

Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
June 5, 2001

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council Members

**SUBJECT:** ZON2001-00031 – ZONE CHANGE FROM “B” MULTI-FAMILY TO “OW” OFFICE WAREHOUSE, LOCATED ON THE SOUTHWEST CORNER OF ENGLISH AND KANSAS.  
(District # 1)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning

**MAPC Recommendation:** Approve, subject to the provisions of a (P-O) Protective Overlay (13-0).

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

**DAB Recommendation:** Approve, subject to the provisions of a (P-O) Protective Overlay (7-0).

**Background:** This is an application to rezone the southwest corner of Kansas and English in order to expand an existing building located at the southeast corner of Hydraulic and English. The existing building has three to four offices. The applicant would like to expand the main building eastward by approximately 60 feet to add more warehouse space for an HVAC contractor. This requires rezoning of the property from its current “B” Multi-Family zoning.

The property is currently used as a parking lot for the existing building. Prior to 1988, parking for adjacent commercial uses was allowed “by-right” in the “B” district. Also, it appears to be used as shared parking for the nearby church, Metropolitan Community Church.

Most of the surrounding land is developed with multi-family residential uses. There are duplexes and some small apartment buildings across the street to the east, and four-plexes on the south to Waterman. The block south of Waterman is in single-family use. It was developed as McNight Place in the 1930s and is a well-maintained single-family enclave.

The block to the north has a variety of residential uses (single-family, multi-family) and the church that was originally built as a Jewish synagogue. It is an undesignated potential historic site. The land west of the application area fronts onto Hydraulic. Hydraulic is developed with a mix of commercial/office/residential uses.

At the MAPC meeting held May 14, 2001, staff discussed the proposed protective overlay designed to soften the impact of a building expansion on nearby residential uses, and also suggested a modification of the proposed setback from Kansas Avenue and allowing a small outdoor storage area that would be screened from view of residential areas. MAPC voted (13-0) to approve subject to staff comments as revised.

At the DAB #1 meeting held May 21, 2001, the DAB voted (7-0) to approve subject to MAPC recommendations.

**Recommended Action:**

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District; approve first reading of the ordinance; or
2. Return the application to the MAPC for reconsideration

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

( ) Published in The Wichita Eagle on \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

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

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

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

**Case No. ZON2001-00031**

Request for zone change from "B" Multi-Family to "OW" Office Warehouse and to "P-O" Protective Overlay District #98, on property described as:

The East Half of McKnights Reserve, McKnight Place, an Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located on the southwest corner of English and Kansas.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. There shall be a building setback of 50 feet from Kansas.
2. No parking areas or additional paving shall be located closer than 25 feet from the property line on Kansas. This area shall be maintained as a landscaped street yard per the Landscape Ordinance. The existing mature trees on the lot must be protected during and after construction and any existing tree that is removed shall be replaced with trees of at least 4-inch caliper.
3. No building signage or ground or pole signage shall be permitted.
4. Outdoor work or storage areas shall be limited to 800 square feet maximum size, which shall be secured with locks and screened from view. No materials shall be visible from the tope of the screening wall/fence or from Kansas Avenue. All loading docks and trash receptacles shall be screened from view of residential zoning districts.

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5. No additional access openings shall be permitted onto Kansas Avenue or English.

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

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

**ADOPTED AT WICHITA, KANSAS,** \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Pat Burnett, City Clerk

\_\_\_\_\_  
Bob Knight, Mayor

(SEAL)

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

## STAFF REPORT

MAPC May 10, 2001

DAB I, May , 2001

CASE NUMBER: ZON2001-00031

APPLICANT/AGENT: Keith E. Parker and Carl Chuzy, Trustee, Carl Chuzy Living Trust (owners)

