

DR 93-19 - Review of Existing
Moning Policy on 13th Street
between Hillside and I-135.

ACTION

COMMITTEE _____

DATE _____

M.A.P.C.

*Reaffirm their
existing Policy* 8-25-83

~~B.C.C./B.C.C.~~

*Amended the
policy as recommended by
staff. See memo 9-22-83* 9-20-83

DR 83-19 - REVIEW OF EXISTING
ZONING POLICY ON 13th STREET
BETWEEN HILLSIDE AND I-135.

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO BOARD OF CITY COMMISSIONERS

REQUEST FOR ZONING

01-61
62-72

Case No. Z-2519 - Zone Change from "A" Two-Family Dwelling District and "LC" Light Commercial District to the "C" Commercial District. Generally located on the southwest corner of 13th and Spruce.

① Review to 2/28/83
② Review to 3/14/83
Policy Dept
to 3/14/83

MAPC Recommendation: That this application be approved. (See minutes for full motion)

Gardner moved, Chisholm seconded and it carried unanimously. Goebel, Hansen and Lofton were absent. One vacancy.

ACTION: 1. Concur with the findings of fact of the Metropolitan Area Planning Commission and approve the application subject to the condition of platting, and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or

2. Return the application to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action:

Subd. 3
3 reasons for denial
note

Bonny
no 2nd
1/22/83
for me
rejection
by
Mc
HJ

CPO ACTION: CPO Council Area "K" voted 6-1 to recommend denial of the request. (see attached memorandum)

DATA AND MINUTES

MAPC HEARING DATE: 6-30-83

BCC HEARING DATE: 7-26-83

Acres: 0.46

Size: 130' x 159'

Reason for request (as provided by applicant): "To utilize existing buildings for auto repair including body and fender work."

	Land Use	Zoning
Existing	Auto repair - parking	"LC"
North	Flower shop - apartments	"B"
East	Barber shop - storage lot	"A" & "LC"
South	Single-family	"A"
West	Animal hospital	"BB"

History: None

Applicant: Othello H. Curry, Jr., 220 N. Roosevelt St., Wichita 67220

Protestors: None.

EXCERPT FROM PLANNING COMMISSION MINUTES OF JUNE 30, 1983

9. Case No. Z-2519 - Othello H. Curry, Jr., requests zone change from "A" & "LC" to "C" for Lots 1, 3, 5, 7, 9 & 11, Penn Avenue, now Spruce Street, Pilot Grove Addition. Generally located at the southwest corner of 13th and Spruce Streets.

GALBRAITH pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a change of zoning from "AA" Two-family and "LC" Light Commercial to "C" Commercial for a tract of land containing approximately 20,670 square feet located at the southwest corner of 13th Street and Spruce.

Subject property is located on a major street (13th Street) and provides for only 30 feet of half-street, right-of-way whereas 50 feet is required. The alley is also substandard in width being 15 feet wide whereas 20 feet is the standard.

In the past the Planning Commission has discouraged the "C" zoning classification adjacent to neighborhoods. Uses such as body and fender shops, machine shops, outdoor storage of materials, used car lots, etc., permitted in "C" zoning are not compatible uses with the existing florist shop, elderly high rise apartments and adjacent single homes.

2. A recommendation of approval by the Planning Commission should be subject to replatting into one lot within one year from the date of approval by the City Commission to provide for appropriate street and alley rights-of-way, building setbacks and access control; or the case be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds.

GALBRAITH pointed out that this property has been used as an automotive repair garage for a number of years. He said the stated reason for requesting "C" zoning was that the applicant would like to have an automotive body and fender shop, as well as being able to do motor tuneups for automobiles. He said that the "C" zoning classification is required for body and fender shops. GALBRAITH said that staff's concern was that there was no "C" zoning in the entire area. The commercial activities are generally light commercial uses that serve the neighborhood. Staff felt that body and fender shops were not appropriate next to residential uses. He recommended that the application not be approved and that the light commercial zoning that is existing be retained. He said that the "LC" district is adequately buffered to the west by "BB". CPO Council Area "K" did not have a quorum the night they met on this case.

WILSON pointed out that the facility was being operated now as a body and fender shop. He asked if it was being operated illegally.

GALBRAITH pointed out that an automotive repair shop was a permitted use in light commercial zoning. The applicant advises that some body and fender work has been conducted there in the past, and he apparently wants the ability to do that legally.

OTHELLA H. CURRY, applicant, stated that this property has been an automotive repair shop for many, many years. He said that there has been some body work done there in the past. He bought this property three years ago and spent a considerable amount of money rehabilitating it. He said that he has rented it out as an automotive repair shop and facility. CURRY said what happens is that eventually they would start to do some body repair work. CURRY said that he had two clients in there and when they started to do body work he told them that it was not zoned properly for that and they would have to quit the body work or leave. The last two renters left. He said that the building was vacant for a year. Because he was familiar with the law and knows what the requirements are, he decided to try to have the zoning changed so that body and fender work could be done there. He said that the big problem is the building in the back has 4,500 square feet open span plus a 50 foot lot next to it. He said that it was pretty hard with today's market and conditions to do that much automotive repair work without doing some body and fender work. That is the reason he could not keep it leased. He said that in the neighborhood there are several locations that are currently being used for body and fender repair work in light commercial zoning. He said that knowing the law he could not in good faith allow those people do something that he knew was against the law.

BAYOUTH asked Curry if he could live with zoning just where the buildings are.

GARDNER asked Curry to point out on the map who the adjacent owners are. CURRY did so.

GARDNER asked if Curry had had any strong objections from the adjacent neighbors.

CURRY said no.

GARDNER asked if Curry had any objections to providing ample or adequate screening on the southernly edge and across the front of the property.

CURRY said that he would provide screening. He pointed out that there were 12 feet on the south side of the lot that was zoned "A". He said there was a 50 foot fenced lot on the south side of the building and he did not anticipate building anything in that lot. It would be used for storing cars.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the mixed residential and commercial character of the general area; the light commercial zoning and uses to the east; the apartments to the north; the "BB" zoning to the west, and the suitability of

the subject site for development with "C" Commercial uses; I move that we recommend to the governing body that this application be approved subject to replatting into one lot within one year from the date of approval by the City Commission to provide for appropriate street and alley rights-of-way, building setbacks and access control, or the case be considered denied and closed; and that the ordinance establishing the zone change not be published until the plat has been recorded with the Register of Deeds. Gardner moved, Chisholm seconded and it carried unanimously. Goebel, Hansen and Lofton were absent. One vacancy.

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE August 8, 1983

*Young
JW*



TO Robert Finch, Deputy City Manager

FROM Joe Donnelly, Housing Code Administrator

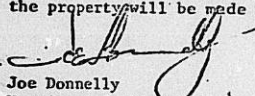
**SUBJECT Z-2519 and Use on Southeast
Corner of 13th and Spruce**

An inspection has been made at the above location. As indicated, there are concrete forms, scaffolding, material and vehicles stored there.

They are the property of a Mr. Sam Roberts of 1218 N. Spruce who owns this lot. He does carpenter work and is using this for material storage.

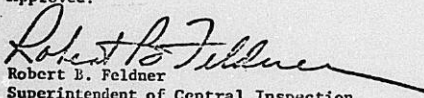
We met with Mr. Roberts, outlined the Zoning Requirements in this District, and he reluctantly agreed to remove this material. He recently suffered a back injury and states that it will take him approximately 30 days to clear the property. A written notice was issued to him with a compliance date of 9-8-83.

It appears that this may be resolved without further action. A recheck of the property will be made at that time.


Joe Donnelly
Housing Code Administrator

JD:bg

Approved:


Robert D. Feldner
Superintendent of Central Inspection

cc: Bob Lakin, Director of Planning
Don Anderson, Director of Housing and Economic Development

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE August 8, 1983

*Young
JW-1*



TO Robert Finch, Deputy City Manager
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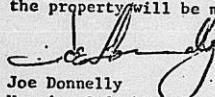
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Superintendent of Central Inspection

cc: Bob Lakin, Director of Planning
Don Anderson, Director of Housing and Economic Development

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 30, 1983

TO The Board of City Commissioners
(through E. H. Denton, City Manager)

FROM Robert A. Lakin, Director of Planning

SUBJECT DR83-19 MAPC Review of Zoning Policy on 13th Street
Between I-135 and Hillside

During their regular meeting of August 25, 1983, the Metropolitan Area Planning Commission reviewed the established zoning policy on 13th Street between I-135 and Hillside.

The review was undertaken in association with the reconsideration of Zone Case No. Z-2519 requesting a change from "LC" light commercial and "A" two family dwelling on the southwest corner of 13th and Spruce to the "C" commercial district. Case No. Z-2519 was returned to MAPC after consideration by the Board of City Commissioners on July 26, 1983. This zoning case and the associated review of 13th Street zoning policy are scheduled on the September 20, 1983 meeting agenda for the Board of City Commissioners.

During their review, MAPC took into consideration a report prepared by the Planning Department setting out the existing zoning policy, evaluating conditions in the area, and setting out zoning policy alternatives. A copy of the staff report is attached with the minutes of the Planning Commission for reference.

The existing zoning policy on 13th Street as set out in the staff report is as follows:

- "1. All requests for a change of zoning to a commercial classification (LC or C) for any additional frontage not already commercial on 13th Street between Hillside and Hydraulic be looked on with disfavor."
- "2. The MAPC will look with favor on applications for "B" zoning for any area fronting 13th Street between Hillside and Hydraulic."

The policy was established by MAPC in October of 1960 and reconfirmed by the Board of City Commissioners following a review and compilation of all City zoning policies in December of 1975.

The Board of City Commissioners
(through E. H. Denton, City Manager)
Page Two
August 30, 1983

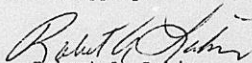
During the discussion of the staff report, several members of the Planning Commission expressed the opinion that the degree of change and low level of zoning activity along 13th Street over the past several years between I-135 and Hillside did not justify a change in the existing zoning policy.

At the conclusion of their discussion, the Planning Commission took the following action:

- MOTION: Approve the policy as it now stands, recognizing that circumstances will at times arise that require deviation from the policy. Chisholm moved, Hansen seconded and it carried unanimously. One vacancy existed.

On the basis of the Planning Commission's review, the Board of City Commissioners may wish to take the following action:

- ACTION: 1. Concur in the action of the Metropolitan Area Planning Commission and reaffirm the zoning policy on 13th Street between Hillside and Hydraulic as set out in City of Wichita Policy No. 19; or
2. Take such action as the Board of City Commissioners deems appropriate.


Robert A. Lakin
Director of Planning

RAL:RYL:jps
Attachment

WICHITA-SEDGWICK COUNTY

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(through E. H. Denton, City Manager)
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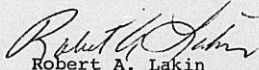
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RAL:RYL:jps
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WICHITA-SEDGWICK COUNTY

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The Board of City Commissioners
(through E. H. Denton, City Manager)
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Robert A. Lakin
Director of Planning

RAL:RYL:jps
Attachment

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 25, 1983

4. Case No. DR 83-19 - Zoning Policy - Review of Existing Zoning Policy on 13th Street between Hillside and I-135 in Relation to Zone Case Z-2519.

