

At the MAPC meeting held December 8, 2005, no citizens spoke on the request. MAPC voted (9-0-1) to approve the zone change.

Financial Considerations: None.

Legal Considerations: The item 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, and approve the first reading of the ordinance establishing the zone change, or;
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

**City of Wichita
City Council Meeting
January 10, 2006**

Agenda Report No. _____



FILE COPY

TO: Mayor and City Council

SUBJECT: DR2005-00024 Zone change from “LI” Limited Industrial and “GC” General Commercial to “CBD” Central Business District for an area generally bounded by a line beginning at the intersection of Washington Avenue and 2nd Street North, thence east along 2nd Street North to I-135, thence south along the west right of way of I-135 to Douglas Avenue, thence continuing south along said right of way to the southern boundary of the Kansas Food Bank Warehouse Addition, thence west on said boundary to Minneapolis Street, thence north to an east/west alley, thence west along said alley to Kansas Avenue, thence south to an east/west alley, thence west to Hydraulic, thence south along Hydraulic Avenue to Waterman Street, thence west along Waterman to the BNSF railroad right-of-way, thence north to Douglas Avenue, thence east to Washington Avenue, and thence north to the point of beginning. (District I)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, vote (9-0-1).

MAPD Staff Recommendations: Approve the “CBD” zoning for the proposed area.

DAB Recommendations: Not applicable.

Background: On September 13, 2005, the Wichita City Council voted (7-0) to initiate a rezoning from “LI” Limited Industrial and “GC” General Commercial to “CBD” Central Business District for an area generally bounded by a line beginning at the intersection of Washington Avenue and 2nd Street North, thence east along 2nd Street North to I-135, thence south along the west right-of-way of I-135 to Douglas Ave, thence continuing south along said right of way to the southern boundary of the Kansas Food Bank Warehouse Addition, thence west on said boundary to Minneapolis Street, thence north to an east/west alley, thence west along said alley to Kansas Avenue, thence south to an east/west alley, thence west to Hydraulic, thence south along Hydraulic Avenue to Waterman Street, thence west along Waterman to the BNSF railroad right-of-way, thence north to Douglas Avenue, thence east to Washington Avenue, and thence north to the point of beginning.

The City Council initiated the rezoning action pursuant to the Unified Zoning Code provision that the “Governing Body may initiate a zone change request with or without an application from the property owners” (Unified Zoning Code Art. V, Sec. V-A.1).

Analysis: The area proposed for rezoning to “CBD” is roughly fifty city blocks in size and includes a rich diversity of residential, institutional, commercial and industrial uses. Industrial uses include manufacturing firms such as the Wichita Eagle, Big Dog Motorcycles, McCormick Armstrong plus many smaller firms. Many construction sales and service uses dot the area, including at least two lumberyards and a number of contractor office and warehouse sites. Another large cluster of uses include auto sales lots, auto repair, and auto parts. The variety of commercial and retail uses spans a large new furniture store (Abode) recently constructed on a new zero-lot setback site along Douglas to small independent merchants along Douglas storefronts that help maintain the area as a walkable urban downtown shopping area. Several office and institutional uses have invested in the area, including the new Red Cross headquarters redeveloped on an old car dealership facility, Wichita Children’s Theatre and Dance Center, United Methodist Urban Ministries; Kansas Foodbank, Inc. has plans to construct a new facility southwest of Douglas and I-135. Perhaps the most surprising use is residential. Around 20 percent of the existing land still is occupied by residential use, although the current “LI” zoning makes this type of use nonconforming.

The proposed rezoning area borders the Old Town Overlay district, which has emerged as a destination for commercial and residential reuse. Some property owners on the fringe of the Old Town district have sought to expand the redevelopment into the area proposed for “CBD” zoning.

Constraints with Existing Zoning: The prohibition of residential use is the most significant disadvantage with the current “LI” zoning. “LI” allows incompatible uses (by right or by Conditional Use) with the urban core such as asphalt plant (general), gas and fuel storage, freight terminal, landfill, transfer station, and wrecking/salvage yard. Approximately four properties are zoned “GC” General Commercial, and rezoning to “CBD” would represent an increase in intensity of permitted uses for these properties.

