OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON Jan. 17, 2020

ORDINANCE NO. 51-171

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. ZON2019-00040 with Protective Overlay #344

City zone change from SF-5 Single-Family Residential to NR Neighborhood Retail zoning lot with Protective Overlay #344 describes as:

Lot 2, Block 4, Oakwood Estates Addition to Wichita, Sedgwick County, Kansas

P.O. #344 conditions shall be established as follows:

1. The property shall not be combined or utilized in any way with any residential zone lot to the south that fronts on North Oakwood Drive. This is intended to exclude off-street parking on a lot that fronts on North Oakwood Drive that could be used in combination with the subject property.
2. P.O. #344 shall not be altered, amended or terminated without a public hearing before the Wichita-Sedgwick County Planning Commission and the Wichita City Council.
3. P.O. #344 shall run with the property.
4. Uses shall be limited to those allowed by right in the NR zoning district, EXCEPT: businesses engaged in providing loans secured by car titles or other similar forms of security shall be prohibited.
5. One access point to East Central Avenue shall be closed at the time the existing building is removed.

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.

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Jeff Longwell, Mayor

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

AGENDA ITEM NO. _____

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC November 21, 2019
DAB I December 2, 2019

CASE NUMBER: ZON2019-00040

APPLICANT/AGENT: 5717 LLC, Benjamin Gartner and Justin W. Smith (owner/agents)

