

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. ZON2016-00057

Zone change from LC Limited Commercial and B Multi-Family Residential to GC General Commercial, on property described as:

EVEN LOTS 14 THROUGH 36, INCLUSIVE, ALONG WITH LOT 12 EXCEPT THAT PART TAKEN FOR STREET RIGHT-OF-WAY DESCRIBED AS; BEGINNING AT THE NE CORNER OF SAID LOT 12; THENCE SOUTH 20 FEET; THENCE NW TO A POINT ON THE NORTH LINE OF SAID LOT 12, SAID POINT LYING 80 FEET WEST OF SAID NE CORNER; THENCE EAST TO THE POINT OF BEGINNING FOR ST, BLOCK 6, ORME & PHILLIPS ADDITION TO THE CITY OF WICHITA IN SEDGWICK COUNTY, KANSAS., generally located south of East Kellogg Street and east of South Topeka 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.

Janet L. Miller
for Jeff Longwell, Mayor

ATTEST:
Karen Sublett
Karen Sublett, City Clerk



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

STAFF REPORT
 MAPC December 15, 2016
 DAB III December 7, 2016

CASE NUMBER: ZON2016-00057

APPLICANT/AGENT: RW Rentals, LLC and JWR Rentals, LLC (owner) Kaw Valley Engineering, c/o Tim Austin (agent)

