

Agenda Item # _____

City of Wichita
City Council Meeting
September 10, 2002

Agenda Report # _____

TO: Mayor and City Council Members

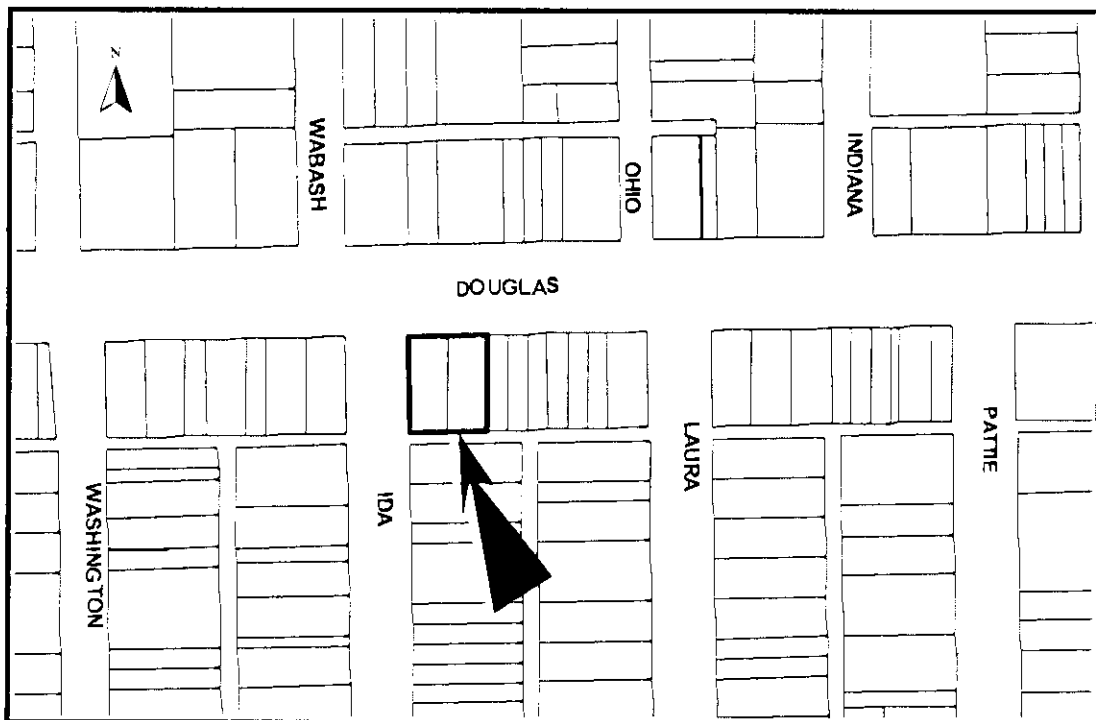
SUBJECT: ZON2002-00042 – To expand the “OT-O” Old Town Overlay onto property zoned “LI” Limited Industrial for the reduction of parking requirements. Generally located at the southeast corner of Douglas and Ida. (District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to staff recommendations. (7-2)

Staff Recommendation: Approve.



BACKGROUND: The applicant is requesting addition of .41 acres to the "OT-O" Old Town Overlay District, on property zoned "LI" Limited Industrial. The property is located on the southeast corner of Douglas and Ida Streets. The site is occupied by a traditional commercial/warehouse building with a zero lot-line storefront on the Douglas sidewalk, an unpaved parking area at the Douglas and Ida intersection with access from Douglas and Ida, and alley access from Ida. The application area building has a party wall with the bordering building to the east; the building to the east is under the same ownership. The application area building currently is partially used for a tattoo/piercing business; the applicant has indicated that the tattoo/piercing use will move to the building east of the application area, as the tattoo/piercing use is not a permitted use within the "OT-O" district.

The applicant intends to develop a drinking establishment, and pave and landscape the intersection area. However, without the parking provisions of the "OT-O", the applicant would not have enough on-site parking to develop a drinking establishment. The "OT-O" Old Town Overlay District has reduced parking requirements when compared to most other zoning districts, and has provisions which allow for the use of off-site shared public parking spaces by property owners in the Old Town Parking District by paying a monthly fee, in lieu of providing the parking directly.

However, inclusion within the "OT-O" zoning district does not automatically include the property within the Old Town Parking District. A separate ordinance will have to be prepared and approved to include the site in the Old Town Parking District. Until the property is included in the parking district, the applicant will need to provide parking as required by the appropriate sections of the code.

