball courts.
- q. Jewelry and jewelry repair.
- r. Key Shop.
- s. Laundromats (self-service).
- t. Medical and Orthopedic appliance stores (retail or rental).
- u. Office supplies (not including furniture).
- v. Photographic equipment and print shops.
- w. Pet sales and grooming stores.
- x. Picture framing shop.
- y. Shoe repair shop.
- z. Stationery, card and gift shop.
- aa. Tailor shops.

3. Residential uses as follows:

- a. Each business or office may have an owner residence as a part of the business or office structure.
- b. Residential Uses as permitted in the R-5 general Residential District.

4. Miscellaneous type uses including the following:

- a. Accessory uses when determined to be subordinate in area, extent and purpose to the principal use

served; and is determined by the Superintendent of Central Inspection to contribute to the necessity of the principal residence or business established on the zoning lot.

- b. Off-street parking and loading accessory to a principal use established on the zoning lot.
- c. Signs as set forth in Section 28.04.139.

5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 2.12.590(C) of the Code: provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.

- a. Offices, retail stores and personal service businesses not specifically listed as a permitted use above, when it can be determined that the use is comparable to any of the above.

B. LOT SIZE REQUIREMENTS:

1. Minimum lot area

- a. Single family detached dwellings (not built as part of an office or commercial use) 6,000 sq.ft.
- b. Two family dwellings 3,000 sq.ft./Du
- c. Multiple family dwellings 2,500 sq.ft./DU
- d. All other permitted uses 6,000 sq.ft.

2. Minimum Lot Width: 50 feet

3. Minimum Lot Depth: 100 feet

C. BULK REGULATIONS:

1. Maximum structure height; 35 feet
2. Maximum lot coverage: 40%
3. Minimum yard requirements:

- a. Minimum front yard: 20 feet or as shown on a recorded plat.
- b. Minimum side yard: 5 feet or as shown on a recorded plat.

Exception: For a non-residential main use adjacent to a nonresidential district, the interior side lot line may be 0-feet, however if a side yard is provided, it must be a minimum of 5 feet.

- c. Minimum rear yard: 10 feet.

D. USE LIMITATIONS:

1. No individual business use shall occupy more than 7,500 square feet of floor area; provided however, an exception to this limitation may be granted by the Board of Zoning Appeals subject to the following conditions;
 - a. A basement area, not exceeding the area used for office or sales use, is used only for storage, records, mechanical equipment or other nonperson uses.
 - b. Such area shall be determined to be non-traffic generating and deemed to be exempt from off-street parking requirements.
 - c. Required off-street parking shall not be determined to be less than that required by the floor area used for office or sales purposes.

- d. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations required in Chapter 28.04 of the Code.
2. All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
 3. Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sales which do not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods and services to the home; ie., florist truck, TV repair truck. Vehicles stored or retained on site overnight shall be stored within the main structure, an enclosed garage or when approved by the Director of Planning as to adequate screening material and location, within an enclosed compound.
 4. No business shall display or store goods or equipment outside of an enclosed building.
 5. Business establishment which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and Traffic Engineer a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking.
 6. Motor vehicle parts, service or fuels shall not be dispensed in this district.
 7. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.

8. No kennels or pet runs shall be permitted except within an enclosed building and provided further no noise or odor shall be discernible from the exterior of the building from such use.

Recommended that Section 28.04.139(E) be amended to read as follows:

E. SIGNS PERMITTED IN THE "BB" OFFICE DISTRICT, THE "OC" OFFICE COMMERCIAL DISTRICT AND THE "U" UNIVERSITY DISTRICT.

1. Ground or pole identification signs, provided no individual sign shall exceed thirty-two square feet of gross surface area or exceed a height of thirty feet. Only one ground or pole sign shall be permitted for any office or business; provided however, when more than one business is located on a zoning lot additional signs may be permitted when a distance separation of fifty feet along the street frontage is maintained. When the distance separation of fifty feet does not permit each individual business a sign, the businesses shall share the use of the permitted number of signs. Under no circumstance shall the total gross surface area of all ground or pole signs on a zoning lot exceed 1/2 square feet per lineal foot of frontage; provided however a zoning lot with 64 feet or less frontage shall be permitted a sign of 32 square feet of gross surface area. No ground or pole sign shall be located closer than fifteen feet to an adjacent property. Any sign permitted by this section shall be limited to indirect or internal illumination of white light only and without flashing or moving images.

1. ~~Identification signs, provided they shall not exceed thirty-two square feet in area nor exceed thirty feet in height and one per zoning lot. Such signs shall be limited to indirect or internal illumination of white light only.~~

2. Building sign not exceeding thirty-two square feet in area or thirty feet in height, and be limited to one for each major use in the building. Such signs shall be limited to indirect or internal illumination of white light only and without flashing or moving images.

Recommended that Section 28.04.150(A) be amended to read as follows:

28.04.160 General regulations. A. ANNEXATIONS. Any territory hereafter annexed to the city of Wichita shall, simultaneous with annexation, be initially assigned that zoning district designation as set forth immediately below:

Those territories zoned "R", "R-1", or "AA" under the terms of the Sedgwick County Zoning Resolution shall be zoned "AA" under the terms of this chapter; provided, however, residential subdivisions for two-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "A" under the terms of this chapter; and, further provided, residential subdivisions for multiple-family dwellings in the "AA" district that have been approved as a conditional use under the terms of this chapter;

Those territories zoned "BB" under the terms of the Sedgwick County Zoning Resolution shall be zoned "BB" under the terms of this chapter;

Those territories zoned "OC" under the terms of the Sedgwick County Zoning Resolution shall be zoned "OC" under the terms of this chapter;

Those territories zoned "LC" under the terms of the Sedgwick County Zoning Resolution shall be zoned "LC" under the terms of this chapter; provided, however, residential subdivisions where "LC" zoning was granted for the express purpose of permitting multi-family residential development as reflected in the official minutes and records of the planning commission and county commission, shall be zoned "R-6" under the terms of this chapter;

Those territories zoned "C" under the terms of the Sedgwick County Zoning Resolution shall be zoned "C" under the terms of this chapter;

Those territories zoned "E" under the terms of the Sedgwick County Zoning Resolution shall be zoned "E" under the terms of this chapter;

Those territories zoned "F" under the terms of the Sedgwick County Zoning Resolution shall be zoned "F" under the terms of this chapter;

Mobile home parks, provided they have first been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "G" mobile home district under the terms of this chapter.

Notwithstanding any other provisions of this chapter, the conditions of a conditional use permit, approved under the terms of the Sedgwick County Zoning Resolution, shall be honored for a period of one year from the date of annexation or until a public hearing is held to act on any zoning change request. The owner of any property included in a conditional use permit may file an application for a change of zoning at no fee at any time within one year of the date of annexation.

Whenever annexed territory has been approved for a change of zoning under the terms of the Sedgwick County Zoning Resolution, but the publication of the resolution has been withheld pending compliance with conditions established by the board of county commissioners, comparable zoning as set forth under the terms of the ordinance codified in this subsection shall be placed on the property upon completion of the conditions as set forth in the annexation ordinance.

Such zoning classification initially established simultaneous with annexation under the terms of this section shall remain in full force and effect until the governing body of the city shall have, by ordinance, amended such zoning classification provided, however, that the governing body shall not amend such zoning classification until a public hearing shall have been held as provided in Section 28.04.210 of this code.

Recommended that Section 28.04.210(3) be amended to read as follows:

3. Changes by other individuals or groups.

3.1 A proposal for an amendment or change in zoning may be initiated by the governing body without fee, the planning commission or upon application of the owner of the property affected. The application shall be filed with the planning commission upon forms and accompanied by such data and information as may be prescribed by the planning commission so as to ensure the fullest practicable presentation of facts for the permanent record.

3.2 For the purpose of defraying costs of proceedings described herein, filing and publication fees shall be paid upon the filing of each application for a change of district boundaries or classification as follows:

Size of Application Area

Zoning Classifications Requested	Up to and including 3 acres	Over 3 acres to 6 acres	Over 6 acres to 15 acres	Over 15 acres
"AA" & "A"	\$200	\$300	\$400	\$500
"RB", "R-5", "R-6" & "U"	\$300	\$400	\$500	\$600
"G"	N/A	\$400	\$500	\$600
"B" & "BB"	\$350	\$450	\$550	\$650
"OC", "IC", "C"				
"D", "E" & "F"	\$400	\$500	\$600	\$700

Residential C.U.P. Original-\$500 plus \$5 per acre for each acre over 40 acres

Amendments

- Major- (design or use change that would affect 50% or more of the area contained within the C.U.P. \$500
- Minor- (design or use change that would affect less than 50% of the area contained within the C.U.P. \$200

Commercial C.U.P. Original-when filed with rezoning application \$200 plus \$5 per acre for each acre over 15 acres

Original-when filed separately \$500 plus \$5 per acre for each acre over 15 acres

Amendments

Major-	(design or use change that would affect 50% or more of the area contained within the C.U.P.	\$500
Minor-	(design or use change that would affect less than 50% of the area contained within the C.U.P.	\$200

A fee of one hundred fifty dollars shall be charged for those requests for special permits or uses, where authorized by the zoning ordinance, that are referred by the board of city commissioners to the metropolitan area planning commission for public hearing and recommendation. Said fee shall be paid by the applicant prior to the scheduling of a hearing before the metropolitan area planning commission.

Any person requesting deferral of a case shall be charged a fee of fifty dollars to cover administrative cost at such time that the deferral is granted.

A written receipt shall be issued to the person making such a payment and records thereof shall be kept in such a manner as prescribed by law. For the period commencing with the enactment of this section to December 31, 1980, no fee shall be required for a case initiated by a department of the city for a historic designation.

3.3 No application for any change of zoning classification shall be filed within one year following a previous application on the same property or portion thereof; provided, however, the zoning committee of the planning commission, upon petition by the applicant, may permit a refiling of said application after six months of the original publication date, when significant physical, economic or land use changes have taken place within the immediate vicinity or a significant zoning ordinance text change has been adopted, or when the reapplication is for a change of zoning classification more restrictive than the original request. The applicant shall submit a statement in detail, setting out those changes which he deems significant and upon which he relies for refiling the original application.

(Published in The Daily Record on July 16, 1982)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN, that on Thursday, August 12, 1982, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following changes in Title 28, the Code of the City of Wichita, Kansas:

Amendments to Sections 28.04.030, 28.04.139, 28.04.160, 28.04.210 and the adding of Section 28.04.085 to the zoning ordinance pertaining to the establishment of a new zoning district for office and limited commercial uses, and to be designated as the Office Commercial District; said amendment will set forth the permitted uses in the district and the limitations therefor, establish the filing fees for a zoning change to the Office Commercial District, and establish a table of comparability to include the new zoning district.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

The proposed amendment will there be discussed and considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed change of the zoning ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 13th day of July, 1982.

Robert A. Lakin, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

(Published in The Daily Record on July 16, 1982)

OFFICIAL NOTICE

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Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

The proposed amendment will there be discussed and considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed change of the zoning ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 13th day of July, 1982.

Robert A. Lakin, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

(Published in The Daily Record on July 16, 1982)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN, that on Thursday, August 12, 1982, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following changes in Title 28, the Code of the City of Wichita, Kansas:

Amendments to Sections 28.04.030, 28.04.139, 28.04.160, 28.04.210 and the adding of Section 28.04.085 to the zoning ordinance pertaining to the establishment of a new zoning district for office and limited commercial uses, and to be designated as the Office Commercial District; said amendment will set forth the permitted uses in the district and the limitations therefor, establish the filing fees for a zoning change to the Office Commercial District, and establish a table of comparability to include the new zoning district.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

The proposed amendment will there be discussed and considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed change of the zoning ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 13th day of July, 1982.

Robert A. Lakin, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

WICHITA-SEDGWICK COUNTY

DATE

File

METROPOLITAN AREA PLANNING DEPARTMENT

June 24, 1982

RE: AGENDA ITEM NO. 10

TO Metropolitan Area Planning Commission

FROM Robert A. Lakin, Director of Planning

SUBJECT DR 79-17 - Office Commercial District

Background

The Planning Commission has, on a couple of occasions, discussed the possibility of creating a new zoning district which would serve as an inbetween district of the office districts and the light commercial district. When it was discussed in depth in 1979 and 1980, there was general opposition from several areas within the community and divided support on the Planning Commission. CPO also generally supported the proposition of the new district.

In bringing this to your attention two or three months ago, there seemed to be general support on the Planning Commission to do this, although there were one or two individuals who had questions about it. The staff was going to go back and make some modifications to the district and return it to you at a later date. Other work commitments precluded our immediately doing this. In the meantime zoning case Z-2429, with Pat Butterworth as the applicant, was filed on the east side of Edgemoor, north of Lincoln. The City Commission has deferred this case until July 13, 1982 at which time they may either further defer it, return it to you for your further consideration, or deny it. It appears that there are not four votes that would be required in order to make the change. At the request of the applicant, I pointed out that we had been considering a district which would fit her needs, yet not be as intrusive on the neighborhood as the light commercial district. The City Commission expressed an interest in this District, asking what the Planning Commission was going to do with it. I advised them that I would bring it back to your attention prior to the next time they consider Z-2429 and advise them as to whether or not the Planning Commission would move forward with it to public hearings or would have no interest in dealing with the subject. The zoning district proposed for consideration, however, should be looked at in terms of the general ordinance and should not be tailored to fit the needs of Z-2429.

The Need for the District

It has been my observation over time that we probably have more conflict between applicants and staff, neighborhoods and applicants, and Planning Commission and applicants, over whether or not "IC" is an appropriate zoning district to be granted when

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located adjacent to an existing residential development. The light commercial district has remained essentially unchanged since the thirties, and the nearest new district to "LC" was the "BB" district adopted in 1955. Actually all the "BB" district really accomplished was the addition of offices to the "B" Multiple Family District. With our ordinance, we must try to satisfy the needs of the community with a district which allows floral shops, pharmacies and hair stylists in the same zoning district that provides for K-Mart, Towne West, Chi-Chi's, service stations and the many food stores/gas service operations. There are clearly many needs within the community, but the characteristics of the the uses in the "LC" district, insofar as they impact traffic, adjacent property and the livability of nearby property vary widely with this extremely wide range of uses. We believe we have seen the need for a district which would have many of the characteristics of the "BB" Office District, yet permit many of the personal services out of the "LC" district, as well as some of the retail uses.

Generally speaking the uses in such a district should be low traffic generators and "good neighbors". To ensure this, they ought to be relatively small size operations, having a low density or intensity of development. They should be low in height in order to match up with the adjacent residential. They should be screened from the adjacent residential. They should be compatible with other neighborhood uses nearby, as well as compatible with other uses within the same zoning district. They should generally be perceived by adjacent property owners as being a good neighbor.

Legality of Contract Zoning

I have inquired as to legal opinions on the use of contract zoning as a means of protecting adjacent property. I cannot find written opinions directly issued from the City Attorney's office. I have discussed this with him and have heard him on many occasions tell the City Commissioners that contract zoning per se, is illegal in the State of Kansas as applied to cities. As a matter of law, the Kansas zoning law for cities indicates that all districts shall be "uniform" in their application. When a city contracts with a property owner to say that you can only have "these three uses", as opposed to the 25 uses allowed everywhere else in that given district, it no longer is uniform. We have discussed amending the law in this regard but without getting into a long involved discussion as to the pros and cons, those within the State have not been supportive of this, nor has the legislature been excited about making such a change. We do have the ability to deal with contract development in part, as we deal with planned unit developments. But there is a special statute which provides for that process and it is more lengthy and involved as you are all aware.

The question was asked, "how can the County do Conditional Uses?" To my knowledge there has been no opinion rendered on this subject over the years. It is simply the way that the zoning was started for the County in 1958 and it has not been challenged in the court. If the City Attorney's opinion was to prevail, as applied to any such litigation, it may well be that we would have to substantially revise the County zoning regulations. In my judgment there is nothing to be gained at this moment from exploring this area further.