GALBRAITH stated that this item is a matter of reconsidering the policy on 13th Street between Hillside and I-135. It came about by a recent case that the Commission considered at the southwest corner of 13th and Spruce. Dr. Curry requested a change from "LC" Light Commercial zoning and a small piece of "A" Two-Family zoning to the "C" Commercial classification. He said that the Commission previously considered Dr. Curry's case and unanimously recommended approval of the request. When it was considered by the City Commission, they referred it back to the Planning Commission for reconsideration. The City Commission basically said that they would like the Planning Commission to consider a lesser amount of "C" zoning that would perhaps cover just part of the building, and that the Planning Commission reaffirm or review the policy on 13th Street. GALBRAITH mentioned the memo from Lakin to the Commission concerning the policy on 13th from Hillside west to I-135. He said that staff had been in the area and observed some nonconforming uses, inoperable vehicles, trash trucks that were parked illegally, some lots that seemed to be rarely mowed, and a range of problems in the general area. GALBRAITH restated the policy on 13th, saying that the Commission previously had a policy of not favoring additional "LC" Light Commercial or "C" Commercial zoning between the two major streets for any land other than that already zoned light commercial. The Commission has looked upon with favor the granting of "B" Multiple Family zoning on frontages along this major street. GALBRAITH said that in the last 23 years, staff found that there has been only eight zoning applications filed, four of which were for light commercial; two were approved, one was withdrawn and one was denied. Of the two cases approved for light commercial zoning, one was to deepen the zoning at the northwest corner of Hydraulic and 13th Street. At the northwest corner of Green and 13th Street there was an application for a 100 foot depth of light commercial zoning. The Commission granted the request except for the front 25 feet which was approved for the "BB" Office District. In those years previous Planning Commissions often granted "BB" Office zoning adjacent to the major street to serve as a buffer and establish a building setback line. He said that four other cases have been considered in the area since 1960, and two of those were for "BB" Office zoning, and two were "B" Multiple Family. One of the applications for "BB" Office was for Dr. Curry's Veterinary Clinic on the southeast corner of Madison and 13th and directly across the street a substantial amount of "B" Multiple Family was granted. GALBRAITH pointed out that 50 percent of the frontage along 13th is used for residential use. Twenty-nine percent of the frontage is used for commercial use, and about 12 percent is undeveloped. He said that there were a number of residential lots that remain vacant.

GALBRAITH mentioned that there were some serious code violations in the area. He said that he did not think that these neighborhood problems would be resolved through the establishment of a zoning policy. He said that staff felt that the residential neighborhood was worth maintaining and that everything possible should be done to buffer it. GALBRAITH stated that there was mixed feelings among staff about whether or not "C" zoning was appropriate in that area. His impression was that there appears to be a significant amount of mechanical type work being done on automobiles in that area. He felt that there was some justification to approve applications for "C" zoning in that area. It seemed to him that some of the mechanical shops could have a stall for body and fender work and really not have a detrimental affect on the neighborhood. He said that he was somewhat in support of applications for "C" zoning that come in where there is existing light commercial zoning. GALBRAITH said that staff would probably encourage the deepening of zoning along all major streets for existing businesses.

He said that staff still recommends that the residential area be buffered. Staff would look with favor on either "RB", "R-5", "R-6" or "B" Multiple Family for any of that area presently zoned residential along 13th Street.

GALBRAITH said that one statement that he and Bob Young discussed this morning that was not in the staff report, was where they would look with favor on "C" zoning in the area from one-half block east of Madison to Green Street. They would also recommend that changes from "LC" to "C" zoning be looked upon with favor from Kansas west to I-135.

LOFTON commented that he was as much concerned about the welfare of the City of Wichita and its zoning policy as anyone. He said that he lives in the area. At this point he did not feel that there was any need for any zoning policy change along 13th Street. He felt the policy they have now is fine. He pointed out that there has been perhaps two zoning cases a year, and in the last 23 years there have hardly been any changes at all along 13th Street. He further pointed out that there was a similar circumstance at Jackson Mortuary on 13th Street not long ago. They wanted commercial zoning and it was approved. He said that he did not see any need to put any more commercial zoning in the area. LOFTON felt that each case should be looked at individually on its own merit.

BAYOUTH said that he agreed with Lofton. There has not been any major change in years along 13th except Dr. Curry's clinic.

GARDNER indicated that he was having trouble after reviewing the discussion reflected in the City Commission minutes, understanding why the case had been returned for the stated reasons. He questioned whether or not the Board of City Commissioners were aware that the MAPC had previously considered the issues of granting "C" zoning on a smaller area, screening, and the general planning policy in the area. He emphasized the importance to the area of the development undertaken in the past by the applicant and expressed confidence that the applicant would continue to be sensitive to the needs and desires of the surrounding neighborhood.

MOTION: That the Planning Commission recommend to the City Commission that the present zoning policy be approved as it now stands, recognizing that circumstances will arise that require deviation from the policy. Chisholm moved, Hansen seconded.

BAYOUTH commented that if CPO Area "K" had been aware of the few changes in the area and the vacant lots, they would have had a different opinion. He imagined that there were personalities involved and a few other things. He felt that it was up to them as a Planning Commission to make a decision like Commissioner Lofton was recommending.

VOTE ON THE MOTION: It carried unanimously.
One vacancy.

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 22, 1983

TO Metropolitan Area Planning Commission

FROM Robert A. Lakin, Director of Planning

SUBJECT Review of Existing Zoning Policy on 13th Street Between Hillside and I-135 in Relation to Zone Case No. Z-2519

On July 26, 1983, the Board of Wichita City Commissioners considered a request to change the existing "A" two family dwelling district and "LC" light commercial district on the southwest corner of 13th and Spruce Street intersection to the "C" commercial district. The Metropolitan Area Planning Commission had on June 30, 1983, recommended approval of the request subject to replatting within one year. The action of the City Commissioners was to return the application to MAPC for reconsideration. This action was stated to be based partly on the possibility of granting a partial zone change on the application area and with direction that the zoning policy on 13th Street be reviewed.

EXISTING ZONING POLICY

The zoning policy presently existing for 13th Street from I-135 to Hillside is as follows:

1. All requests for a change of zoning to a commercial classification (LC or C) for any additional frontage not already commercial on 13th Street between Hillside and Hydraulic be looked on with disfavor."
2. The MAPC will look with favor on applications for "B" zoning for any area fronting 13th Street between Hillside and Hydraulic.

This policy was originally established by MAPC and concurred in by the Board of City Commissioners in October of 1960. The policy was reconfirmed by the Board following a review and compilation of all City zoning policies in December of 1975.

In the 23 years since the establishment of the policy in 1960, there have been eight requests for zoning changes along 13th Street between Hillside and I-135. Of the eight requests, four have been requests for changes to the "LC" light commercial district. One of the requests for "LC" was withdrawn, two were approved, and one was denied.

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Of the two "LC" cases that were approved, one (Z-0381) was approved for the northerly expansion by 50 feet of an existing "100' x 100'" "LC" zoning lot on the northwest corner of Hydraulic and 13th Street to accommodate an automotive sales operation. An associated BZA Case requesting an exception to permit new and used car sales was also filed and approved on the same property in December of 1970.

The other request for "LC" was approved in an area for a small 100' x 135 foot area on the northwest corner of the Green/13th Street intersection. The request was approved to allow a change from the existing "BB" office district on the property to "LC" light commercial with the exception of the south 25 feet of the property. This 25 foot wide strip of the "BB" office district was retained to provide a buffer between the approved "LC" and the "A" two family dwelling district across the street to the south.

The approval of this "LC" request extended "LC" and "BB" zoning an additional 130 feet to the east from the "LC" district that had originally been established in 1926 east of Grove Street on the north side of 13th.

Of the four remaining zone change requests applied for since the establishment of the existing zoning policy on 13th Street, two requests were for the "B" multi family district and two were for the "BB" office district. All four requested changes were approved.

The largest of these requests was for the "B" district established between Madison and Spruce Streets on the north side of 13th Street which is now the site of a large apartment structure developed on the replatted Curry Addition. The requested "BB" office district approved on the southeast corner of 13th and Madison is the site of a veterinary clinic.

After review of the past record of rezoning activities along 13th Street, it would appear that the established policy has not been a problem. Although we do not know the exact cause of inactivity along 13th Street, the general absence of outside investor interest in the area would appear to be

a more plausible reason than an excessively restrictive policy on zoning changes.

This is not to imply that existing policies should be abandoned to the encouragement of zoning changes throughout the area. Quite to the contrary, there are very stable residential areas north and south of 13th Street and along 13th Street that should be protected from any encroachment of uses that may have a destabilizing or deteriorating effect on the neighborhood.

EXISTING ZONING PATTERN

The existing zoning pattern along 13th Street consists of the "LC" light commercial district from Hydraulic to Minnesota on the north side and between Hydraulic and Kansas on the south side. From Minnesota on the north side of 13th and Kansas on the south, the "B" multi family district extends eastward to one half block east of Piatt. From one half block east of Piatt to Madison, the "A" two family dwelling district exists on both sides of 13th Street. The "B" multi family district exists between Madison and Spruce on the north and "BB" office and "LC" light commercial exist on the south side. "LC" light commercial extends eastward approximately three blocks from Spruce to Green Street. The five block segment of 13th Street from Green to Lorraine is zoned mostly the "A" two family dwelling district with the exception of a spot of "BB" office district on the southeast corner of 13th and Estelle, and a spot of "B" multi family on the northwest corner of Erie and 13th. The "LC" light commercial district extends the block distance between Lorraine and Hillside. The properties behind those districts fronting on 13th Street described above are zoned primarily the "B" multi family district from Hydraulic to one half block east of Piatt and the "A" two family dwelling from one half block east of Piatt to one half block west of Hillside.

LAND USE

A visual survey of the development along 13th Street and the adjoining areas on each side, indicates that there is

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a predominance of modest single family homes with a scattering of duplexes throughout.

One area between Kansas Street and Minneapolis on the north side of 13th has a concentration of fourplexes and one large apartment building is located between Madison and Spruce on the north side of 13th Street.

Within the area from 12th Street to 14th Street between Hydraulic and Hillside, there are 453 single family homes, 29 duplexes, 17 fourplexes, and the apartment building previously mentioned.

Within this area there are 42 businesses, most all of which are located along 13th Street in the commercial areas near Hydraulic, Grove, and Hillside. There are also six churches and a scattering of vacant lots of developable proportions.

Several of these vacant properties are along 13th Street between Minneapolis and Ash. One vacant property is located on the northeast corner of 13th and Green and another is located on the northwest corner of 13th and Chautauqua. Almost all of the vacant properties are zoned for residential use.

To provide a better perspective of how properties adjoining 13th Street are used, the frontage of individual uses on both sides of 13th Street was measured and tabulated. The following is the result of the tabulation.

<u>TYPE OF USE</u>	<u>13th STREET FRONTAGE</u>	<u>% OF TOTAL</u>
Residential:		
Single family homes	39%	
Duplexes	<u>9%</u>	
Subtotal:	48%	48%
Commercial (LC or C type):		29%
Office:		6%
Institutional (Churches):		5%

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<u>TYPE OF USE (cont.)</u>	<u>% OF TOTAL</u>	
Vacant:		
Zoned "A" Two Family	3%	
Zoned "B" Multi Family	8%	
Zoned "LC" Light Commercial	<u>1%</u>	
Subtotal:	12%	<u>12%</u>
		100%

As is evident from the survey, approximately half of the property along 13th Street between Hillside and Hydraulic is used for residential purposes, one third is used for commercial and office purposes, and the remainder is either vacant or church property. Very little of the vacant property is zoned for commercial purposes.

It seems somewhat unusual that 12% of the available frontage in this mile segment of 13th Street is vacant and available for development.

During the visual survey of the overall area, several instances of abandoned or inoperable vehicles were observed parked on public or private property throughout the area. In some cases it appeared that vehicles were being privately repaired or salvaged. Trash trucks were also being parked in violation in the residential areas as well as in commercial areas along 13th Street. The number and condition of many of the vehicles in the area indicated a definite need for conveniently located automotive repair facilities. There are several automotive repair shops along 13th Street and they appear to be active and successful.