If this request is approved, the underlying zoning on the property would remain "LI" Limited Industrial, but the property would become subject to the design, signage and parking requirements of the "OT-O" district. The "OT-O" district also permits a wider range of uses, including residential uses that are not permitted by the existing "LI" zoning.

All Surrounding properties are zoned "LI". North of the application area, across Douglas, is a row of traditional commercial buildings recently renovated and housing a candy shop, a framing gallery, and a kitchen-remodeling store. Also north of the application area, across Douglas, is an auto repair business, and several furniture stores. South of the application area is an air conditioner business, and other industrial and warehouse uses. West of the application area is a used car lot, a communications business, and apartments. East of the application area are a wig store, vacant storefront and lots, and a surplus store. Northwest of the application area is a Quick-Trip convenience store, and approximately 400 feet northwest of the application area is the "OT-O" Old Town Overlay District "proper". One other "OT-O" "island" exists on the south side of Douglas, it is also a drinking establishment, and exists between Washington and Rock Island Avenues. The East Douglas Historic District lies approximately 900 feet to the west of the application area.

At the MAPC meeting held August 8, 2002, the MAPC voted (7-2) to recommend addition of this property to the "OT-O" Old Town Overlay District. During the discussion, the adjoining property owner and another nearby property owner raised concerns about (1) spillover parking

from the bar, and (2) additional litter from the bar being left on surrounding properties. Another property owner asked for deferral to evaluate the proposed design more closely, particularly mentioning evaluation of possible diagonal parking to increase on-street parking. Letters of opposition were received from seven property owners and/or businesses.

Recommended action:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading; or
2. Return the application to the MAPC for reconsideration

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

RECEIVED

(150004) Published in The Wichita Eagle on SEP 21 2002

SEP 23 2002

ORDINANCE NO. 45-386

METROPOLITAN PLANNING ROUTE _____

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. ZON2002-00042

Expansion of the "OT-O" Old Town Overlay onto property zoned "LI" Limited Industrial, described as:

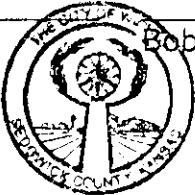
Lots 91, 93, 95, and 97 on Douglas Ave., Hyde's Addition, Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Douglas and Ida.

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, SEP 17 2002

ATTEST:

for Patsy Ellis, Deputy
Pat Burnett, City Clerk (SEAL)  Bob Knight, Mayor

Approved as to form:

Mary E. Rebenstorf
Gary E. Rebenstorf, City Attorney



STAFF REPORT

MAPC August 8, 2002

CASE NUMBER: ZON 2002-00042

APPLICANT/AGENT: Shirley Gross (applicant/owner); Winter Architects, c/o Daniel Winter (agent)

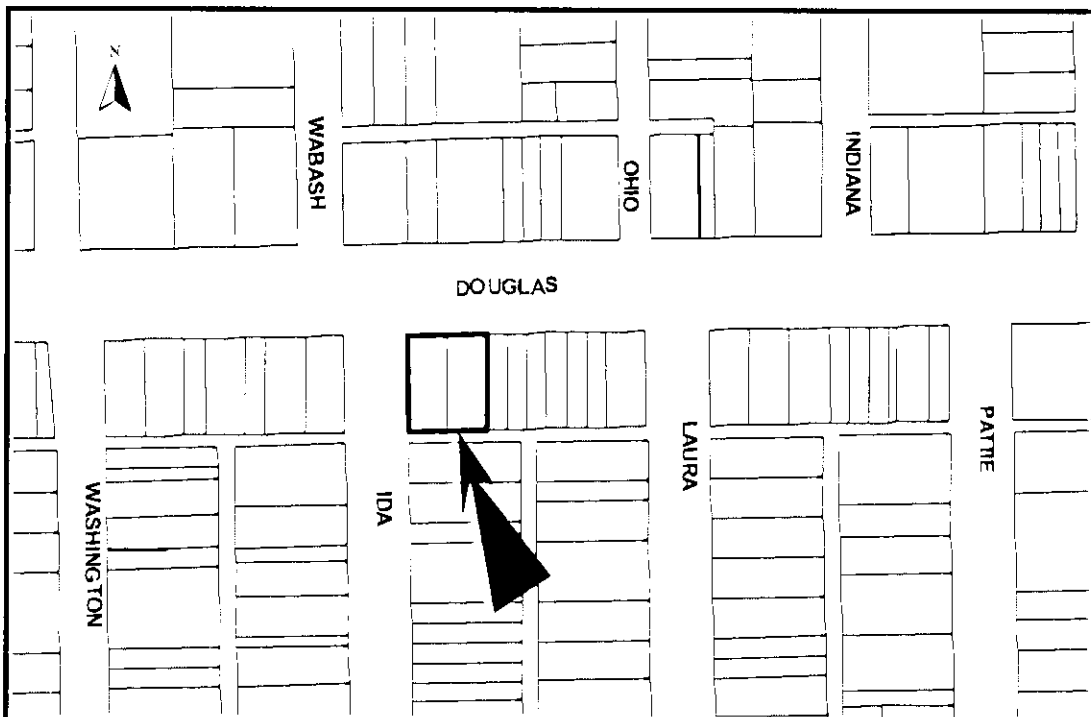
REQUEST: Addition to the "OT-O" Old Town Overlay district

