

Planning Agenda Item # _____

City of Wichita
City Council Meeting
August 17, 1993

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3098 - ZONE CHANGE FROM THE "F" HEAVY INDUSTRIAL DISTRICT TO THE "C" COMMERCIAL DISTRICT, LOCATED WITHIN THE LOVE BOX BUILDING AT THE SOUTHEAST CORNER OF 37TH STREET NORTH AND SANTA FE.

INITIATED BY: Metropolitan Area Planning Department

M. K. Root

AGENDA ACTION: Planning

MAPC Recommendation: Reconsideration-Approve 9-3, (Initial consideration-Approve 6-5).

Staff Recommendation: Approve.

CPO Recommendation: CPO North Central Council voted 7-0 to recommend approval of the application.

Background: On June 17, 1993, the MAPC initially considered a zone change from the "F" Heavy Industrial district to the "C" Commercial district for a 3,300 square foot area located within the Love Box building at the southeast corner of 37th Street North and Santa Fe. The Wichita City Council considered this request on July 13, 1993 and voted 6-1 to return it to the MAPC for reconsideration. The Council requested MAPC to address issues regarding "spot zoning", suitability of the area for educational purposes, future requests for additional amenities and the precedent set by the request. The MAPC reconsidered this case on August 29, 1993. MAPC members arrived at the same recommendation to approve the request as they had after the first hearing. The Commissioner's rationale for their recommendation is:

1. The proposed "C" district will not negatively impact surrounding uses since surrounding properties are zoned to allow more intensive uses.
2. It is not anticipated that a use allowed in "C" Commercial of the limited size proposed, 3,300 square feet, could negatively impact community facilities in any significant way.

A more detailed account of their deliberations is contained in the attached MAPC minutes.

Schools are permitted in all the City's zoning districts but, "OC", "E" and "F". The "F" Heavy Industrial district specifically prohibits uses, including schools, first allowed in "AA" Single Family. The "C" Commercial district is the most intensive district which allows schools.

All property surrounding the Love Box building is zoned "F" Heavy Industrial. Surrounding land uses include: Love Box, United Wholesale Co., Evcon Industries, railroad tracks and a vacant lot. Both the 1978 and the proposed 1992 Comprehensive Plans depict this area for industrial uses.

A site plan submitted by the applicants indicates that the school will be located near an existing office, gymnasium and therapy pool. Parking for the school is proposed at the southwest corner of Santa Fe and 37th Street North. Students will access the school through an entrance just south of the office, which is separated from outside loading areas. Warehousing and shipping activities are conducted within the building; however the applicant has indicated that these activities will be inaccessible to the students.

The proposed 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. However, if this was a school or day care facility comprised entirely of children of Love Box employees, it would be interpreted as "ancillary" to the industrial use and permitted without rezoning. Because the proposed school will be private, it is hoped that parents will inspect the facilities to ensure that all safety concerns have been addressed before enrolling their children and will continue to monitor the facilities.

Recommendations/Actions:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading.
2. Take appropriate action, stating reasons.

(Note: Since this case has been referred back to the Planning Commission for reconsideration previously, the Council can override the MAPC's recommendation by a simple majority vote.)

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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FILE COPY

August 18, 1993

Newell Hill
Love Box, Inc
700 E. 37th N.
Wichita, KS 67219

RE: Z-3098 - A zone change request from the "F" Heavy Industrial District to the "C" Commercial District, generally located at the southeast corner of 37th Street North and Santa Fe.

On August 17, 1993, the City Council considered the above referenced request. The action taken by the Council was to deny the rezoning request. Therefore, the case file will be marked denied and closed.

If you have any questions, please call our office at 268-4421.

Leslie G. Karr
Senior Planner