From the neighborhood appearance standpoint, it may be more desirable to make adequate provisions for the expansion of these successful commercial uses along 13th Street and hopefully concentrate the automotive repair activity along the major thoroughfare.

Zoning policy or a change in policy to guide decisions on future zone change requests will not correct or eliminate the blighting conditions that may exist today in the general

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area. The observation of abandon vehicles, parking trash trucks in residential areas, overgrown lots and deteriorated or dilapidated structures should be addressed through a more concentrated enforcement of existing codes. CPO, neighborhood support of fix-up/clean-up campaigns organized through local interest groups are essential if corrective programs are to be effective.

ZONING POLICY ALTERNATIVES

After review of the past level of zoning activity and the current land use and conditions in the area adjacent to 13th Street, any one of several choices could be made concerning zoning policy.

1. The existing policy could be retained whereby requests for "B" multi family are favored and requests for "LC" and "C" are not favored.
2. All cases could be considered on their own merits without indication of favorable preference (a non-policy policy).
3. Some adjustment could be made in the existing policy to assure continued protection to the residential character of the area and at the same time provide some encouragement to successful business expansion.

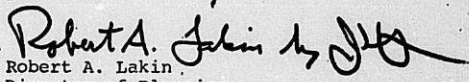
RECOMMENDATION

In view of the fact that the requirements for screening non residential uses from residential districts are now much stronger than they were at the time the original zoning policy was established on 13th Street, it is recommended that the zoning policy on 13th Street be amended to read as follows:

1. "All requests for a change of zoning to a commercial classification (LC or C) for any additional frontage not already commercial on 13th Street between Kansas and one half block east of Madison and between Green and Lorraine be looked on with disfavor.

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2. All requests for the expansion of an existing "EC" district, requests for the "BB" office district or the "OC" office commercial district, and requests to change existing "LC" to the "C" commercial district for heavier commercial purposes in the area from one half block east of Madison to Green Street will be looked upon with favor.
3. The MAPC will look with favor on requests for the "RB" four family dwelling district, the "R-5" and "R-6" general residence district and the "B" multi family dwelling district for any residential zoned area fronting on 13th Street between Hillside and Hydraulic."


Robert A. Lakin
Director of Planning

RAL:RLY:jps

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 25, 1983

4. Case No. DR 83-19 - Zoning Policy - Review of Existing Zoning Policy on 13th Street between Hillside and I-135 in Relation to Zone Case Z-2519.

GALBRAITH stated that this item is a matter of reconsidering the policy on 13th Street between Hillside and I-135. It came about by a recent case that the Commission considered at the southwest corner of 13th and Spruce. Dr. Curry requested a change from "LC" Light Commercial zoning and a small piece of "A" Two-Family zoning to the "C" Commercial classification. He said that the Commission previously considered Dr. Curry's case and unanimously recommended approval of the request. When it was considered by the City Commission, they referred it back to the Planning Commission for reconsideration. The City Commission basically said that they would like the Planning Commission to consider a lesser amount of "C" zoning that would perhaps cover just part of the building, and that the Planning Commission reaffirm or review the policy on 13th Street. GALBRAITH mentioned the memo from Lakin to the Commission concerning the policy on 13th from Hillside west to I-135. He said that staff had been in the area and observed some nonconforming uses, inoperable vehicles, trash trucks that were parked illegally, some lots that seemed to be rarely mowed, and a range of problems in the general area. GALBRAITH restated the policy on 13th, saying that the Commission previously had a policy of not favoring additional "LC" Light Commercial or "C" Commercial zoning between the two major streets for any land other than that already zoned light commercial. The Commission has looked upon with favor the granting of "B" Multiple Family zoning on frontages along this major street. GALBRAITH said that in the last 23 years, staff found that there has been only eight zoning applications filed, four of which were for light commercial; two were approved, one was withdrawn and one was denied. Of the two cases approved for light commercial zoning, one was to deepen the zoning at the northwest corner of Hydraulic and 13th Street. At the northwest corner of Green and 13th Street there was an application for a 100 foot depth of light commercial zoning. The Commission granted the request except for the front 25 feet which was approved for the "BB" Office District. In those years previous Planning Commissions often granted "BB" Office zoning adjacent to the major street to serve as a buffer and establish a building setback line. He said that four other cases have been considered in the area since 1960, and two of those were for "BB" Office zoning, and two were "B" Multiple Family. One of the applications for "BB" Office was for Dr. Curry's Veterinary Clinic on the southeast corner of Madison and 13th and directly across the street a substantial amount of "B" Multiple Family was granted. GALBRAITH pointed out that 50 percent of the frontage along 13th is used for residential use. Twenty-nine percent of the frontage is used for commercial use, and about 12 percent is undeveloped. He said that there were a number of residential lots that remain vacant.

GALBRAITH mentioned that there were some serious code violations in the area. He said that he did not think that these neighborhood problems would be resolved through the establishment of a zoning policy. He said that staff felt that the residential neighborhood was worth maintaining and that everything possible should be done to buffer it. GALBRAITH stated that there was mixed feelings among staff about whether or not "C" zoning was appropriate in that area. His impression was that there appears to be a significant amount of mechanical type work being done on automobiles in that area. He felt that there was some justification to approve applications for "C" zoning in that area. It seemed to him that some of the mechanical shops could have a stall for body and fender work and really not have a detrimental affect on the neighborhood. He said that he was somewhat in support of applications for "C" zoning that come in where there is existing light commercial zoning. GALBRAITH said that staff would probably encourage the deepening of zoning along all major streets for existing businesses.

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LOFTON commented that he was as much concerned about the welfare of the City of Wichita and its zoning policy as anyone. He said that he lives in the area. At this point he did not feel that there was any need for any zoning policy change along 13th Street. He felt the policy they have now is fine. He pointed out that there has been perhaps two zoning cases a year, and in the last 23 years there have hardly been any changes at all along 13th Street. He further pointed out that there was a similar circumstance at Jackson Mortuary on 13th Street not long ago. They wanted commercial zoning and it was approved. He said that he did not see any need to put any more commercial zoning in the area. LOFTON felt that each case should be looked at individually on its own merit.

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GARDNER indicated that he was having trouble after reviewing the discussion reflected in the City Commission minutes, understanding why the case had been returned for the stated reasons. He questioned whether or not the Board of City Commissioners were aware that the MAPC had previously considered the issues of granting "C" zoning on a smaller area, screening, and the general planning policy in the area. He emphasized the importance to the area of the development undertaken in the past by the applicant and expressed confidence that the applicant would continue to be sensitive to the needs and desires of the surrounding neighborhood.

MOTION: That the Planning Commission recommend to the City Commission that the present zoning policy be approved as it now stands, recognizing that circumstances will arise that require deviation from the policy. Chisholm moved, Hansen seconded.

BAYOUTH commented that if CPO Area "K" had been aware of the few changes in the area and the vacant lots, they would have had a different opinion. He imagined that there were personalities involved and a few other things. He felt that it was up to them as a Planning Commission to make a decision like Commissioner Lofton was recommending.

VOTE ON THE MOTION: It carried unanimously.
One vacancy.

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 25, 1983

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MOTION: That the Planning Commission recommend to the City Commission that the present zoning policy be approved as it now stands, recognizing that circumstances will arise that require deviation from the policy. Chisholm moved, Hansen seconded.

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VOTE ON THE MOTION: It carried unanimously.
One vacancy.

WICHITA-SEDGWICK COUNTY

9

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 30, 1983

TO The Board of City Commissioners
(through E. H. Denton, City Manager)

FROM Robert A. Lakin, Director of Planning

SUBJECT DR83-19 MAPC Review of Zoning Policy on 13th Street
Between I-135 and Hillside

Agenda Copy

*1/5
1/7
1/10
1/27*

During their regular meeting of August 25, 1983, the Metropolitan Area Planning Commission reviewed the established zoning policy on 13th Street between I-135 and Hillside.

The review was undertaken in association with the reconsideration of Zone Case No. Z-2519 requesting a change from "LC" light commercial and "A" two family dwelling on the southwest corner of 13th and Spruce to the "C" commercial district. Case No. Z-2519 was returned to MAPC after consideration by the Board of City Commissioners on July 26, 1983. This zoning case and the associated review of 13th Street zoning policy are scheduled on the September 20, 1983 meeting agenda for the Board of City Commissioners.

During their review, MAPC took into consideration a report prepared by the Planning Department setting out the existing zoning policy, evaluating conditions in the area, and setting out zoning policy alternatives. A copy of the staff report is attached with the minutes of the Planning Commission for reference.

The existing zoning policy on 13th Street as set out in the staff report is as follows:

- "1. All requests for a change of zoning to a commercial classification (LC or C) for any additional frontage not already commercial on 13th Street between Hillside and Hydraulic be looked on with disfavor."
- "2. The MAPC will look with favor on applications for "B" zoning for any area fronting 13th Street between Hillside and Hydraulic."

The policy was established by MAPC in October of 1960 and reconfirmed by the Board of City Commissioners following a review and compilation of all City zoning policies in December of 1975.

*Maple approval
Staff policy / Considered
3 - (C. K. Kish)
as written*

The Board of City Commissioners
(through E. H. Denton, City Manager)
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August 30, 1983

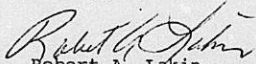
During the discussion of the staff report, several members of the Planning Commission expressed the opinion that the degree of change and low level of zoning activity along 13th Street over the past several years between I-135 and Hillside did not justify a change in the existing zoning policy.

At the conclusion of their discussion, the Planning Commission took the following action:

MOTION: Approve the policy as it now stands, recognizing that circumstances will at times arise that require deviation from the policy. Chisholm moved, Hansen seconded and it carried unanimously. One vacancy existed.

On the basis of the Planning Commission's review, the Board of City Commissioners may wish to take the following action:

- ACTION:
1. Concur in the action of the Metropolitan Area Planning Commission and reaffirm the zoning policy on 13th Street between Hillside and Hydraulic as set out in City of Wichita Policy No. 19; or
 2. Take such action as the Board of City Commissioners deems appropriate.


Robert A. Lakin
Director of Planning

RAL:RYL:jps
Attachment

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 25, 1983

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*This was
not put in
the motion
by BCC
JHK*

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MOTION: That the Planning Commission recommend to the City Commission that the present zoning policy be approved as it now stands, recognizing that circumstances will arise that require deviation from the policy. Chisholm moved, Hansen seconded.

BAYOUTH commented that if CPO Area "K" had been aware of the few changes in the area and the vacant lots, they would have had a different opinion. He imagined that there were personalities involved and a few other things. He felt that it was up to them as a Planning Commission to make a decision like Commissioner Lofton was recommending.

VOTE ON THE MOTION: It carried unanimously.
One vacancy.

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 22, 1983

TO Metropolitan Area Planning Commission
FROM Robert A. Lakin, Director of Planning
SUBJECT Review of Existing Zoning Policy on 13th Street Between
Hillside and I-135 in Relation to Zone Case No. Z-2519

On July 26, 1983, the Board of Wichita City Commissioners considered a request to change the existing "A" two family dwelling district and "LC" light commercial district on the southwest corner of 13th and Spruce Street intersection to the "C" commercial district. The Metropolitan Area Planning Commission had on June 30, 1983, recommended approval of the request subject to replatting within one year. The action of the City Commissioners was to return the application to MAPC for reconsideration. This action was stated to be based partly on the possibility of granting a partial zone change on the application area and with direction that the zoning policy on 13th Street be reviewed.