Alternatives

The members asked that we provide some alternatives for dealing with this subject other than a new district. There are obviously some ways to deal with this, although I am of the opinion that none of them are as effective as a new district would be in providing a better vehicle for what I perceive to be numerous zoning problems over the years.

1. The first and most obvious one is to simply add whatever uses you think are appropriate to the "BB" district. This is a two-edged sword in my judgment. My concern has been, that by doing so, and depending on the range of personal services and/or commercial uses, you would lose the office district as a special district where you want only offices and not the other uses. Many times we use "BB" as a buffer or as a restricted use area in an area of residential development. An enlarged "BB" district may be a negative to the MAPC and City Commission as you consider other applications at other points in time in other geographic areas where you need "BB" without the extra uses. If you want to add only barber and beauty shops to the "BB" district there would be no great problem. I see no serious impact with that other than one could logically then inquire as to the other personal services and subsequently the other uses that we proposed for the new district.

I have one further concern about the use of "BB". The "BB" district also carries with it the characteristic of the 74 dwelling unit per acre residential use plus all the uses accumulated in the "BB" district which can include institutional type motels, halfway houses, institutions, etc. Depending on the size of the site it even allows the intense uses of medical clinics/hospitals, etc. I do not view the new district as serving this need. I think to use a district which permits all those more intensive uses may not benefit immediate neighborhoods and/or comfort neighborhoods as to the impact of adjacency, particularly

such as the area on Edgemoor. If you satisfy my concerns about "BB" having too intense uses, and thus take out such things as the residential use of 74 dwelling units per acre, this will obviously impact every piece of land in Wichita currently zoned "BB". I do not perceive this to be an attractive alternative at this time. Therefore, I recommend that you not pursue amending the "BB" district to accomplish all the ends that I see can be achieved in the new office/commercial district.

2. Amend the Community Unit Plan regulations to provide for an alternate range of uses and reduce the size from a minimum of six acres down to a very small size. Any amendment to the Community Unit Plan provisions requires us to go under a new set of statutes adopted in Kansas several years ago, entitled "Planned Unit Development". It will change the procedures for approval considerably. I do want to move in this direction, but I believe it will take considerable time, and frankly it has better application to more complex issues than trying to handle 50 foot lots. There will be many issues raised such as whether it should be voluntary or mandatory and also the same issues will be raised about its impact on all existing Community Unit Plans as we amend the basic ordinance in this area. I do not recommend this approach at this time.
3. We could provide a special provision in the zoning ordinance to allow the Board of Zoning Appeals to grant special permits or "exceptions". This is provided for by Kansas law and is essentially the only device other than planned unit development to get you around the uniformity clause. Existing examples of this is the approval of used car lots in "LC", rental equipment places in "LC", car washes in "LC", and some of the other outside uses that are normally not permitted in the light commercial district. One could take the same approach in the "BB" district and allow barber and beauty shops, pharmacies, etc., in "BB" under a given set of conditions which would be predetermined and spelled out in the ordinance just as it is for the automobile oriented uses in "LC". This is an acceptable procedure, but it would require each individual development to come before the Board of Zoning Appeals for each individual use and we would have special proceedings to deal with. I prefer to have a zoning district which simply allows people to do it outright once they have the zoning.

4. There are overlay techniques that can be used. This essentially would be to take the "BB" district as it is and by adding overlays, such as "overlay 1", "overlay 2", etc., and either add or subtract uses to it. In that way you could have basically uniform districts with slightly modified areas and the modifications could also apply uniformly wherever those overlays existed. It would be something new for us, although we have something approximating that with the University overlay district in and around Wichita State where a "U" district is overlaid with the existing residential districts nearby. Uses like barber and beauty shops could be added to certain "BB" districts but others would not have it. Also I would think by the same device you could subtract some of the uses that concern me. The end result of this is essentially the adoption of several new districts as each overlay essentially constitutes a new district.

A New District

Attached is a slightly revised version of the Office-Commercial district that we have previously discussed. I have basically modified it with some of the listed uses and have essentially made it a nonresidential district with the exception of having "mom and pop" quarters available for any of the permitted uses. I have included financial uses in it, although there is some concern that even savings and loans, (which may well look like banks in the future) and banks do and can cause neighborhood problems. I would propose to solve this by dealing with any facility that had drive-in characteristics to allow me to look at queuing areas and permit me to impose additional conditions, with the purpose of handling the on-site traffic, through a site plan review and approval process.

I have not included restaurants, liquor stores, clubs, service stations. These are essentially the issues that were argued before. There is strong opposition, as I see it, within most of the CPO's, of allowing service stations and their hours of operation, and thereby the "Quik Shops" in this district. I concur. I think the basic "Quik Shop" with its attendant gas pump operation is more properly located in a light commercial district. We have an adequate number of those light commercial districts now and will probably have even more in the future to handle these needs.


Another argument that was made earlier is that if this district is created, the staff will never support "LC" again. I think that is somewhat fanciful thinking. The same allegations were made when we added the "R-5" and "R-6" districts. Although

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we rarely support "B" Multiple family anymore, it is because of its obvious high density. I don't even find the Commission often supporting it but most often supporting the "R-6" district which accommodates most apartment development. I would like to think that the staff will try to fairly evaluate the needs in the area as we see them and we will be supporting both the "LC" district where applicable, and the "OC" district where it is more applicable.

I view this new district as an opportunity rather than an impediment for development in Wichita. I think it will make it easier to deal with, and will answer some of the questions we have about the "inbetween" areas, like the stripping of areas around Wesley, the Edgemoor and East Central area, etc. It certainly answers questions like those raised by the Edgemoor case.

I will try to review with you the contents of the district and expand more fully on the arguments set forth in the memorandum. It would be my recommendation that you advise the City Commission that you will proceed to consider such a district formally and that you instruct us to advertise the district, as staff recommends, for public hearing at the earliest possible date.


Robert A. Lakin
Director of Planning

RAL:rme

cc: E. H. Denton, City Manager
Board of City Commissioners (5)
Pat A. Butterworth, 314 South Clifton, 67218
Wichita Metropolitan Area Board of Realtors, Inc.,
717 North Emporia, 67214
Wichita Area Builders Association, Attn: John Oliphant
730 North Main, 67203

DRAFT

28.04.085 "OC" Office Commercial District Regulations.
This district is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are also compatible one to another within the district itself. They are generally smaller, less intense uses or are of such size to be low traffic generators.

In the "OC" Office Commercial District, no building or premises shall be used and no building or premises shall be hereafter converted, altered, enlarged or erected except for one or more of the uses permitted by the use regulations of this section. All buildings and structures erected, enlarged, converted or altered in the "OC" Office Commercial District shall conform to the area and bulk regulations set forth in this section.

A. USE REGULATIONS. Permitted uses shall include only the following and shall be subject to the use limitations set forth herein:

1. Offices, including the following:
 - a. Abstract and Title Companies.
 - b. Accountants Offices.
 - c. Advertising Agencies.
 - d. Architects Offices.
 - e. Artist studios and Art Galleries.

- f. Attorneys Offices.
- g. Broadcasting or recording studios without transmitter towers.
- h. Computer and Data Processing Offices.
- i. Dance studios.
- j. Dental Offices and Clinics.
- k. Engineers Offices.
- l. Financial offices - branch banks, savings and loan, brokerage houses and title insurance.
- m. Medical Offices and Clinics.
- n. Minor Surgery Centers.
- o. Offices, general business.
- p. Offices, Sales representatives.
- q. Optician & Optical dispensaries.
- r. Photography studios.
- s. Real Estate Offices.
- t. Religious Offices and Headquarters.
- u. Travel Agencies and Transportation Ticket Offices.
- v. Veterinarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).

2. **Retail stores and personal service businesses**

including the following:

- a. Antique store.
- b. Apparel and accessory store.
- c. Artist, craft and hobby supply store.
- d. Book and Magazine store.
- e. Boutiques.

- f. Camera shop and photographic supplies.
- g. Child day care centers.
- h. Cigar, tobacco and candy store.
- i. Clothing and costume rental store.
- j. Cleaning and laundry pickup stations.
- k. Drug store, pharmacy or apothecary.
- l. Florist shop.
- m. Gift shop.
- n. Hair Stylists (Barber and Beauty Shops).
- o. Health Centers including indoor racquet ball courts.
- p. Jewelry and jewelry repair.
- q. Key Shop.
- r. Laundromats (self-service).
- s. Medical and Orthopedic appliance stores (retail or rental).
- t. Photographic equipment and print shops.
- u. Pet Sales and grooming stores.
- v. Picture framing shop.
- w. Shoe repair shop.
- x. Tailor shops.

3. Residential type uses as follows:

Each business or office may have an owner residence as a part of the business or office structure.

4. Miscellaneous type uses including the following:

- a. Accessory uses when determined to be subordinate in area, extent and purpose to the principal use

served; and is determined by the Superintendent of Central Inspection to contribute to the necessity of the principal residence or business established on the zoning lot.

- b. Off-street parking and loading accessory to a principal use established on the zoning lot.
- c. Signs as set forth in Section 28.04.139.

5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 2.12.590(C) of the Code; provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.

- a. Offices, Retail stores and personal service businesses not specifically listed as a permitted use above, when it can be determined that the use is comparable to any of the above and considered a local neighborhood use.

B. LOT SIZE REQUIREMENTS:

- 1. Minimum Lot Area: 6,000 square feet
- 2. Minimum Lot Width: 50 feet
- 3. Minimum Lot Depth: 100 feet

C. BULK REGULATIONS:

- 1. Maximum structure height: 35 feet
- 2. Maximum lot coverage: 40%

3. Minimum yard requirements:

- a. Minimum front yard: 20 feet or as shown on a recorded plat.
- b. Minimum side yard: 5 feet or as shown on a recorded plat.
- c. Minimum rear yard: 10 feet.

D. USE LIMITATIONS:

- 1. No individual business use shall occupy more than 7,500 square feet of floor area.
- 2. All business establishments shall be purely retail or service establishments dealing directly with the consumer.
- 3. Service establishments shall be the type that deal primarily with personal services and not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods and services to the home; ie., florist truck, TV repair truck. No fleet vehicles shall be stored or retained on site overnight.
- 4. No business shall display or store goods or equipment outside of an enclosed building.
- 5. Business establishment which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and Traffic Engineer a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking.

6. Motor vehicle parts, service or fuels shall not be dispensed in this district.
7. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.
8. No kennels or pet runs shall be permitted except within an enclosed building and provided further no noise or odor shall be discernible from the exterior of the building from such use.

~~Saw + knife sharpening~~

~~hardware~~

~~Deli~~

Car + Craft

stationery office

small office

✓ ~~Equipment Office Supplies + Equipment~~ Gardner *

✓ ~~Residential - thru R-5~~ * Gardner

radio/stereo

✓ ~~7500~~ defined as to D1 + offstreet parking.

BZA

✓ D2 - "family" to "predominately"

✓ D3 - "personal" needs to be broader i.e. to business or commercial "service"

✓ D3 Enclosed garage storage - not counted in 7500

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BZA - I

^ or covered + screened

^
on-site storage

✓ C3 Side yard 5' ref. ant. or 0 if adjacent to BB
housing w/ side yard. or LL.

? ~~BZA - Residential Storage.~~

^
Commt.?

hundred (100) feet from any side

qualifying by law as a non-profit

When the professional use is a
or snack bar may be permitted
at the center consists of offices
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In no event shall there be
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subject to a use permit.

Following uses subject to a use
associations, brokerage houses,
insurance companies, and trust

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party walls may be held in
visions of Section 509.

B. YARD, HEIGHT AND AREA REQUIREMENTS

Except as required by Section 400-0, the following yard, height and area provisions shall be required for this district:

1. There shall be a lot area of not less than 1,000 square feet for each dwelling unit, five hundred (500) square feet for each efficiency apartment or rooming unit, and two hundred and fifty (250) square feet for each guest room. No lot shall hereafter be subdivided to provide less than 6,000 square feet of lot area nor to have a width of less than sixty (60) feet nor a depth of less than ninety-four (94) feet. (See also Section 400.)

2. There shall be a front yard having a depth of not less than twenty (20) feet.

3. There shall be two side yards each having a width of not less than five (5) feet except as provided in Section 400.

4. There shall be a rear yard having a depth of not less than fifteen (15) feet which depth may be measured from the centerline of any existing sixteen (16) foot or wider rear alley or from what would be the centerline of a full sixteen (16) foot or wider rear alley where only a one-half (1/2) or partial alley exists.

5. The main building and all accessory buildings on a lot shall not occupy more than fifty per cent (50%) of the total area of the lot.

6. No building shall exceed a height of four (4) stories, not to exceed forty-eight (48) feet. Neither the Board of Adjustment nor the Zoning Administrator shall have jurisdiction to vary this provision.

7. Yards for detached accessory buildings shall be permitted as in Section 502, (Ord. No. G-864, § 1; Ord. No. G-923, § 1; Ord. No. G-944, § 1; Ord. No. G-1219, § 1; Ord. No. G-1332, § 1; Ord. No. G-1385, § 1.)

Sec. 411.1. COMMERCIAL OFFICE C-O DISTRICT -RESTRICTED COMMERCIAL

The C-O, Commercial-Office, restricted commercial district, is a district limited to offices and customer service uses designed to be compatible with each other and nearby residential districts.

A. PERMITTED USES.

1. Office for professional use. When the professional use is a medical center then a pharmacy and/or snack bar may be permitted in conjunction therewith, provided that the center consists of offices occupied by at least ten (10) doctors. Such snack

Ch. IV, §411.1 PHOENIX ZONING ORDINANCE Ch. IV, §411.1

bar may have accommodations for the concurrent service of ten (10) patrons for the first ten (10) doctors and may accommodate one (1) additional patron for each four (4) doctors over ten. In no event shall there be accommodations for the concurrent service of over thirty (30) patrons. Also provided that the entrance to said pharmacy or snack bar shall be from within the exterior walls of the building only, and that no sign or display be located so as to be visible from a public thoroughfare or adjacent property.

The dispensing of ophthalmic materials is permitted provided that the entrance shall be from within the exterior walls of the building only, and that no sign or display be located so as to be visible from a public thoroughfare or adjacent property.

2. Offices wherein administrative, clerical or sales services only are rendered, provided that other than regular office books, records and papers used in connection with rendering said office service, no commodity or tangible personal property, either by way of inventory or sample, shall be stored, kept or exhibited in any said office or on the premises wherein the said office is located.

3. Branch offices for the following: banks, building and loan associations, brokerage houses, savings and loan associations, title insurance companies, and trust companies.

4. Veterinary offices, subject to a use permit. They shall be so constructed and operated as to prevent objectionable noise and odor outside the walls of the office. There shall be no boarding or keeping of animals except for short periods of observation incidental to care. (G-1439)

5. No accessory uses shall be permitted in this district except the following:

a. Surface parking. Parking structures may be permitted subject to site plan approval, if required by the City.

b. Medical and dental laboratories, provided that entrance shall be only from within the exterior walls of the building and that no sign or display shall be located so as to be visible from an adjacent public thoroughfare. This use shall be permitted only upon securing a use permit.

6. Facilities and storage incidental to a construction project and located on the project site.

a. If such facilities or storage are located on a lot or lots other than the project site, such use shall maintain the yard requirements of the district upon which located and shall be subject to the securing of a use permit.

Ch. IV § 411.1 PHOENIX ZO

7. Cafeteria as a use permit.

(a) The entrance to the exterior walls of the building only.

(b) No sign or other display shall be visible from a public thoroughfare or adjacent property.

(c) Use shall be limited to the premises.

(d) The provisions of this section shall be varied by the Zoning Ordinance.

CE. Ch. IV, §411.1

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IV § 411.1 PHOENIX ZONING ORDINANCE Ch. IV § 411.1

7. Cafeteria as an accessory use, subject to a use permit.

(a) The entrance to said cafeteria shall be from within the exterior walls of the building only.

