Agenda Item #_____

City of Wichita
City Council Meeting
April 2, 2002

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2002-00007 – Expansion of the "OT-O" Old Town Overlay District for the purpose of creating a theater sub-district of the "OT-O". Generally located between 2nd street and 3rd Street and between Rock Island Avenue and the BNSF Railroad tracks. (District VI)**

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve. (12-0)

Staff Recommendation: Approve.



BACKGROUND: The applicants request expansion of the "OT-O" Old Town Overlay district onto the "LI" zoned application area for the purpose of creating a theater sub-district of the "OT-O". If approved for the overlay district, the underlying zoning would remain "LI" Limited Industrial, but would become subject to the design, signage and parking requirements of the "OT-O" district, and would permit residential uses on this property which are not currently permitted by the underlying "LI" zoning.

This proposed theater sub-district of the "OT-O" is recommended to have some design and signage standards different than those of the remaining "OT-O" district; these differences would recognize the unique differences of all new construction for a "high-energy" entertainment district. An associated case, DR2002-00002, proposes amending the "OT-O" portion of the Unified Zoning Code, making the theater sub-district and it's modified standards possible. These differences would include allowing a theatre marquee sign to be backlit, made of materials to include plastic, and larger than those signs permitted in the existing "OT-O" district. The theater sub-district would also allow flashing and moving signs, and use of synthetic stucco as an exterior building material when subordinate to brick or other more traditional building materials. The theater sub-district would retain the design review process required for the existing "OT-O" district, ensuring the desired character and quality of the district.

The 7-acre site is mostly vacant with a few industrial warehouse buildings. The application area does not posses the distinctive historic character of the existing "OT-O" to the south. The applicants intend to redevelop the entire site as a theater sub-district of the "OT-O" anchored by a six screen cinema. The development will vacate a portion of Moore Avenue, and will create a large public plaza between Moore and Meade. The plaza will include sculpture, a fountain, light features, and will be enclosed by new commercial buildings, structured parking, and the cinema marquee (see attached site plan).

The Old Town Overlay District currently stops at 2nd Street, with the exception of a few "OT-O" "islands". If approved, this request would push the "OT-O" district a full block north to 3rd Street. All nearby properties are zoned "LI" Limited Industrial and used for commercial and industrial type uses.

MAPC heard this request at their regularly scheduled meeting on March 7th, 2002. No members of the public chose to speak on the zone change request. MAPC approved the request a vote of 12-0.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading; or

2. Return the application to the MAPC for reconsideration

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

(150004) Published in T Wichita Eagle on APR 13 2002

ORDINANCE NO. 45-297

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. ZON2002-00007

Expansion of the "OT-O" Old Town Overlay District for the purpose of creating a theater sub-district of the "OT-O" described as:

A tract of land described as:
All of Lots 1 and 2, 5th Avenue, now Santa Fe Avenue, and all of Lots 2 thru 10 Mead Avenue, in Howe and West Subdivision; All of lots 37, 39, 41, 43, Mead Avenue, East Wichita Addition; And, all of Lots 1 thru 8 and the South 25 ft. of Lot 9, Block A, H.L. and A.M. Taylor Addition, all in Wichita, Sedgwick County, Kansas. Generally located between 2nd Street and 3rd Street and between Rock Island Avenue and the BNSF Railroad tracks.

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, APR 9 2002

ATTEST:

Pat Burnett, City Clerk

Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM No. 6

STAFF REPORT

MAPC 3/7/02

CASE NUMBER: ZON2002-00007 (Associated with DR2002-00002)

APPLICANT: City of Wichita, c/o Allen Eichacker, Property Management; Cinema Old Town LLC, c/o Dave Burk

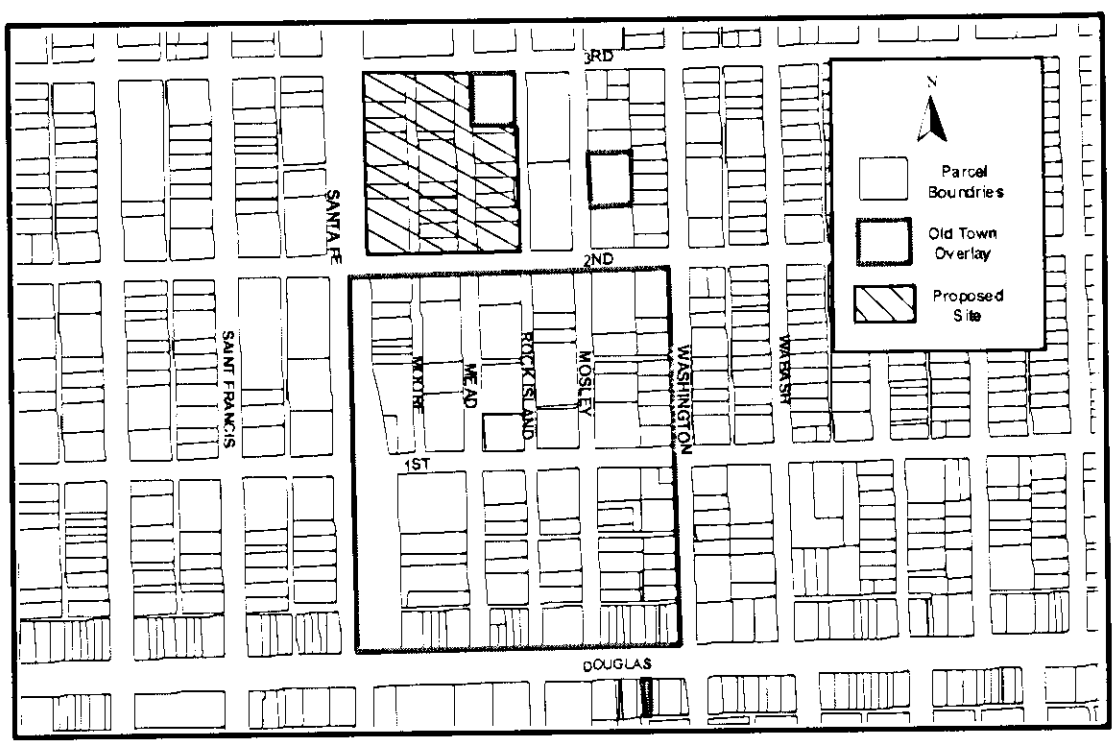
REQUEST: Expansion of the "OT-O" Old Town Overlay District for the purpose of creating a theater sub-district of the "OT-O"

