Agenda Item #_____

City of Wichita
City Council Meeting
November 7, 2000

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2000-00044 - ZONE CHANGE FROM "LI" LIMITED INDUSTRIAL TO "LC" LIMITED COMERCIAL DISTRICT, LOCATED 200 FEET SOUTH OF LEWIS AND ON THE WEST SIDE OF LAURA (421 & 425 SOUTH LAURA).** (District #I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to staff comments (12-0).

Staff Recommendation: Approve.

Background: The applicant is requesting "LC" Limited Commercial District zoning for a 0.24 ± acre tract located south of Lewis and on the west side of Laura (421 & 425 South Laura). The application area is developed with two single-family houses.

The owners, Stanley Gene & Marilyn L. York, have requested "LC" Limited Commercial zoning in order to be able to sell the houses to prospective buyers for continued residential use. The current zoning, "LI" Limited Industrial, does not allow residential use. Prospective buyers cannot get residential mortgage insurance because the properties could not be rebuilt as residences if they were destroyed by more than 50% of their values.

The houses are located in an area zoned "LI" Limited Industrial. However, the application area is on a block that is developed with older, single-family residences on both sides of the street. Laura forms a cul-de-sac south of the application area. Kellogg Elementary School is located one-half block southeast of the application area.

At the MAPC meeting held on October 19, 2000, MAPC voted (12-0) to approve the proposed rezoning. There were no citizens present to speak on the request.

An emergency ordinance is being requested because of the passage of time for meeting the requirements to rezone the property, in order to maintain the existing use as a legal, conforming use.

Recommended Action:

1. Concur with the findings of MAPC and approve the zone change and emergency ordinance.

2. Return the application to the MAPC for reconsideration

   (An override of the Planning Commission's recommendation requires a 2/3 majority vote of the membership of the governing body on the first hearing.)

(_____) Published in The Wichita Eagle on _____

ORDINANCE NO. _____

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.

FILE COPY

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. ZON2000-00044

Request for zone change from "LI" Limited Industrial to "LC" Limited Commercial on property described as:

Lot 141, 143 & 145, on Laura Avenue, Hunter's 2nd Addition to the City of Wichita, Sedgwick County, Kansas. Generally located 200 feet south of Lewis and on the west side of Laura (421 & 425 South Laura).

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, _____

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 9

STAFF REPORT

MAPC - October 19, 2000

CASE NUMBER: ZON2000-00044

APPLICANT/AGENT: Stanley Gene York & Marilyn L. York (Owners/Applicants)

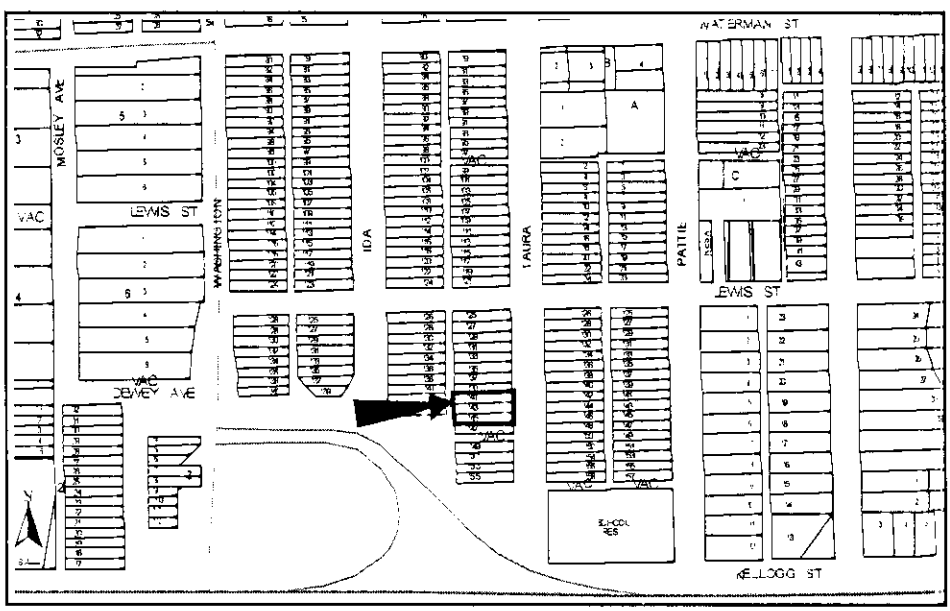
REQUEST: Zone change to "LC" Limited Commercial District