(b) No sign or other external evidence of said cafeteria shall be visible from a public thoroughfare or adjacent property.

(c) Use shall be limited to persons employed on the premises.

(d) The provisions of (a), (b), or (c) above shall not be varied by the Zoning Administrator or the Board of Adjustment.

(G-1584)

B. YARD, HEIGHT AND AREA REQUIREMENTS

1. No lot shall hereafter be subdivided to provide less than 6,000 square feet of lot area nor to have a width of less than sixty (60) feet nor a depth of less than ninety-four (94) feet. (See also Section 400.)
2. There shall be a front yard having a depth of not less than twenty (20) feet.
3. There shall be two side yards each having a width of not less than five (5) feet except as provided in Section 400.
4. There shall be a rear yard having a depth of not less than fifteen (15) feet which depth may be measured from the centerline of any existing sixteen (16) foot or wider rear alley or from what would be the centerline of a full sixteen (16) foot or wider rear alley where only a one-half (1/2) or partial alley exists.
5. The buildings on a lot shall not occupy more than fifty percent (50%) of the area of the lot.
6. The height of the buildings shall be regulated as follows:
 - a. No building shall exceed a height of forty-eight (48) feet
 - b. The Planning Director or Commission may restrict a building height to less than forty-eight (48) feet.
 - c. Neither the Zoning Administrator nor the Board of Adjustment shall have jurisdiction to vary this provision.

C. SITE PLAN APPROVAL

1. A site plan approved in accordance with Section 511 of this Ordinance is required for all uses. (G-1478)

Sec. 412. HIGH RISE H-R DISTRICT HIGH RISE AND HIGH DENSITY DISTRICT

The High Rise H-R District is intended to be a special district to allow greater building height and density within those few areas of

from: _____ No date: _____

admin. adv. plans cur. plans social

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| <input type="checkbox"/> handle | <input type="checkbox"/> library |
| <input type="checkbox"/> all staff | <input type="checkbox"/> information |
| <input checked="" type="checkbox"/> comment | <input type="checkbox"/> files |

remarks: add on to BB only w/am
D-C yet to come (maybe)?

Bob:

I hate to see us do this until the O-C District is also advertised for public hearing.

Florist Shops are really a retail use and probably should only be permitted as an accessory use in hospitals or mortuaries.

Sytle suggests we spell out Real Estate Office. I wonder if Savings and Loans should also be included.

JH

with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "B" district.

2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

3. Rear Yard:

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings and the depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line, except that accessory structures shall be not less than ten feet from the centerline of any platted alley.

4. Lot Area Per Family:

The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided that the application of this rule shall not reduce the yard requirements; and, provided further, that this regulation shall not apply to hotels which do not provide cooking facilities in the individual rooms or living units. (Ord. No. 33-588, (part); Ord. No. 32-702, (part); Ord. No. 29-221, § 1.)

28.04.080 "BB" office district regulations. In the "BB" office district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses, and all buildings erected, enlarged, converted or altered in the "BB" office district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Any use permitted in the "B" multiple-family dwelling district.
2. Apothecary (attached to and operated as a part of a medical or dental clinic). Sales shall be limited to prescriptions, packaged drugs, patent medicines and other proprietary therapeutic or medical goods or devices. This is considered as an accessory use to the medical or dental clinic.
3. Clinics, dental, medical, chiropractic or osteopathic.

should possibly put a statement in to limit an outside storage or display for any use which is implied now, it will probably be clarified

Pl. of accessories are to hospital

- Abstract + Title company 1035*
- Artists Studios and art galleries*
- Optician optical dispensing*
- Photography studios*
- Travel Agencies + Transportation Ticket Offices*
- Florist shop*
- Hair Stylists (BARBER + Beauty Shops)*
- Esthetician Offices*

(Wichita 12-30-74)

28.04.080 ZONING

4. Hotels and motels, provided that the following conditions prevail:

a. Each lot, tract or parcel of land when used for hotels or motels and when located in this district shall not be less than twenty-five thousand square feet in area.

b. Each living facility shall contain a minimum of one hundred fifty square feet of net floor area including that used for bath, shower, and closet facilities, but not including hallways, entranceways, storage or other service facilities used by occupants of other rooms, suites of rooms or living facilities within the motel or hotel building.

c. No main building or any portion thereof used for an assembly occupancy shall have any door other than required exits in any wall facing any contiguous parcel of residentially zoned area unless such opening is at least twenty-five feet distance from the property line of such adjoining parcel.

d. When any parcel, tract or lot is used for a hotel or a motel and is contiguous to a residential zoning district ("AA," "A," "RB," and "B"), a solid masonry wall six and one-half feet in height shall be constructed and maintained to protect adjoining property from light, debris, and noise generated by the motel or hotel. The fence shall be located within three feet of the side and/or rear property line; provided that the fence shall not be placed on the front property line nor shall any fence be placed closer to the front lot line than the front yard setback line.

Exception. Other forms and types of screening may be used if such a proposal has first been approved as an exception by the board of zoning appeals; provided, however, that in no event shall the board waive the screening requirement, nor shall they permit open mesh or chainlink-type wire fencing, or other screening which shall permit light or debris to pass through such screening, or shall the board permit any kind of plantings, hedge or other living screen as an alternate for the required screening. The permit for such an exception shall be obtained through the board of zoning appeals under the provisions of Section 2.12.560 through 2.12.610.

e. Recreational uses shall be limited to outdoor nonprofit, noncommercial activities used in connection with and operated by the motel or hotel.

f. No commercial activity shall be allowed except for sale of soft drinks, news media, tobacco, candies and toiletries. All such sales to be within the office area for such use except when sold from a vending machine. Under no circumstances shall eating establishments, restaurants, service stations, filling stations, gift shops, sales offices, dance halls, private clubs, or taverns be allowed or permitted as an associated use for a motel or hotel within this zoning district classification.

g. The use shall be located contiguous to a major street as designated in the pattern for thoroughfares, Wichita, Kansas, 1955, or amendments thereto.

5. Laboratory, dental or medical.
 6. Office. Any office in which chattels or goods, wares or merchandise are not stored, created, exchanged or sold on the premises.

7. Optician and Optical dispensaries.

8. Orthopedic shoe repair, limited to prescription work only.

9. Post office substation.

10. Signs, as permitted by Section 28.04.139 of this code.

11. Storage garage.

12. Parking lots, as provided in Section 28.04.070(A)(13), except that the wall required in subsection 13.b shall be reduced to three feet in height when located adjacent to a street, or when located within the required front yard on an interior side lot line.

13. Mortuaries or funeral homes, provided that:

a. Each lot, tract, or parcel of land when used for mortuaries or funeral homes and when located in this district shall not be less than twenty-five thousand square feet in area;

b. The "BB" office district is located contiguous to an arterial as designated in the transportation plan element of the comprehensive plan and any amendments thereto;

c. The associated off-street parking areas shall be effectively screened on each side that adjoins any property situated in an "AA," "A," "RB," "R-5," "R-6" or "B" residential district (excluding streets, alleys or intervening public ways) by a solid wall, constructed either of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than five or more than eight feet in height; however, said solid wall shall be reduced to three feet in height when extending into the required front building setbacks.

For those parking areas adjacent to a street or alley and which are situated across the public way from a residential zoning classification, either a three foot solid wall, constructed of the abovementioned materials or low shrubbery not less than ten feet in width, shall be provided adjacent to the public way. Said shrubbery shall be a type and maintained in such a manner as to not constitute a traffic hazard;

d. If lighting facilities are provided, they shall be arranged so as to deflect or direct lights away from adjoining properties;

e. In no event shall monuments be displayed or sold on the premises.

B. HEIGHT REGULATIONS.

No building shall exceed fifty-five feet in height at the required front, side and rear yard lines, but above the height permitted at such yard lines, one foot may be added to the height of the building for each one foot that the building or portion thereof is set back from the required yard lines.

C. AREA REGULATIONS.

vision for drainage facilities on the site, utility connections and provision for emergency service access.

4. Stipulations. The Zoning Administrator shall affix any additional stipulations consistent with the site plan approved by the Subdivision Committee in order to accomplish the purposes of the provisions of this section.

5. Site Plan Revisions. When the Zoning Administrator finds as a result of its hearing that a substantial revision in the site plan is necessary, the site plan shall be referred to the Subdivision Committee for review and recommendations before the use permit is approved.

6. Expiration. A use permit application for a dwelling group development shall expire one year after the date of approval unless a greater time is set by the Zoning Administrator. (Ord. No. G-1332, § 1.)

Sec. 511. SITE PLAN APPROVAL

The purpose of this section is to set forth procedures for processing site plans and to establish standards for development within those districts which require regulation by the provisions of this section.

A. Application.

1. Application shall be made by the property owner to the Planning Department on a form prescribed for that purpose by the City of Phoenix. The application shall be accompanied by the site plan required to demonstrate that conditions set forth in this section will be complied with, together with any other necessary data.

(a) In any application for site plan approval on land which was the subject of rezoning to which there was opposition, the Planning Director shall notify persons who spoke in opposition to the rezoning of the application for site plan approval and shall invite said persons to a meeting to review the site plan with the applicant and the Development Coordination Office.

2. The application shall be accompanied by a fee as set forth in Section 108-K of this ordinance.

3. The submitted site plan shall meet the requirements of the site plan check list on file with the Planning Department.

4. The Planning Director may waive any of the foregoing items whenever they are not necessary for the proposed project.

B. Action of the

1. Upon receipt of the application, the Planning Director shall refer the site plan to the Planning Department, Street Maintenance Department, and any other department which has jurisdiction over the site. The Planning Director shall determine if the site plan complies with the provisions of this ordinance. If the Planning Director determines that the site plan does not comply with the provisions of this ordinance, the Planning Director shall notify the applicant of the reasons therefor. The applicant may appeal the Planning Director's determination to the Planning Commission. (1) approve the site plan as submitted, or (2) approve the site plan with modifications, or (3) disapprove the site plan. The Planning Director shall notify the applicant of the Planning Director's action within five (5) business days after the applicant has been notified of the Planning Director's action. The applicant may appeal the Planning Director's action to the Planning Commission within ten (10) business days after the applicant has been notified of the Planning Director's action. The Planning Commission shall make a final determination on the site plan within thirty (30) business days after the Planning Commission has been notified of the Planning Director's action.

2. In addition to the requirements of this section, the Planning Director shall require the applicant to submit a revised site plan if the Planning Director determines that the site plan does not comply with the provisions of this ordinance. Such applications in the amount of \$100.00 shall be submitted to the Planning Department. A copy of the approved site plan shall be sent to the applicant. **C. Principles to be**

In carrying out the provisions of this section, the following shall be followed:

1. The design of the site shall be in harmony with the surrounding area.

2. Ingress, egress, parking and pedestrian circulation shall be convenient.

3. Landscaping shall be provided to enhance the appearance of the site and to provide shade and glare. Landscaped areas shall be maintained.

B. Action of the Planning Director.

1. Upon receipt of the application, the Planning Director shall refer the site plan to the Engineering, Fire, Parks and Recreation, Street Maintenance, Traffic Engineering, Water and Sewers, Sanitation, and any other affected departments or agencies to check its compliance with pertinent City standards and regulations. The Planning Director may waive referral to those departments or agencies not concerned with a site plan. Upon receipt of the reports from the other departments or agencies, the Planning Director shall (1) approve the site plan as submitted, (2) approve the site plan with modifications, or (3) disapprove the site plan. The Planning Director shall notify the applicant of his decision within twenty (20) working days after the application has been filed by the applicant. If he disapproves the application, the Planning Director shall notify the applicant of the reasons for disapproval and may state the modifications necessary for approval of the site plan.

2. In addition to the special requirements of this section, the Planning Director may impose on a site plan such additional requirements as are necessary to safeguard the public welfare, safety and health. The Planning Director may require the applicant to submit a revised site plan incorporating the imposed requirements and modifications. Such revised site plans shall have priority over new applications in the review process. All persons referred to in Section 511-A, 1-a shall be notified when the site plan is approved and one copy of the approved site plan shall be filed in the office of the Planning Department, one copy sent to the Building Official, and one copy sent to the applicant.

C. Principles to be observed.

In carrying out the purposes of this section, the following principles shall be followed:

1. The development shall be compatible with the surrounding area.
2. Ingress, egress, internal traffic circulation, off-street parking and pedestrian ways shall be designed to promote safety and convenience.
3. Landscaping shall be provided for beautifying and enhancing a property, controlling erosion, and reducing heat and glare. Landscaped areas shall be maintained in an attractive manner.

4. Existing trees shall be preserved wherever possible.

5. Nothing in this section shall be interpreted to imply that the Planning Director may require the density to be less than that permitted by the zoning district in which the development is located.

D. Effect of approval.

1. An approved site plan shall be binding upon the applicants and their successors or assignees. No building permit shall be issued for any building or structure not in accord with the site plan. The construction, location, use, or operation of all land and structures within the site shall conform to all conditions and limitations set forth in the site plan. No structure, use or other element of an approved site plan shall be eliminated, altered, or provided in another manner unless an amendment is approved in accord with paragraph E of this section, provided, however, that the Planning Director may approve such minor changes in the site plan as will not cause any of the following circumstances to occur:

- a. A change in the character of the development.
- b. An increase in the number of dwelling units.
- c. An increase in the problems of circulation, safety and utilities.
- d. An increase of any adverse external effects on adjacent property.
- e. A reduction of the originally approved setbacks from property lines.
- f. An increase in the ground coverage authorized in the zoning district.
- g. A reduction of the required off-street parking and loading space.
- h. A change in the size, lighting, or orientation of originally approved signs.

2. When construction or approved site plan for his review.

3. An approved site plan shall be binding upon the applicant for a period of four (24) months from the date of approval. If the applicant desires to amend the site plan, the applicant shall submit an original application in the same manner as an original application.

E. Amendment

The holder of a site plan or the applicant shall submit an original application for an amendment to the site plan.

F. Appeals.

1. An appeal shall be heard within 30 days of the date of the original decision. Appeals shall be heard by the Planning Department and staff and the developer.

2. Any appeal shall be final unless the applicant files a written appeal within 30 days after receiving the original decision. Appeals shall be heard by the Planning Department and staff and the developer.

3. Within 30 days of the date of the original decision, the applicant may file a written appeal with the Planning Department and the Law Department. The Planning Commission shall hear the appeal and may grant or deny the appeal or refer the appeal to the Planning Commission for a hearing.

4. The Commission may, if any, and may, at any time, after the appeal has been filed, newly discovered

§ 511

Ch. VI, § 511 PHOENIX ZONING ORDINANCE Ch. VI, § 511

that
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2. Whenever the building official finds that any proposed construction or occupancy will not, in his opinion, comply with the approved site plan, he shall refer the question to the Planning Director for his review.

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3. An approved site plan shall be valid for a period of twenty-four (24) months. The approved site plan shall become invalid if a building permit has not been obtained within twenty-four (24) months of the date of approval. In the event a site plan becomes invalid, a new site plan shall be required to be submitted for approval in the same manner as an original application for site plan approval.

E. Amendments.

The holder of an approved site plan may request modification of the site plan or the conditions of approval by submitting an amended site plan which shall be filed and processed in the same manner as an original application.

F. Appeals.

and

1. An action or decision of the Planning Director may be appealed within fifteen (15) days to the Planning Commission. Appeals shall be in writing on a form provided by the Planning Department and shall include only those items not agreed upon by the staff and the developer.

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2. Any decision of the Planning Commission on site plans shall be final unless a person aggrieved thereby, within fifteen (15) days after receiving notice of the decision of the Planning Commission, appeals to the City Council by filing a written "Notice of Appeal" with the Planning Department.

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3. Within thirty (30) days after service of a "Notice of Appeal," the Planning Department shall transmit to the City Council and to the Law Department a transcript, with exhibits, of the Planning Commission hearing. The City Council may require or permit corrections or additions to the transcript or exhibits.

