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OCA 150004

ORDINANCE NO. 50-618

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. ZON2017-00045

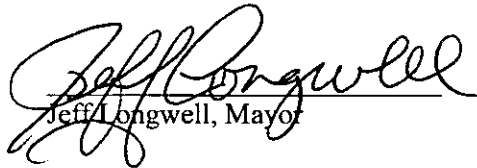
City zone change from SF-5 Single-Family Residential to LC Limited Commercial zoning; described as:

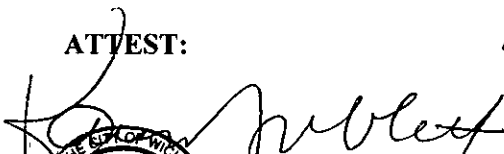
A tract beginning 972.45 feet south of the Northeast corner of the Northeast Quarter of Section 20, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, thence west 230 feet; thence south 94.7 feet; thence east 230 feet; thence north to the point of beginning; generally located south of West Central Avenue and west of Tyler Road (541 N. Tyler Road.)

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.

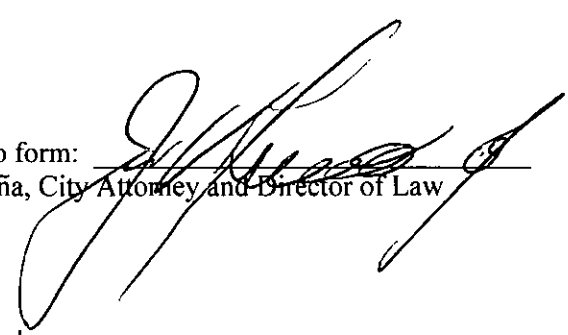
ATTEST:


Jeff Longwell, Mayor



Karen Sulett, City Clerk

Approved as to form:
Jennifer Magaña, City Attorney and Director of Law



BACKGROUND: The applicants request LC Limited Commercial zoning on 0.41 unplatted acre tract located approximately 900 feet south of West Central Avenue on the west side of North Tyler Road. The subject site is currently zoned SF-5 Single-Family Residential (SF-5), and is developed with a single family residence.

The surrounding area is characterized by commercial and multi-family residential uses all zoned LC. The subject property is one of three tracts of land that remain zoned SF-5 surrounded by LC zoning.

The two properties north of the site are zoned SF-5. Properties to the west and south of the site are zoned LC and are contained in the Westlink Center Community Unit Plan DP-9 approved in July 1980 to allow commercial retail development and multi-family housing. The properties east of the site are zoned LC and are developed with limited commercial uses and are located in the Ty-Cen Addition Community Unit Plan DP-90 approved in 1986.

CASE HISTORY: ZON2006-09 was approved by MAPC on April 6, 2006 and by Wichita City Council on May 9, 2006 subject to platting. SUB2006-32 for Mosher's Seamhas Addition was filed but did not complete the platting requirement and both the zone case and subdivision plat were declared null and void in May 2009.

ADJACENT ZONING AND LAND USE:

North: SF-5	Single-family residence
South: LC CUP DP-9	Retail commercial uses
East: LC CUP DP-90	Retail commercial uses
West: LC CUP DP-9	Multi-family residential

PUBLIC SERVICES: The site has access to Tyler Road, a four-lane arterial Street with a traffic count of approximately 21,643 vehicles per day (2015 count). Public water main (16 ft. diameter), sewer line (8 ft. diameter) and stormwater (25 ft. inside) serve the property.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as being located within the Wichita City Limit. The Plan's 2035 *Wichita Future Growth Concept Map* identifies this location as "residential" encompassing areas that likely will be developed or redeveloped by 2035 with predominantly residential uses and pockets of commercial and institutional uses based on market-driven location factors. The proposed rezoning is appropriate due to the proximity of higher intensity business uses and high density multi-family residential housing types within this area.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED** with the condition that cross-lot access be required should the property immediately north of the subject site be developed for non-residential uses.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The properties surrounding the subject site are zoned LC permit a very wide range of land uses: residential, retail, office, personal service, and commercial.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned SF-5 which permits single family residential. The site has minimal economic value as currently zoned. Approval of LC zoning would make the site attractive to limited commercial uses that predominantly surround the subject site.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should have little if any impact nearby property owners.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval will make the property more marketable with a wider range of possible uses. Denial would represent a loss of economic opportunity to the applicant or property owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as being located within the Wichita City Limit. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential" encompassing areas that likely will be developed or redeveloped by 2035 with predominantly residential uses and pockets of commercial and institutional uses based on market-driven location factors. The proposed rezoning is appropriate due to the proximity of higher intensity business uses and high density multi-family residential housing types within this area.
6. Impact of the proposed development on community facilities: Approval of the request should generate no additional impacts on community facilities. Existing public infrastructure at the site will accommodate uses under the proposed LC zoning.