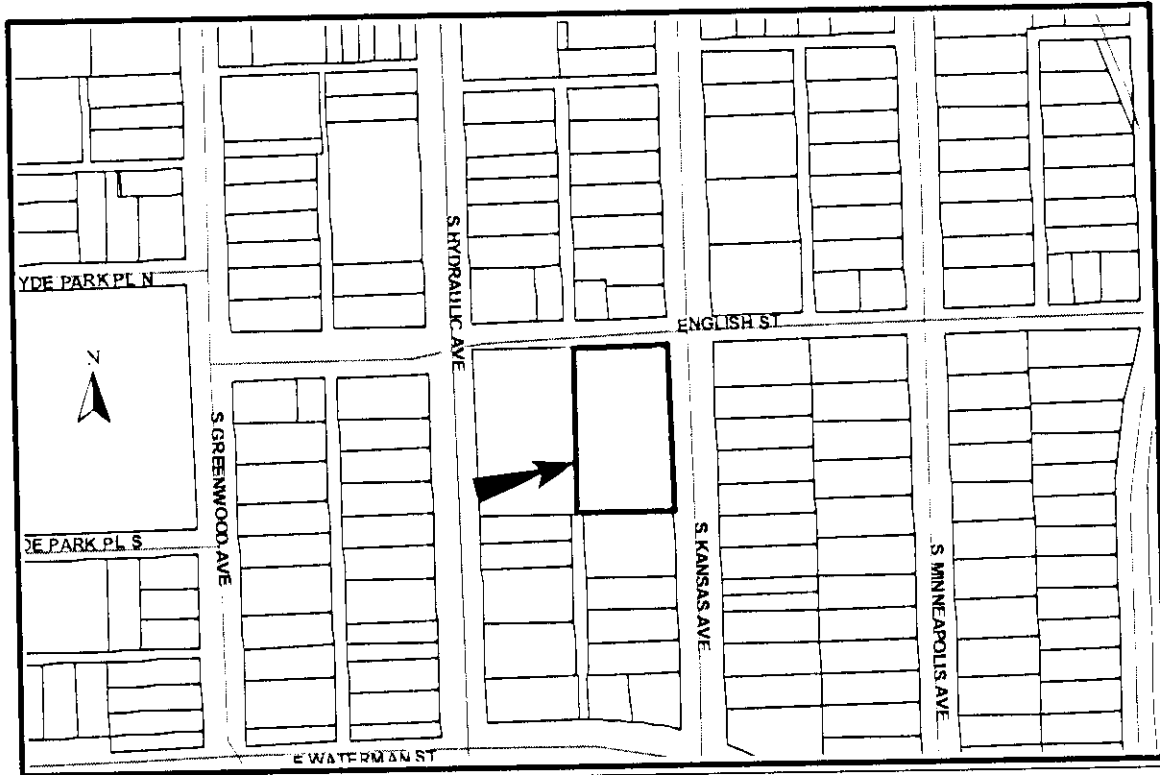
REQUEST: Zone change to "OW" Office Warehouse

CURRENT ZONING: "B" Multi-Family

SITE SIZE: 0.895 acre

LOCATION: On the southwest corner of English and Kansas

PROPOSED USE: To expand office/warehouse building onto existing parking lot



**BACKGROUND:** This is an application to rezone the southwest corner of Kansas and English in order to expand an existing building located at the southeast corner of Hydraulic and English. The existing building has three to four offices. The applicant would like to expand the main building eastward by approximately 60 feet to add more warehouse space for an HVAC contractor. This requires rezoning of the property from its current "B" Multi-Family zoning.

The property is currently used as a parking lot for the existing building. Prior to 1988, parking for adjacent commercial uses was allowed "by-right" in the "B" district. Also, it appears to be used as shared parking for the nearby church, Metropolitan Community Church.

Most of the surrounding land is developed with multi-family residential uses. There are duplexes and some small apartment buildings across the street to the east, and four-plexes on the south to Waterman. The block south of Waterman is in single-family use. It was developed as McNight Place in the 1930s and is a well-maintained single-family enclave.

The block to the north has a variety of residential uses (single-family, multi-family) and the church that was originally built as a Jewish synagogue. It is an undesignated potential historic site. The land west of the application area fronts onto Hydraulic. Hydraulic is developed with a mix of commercial/office/residential uses.

**CASE HISTORY:** The property is platted as Reserve A of McNight Place Addition. A zoning request (Z-2430) from "B" Single-Family to "BB" was approved April 18, 1982; this case was closed and denied December 7, 1983 for failure to plat.

