

(Published in the Wichita Eagle, Nov. 8, 2019)

ORDINANCE NO. 51-130

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. ZON2019-00035

City zone change from GC General Commercial and former Railroad Right-of-Way to CBD Central Business District described as:

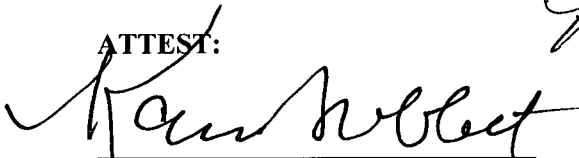
“Exhibit”

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.

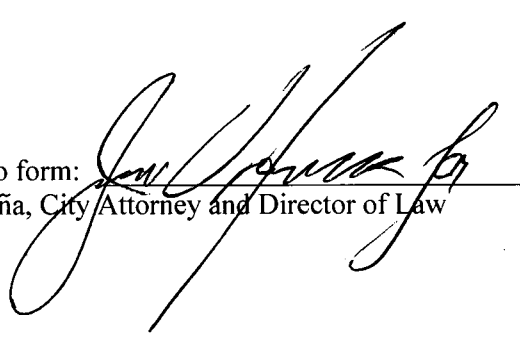
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

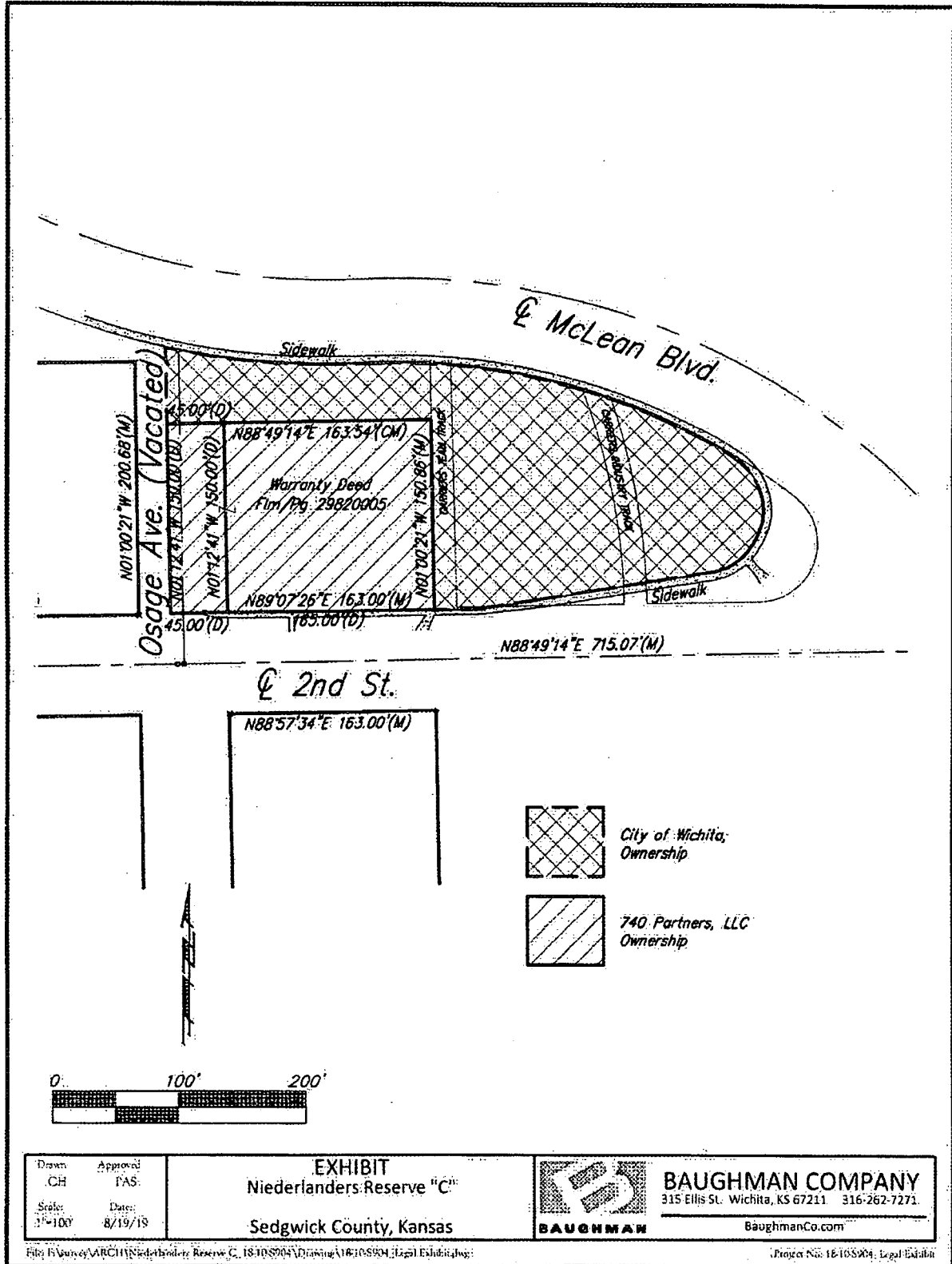

Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