EXISTING ZONING POLICY

The zoning policy presently existing for 13th Street from I-135 to Hillside is as follows:

1. All requests for a change of zoning to a commercial classification (LC or C) for any additional frontage not already commercial on 13th Street between Hillside and Hydraulic be looked on with disfavor."
2. The MAPC will look with favor on applications for "B" zoning for any area fronting 13th Street between Hillside and Hydraulic.

This policy was originally established by MAPC and concurred in by the Board of City Commissioners in October of 1960. The policy was reconfirmed by the Board following a review and compilation of all City zoning policies in December of 1975.

In the 23 years since the establishment of the policy in 1960, there have been eight requests for zoning changes along 13th Street between Hillside and I-135. Of the eight requests, four have been requests for changes to the "LC" light commercial district. One of the requests for "LC" was withdrawn, two were approved, and one was denied.

Metropolitan Area Planning Commission
Page Two
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Of the two "LC" cases that were approved, one (Z-0381) was approved for the northerly expansion by 50 feet of an existing "100' x 100'" "LC" zoning lot on the northwest corner of Hydraulic and 13th Street to accommodate an automotive sales operation. An associated BZA Case requesting an exception to permit new and used car sales was also filed and approved on the same property in December of 1970.

The other request for "LC" was approved in an area for a small 100' x 135 foot area on the northwest corner of the Green/13th Street intersection. The request was approved to allow a change from the existing "BB" office district on the property to "LC" light commercial with the exception of the south 25 feet of the property. This 25 foot wide strip of the "BB" office district was retained to provide a buffer between the approved "LC" and the "A" two family dwelling district across the street to the south.

The approval of this "LC" request extended "LC" and "BB" zoning an additional 130 feet to the east from the "LC" district that had originally been established in 1926 east of Grove Street on the north side of 13th.

Of the four remaining zone change requests applied for since the establishment of the existing zoning policy on 13th Street, two requests were for the "B" multi family district and two were for the "BB" office district. All four requested changes were approved.

The largest of these requests was for the "B" district established between Madison and Spruce Streets on the north side of 13th Street which is now the site of a large apartment structure developed on the replatted Curry Addition. The requested "BB" office district approved on the southeast corner of 13th and Madison is the site of a veterinary clinic.

After review of the past record of rezoning activities along 13th Street, it would appear that the established policy has not been a problem. Although we do not know the exact cause of inactivity along 13th Street, the general absence of outside investor interest in the area would appear to be

a more plausible reason than an excessively restrictive policy on zoning changes.

This is not to imply that existing policies should be abandoned to the encouragement of zoning changes throughout the area. Quite to the contrary, there are very stable residential areas north and south of 13th Street and along 13th Street that should be protected from any encroachment of uses that may have a destabilizing or deteriorating effect on the neighborhood.

EXISTING ZONING PATTERN

The existing zoning pattern along 13th Street consists of the "LC" light commercial district from Hydraulic to Minnesota on the north side and between Hydraulic and Kansas on the south side. From Minnesota on the north side of 13th and Kansas on the south, the "B" multi family district extends eastward to one half block east of Piatt. From one half block east of Piatt to Madison, the "A" two family dwelling district exists on both sides of 13th Street. The "B" multi family district exists between Madison and Spruce on the north and "BB" office and "LC" light commercial exist on the south side. "LC" light commercial extends eastward approximately three blocks from Spruce to Green Street. The five block segment of 13th Street from Green to Lorraine is zoned mostly the "A" two family dwelling district with the exception of a spot of "BB" office district on the southeast corner of 13th and Estelle, and a spot of "B" multi family on the northwest corner of Erie and 13th. The "LC" light commercial district extends the block distance between Lorraine and Hillside. The properties behind those districts fronting on 13th Street described above are zoned primarily the "B" multi family district from Hydraulic to one half block east of Piatt and the "A" two family dwelling from one half block east of Piatt to one half block west of Hillside.

LAND USE

A visual survey of the development along 13th Street and the adjoining areas on each side, indicates that there is

Metropolitan Area Planning Commission
Page Four
August 22, 1983

a predominance of modest single family homes with a scattering of duplexes throughout.

One area between Kansas Street and Minneapolis on the north side of 13th has a concentration of fourplexes and one large apartment building is located between Madison and Spruce on the north side of 13th Street.

Within the area from 12th Street to 14th Street between Hydraulic and Hillside, there are 453 single family homes, 29 duplexes, 17 fourplexes, and the apartment building previously mentioned.

Within this area there are 42 businesses, most all of which are located along 13th Street in the commercial areas near Hydraulic, Grove, and Hillside. There are also six churches and a scattering of vacant lots of developable proportions.

Several of these vacant properties are along 13th Street between Minneapolis and Ash. One vacant property is located on the northeast corner of 13th and Green and another is located on the northwest corner of 13th and Chautauqua. Almost all of the vacant properties are zoned for residential use.

To provide a better perspective of how properties adjoining 13th Street are used, the frontage of individual uses on both sides of 13th Street was measured and tabulated. The following is the result of the tabulation.

<u>TYPE OF USE</u>	<u>13th STREET FRONTAGE</u>	<u>% OF TOTAL</u>
Residential:		
Single family homes	39%	
Duplexes	9%	
Subtotal:	48%	48%
Commercial (LC or C type):		29%
Office:		6%
Institutional (Churches):		5%

<u>TYPE OF USE (cont.)</u>		<u>% OF TOTAL</u>
Vacant:		
Zoned "A" Two Family	3%	
Zoned "B" Multi Family	8%	
Zoned "LC" Light Commercial	1%	
Subtotal:	12%	<u>12%</u>
		100%

As is evident from the survey, approximately half of the property along 13th Street between Hillside and Hydraulic is used for residential purposes, one third is used for commercial and office purposes, and the remainder is either vacant or church property. Very little of the vacant property is zoned for commercial purposes.

It seems somewhat unusual that 12% of the available frontage in this mile segment of 13th Street is vacant and available for development.

During the visual survey of the overall area, several instances of abandoned or inoperable vehicles were observed parked on public or private property throughout the area. In some cases it appeared that vehicles were being privately repaired or salvaged. Trash trucks were also being parked in violation in the residential areas as well as in commercial areas along 13th Street. The number and condition of many of the vehicles in the area indicated a definite need for conveniently located automotive repair facilities. There are several automotive repair shops along 13th Street and they appear to be active and successful.

From the neighborhood appearance standpoint, it may be more desirable to make adequate provisions for the expansion of these successful commercial uses along 13th Street and hopefully concentrate the automotive repair activity along the major thoroughfare.

Zoning policy or a change in policy to guide decisions on future zone change requests will not correct or eliminate the blighting conditions that may exist today in the general

area. The observation of abandon vehicles, parking trash trucks in residential areas, overgrown lots and deteriorated or dilapidated structures should be addressed through a more concentrated enforcement of existing codes. CPO, neighborhood support of fix-up/clean-up campaigns organized through local interest groups are essential if corrective programs are to be effective.

ZONING POLICY ALTERNATIVES

After review of the past level of zoning activity and the current land use and conditions in the area adjacent to 13th Street, any one of several choices could be made concerning zoning policy.

1. The existing policy could be retained whereby requests for "B" multi family are favored and requests for "LC" and "C" are not favored.
2. All cases could be considered on their own merits without indication of favorable preference (a non-policy policy).
3. Some adjustment could be made in the existing policy to assure continued protection to the residential character of the area and at the same time provide some encouragement to successful business expansion.

RECOMMENDATION

In view of the fact that the requirements for screening non residential uses from residential districts are now much stronger than they were at the time the original zoning policy was established on 13th Street, it is recommended that the zoning policy on 13th Street be amended to read as follows:

1. "All requests for a change of zoning to a commercial classification (LC or C) for any additional frontage not already commercial on 13th Street between Kansas and one half block east of Madison and between Green and Lorraine be looked on with disfavor.

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2. All requests for the expansion of an existing "LC" district, requests for the "BB" office district or the "OC" office commercial district, and requests to change existing "LC" to the "C" commercial district for heavier commercial purposes in the area from one half block east of Madison to Green Street will be looked upon with favor.
3. The MAPC will look with favor on requests for the "RB" four family dwelling district, the "R-5" and "R-6" general residence district and the "B" multi family dwelling district for any residential zoned area fronting on 13th Street between Hillside and Hydraulic."


Robert A. Lakin
Director of Planning

RAL:RLY:jps

FROM _____ DATE 2/5

ADMINISTRATION	ADVANCE PLANS	CURRENT PLANS	ENGINEERING	GRAPHICS
<input type="checkbox"/> Lakin	<input type="checkbox"/> Stockwell	<input type="checkbox"/> Galbraith	<input type="checkbox"/> Lindebak	<input type="checkbox"/> Pierce
<input type="checkbox"/> Walter	<input type="checkbox"/> Schwartz	<input type="checkbox"/> Lytle	<input type="checkbox"/> Cain	<input type="checkbox"/> Commer
<input type="checkbox"/> Doramus	<input type="checkbox"/> Dudark	<input type="checkbox"/> Young	<input type="checkbox"/> Rutz	<input type="checkbox"/> Crook
<input type="checkbox"/> Eubanks	<input type="checkbox"/> Ahrens	<input type="checkbox"/> Bonanni	<input type="checkbox"/> Henry	<input type="checkbox"/> Jones
<input type="checkbox"/> Harris	<input type="checkbox"/> Bechtel	<input type="checkbox"/> Lahey	<input type="checkbox"/> Schneider	<input type="checkbox"/> Whitney
<input type="checkbox"/> Henderson	<input type="checkbox"/> Hart	<input type="checkbox"/> Nagley	<input type="checkbox"/> _____	
<input type="checkbox"/> Wasko	<input type="checkbox"/> Kelley	<input checked="" type="checkbox"/> Olivarez	<input type="checkbox"/> _____	
<input type="checkbox"/> Wimbley	<input type="checkbox"/> Losew	<input type="checkbox"/> Smythe	<input type="checkbox"/> _____	
	<input type="checkbox"/> Mitchell		<input type="checkbox"/> _____	
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	<input type="checkbox"/> Shen		<input type="checkbox"/> _____	

- Note & Return
- Handle
- All Staff
- Comment
- Signature
- Library
- Information
- File
- Type

REMARKS _____

T9-105

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 22, 1983

RE: AGENDA ITEM NO. 4

13

TO Metropolitan Area Planning Commission

FROM Robert A. Lakin, Director of Planning

SUBJECT Review of Existing Zoning Policy on 13th Street Between Hillside and I-135 in Relation to Zone Case No. Z-2519

On July 26, 1983, the Board of Wichita City Commissioners considered a request to change the existing "A" two family dwelling district and "LC" light commercial district on the southwest corner of 13th and Spruce Street intersection to the "C" commercial district. The Metropolitan Area Planning Commission had on June 30, 1983, recommended approval of the request subject to replatting within one year. The action of the City Commissioners was to return the application to MAPC for reconsideration. This action was stated to be based partly on the possibility of granting a partial zone change on the application area and with direction that the zoning policy on 13th Street be reviewed.

EXISTING ZONING POLICY

The zoning policy presently existing for 13th Street from I-135 to Hillside is as follows:

Handwritten notes:
Chamberlain
Approve the policy
or it starts
that it starts
some
policy

1. All requests for a change of zoning to a commercial classification (LC or C) for any additional frontage not already commercial on 13th Street between Hillside and Hydraulic be looked on with disfavor.

Handwritten note: Keep the policy in and look at each case on its own merits

The MAPC will look with favor on applications for "B" zoning for any area fronting 13th Street between Hillside and Hydraulic.

This policy was originally established by MAPC and concurred in by the Board of City Commissioners in October of 1960. The policy was reconfirmed by the Board following a review and compilation of all City zoning policies in December of 1975.

