

OCA 150004

ORDINANCE NO. 48588

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. ZON2009-00035

Zone change from LI Limited Industrial ("LI") to CBD Central Business District ("CBD") on property described as:

Parcel #1 Lots 25, 27, 29 and 31 on Wichita Street, in Waterman's Addition to Wichita, Sedgwick County, Kansas, EXCEPT beginning at the Southwest corner of said Lot 25; thence north along the west line of Lot 25, 17 feet; thence east parallel to the south line of said Lot 25, 100 feet; thence northeasterly 37.31 feet, more or less to a point on the east line of said Lot 25 said point being 35 feet north of the Southeast corner of said Lot 25; thence south on the east line of said Lot 25, 35 feet to the Southeast corner of said Lot 25; thence west on the south line of said Lot 25, 133.76 feet, more or less, to the point of beginning.

Parcel 2: Lots 33, 35, 37, 39, 41, 43, 45 and 47, on Wichita Street, in Waterman's Addition to Wichita, Sedgwick County, Kansas, EXCEPT the North 5 feet of said Lot 47 dedicated for street.

Parcel 3: A triangular tract of land being a part of Lots 20, 22 and 24 on Waco Street, Lots 19, 21 and 23 on Wichita Street, and the North and South alley between Waco and Wichita Streets vacated under Ordinance No. 8117 approved July 16, 1923 by The City of Wichita and by Order of Vacation filed in Book Misc. 570, Page 155 all in Waterman's Addition to Wichita, Sedgwick County, Kansas, and more particularly described as follows:

Beginning a point on the westerly line of Webb Street, 40 feet wide, as established by City Ordinance No. 7851, and No. 8317, 19 feet South of the intersection of the Westerly line of said Webb Street with the Southerly line of First Street; thence Southwardly, along said Westerly line of Webb Street 113 feet; thence Westwardly, by a straight line, parallel with the North lines of said Lots 19 and 20 and the extensions thereof across said vacated alley 100 feet; thence Northeastwardly by a straight line 151 feet more or less to a point of beginning.

Parcel 4: Legal Description

A parcel of land being a portion of the Wichita Street right of way as platted in Waterman's Addition to Wichita, Sedgwick County, Kansas, and being more particularly described as follows:

Commencing at the Northeast corner of Lot 47, Waterman's Addition to Wichita, Sedgwick County Kansas: thence on a assumed bearing of S00°04'56"W along the West line right of way line of Wichita Street as platted in said Addition and the East line of said Lot 47, 5.00 feet to a point of beginning, said point being the South right of way line of Second Street as dedicated on Film 160, Page 426, and said point being on a curve to the right; thence 67.18 feet along said curve, said curve having a radius of 42.70 feet, a central angle of 90°09'13", and a long cord of 60.46 feet, bearing S45°01'19"E; thence S00°03'17"W, 461.01 feet parallel with and 70 feet West of the East right of way line of Wichita, Street as dedicated on Film 160, Page 424, to a point on a curve to the right; thence along said curve 45.34 feet, said curve having a radius of 75.50 feet, a central angle of 34°24'35", and a long cord of 44.66 feet, bearing S17°15'36"W; thence S62°06'14"W, 33.81 feet to a point lying on the West right of way line of said Wichita Street, a point lying 35 feet North of the Southeast corner of Lot 25, said Waterman's Addition as deeded on Film 160, Page 427; thence N00°04'55"E, 562.22 feet along the West right of way line of said Wichita Street to the point of beginning. Said parcel of land contains 23,126 square feet of 0.53 acres, more or less.

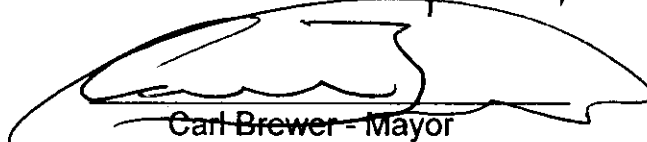
This legally described property is generally located south of Second Street and west of Wichita Street.

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.

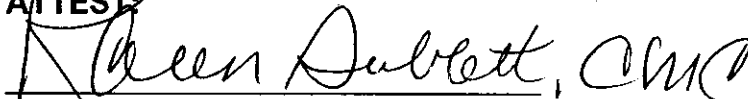
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS,

January 12, 2010

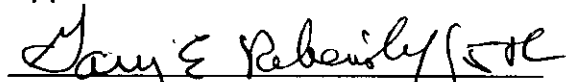

Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form:


Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
January 5, 2010

To: Mayor and City Council

Subject: ZON2009-00035 - City zone change from LI Limited Industrial ("LI") to CBD Central Business District ("CBD"), generally located west of Wichita Street, south of 2nd Street North and north and south of 1st Street North. (District VI)

