

Published in the Wichita Eagle on 8/5/2019

OCA 150004

ORDINANCE NO. 50-946

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. ZON2018-00051

City zone change from TF-3 Two-Family Residential to NR Neighborhood Retail District property described as:

A portion of Lots 8 and 9 in Block 3 of Shadybrook Addition and a portion of the Northeast Quarter of Section 10, Township 27 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, described as follows:

Commencing at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of Section 10, Township 27 South, Range 1 East of the 6th Principal Meridian, thence with a bearing based on the JM Office Park Addition plat of the South 00°26'30" West 60.00 feet for the point of beginning; thence North 90°00'00" East parallel with the North line of said Northeast Quarter 110.00 feet; thence South 00°26'30" West 90.00 feet; thence North 90°00'00" West parallel with the North line of said Northeast Quarter 110.00 feet to the East line of Lot 7 in Block 3 of said Shadybrook Addition; thence North 00°26'30" East along the East line of Lot 7 and Lot 8 in said Block 3 a distance of 30.00 feet; thence South 89°11'37" West 135.22 feet to the West line of said Lot 8; thence along the West line of Lot 8 and Lot 9 in said Block 3 following the arc of a curve to the Right having a radius of 913.00 feet Northerly 62.00 feet (Chord bears North 03°01'32" West 61.99 feet); thence North 90°00'00" East parallel with the North line of said Northeast Quarter 138.94 feet to the point of beginning.

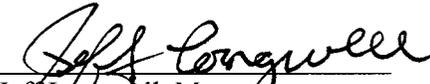
Subject to the following Protective Overlay (**PO #336**):

1. The following uses shall be prohibited: Package retail liquor sales.
2. Prior to publishing the ordinance establishing the zone change, the applicants shall record a document with the Register of Deeds indicating that this tract includes special conditions for development on this property.

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.

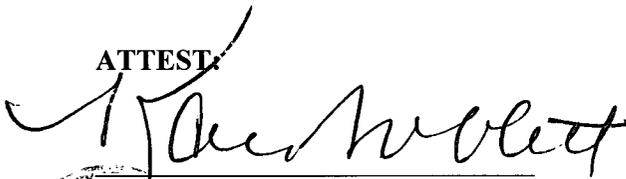
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 26th day of March, 2019.



Jeff Longwell, Mayor

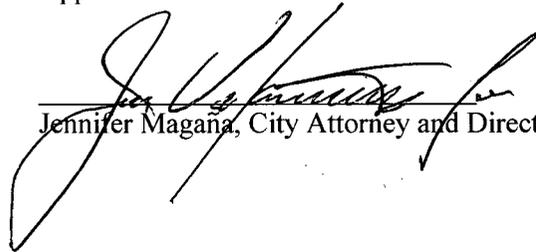
ATTEST:



Karen Sublett, City Clerk



Approved as to form:



Jennifer Magana, City Attorney and Director of Law



STAFF REPORT
MAPC February 7, 2019
DAB I February 4, 2019

CASE NUMBER: ZON2018-00051

APPLICANT/AGENT: Tran Majher Shaw Properties, LLC – Brad Majher (Owner)/Baughman Company, P.A. – Phil Meyer (Agent)

