

Agenda Item # _____

City of Wichita
City Council Meeting
May 23, 2000

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: **ZON2000-00006: ZONE CHANGE FROM "MF-29" MULTI-FAMILY RESIDENTIAL TO "OW" OFFICE WAREHOUSE, LOCATED SOUTH OF KELLOGG AND WEST OF SENECA.** (District #IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

W. Krout

MAPC Recommendation: Approve "NO" Neighborhood Office on east 50 feet (13-0).

DAB Recommendation: Approve "OW" Office Warehouse on north half of subject property subject to a Protective Overlay limiting uses to construction, sales, and contracting uses

Staff Recommendation: Deny.

Background: The applicant requests a zone change from "MF-29" Multi-Family Residential to "OW" Office Warehouse on a 0.32 acre platted tract located south of Kellogg and west of Seneca (1117 & 1121 W. Dayton). The applicant proposes to convert the single-family residence at 1117 W. Dayton into an office and to construct a 2,000 to 3,000 square foot warehouse in the rear yard of both addresses for use by an electrical contracting business owned by the applicant. Access to the site would be from a paved alley running north from Dayton and parallel to Seneca. The applicant has indicated that he has an informal agreement with the adjoining commercial property to the east for access across their property to Seneca.

The surrounding area is primarily developed with single-family residences. The only commercial business in the immediate area is adjacent to the subject property to the east. Property to the north, south, and west of the site is zoned "MF-29" Multi-Family Residential and is developed primarily with single-family residences with a few duplexes interspersed. Property to the east of the site is zoned "LC" Limited Commercial and is developed with a tavern (Old English Pub).

Off-street parking requirements in the Unified Zoning Code are 1 space per 250 square feet of office area and 1 space per 1,000 square feet of warehouse area. The applicant has indicated that he has an informal agreement with the adjoining commercial property to the east for off-site parking. Without a variance, the Unified Zoning Code permits no more than 50% of the required parking to be located off-site.

Screening requirements in the Unified Zoning Code are decorative fencing, evergreen vegetation, or landscaped earth berms where adjacent to or across the street from residential zoning districts. In addition to screening, the Landscape Ordinance requires buffer tree planting along rear and side boundaries where adjacent to residential zoning districts.

The District Advisory Board for Council District IV heard the case on April 5, 2000. At the hearing, the DAB recommended approval of "OW" Office Warehouse zoning for the north half of the subject property subject to a Protective Overlay limiting uses to construction, sales, and contracting uses.

At the MAPC hearing on April 13, 2000, a motion was made to approve "OW" Office Warehouse for the portion of the subject property proposed for non-residential uses subject to the conditions of a Protective Overlay limiting uses to construction sales and service, office, and warehousing and requiring a 20 foot setback on the east property line for parking. This motion resulted in a moot vote (6-6), which would have resulted in a failure to recommend approval to the City Council. A second motion was made to approve "NO" Neighborhood Office zoning on the east half of the subject property, which was then followed by a substitute motion for a two week deferral. The substitute motion for a two week deferral passed 7-5.

At the MAPC hearing on April 27, 2000, a motion was made to approve "OW" Office Warehouse for the portion of the subject property proposed for non-residential uses subject to the conditions of a Protective Overlay limiting uses to construction sales and service, office, and warehousing and requiring a 20 foot setback on the east property line for parking. This motion failed 8-5. A second motion was made to approve "OW" Office Warehouse for the portion of the subject property proposed for non-residential uses subject to the conditions of a Protective Overlay limiting uses to construction sales and service, office, and warehousing; requiring a 20 foot setback on the east property line for parking; requiring a 6 foot high masonry wall along the east, south, and west property lines; requiring a 12 foot high screening fence for any outdoor storage area; and requiring a landscape plan providing trees every 15 feet along the east, south, and west property lines. This motion failed 7-6. A third motion was made to approve "NO" Neighborhood Office for the east 50 feet of the subject property where the applicant currently operates an office in a single family residence. This motion passed 13-0.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change to "NO" Neighborhood Office on the east 50 feet of the subject property; 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.)

