

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

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

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2015-00006

Zone change from NO Neighborhood ("NO") to LC Limited Commercial ("LC") zoning on an approximately 0.24-acre (10,435-square feet) property described as:

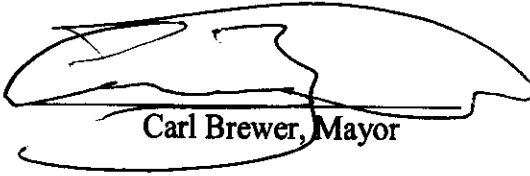
Lot 2, Frazey Addition to Wichita, Sedgwick County, Kansas; generally located on the northwest corner of Topeka Avenue and 10th Street North.

Subject to the following provisions of Protective Overlay PO #296:

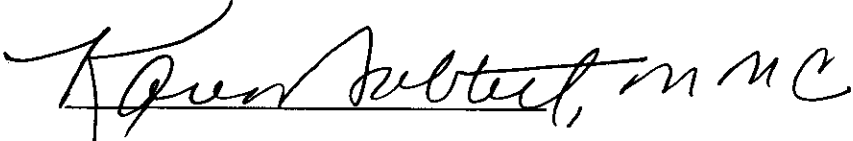
- (1) Permitted uses: single-family residential, government service, hospital, library, university or college, bank or financial institution, bed and breakfast inn, medical service, general office, personal care service, personal improvement service and general retail.
- (2) Restaurants are permitted with no drive-up window service and no in-vehicle food service.
- (3) The applicant will meet on site with the Historic Preservation Planner, to review the standards for any use conversation/remodeling of this registered site/structure, prior to the issuing of permits.
- (4) Provide a variance or off-site parking for Lots 1 and 2, Frazey Addition to be used to resolve the lack of on-site parking. If a variance is approved, provide a covenant binding and tying Lots 1 and 2, Frazey Addition's parking lots as shared parking between the two sites.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Carl Brewer, Mayor

ATTEST:



Karen Sublett, City Clerk



Approved as to form: 
Sharon Dickgraft, Interim City Attorney

**City of Wichita
City Council Meeting
March 24, 2015**

TO: Mayor and City Council

SUBJECT: ZON2015-00006 – Request for LC Limited Commercial Zoning with a Protective Overlay on NO Neighborhood Office Zoned Property Located on the Northwest Corner of Topeka Avenue and 10th Street North (District VI)

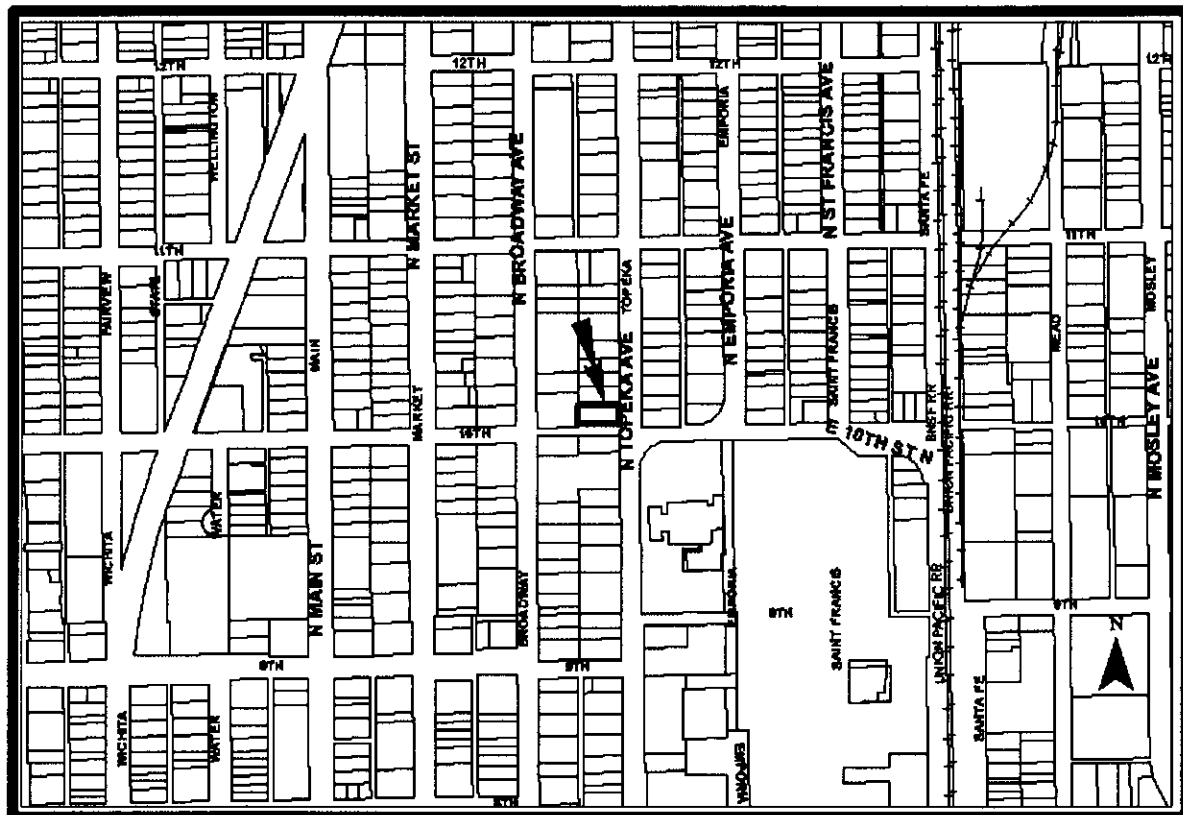
INITIATED BY: Metropolitan Area Planning Department *AL*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (12-0).