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4. The City Council shall review the transcript and exhibits, if any, and may, at their discretion, hear further oral arguments, hear newly discovered evidence not available at the time of the Planning

Commission hearing and receive written briefs from both the applicant and the Law Department.

5. The City Council may:

- a. Affirm the decision of the Planning Commission:
- b. Remand the matter for further proceedings before the Planning Commission; or
- c. Reverse or modify the Planning Commission's decision.

6. Any person aggrieved by a conclusive decision of the Planning Commission, or the City Council, shall have a right to appeal to a Court of competent jurisdiction.

G. Neither the Zoning Administrator nor the Board of Adjustment shall have jurisdiction to vary the terms of Section 511.

SECTION 512 - COMM

The purposes of light, air, or hicular traffic to reduce dust healthful envi for commercial

A. APPLICABIL

- 1. The pr to all forty- ture C tricts
- 2. Compli by obt quired the Ci strate permit as may Housin be con prior
- 3. Subsec effect ordin in the date l to Oct those

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

INFORMAL AGENDA

JULY 1, 1982

11:30 A. M.

1. Discussion of possible new zoning district - Office-Commercial.

2. Other Matters.

Lunch will be provided to MAPC Members.

Robert A. Lakin
Secretary

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA

JULY 1, 1982

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on Thursday, July 1, 1982, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, beginning at 1:30 p.m.

1. Invocation

2. Introduction of George Parsons - new commissioner, filling the unexpired term of Steve Martens.

3. Resolution recognizing the service of Steve Martens.

4. Approval of the minutes for June 3, 1982.

5. Consideration of Subdivision Committee Recommendations from their meeting of June 24, 1982.

NOTE: ITEMS 5/1 THRU 5/8 MAY BE TAKEN IN ONE MOTION UNLESS THERE ARE QUESTIONS OR COMMENTS.

- 5/1. D-1076 - Elmer Hoefling, etux, grant additional utility easement. Generally located at the southeast corner of Hoover and Second.

- /2. V-1093 - Tranco Metal Products, Inc., requests the vacation of an alley. Generally located north of 19th Street between Washington and Wabash.

- /3. V-1139 - David E. Denver requests the vacation of a platted building setback. Generally located at the southeast corner of Glasgow and Farmview.

- /4. V-1143 - R. R. Abderhalden, et al., request the vacation of road right-of-way. Generally located three miles north and one mile east of Viola, Kansas.

- /5. S/D 81-125 - Final plat of Crestview Country Club Estates-Southcrest Addition, generally located north of Central Avenue in an area west of 143rd Street East.

Engineer:	Reiss and Goodness Engineers	
Acreage:	25.79	No. of lots: 40

- /6. V-1141 - Michael J. Savina Estate requests the vacation of public right-of-way. Generally located east of Burns on the north side of 21st North.

- /7. V-1142 - Central Church of Christ and Farm Credit Banks of Wichita request the vacation of an alley. Generally located on the west side of Waco in an area south of 2nd Street.

1/8. S/D 82-30 - Final plat of Forest Hills Office Park Fourth Addition, generally located west of Webb Road in an area south of Central.

Engineer: Baughman Company, P.A.
Acreage: 2.7 No. of lots: 3

ZONING:

NEW CASES:

6. Case No. DR 82-16

Request: Special Permit for a Governmental Building - (Wichita-Sedgwick County Emergency Medical Services)

Location: Northeast corner of Webb Road and Chamberlain.

7. Case No. Z-2441

Request: "AA" to "LC"

Location: East side of Broadway in an area between Custy and 55th Street South.

8. Case No. Z-2442

Request: "A", "RB", "B", "BB" & "LC" to "BB" & "LC"

Location: West side of Waco, in an area between 13th and 14th Streets.

9. Appointment of Parsons to the Advance Plans Committee.

10. DR 79-17 - Request for authority to advertise for a public hearing on a new zoning district (Office-Commercial).

11. Other Matters

Robert A. Lakin
Secretary

TULSA

PROPOSED Use Units

from the abutting RS or RD District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the RS or RD District.

1209.4 Off-Street Parking & Loading Requirements

	Parking Spaces	Loading Berths
Mobile Home	2 per each mobile home dwelling unit	None

SECTION 1210. USE UNIT 10. OFF-STREET PARKING AREAS

1210.1 Description

Off-street parking areas which are principal uses.

1210.2 Included Uses

Off-street Parking Areas.

1210.3 Use Conditions

Off-street parking area shall conform to the design, lighting, and improvement requirements for off-street parking contained in Chapter 13.

1210.4 Off-Street Parking & Loading Requirements

Not applicable.

SECTION 1211. USE UNIT II. OFFICES AND STUDIOS

1211.1 Description

Offices, studios, medical and dental laboratories, and certain other compatible or supporting services.

1211.2 Included Uses

- Abstract Company
- Advertising Agency
- Artist's Studio
- Broadcasting or Recording Studio
- Computing Service
- Copying Service
- Data Processing Service
- Drafting Service
- Dental Offices, Clinics and Laboratories
- Employment Agency
- Financial Institution, other than pawn shop
- Funeral Home
- Medical Offices, Clinics and Laboratories
- General Business Offices, excluding on premise sale of merchandise
- Optician or Optical Laboratories
- Photography Studio
- Prescription Pharmacy, provided that no sundry or other merchandise is sold or offered for sale

Title 42—Zoning and Property Restrictions

Studio or School for teaching ballet, dance, drama, fine arts, music, language, business or modeling
 Transportation Ticket Office
 Travel Agency
 Veterinarian Office, excluding boarding services

1211.3 Use Conditions

The uses included in Use Unit 11, when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

1211.4 Off-Street Parking and Loading Requirements

	Parking Spaces	Loading Berths
Funeral Home	1 per 40 sq. ft. of assembly floor area plus 1 per 300 sq. ft. of non-assembly floor area	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area
Other Uses	1 per 400 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area
Medical & Dental Offices, Clinics and Laboratories	1 per 250 sq. ft. of floor area	Same as above

SECTION 1212. USE UNIT 12. EATING PLACES OTHER THAN DRIVE-INS

1212.1 Description

Eating places offering on-premise consumption of food and drink within the principal structure and/or providing carry-out service if no curb service is provided, and if no in-car on-premise consumption is permitted. Use Unit 12 is established in recognition of the desirability of providing dining facilities in certain environments in which commercial facilities of a higher use intensity would be objectionable.

1212.2 Included Uses

Eating Places such as:
 cafeteria
 coffee shop
 delicatessen
 restaurant

1212.3 Use Conditions

The uses included in Use Unit 12, when located within a district other than an R District and located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

1212.4 Off-Street Parking and Loading Requirements

	Parking Spaces	Loading Berths
Eating Places	1 per 225 sq. ft. of floor area	1 per 5,000 to 10,000 sq. ft. plus 1 per each additional 15,000 sq. ft. of floor area

SECTION 1213. USE UNIT 13. CONVENIENCE GOODS AND SERVICES

1213.1 Description

Retail trade and service establishments which are desirable conveniences in certain residential and office districts. Use Unit 13 is established to permit the location of convenience goods and services in certain environments in which commercial facilities of a higher use intensity would be objectionable.

1213.2 Included Uses

Retail Trade Establishments:

Drug Store

Florist

Food:

bakery

candy & confection and/or nut store

dairy store

food specialty store

grocery

health food store

ice cream store

Gift, Novelty, Souvenir Shop

Liquor Store

Newsstand

Tobacco Store

Service Establishments:

Dry Cleaning; pickup

Barber Shop

Beauty Shop

Laundry; pickup

1213.3 Use Conditions

- a. In the CS District there shall be no open air storage or display of merchandise offered for sale within 300 feet of an abutting R District.
- b. The uses included in Use Unit 13, when located within a district other than an R District and located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

1213.4 Off-Street Parking and Loading Requirements

	Parking Spaces	Loading Berths
Retail Trade & Service Establishments	1 per 225 sq. ft. of floor area	1 per 5,000 to 10,000 sq. ft. plus 1 per each additional 15,000 sq. ft. of floor area

June 24, 1982

Metropolitan Area Planning Commission

Robert A. Lakin, Director of Planning

DR 79-17 - Office Commercial District

Background

The Planning Commission has, on a couple of occasions, discussed the possibility of creating a new zoning district which would serve as an inbetween district of the office districts and the light commercial district. When it was discussed in depth in 1979 and 1980, there was general opposition from several areas within the community and divided support on the Planning Commission. CPO also generally supported the proposition of the new district.

In bringing this to your attention two or three months ago, there seemed to be general support on the Planning Commission to do this, although there were one or two individuals who had questions about it. The staff was going to go back and make some modifications to the district and return it to you at a later date. Other work commitments precluded our immediately doing this. In the meantime zoning case Z-2429, with Pat Butterworth as the applicant, was filed on the east side of Edgemoor, north of Lincoln. The City Commission has deferred this case until July 13, 1982 at which time they may either further defer it, return it to you for your further consideration, or deny it. It appears that there are not four votes that would be required in order to make the change. At the request of the applicant, I pointed out that we had been considering a district which would fit her needs, yet not be as intrusive on the neighborhood as the light commercial district. The City Commission expressed an interest in this District, asking what the Planning Commission was going to do with it. I advised them that I would bring it back to your attention prior to the next time they consider Z-2429 and advise them as to whether or not the Planning Commission would move forward with it to public hearings or would have no interest in dealing with the subject. The zoning district proposed for consideration, however, should be looked at in terms of the general ordinance and should not be tailored to fit the needs of Z-2429.

The Need for the District

It has been my observation over time that we probably have more conflict between applicants and staff, neighborhoods and applicants, and Planning Commission and applicants, over whether or not "LC" is an appropriate zoning district to be granted when

located adjacent to an existing residential development. The light commercial district has remained essentially unchanged since the thirties, and the nearest new district to "LC" was the "BB" district adopted in 1955. Actually all the "BB" district really accomplished was the addition of offices to the "B" Multiple Family District. With our ordinance, we must try to satisfy the needs of the community with a district which allows floral shops, pharmacies and hair stylists in the same zoning district that provides for K-Mart, Towne West, Chi-Chi's, service stations and the many food stores/gas service operations. There are clearly many needs within the community, but the characteristics of the the uses in the "LC" district, insofar as they impact traffic, adjacent property and the livability of nearby property vary widely with this extremely wide range of uses. We believe we have seen the need for a district which would have many of the characteristics of the "BB" Office District, yet permit many of the personal services out of the "LC" district, as well as some of the retail uses.

Generally speaking the uses in such a district should be low traffic generators and "good neighbors". To ensure this, they ought to be relatively small size operations, having a low density or intensity of development. They should be low in height in order to match up with the adjacent residential. They should be screened from the adjacent residential. They should be compatible with other neighborhood uses nearby, as well as compatible with other uses within the same zoning district. They should generally be perceived by adjacent property owners as being a good neighbor.

Legality of Contract Zoning

I have inquired as to legal opinions on the use of contract zoning as a means of protecting adjacent property. I cannot find written opinions directly issued from the City Attorney's office. I have discussed this with him and have heard him on many occasions tell the City Commissioners that contract zoning per se, is illegal in the State of Kansas as applied to cities. As a matter of law, the Kansas zoning law for cities indicates that all districts shall be "uniform" in their application. When a city contracts with a property owner to say that you can only have "these three uses", as opposed to the 25 uses allowed everywhere else in that given district, it no longer is uniform. We have discussed amending the law in this regard but without getting into a long involved discussion as to the pros and cons, those within the State have not been supportive of this, nor has the legislature been excited about making such a change. We do have the ability to deal with contract development in part, as we deal with planned unit developments. But there is a special statute which provides for that process and it is more lengthy and involved as you are all aware.

The question was asked, "how can the County do Conditional Uses?" To my knowledge there has been no opinion rendered on this subject over the years. It is simply the way that the zoning was started for the County in 1958 and it has not been challenged in the court. If the City Attorney's opinion was to prevail, as applied to any such litigation, it may well be that we would have to substantially revise the County zoning regulations. In my judgment there is nothing to be gained at this moment from exploring this area further.

Alternatives

The members asked that we provide some alternatives for dealing with this subject other than a new district. There are obviously some ways to deal with this, although I am of the opinion that none of them are as effective as a new district would be in providing a better vehicle for what I perceive to be numerous zoning problems over the years.

1. The first and most obvious one is to simply add whatever uses you think are appropriate to the "BB" district. This is a two-edged sword in my judgment. My concern has been, that by doing so, and depending on the range of personal services and/or commercial uses, you would lose the office district as a special district where you want only offices and not the other uses. Many times we use "BB" as a buffer or as a restricted use area in an area of residential development. An enlarged "BB" district may be a negative to the MAPC and City Commission as you consider other applications at other points in time in other geographic areas where you need "BB" without the extra uses. If you want to add only barber and beauty shops to the "BB" district there would be no great problem. I see no serious impact with that other than one could logically then inquire as to the other personal services and subsequently the other uses that we proposed for the new district.

I have one further concern about the use of "BB". The "BB" district also carries with it the characteristic of the 74 dwelling unit per acre residential use plus all the uses accumulated in the "BB" district which can include institutional type motels, halfway houses, institutions, etc. Depending on the size of the site it even allows the intense uses of medical clinics/hospitals, etc. I do not view the new district as serving this need. I think to use a district which permits all those more intensive uses may not benefit immediate neighborhoods and/or comfort neighborhoods as to the impact of adjacency, particularly

such as the area on Edgemoor. If you satisfy my concerns about "BB" having too intense uses, and thus take out such things as the residential use of 74 dwelling units per acre, this will obviously impact every piece of land in Wichita currently zoned "BB". I do not perceive this to be an attractive alternative at this time. Therefore, I recommend that you not pursue amending the "BB" district to accomplish all the ends that I see can be achieved in the new office/commercial district.

2. Amend the Community Unit Plan regulations to provide for an alternate range of uses and reduce the size from a minimum of six acres down to a very small size. Any amendment to the Community Unit Plan provisions requires us to go under a new set of statutes adopted in Kansas several years ago, entitled "Planned Unit Development". It will change the procedures for approval considerably. I do want to move in this direction, but I believe it will take considerable time, and frankly it has better application to more complex issues than trying to handle 50 foot lots. There will be many issues raised such as whether it should be voluntary or mandatory and also the same issues will be raised about its impact on all existing Community Unit Plans as we amend the basic ordinance in this area. I do not recommend this approach at this time.
3. We could provide a special provision in the zoning ordinance to allow the Board of Zoning Appeals to grant special permits or "exceptions". This is provided for by Kansas law and is essentially the only device other than planned unit development to get you around the uniformity clause. Existing examples of this is the approval of used car lots in "LC", rental equipment places in "LC", car washes in "LC", and some of the other outside uses that are normally not permitted in the light commercial district. One could take the same approach in the "BB" district and allow barber and beauty shops, pharmacies, etc., in "BB" under a given set of conditions which would be predetermined and spelled out in the ordinance just as it is for the automobile oriented uses in "LC". This is an acceptable procedure, but it would require each individual development to come before the Board of Zoning Appeals for each individual use and we would have special proceedings to deal with. I prefer to have a zoning district which simply allows people to do it outright once they have the zoning.

4. There are overlay techniques that can be used. This essentially would be to take the "BB" district as it is and by adding overlays, such as "overlay 1", "overlay 2", etc., and either add or subtract uses to it. In that way you could have basically uniform districts with slightly modified areas and the modifications could also apply uniformly wherever those overlays existed. It would be something new for us, although we have something approximating that with the University overlay district in and around Wichita State where a "U" district is overlaid with the existing residential districts nearby. Uses like barber and beauty shops could be added to certain "BB" districts but others would not have it. Also I would think by the same device you could subtract some of the uses that concern me. The end result of this is essentially the adoption of several new districts as each overlay essentially constitutes a new district.

