OCA 150004

ORDINANCE NO. 48-848

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. ZON2010-00029

Zone change from SF-5 Single-Family Residential ("SF-5"), TF-3 Two-Family Residential ("TF-3"), and MF-18 Multi-Family Residential ("MF-18") to LC Limited Commercial ("LC") on property described as:

The East 60 feet of Lot 2, and the East 8 feet of the alley adjacent Block 6, The South 75 feet of the West 150 feet of Lot 2 and the West 8' for alley adjacent except the West 7.5 feet for road, Block 6, The North 70 feet of the West 150 feet of Lot 3 except the West 7.5 feet deeded to the city for street and the West 8 feet of the alley adjacent, Block 6, The North 65 feet of the South 130 feet of the West 150 feet except the West 7.5 feet thereof and the West 8 feet of alley adjacent, Block 6, The South 65 feet of the West 100 feet of Lot 3 except the West 7.5 feet deeded to the city for street, Block 6, The East 50' of the South 65 feet of the West 150 feet of Lot 3 and the West 8 feet of the alley adjacent, Block 6, all in Lawrence's Addition to West Wichita, Sedgwick County, Kansas.
AND
The East 60 feet of Lot 3 and the East 8 feet of alley adjacent, Block 6, in Lawrence's Addition to West Wichita, Sedgwick County, Kansas, generally located on the northeast corner of Seneca Street and University Avenue.

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.

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT

MAPC August 19, 2010

CASE NUMBER: ZON2010-00029

APPLICANT/AGENT: Kellogg – Seneca LLC and Nathan D. Wilkey (applicants) /Poe & Associates, c/o Tim Austin (agent)

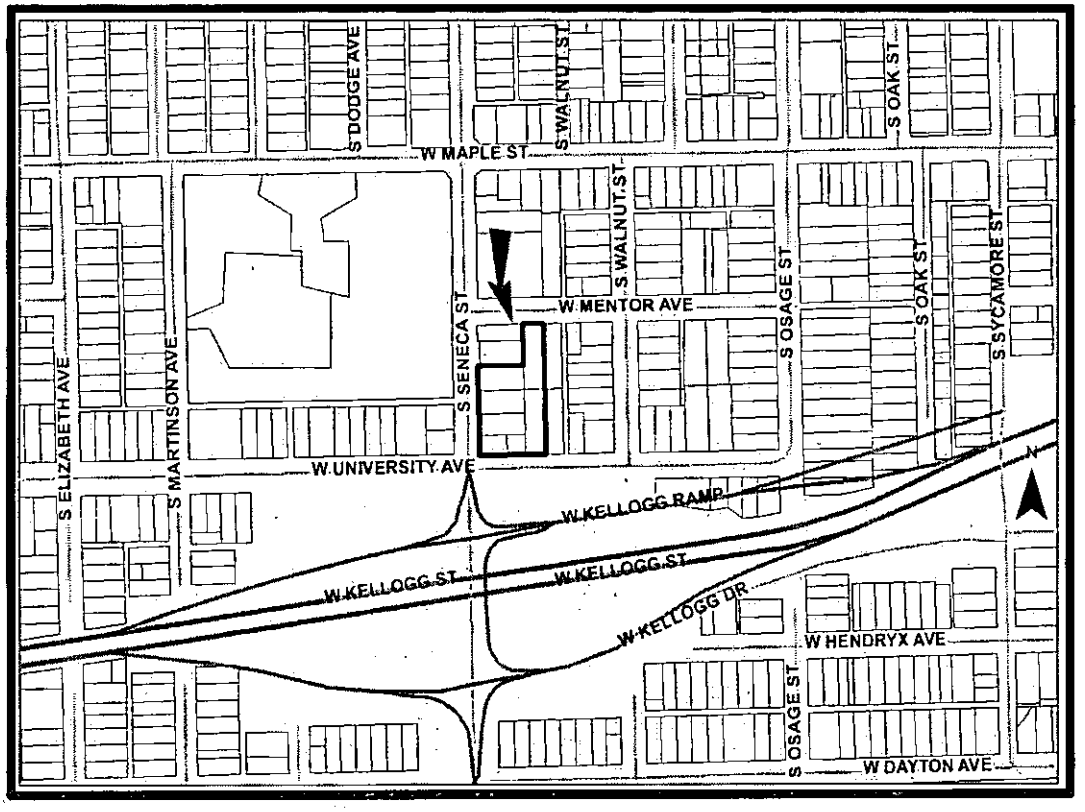
REQUEST: LC Limited Commercial ("LC")