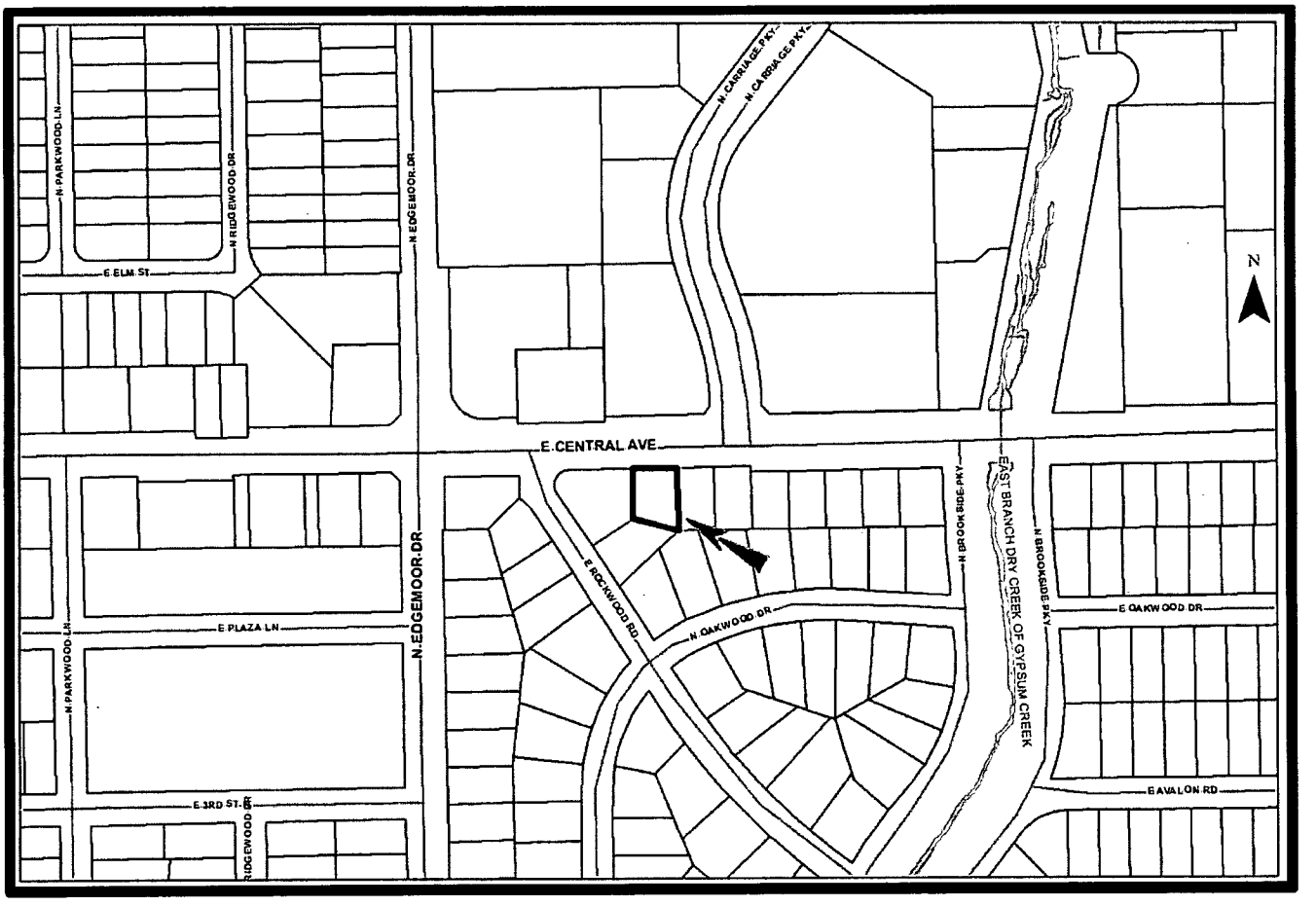
REQUEST: NR Neighborhood Retail

CURRENT ZONING: SF-5

SITE SIZE: 0.21 acre

LOCATION: Generally located one block east of North Edgemoor Drive on the south side of East Central Avenue

PROPOSED USE: Low intensity retail and office development



BACKGROUND: The applicant requests a zone change from SF-5 Single-Family Residential (SF-5) to NR Neighborhood Retail (NR) on a 0.21 acre site, generally located east of North Edgemoor on the south side of East Central Avenue (5717 E. Central Avenue). The applicant proposes the rezoning to allow retail and office uses permitted in the NR zoning district.

Property immediately north of the subject site is zoned LC Limited Commercial developed with a retail strip center, undeveloped commercial lot and a fast food restaurant. Located west and south of the site is SF-5 Single-family Residential developed with single-family residences. East of the site are SF-5 zoned lots. Between North Edgemoor Drive and Woodlawn Boulevard, on the south side of East Central Avenue, there are only three other lots that are currently zoned SF-5. The remaining 23 lots between Edgemoor Drive and Woodlawn Boulevard are zoned NR Neighborhood Residential and GO General Office that occupy single-family residential structures. The property located at the southwest corner of East Central Avenue and Woodlawn Boulevard is zoned LC.

Transition of this area along East Central Avenue was anticipated to be rezoned for commercial uses. In May of 1988, Wichita City Council approved Covenant #3 to protect the residential area immediately south of the properties that front East Central Street, which are located in the Oakwood Estates Addition.

CASE HISTORY: The site was platted as Oakwood Estates Addition in July 1946. No other cases are associated with the subject property.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Retail Strip Center, Fast Food Restaurant
SOUTH:	SF-5	Single-Family Residences
EAST:	SF-5	Single-Family Residences
WEST:	SF-5	Single-Family Residence

PUBLIC SERVICES: The site has driveway access to East Central Avenue, which is a paved, five-lane, two-way Arterial Street at this location with a 100-foot right-of-way. There is no other public access to the site. All public services are available to the site.

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 Future Growth Concept Map identifies the area as "New Employment." The Plan identifies the area as appropriate for convenience retail in proximity to residential areas.

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:** Property immediately north of the subject site is zoned LC Limited Commercial developed with a retail strip center, undeveloped commercial lot and a fast food restaurant. Located west and south of the site is SF-5 Single-family Residential developed with single-family residences. East of the site are SF-5 zoned lots. Between North Edgemoor Drive and Woodlawn Boulevard, on the south side of East Central Avenue, there are only three other lots that are currently zoned SF-5. The remaining 23 lots between Edgemoor Drive and Woodlawn Boulevard are zoned NR Neighborhood Residential and GO General Office that occupy single-family residential structures.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5 and continued use as single-family dwelling is not feasible and is recommended for Neighborhood Residential uses.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The property front a major five-lane arterial that has LC zoning on the north side of the street. The zone change to NR

would provide a buffer area to the surrounding single-family residential use. Screening would be required along the east, west and south property lines along with some landscaping requirements on East Central Avenue.

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 provide a wider range of small commercial uses to the area. Denial would presumably represent a loss of economic opportunity to the applicant/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 Future Growth Concept Map identifies the area as "New Employment." The Plan identifies the area as appropriate for convenience retail in proximity to residential areas.

6. **Impact of the proposed development on community facilities:** All services are in place. Increased demand on community facilities will be minimal based on proposed uses.