

DR 81-22 - City of Wichita
Consideration of removal of
parking lots in "B" Multiple
Family District

ACTION

COMMITTEE _____

DATE _____

M.A.P.C. *Took under admin 9-10-51*

B.C.C./B.C.C. *Revised & filed 10-20-51*

DR 61-22 - City of Wichita
Consideration of removal of
parking lots in "B" Multiple
Family District

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

September 2, 1981

RE: AGENDA ITEM NO. 18

TO Metropolitan Area Planning Commission

FROM Robert A. Lakin, Director of Planning

SUBJECT DR 81-22 - Removal of Commercial Parking from the "B" Multiple-Family District

Began at 8:15

Brady Guy
Norma Shield
Jim Guy

On August 25, 1981, the City Commission heard a request from Cindy Sundell-Guy, President of the Midtown Citizens Association to consider removing parking lots as a permitted use in the "B" Multiple-family Zoning District. The action of the City Commission was to refer the request to the MAPC for review and recommendation.

Franklin
Raymond
let son
should go

The specific issue, which brought this matter to the City Commission's attention is a proposal of a drive-in restaurant to be constructed at the southwest corner of Broadway and 10th Street where there is presently a vacant FINA service station. It is expected that the house to the west (southeast corner of Market and 10th) is to be removed so that the lot may be used for off-street parking for the restaurant.

Since at least 1945, "parking lots for storage purposes" have been listed as a permitted use in the "B" Multiple-family District. The "B" District has often been established as a buffer zone around shopping centers with the expectation that the district would be used for parking purposes. Often requests for the "B" District have been granted where the intended use was parking, and proposed to serve adjacent commercial uses. The "B" District, in the older part of Wichita, was also used as the basic residential district wrapping around the CBD and industrial areas. Its use was largely a step-down in the intensity of use rather than as a buffer to individual or commercial uses.

In the late 50's there was discussion by the MAPC regarding the creation of a "P" Parking Zone which would have been a single use special district. No formal action to pursue this was taken.

In 1967, the Planning Commission and City Commission approved an amendment to the Zoning Ordinance which permitted parking lots, whether or not a fee was charged, in the "B" Multiple-family District. The concern at that time was the need of existing businesses along major streets (Broadway, Douglas, Central) to be able to develop off-street parking lots. There were a number of conditions set out in the text that hopefully would cause the parking lots to be compatible with the neighborhood. Such conditions included:

- The "B" zoned lot had to be adjacent to or across the street from an office, commercial, or industrial district.

James Hansen
Take under advisement 8-1 Bayouth
Joffen absent

- Parking lots are required to be screened when siding or backing into a residential district.
- Parking is not permitted in the front yard setback or the side yard setback adjacent to streets.
- The type and size of signs are regulated.
- Parking lots are to be used for passenger vehicles only, and in no case are they to be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

In the discussion of the property at the southeast corner of 10th and Market, which is zoned "B", Central Inspection has agreed that a parking lot would be permitted for a restaurant use on the "LC" District to the east. However, it would be for customer and employee parking only and could not be designed for providing circulation for a drive-up window nor could an "order taking device" be placed in the "B" District.

If this use was deleted, from the "B" District the City is going to be faced with requests to deepen "LC" and other districts along major streets. Then in this case, it could open up Market to noncompatible uses directly across the street from existing homes. It should be recognized that in general, the MATC and the ECC have a long standing policy of deepening commercial along arterials such as Douglas, Central and other streets particularly for existing uses. This has applied to the end of blocks i.e., along Douglas and has not been universally true where such "LC" or "C" would go through to another street. However, even this has occurred in the Midtown area e.g. Holiday Inn.

Should you determine that non residential type uses such as parking be removed from the "B" District it will be necessary to develop text changes and advertise for a public hearing. Changing the "B" District also opens the issue of the appropriateness of other uses i.e. medical, dental offices, boathouses, etc.

If you have any questions on this matter, please call prior to your September 10th meeting.