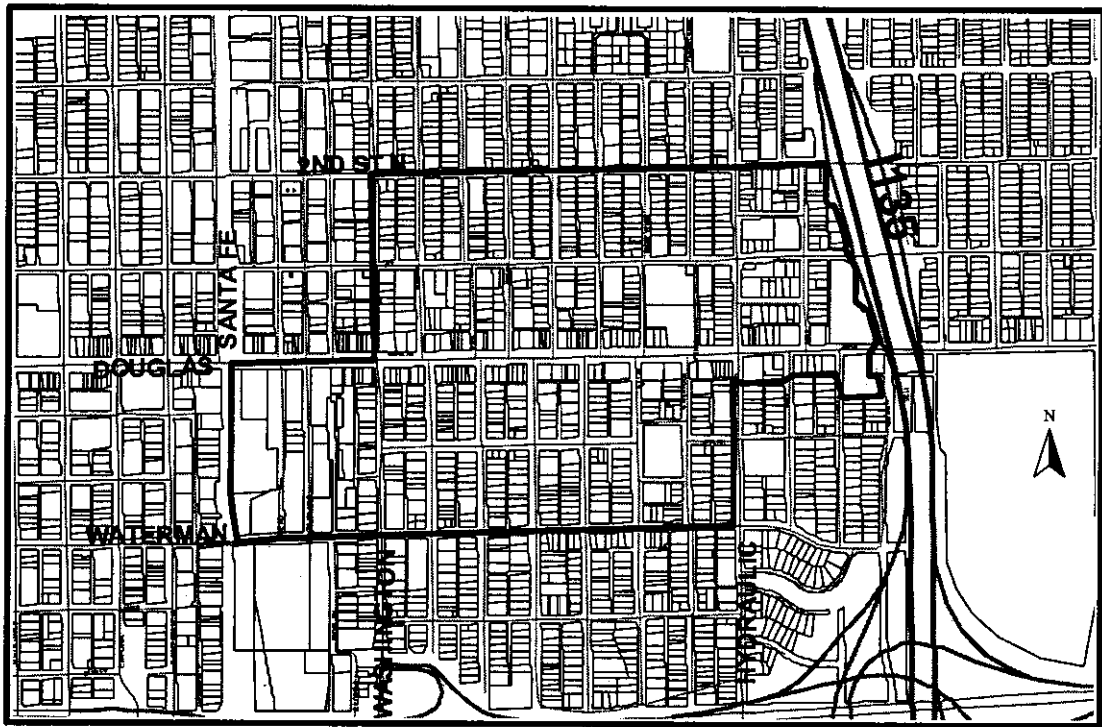
Proposed Zoning: “CBD” zoning would allow residential use, bed and breakfast inn and group homes. It will prohibit future establishment of kennels, tattoo parlors, day reporting centers, asphalt plant (general), gas and fuel storage, freight terminal, landfill, transfer station and wrecking/salvage yard. Other “CBD” advantages include the following: (1) removes the off-site parking requirements to allow flexibility in developing shared parking facilities to serve multiple parking needs, (2) eliminates building setbacks to allow zero-lot setbacks in character with traditional downtown development and that is compatible with the trends in loft/apartment uses, and (3) eliminates height restrictions to allow higher intensity use that reinforces the viability and liveliness of the urban area.

The proposed rezoning area perhaps has languished in terms of desirability over the past 30 years as the suburban expansion of industrial, auto and commercial uses took its toll on the commercial viability of the properties. In the recent past, the trend perhaps is changing. The Old Town overlay district located to the northwest of this area has had a renewed development activity, including addition of restaurants, sports bars, the Old Town Theater and museums. Recently, it has experienced a burst of residential redevelopment. (The property is zoned “LI” Limited Industrial but the area is subject to an overlay, “OT-O” that specifically permits residential use.) At least five existing warehouses or commercial buildings have been converted to residential lofts or mixed residential and commercial uses, and more are under construction or are in the planning stages. One hotel has been redeveloped from an old warehouse and a second is in the planning stages. Also, the area to the west of this proposed rezoning area is the East Douglas Historic District. The East Douglas area includes a park, the Eaton Place, the largest single residential conversion in the urban core, and adjoins the proposed Sedgwick County arena.

These trends in adjoining districts have spilled over to the area under consideration for “CBD” zoning and we see renewed interest in redevelopment. In addition to the development uses discussed previously, several owners have sought to expand the “OT-O” district in order to redevelop their properties. In one case, it was to permit a building to be converted to residential lofts; in another it was to participate in the Old Town Parking District since on-site parking was not available for a site south of Douglas. A third site on Douglas was rezoned to “GC” General Commercial to enable mixed commercial and residential use.

