OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON 9/21/18

ORDINANCE NO. 50-849

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. ZON2018-00019

City zone change from MF-29 Multi-Family Residential and B Multi-Family Residential to LC Limited Commercial; described as:

Odd Lots 1, 3, 5, and 7, Block P, South University Place Addition to Wichita, Sedgwick County, Kansas, EXCEPT the west 10 feet thereof for street as condemned in Case 53868, and EXCEPT that part deeded to the City of Wichita by Warranty Deed recorded May 29, 2013 in Doc. #FLM-PG: 29377115, TOGETHER with that part of vacated Dora Avenue, lying southeast of and abutting the southeast right of way line of Orient Avenue, and lying west of and abutting the wet right of way line of the north-south alley in said Block P, and TOGETHER with that part of Lots 45 and 47, Block I, in said South University Place Addition lying southeast of and abutting the southeast right of way line of said Orient Avenue.

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

(SEAL)

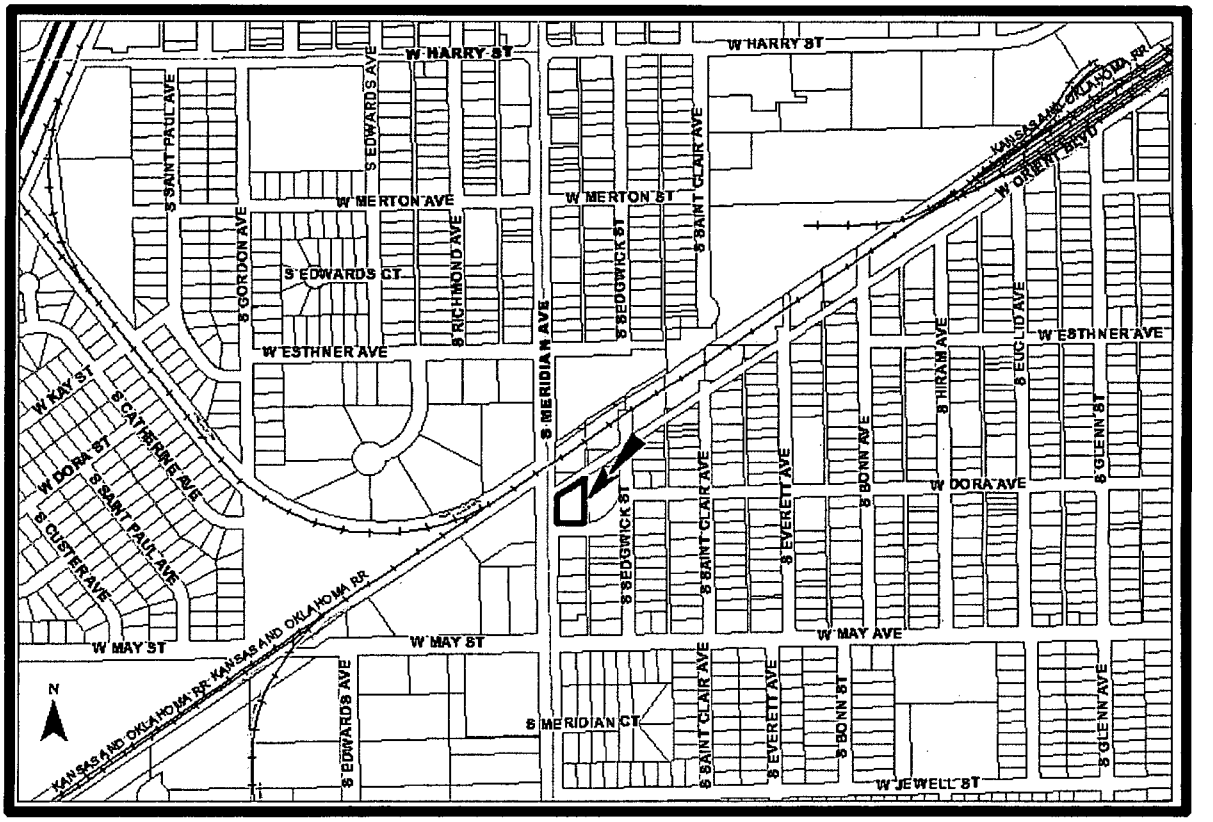
Approved as to form:
Jennifer Magaña, City Attorney and Director of Law