Robert A. Lakin

RAL:JHC:sad

cc: Robert G. Finch, Deputy City Manager
Cindy Sundell-Guy, President Midtown Citizen's Association, 1116 Eitting,
Wichita 67203
Jack and Norma Scheall, 1063 North Market, Wichita 67203

1. Delete Parking in the "B" district -
BZA would then have authority to grant "exceptions" for parking lots and could establish appropriate screening + access control
2. Strengthen screening requirements in the "B" district. This does not resolve problem of access to residential type streets. (Market is on arterial)
3. Leave as is

Letter from James Guy - Chairman
Washita Historic Federal Preservation Council

Ernestine Anderson - Chairman
Redevelopment and Rehabilitation Board

WICHITA HISTORIC LANDMARKS PRESERVATION
COMMITTEE

September 7, 1981

Wichita City Commission

and

Metropolitan Area Planning Commission

Wichita City Hall

455 North Main Street

Wichita, Kansas 67202

Re: Proposed Hardee's Development,
Tenth and North Market.

Honorable Commissioners:

You have doubtless been well and thoroughly apprised of the controversy now raging around the proposed Hardee's acquisition of a presently-improved lot at the Southeast corner of Tenth and North Market Streets for use as a parking-lot and access to a drive-through facility. This space is currently occupied by a stately 1880's Victorian home, slated for moving or demolition.

Directly across the street West is the Basham House. To the South of the Basham House are the Mathewson and Carvin Houses, and that side of the block terminates at its South end in the Amidon House. On the East side of Market are homes of as yet unresearched significance, although of sufficient age and, in some cases, architectural interest to provide for possible future Landmark designation.

Your Landmark Committee is concerned by the effect of the proposed development upon the Landmark and potential Landmark houses mentioned above. It is concerned vitally about the environment of these houses which typify a period in Wichita's history. Is our past to be shown to future generations amid stately trees and well-

Wichita City Commission
Metropolitan Area Planning Commission
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Others will detail the countless hours, the blood, sweat, tears, hopes, dreams and dollars spent in saving this area from urban blight. Others will remind you of the City of Wichita's high investment in the stability of this neighborhood. Others will point out to you that a few short years ago no occupant could possibly sell a house located here for \$80,000.00. The Landmark Committee applauds such efforts, but is concerned that the neighborhood remain the viable and subsisting environment for historic preservation which it is today.

This concern is made more pressing because there is a potential battleground of uses shaping up here. At the same time Hardee's contracts to acquire a keystone corner lot for development, the 1000 and 1100 blocks of North Market are preparing to seek historic district designation status. This, as you know, is a process which takes time. It is our appeal that the neighborhood be permitted to remain stable while the nomination and designation process is allowed to proceed.

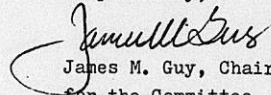
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Whether the handful of monuments to our past shall endure into the future is a decision which the City of Wichita has wisely made. The form in which they are to endure is the question before you now. We urge you to answer that question with sensitivity, broad-minded conservatism and the knowledge that an environment once destroyed can never be brought to life again.

Respectfully,


James M. Guy, Chairperson,
for the Committee.

Mr. Crawford, President
Kan-Okla Corporation

Mr. George Neavoll, Editorial Page Editor
The Wichita Eagle and Beacon

Mr. James Graves, President
Kansas Chapter of the Victorian Society
in America

Cindy Sundell-Guy, President
Midtown Citizens' Association

THE CITY OF WICHITA



DEPARTMENT OF HOUSING AND
ECONOMIC DEVELOPMENT
CITY HALL - ELEVENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 266-4631

September 10, 1981

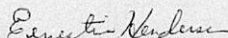
The Metropolitan Area Planning Commission
City of Wichita
Wichita, Kansas

Dear Commissioners:

We are proud of our city's investment in the preservation of historic neighborhoods. At the same time we strongly support commerce and industry in our community and feel that we also have a considerable investment in its orderly growth. The occasions, some of which are created by innocent zoning peculiarities, on which the neighborhoods resist the encroachment of business's profit struggles, as in the current instance of Midtown vs. Hardee's parking lot, have been painful for all concerned.

We know from experience that there are no easy solutions. We will continue, however, to seek development options which promote harmony between the physical elements of history and commerce in our city; and we hope that to the fullest extent possible you will join in this effort.