CURRENT ZONING: SF-5 Single-Family Residential ("SF-5"), TF-3 Two-Family Residential (TF-3") and MF-18 (MF-18") Multi-Family Residential

SITE SIZE: Approximately 1.57-acres

LOCATION: The northeast corner of Seneca Street and University Avenue

PROPOSED USE: As permitted in the LC zoning district and the Delano Neighborhood Overlay District



BACKGROUND: The applicants request LC Limited Commercial ("LC") zoning on the platted subject site. The multiple lots of the site are currently zoned SF-5 Single-Family Residential ("SF-5"), TF-3 Two-Family Residential (TF-3") and MF-18 (MF-18") Multi-Family Residential. The site is located in the Delano Neighborhood Overlay District (Delano).

The site is located on the northeast corner of Seneca Street and University Avenue, immediately north of the Kellogg Street/US 54 interchange. Those lots (site) with Seneca frontage are vacant, while two single-family residences (built 1920) remain on the east/back two lots. There are SF-5 zoned lots with single-family residences (built 1880 – 1940) abutting the north, east and west sides of the site. Those properties located east of the site are part of a mostly single-family residential neighborhood that is located south of Maple, north of Kellogg and east to Sycamore Street. North of the subject site, across Mentor Street with frontage on Seneca, is a vacant (until recently the Cooper Cue Pool Hall) LC zoned building and a GC General Commercial ("GC") zoned motorcycle repair and sales business. West of the site, across Seneca Street, is the B Multi-Family Residential ("B") and MF-29 Multi-Family Residential ("MF-29") zoned Kansas Masonic Home, which is on the Wichita Register of Historic places.

CASE HISTORY: The subject properties were originally platted as Lots 2 and 3, Block 6, the Lawrence Addition to West Wichita, which was recorded September 8, 1884. Through the years the lots were subsequently split into multiple properties by sale. The site is located in the Delano Neighborhood Overlay District, which was approved by the City Council March, 2001 (Ord. #44-896) and the County Commission March 7, 2001 (Res. #35-01).

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5, LC, GC	Single-family residences, vacant building, motorcycle repair and sales
SOUTH:	Kellogg/US 54 highway	
EAST:	SF-5, TF-3	Single-family residences
WEST:	B, MF-29	Kansas Masonic Home

PUBLIC SERVICES: At this location Seneca Street is a four-lane arterial, with 37.5 feet of half-street right-of-way; the abutting northern property and the adjacent western properties have 45 feet of half-street right-of-way. This portion of Seneca is designed as a Boulevard with a raised, full curbed median strip, planted with deciduous trees and grass; the Delano Neighborhood Overlay District calls for Seneca to be designed as a Boulevard from Texas Street to Kellogg. The raised median limits access to and out of the site from Seneca to right in and right out. The site also has access to Mentor and University Avenues, residential streets with 80 feet of right-of-way. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the Wichita-Sedgwick County Comprehensive Plan identifies the application area as "Urban Residential." The Urban Residential category reflects the full diversity of residential development densities found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks and special

residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may be found in this category.