() Published in The Daily Reporter 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. ZON 2000-00006

Request for zone change from "MF-29" Multi-Family Residential to "NO" Neighborhood Office, on property described as:

Lots 13 and 15, on Dayton Avenue, Lawrence's 7th Addition to Wichita, Sedgwick County, Kansas. Generally located south of Kellogg and west of Seneca (1117 West Dayton).

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, _____

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AGENDA ITEM NO. 5

STAFF REPORT

MAPC April 13, 2000 (Deferred)

MAPC April 27, 2000

WCC

CASE NUMBER: ZON2000-00006

APPLICANT/AGENT: Brant Investment c/o Larry Hackney (Owner/Applicant)

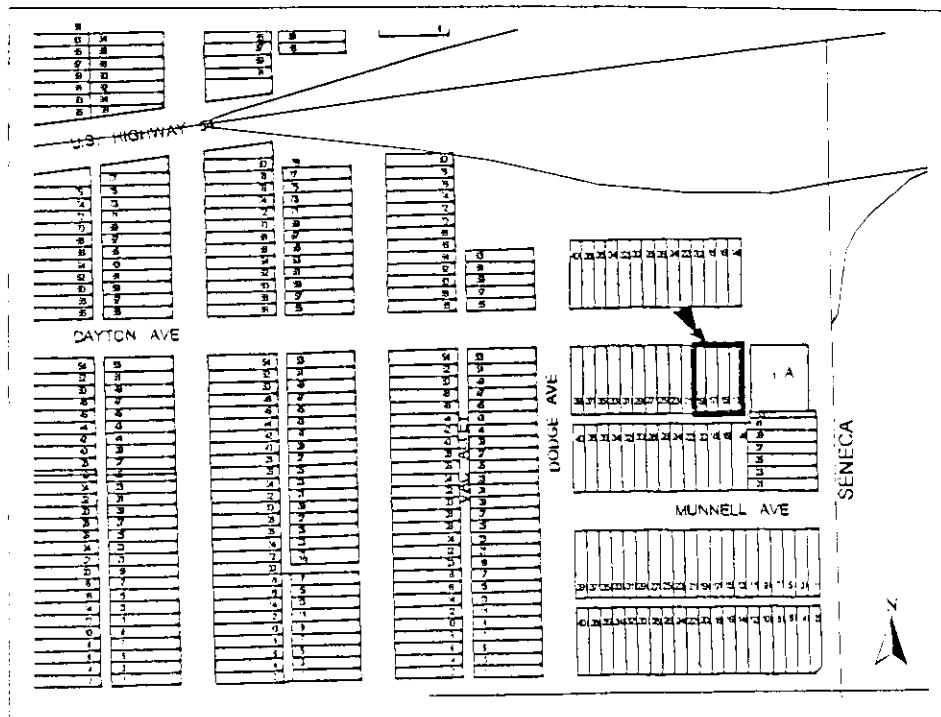
REQUEST: "OW" Office Warehouse

CURRENT ZONING: "MF-29" Multi-Family Residential

SITE SIZE: 0.32 acre

LOCATION: South of Kellogg and west of Seneca (1117 & 1121 W. Dayton)

PROPOSED USE: Office and warehouse building for electrical contractor



BACKGROUND: At the hearing on April 13, 2000, the MAPC held a public hearing on the case (see attached excerpt of the minutes). A motion was made to approve the request subject to the conditions listed in the "Recommendation" section below. This motion resulted in a moot vote (6-6), which would have resulted in a failure to recommend approval to the City Council. A second motion was made to approve "NO" Neighborhood Office zoning on the east half of the subject property, which was then followed by a substitute motion for a two week deferral. The substitute motion for a two week deferral passed 7-5.

