

**Constraints with Existing Zoning.** The prohibition of residential use is the most significant disadvantage with the current “LI” zoning. “LI” allows uses incompatible with the urban core, by right or by Conditional Use, including: asphalt plant (general), gas and fuel storage, freight terminal, landfill, transfer station, and wrecking/salvage yard.

**Proposed Zoning:** “CBD” zoning would allow residential use, bed and breakfast inn and group homes. It will prohibit future establishment of kennels, tattoo parlors, day reporting centers, asphalt plant (general), gas and fuel storage, freight terminal, landfill, transfer station and wrecking/salvage yard. Other “CBD” advantages include the following: (1) removes the off-site parking requirements to allow flexibility in developing shared parking facilities to serve multiple parking needs, (2) eliminates building setbacks to allow zero-lot setbacks in character with traditional downtown development and that is compatible with the trends in loft/apartment uses, and (3) eliminates height restrictions to allow higher intensity use that reinforces the viability and liveliness of the downtown area.

At the MAPC meeting held December 8, 2005, no citizens spoke on the request. MAPC voted (11-0-1) to approve the zone change.

**Financial Considerations:** None

**Legal Considerations:** The ordinance has been reviewed and approved as to form by the Law Department.

**Recommendation/Actions:**

1. Adopt the findings of the MAPC and approve the zone change, and approve the first reading of the ordinance establishing the zone change, or;
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

City of Wichita  
City Council Meeting  
January 10, 2006

Agenda Report No. \_\_\_\_\_



**TO:** Mayor and City Council

**SUBJECT:** DR2005-00023 Zone change from "LI" Limited Industrial to "CBD" Central Business District. Generally located between St. Francis Avenue, William Street, BNSF railroad right-of-way (one-half block east of Commerce Street) and Kellogg. (District I)

**INITIATED BY:** Metropolitan Area Planning Department *JLS*

**AGENDA:** Planning (Consent)

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**MAPC Recommendations:** Approve subject to staff recommendations, vote (11-0-1).

**MAPD Staff Recommendations:** Approve the "CBD" zoning for the proposed area.

**DAB Recommendations:** Not applicable.

**Background:** On September 13, 2005, Wichita City Council voted (7-0) to initiate a rezoning from "LI" Limited Industrial to "CBD" Central Business District for an area generally described as being located between St. Francis Ave., William St., BNSF railroad right-of-way one-half block east of Commerce St. and Kellogg.

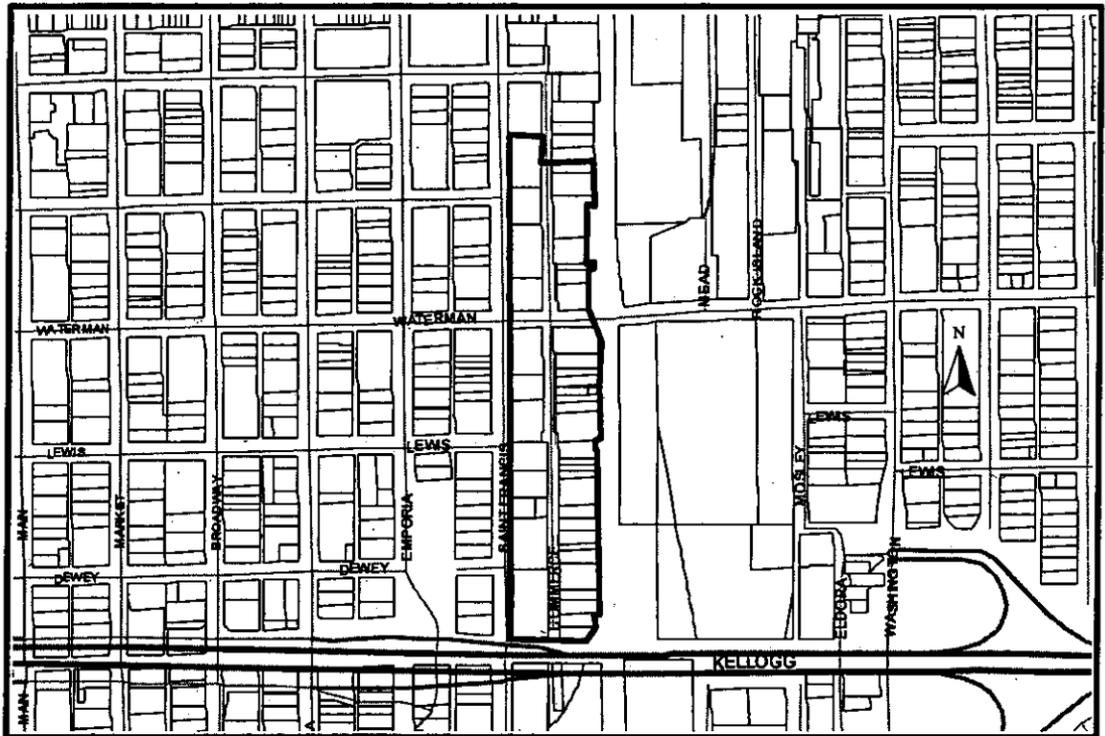
The City Council initiated the rezoning action pursuant to the Unified Zoning Code provision that the "Governing Body may initiate a zone change request with or without an application from the property owners" (Unified Zoning Code Art. V, Sec. V-A.1).