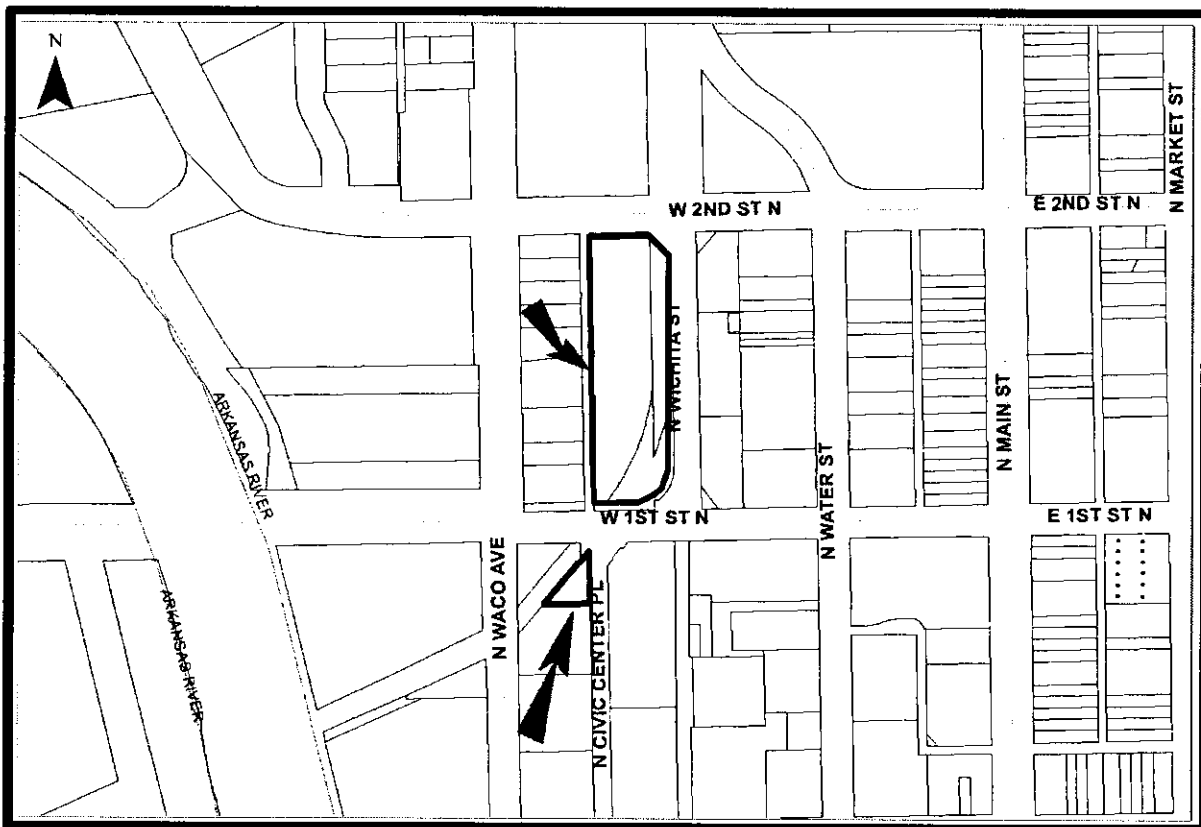
Initiated By: Metropolitan Area Planning Department *JLS*

Agenda: Planning (Consent)

MAPC Recommendation: Approve (11-0).

MAPD Staff Recommendation: Approve.

DAB Recommendation: Approve (9-0).



Background: The applicant requests CBD zoning on a 2.7-acre site. The site is currently zoned LI and used for surface parking. The applicant indicates a desire to do mixed use commercial development. Unlike LI, CBD zoning would permit residential development, would not require off-street parking, and would allow building up to the property lines with no building setback requirement.. A change from LI to CBD zoning would eliminate the following land uses: Tattooing and Body Piercing, Sexually Oriented Business, Rodeo, Off-site Advertising Billboards, and several industrial uses as permitted and conditional uses.

This western portion of downtown has an irregular border between LI and CBD zoning with LI along the river and the remainder of downtown zoned CBD. Property north of the site is zoned LI and developed with a postal facility. Land northwest of the site is zoned CBD and developed with offices. Property south of the site is zoned LI and CBD; this area is developed with structured parking and office uses. The block immediately east of the site is a mixture of LI with some CBD zoning, and is developed with office and parking uses. Further east, east of Water Street, property is zoned CBD with office uses. Land west of the site is zoned LI with office and institutional (church) uses.

Analysis: At the District VI Advisory Board meeting held on December 7, 2009, the DAB voted (9-0) to approve this request. No citizens spoke in opposition. At the MAPC meeting held on December 3, 2009, the MAPC voted (11-0) to approve the requested zoning. There were no protests to this request at the MAPC meeting. Staff has not received any protests to the requested zoning.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading.

Attachment: None