A New District

Attached is a slightly revised version of the Office-Commercial district that we have previously discussed. I have basically modified it with some of the listed uses and have essentially made it a nonresidential district with the exception of having "mom and pop" quarters available for any of the permitted uses. I have included financial uses in it, although there is some concern that even savings and loans, (which may well look like banks in the future) and banks do and can cause neighborhood problems. I would propose to solve this by dealing with any facility that had drive-in characteristics to allow me to look at queuing areas and permit me to impose additional conditions, with the purpose of handling the on-site traffic, through a site plan review and approval process.

I have not included restaurants, liquor stores, clubs, service stations. These are essentially the issues that were argued before. There is strong opposition, as I see it, within most of the CPO's, of allowing service stations and their hours of operation, and thereby the "Quik Shops" in this district. I concur. I think the basic "Quik Shop" with its attendant gas pump operation is more properly located in a light commercial district. We have an adequate number of those light commercial districts now and will probably have even more in the future to handle these needs.

Another argument that was made earlier is that if this district is created, the staff will never support "LC" again. I think that is somewhat fanciful thinking. The same allegations were made when we added the "R-5" and "R-6" districts. Although

DR 79-17 - Office Commercial District
June 24, 1982
Page 6

we rarely support "B" Multiple family anymore, it is because of its obvious high density. I don't even find the Commission often supporting it but most often supporting the "R-6" district which accommodates most apartment development. I would like to think that the staff will try to fairly evaluate the needs in the area as we see them and we will be supporting both the "LC" district where applicable, and the "OC" district where it is more applicable.

I view this new district as an opportunity rather than an impediment for development in Wichita. I think it will make it easier to deal with, and will answer some of the questions we have about the "inbetween" areas, like the stripping of areas around Wesley, the Edgemoor and East Central area, etc. It certainly answers questions like those raised by the Edgemoor case.

I will try to review with you the contents of the district and expand more fully on the arguments set forth in the memorandum. It would be my recommendation that you advise the City Commission that you will proceed to consider such a district formally and that you instruct us to advertise the district, as staff recommends, for public hearing at the earliest possible date.

Robert A. Lakin
Director of Planning

RAL:rme

cc: E. H. Denton, City Manager
Board of City Commissioners (5)
Pat A. Butterworth, 314 South Clifton, 67218
Wichita Metropolitan Area Board of Realtors, Inc.,
717 North Emporia, 67214
Wichita Area Builders Association, Attn: John Oliphant
730 North Main, 67203

DRAFT

28.04.085 "OC" Office Commercial District Regulations.
This district is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are also compatible one to another within the district itself. They are generally smaller, less intense uses or are of such size to be low traffic generators.

In the "OC" Office Commercial District, no building or premises shall be used and no building or premises shall be hereafter converted, altered, enlarged or erected except for one or more of the uses permitted by the use regulations of this section. All buildings and structures erected, enlarged, converted or altered in the "OC" Office Commercial District shall conform to the area and bulk regulations set forth in this section.

- A. USE REGULATIONS. Permitted uses shall include only the following and shall be subject to the use limitations set forth herein:
1. Offices, including the following:
 - a. Abstract and Title Companies.
 - b. Accountants Offices.
 - c. Advertising Agencies.
 - d. Architects Offices.
 - e. Artist studios and Art Galleries.

- f. Attorneys Offices.
- g. Broadcasting or recording studios without transmitter towers.
- h. Computer and Data Processing Offices.
- i. Dance studios.
- j. Dental Offices and Clinics.
- k. Engineers Offices.
- l. Financial offices - branch banks, savings and loan, brokerage houses and title insurance.
- m. Medical Offices and Clinics.
- n. Minor Surgery Centers.
- o. Offices, general business.
- p. Offices, Sales representatives.
- q. Optician & Optical dispensereries.
- r. Photography studios.
- s. Real Estate Offices.
- t. Religious Offices and Headquarters.
- u. Travel Agencies and Transportation Ticket Offices.
- v. Veterinarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).

2. Retail stores and personal service businesses including the following:

- a. Antique store.
- b. Apparel and accessory store.
- c. Artist, craft and hobby supply store.
- d. Book and Magazine store.
- e. Boutiques.

- f. Camera shop and photographic supplies.
- g. Child day care centers.
- h. Cigar, tobacco and candy store.
- i. Clothing and costume rental store.
- j. Cleaning and laundry pickup stations.
- k. Drug store, pharmacy or apothecary.
- l. Florist shop.
- m. Gift shop.
- n. Hair Stylists (Barber and Beauty Shops).
- o. Health Centers including indoor racquet ball courts.
- p. Jewelry and jewelry repair.
- q. Key Shop.
- r. Laundromats (self-service).
- s. Medical and Orthopedic appliance stores (retail or rental).
- t. Photographic equipment and print shops.
- u. Pet Sales and grooming stores.
- v. Picture framing shop.
- w. Shoe repair shop.
- x. Tailor shops.

3. Residential type uses as follows:

Each business or office may have an owner residence as a part of the business or office structure.

4. Miscellaneous type uses including the following:

- a. Accessory uses when determined to be subordinate in area, extent and purpose to the principal use

served; and is determined by the Superintendent of Central Inspection to contribute to the necessity of the principal residence or business established on the zoning lot.

- b. Off-street parking and loading accessory to a principal use established on the zoning lot.
- c. Signs as set forth in Section 28.04.139.

5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 2.12.590(C) of the Code; provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.

- a. Offices, Retail stores and personal service businesses not specifically listed as a permitted use above, when it can be determined that the use is comparable to any of the above and considered a local neighborhood use.

B. LOT SIZE REQUIREMENTS:

- 1. Minimum Lot Area: 6,000 square feet
- 2. Minimum Lot Width: 50 feet
- 3. Minimum Lot Depth: 100 feet

C. BULK REGULATIONS:

- 1. Maximum structure height: 35 feet
- 2. Maximum lot coverage: 40%

3. Minimum yard requirements:

- a. Minimum front yard: 20 feet or as shown
on a recorded plat.
- b. Minimum side yard: 5 feet or as shown
on a recorded plat.
- c. Minimum rear yard: 10 feet.

D. USE LIMITATIONS:

- 1. No individual business use shall occupy more than 7,500 square feet of floor area.
- 2. All business establishments shall be purely retail or service establishments dealing directly with the consumer.
- 3. Service establishments shall be the type that deal primarily with personal services and not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods and services to the home; ie., florist truck, TV repair truck. No fleet vehicles shall be stored or retained on site overnight.
- 4. No business shall display or store goods or equipment outside of an enclosed building.
- 5. Business establishment which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and Traffic Engineer a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking.

6. Motor vehicle parts, service or fuels shall not be dispensed in this district.
7. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.
8. No kennels or pet runs shall be permitted except within an enclosed building and provided further no noise or odor shall be discernible from the exterior of the building from such use.

June 25, 1982

V. L. Brotherton
1st. National V.P.
A.M.B.B.A.
6570 E. Central
Wichita, Kansas 67206

Dear Mr. Brotherton:

Our files reflect that on June 14, 1979 you wrote to Robert Lakin, the Director of Planning and expressed an interest in Barber, Beauty and Style Shops being permitted in the "BB" Office District. We have kept your letter in our files and thought you might be interested in a new office-commercial district that has been reviewed in the past and will again be discussed at the Planning Commission meeting of July 1, 1982. The meeting begins at 1:30 p.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main Street, Wichita, Kansas.

I've enclosed the memorandum of explanation from Bob Lakin, as well as the draft of the new district. If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el

Enclosure



Associated Master Barbers and Beauticians of America

219 GREENWICH ROAD • P. O. BOX 17782 • CHARLOTTE, N. C. 28211
TELEPHONE: 366-5177 OR 366-5642 (AREA CODE 704)

V. L. Brotherton, R.B.
First Vice President
6570 East Central
Wichita, Kansas 67206

June 14, 1979

Robert Lakin
Director of Metropolitan Planning

Dear Sir:

I would like to request the Metropolitan Planning Commissioners to take Barber, Beauty, and Style Shops out of Light Commercial Zoning and place them in B.B. zoning. Reason - We are not a retail store. We are a service like the Doctors, Dentists, Real Estate, and Insurance Companies.

Thank you very much

V. L. Brotherton
V. L. Brotherton
1st. National V.P. A.M.B.B.A.
6570 E. Central 67206



Gerald R. St. Onge, R.B.
National President

V. L. Brotherton, R.B.
First Vice President
6570 East Central
Wichita, Kansas 67206

Willmar E. Bender, R.B.
Second Vice President
5157 Bloomington Ave.
Minneapolis, Minn. 55417

Ernest E. Finch
Third Vice President
1902 Carolina Beach Rd.
Wilmington, N. C. 28401

Luther Hornberger, R.B.
Fourth Vice President
35 New Holland Avenue
Shillington, Pa. 19607

Louis G. Turchi
Fifth Vice President
664 Waverly Street
Framingham, MA. 01701

Anthony J. Matano
Sixth Vice President
18705 MacArthur Blvd.
Irvine, Ca. 92660

Proposed new zoning category stirs debate

By Karen Zwingleberg
Wichita Beacon staff

Proponents say a proposed new zoning category for Wichita would protect neighborhoods and small businesses.

Opponents say it would end light commercial zoning and create a monster.

And at a recent Metropolitan Area Planning Department workshop, neither planning commissioners nor commercial interests could agree among themselves whether it would be better to create the new category or to maintain or change the status quo.

Both sides agreed, however, that more study was needed before any changes were made. Richard Harris, president of the Wichita Board of Planning, said he would have his membership polled about the need for the new category.

The arguments center on a proposal to create an "office commercial" category of zoning to fall between "light commercial" and "office" zoning. Office zoning allows general offices and medical laboratories, light commercial zoning allows everything from moon-ate-pop flower shops to giant shopping centers.

The new category, staff members say, is not designed to be as strict as office or commercial zoning. Instead, it would allow expanded office uses, such as optical dispensaries and photography studios, as well as some small retail businesses, such as drug stores, hair salons and self-service laundromats.

Planning commissioner Bill Goebel said light commercial zoning requests were turned too often down "for fear of what could

go in, not for opposition to what is planned.

If a developer says he wants light commercial zoning for a flower shop, for instance, but then builds a fast-food restaurant, there's nothing the city can do.

The new category would "provide retail sales capacity without everyone having to bear the burden of light commercial," said planning commissioner James Gardner. "It creates more diverse utilization without the constraints."

Opponents said they saw the new category as an attempt to resurrect a prototype zoning ordinance, a proposal killed in 1978, that would have made sweeping changes in the way Wichita handles zoning.

"I have learned to my dismay that we don't speak English in our zoning ordinances. We

try to rewrite the prototype; we're just trying to help smaller businesses."

But Lambertz said the new categories would be a disservice to small businesses "because it's been proven that retailers do a better job in a retail center. I think you're leading them into temptation."

The new category would probably be an end to light commercial, said planning commissioner Mike Savina.

"If everybody comes up and says, 'don't put it in my area,' as I've heard, and we keep OK'ing all these neighborhoods, the last one that comes up is going to get all the junk."

Both sides seemed to agree that neighborhoods generally oppose the intrusion of light commercial zoning.

"I think many people have overreacted to what we're trying to do here," said planning commissioner Steve Martens. "We're not

"People want the services and convenience," said Gardner. "But they sure as hell don't want it next door."

*Lakin
Lakin
Lakin*

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MAPC CONFERENCE ROOM
SEVENTH FLOOR, CITY HALL
455 NORTH MAIN
WICHITA, KANSAS

JUNE 20, 1980

INFORMAL AGENDA

9:00 P. M.

1. Discussion of Office Commercial District (OR-79-17).
Material has already been mailed out.

Robert A. Lakin
Secretary

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

June 10, 1980

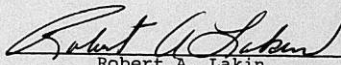
TO Metropolitan Area Planning Commission
FROM Robert A. Lakin, Director of Planning
SUBJECT Office Commercial District (DR-79-17)

The staff (and I believe previous planning commissions) have felt a need to provide a commercial district to support neighborhood areas and to, in selected instances along some streets (maybe Hillside), allow a greater range of tenant mix than the existing office district. Such a district would not be intended to replace either the "BB" or "LC" districts. Those districts would stay in the ordinance and those areas so mapped would remain unchanged.

To create such a district we have added to the uses of "BB", a large number of business uses. However, we have excluded some "BB" uses such as motel/hotels and mortuaries which I do not view as neighborhood uses. The district could best be used on smaller tracts and could be used in many areas now zoned "BB" now adjacent to residential development. The adding of the new range of uses will perhaps allow for better development. As an example, to have a personal service such as a barber or beauty shop, an art and frame shop, and many other retail shops requires the same "LC" zoning as a discount store, or other large traffic generating uses.

In discussing such a district, the MAPC have requested that the Wichita Area Builders, the Board of Realtors and those listing their names with the MAPC on May 22, be invited to review and discuss the matter at an informal work session with MAPC. We have scheduled this for Friday, June 20, 1980, 9:00 a.m., in our conference room, 10th Floor, City Hall. Should we have too many for our 10th Floor Room, we will have to move to the City Commission Room.

A draft of the suggested district is attached.



Robert A. Lakin
Director of Planning

RAL:rme
Attachment
cc: See attached list

cc: Board of Land Use Economics
Wichita Area Builders Association, Suite 1, 730 North Main,
Wichita, Kansas 67203
Wichita Board of Realtors, 717 North Emporia, Wichita,
Kansas 67214
William Foshee, 1700 South Hillside, Wichita, Kansas 67211
Lester B. Kappelman, 144 North Oliver, Wichita, Kansas 67208
Jim Stevens, 1130 Haskell, Wichita, Kansas 67213
Daniel Foley, 3305 East Douglas, Wichita, Kansas 67218
Homer Morgan, 2110 Industrial, Wichita, Kansas 67216
Mark Blum, 420 South Seneca, Wichita, Kansas 67213
Charles B. Carr, 801 South Seneca, Wichita, Kansas 67213
Edward Brausa, Attorney, Pizza Hut Inc., Wichita, Kansas 67201
Larry Bell, 8225 Irving, Wichita, Kansas 67209
E. L. Calbeck, P. O. Box 402, Wichita, Kansas 67201
Ronnie Cazel, 1617 West Harry, Wichita, Kansas 67213
Steve Clark, 4301 East Kellogg, Wichita, Kansas 67218

DRAFT

28.04.085 "OC" Office Commercial District Regulations. In the "OC" Office Commercial District, no building or premises shall be used and no building or premises shall be hereafter converted, altered, enlarged or erected except for one or more of the uses permitted by the use regulations of this section. All buildings and structures erected, enlarged, converted or altered in the "OC" Office Commercial District shall conform to the area and bulk regulations set forth in this section.

- A. USE REGULATIONS. Permitted uses shall include only the following and shall be subject to the use limitations set forth herein:
1. Offices, including the following:
 - a. Abstract and Title Companies.
 - b. Accountants Offices.
 - c. Advertising Agencies.
 - d. Architects Offices.
 - e. Artist studios and Art Galleries.
 - f. Broadcasting or recording studios without transmitter towers.
 - g. Computer and Data Processing Offices.
 - h. Dance studios.
 - i. Dental Offices and Clinics.
 - j. Engineers Offices.

- k. Medical Offices and Clinics.
- l. Minor Surgery Centers.
- m. Medical and Orthopedic appliance stores (retail or rental).
- n. Offices, general business.
- o. Offices, Sales representatives.
- p. Optician & Optical dispensaries.
- q. Photography studios.
- r. Real Estate Offices.
- s. Religious Offices and Headquarters.
- t. Travel Agencies and Transportation Ticket Offices.
- u. Veterinarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).

2. Retail stores and personal service businesses including the following:

- a. Antique store.
- b. Apparel and accessory store.
- c. Artist, craft and hobby supply store.
- d. Book and Magazine store.
- e. Camera shop and photographic supplies.
- f. Child day care centers.
- g. Cigar, tobacco and candy store.
- h. Clothing and costume rental store.
- i. Cleaning and laundry pickup stations.
- j. Drug store, pharmacy or apothecary.
- k. Florist shop.
- l. Gift shop.
- m. Hair Stylists (Barber and Beauty Shops).