Very truly yours,


Ernestine Henderson, Chairperson
Redevelopment and Rehabilitation Board

EH:mg

Item 7

October 8, 1981

61-24

E. H. Denton, City Manager, City of Wichita

Robert A. Lakin, Director of Planning

DR 81-22--Removal of parking from the "B" District

On September 10, 1981, as instructed by the City Commission, the Planning Commission considered the advantages and disadvantages of removing parking lots as a permitted use in the "B" multiple family district. Several people from the Mid-Town area presented their views regarding parking lots as well as what is needed to protect the residential uses in the Mid-Town area. In the discussion of this matter, it was pointed out that the "B" district has been used as a buffer area between commercial and residential areas. It was also pointed out that although the deletion of parking lots from the "B" district would have some benefits for the Mid-Town area, there would be negative impacts on other neighborhoods and businesses throughout Wichita.

There was a consensus of the Planning Commission that the Mid-Town area did deserve some protection of its residential uses. However, removal of parking lots from the "B" districts would create more negative impacts than benefits. The Planning Commission approved a motion to take this matter under advisement.

A copy of the minutes relating to this matter is attached for your information. If you have any questions please call.

Robert A. Lakin, Director of Planning

RAL:ADC:vn
Attachment
cc: Cindy Sundell-Guy

EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 10, 1981

18. Case No. DR 81-22 - Consideration of removal of "parking lots" as a permitted use in the "B" Multiple-family District.

LAKIN said that the issue started with a parking lot that is proposed on North Market and whether or not parking lots should be allowed to happen in particular areas where there are housing preservation programs underway.

CINDY SUNDELL-GUY, President, Midtown Citizens Association, stated that the Hardee's parking lot is not the reason she is present, but it brought the issue to a head and they needed to proceed from that point so that it would not happen again. She said that the Fina Station at 10th and Broadway and the ground to the west of it has been placed under contract by the Kansas Corporation of Hutchinson for the purpose of building a Hardee's restaurant with a drive through window. The property at the southeast corner of 10th and Market was purchased as part of this package for parking. On this lot now stands a stately victorian home in very livable condition presently unoccupied and zoned "B" Multiple-family. "B" Multiple-family allows off-street parking lots so they will be in compliance with the zoning if used for this purpose. GUY said that they have many legitimate fears about this type of encroachment into Midtown. Midtown has worked to stabilize the area along Market Street as a residential neighborhood. Three historical houses are directly across the street and the vacant lots between them had been acquired by the Urban Renewal Agency to be held until appropriate infill could be found or appropriate housing could be built. GUY said that they were very concerned about losing any corner houses since they are like foundation supports and are keys to their neighborhood. Nonconformance of any corner to a general use prevailing in the neighborhood provides an entrance for other nonconforming uses, ultimately changing the entire character of the neighborhood. She said that their greatest concern is that the majority of Midtown residential zoning was classified "B", particularly on either side of the major arterials. The areas along Broadway are their immediate concern because of the proposed development of the Holiday at 10th and Broadway. A real dilemma lies in the fact that Midtown has had a long standing commitment from the City in keeping Market residential. The City declared the area residential in character and adopted the policy of no new nonresidential zoning districts north of 9th Street. GUY said that she was asking the Commission to provide concrete zoning alternatives that will eliminate the inconsistency.

BAYOUTH stated that the impact of such a change would be disastrous. It would eliminate any small business that is growing and needs off-street parking. They could not expand their business as they grow and the Commission does look with favor on people expanding businesses in this community. He said that he could not buy special consideration for Midtown.

GUY said that the way the situation is now, the Planning Commission has no control. No one has any control. She asked why could they not look at the possibility of a new zoning classification.

NORMA SCHEALL, 1063 North Market, stated that two and a half years ago she and her husband moved into an old house. It was in terrible condition. In the middle of the block were two houses that were eyesores. Squatters were living there. In the next

block there were eyesores too. Today the two houses that had the squatters have been renovated by professional people. Their house looks nice on the outside. In regard to the dilapidated house in the next block, it went on the market last week for \$115,000. She said that it was not a run down neighborhood anymore, and they want to keep it as a residential area. To have a parking lot that is a drive through for fast food is a lot different from a parking lot that the Commission was talking about. She said that a Hardee's drive through does not belong in a residential area.

