

PUBLISHED IN THE WICHITA EAGLE ON April 20, 2018

ORDINANCE NO. 50-691

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. ZON2018-00005

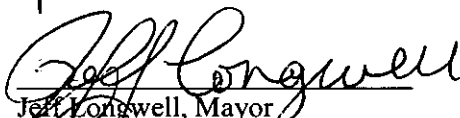
City zone change from B Multi-Family Residential District to NR Neighborhood Retail District and described as follows:

Lot 1 of the Mary Jane Sullivan Addition to the City of Wichita, Sedgwick County, Kansas; along with all of the vacated alley adjacent on the North.

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.

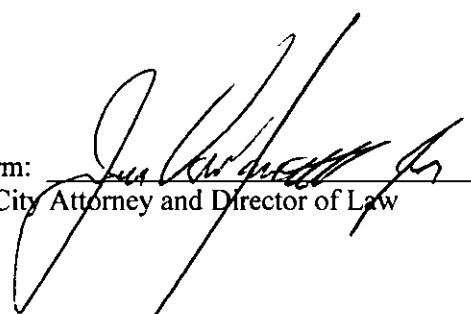
ADOPTED this 17th day of April, 2018.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



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



STAFF REPORT

MAPC March 8, 2018

DAB I March 5, 2018

CASE NUMBER: ZON2018-00005

APPLICANT/AGENT: Kansas Children's Service League (Owner) Dunne Property Company (Contract Buyer)