- n. Jewelry and jewelry repair.
- o. Key Shop.
- p. Libraries.
- q. Laundromats (self-service).
- r. Liquor store.
- s. Mail order catalog store.
- t. Pet stores.
- u. Picture framing shop.
- v. Shoe repair shop.
- w. Tailor shops.

3. Residential type uses as follows:

- a. Any use permitted in the "A" Two-family Dwelling District and subject to the area and bulk limitations of the R-6 General Residence District.
- b. Existing residential structures may be altered, remodeled or improved subject to compliance with the restrictions and regulations which would be applicable if the structure was located in the R-6 General Residence District.

4. Miscellaneous type uses including the following:

- a. Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served; and is determined by the Superintendent of Central Inspection to contribute to the necessity of the principal residence or business established on the zoning lot.

- b. Home occupations as permitted in the "A" Two-family Dwelling District.
 - c. Off-street parking and loading accessory to a principal use established on the zoning lot.
 - d. Signs as set forth in Section 28.04.139.
5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 2.12.590(C) of the Code; provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties:
- a. Multi-family dwellings, subject to compliance with the area and bulk regulations of the R-6 General Residence District. When residences are combined with other permitted uses, the number of permitted dwelling units shall be based on the lot area minus the amount of floor area used for office and commercial purposes.
 - b. Any use permitted in the "B" Multiple-family Dwelling District and not listed as a permitted use above, subject to compliance with the bulk regulations and use limitations of this district.
 - c. Offices, Retail stores and personal service businesses not specifically listed as a permitted use above, when it can be determined that the use is comparable to any of the above and considered a local neighborhood use.

B. LOT SIZE REQUIREMENTS:

1. Minimum Lot Area: 10,000 square feet
2. Minimum Lot Width: 75 feet
3. Minimum Lot Depth: 100 feet

C. BULK REGULATIONS:

1. Maximum structure height: 35 feet
2. Maximum lot coverage: 40%
3. Minimum yard requirements:
 - a. Minimum front yard: 35 feet
 - b. Minimum side yard: 20 feet
 - c. Minimum rear yard: 20 feet

D. USE LIMITATIONS:

1. No individual business use shall occupy more than 7,500 square feet of floor area.
2. All business establishments shall be purely retail or service establishments dealing directly with the consumer.
3. Service establishments shall be the type that deal primarily with personal services and not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods and services to the home; ie., florest truck, TV repair truck. No fleet vehicles shall be stored or retained on site overnight.
4. No business shall display or store goods or equipment outside of an enclosed building.
5. No business establishment shall offer goods or services by way of drive-up windows or directly to customers

in parked motor vehicles.

6. Motor vehicle parts, service or fuels shall not be dispensed in this district.
7. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.
8. No kennels or pet runs shall be permitted except within an enclosed building and provided further no noise or odor shall be discernible from the exterior of the building from such use.

ATTENDANCE RECORD

Date: 6-20-80
 Time: 9am
 Place: MAPD Conf Rm
 Meeting Arranged By: MAPC
 Purpose: Zoning

Name	Organization	Address
R.A. HAKIN Phone:	MAPD	
Glan Lytle Phone:	MAPD	
Bill Goebble Phone:	MAPC	
Jim GARDNER Phone:	MAPC	
MIKE SAVINA Phone:	MAPC	
OSHEE Phone: 681-0592	McTear's RESTS	1700 S. Hillside 67211
Von Lambert Phone: 265-1837	Lambert Co	8127 Jaco 67203
Lester B. Kappelman Phone: 682-5591	CKG	144 N. Oliver 67208
Richard Harrod Phone: 684-5124	Homefinders	1521 N. Hillside 67214
A. Emmet Foley Phone: 686-7456	Jaco Inc, Inc 3305 E. Douglas	3305 E. Douglas
R. Edward Krause Phone:	Pizza Hut Inc.	P.O. Box 728 Richards, Ks 67201

Name	Organization	Address
Jack H. Galbraith Phone:	MAPD	
JOEL POLLACK Phone:	BLUE BOARD	
Steve Martin Phone:	MAPC	
Margie Wright Phone:	MAPC	
Phone:		
Phone:		
Phone:		
Phone:		
Phone:		
Phone:		
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Phone:		
Phone:		
Phone:		
Phone:		

MAPC INFORMAL

6-20-80

PC - GOEBEL, GARDNER, WRIGHT, SAVINA, MARTENS, BAYOUTH

STAFF - LAKIN, GALBRAITH, LITTLE, OLIVAREZ, CHAMBERS

"OC" Office Commercial District

ED BRAUSA - PIZZA HUT -

? 42 - Subordinate

? D-1 7500 \$ - GARDNER - -

LAMBERTZ -

HARRIS WBR - ? 20' sideyard -

Off street parking ?

GARDNER -

POLLACK - BANKS? NUISANCES?

SAVINA - ? 10000 \$

BAYOUTH - Adjust BB etc w/ + uses. **

SAVINA - CUP?

KAPPELMAN - Prop. of Tract. - not clear 'LC'

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

June 10, 1980


TO Metropolitan Area Planning Commission
FROM Robert A. Lakin, Director of Planning
SUBJECT Office Commercial District (DR-79-17)

The staff (and I believe previous planning commissions) have felt a need to provide a commercial district to support neighborhood areas and to, in selected instances along some streets (maybe Hillside), allow a greater range of tenant mix than the existing office district. Such a district would not be intended to replace either the "BB" or "LC" districts. Those districts would stay in the ordinance and those areas so mapped would remain unchanged.

To create such a district we have added to the uses of "BB", a large number of business uses. However, we have excluded some "BB" uses such as motel/hotels and mortuaries which I do not view as neighborhood uses. The district could best be used on smaller tracts and could be used in many areas now zoned "BB" now adjacent to residential development. The adding of the new range of uses will perhaps allow for better development. As an example, to have a personal service such as a barber or beauty shop, an art and frame shop, and many other retail shops requires the same "LC" zoning as a discount store, or other large traffic generating uses.

In discussing such a district, the MAPC have requested that the Wichita Area Builders, the Board of Realtors and those listing their names with the MAPC on May 22, be invited to review and discuss the matter at an informal work session with MAPC. We have scheduled this for Friday, June 20, 1980, 9:00 a.m., in our conference room, 10th Floor, City Hall. Should we have too many for our 10th Floor Room, we will have to move to the City Commission Room.

A draft of the suggested district is attached.


Robert A. Lakin
Director of Planning

RAL:rme
Attachment
cc: See attached list

cc: Board of Land Use Economics
Wichita Area Builders Association, Suite 1, 730 North Main,
Wichita, Kansas 67203
Wichita Board of Realtors, 717 North Emporia, Wichita,
Kansas 67214
William Foshee, 1700 South Hillside, Wichita, Kansas 67211
Lester B. Kappelman, 144 North Oliver, Wichita, Kansas 67208
Jim Stevens, 1130 Haskell, Wichita, Kansas 67213
Daniel Foley, 3305 East Douglas, Wichita, Kansas 67218
Homer Morgan, 2110 Industrial, Wichita, Kansas 67216
Mark Blum, 420 South Seneca, Wichita, Kansas 67213
Charles B. Carr, 801 South Seneca, Wichita, Kansas 67213
Edward Brausa, Attorney, Pizza Hut Inc., Wichita, Kansas 67201
Larry Bell, 8225 Irving, Wichita, Kansas 67209
E. L. Calbeck, P. O. Box 402, Wichita, Kansas 67201
Ronnie Cazal, 1617 West Harry, Wichita, Kansas 67213
Steve Clark, 4301 East Kellogg, Wichita, Kansas 67218

DRAFT

28.04.085 "OC" Office Commercial District Regulations. In the "OC" Office Commercial District, no building or premises shall be used and no building or premises shall be hereafter converted, altered, enlarged or erected except for one or more of the uses permitted by the use regulations of this section. All buildings and structures erected, enlarged, converted or altered in the "OC" Office Commercial District shall conform to the area and bulk regulations set forth in this section.

- A. USE REGULATIONS. Permitted uses shall include only the following and shall be subject to the use limitations set forth herein:
1. Offices, including the following:
 - a. Abstract and Title Companies.
 - b. Accountants Offices.
 - c. Advertising Agencies.
 - d. Architects Offices.
 - e. Artist studios and Art Galleries.
 - f. Broadcasting or recording studios without transmitter towers.
 - g. Computer and Data Processing Offices.
 - h. Dance studios.
 - i. Dental Offices and Clinics.
 - j. Engineers Offices.

- k. Medical Offices and Clinics.
- l. Minor Surgery Centers.
- m. Medical and Orthopedic appliance stores (retail or rental).
- n. Offices, general business.
- o. Offices, Sales representatives.
- p. Optician & Optical dispensereries.
- q. Photography studios.
- r. Real Estate Offices.
- s. Religious Offices and Headquarters.
- t. Travel Agencies and Transportation Ticket Offices.
- u. Veterinarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).

2. Retail stores and personal service businesses including the following:

- a. Antique store.
- b. Apparel and accessory store.
- c. Artist, craft and hobby supply store.
- d. Book and Magazine store.
- e. Camera shop and photographic supplies.
- f. Child day care centers.
- g. Cigar, tobacco and candy store.
- h. Clothing and costume rental store.
- i. Cleaning and laundry pickup stations.
- j. Drug store, pharmacy or apothecary.
- k. Florist shop.
- l. Gift shop.
- m. Hair Stylists (Barber and Beauty Shops).

- n. Jewelry and jewelry repair.
- o. Key Shop.
- p. Libraries.
- q. Laundromats (self-service).
- r. Liquor store.
- s. Mail order catalog store.
- t. Pet stores.
- u. Picture framing shop.
- v. Shoe repair shop.
- w. Tailor shops.

3. Residential type uses as follows:

- a. Any use permitted in the "A" Two-family Dwelling District and subject to the area and bulk limitations of the R-6 General Residence District.
- b. Existing residential structures may be altered, remodeled or improved subject to compliance with the restrictions and regulations which would be applicable if the structure was located in the R-6 General Residence District.

4. Miscellaneous type uses including the following:

- a. Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served; and is determined by the Superintendent of Central Inspection to contribute to the necessity of the principal residence or business established on the zoning lot.

- b. Home occupations as permitted in the "A" Two-family Dwelling District.
 - c. Off-street parking and loading accessory to a principal use established on the zoning lot.
 - d. Signs as set forth in Section 28.04.139.
5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 2.12.590(C) of the Code; provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties:
- a. Multi-family dwellings, subject to compliance with the area and bulk regulations of the R-6 General Residence District. When residences are combined with other permitted uses, the number of permitted dwelling units shall be based on the lot area minus the amount of floor area used for office and commercial purposes.
 - b. Any use permitted in the "B" Multiple-family Dwelling District and not listed as a permitted use above, subject to compliance with the bulk regulations and use limitations of this district.
 - c. Offices, Retail stores and personal service businesses not specifically listed as a permitted use above, when it can be determined that the use is comparable to any of the above and considered a local neighborhood use.

B. LOT SIZE REQUIREMENTS:

1. Minimum Lot Area: 10,000 square feet
2. Minimum Lot Width: 75 feet
3. Minimum Lot Depth: 100 feet

C. BULK REGULATIONS:

1. Maximum structure height: 35 feet
2. Maximum lot coverage: 40%
3. Minimum yard requirements:
 - a. Minimum front yard: 35 feet
 - b. Minimum side yard: 20 feet
 - c. Minimum rear yard: 20 feet

D. USE LIMITATIONS:

1. No individual business use shall occupy more than 7,500 square feet of floor area.
2. All business establishments shall be purely retail or service establishments dealing directly with the consumer.
3. Service establishments shall be the type that deal primarily with personal services and not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods and services to the home; ie., florest truck, TV repair truck. No fleet vehicles shall be stored or retained on site overnight.
4. No business shall display or store goods or equipment outside of an enclosed building.
5. No business establishment shall offer goods or services by way of drive-up windows or directly to customers

in parked motor vehicles.

6. Motor vehicle parts, service or fuels shall not be dispensed in this district.
7. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.
8. No kennels or pet runs shall be permitted except within an enclosed building and provided further no noise or odor shall be discernible from the exterior of the building from such use.

Developers Oppose New Zone Class

Fear Prototype Resurrection

By RICK MUSSER
And JACK McNEELY
Staff Writers

Some of Wichita's commercial interests are marshaling forces again to fight what they fear is an attempt to resurrect a long-dead proposal for more restrictive zoning.

They recently won the first round when the Metropolitan Area Planning Commission deferred a staff request to schedule a public hearing on a proposed new zoning classification.

Called "restricted commercial" zoning, the new classification would fall between the current "light commercial" zoning category and the "office" zoning category.

The staff had placed a request to schedule a public hearing on the proposed change on the planning commission's agenda without getting comments from the real estate industry.

However, representatives of two fast-food chains and a local developer showed up at the planning commission meeting to challenge the change, and the commission deferred consideration of whether to schedule it for public hearing.

THE STAFF members say they are not trying to resurrect the defunct prototype zoning ordinance — a proposal killed two years ago that would have made sweeping changes in the way Wichita handles zoning. The staff members say they simply are acting on year-old planning commission instructions to make piecemeal changes in the current zoning ordinance.

"Once you start this, it's like bringing back the old zoning ordinance," said Planning Commissioner Dave Bayouth.

Mike Savina, also a member of the planning commission, echoed Bayouth's concern.

"Once they start with restrictions, they'll just pile them on," he said.

Savina said the proposed restricted commercial zoning classification would be a step toward land-use restrictions rejected two years ago.

IN MAY 1978, the planning commission, under pressure from business and real estate interests, voted down what then was known as the prototype zoning ordinance, a proposal to replace the current zoning ordinance and create more zoning categories.

The perceived problem was that the jump between the current ordinance's office zoning category and its light commercial zoning category was too broad. Office zoning, or BB, allows offices and medical labs.

Light commercial zoning — LC — allows retail businesses ranging from a mom-and-pop flower shop through taverns, gas stations, all-night convenience stores and fast-food restaurants to car dealerships and giant shopping centers.

If a developer says he wants light commercial zoning to open a flower shop but, after he gets the zoning changed to LC, builds a fast-food restaurant instead, then the city cannot stop him.

"We definitely feel there is a need for a commercial district allowing for non-objectionable uses close to residential areas," said the planning commission's special assistant to zoning, Glen Lytle.

LEFT OUT of the proposed restricted commercial — RC — category are service stations, convenience stores and fast-food restaurants — businesses that neighborhood groups often cite in objecting to requests for light commercial zoning near their homes.

"This is discriminatory against my business," said Dan Foley, president of Taco Tico.

"Just leave it alone, that's what we want," said developer Ronnie Cazal.

Planning Commissioner Jim Gardner said the proposed RC zoning category was not an effort to resurrect the prototype zoning ordinance.

Gardner said some people would see any proposed change as an attempt to breathe life into the prototype ordinance and would invoke the name of the prototype to get an emotional response.

Some of the uses the proposed new category would allow are offices, galleries, clinics, gift and florist shops, antique stores, clothing stores, day care centers, barber and beauty shops, liquor stores, libraries, pet stores, drug stores, book stores and laundromats.

Cazal, who was active in the fight against the prototype ordinance in 1977 and 1978, explained his position this way:

"Say I go out as a developer, buy some property and build a small shopping center. I want as many businesses as possible to draw from. Each use that is prohibited in a category is one more customer lost."

5-22-80

WANTS COPY OF 'RG' DISTRICT

NAME ADDRESS

W^m JOSHEE 1700 S Hillside 67211

Lester B Kappelman 144 N. Oliver

Jim Stevens 1130 Haskell 67213

DANIEL E. Foley 3305 E Douglas 67218
(TACOTICO, INC.)