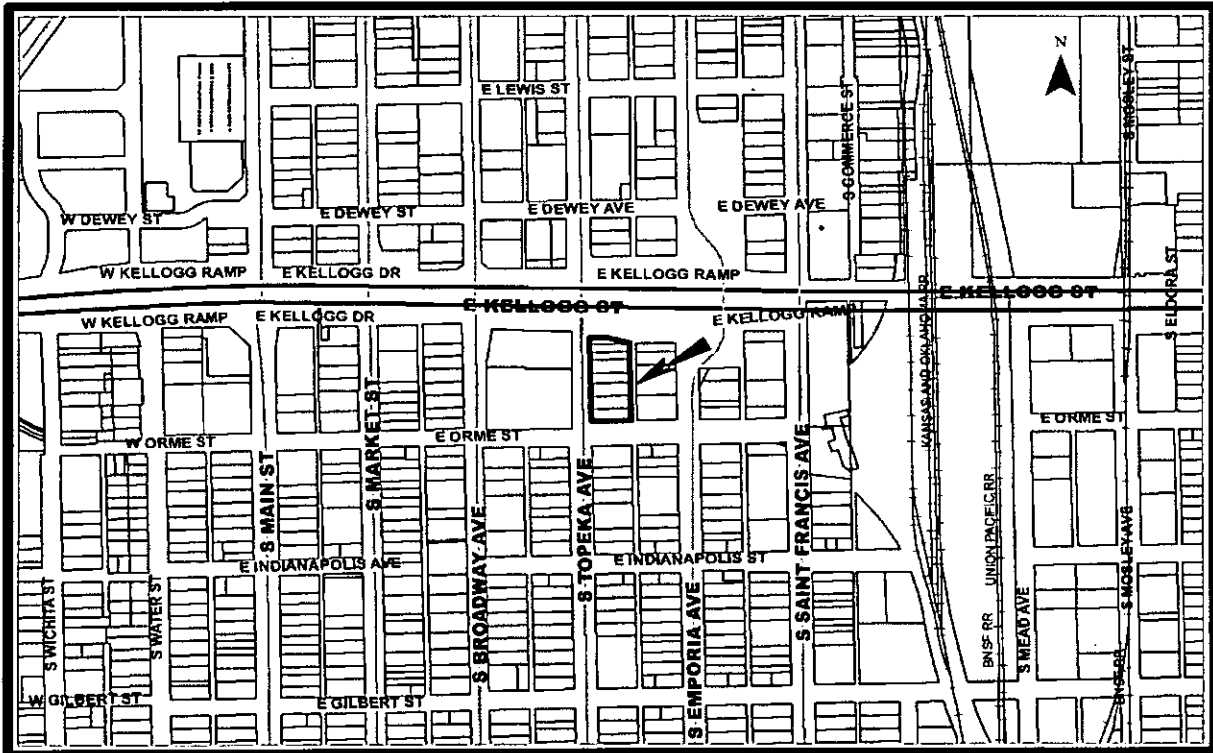
REQUEST: GC General Commercial

CURRENT ZONING: LC Limited Commercial and B Multi-Family Residential

SITE SIZE: 1.03 acre

LOCATION: South of East Kellogg Street on the east side of South Topeka Avenue

PROPOSED USE: Allow for more development opportunities



BACKGROUND: The applicant is requesting GC General Commercial (“GC”) zoning on the LC Limited Commercial (“LC”) and B Multi-Family Residential (“B”) zoned property located immediately south of East Kellogg Street/ US Highway 54 (US-54) frontage road on the east side of South Topeka Avenue. The platted site has a small used car sales lot located on its north LC zoned end. The rest of the site is zoned B and is undeveloped.

A GC zoned new generation QuikTrip (QT, built 2013) convenience store and the Chilton Billiards and Spa retail store (built 2001) are located west of the site across Topeka Avenue. West of the QT and Chiltons is a seven-story GC zoned motel. GC, LC, LI Limited Industrial (“LI”) and B zoned properties zoning continues four-blocks west, ending at the Arkansas River. A LI zoned commercial printer (built 1951 and 1971) is located east of the site across an unpaved alley. A LI zoned office-warehouse used by M6 Concrete Cutting and Curing (built 1970) is located further east of the site as are more LI zoned properties. South of site, across Orme Street are B zoned undeveloped properties, older single-family residences (built early 1900s) and what may have been larger single-family residences that have been converted into small apartments (built early 1900s). The residences are in poor to fair condition. Kellogg Street/US-54 is built above the subject property, with its frontage road ending on the north side of the subject site as it merges into the raised highway. The north side of the subject site abuts the Kellogg frontage road, but does not have access onto it. Wichita’s CBD Central Business District (“CBD”) zoned downtown area is located north of the raised highway.

CASE HISTORY: The site is platted as the Lots 12-36, even, Block 6, Orme and Philips Addition, recorded April 24, 1876. The LC zoned portion of the site, Lots 12 and 14, have BZA59-83 and BZA37-75 located on them. These are Use Exceptions associated with car sales lot on the north LC zoned portion of the site.

DAB III considered this request at their December 7, 2016, meeting. There were no protests at the DAB meeting. DAB III approved the request 7-0.

ADJACENT ZONING AND LAND USE:

NORTH: US Highway 54, CBD	Kellogg/US 54, retail, offices
SOUTH: B, LC	Single-family residences, small multi-family, office, motels
EAST: LI	Commercial printing, office-warehouses,
WEST: GC	Convenience store, retail, motel

PUBLIC SERVICES: The site has direct access onto Topeka Avenue, Orme Street and an unpaved alley. Topeka Avenue is a paved, two-lane, one-way south, minor arterial at this location. Topeka Avenue provides the site access onto the east-west Kellogg Avenue/US-54 arterial and north into downtown Wichita, via Orme Street to Broadway Avenue and St. Francis Avenue. Orme Street is a paved two-lane local street that ends two-blocks east of the site as a sand and gravel street at its intersection with the paved, two-lane, one-way south minor arterial St Francis Avenue. Broadway Avenue is a paved, four-lane arterial, located one-block west of the site. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The “2015-2035 Community Investments Plan” (Plan) categorizes the site as “new residential/employment mix.” This category encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. The requested GC zoning allows all of the community’s residential development by right as well as multiple civic, commercial, and a few manufacturing developments by right. The requested GC is a match for the new residential/employment mix category.