In the 23 years since the establishment of the policy in 1960, there have been eight requests for zoning changes along 13th Street between Hillside and I-135. Of the eight requests, four have been requests for changes to the "LC" light commercial district. One of the requests for "LC" was withdrawn, two were approved, and one was denied.

Handwritten note: 4 "LC" requests since 1960

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Of the two "LC" cases that were approved, one (Z-0381) was approved for the northerly expansion by 50 feet of an existing "100' x 100'" "LC" zoning lot on the northwest corner of Hydraulic and 13th Street to accommodate an automotive sales operation. An associated BZA Case requesting an exception to permit new and used car sales was also filed and approved on the same property in December of 1970.

The other request for "LC" was approved in an area for a small 100' x 135 foot area on the northwest corner of the Green/13th Street intersection. The request was approved to allow a change from the existing "BB" office district on the property to "LC" light commercial with the exception of the south 25 feet of the property. This 25 foot wide strip of the "BB" office district was retained to provide a buffer between the approved "LC" and the "A" two family dwelling district across the street to the south.

The approval of this "LC" request extended "LC" and "BB" zoning an additional 130 feet to the east from the "LC" district that had originally been established in 1926 east of Grove Street on the north side of 13th.

Of the four remaining zone change requests applied for since the establishment of the existing zoning policy on 13th Street, two requests were for the "B" multi family district and two were for the "BB" office district. All four requested changes were approved.

The largest of these requests was for the "B" district established between Madison and Spruce Streets on the north side of 13th Street which is now the site of a large apartment structure developed on the replatted Curry Addition. The requested "BB" office district approved on the southeast corner of 13th and Madison is the site of a veterinary clinic.

After review of the past record of rezoning activities along 13th Street, it would appear that the established policy has not been a problem. Although we do not know the exact cause of inactivity along 13th Street, the general absence of outside investor interest in the area would appear to be

a more plausible reason than an excessively restrictive policy on zoning changes.

This is not to imply that existing policies should be abandoned to the encouragement of zoning changes throughout the area. Quite to the contrary, there are very stable residential areas north and south of 13th Street and along 13th Street that should be protected from any encroachment of uses that may have a destabilizing or deteriorating effect on the neighborhood. } ✓

EXISTING ZONING PATTERN

The existing zoning pattern along 13th Street consists of the "LC" light commercial district from Hydraulic to Minnesota on the north side and between Hydraulic and Kansas on the south side. From Minnesota on the north side of 13th and Kansas on the south, the "B" multi family district extends eastward to one half block east of Piatt. From one half block east of Piatt to Madison, the "A" two family dwelling district exists on both sides of 13th Street. The "B" multi family district exists between Madison and Spruce on the north and "BB" office and "LC" light commercial exist on the south side. "LC" light commercial extends eastward approximately three blocks from Spruce to Green Street. The five block segment of 13th Street from Green to Lorraine is zoned mostly the "A" two family dwelling district with the exception of a spot of "BB" office district on the southeast corner of 13th and Estelle, and a spot of "B" multi family on the northwest corner of Erie and 13th. The "LC" light commercial district extends the block distance between Lorraine and Hillside. The properties behind those districts fronting on 13th Street described above are zoned primarily the "B" multi family district from Hydraulic to one half block east of Piatt and the "A" two family dwelling from one half block east of Piatt to one half block west of Hillside.

LAND USE

A visual survey of the development along 13th Street and the adjoining areas on each side, indicates that there is

Metropolitan Area Planning Commission
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a predominance of modest single family homes with a scattering of duplexes throughout.

One area between Kansas Street and Minneapolis on the north side of 13th has a concentration of fourplexes and one large apartment building is located between Madison and Spruce on the north side of 13th Street.

Within the area from 12th Street to 14th Street between Hydraulic and Hillside, there are 453 single family homes, 29 duplexes, 17 fourplexes, and the apartment building previously mentioned.

Within this area there are 42 businesses, most all of which are located along 13th Street in the commercial areas near Hydraulic, Grove, and Hillside. There are also six churches and a scattering of vacant lots of developable proportions.

Several of these vacant properties are along 13th Street between Minneapolis and Ash. One vacant property is located on the northeast corner of 13th and Green and another is located on the northwest corner of 13th and Chautauqua. Almost all of the vacant properties are zoned for residential use.

To provide a better perspective of how properties adjoining 13th Street are used, the frontage of individual uses on both sides of 13th Street was measured and tabulated. The following is the result of the tabulation.

<u>TYPE OF USE</u>	<u>13th STREET FRONTAGE</u>	<u>% OF TOTAL</u>
<u>Residential:</u>		
Single family homes	39%	
Duplexes	9%	
Subtotal:	<u>48%</u>	48%
Commercial (LC or C type):		29%
Office:		6%
Institutional (Churches):		5%
		<u>40%</u>

Metropolitan Area Planning Commission
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August 22, 1983

<u>TYPE OF USE (cont.)</u>		<u>% OF TOTAL</u>
Vacant:		
Zoned "A" Two Family	3%	
Zoned "B" Multi Family	8%	
Zoned "LC" Light Commercial	1%	
Subtotal:	12%	<u>12%</u>
		100%

As is evident from the survey, approximately half of the property along 13th Street between Hillside and Hydraulic is used for residential purposes, one third is used for commercial and office purposes, and the remainder is either vacant or church property. Very little of the vacant property is zoned for commercial purposes.

It seems somewhat unusual that 12% of the available frontage in this mile segment of 13th Street is vacant and available for development.

Problem

During the visual survey of the overall area, several instances of abandoned or inoperable vehicles were observed parked on public or private property throughout the area. In some cases it appeared that vehicles were being privately repaired or salvaged. Trash trucks were also being parked in violation in the residential areas as well as in commercial areas along 13th Street. The number and condition of many of the vehicles in the area indicated a definite need for conveniently located automotive repair facilities. There are several automotive repair shops along 13th Street and they appear to be active and successful.

From the neighborhood appearance standpoint, it may be more desirable to make adequate provisions for the expansion of these successful commercial uses along 13th Street and hopefully concentrate the automotive repair activity along the major thoroughfare.

Zoning policy or a change in policy to guide decisions on future zone change requests will not correct or eliminate the blighting conditions that may exist today in the general

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area. The observation of abandon vehicles, parking trash trucks in residential areas, overgrown lots and deteriorated or dilapidated structures should be addressed through a more concentrated enforcement of existing codes. CPO, neighborhood support of fix-up/clean-up campaigns organized through local interest groups are essential if corrective programs are to be effective.

ZONING POLICY ALTERNATIVES

After review of the past level of zoning activity and the current land use and conditions in the area adjacent to 13th Street, any one of several choices could be made concerning zoning policy.

1. The existing policy could be retained whereby requests for "B" multi family are favored and requests for "LC" and "C" are not favored.
2. All cases could be considered on their own merits without indication of favorable preference (a non-policy policy).
3. Some adjustment could be made in the existing policy to assure continued protection to the residential character of the area and at the same time provide some encouragement to successful business expansion.

RECOMMENDATION

In view of the fact that the requirements for screening non residential uses from residential districts are now much stronger than they were at the time the original zoning policy was established on 13th Street, it is recommended that the zoning policy on 13th Street be amended to read as follows:

1. "All requests for a change of zoning to a commercial classification (LC or C) for any additional frontage not already commercial on 13th Street between Kansas and one half block east of Madison and between Green and Lorraine be looked on with disfavor."

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2. All requests for the expansion of an existing "LC" district, requests for the "BB" office district or the "OC" office commercial district, and requests to change existing "LC" to the "C" commercial district for heavier commercial purposes in the area from one half block east of Madison to Green Street, will be looked upon with favor, *and the area from 1135 to Kansas*
3. The MAPC will look with favor on requests for the "RB" four family dwelling district, the "R-5" and "R-6" general residence district and the "B" multi family dwelling district for any residential zoned area fronting on 13th Street between Hillside and Hydraulic."

Robert A. Lakin
Robert A. Lakin
Director of Planning

RAL:RLY:jps

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 25, 1983

4. Case No. DR 83-19 - Zoning Policy - Review of Existing Zoning Policy on 13th Street between Hillside and I-135 in Relation to Zone Case Z-2519.

GALBRAITH stated that this item is a matter of reconsidering the policy on 13th Street between Hillside and I-135. It came about by a recent case that the Commission considered at the southwest corner of 13th and Spruce. Dr. Curry requested a change from "LC" Light Commercial zoning and a small piece of "A" Two-Family zoning to the "C" Commercial classification. He said that the Commission previously considered Dr. Curry's case and unanimously recommended approval of the request. When it was considered by the City Commission, they referred it back to the Planning Commission for reconsideration. The City Commission basically said that they would like the Planning Commission to consider a lesser amount of "C" zoning that would perhaps cover just part of the building, and that the Planning Commission reaffirm or review the policy on 13th Street. GALBRAITH mentioned the memo from Lakin to the Commission concerning the policy on 13th from Hillside west to I-135. He said that staff had been in the area and observed some nonconforming uses, inoperable vehicles, trash trucks that were parked illegally, some lots that seemed to be rarely mowed, and a range of problems in the general area. GALBRAITH restated the policy on 13th, saying that the Commission previously had a policy of not favoring additional "LC" Light Commercial or "C" Commercial zoning between the two major streets for any land other than that already zoned light commercial. The Commission has looked upon with favor the granting of "B" Multiple Family zoning on frontages along this major street. GALBRAITH said that in the last 23 years, staff found that there has been only eight zoning applications filed, four of which were for light commercial; two were approved, one was withdrawn and one was denied. Of the two cases approved for light commercial zoning, one was to deepen the zoning at the northwest corner of Hydraulic and 13th Street. At the northwest corner of Green and 13th Street there was an application for a 100 foot depth of light commercial zoning. The Commission granted the request except for the front 25 feet which was approved for the "BB" Office District. In those years previous Planning Commissions often granted "BB" Office zoning adjacent to the major street to serve as a buffer and establish a building setback line. He said that four other cases have been considered in the area since 1960, and two of those were for "BB" Office zoning, and two were "B" Multiple Family. One of the applications for "BB" Office was for Dr. Curry's Veterinary Clinic on the southeast corner of Madison and 13th and directly across the street a substantial amount of "B" Multiple Family was granted. GALBRAITH pointed out that 50 percent of the frontage along 13th is used for residential use. Twenty-nine percent of the frontage is used for commercial use, and about 12 percent is undeveloped. He said that there were a number of residential lots that remain vacant.

GALBRAITH mentioned that there were some serious code violations in the area. He said that he did not think that these neighborhood problems would be resolved through the establishment of a zoning policy. He said that staff felt that the residential neighborhood was worth maintaining and that everything possible should be done to buffer it. GALBRAITH stated that there was mixed feelings among staff about whether or not "C" zoning was appropriate in that area. His impression was that there appears to be a significant amount of mechanical type work being done on automobiles in that area. He felt that there was some justification to approve applications for "C" zoning in that area. It seemed to him that some of the mechanical shops could have a stall for body and fender work and really not have a detrimental affect on the neighborhood. He said that he was somewhat in support of applications for "C" zoning that come in where there is existing light commercial zoning. GALBRAITH said that staff would probably encourage the deepening of zoning along all major streets for existing businesses.

He said that staff still recommends that the residential area be buffered. Staff would look with favor on either "RB", "R-5", "R-6" or "B" Multiple Family for any of that area presently zoned residential along 13th Street.

GALBRAITH said that one statement that he and Bob Young discussed this morning that was not in the staff report, was where they would look with favor on "C" zoning in the area from one-half block east of Madison to Green Street. They would also recommend that changes from "LC" to "C" zoning be looked upon with favor from Kansas west to I-135.

