Agenda Item #_____

City of Wichita
City Council Meeting
September 12, 2000

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2000-00032- ZONE CHANGE FROM "LI" LIMITED INDUSTRIAL TO "CBD" CENTRAL BUSINESS DISTRICT, LOCATED SOUTH OF WATERMAN AND EAST OF COMMERCE (418 SOUTH COMMERCE).** (District #I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (11-0).

Staff Recommendation: Approve.

Background: The applicant is requesting "CBD" Central Business District zoning for a property with approximately 0.13 acre located south of Waterman and on the east side of Commerce (418 South Commerce). The property is developed with a warehouse building constructed around 1895. The building extends from property line to property line and has common walls with the adjoining warehouses to the north and south. The buildings originally fronted onto Santa Fe Avenue and were used for railroad deliveries. After the vacation of Santa Fe Avenue, the fronts of the buildings were reversed to face onto Commerce. The vacated right-of-way for Santa Fe Avenue is located along the rear of these buildings, and is open space. A cross-lot common dock agreement gives access to the rear of the buildings, but appears to be used infrequently.

The building owners, David and Marilyn Grisham, have requested "CBD" zoning in order to use the building for both residential and non-residential purposes. The current zoning, "LI" Limited Industrial, does not allow residential use. They have indicated they hope to locate a studio and workshop, a small gallery space, and a garage on the main floor and a residence on the second floor. As proposed, the off-street parking requirement would be approximately eight spaces. "CBD" would accommodate this range of uses, and also would eliminate the requirement to provide off-street parking. However, the applicants have indicated they are providing one to three off-street parking spaces within the structure, plus there are three on-street spaces in front of the building.

Mrs. Grisham currently has a home occupation type of business. She has two looms that she and one coworker use to weave tapestries. Several times a year, she plans to display her works in a gallery space within the building. She likes the spaciousness and ambiance of the warehouse for a workshop and loft, and prefers to have her home and workshop in the same location.

The 400 block of South Commerce is zoned "LI" Limited Industrial and has been used primarily for warehousing. There are several furniture warehouses, private storage, a body shop, and a parts supply business. Additionally, an antique store, Dock 410, is nearby to the north and a photography studio is located to the west, with its frontage onto St. Francis. The adjoining property to the south of the applicant is being renovated as an interior design and ceramics studio. All the property west of St. Francis, which is one-half block to the west, is zoned "CBD" and is used for a variety of uses similar to those along South Commerce. -

At the MAPC meeting held August 17, 2000, MAPC voted (11-0) to approve the request. There were no citizens other than the applicants present to speak.

Recommended Action:

1. Concur with the findings of 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.)

(_____) 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. ZON2000-00032

Request for zone change from "LI" Limited Industrial to "CBD" Central Business District On property described as:

THE SOUTH 2.2 FEET OF LOT 94, EXCEPT THE WEST 10 FEET THEREOF, ON FIFTH NOW SANTA FE AVENUE, N.A. ENGLISH'S 3RD ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, TOGETHER WITH THE WEST HALF OF VACATED SANTA FE AVENUE ADJOINING ON THE EAST TAX KEY NO. B-04299-0004 LOT 96, EXCEPT THE WEST 10 FEET THEREOF AND THE NORTH 6.14 FEET OF LOT 98, EXCEPT THE WEST 10 FEET THEREOF ON FIFTH NOW SANTA FE AVENUE, N.A. ENGLISH'S 3RD ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS TOGETHER WITH THE WEST HALF OF VACATED SANTA FE AVENUE ADJOINING THE EAST. Generally located south of Waterman and east of Commerce (418 South Commerce).

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.

