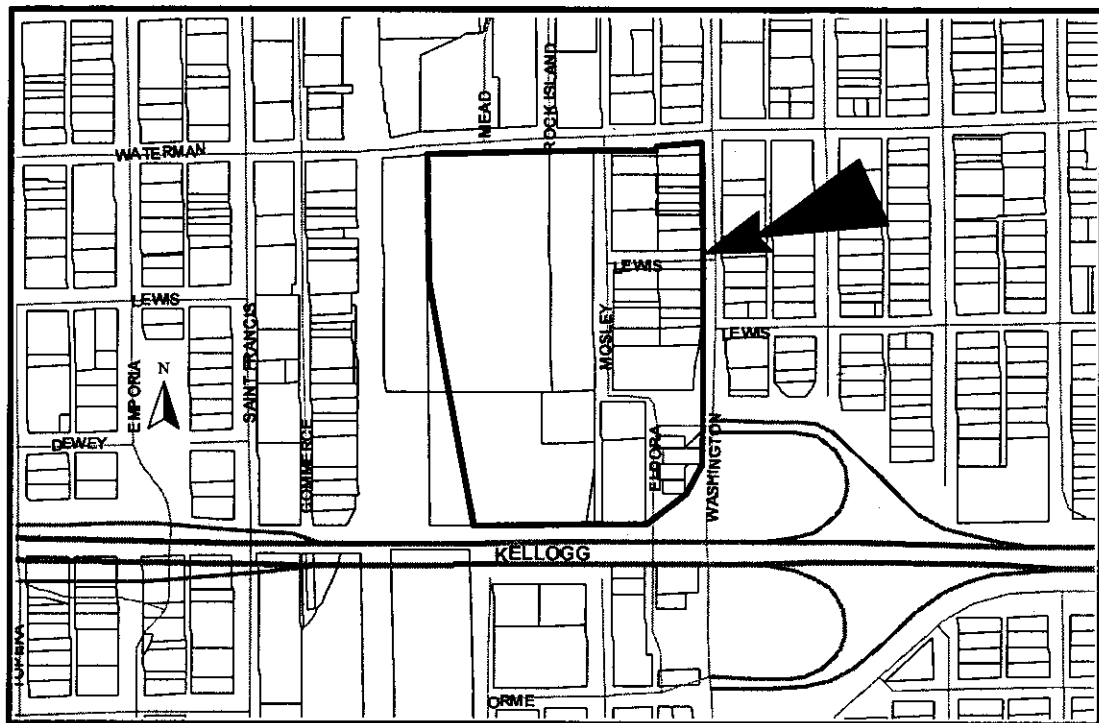


DR2005-00033

EXHIBIT "1"



(150004) Published in The Wichita Eagle on 1-27-06
ORDINANCE NO. 46-885

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. DR2005-00033

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

A tract of land lying in the Southwest Quarter, Section 21, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, and being particularly described as follows:

COMMENCING at the Southeast Corner of said Southwest Quarter (SW/4); thence N 0 degrees 59' 1.38" W a distance of 237.44' to the POINT OF BEGINNING; thence S 32 degrees 9' 12.75" W a distance of 120.89'; thence S 54 degrees 13' 6.81" W a distance of 166.11' to the southeast corner of Lot 17, Block 2, Santa Fe Addition; thence S 89 degrees 24' 50.36" W a distance of 551.40' to the southwest corner of Lot 2, Block 1, Wichita Transit Addition; thence northwest along the west line of the Wichita Transit Addition, N10 degrees 46' 34.49" W a distance of 802.36'; thence continuing along said west line, N 1 degree 36' 54.18" W a distance of 425.38' to the northwest corner of Lot 1, Block 1, Wichita Transit Addition; thence N 88 degrees 30' 21.15" E a distance of 596.75'; thence N 89 degrees 12' 15.58" E a distance of 148.34'; thence N 1 degree 31' 11.04" W a distance of 9.8'; thence N 83 degrees 57' 0.21" E a distance of 150.64' to a point on the east line of said quarter section; thence S 0 degrees 59' 1.38" E a distance of 1051.80' along said east line to the POINT OF BEGINNING. Generally located within the area beginning at the intersection of Waterman St. and Washington Ave., thence south of Washington Ave. to Kellogg, thence west of Kellogg approx. 750 feet to the boundary of the BNSF railroad right-of-way/terminal, thence north to Waterman St., and thence east to Washington Ave 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
Gary E. Rebenstorf, City Attorney

compatible with the trends in low apartment uses, and (3) eliminates height restrictions to allow higher intensity use that reinforces the viability and liveliness of the urban area.

The Wichita Transit Operations Center, the fuel outlet, and the parking lot for the office building north of Waterman have been developed within the past 5 to 10 years. The rest of this area consists of older structures. Some are fully utilized by existing businesses, but some appear to have vacancies. New and redevelopment trends in the vicinity include the Old Town area to the north, the residential loft and arts district activity to the west of the railroad tracks, and the proposed Sedgwick County area site to the northwest.

Financial Considerations: None

Legal Considerations: The item 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. _____



FILE COPY

TO: Mayor and City Council

SUBJECT: DR2005-00033 Zone change from "LI" Limited Industrial to "CBD" Central Business District for an area beginning at the intersection of Waterman Street and Washington Avenue, thence south on Washington Avenue to Kellogg, thence west on Kellogg approximately 750 feet to the boundary of the BNSF railroad right-of-way/terminal, thence north to Waterman Street, and thence east to Washington Avenue (District I)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve subject to staff recommendations, vote (9-0-1).

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

DAB Recommendations: Not applicable.

Background: On October 20, 2005, MAPC voted (7-0) to initiate a rezoning from "LI" Limited Industrial and "GC" General Commercial to the "CBD" Central Business District for an area generally described as located between the BNSF railroad yard, Kellogg, Washington Avenue and Waterman Street. MAPC initiated the rezoning action pursuant to the Unified Zoning Code provision that the "Planning Commission or 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 zoned "LI" Limited Industrial. Warehousing, manufacturing, construction sales and service businesses, outdoor storage, some retail, a fuel outlet, a parking lot for an office north of Waterman, and the City of Wichita Transit Operations Center currently occupy the area.

The proposed rezoning area is located to the south and east of two other "CBD" cases being considered by MAPC (DR2005-00023 and DR2005-00024). If this area is approved, and the other two cases also are approved, "CBD" zoning would blanket all properties west of Washington between Kellogg and Douglas.

Constraints with Existing Zoning: The prohibition of residential use is the most significant disadvantage with the current "LI" zoning. "LI" allows incompatible uses (by right or by Conditional Use) with the urban core such as 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