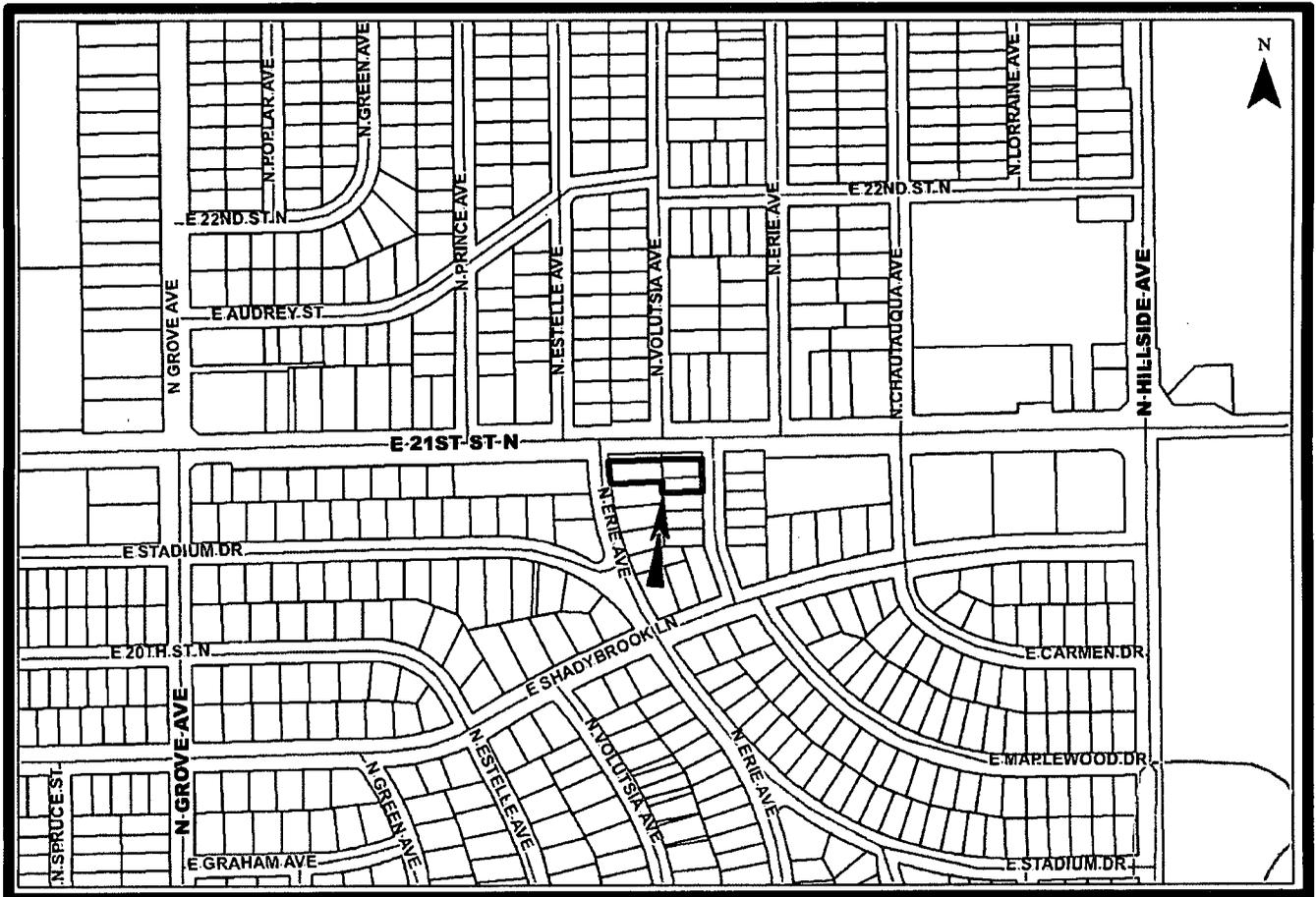
REQUEST: LC Limited Commercial

CURRENT ZONING: TF-3 Two-Family Residential

SITE SIZE: .42 acre

LOCATION: Located on the south side of East 21st North approximately ¼ mile west of North Hillside Avenue

PROPOSED USE: Commercial development



ZON2017-00051

BACKGROUND: The applicant is requesting the rezoning of the subject property from TF-3 Two-Family Residential (TF-3) to LC Limited Commercial (LC). The subject property is presently vacant and lies between Erie Avenue and Maplewood Drive on the south side of 21st Street North. As noted below, the lots on the west side of Erie Avenue are platted, however the lots along the east side of Maplewood Drive are unplatted. The classification of the subject property as TF-3 Two-Family Residential predate the records on the GIS system, which indicates the property has carried this classification for many years. The application indicates the owner desires to develop the property commercially.