Homer Morgan 2110 Industrial Wldg

MARK BLUM 420 S. SENECA 67213

Charles B. Carr 801 S. Seneca 67213

Edward Bence, Att. Pizza Hut Inc. 2700th St 67201

Larry Bell (Coors of Kans, Inc.) 8225 IRVING, City, 67209

E. L. CALBECK P.O. Box 402 WICHITA, 67201

RONNIE CAZEL 1617 W. HARRY, W. K., 67213

Steve Clark 4301 E Kellogg

SHERWOOD & HENSLEY
ATTORNEYS AT LAW
516 CENTURY PLAZA BUILDING
WICHITA, KANSAS 67202

ROGER SHERWOOD
WILLIAM A. HENSLEY
KURT A. HARPER

267-1281
AREA 316

May 21, 1980

Mr. William J. Goebel
Chairman, Metropolitan Area
Planning Commission
P. O. Box 7712
Wichita, Kansas 67277

Dear Mr. Goebel:

As I understand, the Metropolitan Area Planning Commission is again considering a recommendation regarding the passage of a zoning ordinance which was last considered in the MAPC meeting on May 11, 1978.

At the time the proposed zoning ordinance was last considered, the Board of Governors of the Wichita Bar Association appointed a committee to consider the pros and cons of the proposed ordinance. I am enclosing a copy of the report that was prepared by the committee and was presented to the MAPC meeting on May 11, 1978, by Robert Kaplan who was then President of Wichita Bar Association. Please be advised that the members of the committee appointed by the Wichita Bar Association have not altered their views in regard to the proposed ordinance.

Respectfully yours,

SHERWOOD & HENSLEY


ROGER SHERWOOD

RS:eaf
Enclosure

cc: Mr. Robert Kaplan
Mrs. Jonalou Pinnell

REPORT ON THE PROPOSED ZONING ORDINANCE

The Wichita Bar Association appointed a committee to study the proposed zoning ordinance. The committee was comprised of the following attorneys:

James Schaefer
Michael Gragert
Stephen Blaylock
Grey Dresie
Everett Fettis
David Crockett
Dan Monnat
Roger Sherwood, Chairman

After reviewing the proposed ordinance, it was the consensus of opinion of the committee that the proposed ordinance does not result in improving the present zoning ordinance, will be a detriment to development and will cause additional delay in the process of obtaining building permits. Our specific criticisms are as follows:

Zoning Districts

The committee feels improvements can be made in our present ordinance by more clearly defining the type of use permitted in various zoning districts. The proposed ordinance is an improvement on this point.

However, for the most part, the proposed zoning ordinance does not follow the concept of cumulative zoning. This community has become accustomed to the concept that development of a lighter use is normally allowed in districts zoned for heavier uses.

Speaking strictly from a textbook approach to zoning and assuming a city is started from scratch on the drawing board of a corporation that owns the land (such as Sun City, Arizona, or Pueblo West, Colorado), the concept of non-cumulative zoning districts might be a palatable approach to zoning. However, to now impose this concept on a city that has been developed over a period of 100 years by thousands of landowners does not improve the present ordinance and results in confusion among developers and inequity among landowners. As an example of the confusion and inequities of such concept, what is the logic in an ordinance which provides that a health spa or gymnasium should not be located in a medical district, or that a dry goods or fabric store of less than 7,500 square feet does not qualify for the local retail zoning district?

Downzoning

The new zoning districts are not readily comparable to existing zoning classifications. The proposed zoning districts appear to have been decided upon without a great deal of consideration being given to the existing use of many isolated properties. We believe the extent of downzoning could be reduced by giving greater consideration to the present uses of property instead of blanketing one geographical area with the same zoning district.

Performance Standards and Manufacturing Zoning Districts

The areas that the committee had the strongest objection to were the performance standards in Article 5 and the Administrator's

powers in Article 11. Article 5 sets standards for noise, earthborne vibrations, smoke and particulate matter, toxic matter, odorous matter, fire and explosion hazards and glare. These standards are complicated, technical and incomprehensible to any landowner or potential manufacturer contemplating the establishment of a plant in Wichita. The decision as to whether a landowner or developer may locate a particular plant in a certain zoning district is conditioned upon whether predictions are made that such plant will meet these standards. The committee feels that most of these measurements can only be determined after the factory has been built.

As attorneys, it has been our observation that engineers do not always agree as to what will be produced from a set of plans, and we feel this will be particularly true in regard to areas such as noise, smoke, vibration and glare. To attempt to predict these matters prior to construction will require the Zoning Administrator, the Planning Commission or the City Commission to weigh the conflicting opinions of engineers as to their predictions.

Zoning Administrator

The discretionary authority of the Zoning Administrator is awesome.

He approves and issues the new occupancy certificates. As the committee interprets the ordinance, the Zoning Administrator would be authorized to withhold the issuance of such certificates if, for example, the engineers' predictions as to the factory's noise, smoke, vibrations, etc. proved inaccurate. This would

prevent any use of the factory, even though it was built in the proper district and had previously been granted a building permit. The disastrous effect this might have on potential lenders for such a factory is apparent.

Although the discretionary power of the Administrator is a major concern, it is not the only source of potential abuse. It may be expected, for example, that requests for variances would increase under the proposed ordinance due to the number, specificity, restrictions, performance standards, and non-cumulative nature of the proposed ordinance's zoning districts. The Board of Zoning Appeals is directed to authorize only such variances as will not be "contrary to the public interest" and to do so only when a literal enforcement will ". . . result in unnecessary hardship for the owner, lessee or occupant . . ." (11-501) In so doing, the Board must base its decision on certain "standards," including: that the variance requested arises from conditions unique to the property in question "not created by an action or actions of the property owner or the applicant"; that the variance will not adversely affect the rights of adjacent owners or occupants; unnecessary hardship; the variance will not adversely affect the public health, etc.; and the variance "will not be opposed to the general spirit and intent of this ordinance." (11-505) In determining whether an applicant has met these standards, the Board is directed to determine that the request is not based "exclusively upon a desire of the owner, lessee, occupant or applicant to make more money out of the property." (11-505(B)(2))

Even a cursory review of these purported "standards" reveals that they offer virtually unlimited discretion. An unduly restrictive application of that discretion by the administration could result in "indirect" or "procedural" downzoning when compared to present decisions and procedures.

The committee feels there is considerable latitude allowed for the zoning administration to use arbitrary judgment. We know that it presently takes months and months to get a simple matter of zoning and the issuing of a building permit completed. The proposed ordinance will in no way allay these complaints.

Nonconforming Uses

Most of the committee's criticism in regard to Article 9 has been corrected in the April 1978 draft of the proposed ordinance. The most recent draft also improves the nonconforming use provisions of our existing ordinance in rebuilding and enlarging structures.

Section 9-105 provides that the use of a nonconforming use may be changed to a new use if the new use is of the same general character, or of a more restrictive character as determined by the Zoning Administrator. Since the concept of the ordinance is based upon noncumulative zoning districts, whether a particular use of a property is more or less restrictive than another use is open to speculation. The committee feels it is not advisable to base the changes of nonconforming uses on the whims of the Zoning Administrator.

A nonconforming use is considered to be abandoned when the owner declares his intent to abandon it by a written document or by a "public statement." This phrase is not defined and may be interpreted by the Zoning Administrator to include off-hand comments made by a landowner to the Central Inspection or Planning Department employees as to the landowner's future intentions.

The proposal also provides that a nonconforming use is abandoned when it has been converted to a more restrictive use. Again, the term "more restrictive" is a vague term in considering the noncumulative zoning districts. The committee feels it is inadvisable to consider that a landowner abandoned a nonconforming use without the landowner having a fair opportunity to realize its advance that he is abandoning such use.

Planned Unit Developments

Development by the use of a PUD was recently permitted by the State Legislature. This method can frequently satisfy the conflicting interests of the developer, neighboring landowners and the Planning Department staff. The committee fails to understand the wisdom in restricting its use to residential parcels in excess of 4 acres, office or commercial parcels in excess of 10 acres, or industrial tracts in excess of 40 acres. The committee feels the restriction as to the size of the parcels should be eliminated, with a corresponding reduction or elimination on these smaller parcels in the requirements of the type and number of impact projections or other preliminary documents.

Historic Landmarks

The recently proposed section on historic landmarks permits a residential landmark structure in a single-family neighborhood to be converted to certain retail establishments without the requirement of having to establish the need for such change in use. The committee suggests that the wisdom of such provision is doubtful and should be given greater consideration prior to passage.

CONCLUSION

One of the avowed goals of the proposed zoning ordinance is to simplify the present zoning process. The committee does not believe such simplification would result, and, to the contrary, believes that substantial confusion will be felt throughout the community. The discretionary latitude given to the Zoning Administrator effectively transfers many present-day decisions from the open forum of a City Commission or Planning Commission meeting to the private office of the Administrator.

The committee recognizes the need to amend certain provisions of the present zoning ordinance to eliminate present inequities and delays. The committee feels that one area which has been given the needed attention is the subject of more clearly delineating businesses as to their appropriate zoning classification. Several members of the committee voiced tongue-in-cheek support of the ordinance on the ground that it is bound to result in developers and landowners needing legal representation on even the most routine

zoning matters. However, the committee feels the proposed ordinance is jumping from the frying pan into the fire in regard to the zoning process in this community. It is likely that the impact of the proposed ordinance can only be beneficial to nearby communities who would welcome industrial expansion. The majority of the committee believes the proposed ordinance should not be adopted.

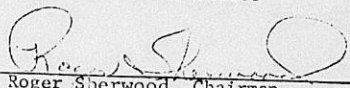
Dissenting Opinion

Mr. Gragert is of the opinion that the proposed ordinance is a marked improvement over the present ordinance, particularly in regard to the expansion in the number of and more precise delineation of the uses of zoning districts. However, he feels further consideration should be given to noncumulative use provisions, the discretionary powers of the Zoning Administrator and the adaptive uses of historic landmarks prior to adoption of the ordinance.

Respectfully submitted,

The Wichita Bar Association,
Zoning Ordinance Committee

By:


Roger Sherwood, Chairman

24. Case No. DP-96

Request: Amendment to the Pebble Creek Residential C.U.P.
(now Village of Elucstem)

Location: Between 21st & 29th Streets North and between Rock
Road and Webb Road.

25. Authorization to advertise the "RC" Restricted Commercial
District for public hearing.

26. Presentation & discussion of East Kellogg Traffic Improvement
Report by MAPD staff & Traffic Engineering staff.

27. DR 80-10 - Department of Redevelopment and Rehabilitation
requests review of the "Lincoln Neighborhood Plan".
(Memo and plan enclosed to Planning Commissioners).

28. "Transition Plan" for Handicapped Transportation - MTA board
requesting endorsement - (Memo and plan attached to Planning
Commissioners).

29. Other Matters.

Robert A. Lakin
Secretary

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MAPC CONFERENCE ROOM
TENTH FLOOR, CITY HALL
455 NORTH MAIN
WICHITA, KANSAS

MAY 2, 1980

INFORMAL AGENDA

11:45 A. M.

1. Discussion of a Ne Business District classification for the City and County Zoning Regulations. (Bring material from 4-24-80 mailout.)

Lunch will be provided at noon.

Robert A. Lakin
Secretary

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MAPC CONFERENCE ROOM
TENTH FLOOR, CITY HALL
455 NORTH MAIN
WICHITA, KANSAS

APRIL 24, 1930

INFORMAL AGENDA

11:00 A. M.

1. Report from Messrs. Savina, Bayouth & Stockwell on APA Meeting
2. Discussion of a new business District Classification for the City Zoning Ordinance.

12:00 P. M.

3. Joint meeting with Rehabilitation and Renewal Staff concerning:
 - a. Administration Center Plan Amendment Changes.
 - b. Park Plaza Plan Amendment Changes
 - c. Atwater Neighborhood Plan
4. Other Matters

Robert A. Lakin
Secretary

Lunch will be provided at noon.

WICHITA-SEDGWICK COUNTY

DATE

April 17, 1980

METROPOLITAN AREA PLANNING DEPARTMENT

TO Wichita-Sedgwick County Metropolitan Area Planning Commissioners
FROM Robert A. Lakin, Director of Planning
SUBJECT DR-79-17 - Possible Amendment to Zoning Ordinance
Re: Introduction of New Business District

Attached hereto is a copy of a possible amendment to the City of Wichita Zoning Ordinance which is scheduled for preliminary discussion as a part of the informal agenda on Thursday, April 24, 1980.

This amendment has been prepared as the result of the Planning Commission's discussion on the alternatives for updating the existing ordinance. One of the first steps in the process is the inclusion of a restricted business district. This draft would place the "RC" Restricted Commercial District in the ordinance between the "BB" Office District and the "LC" Light Commercial District.

This proposed district should provide a district that can be established in close proximity to residential areas to neighborhood commercial development without the impact on the adjacent property that is now prevalent with many uses permitted in the "LC" Light Commercial District. Uses generally considered objectionable and frequently quoted as uses permitted in the "LC" district have not been included in this proposed "RC" district.

At the present time the first district in the ordinance that will permit a Barber Shop or a small gift shop is the "LC" district, which is also the same district that permits our major shopping centers, new and used car agencies and service stations. By the inclusion of a number of use limitations in the "RC" Restricted Commercial District, it is anticipated that the district will fill a need within the community.

Although there has been little distribution of this draft to anyone other than the MAPC, this will provide you an opportunity to review with the staff your ideas on the proposal prior to the public hearings.

Robert A. Lakin
Robert A. Lakin
Director of Planning

RAL:GEL:sad
cc: Don Anderson, Director of Housing & Economic Development
Robert Feldner, Superintendent of Central Inspection

Attachments

4-17-80
DR-79-17

POSSIBLE AMENDMENT TO THE
CITY OF WICHITA ZONING ORDINANCE

Pertaining to the introduction of
a Restricted Commercial District

28.04.085 "RC" Restricted Commercial District Regulations. In the "RC" Restricted Commercial District, no building or premises shall be used and no building or premises shall be hereafter converted, altered, enlarged or erected except for one or more of the uses permitted by the use regulations of this section. All buildings and structures erected, enlarged, converted or altered in the "RC" Restricted Commercial District shall conform to the area and bulk regulations set forth in this section.

A. USE REGULATIONS. Permitted uses shall include only the following and shall be subject to the use limitations set forth herein:

1. Offices and studios including the following:
 - a. Abstract and Title Companies.
 - b. Accountants Offices.
 - c. Advertising Agencies.
 - d. Architects Offices.
 - e. Artist studios and Art Galleries.
 - f. Broadcasting or recording studios without transmitter towers.
 - g. Computer and Data Processing Offices.
 - h. Dance studios.
 - i. Dental Offices and Clinics.
 - j. Engineers Offices.

- k. Medical Offices and Clinics.
 - l. Minor Surgery Centers.
 - m. Medical and Orthopedic applicance stores.
 - n. Offices, general business.
 - o. Offices, Sales representatives.
 - p. Optician & Optical dispenseries.
 - q. Photography studios.
 - r. Real Estate Offices.
 - s. Religious Offices and Headquarters.
 - t. Travel Agencies and Transportation Ticket Offices.
 - u. Veternarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).
2. Retail stores and personal service businesses including the following:
- a. Antique store.
 - b. Apparel and accessory store.
 - c. Artist and hobby supply store.
 - d. Book and Magazine store.
 - e. Camera shop and photographic supplies.
 - f. Child day care centers.
 - g. Cigar, tobacco and candy store.
 - h. Clothing and costume rental store.
 - i. Cleaning and laundry pickup stations.
 - j. Drug store and pharmacy.
 - k. Florist shop.
 - l. Gift shop.
 - m. Hair Stylists (Barber and Beauty Shops).

- n. Jewelry and jewelry repair.
- o. Key Shop.
- p. Libraries.
- q. Laundromats (self-service).
- r. Liquor store.
- s. Mail order catalog store.
- t. Pet stores.
- u. Picture framing shop.
- v. Shoe repair shop.
- w. Tailor shops.

