

First published in the Wichita Eagle 4/20/18

OCA 150004

ORDINANCE NO. 50-693

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. ZON2018-00007

City zone change from B Multi-Family Residential to GC General Commercial; described as:

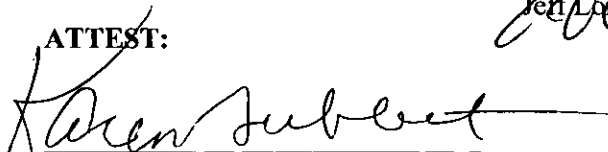
Lots 27, 29 and Lot 31, Dieter's Addition to the City of Wichita, Kansas; EXCEPT the South 8 feet of said Lot 31 platted as part of Lot 1, Gibbons Addition to the Wichita, Sedgwick County, Kansas.

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.

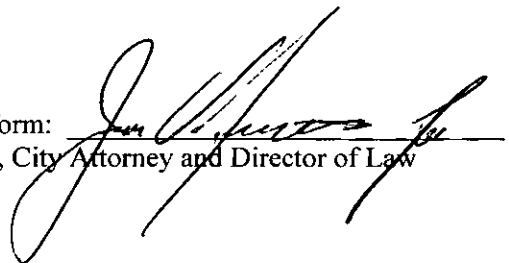

Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



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





AGENDA ITEM NO. 14

STAFF REPORT
MAPC March 8, 2018
DAB III March 7, 2018

CASE NUMBER: ZON2018-00007

AGENT: Russ Ewy with Baughman Company
APPLICANT: Joseph C Rottinghaus - First National Bank of Conway Springs