**ADJACENT ZONING AND LAND USE:**

|        |                         |                                                        |
|--------|-------------------------|--------------------------------------------------------|
| NORTH: | "B" Multi-Family        | Single family residences, duplexes, apartments, church |
| SOUTH: | "B" Multi-Family        | Four-plexes                                            |
| EAST:  | "B" Multi-Family        | Apartments, duplexes                                   |
| WEST:  | "GC" General Commercial | Office/warehouse                                       |

**PUBLIC SERVICES:** Access for the existing building is from Hydraulic, a five-lane arterial street at the corner of Douglas and Hydraulic; tapering to a four-lane arterial. The 2030 Transportation Plan identifies Douglas/Hydraulic intersection as having light congestion in the future. Traffic counts for 1999 were approximately 7,000 ADTs on the south leg of the intersection and 14,500 and 15,150 on the east and west legs of the intersection, which is well below the streets capacity.

Loading docks are situated on the back of the building. These docks have access from the parking to English or Kansas.

Public water and sewer services are available.

**CONFORMANCE TO PLANS/POLICIES:** The "Wichita Land Use Guide" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as residential with commercial along Douglas, reflecting the current zoning and land use pattern, including the existing office/warehouse adjoining the request site.

**RECOMMENDATION:** The expansion of the building into the eastern half of the block fronting onto Kansas will introduce the first commercial use on Kansas between Douglas and Waterman, where Kansas ends. The current use of the rezoning application area as a parking lot serves as a buffer between the commercial orientation on Hydraulic and the residential nature of Kansas. The parking lot is set back approximately 50 feet from the property line and has a nice stand of mature trees about 10 feet further east in a grassed yard area. Even though there are loading docks on the rear of the building visible from Kansas, the mature trees and the exceptional width of the grassed yard help soften the effect.

The proposed building expansion would occupy roughly half of the area requested for rezoning. The building expansion could be done in a manner to properly screen the loading docks from view of the residences across the street, keep a building setback well behind the building line of the four-plexes to the south, and preserve the existing mature trees. In this case, the addition should not pose a significant change to the existing mix of uses on the block.

Based on these considerations and upon information available prior to the public hearings, planning staff recommends that the zone change request be APPROVED, subject to a Protective-Overlay with the following conditions:

1. There shall be a building setback of 75 feet from Kansas.
2. No parking areas or additional paving shall be located closer than 25 feet from the property line on Kansas. This area shall be maintained as a landscaped street yard per the Landscape Ordinance. The existing mature trees on the lot must be protected during and after construction and any existing tree that is removed shall be replaced with trees of at least 4 inch caliper.
3. No building signage or ground or pole signage shall be permitted.
4. No outdoor work or storage areas shall be permitted. All loading docks and trash receptacles shall be screened from view of residential zoning districts.
5. No additional access openings shall be permitted onto Kansas or English.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The land north, east, and south is zoned "B" Multi-Family and is a mix of single-family, duplexes, four-plexes, and apartments. Also, there is a church across the intersection of Kansas and English. The existing building fronts onto Hydraulic and is zoned "GC" General Commercial. Land uses along Hydraulic from Douglas to Waterman vary, and include a convenience store, the office/warehouse (use for which the expansion is requested), offices and a few residential structures.
2. The suitability of the subject property for the uses to which it has been restricted: The parking lot as an ancillary parking lot was a permitted use in the "B" district in the past. If the applicant had been seeking to establish a parking lot under the current Code, it would have required "Conditional Use" approval.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Rezoning to "OW" could cause other property owners along Kansas to seek commercial use, which would be detrimental to the residential character of the neighborhood. The protective overlay provisions to keep the building line of the commercial use well behind the building line of the four-plexes to the south, plus other provisions for screening, landscaping, and limitation on signage should keep the impact to a minimum of being a modest expansion of an existing use.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested change in zoning classification is not in conformance with the Wichita Land Use Guide for institutional uses; however, none of the existing uses in the vicinity (zoned "B" and "GC") except the church are in conformance with the Plan.
5. Impact of the proposed development on community facilities: None other than a small potential increase in commercial traffic on local streets.