FILE COPY

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. _____

STAFF REPORT

MAPC August 17, 2000

CASE NUMBER: ZON2000-00032

APPLICANT/AGENT: David R. Grisham and Marilyn A. Grisham (owners)

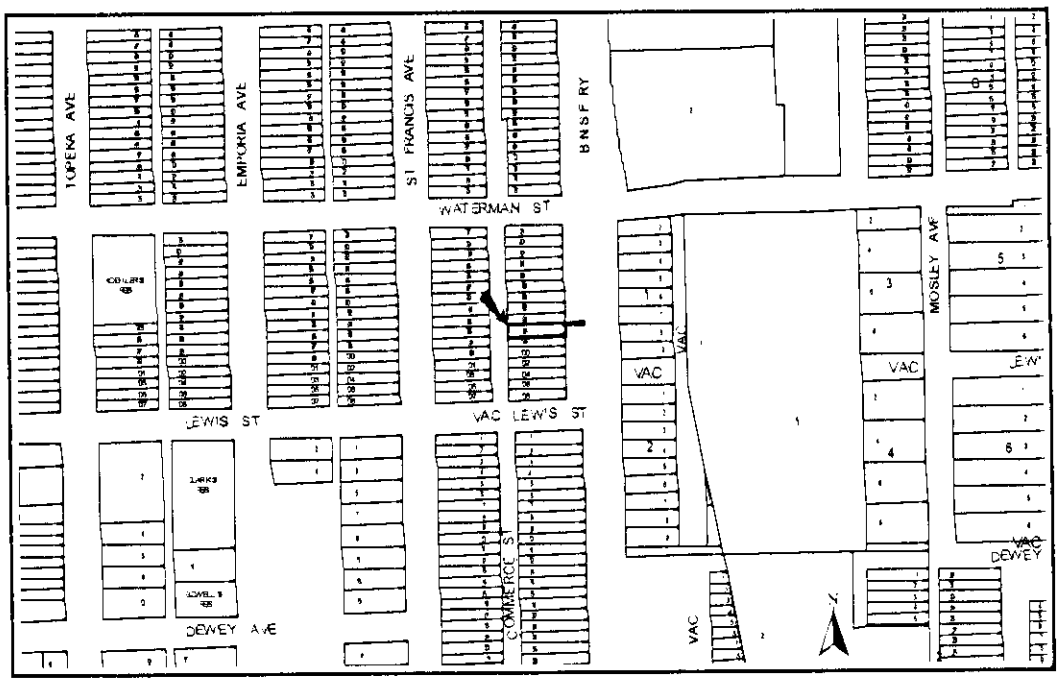
REQUEST: Zone change to "CBD" Central Business District

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 0.13 ± acre

LOCATION: South of Waterman and east of Commerce (418 South Commerce)

PROPOSED USE: Mixed use with a studio/workshop and gallery on first floor and residence on second floor



BACKGROUND: The applicant is requesting "CBD" Central Business District zoning for a property with approximately 0.13 acre located south of Waterman and on the east side of Commerce (418 South Commerce). The property is developed with a warehouse building constructed around 1895. The building extends from property line to property line and has common walls with the adjoining warehouses to the north and south. The buildings originally fronted onto Santa Fe Avenue and were used for railroad deliveries. After the vacation of Santa Fe Avenue, the fronts of the buildings were reversed to face onto Commerce. The vacated right-of-way for Santa Fe Avenue is located along the rear of these buildings, and is open space. A cross-lot common dock agreement gives access to the rear of the buildings, but appears to be used infrequently.

The building owners, David and Marilyn Grisham, have requested "CBD" zoning in order to use the building for both residential and non-residential purposes. The current zoning, "LI" Limited Industrial, does not allow residential use. They have indicated they hope to locate a studio and workshop, a small gallery space, and a garage on the main floor and a residence on the second floor. As proposed, the off-street parking requirement would be approximately eight spaces. "CBD" would accommodate this range of uses, and also would eliminate the requirement to provide off-street parking. However, the applicants have indicated they are providing one to three off-street parking spaces within the structure, plus there are three on-street spaces in front of the building.

Mrs. Grisham currently has a home occupation type of business. She has two looms that she and one coworker use to weave tapestries. Several times a year, she plans to display her works in a gallery space within the building. She likes the spaciousness and ambiance of the warehouse for a workshop and loft, and prefers to have her home and workshop in the same location.

The 400 block of South Commerce is zoned "LI" Limited Industrial and has been used primarily for warehousing. There are several furniture warehouses, private storage, a body shop, and a parts supply business. Additionally, an antique store, Dock 410, is nearby to the north and a photography studio is located to the west, with its frontage onto St. Francis. The adjoining property to the south of the applicant is being renovated as an interior design and ceramics studio. All the property west of St. Francis, which is one-half block to the west, is zoned "CBD" and is used for a variety of uses similar to those along South Commerce.

