

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. ZON2006-00035

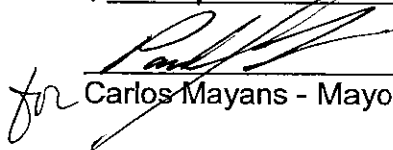
Request for Zone change from "B" Multi-family Residential to "LC" Limited Commercial, on property described as:

Lots 36, 42, 44, 46 & 57-63, all on Market Street, all in the Munger's Original Town Addition, Wichita, Sedgwick County, Kansas. Generally located northwest and southeast of the Market and Pine Streets' intersection.

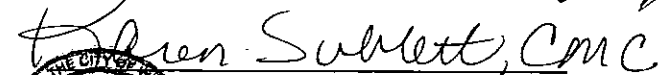
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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, 11-7-06

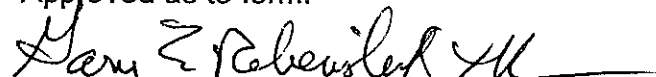

for Carlos Mayans - Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form:


Gary E. Rebenstorf, City Attorney

STAFF REPORT
MAPC September 21, 2006

CASE NUMBER: ZON2006-00035

APPLICANT/OWNERS: Martin K Eby Construction Co., Inc., c/o James R Grier III
S&B Real Estate Investments, LLC, c/o Sheryl Fox

AGENT: Baughman Company, PA c/o Russ Ewy

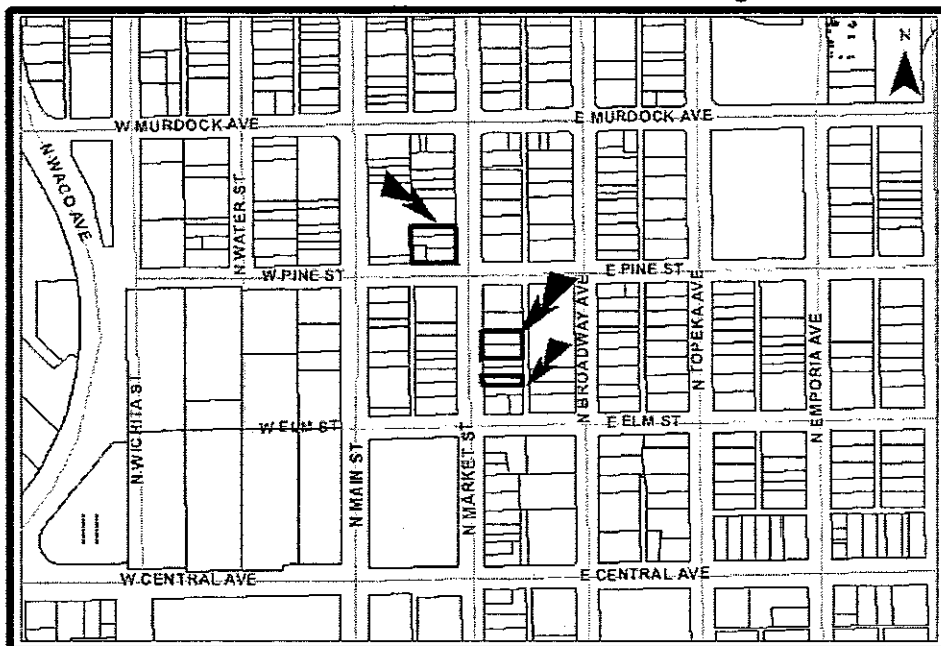
REQUEST: Zone change to "LC" Limited Commercial

CURRENT ZONING: "B" Multi-family Residential

SITE SIZE: 0.73-acres

LOCATION: Northwest and southeast of the Market and Pine Streets intersection

PROPOSED USE: To permit surface parking and bring existing parking areas into conformance with the Unified Zoning Code



status of these streets. The nearest traffic counts are at Market's intersections with Central Avenue (5,000 ADT) and Murdock (4,500 ADT). All utilities are available to the sites.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan's *2030 Wichita Functional Land Use Guide Map* indicates the appropriate type of development for the sites as "Urban Residential". The "Urban Residential" category reflects the full diversity of residential development densities and types typically found in a large urban municipality. The sites abut property identified as "Local Commercial" and "Employment/Industry Center" and are adjacent to a large area identified as "Major Institutional", which is anchored by the City's and County's main administration buildings. There are also larger older churches in this area. The sites' area is in the 'Center City Neighborhood' plan, which identifies the sites as appropriate for urban residential development, but with a mix of commercial and residential uses. The housing is noted as being of varying conditions and the area is dotted with scattered vacancies. The plan identifies the sites' area as being an area for opportunity for redevelopment. Residential redevelopment in the area has not happened as suggested by either the Comprehensive Plan or the Center City Plan. Redevelopment instead has been more office (the 2001 WABA office) and institutional development (Sedgwick County Public Safety Center, currently under construction), with their abutting surface parking lots. The Center City Plan does express concern about surface parking and the appearance of the corridors, but offers no specific development guidelines. The applicants' proposed rezoning allows for additional surface parking for the area's predominate nonresidential development.

RECOMMENDATION: The zoning request is appropriate and should be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area's (south of Murdock Street)' "LC" and "GC" zoned properties are the sites of office and institutional development and their abutting and adjacent surface parking lots. This is the development trend in the area, which is anchored by the City's and the County's offices. This development trend is replacing the older "B" zoned multi-family development (most recent 1939) in the area.
2. The suitability of the subject property for the uses to which it has been restricted: One of the properties could remain an isolated old, declining five-plex. The undeveloped, vacant sites could possibly be developed as some type of multi-family residential. Both scenarios are unlikely as the trend is an expansion of the institutional and office development from Central Avenue to Murdock Avenue along Main and Market Streets.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The rezoning to allow additional parking in the area is in line with recent nonresidential development in the area.
4. Conformance of the requested change to the adopted or recognized Comprehensive