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



STAFF REPORT
 MAPC-September 19, 2019
 DAB VI- September 18, 2019

CASE NUMBER: ZON2019-00035

APPLICANT/AGENT 740 Partners, LLC, c/o Jerry Jones and the City of Wichita (applicants)/
 Baughman Company c/o Phil Meyer (agent).

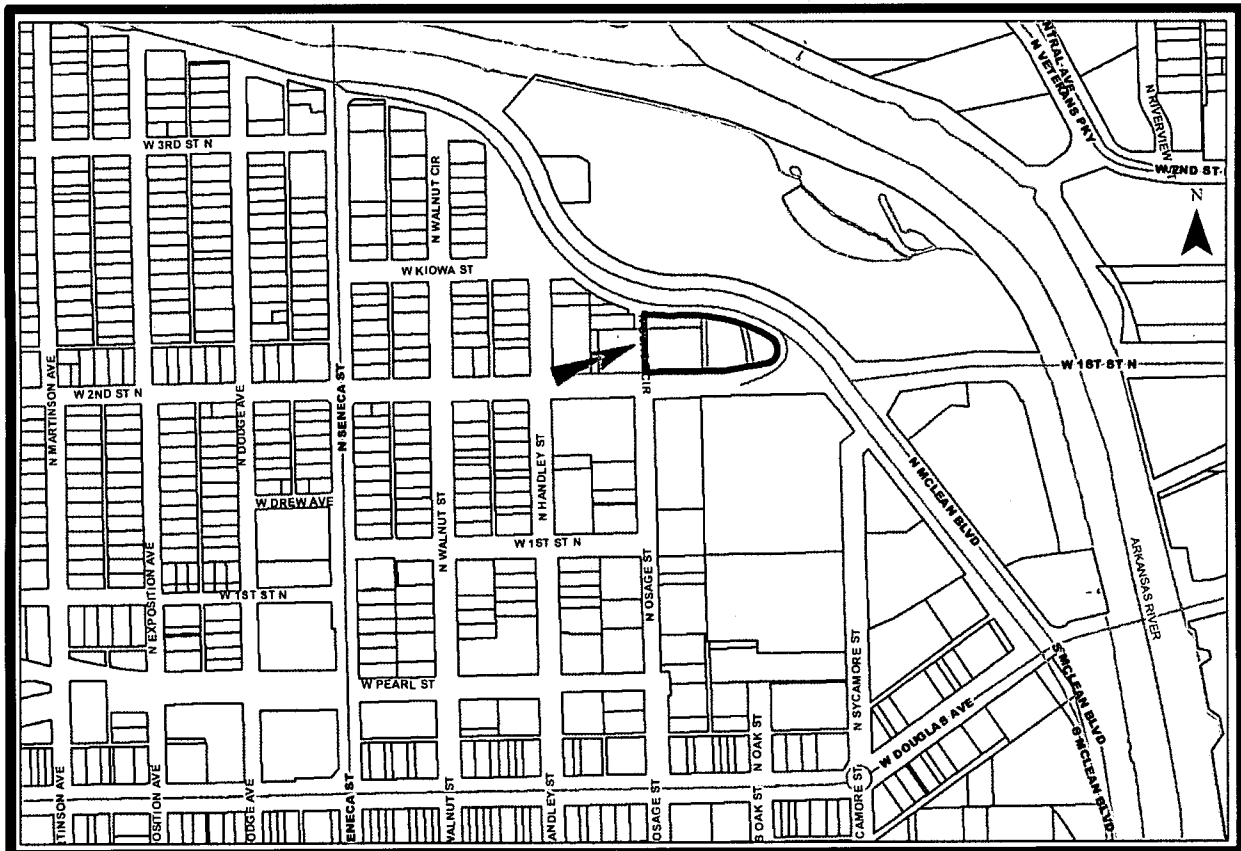
REQUEST: CBD Central Business District

CURRENT ZONING: GC General Commercial and former railroad right-of-way

SITE SIZE: 1.6 acres

LOCATION: On the west side of North McLean Boulevard and on the north side of West
 2nd Street (740 West 2nd Street North).

