OCA150006
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ORDINANCE NO. 47-335

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. ZON2006-00049

Request for zone change from "TF-3" Two-family Residential to "GO" General Office on property described as:

Lots 6, 8, 10, 12, 14, 16, 18 and 20, on Spruce Street, Stites Bros Second Addition to Wichita, Kansas, Sedgwick County, Kansas.

Generally located on the southwest corner of 21st Street North and 143rd Street East.

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, February 6, 2007.

Carlos Mayans - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. ____

STAFF REPORT

MAPC December 7, 2006
DAB I December 4, 2006

CASE NUMBER: ZON2006-00049

APPLICANT/AGENT: Hunter Health Clinic, Inc. (owner), Ruggles & Bohn, PA c/o Tom Ruggles (agent)

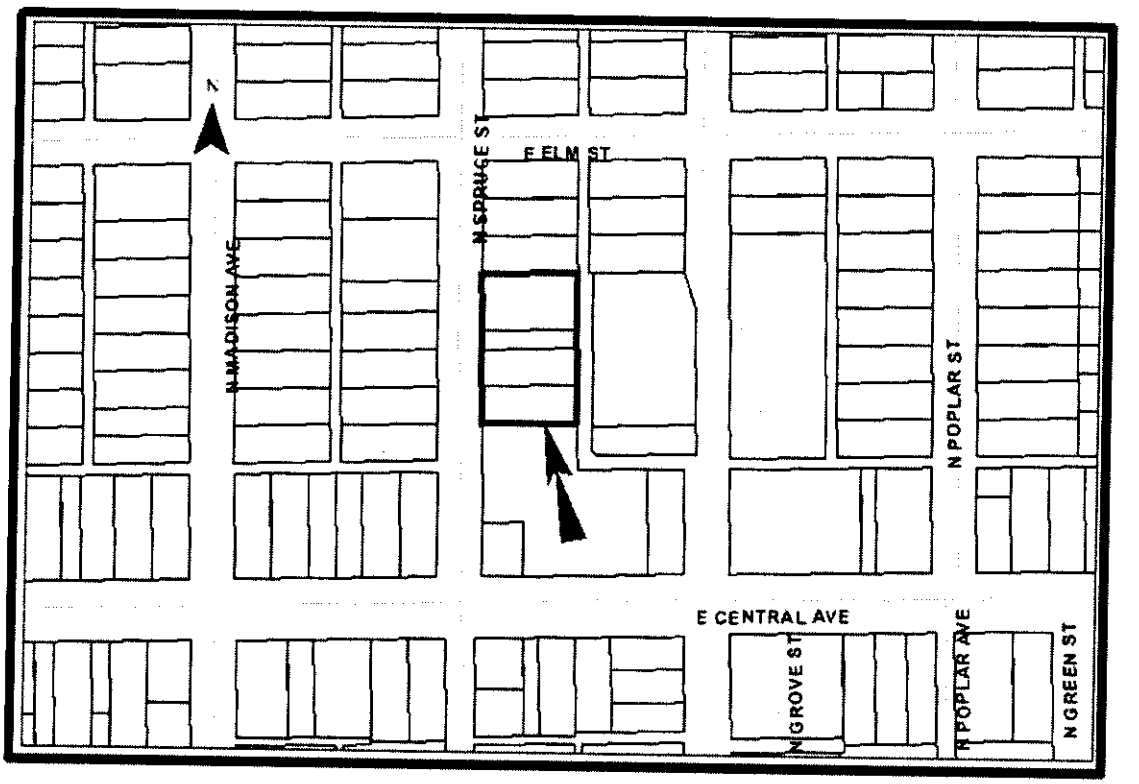
REQUEST: Zone change to "GO" General Office

CURRENT ZONING: "TF-3" Two-family Residential

SITE SIZE: 0.72± acre

LOCATION: North of Central and west of Grove (east of Spruce Street)

PROPOSED USE: Office



BACKGROUND: The applicant requests a zone change from "TF-3" Two-family Residential to "GO" General Office on a 0.72-acre tract generally located north of Central and east of Spruce Street. The tract requested for rezoning currently is vacant.