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT
MAPC July 12, 2018
DAB IV August 6, 2018

CASE NUMBER:	ZON2018-00019
AGENT: APPLICANT:	Russ Ewy with Baughman Company Ronald C Merrick
REQUEST:	LC Limited Commercial
CURRENT ZONING:	MF-29 Multi Family Residential and B Multi Family Residential
SITE SIZE:	0.44 acres
LOCATION:	At the southeast corner of Orient Blvd and S. Meridian Avenue south of the Kansas and Oklahoma Railroad.
REASON FOR REQUEST:	To construct a building to house a model railroad



BACKGROUND: The applicants are requesting to change the zoning on property located just south of the Kansas and Oklahoma Railroad line and on the east side of South Meridian Avenue from B Multi Family Residential and MF-29 Multi Family Residential to LC Limited Commercial. This request arises from the desire of the property owner to construct a building to house a model railroad. It is not expected at this time that the building will be generally open to the public, but the owner will not be residing on this property either.

North of the site is zoned MF-29 Multi Family Residential and is primarily used by the railroad. East of the site is zoned LC Limited Commercial and TF-3 Two Family Residential and is a mix of an institutional fraternal association building as well as residential development. South of the site is zoned MF-29 Multi Family Residential and is a mix of undeveloped parcels and residential development. West of the site is zoned LI Limited Industrial and is developed with industrial uses.

CASE HISTORY: The site of this zone change case was platted as a part of the South University Place Addition on January 22 1887.

ADJACENT ZONING AND LAND USE:

North:	MF-29	Railroad
South:	MF-29	Residential
East:	LC, TF-3	Institutional, Residential
West:	LI	Industrial

PUBLIC SERVICES: This site is located along South Meridian Avenue, four lane arterial. All public utilities are available.

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 reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. The proposed rezoning is appropriate due to the commercial nature of the development, though it is not necessarily intended to be open to the public. The type of building that would be constructed for the stated use is likely to be generally suitable for commercial uses in addition to the one it is constructed specifically for.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the site is zoned MF-29 Multi Family Residential and is primarily used by the railroad. East of the site is zoned LC Limited Commercial and TF-3 Two Family Residential and is a mix of an institutional fraternal association building as well as residential development. South of the site is zoned MF-29 Multi Family Residential and is a mix of undeveloped parcels and residential development. West of the site is zoned LI Limited Industrial and is developed with industrial uses.

2. The suitability of the subject property for the uses to which it has been restricted: The size and location of this parcel make it somewhat less suitable for Multi Family development than the uses

