

City of Wichita
City Council Meeting
June 3, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: ZON2003-00021 – Zone change from “B” Multi-family Residential to “GC” General Commercial. Generally located southwest of the Market and Murdock Intersection. (District VI)

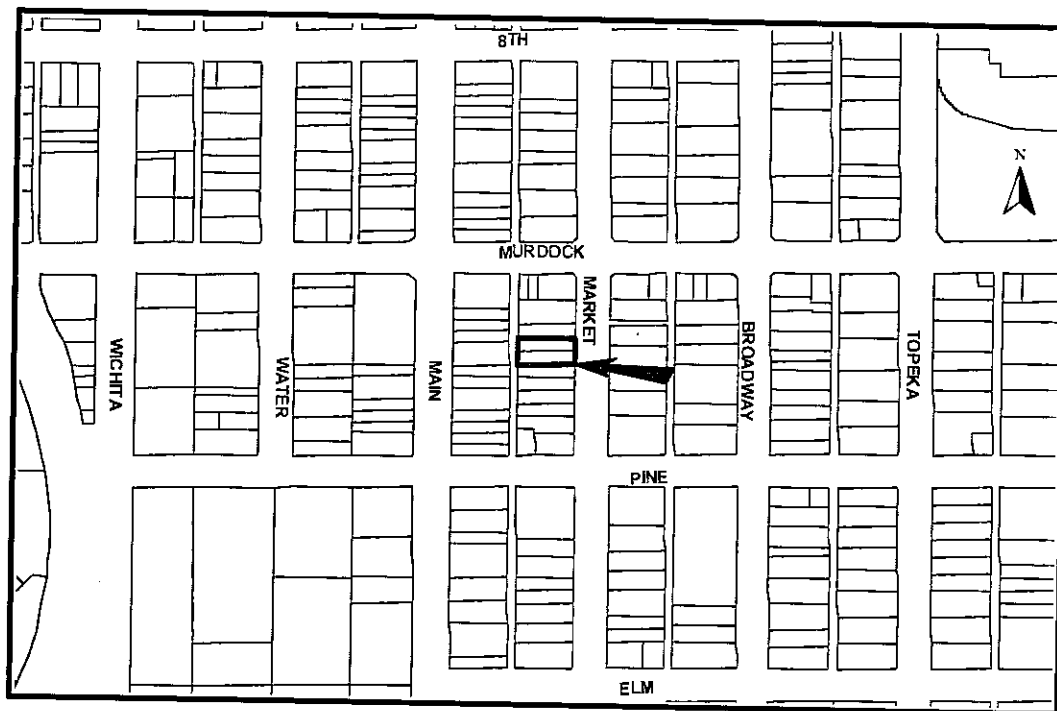
INITIATED BY: Metropolitan Area Planning Department *Den*

AGENDA: Planning

MAPC Recommendation: Approve. (11-0)

Staff Recommendation: Approve.

D.A.B. Recommendation: DAB VI made a motion to pass on viewing this case due to it's similarity to case ZON2003-00008, which was recommended for approval by DAB VI, 9-0, at their April 8, 2003 meeting



BACKGROUND: The applicant is seeking "GC" General Commercial zoning for Lots 71 and 73, Munger's Original Town Addition, located southwest of the Market Street and Murdock Street Intersection. The lots are currently zoned "B" Multi-Family Residential and are vacant or part of a public access easement. Rezoning the lots will give the applicant the same zoning for its property on this block.

The site is part of a block wide area with all but the southeast corner (120-feet x 132-feet) of it zoned "GC". The southeastern corner is zoned "B" and is developed as a private parking lot for Eby Construction, which abuts Pine and Market Streets. There are two office buildings on the block with the most recent development being the applicant's, the Wichita Area Builders Association (WABA), building on the north end. The office faces Main Street with its parking located to the east, south and southeast of the building. The other office building is located in the southwestern third of the block, faces Main Street, with parking in the front of the building and on its north side. A private parking lot for Utility Contractors is located on the southwest end of the block and abuts Main and Pine Streets. There are two undeveloped sites also located in the block.

The north to south alley that had connected Murdock (north) to Pine (south) has had its northern one-third vacated by the applicant (VAC2000-40). Sedgwick County is in the process of vacating (VAC2003-05) the remaining two-thirds of the alley. The applicant has filed a request to vacate a public access easement (VAC2003-11) that was a condition of vacating the northern one-third of the alley. Parts of both of these lots being considered for rezoning today form the public access easement to Market Street. The MAPC recommended Sedgwick County's zoning request (ZON03-08) from "B" to "GC" on the three lots (Lots 65, 67 and 69, Munger's Original Town Addition) immediately south of the site, at their 04-10-2003 meeting; prior to the applicant's current request for rezoning, the Sedgwick County request was the most recent zoning activity in the immediate area*.

The area around the site is developed predominately as office with commercial zoning and some "B" zoning. Single-story and two-story offices are north of the area. West of the area are offices, for Sedgwick County (with multi-story parking), the Red Cross, and Fire Station #1. South of the area are a vacant commercial building, Eby Construction's office and Utility Contractors' office. In this southern area there are several structures that have National Historical Site Status, including the Ark Valley Lodge and the Old Sedgwick County Courthouse. The site is outside their historical buffer area. There are single-story offices and older apartments east of the site's area, across Market Street.

At the DAB VI hearing on May 5, 2003, DAB VI made a motion to pass on viewing this case due to its similarity to case ZON2003-00008 (see paragraph 3, last 4 lines*), which was recommended for approval by DAB VI, 9-0, at their April 8, 2003 meeting. At the MAPC hearing on May 8, 2003, the MAPC voted 11-0 to recommend approval of the request. No one spoke in opposition to the requested zoning change and there have been no written protest received.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance on first reading; or
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.)

(150004) Published in The Derby Reporter on JUN 13 2003
ORDINANCE NO. 45-738

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. ZON2003-00021

Request for zone change from "B" Multi-family Residential to "GC" General Commercial on property described as:

Lots 71 and 73, on Market Street, Mungers Original Town, Wichita, Sedgwick County, Kansas. Generally located southwest of the Market and Murdock intersection.

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, JUN 10 2003

ATTEST:

Pat Graves
Pat Graves, City Clerk

Carlos Mayans
Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

