Planning Agenda Item #_____

City of Wichita
City Council Meeting

August 8, 1995

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3173- LOVE BOX COMPANY REQUESTS ZONE CHANGE FROM 'F' HEAVY INDUSTRIAL TO 'C' COMMERCIAL, LOCATED SOUTHEAST CORNER OF 37TH STREET NORTH AND SANTA FE STREET.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (8-3).

Staff Recommendation: Approve.

CPO Recommendation: Approve 5-1.

Background: The applicant requests a zone change from the 'F' Heavy Industrial District to the 'C' Commercial District for a 3.25 acre site located at the southeast corner of 37th Street North and Santa Fe Street (725 East 37th Street North). The Love Box Company, Inc. proposes a private school for this location. The site is currently developed with a structure that includes warehouse activities, as well as the Christian Worldview Library, Employee Health Center, and a private school for the Love Box Company, Inc. employees. This is a revised application from a request for 3,300 square feet of 'C' zoning that was denied by the Wichita City Council in 1993. During the 1993 hearings, concerns were expressed about spot zoning, the suitability of the area for educational purposes, and conflicts / hazards of mixing schoolchildren with truck loading activities.

In the proposed "Unified Zoning Code for Wichita-Sedgwick County", schools (elementary, middle, and high schools) would be permitted in industrial zoning districts as a Conditional Use. However, in the existing City Zoning Code, schools are prohibited in the 'OC' Office Commercial, 'E' Light Industrial, and 'F' Heavy Industrial Districts. The 'F' district specifically prohibits uses, including schools, first allowed in the 'AA' Single Family Dwelling District. Currently, the requested 'C' Commercial District is the most intensive district which permits schools. Although a library, health center, and private school are operating in the existing structure, these uses are considered "ancillary" activities to the industrial use and are therefore permitted in the 'F' District.

All property surrounding the application area is zoned 'F' Heavy Industrial. The site is bordered by the Love Box Company Corporate Offices to the north, railroad tracks and Evcon Industries to the east, a vacant lot (zoned 'F') to the west, and the Love Box warehousing operations to the south.

On August 17, 1993, the Wichita City Council voted 5-2 to deny the request. The Council's findings were the following: the surrounding area is zoned 'F' and the City's zoning ordinance does not permit uses allowed in the residential districts to be developed in the industrial districts because those kinds of uses are considered to be incompatible; the industrial character of the area and the odor, noise, traffic and other impacts associated with industrial uses; there are more suitable sites in the community for schools; the Comprehensive Plan identifies this area for industrial uses and does not indicate that schools or other uses commonly found in residential districts should be mixed with industrial uses; and denial of 'C' zoning should not reduce the value of the applicant's property because it is substantially used for industrial purposes.

Recommendation:

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 2/3rd majority vote of the membership of the governing body on first hearing.)

(_____) Published in The Daily Reporter on 8/18/95

ORDINANCE NO. 42-831

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 28.04.210, THE CODE OF THE CITY OF WICHITA, KANSAS.

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 Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

FILE COPY

Case No. Z-3173

Zone change request from the 'F'Heavy Industrial to 'C' Commercial District

Legally described as: Beginning 30 feet South and 1125 feet West of the Northeast corner of the Northwest Quarter of Section 33, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County Kansas; thence South 404.59 feet; thence East 351.5 feet; thence North 399.59 feet; thence West 28.5 feet; thence North 5 feet; thence West 323 feet to beginning. Generally located Southeast corner of 37th Street North and Santa Fe Street (725 East 37th Street North).

SECTION 2. That upon the taking effect of the 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 Zoning Ordinance 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.

File Copy

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT

July 13, 1995

CASE NUMBER: Z-3173

APPLICANT/AGENT: Love Box Company (property owner) / Donald E. Hill (agent)