DAB Recommendation: District Advisory Board VI recommended approval of the request (3-2).

MAPD Staff Recommendation: The Metropolitan Area Planning Department staff recommended approval of the request.



Background: The applicant is requesting LC Limited Commercial zoning on the approximately 0.25-acre (10,435-square feet) NO Neighborhood Office zoned subject site; Lot 2, Block A, Frazey Addition. The subject site is developed with an approximately 3,286-square foot office. The office was originally built in 1886, as a single-family residence, the Purdue House. The Queen Ann Classical Revival style building is one of four buildings that are part of the North Topeka Avenue – 10th Street Historic District, which was entered in the National Historic Register in 1983.

The applicant proposes to convert the 3,286-square foot building into a bed and breakfast inn, a restaurant and possible general retail uses. The NO zoning district does not permit a bed and breakfast inn nor does it permit restaurants or retail uses. A bed and breakfast inn is first permitted by right in the GO General Office zoning district; Unified Zoning Code (UZC) Sec.III-D. General retail uses and restaurants are first permitted in the NR Neighborhood Retail zoning district, however restaurants cannot exceed 2,000-square feet in gross floor area, nor shall they provide any drive-up window service or in-vehicle food service. Delivery and carry-out services are acceptable; UZC Sec. III-D.6.t. The LC zoning district allows general retail and does not have the above restrictions on restaurants.

A bed and breakfast inn (UZC, a maximum of 15 guests) requires one parking space per guest room, plus one per 250-square feet used for retail purposes, professional and service facilities, offices, meeting rooms, recreational spaces; one per five occupants required for tavern and drinking establishment, club or restaurant that is contained within the bed and breakfast inn. A restaurant requires one on-site parking space per three customers. For a building this size the parking requirement for general retail is one parking space per 333-square feet.

The applicant's site plan shows 24 common parking spaces for both the subject site and the abutting north property; Lots 1 and 2, Frazey Addition. The agent now owns both of these properties. Combining the size of these two site's two buildings gives a total of 7,102-square feet that could be used for non-residential activities/development. The current parking could support retail in both buildings, as 22 spaces would be required. The 24 parking spaces would support 72 restaurant customers and staff. A possible lack of on-site parking for this size of non-residential development is a current consideration and has been a long time consideration on the two sites. BZA40-83 was an approved variance to reduce parking from 44 to 33 total parking spaces for the two sites. Since 1983 the two sites appear to have lost nine parking spaces. It is reasonable to state that the lack of on-site parking would need to be resolved thru off-site parking or another variance.

The GO zoned Via Christi St Francis regional medical complex is the dominant development in the area; Z-2535 and Community Unit Plan CUP DP-132, 10-18-1983. The northwest portion of Via Christi is located southeast of the site across 10th Street North and Topeka Avenue. South of the site, across 10th Street North, are a NO zoned group residence (CON2008-00033), B Multi-Family Residential and LC zoned, medical services and parking lots. The NO zoned group residence was originally constructed in 1885 as a single-family residence and is part of the North Topeka Avenue – 10th Street Historic District. The agent's LC zoned property abuts the north side of the site; ZON2014-00021 with Protective Overlay PO-291. The abutting north building was original constructed in 1886 as a single-family residence that was converted into an office and is included in the North Topeka Avenue – 10th Street Historic District; the Anawalt House. Both the subject site and the abutting LC zoned office have joined/common paved parking in the rear half of their properties which are connected by a shared common drive onto 10th Street North. A B zoned single-family residence (built 1920) is adjacent to the north side of the subject site and is included in the North Topeka Avenue – 10th Street Historic District. B zoned medical and dental offices and a NO zoned social services building are located further north of the subject site. TF-3 Two-Family Residential, B and GO zoned medical and dental offices, a two story apartment building and a single-family residence are located east of the site across Topeka Avenue. The site's close proximity to Via Christi and the other medical and dental facilities in the area could make the possibility of walk up traffic to the restaurant and retail a consideration in addressing the site's possible lack of on-site parking. There are LC zoned sit down/full service restaurants, fast food restaurants, motels, offices, parking lots, social services and a few vacant buildings located along Broadway Avenue abutting and adjacent to the west side of the site and the neighborhood in which it is located.

Analysis: On February 18, 2015, District Advisory Board (DAB) VI considered the request. Considerations discussed at DAB VI included the lack of on-site parking, the covenant, trash and the impact on the bike lane. DAB VI voted 3-3 to approve the request, subject to the following provisions of Protective Overlay PO-296.

- (1) Permitted uses: single-family residential, government service, hospital, library, university or college, bank or financial institution, bed and breakfast inn, medical service, general office, personal care service, personal improvement service and general retail.
- (2) Restaurants are permitted with no drive-up window service and no in-vehicle food service.
- (3) The applicant will meet on site with the Historic Preservation Planner, to review the standards for any use conversation/remodeling of this registered site/structure, prior to the issuing of permits.
- (4) Provide a variance or off-site parking for Lots 1 and 2, Frazey Addition to be used to resolve the lack of on-site parking. If a variance is approved, provide a covenant binding and tying Lots 1 and 2, Frazey Addition's parking lots as shared parking between the two sites.

There were no protests against the request at the DAB VI meeting.

On, February 19, 2015, the Metropolitan Area Planning Commission (MAPC) considered the request. The MAPC voted 12-0 to approve the request, with the above noted provisions of PO-296. There were no protests against the request at the MAPC meeting. Planning staff has received no valid protests and received no calls protesting the request.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council concur with the findings of the MAPC and approve the zoning subject to the provisions of the Protective Overlay and place the ordinance on first reading (simple majority vote required).

Attachments:

- MAPC minutes
- DAB memo
- Ordinance