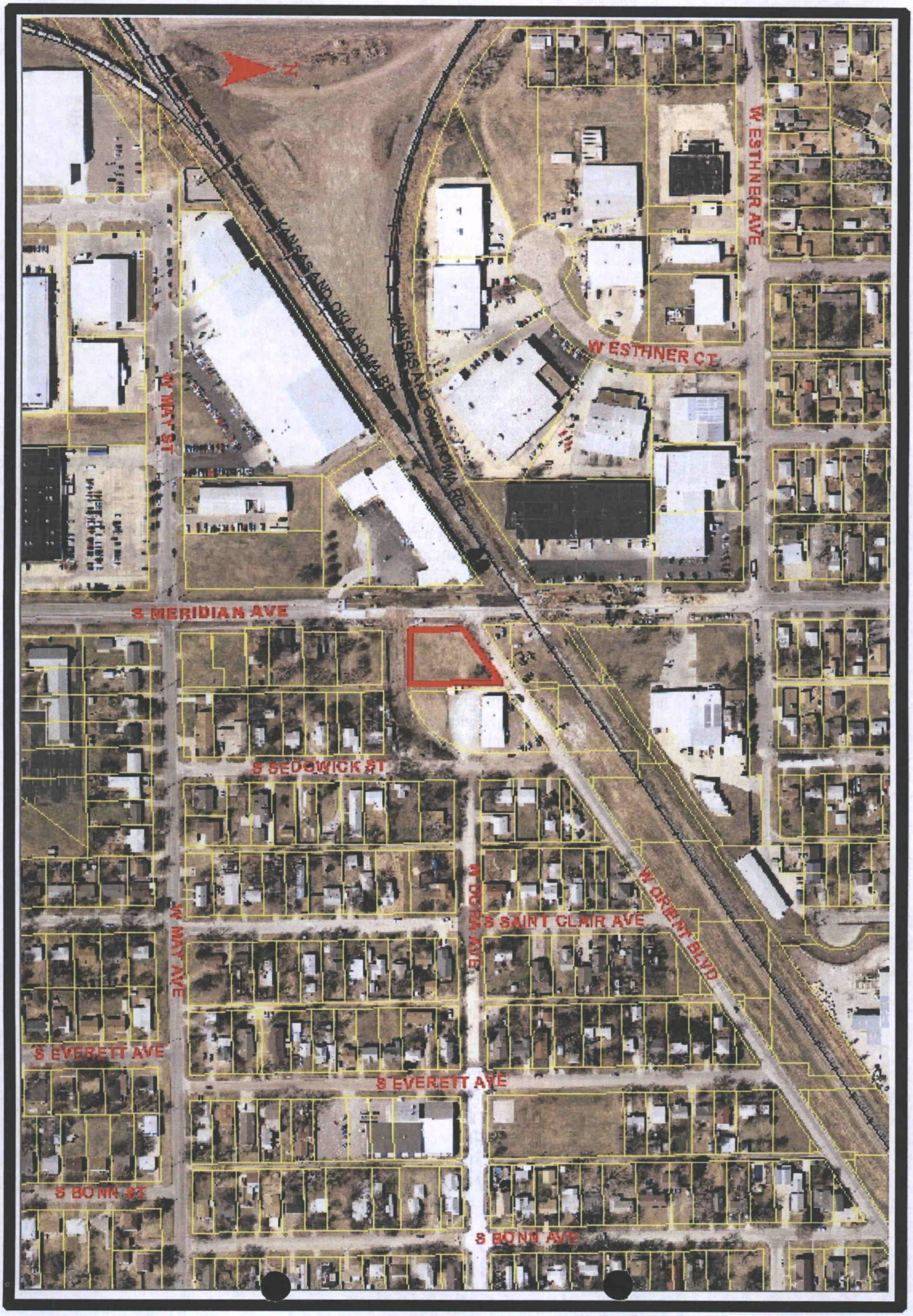
available in the LC zoning district. While there are residential uses nearby to the south and east, the most prominent land uses immediately surrounding this property are commercial or industrial in nature, including a railroad line.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should have little, if any, impact on nearby property owners. Multi-Family development would likely generate more traffic than the scale of commercial use that will occur on this property. Given the proximity of this location to other commercial and industrial uses, it is unlikely the proposed change with have a detrimental effect on nearby property.

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 will make the property appropriately zoned for the use that is being presented. Approval would have minimal impact on public health, safety or welfare. Denial would presumably represent a loss of economic opportunity to the applicant or property owner.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and 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 reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. The proposed rezoning is appropriate due to the commercial nature of the development, though it is not necessarily intended to be open to the public. The type of building that would be constructed for the stated use is likely to be generally suitable for commercial uses in addition to the one it is constructed specifically for.