GARDNER stated that several things first of all needed to be said. The risk that one encounters when one buys a property, in terms of what will occur adjacent to it, is largely a function of the existing surrounding neighborhood and existing surrounding zoning. When someone purchases a property that abuts, or is adjacent to commercially zoned property, one encounters a risk, and there is a tremendous portion of this town that has that exact situation of being adjacent to a different use. The problem that they are dealing with here is that the impact is city wide and the impact has very direct implications on people who make commercial investments as well as people who made residential investments. While he understood their difficulty with an adjacent parking lot, the Commission, over the last several years has reviewed a number of zoning cases which have been for the intrusion of commercial or office district zoning into what was previously a residential area and there just is not an easy place to draw a line. The magnitude of the change that is being proposed by deleting parking is much greater than anyone grasps. The other problem is that if a change is made it affects a large number of people very rapidly. He asked that Lakin make a statement of what the impact would be as he perceives it.

JIM GUY, Chairman of the Historic Landmark Preservation Committee, spoke to the cause of historic landmarks and potential landmarks. He said that the inner city neighborhoods are froth with arterials and commercial uses. He said that persons buying property in these areas certainly need to be concerned. He said that unfortunately historic landmark and potential landmark properties cannot choose where they are located. They tend to be located in the older neighborhoods and sometimes near commercial uses. He said that he keeps hearing about the economics of preserving these landmarks. He said that Midtown is not a special situation and not a special case except that it is an inner city neighborhood and does contain a lot of our historic heritage. If we lose that inner city neighborhood we will be in the position of many other large cities that have lost it. If there is anything that can prevent that deterioration now it should be established.

LAKIN stated that in the past this Commission has been supportive of preservation of the housing stock. The City has made major investments with CDBG monies and other programs. He said that he saw no easy answers. LAKIN felt the real question was if the Commission was interested in trying to deal with the issues of "B" Multiple Family zoning and off-street parking and how it may impact neighborhoods.

HANSEN said that she cares very much about Midtown and she just could not see an answer.

CINDY SUNDELL-GUY said that it was very frustrating to her to come before the Commission every time she has to react to zoning and parking issues in the Midtown area. She said that all of the new neighborhoods have protection.

JONES said that Commissioner Bayouth had put it very well that it was dangerous to even consider such a matter as this, and he thought so too, considering the lateness of the hour.

MOTION: That the Planning Commission take this matter under advisement. Jones moved, Hansen seconded and it carried by a vote of 8 in favor (Jones, Hansen, Gardner, Chisholm, Goebel, Martens, Cazel and Wilson) and 1 opposed (Bayouth). Lofton was absent.

GOEBEL pointed out that Mr. Bayouth's feelings are real strong on the bench about Midtown. He pointed out that there were a lot of other districts in town that are working real hard to save their area that may not have the age that Midtown has. They also have not had the City Commission to back them such as Midtown has. This is what has caused some of the resentment.

JACK SHIELD, owner of the Basham Home across the street from the parking lot in question, stated that Mr. Bayouth has mentioned concern about the small businessman, and in a way he felt that he was a small businessman with the investment that they have put into that property. As he looks at the parking lot across the street, it was not so much as the off-street parking that concerns them but that it could be used as a drive through which changes it to a commercial use and that is the issue that should be looked at. He pointed out that they did have a petition and there were a lot of people in Midtown and outside of Midtown that had the same concerns of the encroachment of commercial use through this off-street parking.

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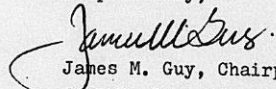
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WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

September 2, 1981

TO Metropolitan Area Planning Commission

FROM Robert A. Lakin, Director of Planning

SUBJECT DR 81-22 - Removal of Commercial Parking from the "B" Multiple-Family District

On August 25, 1981, the City Commission heard a request from Cindy Sundell-Guy, President of the Midtown Citizens Association to consider removing parking lots as a permitted use in the "B" Multiple-family Zoning District. The action of the City Commission was to refer the request to the MAPC for review and recommendation.

