

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. ZON2018-00036

City zone change from TF-3 Two-Family Residential to GO General Office; described as:

Part of Lots 34, 36, 38, and 40, Oliver Street, Highland View Addition to Wichita, Sedgwick County, Kansas, described as follows:

BEGINNING at the northeast corner of said Lot 40; thence along the east line of said Lot 40 on an assumed bearing of S00°23'06"W, 100.09 feet to the southeast corner of said Lot 34; thence along the south line of said Lot 34, N89°17'34"W, 108.62 feet; thence N00°06'16"W, 51.57 feet; thence N03°15'28"W, 42.83 feet to a point on the north line of said Lot 40; thence along said north line, S89°17'28"E, 111.83 feet to the POINT OF BEGINNING.

With the following conditions:

1. Access controls shall be limited to one opening along South Oliver Avenue for the application area. Said access controls shall be provided to Planning via dedication of access control by separate instruments, with original signatures, to go with the Ordinance to City Council for final action and subsequent recording with the Ordinance at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
2. All improvements shall adhere to City Standards and at the applicants' expense.

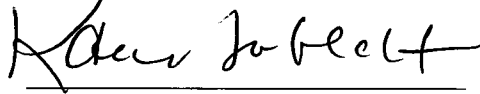
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

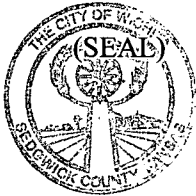
ADOPTED this 16 day of October, 2018.


Jeff Longwell, Mayor

ATTEST:

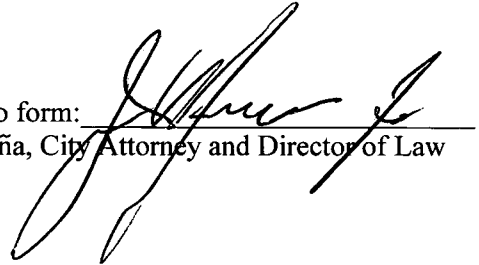


Karen Sublett, City Clerk

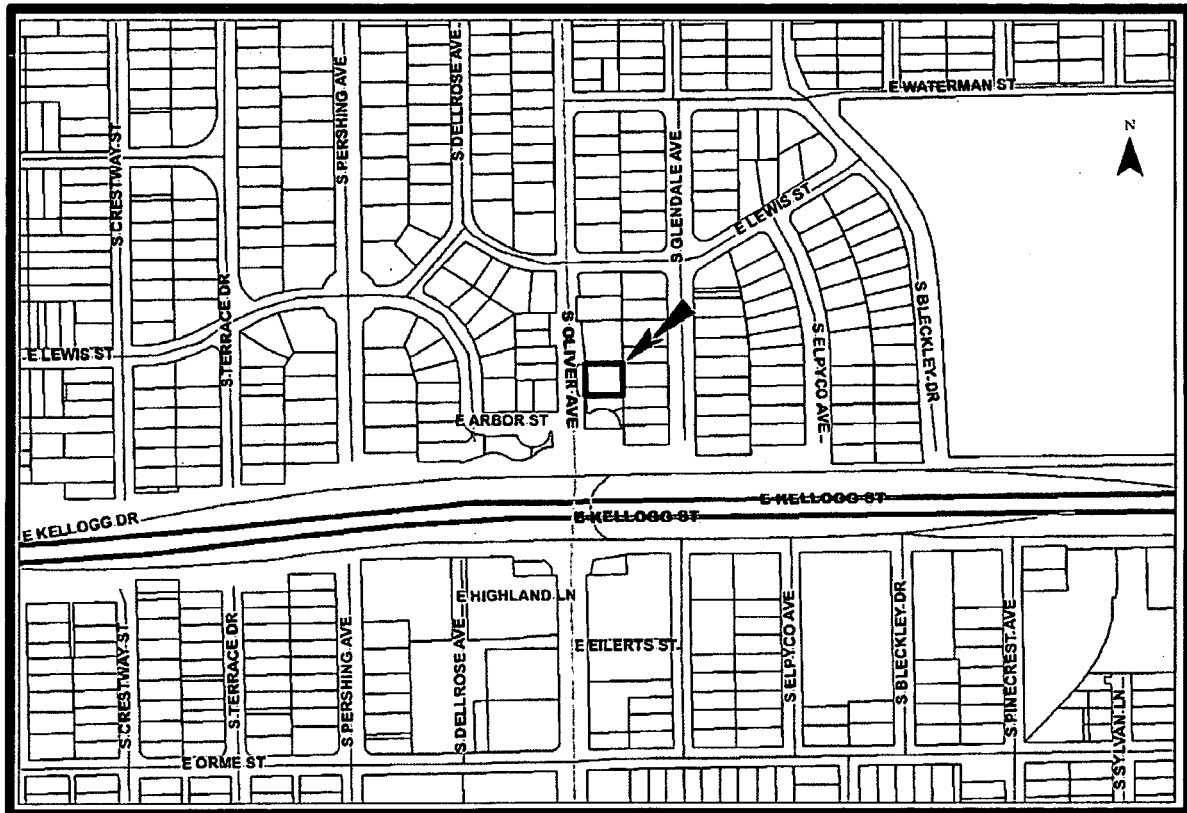


Approved as to form:

Jennifer Magaña, City Attorney and Director of Law



MAPC September 6, 2018
DAB I September 10, 2018



BACKGROUND: The applicants are requesting a zone change from TF-3 Two Family Residential to GO General Office zoning on the subject site, consisting of approximately .25 acres. The applicant is seeking to open up development options on the site to a wider range than what is allowed per the TF-3 Two Family Residential zoning classification.