6. Impact of the proposed development on community facilities: Approval of the request should generate no additional impacts on community facilities. Existing public infrastructure at the site will accommodate uses under the proposed LC zoning.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KANSAS AND OKLAHOMA RR
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S SAINT CLAIR AVE
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S EVERETT AVE
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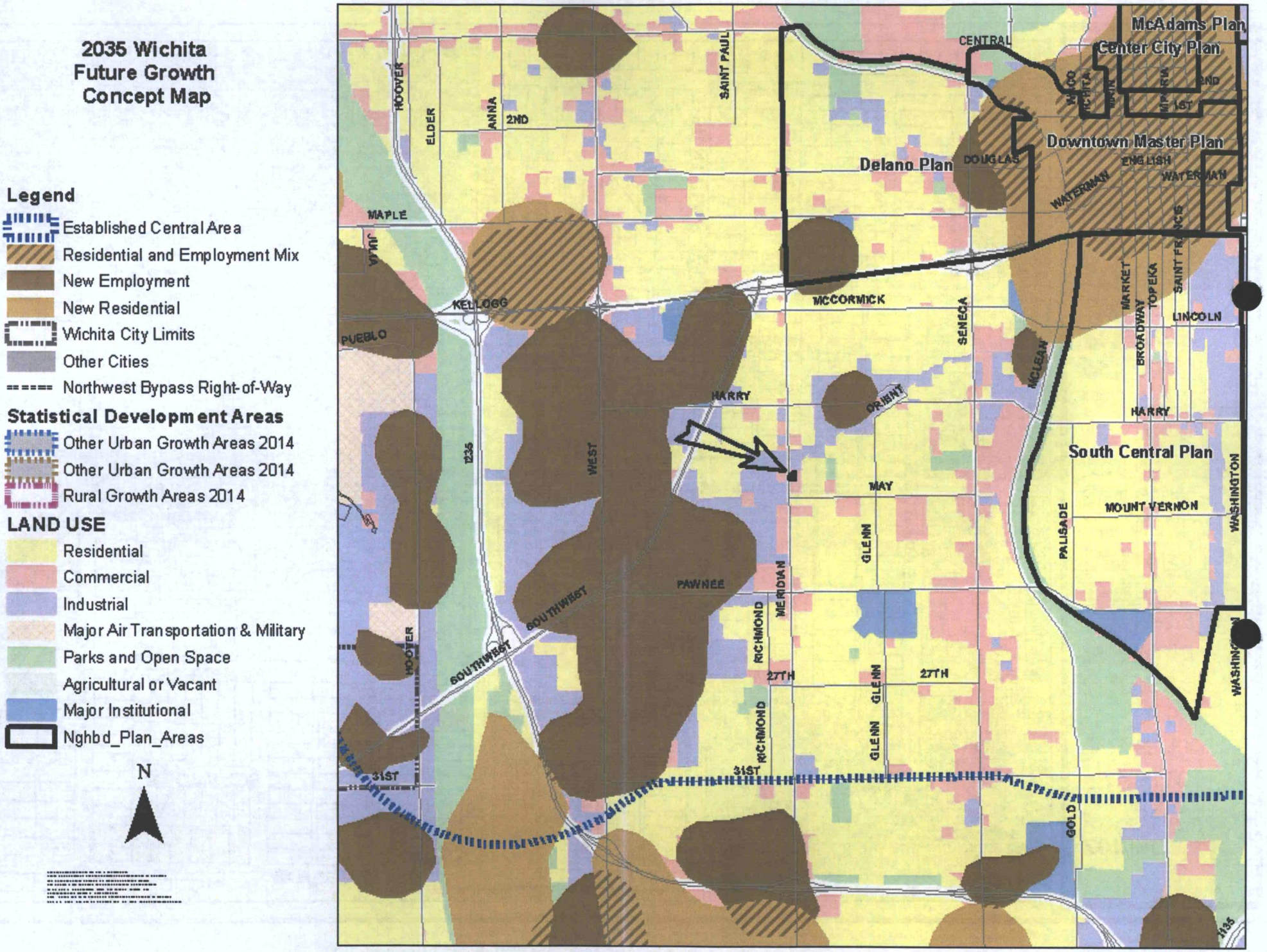
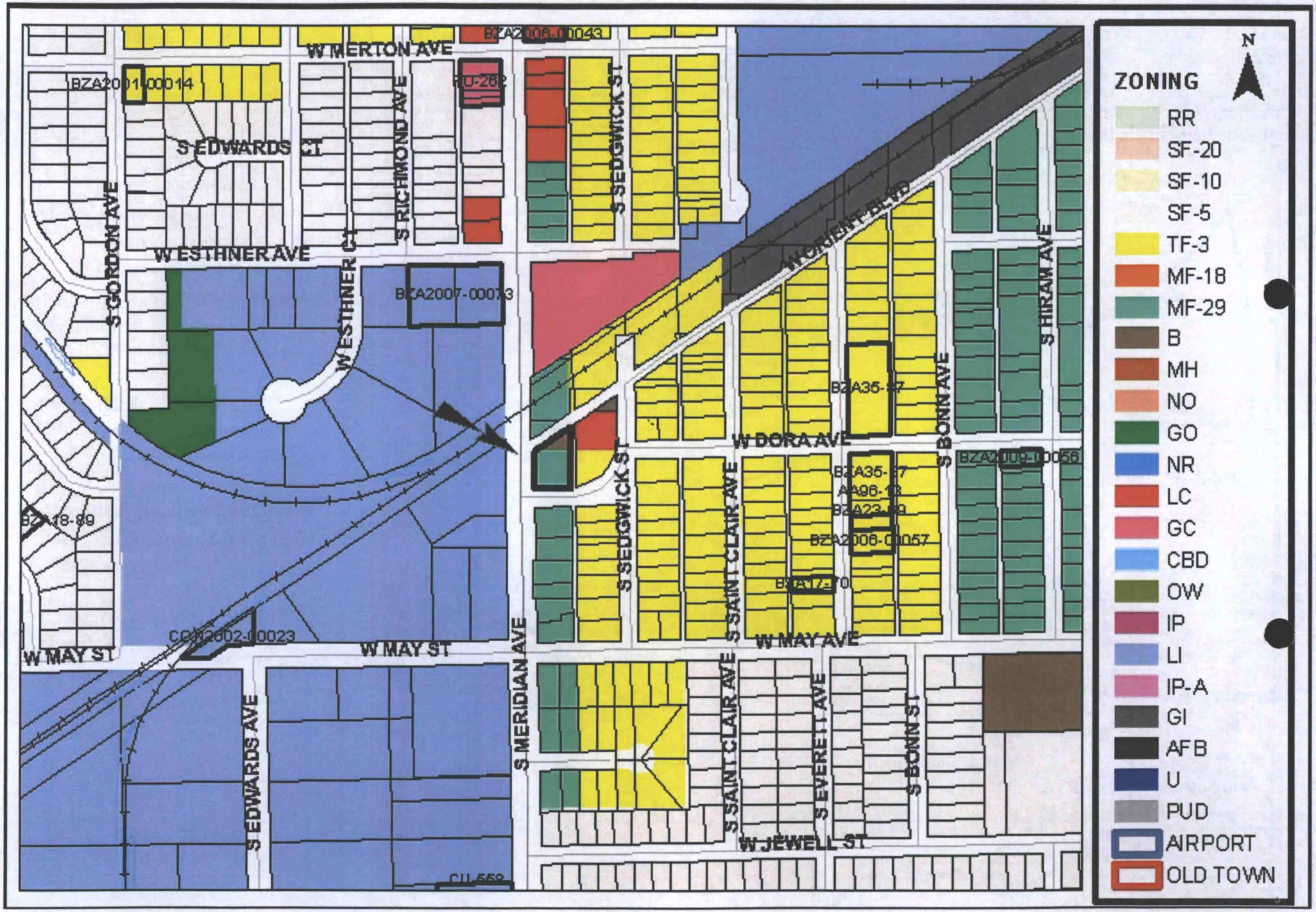
S BONN AVE