LOFTON commented that he was as much concerned about the welfare of the City of Wichita and its zoning policy as anyone. He said that he lives in the area. At this point he did not feel that there was any need for any zoning policy change along 13th Street. He felt the policy they have now is fine. He pointed out that there has been perhaps two zoning cases a year, and in the last 23 years there have hardly been any changes at all along 13th Street. He further pointed out that there was a similar circumstance at Jackson Mortuary on 13th Street not long ago. They wanted commercial zoning and it was approved. He said that he did not see any need to put any more commercial zoning in the area. LOFTON felt that each case should be looked at individually on its own merit.

BAYOUTH said that he agreed with Lofton. There has not been any major change in years along 13th except Dr. Curry's clinic.

GARDNER indicated that he was having trouble after reviewing the discussion reflected in the City Commission minutes, understanding why the case had been returned for the stated reasons. He questioned whether or not the Board of City Commissioners were aware that the MAPC had previously considered the issues of granting "C" zoning on a smaller area, screening, and the general planning policy in the area. He emphasized the importance to the area of the development undertaken in the past by the applicant and expressed confidence that the applicant would continue to be sensitive to the needs and desires of the surrounding neighborhood.

MOTION: That the Planning Commission recommend to the City Commission that the present zoning policy be approved as it now stands, recognizing that circumstances will arise that require deviation from the policy. Chisholm moved, Hansen seconded.

BAYOUTH commented that if CPO Area "K" had been aware of the few changes in the area and the vacant lots, they would have had a different opinion. He imagined that there were personalities involved and a few other things. He felt that it was up to them as a Planning Commission to make a decision like Commissioner Lofton was recommending.

VOTE ON THE MOTION: It carried unanimously.
One vacancy.

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 30, 1983

TO The Board of City Commissioners
(through E. H. Denton, City Manager)

FROM Robert A. Lakin, Director of Planning

SUBJECT DR83-19 MAPC Review of Zoning Policy on 13th Street
Between I-135 and Hillside

During their regular meeting of August 25, 1983, the Metropolitan Area Planning Commission reviewed the established zoning policy on 13th Street between I-135 and Hillside.

The review was undertaken in association with the reconsideration of Zone Case No. Z-2519 requesting a change from "LC" light commercial and "A" two family dwelling on the southwest corner of 13th and Spruce to the "C" commercial district. Case No. Z-2519 was returned to MAPC after consideration by the Board of City Commissioners on July 26, 1983. This zoning case and the associated review of 13th Street zoning policy are scheduled on the September 20, 1983 meeting agenda for the Board of City Commissioners.

During their review, MAPC took into consideration a report prepared by the Planning Department setting out the existing zoning policy, evaluating conditions in the area, and setting out zoning policy alternatives. A copy of the staff report is attached with the minutes of the Planning Commission for reference.

The existing zoning policy on 13th Street as set out in the staff report is as follows:

- "1. All requests for a change of zoning to a commercial classification (LC or C) for any additional frontage not already commercial on 13th Street between Hillside and Hydraulic be looked on with disfavor."
- "2. The MAPC will look with favor on applications for "B" zoning for any area fronting 13th Street between Hillside and Hydraulic."

The policy was established by MAPC in October of 1960 and reconfirmed by the Board of City Commissioners following a review and compilation of all City zoning policies in December of 1975.

The Board of City Commissioners
(through E. H. Denton, City Manager)
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August 30, 1983


During the discussion of the staff report, several members of the Planning Commission expressed the opinion that the degree of change and low level of zoning activity along 13th Street over the past several years between I-135 and Hillside did not justify a change in the existing zoning policy.

At the conclusion of their discussion, the Planning Commission took the following action:

MOTION: Approve the policy as it now stands, recognizing that circumstances will at times arise that require deviation from the policy. Chisholm moved, Hansen seconded and it carried unanimously. One vacancy existed.

On the basis of the Planning Commission's review, the Board of City Commissioners may wish to take the following action:

- ACTION: 1. Concur in the action of the Metropolitan Area Planning Commission and reaffirm the zoning policy on 13th Street between Hillside and Hydraulic as set out in City of Wichita Policy No. 19; or
2. Take such action as the Board of City Commissioners deems appropriate.


Robert A. Lakin
Director of Planning

RAL:RYL:jps
Attachment

September 22, 1983

Policy Statement File

Jack H. Galbraith, Chief Planner

Policy Statement Amendment on 13th Street between Hillside and Hydraulic. (BCC approved 9-20-83)

In consideration of zone case Z-2519 requesting a change from "LC" light commercial and "A" two-family to "C" commercial at the southwest corner of 13th and Spruce, the Board of City Commission amended its policy on 13th Street by adopting the following:

1. "All requests for a change of zoning to a commercial classification (LC or C) for any additional frontage not already commercial on 13th Street between Kansas and one-half block east of Madison and between Green and Lorraine be looked on with disfavor.
2. All requests for the expansion of an existing "LC" district, requests for the "BB" office district or the "OC" office commercial district, and requests to change existing "LC" to the "C" commercial district for heavier commercial purposes in the area from one-half block east of Madison to Green Street will be looked upon with favor.
3. The MAPC will look with favor on requests for the "RB" four-family dwelling district, the "R-5" and "R-6" general residence district and the "B" multi-family dwelling district for any residential zoned area fronting on 13th Street between Hillside and Hydraulic."

Jack H. Galbraith
Chief Planner

JHG:el

cc: Policy #19
✓ DR 83-19
Z-2519

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 30, 1983

TO The Board of City Commissioners
(through E. H. Denton, City Manager)

FROM Robert A. Lakin, Director of Planning

SUBJECT DR83-19 MAPC Review of Zoning Policy on 13th Street
Between I-135 and Hillside

During their regular meeting of August 25, 1983, the Metropolitan Area Planning Commission reviewed the established zoning policy on 13th Street between I-135 and Hillside.

The review was undertaken in association with the reconsideration of Zone Case No. Z-2519 requesting a change from "LC" light commercial and "A" two family dwelling on the southwest corner of 13th and Spruce to the "C" commercial district. Case No. Z-2519 was returned to MAPC after consideration by the Board of City Commissioners on July 26, 1983. This zoning case and the associated review of 13th Street zoning policy are scheduled on the September 20, 1983 meeting agenda for the Board of City Commissioners.

During their review, MAPC took into consideration a report prepared by the Planning Department setting out the existing zoning policy, evaluating conditions in the area, and setting out zoning policy alternatives. A copy of the staff report is attached with the minutes of the Planning Commission for reference.

The existing zoning policy on 13th Street as set out in the staff report is as follows:

- "1. All requests for a change of zoning to a commercial classification (LC or C) for any additional frontage not already commercial on 13th Street between Hillside and Hydraulic be looked on with disfavor."
- "2. The MAPC will look with favor on applications for "B" zoning for any area fronting 13th Street between Hillside and Hydraulic."

The policy was established by MAPC in October of 1960 and reconfirmed by the Board of City Commissioners following a review and compilation of all City zoning policies in December of 1975.

The Board of City Commissioners
(through E. H. Denton, City Manager)
Page Two
August 30, 1983

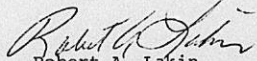
During the discussion of the staff report, several members of the Planning Commission expressed the opinion that the degree of change and low level of zoning activity along 13th Street over the past several years between I-135 and Hillside did not justify a change in the existing zoning policy.

At the conclusion of their discussion, the Planning Commission took the following action:

MOTION: Approve the policy as it now stands, recognizing that circumstances will at times arise that require deviation from the policy. Chisholm moved, Hansen seconded and it carried unanimously. One vacancy existed.

On the basis of the Planning Commission's review, the Board of City Commissioners may wish to take the following action:

- ACTION: 1. Concur in the action of the Metropolitan Area Planning Commission and reaffirm the zoning policy on 13th Street between Hillside and Hydraulic as set out in City of Wichita Policy No. 19; or
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Robert A. Lakin
Director of Planning

RAL:RYL:jps
Attachment

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 25, 1983

4. Case No. DR 83-19 - Zoning Policy - Review of Existing Zoning Policy on 13th Street between Hillside and I-135 in Relation to Zone Case Z-2519.

GALBRAITH stated that this item is a matter of reconsidering the policy on 13th Street between Hillside and I-135. It came about by a recent case that the Commission considered at the southwest corner of 13th and Spruce. Dr. Curry requested a change from "LC" Light Commercial zoning and a small piece of "A" Two-Family zoning to the "C" Commercial classification. He said that the Commission previously considered Dr. Curry's case and unanimously recommended approval of the request. When it was considered by the City Commission, they referred it back to the Planning Commission for reconsideration. The City Commission basically said that they would like the Planning Commission to consider a lesser amount of "C" zoning that would perhaps cover just part of the building, and that the Planning Commission reaffirm or review the policy on 13th Street. GALBRAITH mentioned the memo from Lakin to the Commission concerning the policy on 13th from Hillside west to I-135. He said that staff had been in the area and observed some nonconforming uses, inoperable vehicles, trash trucks that were parked illegally, some lots that seemed to be rarely mowed, and a range of problems in the general area. GALBRAITH restated the policy on 13th, saying that the Commission previously had a policy of not favoring additional "LC" Light Commercial or "C" Commercial zoning between the two major streets for any land other than that already zoned light commercial. The Commission has looked upon with favor the granting of "B" Multiple Family zoning on frontages along this major street. GALBRAITH said that in the last 23 years, staff found that there has been only eight zoning applications filed, four of which were for light commercial; two were approved, one was withdrawn and one was denied. Of the two cases approved for light commercial zoning, one was to deepen the zoning at the northwest corner of Hydraulic and 13th Street. At the northwest corner of Green and 13th Street there was an application for a 100 foot depth of light commercial zoning. The Commission granted the request except for the front 25 feet which was approved for the "BB" Office District. In those years previous Planning Commissions often granted "BB" Office zoning adjacent to the major street to serve as a buffer and establish a building setback line. He said that four other cases have been considered in the area since 1960, and two of those were for "BB" Office zoning, and two were "B" Multiple Family. One of the applications for "BB" Office was for Dr. Curry's Veterinary Clinic on the southeast corner of Madison and 13th and directly across the street a substantial amount of "B" Multiple Family was granted. GALBRAITH pointed out that 50 percent of the frontage along 13th is used for residential use. Twenty-nine percent of the frontage is used for commercial use, and about 12 percent is undeveloped. He said that there were a number of residential lots that remain vacant.

GALBRAITH mentioned that there were some serious code violations in the area. He said that he did not think that these neighborhood problems would be resolved through the establishment of a zoning policy. He said that staff felt that the residential neighborhood was worth maintaining and that everything possible should be done to buffer it. GALBRAITH stated that there was mixed feelings among staff about whether or not "C" zoning was appropriate in that area. His impression was that there appears to be a significant amount of mechanical type work being done on automobiles in that area. He felt that there was some justification to approve applications for "C" zoning in that area. It seemed to him that some of the mechanical shops could have a stall for body and fender work and really not have a detrimental affect on the neighborhood. He said that he was somewhat in support of applications for "C" zoning that come in where there is existing light commercial zoning. GALBRAITH said that staff would probably encourage the deepening of zoning along all major streets for existing businesses.

He said that staff still recommends that the residential area be buffered. Staff would look with favor on either "RB", "R-5", "R-6" or "B" Multiple Family for any of that area presently zoned residential along 13th Street.

GALBRAITH said that one statement that he and Bob Young discussed this morning that was not in the staff report, was where they would look with favor on "C" zoning in the area from one-half block east of Madison to Green Street. They would also recommend that changes from "LC" to "C" zoning be looked upon with favor from Kansas west to I-135.

LOFTON commented that he was as much concerned about the welfare of the City of Wichita and its zoning policy as anyone. He said that he lives in the area. At this point he did not feel that there was any need for any zoning policy change along 13th Street. He felt the policy they have now is fine. He pointed out that there has been perhaps two zoning cases a year, and in the last 23 years there have hardly been any changes at all along 13th Street. He further pointed out that there was a similar circumstance at Jackson Mortuary on 13th Street not long ago. They wanted commercial zoning and it was approved. He said that he did not see any need to put any more commercial zoning in the area. LOFTON felt that each case should be looked at individually on its own merit.

BAYOUTH said that he agreed with Lofton. There has not been any major change in years along 13th except Dr. Curry's clinic.

GARDNER indicated that he was having trouble after reviewing the discussion reflected in the City Commission minutes, understanding why the case had been returned for the stated reasons. He questioned whether or not the Board of City Commissioners were aware that the MAPC had previously considered the issues of granting "C" zoning on a smaller area, screening, and the general planning policy in the area. He emphasized the importance to the area of the development undertaken in the past by the applicant and expressed confidence that the applicant would continue to be sensitive to the needs and desires of the surrounding neighborhood.

MOTION: That the Planning Commission recommend to the City Commission that the present zoning policy be approved as it now stands, recognizing that circumstances will arise that require deviation from the policy. Chisholm moved, Hansen seconded.

BAYOUTH commented that if CPO Area "K" had been aware of the few changes in the area and the vacant lots, they would have had a different opinion. He imagined that there were personalities involved and a few other things. He felt that it was up to them as a Planning Commission to make a decision like Commissioner Lofton was recommending.

VOTE ON THE MOTION: It carried unanimously.
One vacancy.

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 22, 1983

TO Metropolitan Area Planning Commission
FROM Robert A. Lakin, Director of Planning
SUBJECT Review of Existing Zoning Policy on 13th Street Between Hillside and I-135 in Relation to Zone Case No. Z-2519

On July 26, 1983, the Board of Wichita City Commissioners considered a request to change the existing "A" two family dwelling district and "LC" light commercial district on the southwest corner of 13th and Spruce Street intersection to the "C" commercial district. The Metropolitan Area Planning Commission had on June 30, 1983, recommended approval of the request subject to replatting within one year. The action of the City Commissioners was to return the application to MAPC for reconsideration. This action was stated to be based partly on the possibility of granting a partial zone change on the application area and with direction that the zoning policy on 13th Street be reviewed.

EXISTING ZONING POLICY

The zoning policy presently existing for 13th Street from I-135 to Hillside is as follows:

1. All requests for a change of zoning to a commercial classification (LC or C) for any additional frontage not already commercial on 13th Street between Hillside and Hydraulic be looked on with disfavor."
2. The MAPC will look with favor on applications for "B" zoning for any area fronting 13th Street between Hillside and Hydraulic.

This policy was originally established by MAPC and concurred in by the Board of City Commissioners in October of 1960. The policy was reconfirmed by the Board following a review and compilation of all City zoning policies in December of 1975.

In the 23 years since the establishment of the policy in 1960, there have been eight requests for zoning changes along 13th Street between Hillside and I-135. Of the eight requests, four have been requests for changes to the "LC" light commercial district. One of the requests for "LC" was withdrawn, two were approved, and one was denied.

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Of the two "LC" cases that were approved, one (Z-0381) was approved for the northerly expansion by 50 feet of an existing "100' x 100'" "LC" zoning lot on the northwest corner of Hydraulic and 13th Street to accommodate an automotive sales operation. An associated BZA Case requesting an exception to permit new and used car sales was also filed and approved on the same property in December of 1970.

The other request for "LC" was approved in an area for a small 100' x 135 foot area on the northwest corner of the Green/13th Street intersection. The request was approved to allow a change from the existing "BB" office district on the property to "LC" light commercial with the exception of the south 25 feet of the property. This 25 foot wide strip of the "BB" office district was retained to provide a buffer between the approved "LC" and the "A" two family dwelling district across the street to the south.

The approval of this "LC" request extended "LC" and "BB" zoning an additional 130 feet to the east from the "LC" district that had originally been established in 1926 east of Grove Street on the north side of 13th.

Of the four remaining zone change requests applied for since the establishment of the existing zoning policy on 13th Street, two requests were for the "B" multi family district and two were for the "BB" office district. All four requested changes were approved.

The largest of these requests was for the "B" district established between Madison and Spruce Streets on the north side of 13th Street which is now the site of a large apartment structure developed on the replatted Curry Addition. The requested "BB" office district approved on the southeast corner of 13th and Madison is the site of a veterinary clinic.

After review of the past record of rezoning activities along 13th Street, it would appear that the established policy has not been a problem. Although we do not know the exact cause of inactivity along 13th Street, the general absence of outside investor interest in the area would appear to be

Metropolitan Area Planning Commission
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a more plausible reason than an excessively restrictive policy on zoning changes.

This is not to imply that existing policies should be abandoned to the encouragement of zoning changes throughout the area. Quite to the contrary, there are very stable residential areas north and south of 13th Street and along 13th Street that should be protected from any encroachment of uses that may have a destabilizing or deteriorating effect on the neighborhood.

EXISTING ZONING PATTERN

The existing zoning pattern along 13th Street consists of the "LC" light commercial district from Hydraulic to Minnesota on the north side and between Hydraulic and Kansas on the south side. From Minnesota on the north side of 13th and Kansas on the south, the "B" multi family district extends eastward to one half block east of Piatt. From one half block east of Piatt to Madison, the "A" two family dwelling district exists on both sides of 13th Street. The "B" multi family district exists between Madison and Spruce on the north and "BB" office and "LC" light commercial exist on the south side. "LC" light commercial extends eastward approximately three blocks from Spruce to Green Street. The five block segment of 13th Street from Green to Lorraine is zoned mostly the "A" two family dwelling district with the exception of a spot of "BB" office district on the southeast corner of 13th and Estelle, and a spot of "B" multi family on the northwest corner of Erie and 13th. The "LC" light commercial district extends the block distance between Lorraine and Hillside. The properties behind those districts fronting on 13th Street described above are zoned primarily the "B" multi family district from Hydraulic to one half block east of Piatt and the "A" two family dwelling from one half block east of Piatt to one half block west of Hillside.

LAND USE

A visual survey of the development along 13th Street and the adjoining areas on each side, indicates that there is

Metropolitan Area Planning Commission
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August 22, 1983

a predominance of modest single family homes with a scattering of duplexes throughout.

One area between Kansas Street and Minneapolis on the north side of 13th has a concentration of fourplexes and one large apartment building is located between Madison and Spruce on the north side of 13th Street.

Within the area from 12th Street to 14th Street between Hydraulic and Hillside, there are 453 single family homes, 29 duplexes, 17 fourplexes, and the apartment building previously mentioned.

Within this area there are 42 businesses, most all of which are located along 13th Street in the commercial areas near Hydraulic, Grove, and Hillside. There are also six churches and a scattering of vacant lots of developable proportions.

Several of these vacant properties are along 13th Street between Minneapolis and Ash. One vacant property is located on the northeast corner of 13th and Green and another is located on the northwest corner of 13th and Chautauqua. Almost all of the vacant properties are zoned for residential use.

To provide a better perspective of how properties adjoining 13th Street are used, the frontage of individual uses on both sides of 13th Street was measured and tabulated. The following is the result of the tabulation.

<u>TYPE OF USE</u>	<u>13th STREET FRONTAGE</u>	<u>% OF TOTAL</u>
Residential:		
Single family homes	39%	
Duplexes	<u>9%</u>	
Subtotal:	48%	48%
Commercial (LC or C type):		29%
Office:		6%
Institutional (Churches):		5%

<u>TYPE OF USE (cont.)</u>		<u>% OF TOTAL</u>
Vacant:		
Zoned "A" Two Family	3%	
Zoned "B" Multi Family	8%	
Zoned "LC" Light Commercial	1%	
Subtotal:	12%	<u>12%</u>
		100%

As is evident from the survey, approximately half of the property along 13th Street between Hillside and Hydraulic is used for residential purposes, one third is used for commercial and office purposes, and the remainder is either vacant or church property. Very little of the vacant property is zoned for commercial purposes.

It seems somewhat unusual that 12% of the available frontage in this mile segment of 13th Street is vacant and available for development.

During the visual survey of the overall area, several instances of abandoned or inoperable vehicles were observed parked on public or private property throughout the area. In some cases it appeared that vehicles were being privately repaired or salvaged. Trash trucks were also being parked in violation in the residential areas as well as in commercial areas along 13th Street. The number and condition of many of the vehicles in the area indicated a definite need for conveniently located automotive repair facilities. There are several automotive repair shops along 13th Street and they appear to be active and successful.

From the neighborhood appearance standpoint, it may be more desirable to make adequate provisions for the expansion of these successful commercial uses along 13th Street and hopefully concentrate the automotive repair activity along the major thoroughfare.

Zoning policy or a change in policy to guide decisions on future zone change requests will not correct or eliminate the blighting conditions that may exist today in the general

area. The observation of abandon vehicles, parking trash trucks in residential areas, overgrown lots and deteriorated or dilapidated structures should be addressed through a more concentrated enforcement of existing codes. CPO, neighborhood support of fix-up/clean-up campaigns organized through local interest groups are essential if corrective programs are to be effective.

ZONING POLICY ALTERNATIVES

After review of the past level of zoning activity and the current land use and conditions in the area adjacent to 13th Street, any one of several choices could be made concerning zoning policy.

1. The existing policy could be retained whereby requests for "B" multi family are favored and requests for "LC" and "C" are not favored.
2. All cases could be considered on their own merits without indication of favorable preference (a non-policy policy).
3. Some adjustment could be made in the existing policy to assure continued protection to the residential character of the area and at the same time provide some encouragement to successful business expansion.

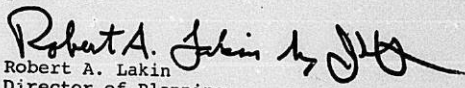
RECOMMENDATION

In view of the fact that the requirements for screening non residential uses from residential districts are now much stronger than they were at the time the original zoning policy was established on 13th Street, it is recommended that the zoning policy on 13th Street be amended to read as follows:

1. "All requests for a change of zoning to a commercial classification (LC or C) for any additional frontage not already commercial on 13th Street between Kansas and one half block east of Madison and between Green and Lorraine be looked on with disfavor."

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2. All requests for the expansion of an existing "LC" district, requests for the "BB" office district or the "OC" office commercial district, and requests to change existing "LC" to the "C" commercial district for heavier commercial purposes in the area from one half block east of Madison to Green Street will be looked upon with favor.
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Robert A. Lakin
Director of Planning

RAL:RLY:jps

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 30, 1983

TO The Board of City Commissioners
(through E. H. Denton, City Manager)

FROM Robert A. Lakin, Director of Planning

SUBJECT DR83-19 MAPC Review of Zoning Policy on 13th Street
Between I-135 and Hillside

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The review was undertaken in association with the reconsideration of Zone Case No. Z-2519 requesting a change from "LC" light commercial and "A" two family dwelling on the southwest corner of 13th and Spruce to the "C" commercial district. Case No. Z-2519 was returned to MAPC after consideration by the Board of City Commissioners on July 26, 1983. This zoning case and the associated review of 13th Street zoning policy are scheduled on the September 20, 1983 meeting agenda for the Board of City Commissioners.

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The Board of City Commissioners
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Robert A. Lakin
Director of Planning

RAL:RYL:jps
Attachment

WICHITA-SEDGWICK COUNTY

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Metropolitan Area Planning Commission
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LAND USE

A visual survey of the development along 13th Street and the adjoining areas on each side, indicates that there is

a predominance of modest single family homes with a scattering of duplexes throughout.

