

(150004) Published in The Wichita Eagle on August 2, 2005
ORDINANCE NO. 46-659

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. ZON2005-00031

Request for Zone change from "LI" Limited Industrial to "CBD" Central Business District, on property described as:

Lots 86 and 88, and the North 5 feet of Lot 90, EXCEPT the West 10 feet thereof taken for street, Fifth Avenue now Santa Fe Avenue, N. A. English's 3rd Addition to the City of Wichita, Sedgwick County, Kansas, except that part described as follows: Beginning at a point on the South line of Lot 84, Fifth now Santa Fe Avenue, Fifth now Santa Fe Avenue, N. A. English's 3rd Addition to the City of Wichita, Sedgwick County, Kansas, which point is 23.08 feet East of the center line of Commerce Street in Wichita, Kansas, thence South 0.96 feet; thence East parallel to the South line of said Lot 84 a distance of 5.1 feet; thence North 0.96 feet to the South line of said Lot 84; thence West along the South line of said Lot 84 to the point of beginning.

Lot 90, except the North 5 feet thereof, and except the West 10 feet thereof for street; together with the North 7.5 feet of Lot 92, except the West 10 feet thereof for street, on Fifth, now Santa Fe Avenue, N. A. English's 3rd Addition to the City of Wichita, Sedgwick County, Kansas, together with the West Half of vacated Santa Fe Avenue adjoining on the East.

Lot 98 except the North 6.14 feet and the North 10.1 feet of Lot 100 except the West 10 feet thereof for street and the West 40 feet vacated street adjacent on the East, on Fifth, now Santa Fe Avenue, N. A. English's 3rd Addition to Wichita, Sedgwick County, Kansas.

Lots 104, 106 and 108, on Fifth Avenue, now Santa Fe Avenue, N. A. English's 3rd Addition to the City of Wichita, Sedgwick County, Kansas.

Lots 13 and 14, Fletcher's 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located east of South Commerce, south of Waterman (410, 414, 420-424, and 524 South Commerce).

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,

Sept. 20, 2005
Carlos Mayans
Carlos Mayans - Mayor

ATTEST:

Karen Sublett
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
September 13, 2005

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: ZON2005-00031 – Zone change from “LI” Limited Industrial to “CBD” Central Business District. Generally located east of Commerce, south of Waterman (410, 414, 420-424, and 524 South Commerce). (District I)

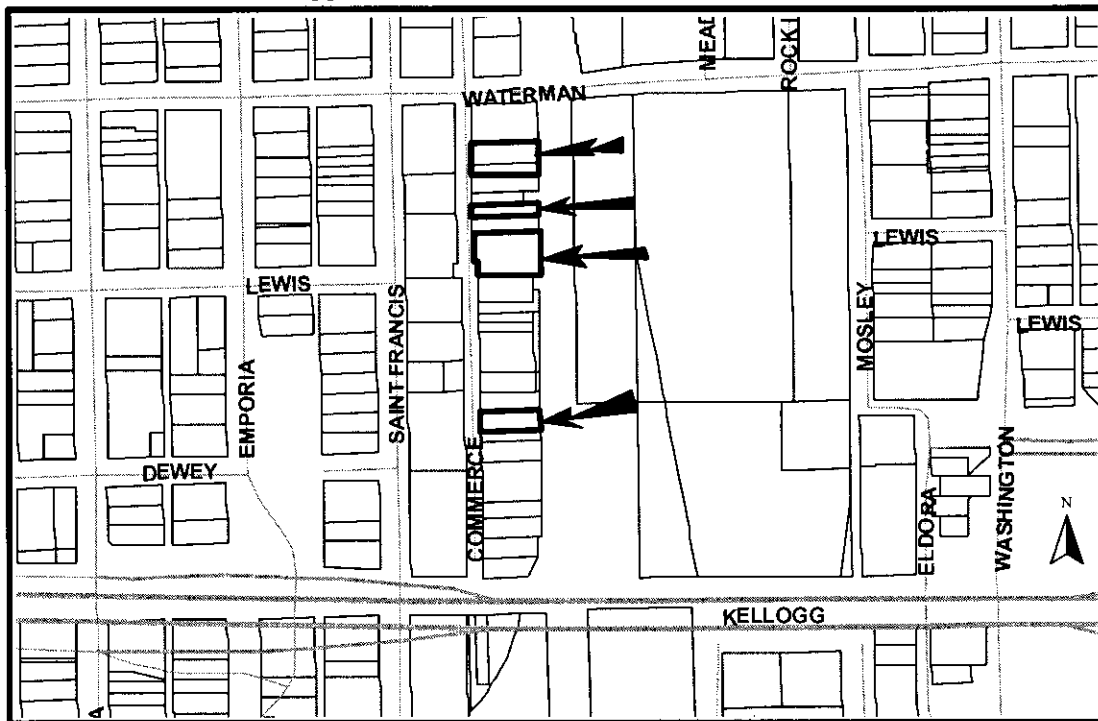
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approved, vote (10-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Not applicable.



Background: The applicants request a zone change from “LI” Limited Industrial to “CBD” Central Business District on four properties located east of Commerce, between Waterman and Kellogg. Each of the applicants wish to continue existing businesses within their buildings, and also to develop residential uses. Residential use is not permitted in the LI district, but is permitted in the CBD district.

This portion of South Commerce contains warehouse buildings dating back to the 1890s and has more recently been developed as an art gallery district. The surrounding area is generally zoned LI between St Francis and the railroad tracks. The surrounding land uses include parking, warehousing, retail, office and residential uses. East of these properties is the BNSF Railroad tracks.

The CBD zone allows most uses permitted in LI, but has no setback or parking requirements and permits residences.

Analysis: The Metropolitan Area Planning Commission (MAPC) recommended approval. No neighboring property owners were present to speak about the case, and no protests have been received.

Financial Considerations: None.

Legal Considerations: None.

Recommendation/Actions: It is recommended that the City Council

1. Concur with the findings of the MAPC approving the zone change, and approve the 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-thirds majority vote of the members of the governing body on the first hearing.)