The applicant requests a zone change from "MF-29" Multi-Family Residential to "OW" Office Warehouse on a 0.32 acre platted tract located south of Kellogg and west of Seneca (1117 & 1121 W. Dayton). The applicant proposes to convert the single-family residence at 1117 W. Dayton into an office and to construct a 2,000 to 3,000 square foot warehouse in the rear yard of both addresses for use by an electrical contracting business owned by the applicant. Access to the site would be from a paved alley running north from Dayton and parallel to Seneca. The applicant has indicated that he has an informal agreement with the adjoining commercial property to the east for access across their property to Seneca.

The surrounding area is primarily developed with single-family residences. The only commercial business in the immediate area is adjacent to the subject property to the east. Property to the north, south, and west of the site is zoned "MF-29" Multi-Family Residential and is developed primarily with single-family residences with a few duplexes interspersed. Property to the east of the site is zoned "LC" Limited Commercial and is developed with a tavern (Old English Pub).

Off-street parking requirements in the Unified Zoning Code are 1 space per 250 square feet of office area and 1 space per 1,000 square feet of warehouse area. The applicant has indicated that he has an informal agreement with the adjoining commercial property to the east for off-site parking. Without a variance, the Unified Zoning Code permits no more than 50% of the required parking to be located off-site.

Screening requirements in the Unified Zoning Code are decorative fencing, evergreen vegetation, or landscaped earth berms where adjacent to or across the street from residential zoning districts. In addition to screening, the Landscape Ordinance requires buffer tree planting along rear and side boundaries where adjacent to residential zoning districts.

CASE HISTORY: The site is in Lawrence's 7th Addition, which was platted April 25, 1887.

ADJACENT ZONING AND LAND USE:

NORTH: "MF-29" Single-Family; Multi-Family

SOUTH:	"MF-29"	Single-Family; Multi-Family
EAST:	"LC"	Tavern/Drinking Establishment
WEST:	"MF-29"	Single-Family; Multi-Family

PUBLIC SERVICES: The site has frontage to Dayton, a two-lane paved local street that accesses Seneca (a four-lane arterial) ½ block to the east. Current traffic volumes on Seneca are approximately 19,000 vehicles per day. The 2030 Transportation Plan estimates the volumes will increase to approximately 25,000 vehicles per day. The site is currently served with municipal water and sewer.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "High-Density Residential" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The proposed zone change does not adhere to either the Land Use Guide or the Commercial Locational Guidelines.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED. However, if in the opinion of the Planning Commission the application should be approved, planning staff recommends that the approval be subject replatting and the following conditions of a Protective Overlay:

1. The zone change to "OW" Office Warehouse shall apply only to that portion of the application area to be used for commercial purposes. Any portion of the application area to be used for residential purposes shall be excluded from the "OW" Office Warehouse zoning lot. The applicant shall submit a revised legal description of the "OW" Office Warehouse zoning lot that excludes that portion of the application area to be used for residential purposes.
2. Only the following uses shall be permitted on the zoning lot: construction sales and service; office, general; and warehousing.
3. The warehouse building shall be setback at least 20 feet from the east property line to provide a loading and parking area.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is primarily developed with single-family residences. The only commercial business in the immediate area is adjacent to the subject property to the east. Property to the north, south, and west of the site is zoned "MF-29" Multi-Family Residential and is developed primarily with single-family residences with a few

duplexes interspersed. Property to the east of the site is zoned "LC" Limited Commercial and is developed with a tavern (Old English Pub).

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "MF-29" Multi-Family Residential and is currently developed with viable residential uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Introducing commercial uses into a neighborhood that is used for residential purposes has the potential to cause a decline in the desirability of neighboring properties for residential use and could result in declining residential property values from nuisances such as lighting, noise, odor, etc. from the commercial uses.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "High-Density Residential" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The proposed zone change does not adhere to either the Land Use Guide or the Commercial Locational Guidelines.
5. Impact of the proposed development on community facilities: Community facilities should not be adversely impacted.