**Analysis:** The area proposed for rezoning to "CBD" is a three-block stretch flanking both sides of Commerce Street south of William Street to Kellogg. The BNSF railroad forms the eastern edge and St. Francis Street forms the western edge. The area is spontaneously undergoing a transition from industrial/manufacturing uses to a broader mix of uses with residential, commercial, and institutional uses being added. In the past five years, several retail shops have opened such as Dock 410 and Fiber Studio. Fiber Studio is unique because the owners of this site requested rezoning of the property to "CBD" in 2000 in order to locate the studio and gallery for artists on the main floor and a residence on the second floor. Just recently several other owners on the same block of Commerce also were approved for "CBD" zoning in order to combine studios with loft apartments. A larger loft conversion is underway on a "CBD" zoned tract across St. Francis Street (201 S. St. Francis, known as the Lofts at St. Francis) from the proposed rezoning area.

The area north of Waterman, except for two properties, was selected as the site for the Sedgwick County arena. The area site constitutes roughly 40 percent of this proposed rezoning initiative. These properties fall within the area shown for the arena building and the adjoining VIP parking lot. The most likely impact of this site selection will be intensified demand on the remainder of the area for more retail and restaurant types of commercial use, mixed with residential use. These uses would be added to or replace the existing mix of industrial, contractor sales and service (heating, electrical, etc) and auto repair uses.

DR2005-00023

EXHIBIT "1"



(150004) Published in The Wichita Eagle on 1-27-06  
ORDINANCE NO. 46-883

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. DR2005-00023**

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

Odd lots 29-75 on Fourth Street, now St Francis Ave., in N.A. English Addition; Even lots 38-76 on Fifth St, now Santa Fe Ave, in N.A. English Addition; Odd lots 77-107 on Fourth Street, now St Francis Ave, in N.A. English 3rd Addition; Even lots 78-108 on Fifth St, now Santa Fe Ave., in N.A. English Addition; Lots 1-29 on Fourth Street now St Francis Ave. in Fletchers Addition; Lots 31-39 on Fifth St, now Santa Fe Ave., in Fletchers Addition; Lots 1-15 on Fifth St, now Santa Fe Ave., in Fletchers 2nd Addition;  
Together with a unplatted tract described as  
BEG SW COR LOT 39 FLETCHERS ADD S 50 FT E 140 FT N 50 FT W TO BEG EXC ST. SW1/4 SEC 21-27-1E  
Together with a unplatted tract described as  
BEG 50 FT S SW COR LOT 39 FLETCHERS ADD S 100 FT E 100 FT NE ALG ROW TO PT E OF BEG W TO BEG EXC S 49.9 FT TO CITY CCA-33119  
Together with vacated English St from the east line of Fourth Street, now St Francis Ave to the west line of Fifth St, now Santa Fe Ave., in N.A. English Addition:  
Together with vacated Lewis St from the east line of Fourth Street, now St Francis Ave to the west line of Fifth St, now Santa Fe Ave., in N.A. English 3rd Addition:

Generally located between St. Francis Avenue, William Street, BNSF railroad right-of-way (one-half block east of Commerce Street) and Kellogg and as shown on Exhibit "1".

**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, JAN 24 2006

Carlos Mayans - Mayor

**ATTEST:**

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

  
Gary E. Rebenstorf, City Attorney