The tract is part of an expanded site for a new, larger facility for the Hunter Health Clinic. The existing clinic and the other existing commercial buildings located on the north side of Central between Grove and Spruce will be removed for the new clinic; this property is zoned "LC" Limited Commercial. Vacant property along Grove will be incorporated into the site and already is zoned GO. This request would extend the northern boundary of GO zoning west of Grove to Spruce Street.

The surrounding property to the north and west is zoned TF-3 and mostly occupied by single-family homes, with some vacant lots scattered through the neighborhood. The abutting lot on the north of the rezoning request is a vacant lot. The property to the south of Central is the site of the Johnson Drug Store Building listed on the National Register of Historic Places. Other uses along Central include retail and office buildings and a vacant church building.

CASE HISTORY: The property is platted as Lots 6, 8, 10, 12, 14, 16, 18 and 20 on Spruce, Stites Bro's. Second Addition, recorded June 19, 1888.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Single-family residential
SOUTH:	LC	Offices, including current Hunter Health Clinic and another office building that was formerly a service station, retail, vacant church
EAST:	GO	Vacant (part of proposed clinic site)
WEST:	TF-3	Single-family residential

PUBLIC SERVICES: Central is a five-lane principal arterial and Grove is a four-lane divided urban collector. 2006 annual average daily traffic was 17,000 vehicles per day on Central west of Grove and 5,000 vehicles per day on Grove north of the Central. All normal public services are available.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the requested rezoning tract as appropriate for "urban residential" use but the adjacent property along Central as "local commercial." The requested rezoning to GO is in conformance with the local commercial designation for the property along Central but would extend the boundary of local commercial northward from its current boundary. The property is within the Central Northeast Area Plan. The Area Plan shows the same boundary for local commercial along Central. The expanded Hunter Health Clinic facility would support the Central Northeast Area Plan initiative to enhance neighborhood shopping (Initiative 5) and retain and attract new businesses and jobs (Initiative 6).

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends the zone change be APPROVED subject to replatting within one year.

This recommendation is based on the following findings.

1. The zoning, uses and character of the neighborhood: The tract is part of an expanded site for a new, larger facility for the Hunter Health Clinic. The existing clinic and the other existing commercial buildings located on the north side of Central between Grove and Spruce will be removed for the new clinic; this property is zoned "LC" Limited Commercial. Vacant property along Grove will be incorporated into the site and already is zoned GO. This request would extend the northern boundary of GO zoning west of Grove to Spruce Street. The surrounding property to the north and west is zoned TF-3 and mostly occupied by single-family homes, with some vacant lots scattered through the neighborhood. The abutting lot on the north of the rezoning request is a vacant lot. The property to the south of Central is the site of the Johnson Drug Store Building listed on the National Register of Historic Places. Other uses along Central include retail and office buildings and a vacant church building.

2. The suitability of the subject property for the uses to which it has been restricted: The property to the east and south already is zoned GO or LC. In the past, the rezoning tract was occupied by small, single family houses, but it is unlikely that any single-family or duplex development would reoccur on the site if it were retained in TF-3 zoning; more likely it would remain as a vacant lot.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The main effect would be from the location of an office across Spruce Street from the existing residences. The office use category is less intensive than commercial use associated with LC zoning, and is used as a buffer between residential and more intensive commercial uses. Landscaping and screening of the structure and site improvements (parking lot and dumpsters, etc) will be required to soften the impact on the residences.

4. The relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant. If the property remains zoned TF-3, the applicant would be unable to proceed on replacing the Hunter Health Clinic with the better facility at this location.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "Wichita Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the requested rezoning tract as appropriate for "urban residential" use but the adjacent property along Central as "local commercial." The requested rezoning to GO is in conformance with the local commercial designation for the property along Central but would extend the boundary of local commercial northward from its current boundary. The property is within the Central Northeast Area Plan. The Area Plan shows the same boundary for local commercial along Central. The expanded Hunter Health Clinic facility would support the Central Northeast Area Plan initiative to enhance neighborhood shopping (Initiative 5) and retain and attract new businesses and jobs (Initiative 6).

6. Impact of the proposed development on community facilities: The increase in traffic from the expanded clinic should not be a significant impact over the existing volume of traffic on Central and Grove.