As shown on a 1997 aerial, there were four single-family residences and one vacant lot along the site's Seneca Street frontage. Beginning in 2003, all of those single-family residences were removed and today the properties remain vacant. The site's immediate proximity to the Seneca – Kellogg/US 54 highway interchange has made these properties less desirable for single-family residential development. If the zoning is approved there will be two remaining SF-5 zoned properties on Seneca between Maple Street and Kellogg/US 54; the two properties abutting the site's north and west sides. There is multi-family zoning along this portion of Seneca, all of it being in the Kansas Masonic Home site. The requested zoning is not in compliance with the 2030 Land Use Guide, but it is not contrary to existing zoning patterns along this portion of Seneca, where it intersects with arterials. The LC zoning would allow all types of residential development, plus office and retail, which would present more opportunities for this site to be redeveloped. The Delano Neighborhood Overlay District provides a list of prohibited uses and those that can be considered by a Conditional Use, as well as design guidelines (including the Seneca Boulevard Enhancements) and review procedures to ensure the redevelopment of the property will conform to the neighborhood.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for LC Limited Commercial ("LC") zoning be APPROVED, subject to:

(1) All design and development standards and review procedures of the Delano Neighborhood Overlay District, including (but not limited to): (a) The Seneca Boulevard Enhancements standards, and; (b) Retaining the Delano Neighborhood Overlay District's list of prohibited uses and those that can be considered by a Conditional Use, and; (c) Dedication of any needed right-of-way along the site's Seneca Street frontage.
(2) All applicable zoning, building, fire, health codes or licensing requirements.
(3) Access will be as permitted by the Traffic Engineer.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site is located on the northeast corner of Seneca Street and University Avenue, immediately north of the Kellogg Street/US 54 interchange. Those lots (site) with Seneca frontage are vacant, while two single-family residences (built 1920) remain on the east/back two lots. There are SF-5 zoned lots with single-family residences (built 1880 – 1940) abutting the north, east and west sides of the site. Those properties located east of the site are part of a mostly single-family residential neighborhood that is located south of Maple, north of Kellogg and east to Sycamore Street. North of the subject site, across Mentor Street with frontage on Seneca, is a vacant (until recently the Cooper Cue Pool Hall) LC zoned building and a GC General Commercial ("GC") zoned motorcycle repair and sales business. West of the site, across Seneca Street is the B Multi-Family Residential ("B") and MF-29 zoned

Multi-Family Residential ("MF-29") Kansas Masonic Home, which is on the Wichita Register of Historic places.

2. The suitability of the subject property for the uses to which it has been restricted: The site's immediate proximity to the Seneca – Kellogg/US 54 highway interchange has made these properties less desirable for single-family residential development. The two properties zoned multi-family could be developed as small apartments (possible use by students attending Friends University), although the requested LC zoning would allow all types of residential development, as well as retail and office, thus offering more opportunities for redevelopment.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The LC zoning would allow all types of residential development, plus office and retail, which would present more opportunities for this site to be redeveloped. The Delano Neighborhood Overlay District provides a list of prohibited uses and those that can be considered by a Conditional Use, as well as design guidelines (including the Seneca Boulevard Enhancements) and review procedures to ensure the redevelopment of the property will conform to the neighborhood.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Allowing the LC zoning would allow all types of residential development, as well as retail and office, thus offering more opportunities for redevelopment of vacant land, which, at this location, will not impose a lose to the public health, safety and welfare.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: As shown on a 1997 aerial, there were four single-family residences and one vacant lot along the site's Seneca Street frontage. Beginning in 2003, all of those single-family residences were removed and today the properties remain vacant. The site's immediate proximity to the Seneca – Kellogg/US 54 highway interchange has made these properties less desirable for single-family residential development. If the zoning is approved there will be two remaining SF-5 zoned properties on Seneca between Maple Street and Kellogg/US 54; the two properties abutting the site's north and west sides. There is multi-family zoning along this portion of Seneca, all of it being in the Kansas Masonic Home site. The requested zoning is not in compliance with the 2030 Land Use Guide, but it is not contrary to existing zoning patterns along this portion of Seneca, where it intersects with arterials. The LC zoning would allow all types of residential development, plus office and retail, which would present more opportunities for this site to be redeveloped. The Delano Neighborhood Overlay District provides a list of prohibited uses and those that can be considered by a Conditional Use, as well as design guidelines (including the Seneca Boulevard Enhancements) and review procedures to ensure the redevelopment of the property will conform to the neighborhood.

6. Impact of the proposed development on community facilities: Impact on community facilities will be minimal.