DR2005-00024

EXHIBIT "1"



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. DR2005-00024

Zone change from "LI" Limited Industrial and "GC" General Commercial to "CBD" Central Business District on property described as:

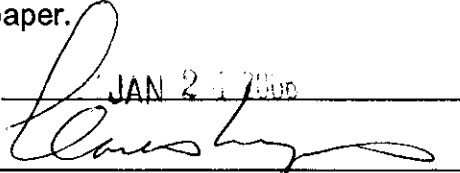
Beginning at the SW/corner of the NE/4 of sec 21 Twp 27 R1 E; thence North along the west line of said qtr sec on a bearing of N 1 degrees 19"0.12' W a distance of 1300.00'; to the center line of 2nd St N; thence along the said center line, N 88 degrees 49"22.77' E a distance of 2665.49'; thence N 83 degrees 17"31.59' E a distance of 215.10'; thence N 89 degrees 16"35.14' E a distance of 438.38'; to the west right-of-way line of Interstate Hwy I-135; thence southeasterly on the said right-of-way to the Southeast corner of the Kansas Food Bank Warehouse Add.; thence S 89 degrees 40"32' W along the south line of said addition; thence N 21 degrees 55"18.32" w a distance of 182.99' to the SE corner of Lot 47, Black's Addition; thence S 88 degrees 57"50.99' w a distance of 300.36' to the Southwest corner of Lot 25, Black's Addition; thence S 53 degrees 9"51.39' W a distance of 87.18' to the Southeast corner of Lot 4 Buchanan's Addition to Wichita; thence S 88 degrees 45"8.34' W a distance of 300.81', to the Southwest corner of Res A, Buchanan's Addition to Wichita; thence N 75 degrees 11"23.61 W a distance of 73.63' to the NE corner of Lot 1, on Hydraulic Street, Hyde's Addition; thence S 0 degrees 56" 42.09' E a distance of 400.77' to the SE corner of Lot 31, on Hydraulic Street, Hyde's Addition; thence S 1 degrees 39"11.71" E a distance of 75.56'; thence S 0 degrees 51" 42.23 E a distance of 585.10' to the center line of Waterman Street; thence S 88 degrees 23" 16.95' W a distance of 2582.14' along the center line of Waterman Street; thence continuing west along Waterman Street, S 86 degrees 51" 15.79' W a distance of 359.91'; thence S87 degrees 12" 14.90' W a distance of 386.96'; thence S 85 degrees 57" 54.87' W a distance of 299.51'; thence N 15 degrees 17"53.79' W a distance of 38.77' to the SW corner of Lot 2, Union Station Addition, said point being the intersection of the north right-of-way line of Waterman Street and the east line of the railroad right-of-way; thence north along said railroad right-of-way to the intersection of the south right-of-way line of Douglas Ave.; thence N 0 degrees 8" 49.43 W a distance of 53.25' to the center line of Douglas Ave.; thence n 88 degrees 41" 21.70' E along said center line a distance of 1052.05' to the west line of the NE/4 of sec 21 Twp 27 R 1 E; thence N 2 degrees 35" 57.33 W along the west line of said qtr sec to the point of beginning. Generally located within an area bounded by a line beginning at the intersection of Washington Ave. and 2nd Street North, thence east along 2nd Street North to I-135, thence south along the west right of way of I-135 to Douglas Ave., thence continuing south

along said right of way to the southern boundary Kansas Food Bank Warehouse Add., thence west on said boundary to Minneapolis St., thence north to east/west alley, thence west along said alley to Kansas Ave. thence south to east/west alley, thence west to Hydraulic, thence south along Hydraulic Ave. to Waterman St., thence west along Waterman to the BNSF railroad right-of-way, thence north to Douglas Ave., thence east to Washington Ave., and thence north to the point of beginning and a shown on Exhibit "1".

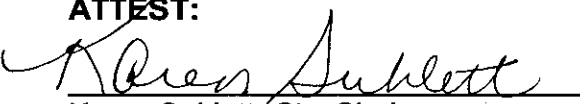
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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,

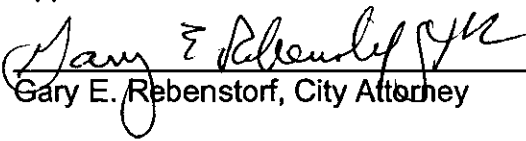
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Carlos Mayans - Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney