

Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
April 1, 2003

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council Members

**SUBJECT:** ZON2003-00006 – Zone change from “B” Multi-family Residential to “LI” Limited Industrial. Generally located at the southeast corner of Douglas Avenue and Minneapolis Avenue. (District I)

**INITIATED BY:** Metropolitan Area Planning Department *DM*

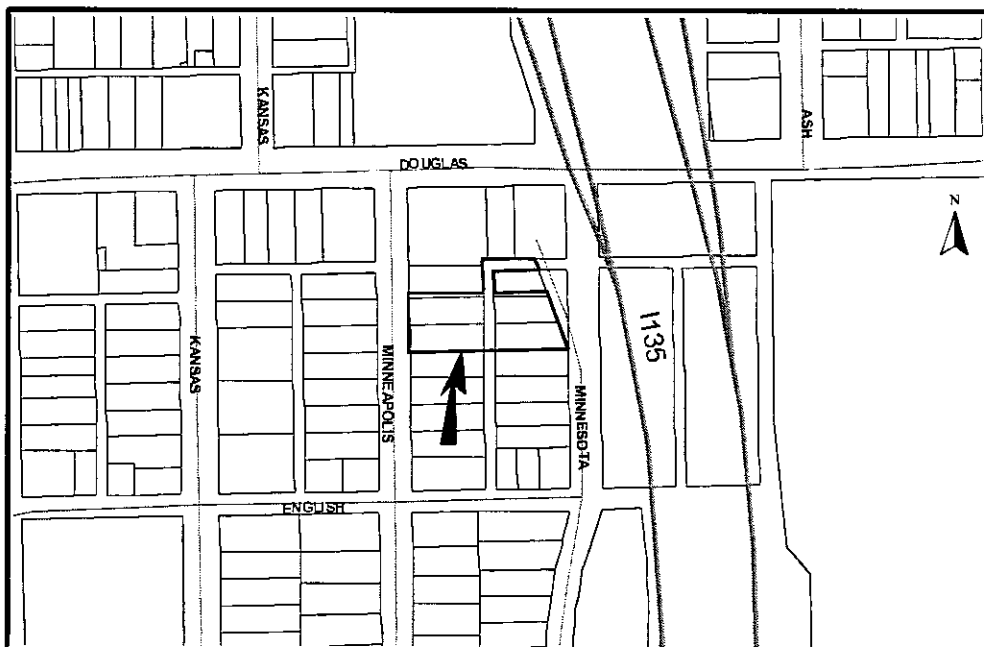
**AGENDA ACTION:** Planning

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**MAPC Recommendation:** Approve, subject to replatting within one year and a protective overlay. (10-1)

**Staff Recommendation:** Approve, subject to replatting within one year and a protective overlay.

**D.A.B. Recommendation:** Approve, subject to replatting within one year and a protective overlay. (7-0)



**BACKGROUND:** The applicant is requesting rezoning of a 0.76 acre of property located south of Douglas and east of Minneapolis Avenue from "B" Multi-family Residential to "LI" Limited Industrial. The rezoned tract would be combined with property currently zoned "LI" that is located south of Douglas and extends from Minneapolis Avenue eastward to Minnesota Avenue and I-135. The proposed use for the combined tract is an office and warehouse for the Kansas Food Bank Warehouse.

The proposed property for rezoning includes an abandoned parking lot, two dwellings, and a portion of an alley. The combined site includes an abandoned used car lot that has been reused as an office by the Kansas Food Bank. A portion of the proposed parking and loading area would be located on right-of-way associated with I-135 (the Canal Route). The applicant is in the process of receiving approval (minor street privilege) to use this property for parking and loading space.

The surrounding area to the north and northwest is commercial and industrial and is zoned "LI". Douglas Avenue is the historic main street from the core area, and has a mix of commercial, office and industrial uses in the vicinity of the Food Bank site. The property directly north of the Food Bank is currently vacant but was a former car dealership. Many buildings along Douglas have zero-lot setbacks, most are of brick or masonry construction. The property to the south and west is zoned "B" and developed mostly with single-family residences, with a few apartments. I-135, the Canal Route, borders the property on the east. Wichita High School East is located on the eastern side of the Canal.

At the District I Advisory Board hearing held March 3, 2003, the DAB voted (7-0) to approve subject to replatting and the recommended protective overlay provisions. One nearby resident asked questions but appeared to be satisfied with the proposed project after reviewing the proposed site plan. An agent for nearby rental property expressed concerns about traffic and size of the building.

At the MAPC meeting held March 6, 2003, MAPC voted (10-1) to recommend approval subject to replatting and the recommended protective overlay provisions, including the provision requested by the MAPD Subdivision Committee that the off-site access opening on Douglas be right-in/right-out. One member of MAPC expressed concerns about off-site landscaping and fencing required in conjunction with the project. The provisions of Protective Overlay #123 are as follows:

1. The property shall be limited to those uses permitted in the "LC" Limited Commercial district and to warehouse use. Outdoor storage activities shall conform to the "Outdoor Storage" requirements of the "LC" district.
2. No billboards shall be allowed. Building signs shall not be permitted on the south building elevation and shall not be permitted on the west building elevation except in the northern 30 feet of the property to be rezoned. Directional signage not over five feet in height shall be permitted to allow for proper traffic access to the site per the City of Wichita Sign Code.

3. Primary exterior building materials shall consist of brick, EIFS, stucco, or precast concrete. Metal or wood siding shall not be permitted as an exterior material except as incidental trim.
4. A wrought iron fence and a landscape buffer at least 15 feet in width shall be provided between the edge of pavement of parking and loading areas and the boundary of the site, defined as the edge of the area granted a minor street privilege. The landscape buffer shall contain a minimum of one tree every 30 feet, and solid parking lot screening along parking, loading and drive aisles, consisting of shrubbery that is a minimum of three feet in height at maturity. Landscaping for other portions of the tract shall meet the City of Wichita Landscape Ordinance.
5. Solid wood fencing at least six feet in height shall be allowed on the south property line.
6. Lighting standards shall be no more than 20 feet in height, and shall otherwise conform to Sec. IV-B.4 of the Unified Zoning Code.
7. Access onto Douglas from the off-site property used for parking and loading shall be limited to right-in/right-out only.

**RECOMMENDATION:**

1. Concur with the findings of the MAPC and approve the zone change with the Protective Overlay; place the ordinance establishing the zone change on first reading when the plat is forwarded to City Council; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

Wichita  
3rd Ward  
4-15-03

(150004) Published in The Derby Reporter 2-11-04

ORDINANCE NO. 45-707

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON 2003-06**

Zone change request from B" Multi-family Residential District to "LI" Limited Industrial District, and to P-O #123 Protective Overlay District, on property described as:

Lot 1, Block 1, Kansas Food Bank Warehouse Addition, Wichita, Sedgwick County, Kansas.

Generally located on the south side of Douglas, east of Hydraulic.

**SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:**

1. The property shall be limited to those uses permitted in the "LC" Limited Commercial district and to warehouse use. Outdoor storage activities shall conform to the "Outdoor Storage" requirements of the "LC" district.
2. No billboards shall be allowed. Building signs shall not be permitted on the south building elevation and shall not be permitted on the west building elevation except in the northern 30 feet of the property to be rezoned. Directional signage not over five feet in height shall be permitted to allow for proper traffic access to the site per the City of Wichita Sign Code.
3. Primary exterior building materials shall consist of brick, EIFS, stucco, or precast concrete. Metal or wood siding shall not be permitted as an exterior material except as incidental trim.
4. A wrought iron fence and a landscape buffer at least 15 feet in width shall be provided between the edge of pavement of parking and loading areas and the boundary of the site, defined as the edge of the area granted a minor street privilege. The landscape buffer shall contain a minimum of one tree every 30 feet, and solid parking lot screening along parking, loading and drive aisles, consisting of shrubbery that is a minimum of three feet in height at maturity. Landscaping for other portions of the tract shall meet the City of Wichita Landscape Ordinance.
5. Solid wood fencing at least six feet in height shall be allowed on the south property line.
6. Lighting standards shall be no more than 20 feet in height, and shall otherwise conform to Sec. IV-B.4 of the Unified Zoning Code.

7. Access onto Douglas from the off-site property used for parking and loading shall be limited to right-in/right-out only.

**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, MAY 6 2003.

ATTEST:

for Pat Graves, Deputy  
Pat Graves, City Clerk

Carlos Mayans  
Carlos Mayans, Mayor

(SEAL)



Approved as to form:

Gary E. Rebenstorf  
Gary E. Rebenstorf, City Attorney