CASE HISTORY: The property was platted as part of N. A. English's 3rd Addition in 1873. The property was considered but not rezoned to "CBD" in 1999 as part of the DR99-1 case. Nearby property owners opposed the rezoning of their properties to "CBD" as a part of the DR99-1 case. They felt that if the entire area were rezoned to "CBD" it could change the character of the area by encouraging restaurants and entertainment establishments that would not be required to provide off-street parking, which would create a parking shortage. The area rezoned to "CBD" in 1999 included the properties between St. Francis and Santa

Fe, extending from 2nd Street on the north to mid-block between William and English on the south, which is about 1 ½ block north of the application area.

ADJACENT ZONING AND LAND USE:

NORTH:	"LI" Limited Industrial	Storage, body shop, Dock 410, warehouse
SOUTH:	"LI" Limited Industrial	Interior design/ceramics studio under construction, warehouse
EAST:	"LI" Limited Industrial	Rail yard
WEST:	"LI" Limited Industrial	Photography studio, parts supply

PUBLIC SERVICES: The site is served by public water and sewer services. Commerce is a 40-wide brick street. The eastern side of the street is used for 90° on-street parking.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan 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 identified an area a block to the northwest for housing development.

The Downtown Plan included a goal of mixed-use development, with the objective of introducing lodging, residential and/or recreational activities to areas that were "dead" during non-working hours. It also noted an unmet demand for more urban style, loft housing, and indicated the market could be absorbed by Old Town.

A strategy for residential land use in the 1999 Update of the Comprehensive Plan (II.A.1) is to "use Community Unit Plans, Planned Development Districts and ***zoning*** as tools to promote mixed use development, higher density residential environments and appropriate buffering." This proposed mixed use help implement this strategy.

RECOMMENDATION:

The proposed mixed use of the building at 418 South Commerce cannot be accomplished due to the prohibition of residential use in the "LI" industrial district. "CBD" zoning eliminates this barrier, plus eliminates another constraint related to parking requirements. The application area is a half-block east of the beginning of the "CBD" district; in fact it was considered for "CBD" rezoning last year since it was felt that the Burlington Northern Santa Fe railroad right-of-way is a better boundary to the "CBD" than St. Francis.

The proposed rezoning supports the Downtown Plan goal of providing mixed use with a residential component and meeting the needs for loft style dwellings, although the Downtown Plan had anticipated the lofts would be located in Old Town. But, the warehouses along Commerce offer the same type of structure as in Old Town that is suitable for loft development. The proposed use would help implement the strategy in the

1999 Update by encouraging mixed use developments with a residential component through the zoning process.

Based on these factors and information available prior to the public hearing, Staff recommends the application be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The workshop to be used primarily for the weaving business and the gallery space fits within the character of several similar studio-type uses adjoining the building to the south and across Commerce Street. Other uses include warehouses, storage, and business supply firms. While the properties on both sides of Commerce are zoned "LI," it is separated by the "CBD" district by only one-half block. From St. Francis west is zoned "CBD." The Burlington Northern Santa Fe property makes a good eastern boundary to the "CBD.'

2. The suitability of the subject property for the uses to which it has been restricted: The property is being renovated for a studio by the applicants.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Since the "CBD" district does not require provision of off-street parking, the change could potentially tighten parking demand in the area. However, the applicants intend to satisfy their residential parking needs by garage space inside the building, and on-street parking is available in front of the building for the small volume of demand anticipated to be created by this use. Other potential impacts of the "CBD" zoning would be to create additional interest in similar mixed use/loft style apartments for some of the other warehouses.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested change supports the Downtown Plan in encouraging mixed use with a residential component for increasing activity during non-working hours, it is near the area shown on the Downtown Plan as a potential housing area, and it helps meet the market for loft-style units. It corresponds to the strategy for residential use in the 1999 Comprehensive Plan for encouraging mixed use developments through the zoning process.

5. Impact of the proposed development on community facilities: There is no significant impact to community facilities except perhaps for parking. However, the small scale of this use should mitigate any potential parking demand.