2035 Wichita Future Growth Concept Map

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W ESTHNER AVE
S RICHMOND AVE
S SEDGWICK ST
W ESTHNER CT
BZA2007-00073
W ORIENT BLVD
S HIRAM AVE
S BONN AVE
W DORA AVE
BZA35-57
BZA2009-00056
S SAINT CLAIR AVE
W MAY AVE
W MAY ST
S MERIDIAN AVE
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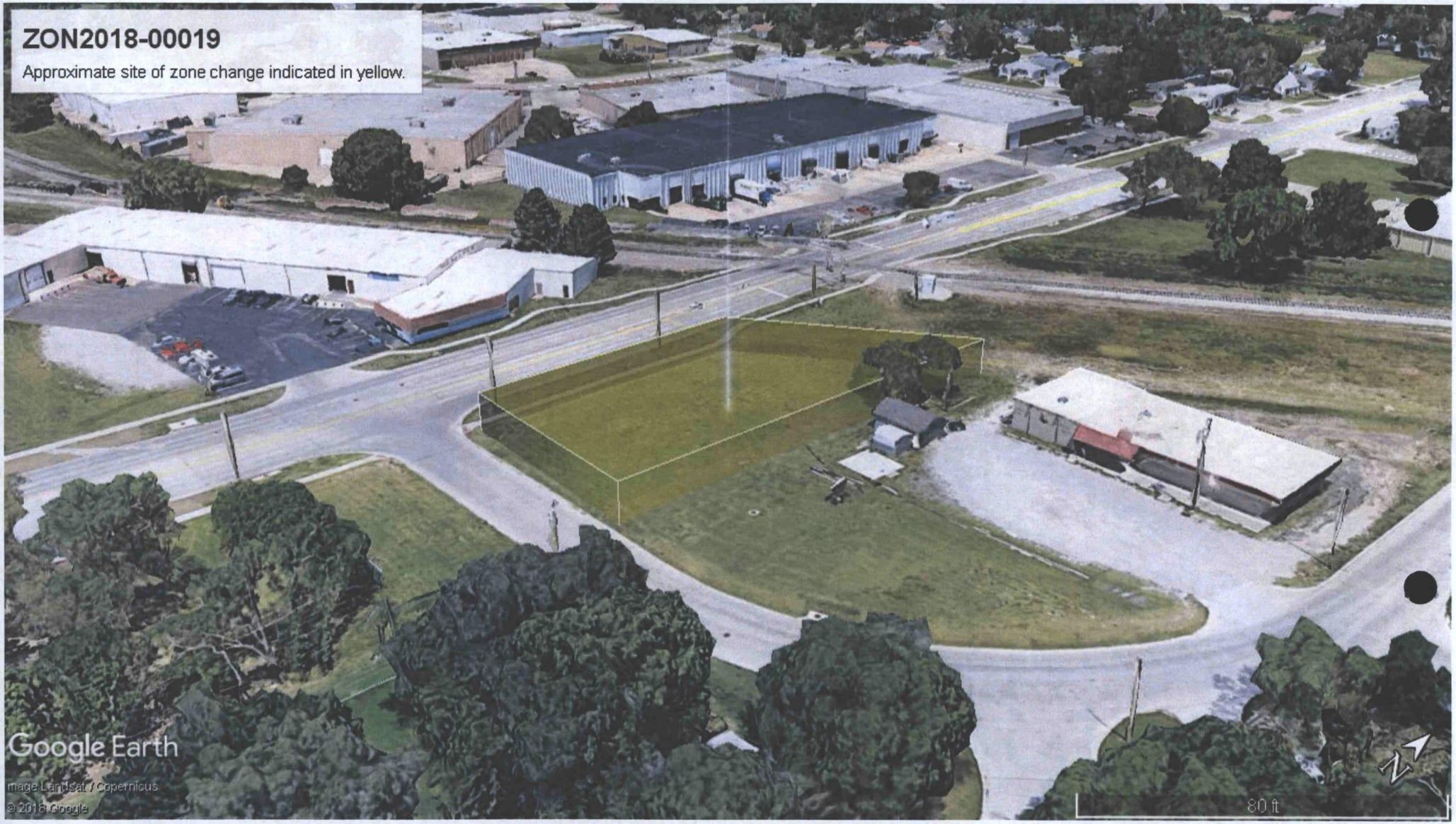
ZON2018-00019
Approximate site of zone change indicated in yellow.
Google Earth
Image Landsat / Copernicus
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80 ft