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: approximately 7 acres

LOCATION: Generally located between 2nd Street and 3rd Street and between Rock Island Avenue and the BNSF Railroad tracks

PROPOSED USE: New construction of a theater and entertainment district



BACKGROUND: The applicants request expansion of the "OT-O" Old Town Overlay district onto the "LI" zoned application area for the purpose of creating a theater sub-district of the "OT-O". If approved for the overlay district, the underlying zoning would remain "LI" Limited Industrial, but would become subject to the design, signage and parking requirements of the "OT-O" district, and would permit residential uses on this property which are not currently permitted by the underlying "LI" zoning.

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The 7 acre site is mostly vacant with a few industrial warehouse buildings. The application area does not posses the distinctive historic character of the existing "OT-O" to the south. The applicants intend to redevelop the entire site as a theater sub-district of the "OT-O" anchored by a six screen cinema. The development will vacate a portion of Moore Avenue, and will create a large public plaza between Moore and Meade. The plaza will include sculpture, a fountain, light features, and will be enclosed by new commercial buildings, structured parking, and the cinema marquee (see attached site plan).

The Old Town Overlay District currently stops at 2nd Street, with the exception of a few "OT-O" "islands". If approved, this request would push the "OT-O" district a full block north to 3rd Street. All nearby properties are zoned "LI" Limited Industrial and used for commercial and industrial type uses.

CASE HISTORY: The attached design concept was approved by the Design Council, an advisory board to the City Council on the aesthetics of public and publicly-supported projects.

ADJACENT ZONING AND LAND USE:

NORTH: "LI" Limited Industrial; warehouse and commercial
SOUTH: "LI" Limited Industrial; existing "OT-O" district
EAST: "LI" Limited Industrial; warehouse and commercial
WEST: "LI" Limited Industrial; BNSF Railroad tracks

PUBLIC SERVICES: All normal public services are available. 2nd Street is a westward one way street with a 65 foot right of way, a March 2001 traffic count of 8,510 ADTs (average daily trips) and a 2030 traffic count projection of 9,569 ADTs. 3rd Street dead ends at the railroad tracks and has a 50 foot right of way. Moore Avenue is not a through street and has a 35 foot right of way; Meade is a through street with a 60 foot right of way.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" does not specifically address this area but refers to the "Development Plan for Downtown Wichita" (June 1989). Similarly, the Downtown Plan does not provide specific land use recommendations for the area, but identifies the area north of Douglas as the "Old Town/Rock Island Rehabilitation" challenge.

The Downtown Plan includes a goal of mixed-use development, with the objective of introducing recreational activities to areas that are underutilized.

RECOMMENDATION: The "OT-O" designation assists in redevelopment of the property in that it reduces the amount of on-site parking that would otherwise be required for the proposed use; and the "OT-O" designation ties the proposed development to the character of the established Old Town district. Although not currently proposed, the "OT-O" designation would allow the application area to introduce residential development, which would otherwise not be permitted in the "LI" district. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The application area would be a contiguous extention of the existing "OT-O" district to the south. All other nearby properties are zoned "LI" Limited Industrial and used for commercial or industrial uses. The properties surrounding the application area are part of the larger original warehouse district and still have some active commerical and industrial uses.

2. The suitablility of the subject property for the uses to which it has been restricted. The property is zoned "LI" Limited Industrial, which permits

nearly all uses except residential. The site could be used for currently permitted uses; but continued success and interest in the Old Town area makes this property well suited for a contiguous expansion of the existing Old Town.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed development will result in increased parking demand and traffic volumes; however, the applicant's proposal for parking and street improvements appears to adequately handle those anticipated increases.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The requested change supports the Downtown Plan by encouraging more and diverse recreational uses in the Downtown area, and by re-using this site within the warehouse district.

5. Impact of the proposed development on community facilities: An increase in parking and traffic will occur. However, the proposed development includes substantial additional parking in the form of a public parking garage, toward which the applicant will contribute monthly parking fees, as do many property owners in the existing Old Town district. Street rights-of-way with planned improvements should be adequate to provide traffic circulation.