OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Feb. 8, 2019

ORDINANCE NO. 50-921

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. ZON2018-00049

City zone change from LC Limited Commercial to OW Office Warehouse and described as follows:

Parcel 1 -
A tract described as beginning at a point 60 feet west of the Northwest corner of Lot 16, Block 1, Womer's Second Addition to Wichita, Sedgwick County, Kansas; thence south 0.26 feet to P.C. of a curve to the right with a radius of 410 feet and a delta angle of 45° 2', a distance of 322.01 feet to point of tangency of said curve; thence in a southwesterly direction along said tangent 189.78 feet more or less to the intersection of the East line of George Washington Drive and the North line of Mesita Drive; now Estelle Avenue; as platted in said Womer's Second Addition; thence in a northwesterly direction along the Easterly side of said George Washington Drive, 69 feet; thence with a deflection angle to the right of 81° 20' for a distance of 148 feet; thence with a deflection angle to the left of 15° 20' for a distance of 141 feet; thence with a deflection angle to the left of 19° 18' for a distance of 123.6 feet, more or less, to the South line of Lincoln Street; thence east along the South line of Lincoln Street 163 feet to the place of beginning; together with the West Half of vacated Mesita Drive abutting on the east thereof, all in the Southeast Quarter (SE ¼) of Section 27, Township 27 South, Range 1 East, Sedgwick County, Kansas; except therefrom that part dedicated for alleys in Book Misc. 261, Page:296; and Book Misc. 274, Page 527.

Parcel-2 -
Lots 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, Block 1, Womer's Second Addition to Wichita, Kansas, Sedgwick County, Kansas, together with the East Half of vacated Mesita Drive abutting on the West, except therefrom that part dedicated for alleys in Book Misc. 261, Page:296; and Book Misc. 274, Page 527. (Generally located South of East Lincoln Street and East of South George Washington Boulevard).

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 5TH day of Feb, 2018.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

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

AGENDA ITEM NO. 8

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC December 20, 2018
DAB I January 7, 2019

CASE NUMBER: ZON2018-00049

APPLICANT/AGENT: Baltimore Exchange, LLC – Talal Timsah(Owner)/Greg Ferris – Ferris Consulting (Agent)