One area between Kansas Street and Minneapolis on the north side of 13th has a concentration of fourplexes and one large apartment building is located between Madison and Spruce on the north side of 13th Street.

Within the area from 12th Street to 14th Street between Hydraulic and Hillside, there are 453 single family homes, 29 duplexes, 17 fourplexes, and the apartment building previously mentioned.

Within this area there are 42 businesses, most all of which are located along 13th Street in the commercial areas near Hydraulic, Grove, and Hillside. There are also six churches and a scattering of vacant lots of developable proportions.

Several of these vacant properties are along 13th Street between Minneapolis and Ash. One vacant property is located on the northeast corner of 13th and Green and another is located on the northwest corner of 13th and Chautauqua. Almost all of the vacant properties are zoned for residential use.

To provide a better perspective of how properties adjoining 13th Street are used, the frontage of individual uses on both sides of 13th Street was measured and tabulated. The following is the result of the tabulation.

<u>TYPE OF USE</u>	<u>13th STREET FRONTAGE</u>	<u>% OF TOTAL</u>
Residential:		
Single family homes	39%	
Duplexes	9%	
Subtotal:	48%	48%
Commercial (LC or C type):		29%
Office:		6%
Institutional (Churches):		5%

<u>TYPE OF USE (cont.)</u>		<u>% OF TOTAL</u>
Vacant:		
Zoned "A" Two Family	3%	
Zoned "B" Multi Family	8%	
Zoned "LC" Light Commercial	<u>1%</u>	
Subtotal:	12%	<u>12%</u>
		100%

As is evident from the survey, approximately half of the property along 13th Street between Hillside and Hydraulic is used for residential purposes, one third is used for commercial and office purposes, and the remainder is either vacant or church property. Very little of the vacant property is zoned for commercial purposes.

It seems somewhat unusual that 12% of the available frontage in this mile segment of 13th Street is vacant and available for development.

During the visual survey of the overall area, several instances of abandoned or inoperable vehicles were observed parked on public or private property throughout the area. In some cases it appeared that vehicles were being privately repaired or salvaged. Trash trucks were also being parked in violation in the residential areas as well as in commercial areas along 13th Street. The number and condition of many of the vehicles in the area indicated a definite need for conveniently located automotive repair facilities. There are several automotive repair shops along 13th Street and they appear to be active and successful.

From the neighborhood appearance standpoint, it may be more desirable to make adequate provisions for the expansion of these successful commercial uses along 13th Street and hopefully concentrate the automotive repair activity along the major thoroughfare.

Zoning policy or a change in policy to guide decisions on future zone change requests will not correct or eliminate the blighting conditions that may exist today in the general

area. The observation of abandon vehicles, parking trash trucks in residential areas, overgrown lots and deteriorated or dilapidated structures should be addressed through a more concentrated enforcement of existing codes. CPO, neighborhood support of fix-up/clean-up campaigns organized through local interest groups are essential if corrective programs are to be effective.

ZONING POLICY ALTERNATIVES

After review of the past level of zoning activity and the current land use and conditions in the area adjacent to 13th Street, any one of several choices could be made concerning zoning policy.

1. The existing policy could be retained whereby requests for "B" multi family are favored and requests for "LC" and "C" are not favored.
2. All cases could be considered on their own merits without indication of favorable preference (a non-policy policy).
3. Some adjustment could be made in the existing policy to assure continued protection to the residential character of the area and at the same time provide some encouragement to successful business expansion.

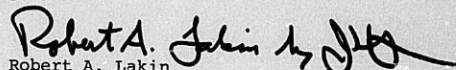
RECOMMENDATION

In view of the fact that the requirements for screening non residential uses from residential districts are now much stronger than they were at the time the original zoning policy was established on 13th Street, it is recommended that the zoning policy on 13th Street be amended to read as follows:

1. "All requests for a change of zoning to a commercial classification (LC or C) for any additional frontage not already commercial on 13th Street between Kansas and one half block east of Madison and between Green and Lorraine be looked on with disfavor.

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2. All requests for the expansion of an existing "LC" district, requests for the "BB" office district or the "OC" office commercial district, and requests to change existing "LC" to the "C" commercial district for heavier commercial purposes in the area from one half block east of Madison to Green Street will be looked upon with favor.
3. The MAPC will look with favor on requests for the "RB" four family dwelling district, the "R-5" and "R-6" general residence district and the "B" multi family dwelling district for any residential zoned area fronting on 13th Street between Hillside and Hydraulic."


Robert A. Lakin
Director of Planning

RAL:RLY:jps

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE August 8, 1983

*Young
Jr.*



TO Robert Finch, Deputy City Manager
FROM Joe Donnelly, Housing Code Administrator

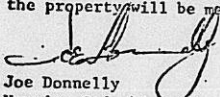
SUBJECT Z-2519 and Use on Southeast
Corner of 13th and Spruce

An inspection has been made at the above location. As indicated, there are concrete forms, scaffolding, material and vehicles stored there.

They are the property of a Mr. Sam Roberts of 1218 N. Spruce who owns this lot. He does carpenter work and is using this for material storage.

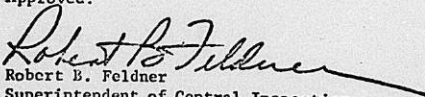
We met with Mr. Roberts, outlined the Zoning Requirements in this District, and he reluctantly agreed to remove this material. He recently suffered a back injury and states that it will take him approximately 30 days to clear the property. A written notice was issued to him with a compliance date of 9-8-83.

It appears that this may be resolved without further action. A recheck of the property will be made at that time.


Joe Donnelly
Housing Code Administrator

JD:bg

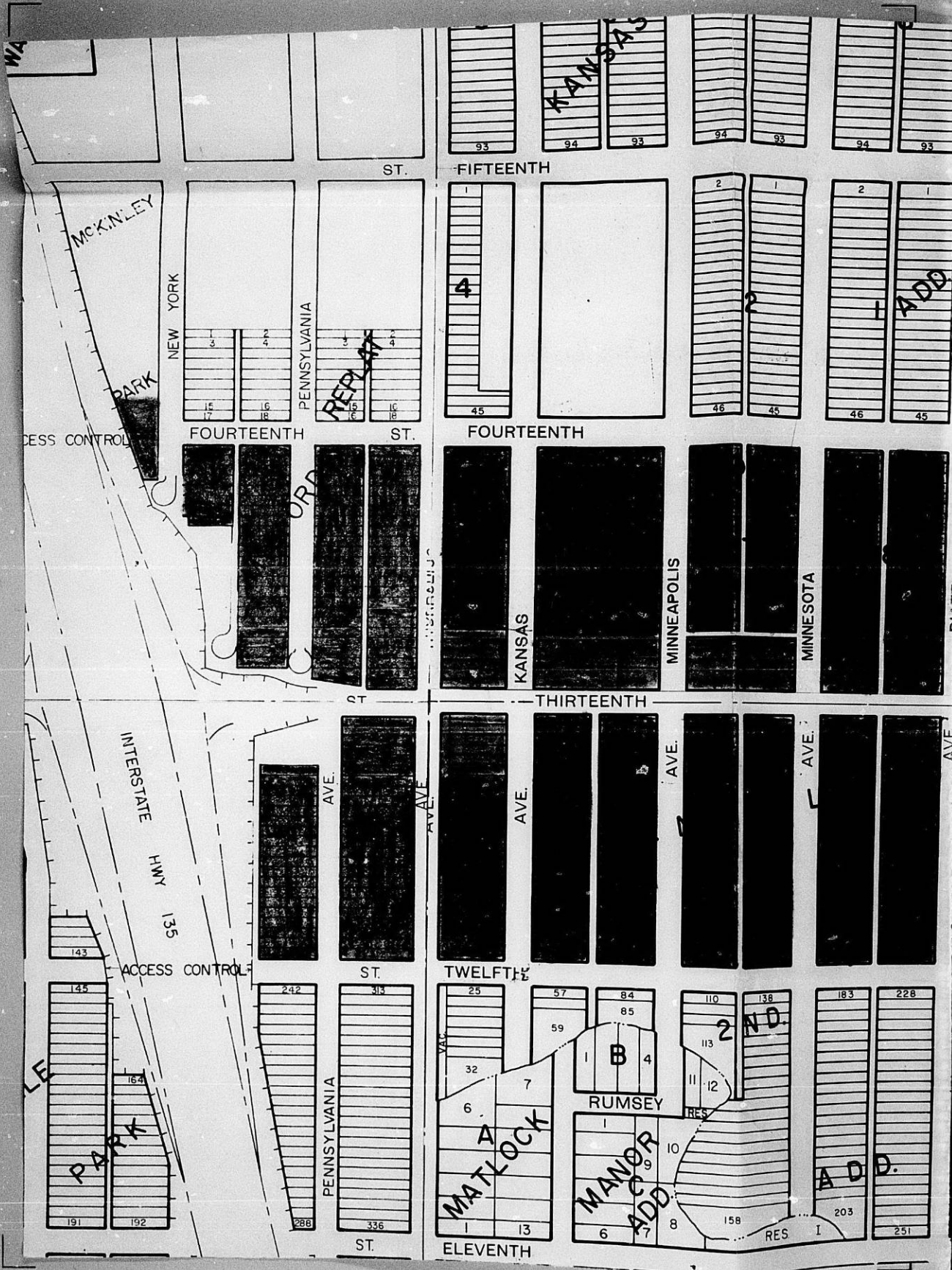
Approved:


Robert B. Feldner
Superintendent of Central Inspection

cc: Bob Lakin, Director of Planning
Don Anderson, Director of Housing and Economic Development

DR-83-19

Review of Existing zoning
Policy on 13th Street
between Hillside and I-135.



WA

McKIMLEY
PARK

NEW YORK

PENNSYLVANIA

REPLAT

ST.

FIFTEENTH

KANSAS

93

94

93

94

93

94

93

4

45

2

46

1

45

2

46

1

45

ADD

ACCESS CONTROL

FOURTEENTH

ST.

FOURTEENTH

URD

KANSAS

MINNEAPOLIS

MINNESOTA

ST

THIRTEENTH

INTERSTATE
HWY 135

ACCESS CONTROL

AVE.

AVE.

AVE.

AVE.

AVE.

143

145

164

191

192

242

313

288

336

ST.

TWELFTH

25
32
6
7
13

MATLOCK

57
59
84
85
1
B
4
RUMSEY

MANOR
ADD

110
138
113
112
2ND
RES

183
203
228
251
RES I

ADD

ELEVENTH

WOODRIDGE

1 2
9 M-PRATER NO. 3
10

1 2
9 PRATER NO. 2
10

96 95
78 77
ST.

96 95
50 49

96 95
50 49
ADD.

FIFTEENTH

BURNS - WILLARD ADDITION

94 93
94 93

11 12
13 14
15
16
14 GE TTS 2ND. ADD.
13

11 12
GRAHM SUB
21 22

72 71
50 49
ST.

96 95
50 49

96 95
50 49
ADD.

FOURTEENTH

2
35
37
42
PART OF GETTOS 2ND. ADD.
17

48 47
GIRARD

48 47
ERIE

48 47
CHAUTAQUA

48 47
LORRAINE

142 141
144 143
FAIRMOUNT

142 141
144 143
HOLYOKE

48 47
AVE.

48 47
AVE.

48 47
AVE.

48 47
AVE.

48
AVE.

8
HOLYOKE AVE.

39
FAIRMOUNT

50 49
96 95

50 49
96 95
PARK

50 49
96 95

50 49
96 95
TAQUA

50 49
96 95
LORRAINE

TWELFTH

12
ST.