PROPOSED USE: To allow for future redevelopment.



BACKGROUND: This application was filed to rezone the subject property from GC General Commercial with former railroad right-of-way to CBD Central Business District. The subject property is located on the on the west side of North McLean Boulevard and on the north side of West 2nd Street North. With this request, the applicant would like to rezone the property to CBD to allow for future redevelopment.

The east half of the property is owned by the City of Wichita as it was acquired through condemnation for the realignment of McLean Boulevard in 1996. The applicant will be purchasing this property from the City. It is in this portion of the site that the former railroad rights-of-ways are located. The west half the property contains a warehouse building with a tractor trailer loading dock with access off of vacated North Osage Circle.

Rezoning the subject site to CBD allows for a mixture of residential, public/civic, and commercial uses as outlined in the Unified Zoning Code (UZC). The CBD Zoning District is unique in that there is are no minimum lot area requirements for non-residential uses, there are no minimum setbacks for any use, and there is no minimum on-site parking requirement.

There are several instances of CBD zoning south and southeast of the property as well as extensive CBD zoning across the river to the east in Downtown Wichita. Other properties to the south are zoned LI Limited Industrial. To the north and east, the property for Exploration Place is zoned LC Limited Commercial. Property to the west is zoned GC General Commercial.

CASE HISTORY: The site is platted as Reserve C, West Wichita Addition, Wichita, Sedgwick County, Kansas, 1872.

ADJACENT ZONING AND LAND USE:

North:	LC;	Exploration Place: Science and Discovery Museum
South:	CBD & LI;	Advanced Learning Library; Construction company main offices
East:	LC & CBD;	Exploration Place, River Vista Apartments
West:	GC	Commercial uses

PUBLIC SERVICES: West 2nd Street North is a paved, 2-lane local street with on-street parking and bike lanes in each direction. North Osage Circle is a vacated local street; a portion of which is part of the application area. North McLean Boulevard is a 4-lane paved arterial street with a planted median. All municipal services are available for the property.

CONFORMANCE TO PLANS/POLICIES: The *Community Investment Plan* depicts the subject area as appropriate for “New Residential and Employment Mix.” This category is described as follows: “Due to the proximity of higher intensity business uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.” The site is located in the Established Central Area (ECA) where infill is encouraged with the Wichita Urban Infill Strategy.

This site is also located in the area influence by Delano Neighborhood Plan. According the Future Land Use Concept of this Plan, the subject site is in an area designated for mixed use development. This Plan also recommends the use of CBD zoning in areas of the business district in order to overcome the obstacle of providing on-site parking that often inhibits redevelopment. The site is currently outside the boundaries of the Delano Overlay District and does not have to adhere to those design standards.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it is recommended the application be **APPROVED**.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: There are several instances of CBD zoning south and southeast of the property as well as extensive CBD zoning across the river to the east in Downtown Wichita. Other properties to the south are zoned LI Limited Industrial. To the north and east, the property for Exploration Place is zoned LC Limited Commercial. Property to the west is zoned GC General Commercial.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned GC with a warehouse building constructed. The site could continue remain as such without being out of context with the surrounding area.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of CBD zoning would allow a wider range of uses to be constructed on the property. CBD zoning also does not require on-site parking, which will help the site redevelop. Depending on how the site could develop, approval of the request could create minor parking issues, but it is anticipated that any negative impacts would be minimal.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Community Investment Plan* depicts the subject area as appropriate for “New Residential and Employment Mix.” This category is described as follows: Due to the proximity of higher intensity business uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor. The site is located in the Established Central Area (ECA) where infill is encouraged with the Wichita Urban Infill Strategy.

This site is also located in the area referenced in the Delano Neighborhood Plan. According the Future Land Use Concept of this Plan, the subject site is in an area designated for mixed use development. This Plan also recommends the use of CBD zoning in areas of the business district in order to overcome the obstacle of providing on-site parking that often inhibits redevelopment. The site is currently outside the boundaries of the Delano Overlay District and does not have to adhere to those design standards.

5. Impact of the proposed development on community facilities: Existing municipal facilities are already available to the property.

Staff Report Attachments:

1. Area Map
2. Zoning Map
3. Land Use Map