The surrounding neighborhood is a mixture of commercial and residential uses. All of the properties to the east and south are zoned TF-3 Two-Family Residential and are occupied by single-family homes. The property to the west on the west is of Erie Avenue is zoned GO General Office (GO) and is the parking lot for the medical facility further to the west on the south side of 21st Street North.

The properties on the north side of 21st Street North are zoned NR Neighborhood Retail (NR) on the west side of Volutsia Avenue and zoned GO General Office on the east side of Volutsia Avenue. The property west of Volutsia is vacant and has a partial parking lot on the property. A medical office and parking lot are east of Volutsia Avenue.

This section of the 21st Street corridor has seen considerable redevelopment over the past several years. However, it is been more common for the development to be located on properties generally larger in size and better located at major intersections. The closest properties zoned LC Limited Commercial are at 21st Street and Grove Avenue to the west and at 21st Street and Hillside to the east.

As such, the position of staff is to deny this request, but recommend NR Neighborhood Retail zoning for the subject property, which is permitted by the Unified Zoning Code. Staff believes limiting commercial uses to those permitted by NR Neighborhood Retail are more appropriate for this location.

CASE HISTORY: The subject property is partially unplatted. The lots on the east side of Erie Avenue were created in the Shadybrook Addition to the City of Wichita, which was recorded with the Register of Deeds on January 20, 1942. The property on the west side of Maplewood Drive was excluded from the Shadybrook Addition, but the Watkins Addition, which was recorded with the Register of Deeds on April 20, 1950, platted all the excluded property from the Shadybrook Addition except the applicant's property. The Watkins Addition established Maplewood Drive right-of-way and the lots to the south of the applicant's property, as well as the lots on the east side of Maplewood Drive.

The classification of TF-3 Two-Family Residential has been carried on the property for a long time.

ADJACENT ZONING AND LAND USE:

NORTH:	NR and GO	commercial
SOUTH:	TF-3	residential
EAST:	TF-3	residential
WEST:	GO	commercial

PUBLIC SERVICES: 21st Street North is a fully improved commercial four-lane arterial street with turn lanes provided at certain intersections. Both Erie Avenue and Maplewood Drive are paved, residential streets with curbs and gutters. 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 area in which the site is located as appropriate for Commercial development within the Established Central Area. This subject property is within the 21st Street North Corridor Revitalization Plan and also within the East End Multicultural District designated in that Plan. The recommended rezoning to NR Neighborhood Retail is consistent with the spirit and intent of the Comprehensive Plan and the policies attached to the designation given to this property.

ZON2017-00051

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends deny the request as submitted and recommend approval of the zoning change from TF-3 Two-Family Residential to NR Neighborhood Retail. This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: 21st Street North is a commercial corridor; however taking specific actions such as this to recommend a more restrictive commercial classification to protect the integrity of the residential development to the south of the subject property have been done in many locations within the City in the past. The recommended action is deemed more appropriate to implement the Planning policies for this neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned TF-3 Two-Family Residential. Because of the location adjacent to 21st Street North, the likelihood of redevelopment for residential uses is slim. A more restricted commercial use is appropriate for this area.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed NR zoning is appropriate to allow redevelopment of the subject property. Performance and development standards within the Unified Zoning Code (UZO) concerning screening and Compatibility setbacks will mitigate issues to any adjacent residential development.
4. Length of time the property has been vacant as currently zoned: The property has been vacant and undeveloped for many years. The change to NR broadens the potential uses for the site.
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 area in which the site is located as appropriate for Commercial development within the Established Central Area. This subject property is within the 21st Street North Corridor Revitalization Plan and also within the East End Multicultural District designated in that Plan. The recommended rezoning to NR Neighborhood Retail is consistent with the spirit and intent of the Comprehensive Plan and the policies attached to the designation given to this property.
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.