

City of Wichita
City Council Meeting
March 16, 2004

Agenda Report No. _____

TO: Mayor and City Council Members

SUBJECT: ZON2004-00001 – Zone change from “B” Multi-family Residential and “GO” General Office to “GC” General Commercial. Generally located at the northeast corner of Topeka and Elm. (District VI)

INITIATED BY: Metropolitan Area Planning Department

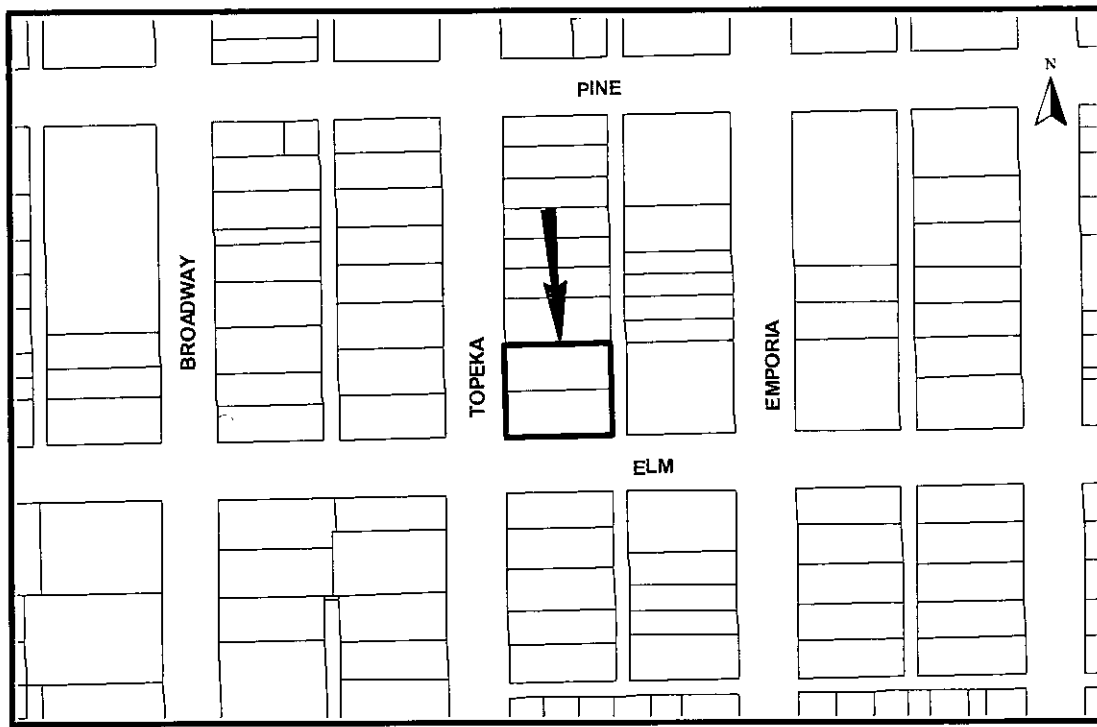
SLS

AGENDA ACTION: Planning (non-consent)

MAPC Recommendation: Approve “LC” Limited Commercial (10-1).

Staff Recommendation: Approve “LC” Limited Commercial.

DAB Recommendation: Deny (9-0-1).



BACKGROUND: The applicant originally requested to rezone a 0.38-acre tract from "B" Multi-family Residential and "GO" General Office to "GC" General Commercial. The property is located on the northeast corner of Topeka and Elm. The application area is mostly vacant except for a small existing building located on the "GO" tract.

No specific plans are known for the site, although the applicant owns the adjacent half-block located east of the application area facing Emporia with an existing bakery distribution/retail outlet and a vacant industrial building. This adjacent half-block is zoned "LI" Limited Industrial. The applicant has indicated they would consider using the application area to support the continued use of the industrial property located to the east. The applicant also owns the two lots to the north of the zoning request, and these two lots are already zoned "GC" and used as parking for the bakery distribution facility.

Most of the lots north of the applicant's "GC" lots are zoned "B", with a sliver of "LC" Limited Commercial near the corner of Topeka and Pine. Two houses and two brick apartment houses are located to the north; two lots are vacant. The property to the west is zoned "B" except the corner lot on Elm that is "LC" has several houses and two brick apartment buildings. The property south of Elm also has several apartment buildings, and is zoned mostly "B" except two lots zoned "GO". Via Christi is located two blocks to the north and a new Via Christi medical office is being constructed on the next block to the north. Metro-Midtown High School is located on the next block to the east.

The C.O.R.E., Centercity Organized Revitalization Effort, prepared a development plan for the Center City Neighborhood that has been adopted by both the City Council and the County Commission. This plan identifies the proposed rezoning area as part of the nine-block Phase I area for new development. The Center City Neighborhood Future Land Use Plan depicts the application area as appropriate for residential use and ground-floor retail. The larger nine-block area is also shown as appropriate for residential, open space and school use. Mixed use with neighborhood serving retail/office/services on the ground floor level and apartments on the two upper stories is also being considered as part of a more detailed master plan for the area.

At the District VI Advisory Board meeting held February 17, 2004, the DAB voted (9-0-1) to deny the request to rezone the property from its current zoning of "B" Multi-family and "GO" General Office to "GC" General Commercial. Board members expressed concerns that general commercial property in the vicinity that might hamper C.O.R.E. revitalization efforts due to the more intense commercial uses allowed. Also, some DAB members expressed reservations about "LC" Limited Commercial since it would permit more intensive commercial uses than the neighborhood serving uses compatible with the Centercity revitalization plans.

At the MAPC meeting held February 19, 2004, MAPC voted (10-1) to deny "GC" General Commercial but approve "LC" Limited Commercial. The applicant concurred with this recommendation.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change; approve first reading of the ordinance establishing the zone change; or
2. Return the application to MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-third-majority vote of the members of the membership of the governing body on the first hearing.)

(150004) Published in The Derby Reporter on 5-8-04 ✓
ORDINANCE NO. 46-121

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. ZON2004-00001

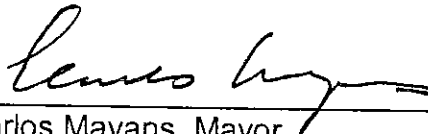
Request for zone change from "B" Multi-family Residential and "GO" General Office to "LC" Limited Commercial on property described as:

Lots 13, 15, 17, and 19 on Topeka Avenue, J.P. Hilton's Addition, an Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Topeka and Elm.

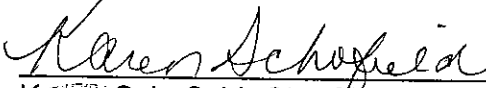
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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 AT WICHITA, KANSAS, 4-6-04

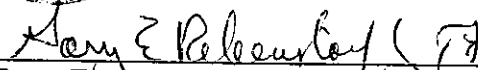

Carlos Mayans, Mayor

ATTEST:


Karen Schofield, City Clerk



Approved as to form:


Gary E. Rebenstorf, City Attorney