The Plan's locational criteria is comprised of three key elements: development pattern, land use compatibility and design. The development pattern in the area consist of a mix of older single-family residences, older small multi-family residences, older offices, newer and older motels, older office-warehouses, and older light manufacturing. The area's most recent development is the QT convenience store (built 2013) and the Chilton Billiards and Spa retail store (built 2001). The proposed GC zoning is the most common zoning of the properties abutting the south side of this section of Kellogg Street/US-54, ending at Orme Street on the south. LI zoning is the second most common followed by LC zoning. The largest portion of the site is zoned B. It and another B zoned property are the only residential zoning located between Kellogg Street/US-54 and Orme Street. None of the B zoned properties have Kellogg Street/US-54 frontage, but they do have Orme Street frontage.

The site is also located within the "established central area." The established central area is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius, the established central area is the focus area for the Wichita Urban Infill Strategy. The infill strategy is to promote compatible uses, which the proposed zoning change would allow.

The "South Central Neighborhood Plan" designates the site as commercial. The GC zoning is a fit for the South Central Neighborhood Plan's commercial designation.

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

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The proposed GC zoning is the most common zoning of the properties abutting the side of south of this section of Kellogg Street/US-54, ending at Orme Street on the south. A GC zoned new generation QuikTrip (QT, built 2013) convenience store and the Chilton Billiards and Spa retail store (built 2001) are located west of the site across Topeka Avenue. West of the QT and Chiltons is a seven-story GC zoned motel. A LI zoned commercial printer (built 1951 and 1971) is located east of the site across an unpaved alley. A LI zoned office-warehouse used by M6 Concrete Cutting and Curing (built 1970) is located further east of the site as are more LI zoned properties. South of site, across Orme Street are B zoned undeveloped land, older single-family residences (built early 1900s) and what may have been larger single-family residences that have been converted into small apartments (built early 1900s). The north side of the subject site abuts the Kellogg frontage road, but does not have access onto it. Wichita's CBD Central Business District ("CBD") zoned downtown area is located north of the raised highway.
2. The suitability of the subject property for the uses to which it has been restricted: The site's current B zoning allows almost all of the community's residential development by right as well as medical services. It does not permit retail and a number of other commercial uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed GC zoning is the most common zoning of the properties abutting the south side of this section of Kellogg Street/US-54, ending at Orme Street on the south. The proposed GC zoning allows all of the community's residential development by right as well as multiple civic, commercial, and a few manufacturing developments by right. The proposed zoning is appropriate for this site.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2015-2035 Community Investments Plan” (Plan) categorizes the site as “new residential/employment mix.” This category encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. The requested GC zoning allows all of the community’s residential development by right as well as multiple civic, commercial, and a few manufacturing developments by right. The requested GC is a match for the new residential/employment mix category.

The Plan’s locational criteria is comprised of three key elements: development pattern, land use compatibility and design. The development pattern in the area consist of a mix of older single-family residences, older small multi-family residences, older offices, newer and older motels, older office-warehouses, and older light manufacturing. The area’s most recent development is the QT convenience store (built 2013) and the Chilton Billiards and Spa retail store (built 2001). The proposed GC zoning is the most common zoning of the properties abutting the south side of this section of Kellogg Street/US-54, ending at Orme Street on the south. LI zoning is the second most common followed by LC zoning. The largest portion of the site is zoned B. It and another B zoned property are the only residential zoning located between Kellogg Street/US-54 and Orme Street. None of the B zoned properties have Kellogg Street/US-54 frontage, but they do have Orme Street frontage.

The site is also located within the “established central area.” The established central area is comprised of the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius, the established central area is the focus area for the Wichita Urban Infill Strategy. The infill strategy is to promote compatible uses, which the proposed zoning change would allow.

The “South Central Neighborhood Plan” designates the site as commercial. The GC zoning is a fit for the South Central Neighborhood Plan’s commercial designation.

5. Impact of the proposed development on community facilities: The site is served by existing community facilities. Traffic will increase from the property once it is developed; however, existing facilities are adequate to serve anticipated uses.