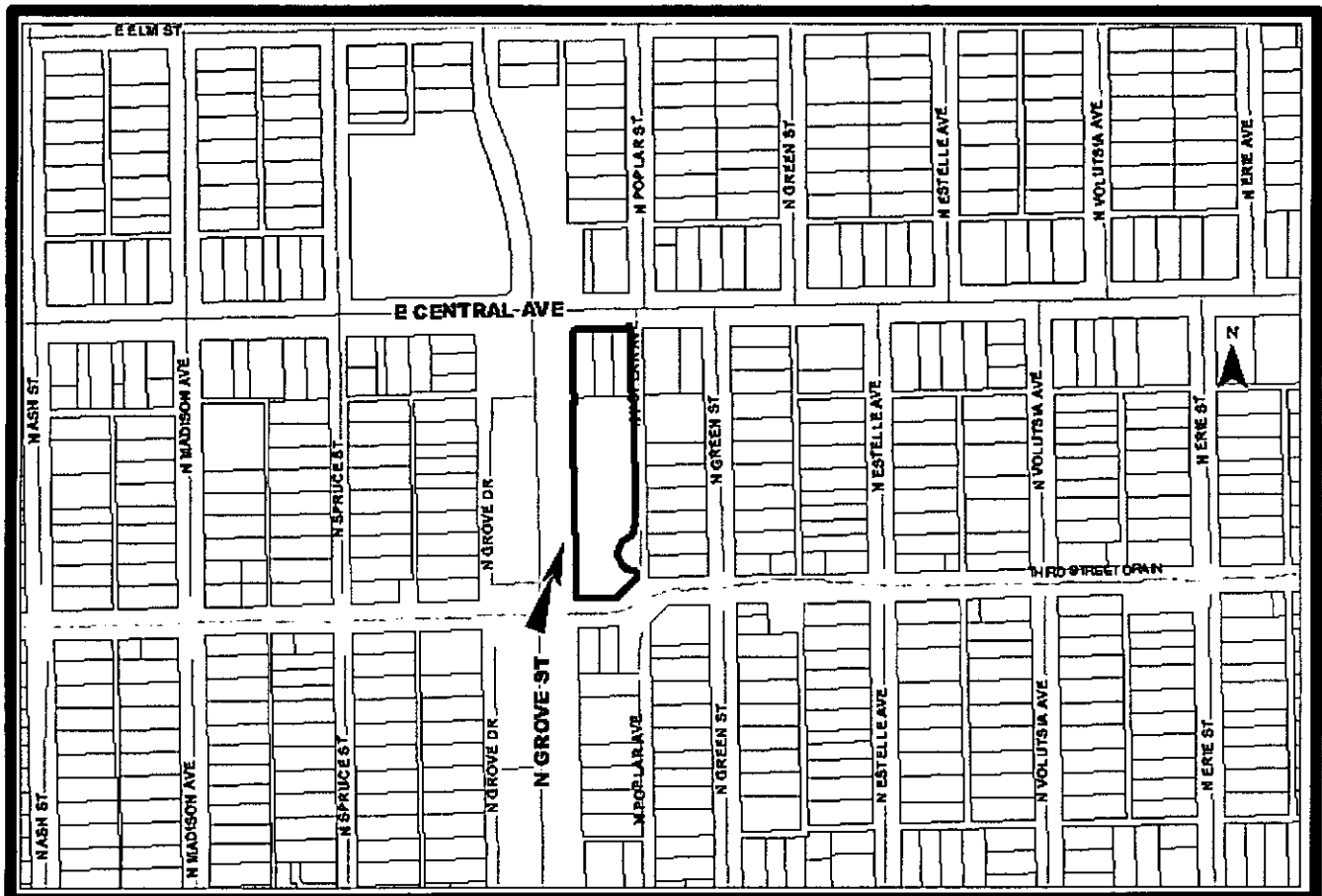
REQUEST: LC Limited Commercial

CURRENT ZONING: B Multi-Family Residential

SITE SIZE: 1.69 acre

LOCATION: Located on the south side of Central Avenue on the east side of Grove Street and the west side of Poplar Street (415 North Poplar Street)

PROPOSED USE: Commercial development



ZON2018-00005

BACKGROUND: The Kanas Children's Service League recently placed this property under contract for sale to the Dunne Property Company. This property is no longer being used by Kanas Children's Service League. According to the information provided by the buyer, the intent is to convert this building primarily into offices; however, there may be interest in some retail commercial uses.

The applicant has requested LC Limited Commercial (LC) zoning, which is how the property that faces Central Avenue is zoned. However that land is only used for a parking lot, with no buildings on this land. The bulk of the property in this request, which is where the office building is located, is zoned B Multi-Family Residential. Within that zoning classification the former uses, which were considered related to medical service, was a permitted use by right. However, the use of the building for general office uses are not permitted in the B district.

Staff is concerned rezoning the entire area of the office building to LC is not appropriate given the existing land use pattern and the general policies concerning location of higher intensity zoning in established residential neighborhoods. There is no LC zoning along Grove Street, or along Poplar Street, except for the properties that effectively front on Central Avenue; or that are adjacent to Douglas Avenue to the south. However, staff is sensitive to the limitations imposed on the existing building by the restrictions in the B zoning district. Following the policies recently discussed concerning some of the properties on East Central, the same policy appears appropriate for this location, which would support NR Neighborhood Retail for this property. That classification would allow the general office uses primarily sought by the applicant; as well as a limited range of retail uses that would be more appropriate and less intrusive for this location.

CASE HISTORY: The bulk of this property was included in the Mary Jane Sullivan Addition to the City of Wichita, which was approved in March of 1974 and recorded with the Register of Deeds in December of 1974. The parking lot immediately to the south of Central Avenue between Poplar Avenue and Grove is in the Oliver and Blackwelder's Subdivision of Tiffany's Subdivision or Tiffany's Addition to Wichita; which was filed with the Register of Deed's in October of 1888. The zoning classifications on this property have existed for a number of years with no other zoning cases being filed.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	commercial
SOUTH:	TF-3	residential
EAST:	TF-3	residential
WEST:	B	residential

PUBLIC SERVICES: Central Avenue is a fully improved commercial four-lane arterial street with turn lanes provided at certain intersections. Poplar Street is a two-lane residential street that dead-ends with a cul-de-sac north of Third Street. There is no access from Grove Street to this property. The site is served by all municipal and private utilities and services.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is located as appropriate for both commercial and residential uses within the established Central Area. The recommended rezoning is consistent with the spirit and intent of the Comprehensive Plan and the policies attached to the designation given to this property.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends deny the request as submitted and recommend approval of the zoning change from B Multi-Family Residential to NR Neighborhood Retail for the southern portion of the property. The existing LC Limited Commercial zoning is intended to remain on the lots fronting Central Avenue. This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Central Avenue is a commercial corridor; however expansion of heavier commercial uses beyond the properties fronting Central Avenue has not been approved. The recommended action establishes a policy for this neighborhood consistent with other lands further to the east and at other similar locations in the past.

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2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned B Multi-Family Residential, even though the uses in the building are more appropriate for an office classification. The likelihood of this property being converted to residential uses is slim; and attempts to find occupants in the medical field have been unsuccessful.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The purpose of the recommended NR zoning is to accommodate very-low intensity retail and office development near residential neighborhoods.
4. Length of time the property has been vacant as currently zoned: The property has been occupied in the past under the current zoning classification, as noted above. The change to NR broadens the potential uses for the site.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is located as appropriate for residential and commercial uses. The rezoning of the site would enhance the marketability of the property; thereby providing a greater tax base and employment opportunities.
7. Impact of the proposed development on community facilities: Rezoning of the property would not have any impact on community facilities or resources. All public improvements are available to serve the property.

Staff Report Attachments:

1. Applicant Letter