The specific issue, which brought this matter to the City Commission's attention is a proposal of a drive-in restaurant to be constructed at the southwest corner of Broadway and 10th Street where there is presently a vacant FINA service station. It is expected that the house to the west (southeast corner of Market and 10th) is to be removed so that the lot may be used for off-street parking for the restaurant.

Since at least 1945, "parking lots for storage purposes" have been listed as a permitted use in the "B" Multiple-family District. The "B" District has often been established as a buffer zone around shopping centers with the expectation that the district would be used for parking purposes. Often requests for the "B" District have been granted where the intended use was parking, and proposed to serve adjacent commercial uses. The "B" District, in the older part of Wichita, was also used as the basic residential district wrapping around the CBD and industrial areas. Its use was largely a step-down in the intensity of use rather than as a buffer to individual or commercial uses.

In the late 50's there was discussion by the MAPC regarding the creation of a "P" Parking Zone which would have been a single use special district. No formal action to pursue this was taken.

In 1967, the Planning Commission and City Commission approved an amendment to the Zoning Ordinance which permitted parking lots, whether or not a fee was charged, in the "B" Multiple-family District. The concern at that time was the need of existing businesses along major streets (Broadway, Douglas, Central) to be able to develop off-street parking lots. There were a number of conditions set out in the text that hopefully would cause the parking lots to be compatible with the neighborhood. Such conditions included:

- The "B" zoned lot had to be adjacent to or across the street from an office, commercial, or industrial district.

- Parking lots are required to be screened when siding or backing into a residential district.
- Parking is not permitted in the front yard setback or the side yard setback adjacent to streets.
- The type and size of signs are regulated.
- Parking lots are to be used for passenger vehicles only, and in no case are they to be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.

In the discussion of the property at the southeast corner of 10th and Market, which is zoned "B", Central Inspection has agreed that a parking lot would be permitted for a restaurant use on the "LC" District to the east. However, it would be for customer and employee parking only and could not be designed for providing circulation for a drive-up window nor could an "order talking device" be placed in the "B" District.

If this use was deleted, from the "B" District the City is going to be faced with requests to deepen "LC" and other districts along major streets. Then in this case, it could open up Market to noncompatible uses directly across the street from existing homes. It should be recognized that in general, the MAPC and the BCC have a long standing policy of deepening commercial along arterials such as Douglas, Central and other streets particularly for existing uses. This has applied to the end of blocks i.e., along Douglas and has not been universally true where such "LC" or "C" would go through to another street. However, even this has occurred in the Midtown area e.g. Holiday Inn.

Should you determine that non residential type uses such as parking be removed from the "B" District it will be necessary to develop text changes and advertise for a public hearing. Changing the "B" District also opens the issue of the appropriateness of other uses i.e. medical, dental offices, boathouses, etc.

If you have any questions on this matter, please call prior to your September 10th meeting.


Robert A. Lakin

RAL:JHG:sad

cc: Robert G. Finch, Deputy City Manager
Cindy Sundell-Guy, President Midtown Citizen's Association, 1116 Bitting,
Wichita 67203
Jack and Norma Scheall, 1063 North Market, Wichita 67203

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE August 25, 1981

TO Robert A. Lakin, Director of Planning


FROM Robert G. Finch, Deputy City Manager

SUBJECT Removal of Commercial Parking
from Residential Zoning Uses

On August 25, 1981, the City Commission heard a request from Ms. Cindy Sundell-Guy, President, Midtown Citizens Association, to remove commercial parking from residential zoning uses. (Jack Galbraith was present for the discussion.)

Following discussion, the City Commission referred the question to the Metropolitan Area Planning Commission for review and comment.

Please bring this matter to the attention of the Metropolitan Area Planning Commission at the earliest feasible time.



Robert G. Finch
Deputy City Manager

RGF/pd

cc: Jack Galbraith, Chief Planner

RECEIVED

AUG 26 1981

METROPOLITAN PLANNING

ROUTE RAL

Cindy 264 4492
264 0653

Cindy Sundell-Guy
1116 Bitting (67203)
264-4492

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE August 25, 1981

TO Robert A. Lakin, Director of Planning

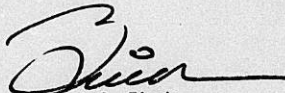
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