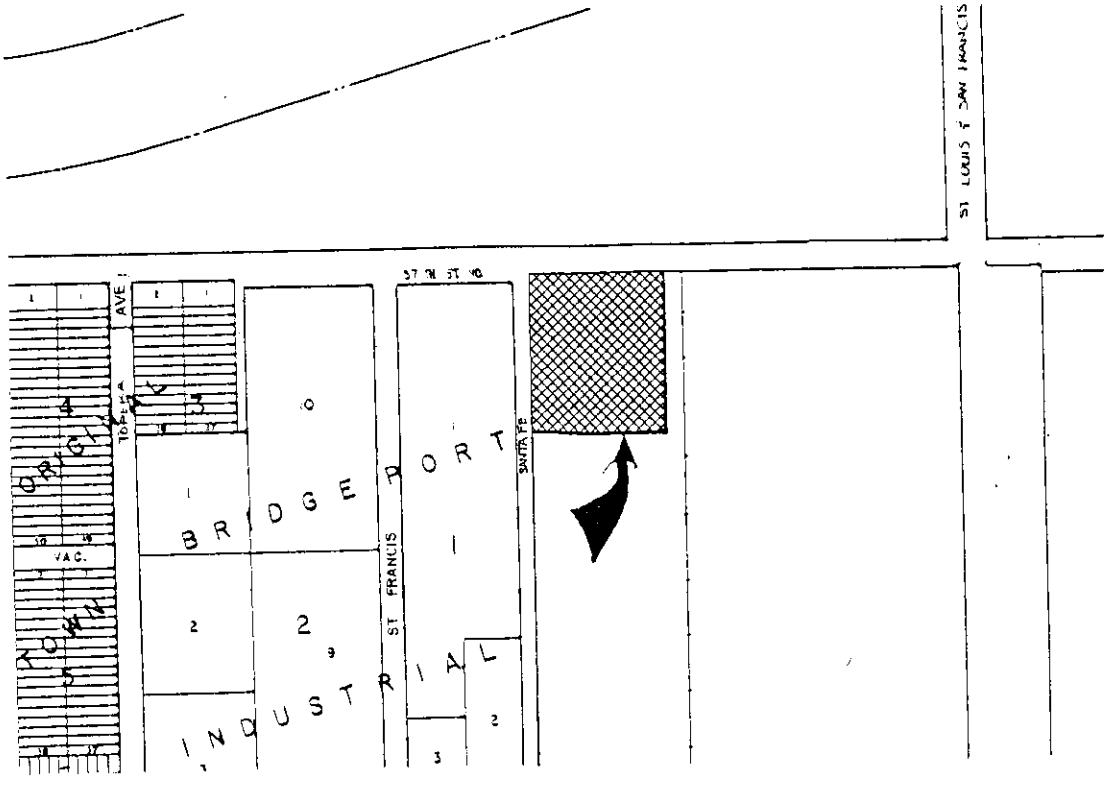
REQUEST: Zone change to 'C' Commercial

CURRENT ZONING: 'F' Heavy Industrial

SITE SIZE: 3.25 acres

LOCATION: Southeast corner of 37th Street North and Santa Fe Street (725 East 37th Street North).

PROPOSED USE: Private school



BACKGROUND: The applicant requests a zone change from the 'F' Heavy Industrial District to the 'C' Commercial District for a 3.25 acre site located at the southeast corner of 37th Street North and Santa Fe Street (725 East 37th Street North). The Love Box Company, Inc. proposes a private school for this location. The site is currently developed with a structure that includes warehouse activities, as well as the Christian Worldview Library, Employee Health Center, and a private school for the Love Box Company, Inc. employees. This is a revised application from a request for 3,300 square feet of 'C' zoning that was denied by the Wichita City Council in 1993. During the 1993 hearings, concerns were expressed about spot zoning, the suitability of the area for educational purposes, and conflicts / hazards of mixing schoolchildren with truck loading activities.

In the proposed "Unified Zoning Code for Wichita-Sedgwick County", schools (elementary, middle, and high schools) would be permitted in industrial zoning districts as a Conditional Use. However, in the existing City Zoning Code, schools are prohibited in the 'OC' Office Commercial, 'E' Light Industrial, and 'F' Heavy Industrial Districts. The 'F' district specifically prohibits uses, including schools, first allowed in the 'AA' Single Family Dwelling District. Currently, the requested 'C' Commercial District is the most intensive district which permits schools. Although a library, health center, and private school are operating in the existing structure, these uses are considered "ancillary" activities to the industrial use and are therefore permitted in the 'F' District.

All property surrounding the application area is zoned 'F' Heavy Industrial. The site is bordered by the Love Box Company Corporate Offices to the north, railroad tracks and Evcon Industries to the east, a vacant lot (zoned 'F') to the west, and the Love Box warehousing operations to the south.