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 0.24 ± acre [10,500 square feet]

LOCATION: 200 feet south of Lewis and on the west side of Laura (421 & 425 South Laura)

PROPOSED USE: Residential Use



BACKGROUND: The applicant is requesting "LC" Limited Commercial District zoning for a 0.24 ± acre tract located south of Lewis and on the west side of Laura (421 & 425 South Laura). The application area is developed with two single-family houses.

The owners, Stanley Gene & Marilyn L. York, have requested "LC" Limited Commercial zoning in order to be able to sell the houses to prospective buyers for continued residential use. The current zoning, "LI" Limited Industrial, does not allow residential use. Prospective buyers cannot get residential mortgage insurance because the properties could not be rebuilt as residences if they were destroyed by more than 50% of their values.

The houses are located in an area zoned "LI" Limited Industrial. However, the application area is on a block that is developed with older, single-family residences on both sides of the street. Laura forms a cul-de-sac south of the application area. Kellogg Elementary School is located one-half block southeast of the application area.

CASE HISTORY: The property is located in Hunter's Second Addition, platted in 1897.

ADJACENT ZONING AND LAND USE:

NORTH:	"LI" Limited Industrial	Residences
SOUTH:	"LI" Limited Industrial	Residences
EAST:	"LI" Limited Industrial	Residences, Kellogg Elementary School
WEST:	"LI" Limited Industrial	Residences, vacant lots, commercial

PUBLIC SERVICES: The site is served by public water and sewer services. The nearest arterial streets are Washington, two blocks to the west, and Douglas, three blocks to the north.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies the area as "office."

RECOMMENDATION: The application area is in an awkward situation of being the only intact residential street within an area designated for "office" use and zoned "LI" Limited Industrial. It is in a remote location due to Laura forming a dead-end cul-de-sac with no connection to Kellogg. Continued residential use on this street is desirable as a compatible land use with the nearby Kellogg Elementary. This would argue for preserving the integrity of this residential enclave.

In the larger context, this area between Douglas, Lulu, Kellogg, and Washington was rezoned from residential to "E" (now "LI") in 1959. The area was intended to serve as a transition zone between the "CBD" and the residential neighborhoods and provide a place for commercial and industrial expansion. Today, the area is a hodgepodge of

residential/non-residential uses. This is perhaps the only block with residential uses on both sides. While the two houses being proposed for rezoning are in good condition, several others on the block are in need of revitalization. On other blocks, the land uses are mixed, typically with small commercial buildings for office and light industrial uses and scattered residences.

The requested "LC" Limited Commercial zoning would allow commercial activities typical of the area, plus enable the property to be sold for continued residential use. Based on these factors and information available prior to the public hearing, Staff recommends the application be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All the surrounding property is zoned "LI" Limited Industrial. The properties on both sides of the 400 block of South Laura are small residences, with Kellogg Elementary located on the cul-de-sac. The blocks to the east, west, and north are mixed with residential and non-residential uses.

2. The suitability of the subject property for the uses to which it has been restricted: If the existing residences on the application area were more than 50% destroyed by fire or other natural disaster, they could not be rebuilt as residences since the property is zoned "LI." This makes it difficult for prospective buyers to finance the properties for continued residential use. The property could be converted to non-residential use under the current zoning restrictions, similar to conversion patterns in surrounding blocks. If non-residential uses were introduced onto this block, they would not be required to be screened and landscaped since the surrounding zoning is non-residential.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The rezoning from "LI" to "LC" should not exert any more detrimental effect on surrounding residential uses and does not affect the ability of other properties to be used with "LI" zoning for industrial use.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested change supports the "office" designation of the Comprehensive Plan. Since it eliminates the more intensive industrial activities as permitted uses, it is more compatible with the Comprehensive Plan than the current zoning.

5. Impact of the proposed development on community facilities: There is no significant impact to community facilities.