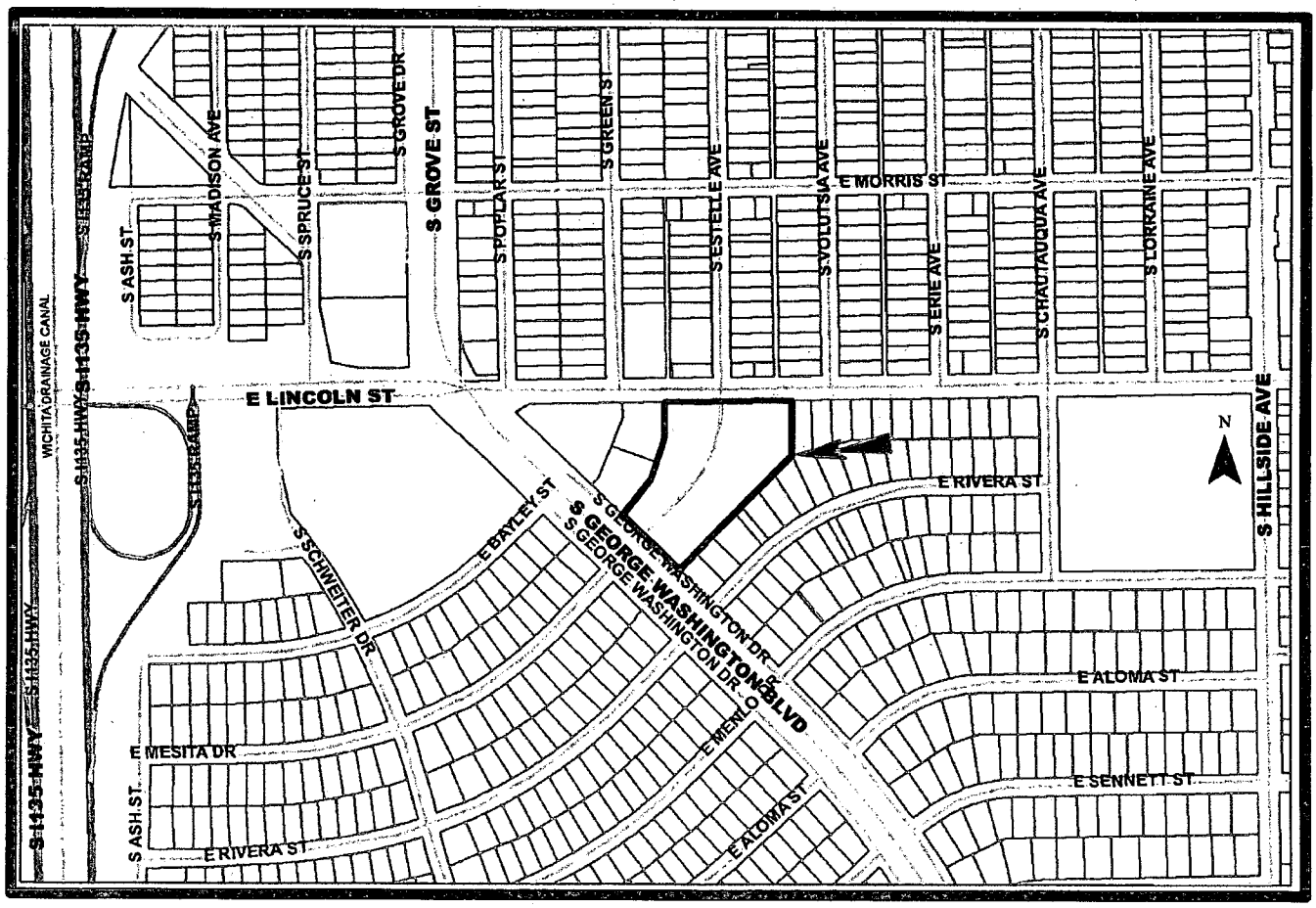
REQUEST: OW Office Warehouse

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 4.29 acres

LOCATION: Located on the south side of East Lincoln Street and east of South George Washington Boulevard

PROPOSED USE: Allow office and warehouse redevelopment



BACKGROUND: The application concerns the request of the owner to rezone the subject property from LC Limited Commercial (LC) to OW Office Warehouse (OW) to allow the redevelopment of the property for office and warehousing. This is the Boulevard Plaza property, which has been zoned LC and used as a commercial strip center for many years. According to the agent's information submitted with the application, the present owner desires to redevelop the buildings and market them for warehousing uses.

The information provided claims this location does not support the retail uses envisioned by the present zoning classification and the OW will allow uses more suitable to the location. The access to the property is primarily from Lincoln Street and has access to South George Washington Drive; which is a frontage road providing access south and east to other local streets in the neighborhood and provides access to George Washington Boulevard at Menlo Street.

The change in zoning classification will result in a number of uses that would no longer be allowed on this property; such as, "Entertainment in the City", "Medical Service", "Restaurant", "Commercial Parking Area", "Pawnshop", "Secondhand Store", and "Tavern and Drinking Establishment" to name a few. These uses may be inappropriate for the subject property regardless; however, staff wishes to point out some of the more significant changes resulting from the change in zoning.

The original plat creating the subject property was the plat of the Womer's Second Addition to the City of Wichita, Kansas, recorded with the Register of Deed's on September 10th of 1946.

The surrounding neighborhood is a mixture of uses. The property to the west is zoned LC Limited Commercial and occupied with a variety of commercial uses. The properties to the east and south are zoned TF-3 Two-Family Residential (TF-3) and are occupied with single-family residences. The property to the north on the north side of Lincoln Street is zoned TF-3 Two-Family Residential with some vacant lots and single-family homes.

CASE HISTORY: As previously noted, the property was included in the plat of Womer's Second Addition to the City of Wichita, which was recorded on September 10, 1946. The subject property has been included in two previous Board of Zoning Appeals cases (BZA2000-53 and BZA2011-51, both of which were Administrative Adjustments to provide relief on parking requirements for uses being established at that time.

It should be noted that the western portion of the subject property is not platted.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	multiple family residential
SOUTH:	TF-3	multiple family residential and medical office
EAST:	TF-3	multiple family residential
WEST:	LC	single family residential

PUBLIC SERVICES: Lincoln Street is a fully improved arterial street with four lanes, a dedicated center turning lane, and full traffic controls. South George Washington Drive is a two-lane road with limited access as noted above. 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 site as "New Employment." The "new employment" classification applies to those areas that likely will develop or be redeveloped within the by 2035 for centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services or corporate offices; among other potential uses. The requested rezoning complies with the Comprehensive Plan.

The site is also in the Established Central Area (ECA), where infill development and higher density is encouraged.

The plan also strongly supports the expansion and redevelopment of existing buildings. Supporting the expanded office/warehousing redevelopment of the site would provide greater tax base and employment opportunities.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends **approval** of the request to rezone the property from LC Limited Commercial to OW Office Warehouse.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding neighborhood is a mixture of uses. The property to the west is zoned LC Limited Commercial and occupied with a variety of commercial uses. The properties to the east and south are zoned TF-3 Two-Family Residential (TF-3) and are occupied with single-family residences. The property to the north on the north side of Lincoln Street is zoned TF-3 Two-Family Residential with some vacant lots and single-family homes.

2. The suitability of the subject property for the uses to which it has been restricted: The property has been used commercially for many years. The applicant/agent notes the buildings are no longer attractive for retail and commercial uses and the conversion to office/warehouse use is more marketable. The change to this zoning district limits uses more compatible with the surrounding uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed OW zoning will provide restrictions on the site that will help mitigate any impact on nearby property. The nature of the existing improvements have resolved all issues that might have previously occurred, and the change in uses should not harm the neighborhood.

4. Length of time the property has been vacant as currently zoned: The property has been a developed commercially for years, and this change will allow the continued redevelopment for uses acceptable for the area.

5. 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 site as "New Employment." The "new employment" classification applies to those areas that likely will develop or be redeveloped within the by 2035 for centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services or corporate offices; among other potential uses. The requested rezoning complies with the Comprehensive Plan.

   The site is also in the Established Central Area (ECA), where infill development and higher density is encouraged. The plan also strongly supports the expansion and redevelopment of existing buildings. Supporting the expanded office/warehousing redevelopment of the site would provide greater tax base and employment opportunities.

6. 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. Supporting Documents