

REPUBLISHED IN THE WICHITA EAGLE ON July 2, 2018

ORDINANCE NO. 50-656

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. ZON2017-00031

Zone change from TF-3 Two-Family Residential to GC General Commercial and MF-18 Multi-Family Residential zoning:

GC General Commercial

A tract of land in Farmington Square 2nd Addition, Wichita, Sedgwick County, Kansas more particularly described as follows:

Beginning at the northeast corner of the platted Floodway lot in Block 5 Farmington Square 2nd Addition, Wichita, Sedgwick County, Kansas; thence south along the east line of said Floodway lot on a measured bearing of S 08° 20' 20" E for a distance of 509.24 feet to a point of deflection on the east line of said Floodway lot; thence continuing south along said east line on a measured bearing of S 13° 19' 48" E for a distance of 313.59 feet to the easterly most southeast corner of said Floodway lot; thence on measured bearing of S 88° 48' 16" W for a distance of 231.85 feet to a corner of said Floodway lot; thence N 00° 23' 17" for a distance of E 213.58 feet; thence N 01° 42' 40" W for a distance of 598.33 feet to the north line of said Floodway lot; thence east along the north line of said Floodway Lot on a measured bearing of N 88° 45' 58" E for a distance of 102.09 feet to the point of beginning.

MF-18 Multi-Family Residential

A tract of land in Farmington Square 2nd Addition, Wichita, Sedgwick County, Kansas more particularly described as follows:

Beginning at the southern-most corner of the Floodway lot as platted in said Block 5, Farmington Square 2nd Addition; thence northwest along a south line of said Floodway lot on an assumed bearing of N 31° 36' 14" W for a distance of 558.90 feet to the east right-of-way of Shade Street; thence northerly along the east right-of-way of Shade Street on a bearing of N 19° 53' 43" E for a distance of 134.04 feet; thence continuing on said east right-of-way line of Shade Street along a curve to the left, said curve having a radius of 280.33 feet and a chord with a bearing of N 02° 36' 01" E and a chord distance of

166.68 feet, for a distance of 169.24 feet; thence on a bearing of S 31°29'35" E for a distance of 305.49 feet; thence on a bearing of S 13°32'22" E for a distance of 144.85 feet; thence on a bearing of S 20°12'25" E for a distance of 127.51 feet to an east line of said Floodway lot; thence south on said east line on a bearing of S 01°15'59" E for a distance of 260.10 feet to the point of beginning.

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.

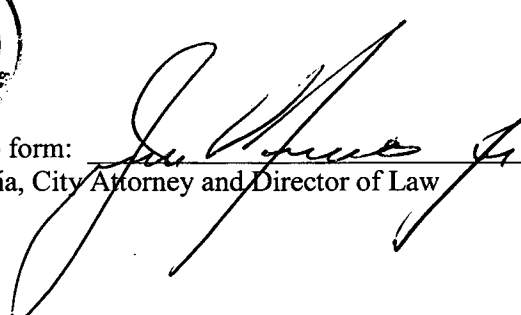
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form: 
Jennifer Magaña, City Attorney and Director of Law