3. Residential type uses as follows:

- a. Any use permitted in the "A" Two-family Dwelling District and subject to the area and bulk limitations of the R-6 General Residence District.
- b. Existing residential structures may be altered, remodeled or improved subject to compliance with the restrictions and regulations which would be applicable if the structure was located in the R-6 General Residence District.

4. Miscellaneous type uses including the following:

- a. Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served; and is determined by the Superintendent of Central Inspection to contribute to the necessity of the principal residence or business established on the zoning lot.

- b. Home occupations as permitted in the "A" Two-family Dwelling District.
- c. Off-street parking and loading accessory to a principal use established on the zoning lot.
- d. Signs as set forth in Section 28.04.139.

5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 2.12.590(C) of the Code; provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties:

- a. Multi-family dwellings, subject to compliance with the area and bulk regulations of the R-6 General Residence District. When residences are combined with other permitted uses, the number of permitted dwelling units shall be based on the lot area minus the amount of floor area used for office and commercial purposes.
- b. Any use permitted in the "B" Multiple-family Dwelling District and not listed as a permitted use above, subject to compliance with the bulk regulations and use limitations of this district.
- c. Offices, Retail stores and personal service businesses not specifically listed as a permitted use above, when it can be determined that the use is comparable to any of the above and considered a local neighborhood use.

B. LOT SIZE REQUIREMENTS:

1. Minimum Lot Area: 10,000 square feet
2. Minimum Lot Width: 75 feet
3. Minimum Lot Depth: 100 feet

C. BULK REGULATIONS:

1. Maximum structure height: 35 feet
2. Maximum lot coverage: 40%
3. Minimum yard requirements:
 - a. Minimum front yard: 35 feet
 - b. Minimum side yard: 20 feet
 - c. Minimum rear yard: 20 feet

D. USE LIMITATIONS:

1. No individual business use shall occupy more than 7,500 square feet of floor area.
2. All business establishments shall be purely retail or service establishments dealing directly with the consumer.
3. Service establishments shall be the type that deal primarily with personal services and not require the use of vehicles and heavy equipment in the operation of the business.
4. No business shall display or store goods or equipment outside of an enclosed building.
5. No business establishment shall offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles.
6. Motor vehicle parts, service or fuels shall not be dispensed in this district.

7. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.
8. No kennels or pet runs shall be permitted except within an enclosed building and provided further no noise or odor shall be discernible from the exterior of the building from such use.

WICHITA-SEDGWICK COUNTY

DATE

April 17, 1980

METROPOLITAN AREA PLANNING DEPARTMENT

TO Wichita-Sedgwick County Metropolitan Area Planning Commissioners
FROM Robert A. Lakin, Director of Planning
SUBJECT DR-79-17 - Possible Amendment to Zoning Ordinance
Re: Introduction of New Business District

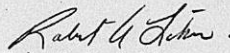
Attached hereto is a copy of a possible amendment to the City of Wichita Zoning Ordinance which is scheduled for preliminary discussion as a part of the informal agenda on Thursday, April 24, 1980.

This amendment has been prepared as the result of the Planning Commission's discussion on the alternatives for updating the existing ordinance. One of the first steps in the process is the inclusion of a restricted business district. This draft would place the "RC" Restricted Commercial District in the ordinance between the "BB" Office District and the "LC" Light Commercial District.

This proposed district should provide a district that can be established in close proximity to residential areas to neighborhood commercial development without the impact on the adjacent property that is now prevalent with many uses permitted in the "LC" Light Commercial District. Uses generally considered objectionable and frequently quoted as uses permitted in the "LC" district have not been included in this proposed "RC" district.

At the present time the first district in the ordinance that will permit a Barber Shop or a small gift shop is the "LC" district, which is also the same district that permits our major shopping centers, new and used car agencies and service stations. By the inclusion of a number of use limitations in the "RC" Restricted Commercial District, it is anticipated that the district will fill a need within the community.

Although there has been little distribution of this draft to anyone other than the MAPC, this will provide you an opportunity to review with the staff your ideas on the proposal prior to the public hearings.


Robert A. Lakin
Director of Planning

RAL:GEL:sad
cc: Don Anderson, Director of Housing & Economic Development
Robert Feldner, Superintendent of Central Inspection

Attachments

4-17-80
DR-79-17

POSSIBLE AMENDMENT TO THE
CITY OF WICHITA ZONING ORDINANCE

Pertaining to the introduction of
a Restricted Commercial District

28.04.085 "RC" Restricted Commercial District Regulations. In the "RC" Restricted Commercial District, no building or premises shall be used and no building or premises shall be hereafter converted, altered, enlarged or erected except for one or more of the uses permitted by the use regulations of this section. All buildings and structures erected, enlarged, converted or altered in the "RC" Restricted Commercial District shall conform to the area and bulk regulations set forth in this section.

- A. USE REGULATIONS. Permitted uses shall include only the following and shall be subject to the use limitations set forth herein:
1. Offices and studios including the following:
 - a. Abstract and Title Companies.
 - b. Accountants Offices.
 - c. Advertising Agencies.
 - d. Architects Offices.
 - e. Artist studios and Art Galleries.
 - f. Broadcasting or recording studios without transmitter towers.
 - g. Computer and Data Processing Offices.
 - h. Dance studios.
 - i. Dental Offices and Clinics.
 - j. Engineers Offices.

- k. Medical Offices and Clinics.
 - l. Minor Surgery Centers.
 - m. Medical and Orthopedic appliance stores.
 - n. Offices, general business.
 - o. Offices, Sales representatives.
 - p. Optician & Optical dispensereries.
 - q. Photography studios.
 - r. Real Estate Offices.
 - s. Religious Offices and Headquarters.
 - t. Travel Agencies and Transportation Ticket Offices.
 - u. Veternarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).
2. Retail stores and personal service businesses including the following:
- a. Antique store.
 - b. Apparel and accessory store.
 - c. Artist and hobby supply store.
 - d. Book and Magazine store.
 - e. Camera shop and photographic supplies.
 - f. Child day care centers.
 - g. Cigar, tobacco and candy store.
 - h. Clothing and costume rental store.
 - i. Cleaning and laundry pickup stations.
 - j. Drug store and pharmacy.
 - k. Florist shop.
 - l. Gift shop.
 - m. Hair Stylists (Barber and Beauty Shops).

- n. Jewelry and jewelry repair.
- o. Key Shop.
- p. Libraries.
- q. Laundromats (self-service).
- r. Liquor store.
- s. Mail order catalog store.
- t. Pet stores.
- u. Picture framing shop.
- v. Shoe repair shop.
- w. Tailor shops.

3. Residential type uses as follows:

- a. Any use permitted in the "A" Two-family Dwelling District and subject to the area and bulk limitations of the R-6 General Residence District.
- b. Existing residential structures may be altered, remodeled or improved subject to compliance with the restrictions and regulations which would be applicable if the structure was located in the R-6 General Residence District.

4. Miscellaneous type uses including the following:

- a. Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served; and is determined by the Superintendent of Central Inspection to contribute to the necessity of the principal residence or business established on the zoning lot.

- b. Home occupations as permitted in the "A" Two-family Dwelling District.
 - c. Off-street parking and loading accessory to a principal use established on the zoning lot.
 - d. Signs as set forth in Section 28.04.139.
5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 2.12.590(C) of the Code; provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties:
- a. Multi-family dwellings, subject to compliance with the area and bulk regulations of the R-6 General Residence District. When residences are combined with other permitted uses, the number of permitted dwelling units shall be based on the lot area minus the amount of floor area used for office and commercial purposes.
 - b. Any use permitted in the "B" Multiple-family Dwelling District and not listed as a permitted use above, subject to compliance with the bulk regulations and use limitations of this district.
 - c. Offices, Retail stores and personal service businesses not specifically listed as a permitted use above, when it can be determined that the use is comparable to any of the above and considered a local neighborhood use.

B. LOT SIZE REQUIREMENTS:

1. Minimum Lot Area: 10,000 square feet
2. Minimum Lot Width: 75 feet
3. Minimum Lot Depth: 100 feet

C. BULK REGULATIONS:

1. Maximum structure height: 35 feet
2. Maximum lot coverage: 40%
3. Minimum yard requirements:
 - a. Minimum front yard: 35 feet
 - b. Minimum side yard: 20 feet
 - c. Minimum rear yard: 20 feet

D. USE LIMITATIONS:

1. No individual business use shall occupy more than 7,500 square feet of floor area.
2. All business establishments shall be purely retail or service establishments dealing directly with the consumer.
3. Service establishments shall be the type that deal primarily with personal services and not require the use of vehicles and heavy equipment in the operation of the business.
4. No business shall display or store goods or equipment outside of an enclosed building.
5. No business establishment shall offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles.
6. Motor vehicle parts, service or fuels shall not be dispensed in this district.

7. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.
8. No kennels or pet runs shall be permitted except within an enclosed building and provided further no noise or odor shall be discernible from the exterior of the building from such use.

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

January 25, 1979

TO Metropolitan Area Planning Commission
FROM Robert A. Lakin, Director of Planning
SUBJECT Possible Alternatives - Updating - Zoning Ordinance

The following is a list of alternatives that has been prepared by the staff, for revising and updating the existing zoning ordinance for the City of Wichita. This will be on the agenda for your consideration at the next Planning Commission meeting of February 1, 1979.

1. Leave existing ordinance and maps as they now are, and amend only when zoning changes are requested and when ordinance amendments are submitted or requested.
2. Examine other zoning techniques for use or adoption to the existing ordinance. Some of these might be:
 - Land Use Intensity Rating Systems for Housing (developed by FHA and used in several new ordinances such as Atlanta).
 - Transfer Development Rights.
 - Impact Zoning Districts (considers environmental conditions and capacity of lands and supporting systems).
3. Change existing zoning maps to black and white so that the maps can be readily available to the public.
4. Program amendments to the existing ordinance over the next few years. Establish priorities on the following needed amendments:
 - a. Adopt Planned Unit Development regulations in conformance with the present Kansas Statutes to permit alternatives for development outside of the confines of the normal lot-by-lot development procedures.

- b. Establish major street setback policy for all major streets, based on a realistic plan tied to possible capital improvements. This would be applicable to the entire City, but would be particularly applicable to the older developed areas of the City where it is not feasible that improvements will be made requiring the right-of-way set forth in the subdivision rules and regulations. This would then permit changes of zoning without the requirement of replatting in previously platted areas, but would protect the right-of-way from encroachment by new structures within the required rights-of-way.
- c. Update the off-street parking requirements by establishing standards for the number of spaces more compatible with the actual demand. This would include a reduction of required spaces for furniture stores, appliance stores and similar uses, and a possible increase in the number of spaces required for high demand uses such as restaurants, taverns and private clubs. Provisions should also include requirements for drive-in or drive-thru type facilities to include holding spaces for vehicles to prevent traffic congestion in the streets. Provisions should also be made for small cars or compacts and the inclusion of requirements for landscaping within the parking areas.
- d. Establish a reasonable standard for residential density within the commercial zoning districts rather than the multi-faceted standard presently in the "LC" Light Commercial District.
- e. Establish a new commercial district with permitted uses to be more inclusive than the "LC" Light Commercial District and more restrictive than "C" Commercial District.
- f. Include truck sales, boat sales, recreational vehicle sales and rental by special permit in the same districts as would permit new and used automobile sales.

- g. Establish use lists on a matrix similar to that included in the previously proposed new zoning ordinance for easier reference of permitted uses.
- h. Establish a new restricted commercial district to be used for future limited commercial development where all the uses permitted in the "LC" Light Commercial District would be inappropriate.
- i. Split the "E" Light Industrial District into the "E-1" and "E-2" districts and establish greater setbacks in the "E-2" district which would be used in the newer areas and use th "E-1" district in the older areas of the City where no setbacks have ever been required.
- j. Establish use limitations on outside storage in conjunction with commercial and industrial uses to create visual compatibility with adjacent properties.
- k. Consider the establishment of a new multi-family zoning district with a permitted density of 18 to 22 dwelling units per net acre. (In between the "R-5" and "R-6" densities.)
- l. Amend the residential districts by establishing lot area requirements compatible with existing development patterns.
- m. Establish a small lot single family district and provide for single family attached dwellings with zero side yard setback.
- n. Amend Section 28.04.188 (Exceptions to the Area Regulations) by eliminating the provisions no longer necessary due to the requirements of other existing regulatory codes such as the "Minimum Housing Code" and the "Fire Code". Also provide for additional projections into required yard areas for residential structures, particularly for underground emergency exitways.

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Zoning Ordinance

- o. Establish provisions for the expansion of non-conforming uses similar to that recently adopted in the County Zoning Resolution, i.e., specified expansion rather than amortization.
- p. Clarify the provision of not more than one main residential structure on a zoning lot except where guarantees are provided to protect the common interests of all property owners, present and future.
- q. Update all definitions and clarify the administrative procedures and responsibilities including occupancy permit requirements.
- r. Examine bulk controls of the districts with the possibility of removing the height limitations in the commercial and industrial districts, except for protecting solar access rights of adjacent property owners.
- s. Provide for solar energy related items by providing flexibility (or requirements) as to building orientation on lots, setbacks, sizing and landscape restrictions to protect solar access.
- t. Create a mixed use district to provide for rehabilitation areas such as North Main, East Douglas, etc.
- u. Other provisions as determined necessary and important by the Metropolitan Area Planning Commission and the Governing Body.

In addition to priorities for work and areas in which further descriptive or background material needs to be developed, the Commission should determine what procedure it wishes to use in pursuing further major code changes. One alternative might be to work as a committee-as-a-whole, and invite interested groups (C.P.O., Architects, Engineers, Homebuilders, Realtors) to send a representative to participate in informal meetings. This is what happened during the latter review stages of the "new zoning ordinance". Other alternatives might include creating a group like the previous ZAC (Zoning Advisory Committee); or creation of subcommittees like the Metropolitan Area Planning

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Commission did on signs, with the committee work being brought back to the MAPC. This does not need to be decided at this point, but should be prior to embarking on a major work program.

RECOMMENDATION

Refer to interested groups for comment.


Robert A. Lakin
Director of Planning

RAL:GL:bbc

cc: E. H. Denton, City Manager
Don Anderson, Director of Housing & Economic Development
Robert B. Feldner, Superintendent of Central Inspection
Paul B. Graves, Traffic Engineer
Dick Linn, City Engineer
Wichita Area Builders Assn., 730 N. Main, Suite 1, 67203
Wichita Board of Realtors, 717 N. Emporia 67214
Wichita Architects Assn., c/o Ron Spangenberg, 7701 E.
Kellogg 67207
Wichita Codes Group, c/o Bill Earlywine, Central Inspection

September 20, 1979

Glen E. Lytle, Special Assistant for Zoning

Jack H. Galbraith, Chief Planner

DR 79-17 - Amendment to City Zoning Ordinance -
Restricted Business District.

Attached is a copy of Lakin's memo requesting that you start on establishing the restricted business district in the City Zoning Ordinance.

Would you prepare first, a draft of a suggested district that our staff can review together and for Lakin to be able to use for discussion purposes with the new commissioners. Also, follow through after our staff discussion with Feldner, Anderson and Chamber of Commerce staff.

Jack H. Galbraith
Chief Planner

JHG:el

Attachment

WICHITA-SEDGWICK COUNTY

DATE


September 19, 1979

METROPOLITAN AREA PLANNING DEPARTMENT

TO Jack H. Galbraith, Chief Planner
Current Plans Division
FROM Robert A. Lakin, Director of Planning

SUBJECT Zoning Text Revisions

Please have Lytle start on the Restricted Business District for submission to the Commission at an early date. Before we actually prepare something and send to them, I would like to do some private counseling with the new Planning Commissioners who have made some public statements concerning that type of District. Also confer with Feldner and Anderson, and perhaps even Chamber staff, to see what specific needs exist in this area. I would like to have this available for a November advertising.


Robert A. Lakin
Director of Planning

RAL:rme