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OCA 150004

ORDINANCE NO. 50-954

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. ZON2019-00004

City zone change from LI Limited Industrial to CBD Central Business zoning; described as:

The North 6 feet of the South One-Half of vacated Pearl Street now Pacific Street, beginning with the West line of Sycamore Street and running West to the East line of Oak Street in the City of Wichita, Sedgwick County, Kansas; said South One-Half of vacated Pearl Street now Pacific Street adjoining Lots 92, 94, 96, 98 and 100, Pearl now Pacific Street and Lot 20, Oak Street, in West Wichita, Sedgwick County, Kansas; said Pearl Street (now Pacific Street) being vacated by City Ordinance No. 10-771 dated June 30, 1930.

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.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

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

WICHITA—SEDGWICK COUNTY
W.SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. _____

STAFF REPORT
MAPC March 7, 2019
DAB VI March 4, 2019

CASE NUMBER: ZON2019-00004

APPLICANT/AGENT: Hutton Construction, Josh Herrman/ Baughman Company P.A. Phil Meyer

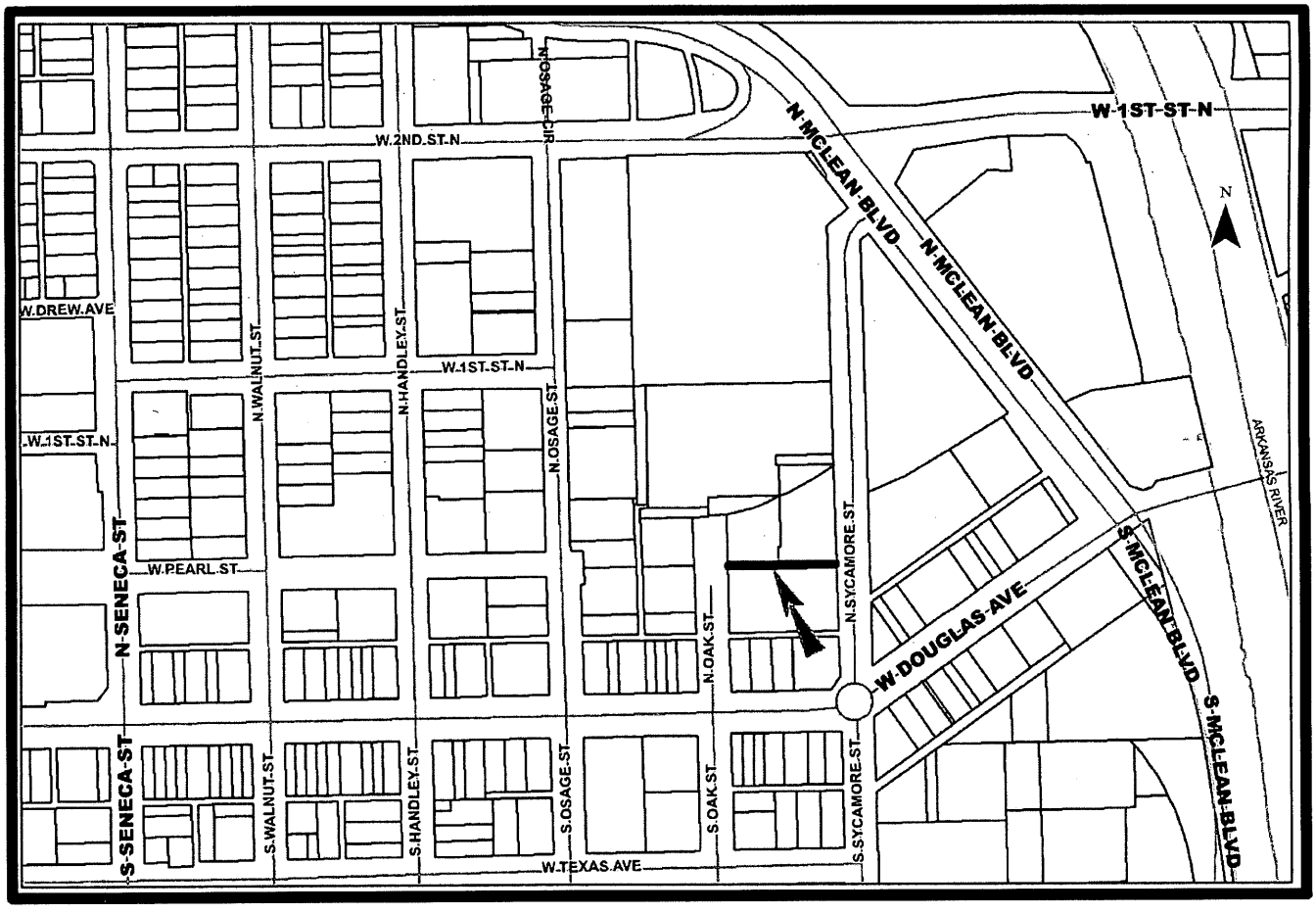
REQUEST: CBD Central Business District

CURRENT ZONING: LI Limited Industrial

SITE SIZE: 0.02 acre

LOCATION: East of Oak Street on north side of West Douglas Avenue

PROPOSED USE: Commercial Development



BACKGROUND: The applicants request Central Business District (CBD) zoning on 0.2 platted acre located east of North Oak Street on the north side of West Douglas Avenue. The subject site is currently zoned LI Limited Industrial (LI), and is an undeveloped strip of land. The CBD zoning would make the parcel one zoning lot under the ownership of Hutton Construction Company. The property is being developed as the corporate headquarter building.

The site is located within the Delano District, a commercial district serving West Wichita with a variety of commercial, personal service and entertainment uses since the 1870's.

Property north of the site is zoned CBD and is being developed as apartments. Property south of the site is zoned CBD and is the future site of the corporate headquarters of Hutton Construction Company. East of the site is zoned LI and used for office uses. West of the subject site is zoned LI and used for a warehouse/wholesale flooring business

CASE HISTORY: The property was platted in 1872 as the West Wichita Addition. The property was included in the Delano Neighborhood Revitalization Plan, 2001. The property south of the subject site was re-zoned (ZON2017-38) to CBD in October 2017.

ADJACENT ZONING AND LAND USE:

North:	CBD	Office and storage warehouse
South:	CBD	Office
East:	LI	Immigration offices
West:	LI	Warehouse uses

PUBLIC SERVICES: The site has access to North Oak Street and North Sycamore Street, both local paved streets with 80-foot rights-of-way. The site is served by all typical municipal services.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan promotes downtown as the region's preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential and employment mix," encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. The proposed rezoning is appropriate due to the proximity of higher intensity business uses and residential housing types within this area are more likely to be higher density. Employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight and odor.

The Unified Zoning Code (UZC) states that the purpose of the CBD zoning district is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of Wichita. It is intended for application only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero lot-line setbacks, shared parking, public streetscapes as landscaping and urban design elements and mixed uses within a building. The application area shares similar patterns of development and uses as the original core CBD area.

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: The properties surrounding the subject site are zoned LI and CBD and permit a very wide range of land uses: residential, office, personal service, entertainment and commercial. Property is subject to the D-O district, which limits land uses and has design guidelines.

2. The suitability of the subject property for the uses to which it has been restricted: The property is a very narrow strip of land zoned LI and cannot be developed on its own. The only way for the site to have economic value is to combine it with the adjacent property which is zoned CBD.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request would allow development of the CBD zoned property adjacent to the subject site.

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 presumably 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 within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan promotes downtown as the region's preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, entertainment, cultural, civic facilities and activities. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential and employment mix," encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature.

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 CBD zoning.