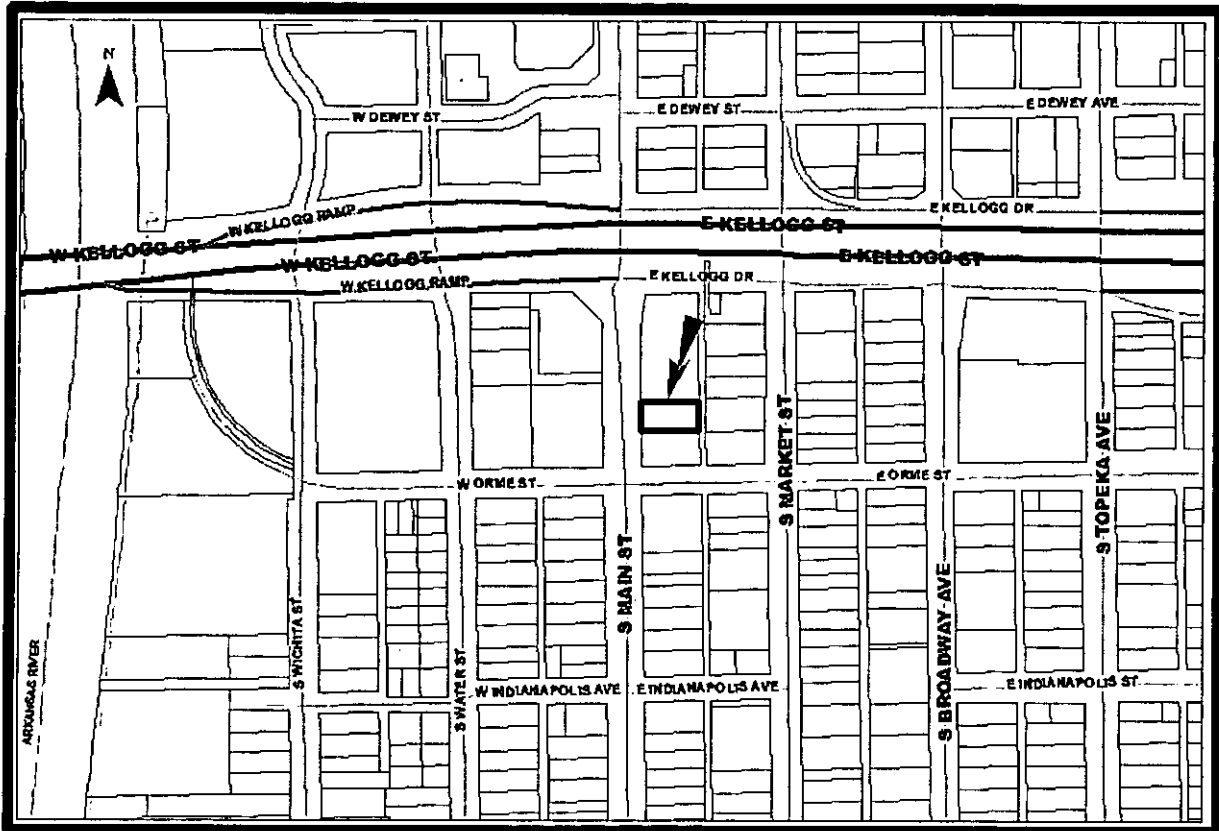
REQUEST: GC General Commercial

CURRENT ZONING: B Multi Family Residential

SITE SIZE: 0.22 acres

LOCATION: South of East Kellogg Drive and on the east side of South Main Street (121 East Kellogg Avenue).

REASON FOR REQUEST: Create uniformity of zoning within the entire ownership



BACKGROUND: The applicants are requesting to change the zoning on property located just south of East Kellogg Drive and on the east side of South Main Street from B Multi Family Residential to GC General Commercial. This request arises from the desire of the property owner to have zoning uniformity on their property at this location.

North of the site is the principle structure and use of this property, zoned GC General Commercial, and Highway 54 just north of that. East of this site is a commercial/warehouse use (Lewis Street Glass Co.), zoned GC General Commercial. South of this site is a commercial building, zoned LC Limited Commercial. West of this site is a hotel/motel use, zoned LC Limited Commercial.

CASE HISTORY: Platted as lots 27, 29, and 31 in the Dieters Addition on 17 April 1884.

ADJACENT ZONING AND LAND USE:

North: GC	Commercial
South: LC	Commercial
East: GC	Commercial
West: LC	Commercial

PUBLIC SERVICES: This site is located along South Main Street, a one way multi lane arterial. All public utilities are available.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan promotes downtown as the region's preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential and employment mix," encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. The proposed rezoning is appropriate due to the proximity of higher intensity business uses and residential housing types within this area are more likely to be higher density. Employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight and odor.

This parcel falls within the *South Central Neighborhood Land Use Plan*. The plan lists this property as suitable for commercial development. The Land Use Map is attached.

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

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the site is the principle structure and use of this property, zoned GC General Commercial, and Highway 54 just north of that. East of this site is a commercial/warehouse use (Lewis Street Glass Co.), zoned GC General Commercial. South of this site is a commercial building, zoned LC Limited Commercial. West of this site is a hotel/motel use, zoned LC Limited Commercial.
2. The suitability of the subject property for the uses to which it has been restricted: The size and

location of this parcel make it less suitable for Multi Family development than the uses available in the GC zoning district. While there are residential uses nearby to the south, the land uses immediately surrounding this property are commercial in nature.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should have little, if any, impact on nearby property owners. Removal of the restrictions will allow for uses more in line with those of the property that surrounds this parcel.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval will make the property more marketable with a wider range of possible uses. Denial would presumably represent a loss of economic opportunity to the applicant or property owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Plan promotes downtown as the region's preeminent walkable, mixed-use development area with a focus on office, retail, hospitality, government services, high-density residential, and entertainment, cultural, and civic facilities and activities. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as "residential and employment mix," encompassing areas that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. The proposed rezoning is appropriate due to the proximity of higher intensity business uses and residential housing types within this area are more likely to be higher density. Employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight and odor.

This parcel falls within the *South Central Neighborhood Land Use Plan*. The plan lists this property as suitable for commercial development.

6. Impact of the proposed development on community facilities: Approval of the request should generate no additional impacts on community facilities. Existing public infrastructure at the site will accommodate uses under the proposed GC zoning.