STAFF REPORT
MAPC November 16, 2017
DAB V December 4, 2017

CASE NUMBER: ZON2017-31 and CUP2017-38

APPLICANT/AGENT: Coleman & Kelley LLC/ KAW Valley Engineering, Tim Austin

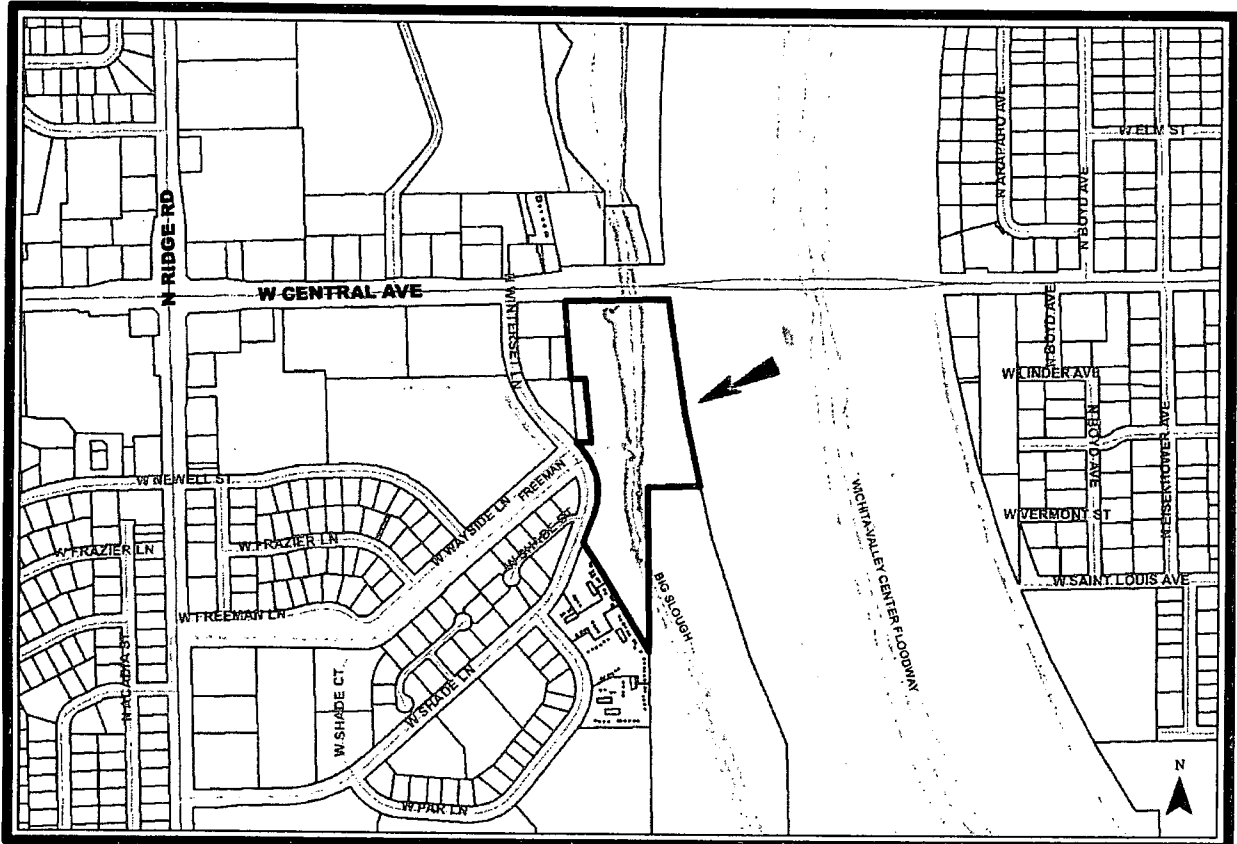
REQUEST: City zone change to MF-18 Multi-Family Residential (MF-18) and GC General Commercial (GC) and amendment to CUP DP-59

CURRENT ZONING: TF-3 Two-Family Residential

SITE SIZE: 4.95 acres

LOCATION: East of Ridge Road on the South Side of West Central at the Big Ditch

PROPOSED USE: Multi-Family Residential and specific uses allowed in GC



BACKGROUND: This request concerns a portion of the property in the Farmington Square Community Unit Plan DUP DP-59, located generally on the south side of West Central Avenue and adjacent to the Wichita-Valley Center Floodway, or “Big Ditch” approximately one-fourth mile east of Ridge Road. The application area is Parcel 9 (4.95 acres) of DP-59 which has a total acreage of approximately 65.49 acres located in the northeast corner of the CUP.

The primary request is to divide Parcel 9 to create Parcel 9A, 9B and 9C, and to rezone newly created Parcel 9B from TF-3 Two-Family Residential (TF-3) to GC General Commercial (GC) and rezone newly created Parcel 9C from TF-3 to MF-18 Multi-Family residential (MF-18). The amendment also includes the removal of complete access control on Parcel 9 to allow a right-in, right-out 30 foot drive on Parcel 9B

If approved, this action would further amend the General Provisions of CUP DP-59 as follows:

1. Parcel 9 shall be divided to create Parcel 9A, Parcel 9B and Parcel 9C.
2. Parcel 9A Proposed Uses – (to remain TF-3 zoning district) ancillary parking area (only in the designated area and only if the grade is not raised above the natural grade to the north and south and no other obstructions are placed above that grade without written approval from the City’s Storm Water Engineer) and Floodway Reserve.
Net Area – 6.60 acres ±
3. Parcel 9B Proposed Uses – All uses allowed by right in GC General Commercial (GC) zoning district except for the following: Vehicle and Equipment Sales; Correctional Placement Residence, Limited and General; Night Club in the City; Recycling Collection Station, Public and Private; Recycling Processing Center; Riding Academy or Stable; Rodeo in the City; Sexually Oriented Businesses; and Outdoor Storage as a principal use.
Net Area – 2.90 acres
4. Parcel 9C Proposed Uses – All residential uses allowed by right in MF-18 Multi-Family Residential zoning district (MF-18).
Net Area – 2.04 acres

Properties to the north of West Central Avenue opposite the application area are zoned LC Limited Commercial (LC) and MF- 29 Multi-Family Residential (MF-29), and are developed with office, restaurant and apartments. The right-of-way for the Wichita Valley Center Floodway is adjacent to the east. Properties to the west are zoned MF-18 and LC developed with duplexes, office buildings and a vacant restaurant. Properties south of the site are zoned TF-3 and developed with duplexes.

CASE HISTORY: The Farmington Square CUP was established in June 2000. This is the seventh amendment to CUP DP-59. The applicants have submitted a re-plat of Parcel 9 into Parcels 9A, 9B and 9C (SUB2017-00042) Farmington Square 3rd Addition and removed complete access to allow a 30 foot right-in, right-out drive way. City Traffic Engineering has reviewed the parcel access and has no objection to the location of the drive way. Farmington Square 3rd Addition plat is being concurrently processed with this re-zone and CUP amendment. The proposed re-plat matches the Parcels created with this CUP amendment.

ADJACENT ZONING AND LAND USE:

North:	LC; SF-5; MF-29	Office; Restaurant; Apartment Complex
South:	TF-3	Apartments
West:	MF-18; LC	Duplexes; Office; Restaurant (vacant)
East:	Right-of-Way	Wichita Valley Center Floodway

PUBLIC SERVICES: West Central Avenue is a paved, 6-lane arterial street with dedicated turn lanes. All municipal services are in place and can accommodate the required services to the site. Access to the property will be provided from West Central Avenue via a right-in, right-out drive way.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "commercial," encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of convenience retail, restaurants, small offices, and potentially mixed with residential uses. The proposed rezoning is appropriate due to the proximity of higher intensity business uses and residential housing types within this area. Employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight and odor.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the zone change and requested amendments to the Farmington Square CUP (DP-59) be **APPROVED** subject to the development guidelines of the amended CUP and the following conditions:

- A. The applicant shall submit four final copies of the amended CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.
- B. Access to the site shall be provided according to Farmington Square 3rd Addition approved plat (Case No. SUB2017-00042).

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Properties to the north (across West Central Avenue) of the application area is zoned LC and MF- 29 and are developed with office, restaurant and apartments. Property located to the east is the right-of-way for the Wichita Valley Center Floodway. Properties to the west are zoned MF-18 and LC Limited Commercial (LC) and are developed with duplexes, office buildings and a vacant restaurant building. Properties south of the site are zoned TF-3and developed with duplexes.
2. **The suitability of the subject property for the uses to which it has been restricted:** The Farmington Square CUP DP-59 and its zoning was established in June of 2000 and permits a mixed use of LC, GC, MF-18, TF-3 and SF-5 Single-Family Residential (SF-

5). The site could continue to be economically viable as currently zoned; however, the proposed zone change and CUP amendment to the existing CUP would permit additional uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Residential and commercial development has occurred on 44 acres of the original CUP and only Parcel 9 has remained undeveloped. The proposed zone changes and CUP amendment would permit additional development compatible with the CUP. The requested changes should not detrimentally impact nearby property owners, since the parcel is buffered by existing office and commercial uses.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request represents a gain to the public in that it contributes to the area's long term economic opportunity. Denial would presumably represent a loss in economic opportunity. The arterial intersection has been improved to accommodate the proposed uses.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "commercial," encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of convenience retail, restaurants, small offices, and potentially mixed with residential uses. The proposed rezoning is appropriate due to the proximity of higher intensity business uses and residential housing types within this area are more likely to be higher density.
6. Impact of the proposed development on community facilities: Existing or proposed improvements are in place to address anticipated demands.

Attachments:

CUP DP-59