The applicant has previously met with city staff via the Development Review process, in which they outlined a potential development plan of placing fourplex style residential buildings on site. However, this development plan is not 'set in stone' and is still subject to change. The proposed rezoning would allow for this type of development, as well as a limited amount of other development options. During the Development Review meeting it was also stated that staff recommends limiting access controls to one opening on South Oliver Avenue for this parcel.

North of the site is zoned GO General Office and is undeveloped, farther north of that is zoned TF-3 Two Family Residential and is developed as single family residential. East of the site is zoned TF-3 Two Family Residential and is developed as single family residential. South of the site is zoned GO General Office and LC Limited Commercial. The site is currently used as a storm water pump station with a screening wall. West of the site is zoned TF-3 Two Family Residential and is developed as duplex residential.

CASE HISTORY: This property was platted as a part of The Highland View Addition on May 5, 1910.

ADJACENT ZONING AND LAND USE:

North:	GO, TF-3	Undeveloped, Single Family Residential
South:	GO, LC	Undeveloped, Storm Water Pump Station
East:	TF-3	Single Family Residential
West:	TF-3	Duplex Residential

PUBLIC SERVICES: This site has access to South Oliver Avenue (a paved 5 lane arterial) and has nearby access to water and sewer lines.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, via the *2035 Wichita Future Growth Concept Map*, identifies the site as New Residential.

New Residential: Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately found in the Residential category. Pockets of Major Institutional and Commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of Industrial Uses likely will be developed.

The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area (ECA) – the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the ECA that maximizes public investment in existing and planned infrastructure and services. Infill development has been identified as a priority strategy for growth within the City of Wichita. This parcel is a textbook example of the type of location where infill development should be encouraged to occur.

The proposed rezoning is appropriate due to its capacity for a residential style of development, as well as smaller scale office and commercial type uses. In addition, this parcel and the proposed zone change

represent the type of infill development that has been identified as a priority strategy for the City of Wichita.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED** subject to the following conditions,

1. Access controls shall be limited to one opening along South Oliver Avenue for the application area. Said access controls shall be provided to Planning via dedication of access control by separate instruments, with original signatures, to go with the Ordinance to City Council for final action and subsequent recording with the Ordinance at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
2. All improvements shall adhere to City Standards and at the applicants' expense.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the site is zoned GO General Office and is undeveloped, farther north of that is zoned TF-3 Two Family Residential and is developed as single family residential. East of the site is zoned TF-3 Two Family Residential and is developed as single family residential. South of the site is zoned GO General Office and LC Limited Commercial. The site is currently used as a storm water pump station with a screening wall. West of the site is zoned TF-3 Two Family Residential and is developed as duplex residential.
2. The suitability of the subject property for the uses to which it has been restricted: The property is well suited to the restrictions of the TF-3 Two Family Residential district as the majority of the zoning lots around it are also zoned as such. This property's location along an arterial, near a prominent intersection with East Kellogg Drive, makes this site suitable for a wider range of uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the requested zone change should not detrimentally affect nearby property. The uses allowed within the GO General Office zoning district are generally compatible with residential uses. Given the proximity of other GO General Office zoning as well as LC Limited Commercial zoning and the intersection with East Kellogg Drive, the proposed zone change is well suited to the site it is proposed for.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Rezoning to GO General Office will allow for the development of the subject area in a variety of ways, all of which should be compatible with the surrounding land uses. Regardless of the eventual development on this site, there should not be any negative impact to the public health, safety, or welfare of the surrounding area. Denial of this application would somewhat restrict the development options for this site, which would represent a potential loss in value to the 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*, via the *2035 Wichita Future Growth Concept Map*, identifies the site as New Residential.

New Residential: Encompasses areas of land that likely will be developed or

redeveloped by 2035 with uses predominately found in the Residential category. Pockets of Major Institutional and Commercial uses likely will be developed within this area as well, based upon market-driven location factors. In certain areas, especially those in proximity to existing industrial uses, highways, rail lines, and airports, pockets of Industrial Uses likely will be developed.

The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area (ECA) – the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the ECA that maximizes public investment in existing and planned infrastructure and services. Infill development has been identified as a priority strategy for growth within the City of Wichita. This parcel is a textbook example of the type of location where infill development should be encouraged to occur.

The proposed rezoning is appropriate due to its capacity for a residential style of development, as well as smaller scale office and commercial type uses. In addition, this parcel and the proposed zone change represent the type of infill development that has been identified as a priority strategy for the City of Wichita.

6. Impact of the proposed development on community facilities: There should not be any negative impacts on community facilities as a result of the proposed zone change. Due to the presence of other openings immediately adjacent to the north and south of this property, and the potential for different types and intensities of development, staff is recommending the site be restricted to one access point off of South Oliver Avenue.