Agenda Item #_____

City of Wichita
City Council Meeting
January 9, 2001

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2000-00058 - ZONE CHANGE FROM "GO" GENERAL OFFICE AND "B" MULTI-FAMILY RESIDENTIAL TO "OW" OFFICE WAREHOUSE, LOCATED SOUTH OF 9TH STREET NORTH AND WEST OF HILLSIDE (3101 E. 9TH)** (District #1)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to staff recommendation (9-1).

DAB Recommendation: Approve, subject to staff recommendation (10-0).

Staff Recommendation: Approve.

Background: The applicant requests a zone change from "GO" General Office and "B" Multi-Family Residential to "OW" Office Warehouse on a 1.13 acre platted tract located south of 9th Street North and west of Hillside (3101 E. 9th). The applicant is currently using the site as an office, warehouse, and outdoor storage yard for Diggs Construction Company. The current zoning does not permit these uses, and the applicant has received a notice of violation from the Office of Central Inspection. The "OW" Office Warehouse zoning district permits the current uses of the site.

The subject property is developed with a building that formerly housed a psychiatric clinic and a church. The subject property has a paved parking area and an unpaved outdoor storage area. Screening and buffering of the site is provided along the south property line by the combination of a masonry wall, the wall of the building, and a drainage canal. Screening and buffering along the west property line is provided by a hedge row and a street. The outdoor storage area is enclosed by a chain link fence.

The "OW" Office Warehouse zoning district limits the size of outdoor storage areas to 100% of the floor area of all buildings on the zoning lot. County real estate records

indicate that the building on the subject property is 12,770 square feet; thus, a 12,770 square foot outdoor storage area would be permitted by the "OW" district. Screening by decorative fencing, evergreen vegetation, and/or landscaped earth berms would be required for an outdoor storage on the subject property.

The surrounding area is developed with residential uses to the south and west, institutional uses to the north, and commercial uses to the east. The properties south of the site are zoned "TF-3" Two-Family Residential and are developed with duplexes and single-family residences. The properties west of the site are zoned "MF-29" and "B" Multi-Family Residential and are developed with duplexes and single-family residences. The property north of the site is zoned "B" Multi-Family Residential and is developed with a cemetery. The properties east of the site are zoned "LC" Limited Commercial and "GC" General Commercial and are developed with a vacant commercial lot and an electrical contractor businesses with outdoor storage.

At the hearing on December 7, 2000, the MAPC voted (9-1) to approve the request. There were no speakers, other than the applicant, for or against the request.

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.)

AFFIDAVIT

STATE OF KANSAS \
- SS.
County of Sedgwick /

Milt Mounts, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for 1 consecutive issues - weeks, that the first publication of said notice was made as aforesaid on the 30th day, of March A.D. 2001, with subsequent publications being made on the following dates:

_____

And affiant further says that _____ she has personal knowledge of the statements above set forth and that they are true.

Milt Mounts

Subscribed and sworn to before me this 30 Day of March, 2001

Norma J. Hoch
Notary Public Sedgwick County, Kansas

NORMA J. HOCH
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 8-12-02

My Appointment Expires August 12th, 2002

Printer's Fee $ 29.24

LEGAL PUBLICATION

CW

Published in The Wichita Eagle
March 30, 2001 (#1342156)
ORDINANCE NO. 44-849

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. ZON2000-00058

Request for zone change from "GO" General Office and "B" Multi-Family Residential to "OW" Office Warehouse on property described as:

Odd Lots 1 through 33, inclusive, on 9th Street, Frisco Avenue Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located south of 9th Street North and west of Hillside (3101 East 9th).

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, JAN. 23, 2001.

ATTEST:

Pat Burnett, City Clerk (SEAL)

Bob Knight, Mayor

RECEIVED
APR 3 2001
METROPOLITAN PLANNING
ROUTE

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 12

STAFF REPORT

DAB I December 4, 2000
MAPC December 7, 2000

CASE NUMBER: ZON2000-00058 SP

APPLICANT/AGENT: Dale G. Jr. and Corelia M. Diggs (Owner/Applicant); Andre Barry (Agent)

REQUEST: "OW" Office Warehouse

CURRENT ZONING: "GO" General Office and "B" Multi-Family Residential

SITE SIZE: 1.13 acres

LOCATION: South of 9th St. N. and west of Hillside (3101 E. 9th)

PROPOSED USE: Office, warehouse, and outdoor storage of equipment and materials for a construction contractor

BACKGROUND: The applicant requests a zone change from "GO" General Office and "B" Multi-Family Residential to "OW" Office Warehouse on a 1.13 acre platted tract located south of 9th Street North and west of Hillside (3101 E. 9th). The applicant is currently using the site as an office, warehouse, and outdoor storage yard for Diggs Construction Company. The current zoning does not permit these uses, and the applicant has received a notice of violation from the Office of Central Inspection. The "OW" Office Warehouse zoning district permits the current uses of the site.

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CASE HISTORY: The site is in the Frisco Avenue Addition, which was recorded July 25, 1887.

ADJACENT ZONING AND LAND USE:

NORTH:	"B"	Cemetery
SOUTH:	"TF-3"	Duplex, Single-Family
EAST:	"MF-29" & "B"	Duplex, Single-Family
WEST:	"LC" & "GC"	Vacant, Construction Sales and Service

PUBLIC SERVICES: The site has frontage to 9th Street North, a two-lane arterial street with 1997 traffic volumes of approximately 6,000 vehicles per day. The 2030

Transportation Plan estimates the volumes will increase to approximately 8,000 vehicles per day. The site is currently served with municipal water and sewer.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Commercial uses with outdoor storage are an established use in the area, with a contractor's storage yard located one block to the east. Residential uses in the area do not directly abut the site and are separated by a drainage canal to the south and a street to the west. The property mostly directly impacted by the proposed use is developed with a cemetery.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "GO" General Office and "B" Multi-Family Residential and could be used for office or multi-family uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site has significant buffers and screening from existing residential uses. Outdoor storage uses on the site would also be subject to additional screening requirements.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The proposed zone change adheres to these Commercial Locational Guidelines.

5. Impact of the proposed development on community facilities: Community facilities should not be adversely impacted.