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: Approx. .41 acres

LOCATION: Southeast corner of Douglass and Ida Avenue

PROPOSED USE: Participate in Old Town parking district, reducing on-site parking requirements for drinking establishments



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storefront and lots, and a surplus store. Northwest of the application area is a Quick-Trip convenience store, and approximately 400 feet northwest of the application area is the "OT-O" Old Town Overlay District "proper". One other "OT-O" "island" exists on the south side of Douglas, it is also a drinking establishment, and exists between Washington and Rock Island Avenues. The East Douglas Historic District lies approximately 900 feet to the west of the application area.

CASE HISTORY: The property was replatted as Hyde's Addition in 1984.

ADJACENT ZONING AND LAND USE:

NORTH:	"LI" Limited Industrial	retail, auto repair, convenience store
SOUTH:	"LI" Limited Industrial	Industrial/warehouse
EAST:	"LI" Limited Industrial	retail
WEST:	"LI" Limited Industrial	used car sales, retail, multi-family development, eating and drinking entertainment

PUBLIC SERVICES: All normal public services are available. Douglas has a 110-foot right-of-way; Ida has an 80-foot right of way.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the "Wichita-Sedgwick County Comprehensive Plan" identifies the application are as "commercial" and within one block of the area covered by the "Development Plan for Downtown Wichita" (June 1989). The Downtown Plan does not provide specific land use recommendations for the area, but identifies the area north of Douglas, to include Douglas frontage, and east of the railroad tracks, as the "Old Town/Rock Island Rehabilitation" challenge.

The Downtown Plan includes a goal of mixed-use development, and also specialty retail centers catering to a wider regional market. The goal encourages the specialty centers "to be attractive enough to draw regional traffic after work and on weekends".

Should the application area be approved for "OT-O", the "OT-O" design guidelines would be adhered to in renovation and development of the application area. To receive a building permit, all projects within the "OT-O" must be reviewed for architectural compatibility and conformance with the "OT-O" design guidelines. These guidelines should improve the visual character and quality of the application area, similar to the character and

quality of the Cero's Candy, Kitchens Plus, and City Gallery buildings directly across Douglas.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request to create this addition to the "OT-O" District be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All property surrounding the site is zoned "LI" Limited Industrial and is developed with a mix of retail, industrial, eating/drinking entertainment, multi-family housing, and auto sales and service uses. The application area is on the fringe of the existing "OT-O" "proper", with one other "OT-O" "island" on the south side of Douglas. The area is in a potential expansion path of the Old Town district, and is likely to experience increasing pressure for conversion to entertainment or specialty shopping uses. The design guidelines of the "OT-O" should bring the application area more in character with surrounding redeveloped properties.
2. The suitability of the subject property for the uses to which it has been restricted: The site could be used for many commercial uses as it is currently zoned. However the "LI" district requires parking to be provided. This would stifle redevelopment for uses with greater parking requirements, including restaurants, entertainment and retail. The overlay district provides a mechanism for handling the parking more flexibly. Additionally, residential uses are prohibited in "LI" except when included within the "OT-O" overlay.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Increased demand for parking could occur within the immediate vicinity of the application area. This could add congestion and conflicts for the existing uses in the vicinity that are operating on weekdays. Ideally, parking would be provided for on site and within "OT-O" parking areas.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is consistent with core area redevelopment efforts supported by the *Development Plan for Downtown Wichita* in that this would represent an expansion of the Old Town/Rock Island Rehabilitation zone.

5. Impact of the proposed development on community facilities: Conversion to uses that increase in the demand for parking spaces could put more pressure on the City to purchase and improve more land for public parking, and the fees charged to property owners in the Parking District are not sufficient to pay the entire cost of providing public parking, which means the City could continue to subsidize parking in this area as it has throughout Old Town. Should immediately surrounding properties also be included in the "OT-O", it is reasonable to expect that the infrastructure of streets, drainage, lighting, etc. will be upgraded as they have been south of Second Street, and the City has previously shared in those costs.