CASE HISTORY:

Z-3098 - Zone change from 'F' to 'C' for a 3,300 square foot area located within the Love Box building.

6-17-93 -- the MAPC voted 6-5 to recommend approval of the zone change.

7-13-93 -- the Wichita City Council voted 6-1 to return the request to the MAPC for reconsideration to address questions regarding spot zoning, suitability of the area for educational purposes, future requests from the applicant for additional amenities, and the precedent sent by the request.

7-29-93 -- the MAPC reconsidered the request and voted 9-3 to recommend approval.

8-17-93 -- the Wichita City Council voted 5-2 to deny the request. The Council's findings were the following: the surrounding area is zoned 'F' and the City's zoning ordinance does not permit uses allowed in the residential districts to be developed in the industrial districts because those kinds of uses are considered to be incompatible; the industrial character of the area and the odor, noise, traffic and other impacts associated with industrial uses; there are more suitable sites in the community for schools; the Comprehensive Plan identifies this area for industrial uses and does not indicate that schools or other uses commonly found in residential districts should be mixed with industrial uses; and denial of 'C' zoning should not reduce the value of the applicant's property because it is substantially used for industrial purposes.

ADJACENT ZONING AND LAND USE:

NORTH:	'F'	Love Box Offices
SOUTH:	'F'	Love Box Warehouse operations
EAST:	'F'	Undeveloped
WEST:	'F'	Railroad, Evcon Industries

PUBLIC SERVICES: The existing building is served by municipal water and sewer services. 12-inch water lines are located along both 37th Street and Santa Fe and an 8-inch line is located along 37th Street. The site has access to Santa Fe, a 2-lane paved roadway with 60 feet of existing right-of-way. The site also borders 37th Street North, a 2-lane arterial with 50 feet of existing half-street right-of-way. Existing traffic volumes on 37th Street North are approximately 5,700 average daily trips (ADT). The 2020 Transportation Plan projects future traffic volumes to be within the capacity of a 2-lane arterial. Traffic counts are not available for Santa Fe.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area for industrial uses. The Comprehensive Plan does not specifically address a school being located as part of an industrial complex. Generally, schools would not be considered compatible with industrial uses because of safety concerns from the use of large trucks and equipment, noise, and a lack of open space typical of industrial areas.

RECOMMENDATION: It is planning staff's opinion that requests for schools in industrial areas should be considered on a case by case basis after careful consideration of existing and future surrounding land uses. In this particular case, staff feels that a private school would be compatible with the school and recreational uses already operation in the facility as "ancillary" activities to the

industrial use. 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 surrounding area is characterized by industrial uses and mostly 'F' zoning, except for a spot of 'C' zoning in an area to the southwest along St. Francis. The request for 'C' zoning would permit a private school which would be similar in character to the library, health center, and private school (for children of the company's workers) operating as "ancillary" activities to the industrial use and therefore permitted in the 'F' District.

Approval of 'C' zoning would be considered "spot zoning". However, this "spot zoning" would be more restrictive than the surrounding properties, where usually the spot is for a more intensive classification the surrounding area. Many of the uses permitted in and characteristic of industrial areas are also permitted in 'C', such as warehouses and machine shops. Also, a spot of 'C' zoning would not be unprecedented for this area since another spot of 'C' zoning is located to the southwest along Santa Fe.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: The 'C' district would not negatively impact surrounding uses since surrounding properties are zoned to allow more intensive uses. The applicant owns the property to the north, south, and west and is separated from the property to the east by a railroad track.

3. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies this area for industrial uses. The Comprehensive Plan does not specifically address a school being located as part of an industrial complex. Although the City Council denied a similar request for this site in 1993, planning staff feels that requests to locate schools in industrial areas should be considered on a case by case basis. In this particular case, the request for a private school, where parents have the choice of sending their children or not, and where children will be brought to and from the facility rather than walking.

4. Impact of the proposed development on community facilities: The change in zoning classification to a more restrictive district would have a minimal impact upon municipal water and sewer services that serve the existing facility. No walking to or from school is expected, and so the absence of sidewalks in this area should not be a problem. It is not anticipated that uses allowed in the 'C' district would negatively impact traffic on area roadways any more than what could be developed in the 'F' district.