

OCA150006 BID 37529-009 CID #76383  
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ORDINANCE NO. 47-683

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. ZON2007-44**

Request for zone change from "LI" Limited Industrial to "GC" General Commercial on property described as:

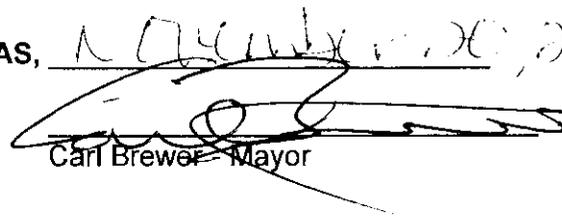
Lots 149 thru 158 and School Reserve, Hunter's 3<sup>rd</sup> Addition, Sedgwick County, Kansas AND the South 40 feet of Lot 8 and the North 37.5 feet of Lot 9, Brookside Addition, Sedgwick County, Kansas.

Generally located north of Kellogg Drive between Laura Avenue and Pattie Avenue and on the east side of Pattie 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.

ADOPTED AT WICHITA, KANSAS, November 20, 2007

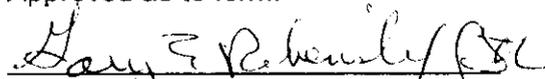
  
Carl Brewer - Mayor

ATTEST:

  
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

  
Gary E. Rebenstorf, City Attorney





AGENDA ITEM NO. \_\_\_\_\_

## STAFF REPORT

MAPC October 4, 2007

DAB I October 22, 2007

**CASE NUMBER:** ZON2007-44

**APPLICANT:** USD 259 c/o Joe Hoover (owner); GEO VON, Inc c/o Don Vaughn, II (contract purchaser); Professional Engineering Consultants, PA c/o Robert Hartman (agent)

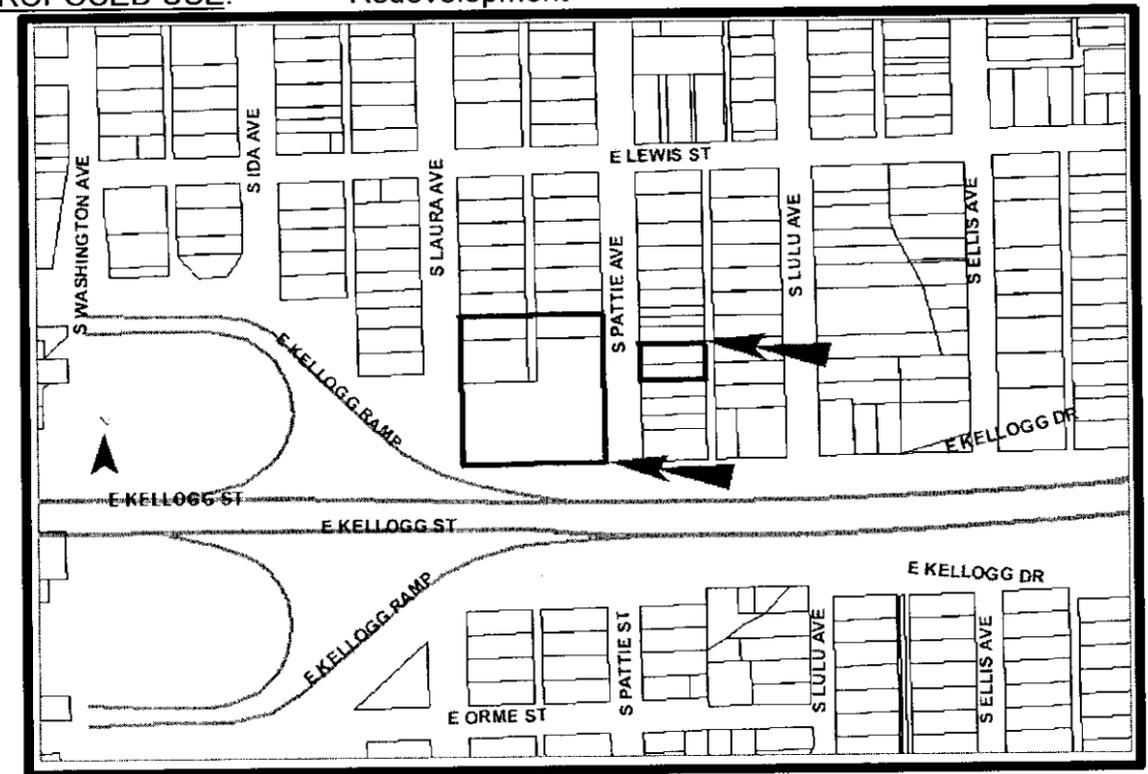
**REQUEST:** "GC" General Commercial

**CURRENT ZONING:** "LI" Limited Industrial

**SITE SIZE:** 2.45 acres

**LOCATION:** North of Kellogg Drive between Laura Avenue and Pattie Avenue and on the east side of Pattie Avenue.

**PROPOSED USE:** Redevelopment



**BACKGROUND:** The applicant is seeking to downzone a 2.45-acre site from "LI" Limited Industrial to "GC" General Commercial. The request consists of the former Kellogg Elementary School building (2.20 acres) located north of Kellogg Drive between Laura Avenue and Pattie Avenue and a small parking lot (0.25 acre) located on the east side of Pattie Avenue across from the former Kellogg School site.

The applicant intends to redevelop the building as an adaptive re-use. The requested GC zoning allows the flexibility of commercial or residential re-use or a combination. The current zoning, LI, does not allow residential use.

Most surrounding properties are zoned LI, with the exception of several properties zoned "LC" Limited Commercial to enable the refinancing or sale of residential properties. However, all immediately surrounding properties to the north and west are developed with single-family residences. East of the site, across Pattie Avenue, is a mixture of construction sales and service businesses and offices, parking and residential uses. Further east of the site, east of Lulu Avenue, is a large church complex. South of the site is Kellogg/US-54, a limited access freeway.

To the north side of Waterman Street, approximately 1000 feet north of this site, the Douglas Street corridor was rezoned in 2005 from LI to "CBD" Central Business District. The purpose of that rezoning was to enable residential development, and increase flexibility for redevelopment of older buildings within that corridor. This would be similar to the intent of this requested rezoning to GC.

**CASE HISTORY:** The Kellogg School site is platted as Lots 149 through 158 and School Reserve, Hunters 3<sup>rd</sup> Addition, recorded August 19, 1889. The platted School Reserve would require vacation or re-platting for other than school uses and the plat includes an alley that might be able to be partially abandoned so long as the alley access remained for properties to the north to Lewis Street. Portions of the alley were vacated in 1932 (VAC 10-3032 Ord 7801). The parking lot is platted as portions of Lots 8 and 9, Brookside Addition, recorded September 19, 1903. A previous zone change request to "B" Multi-family Residential (ZON2006-38) was denied.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LI	Single-family residential, office
SOUTH:	LI	Kellogg freeway
EAST:	LI	Construction sales and service, church, residential
WEST:	LI, LC	Single-family residential

**PUBLIC SERVICES:** The site has access to Pattie Avenue and Laura Avenue, both paved local streets with an 80-foot right-of-way. The site has nearby access to Kellogg via Washington Street. All municipal services are available.

**CONFORMANCE TO PLANS/POLICIES:** The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this site as appropriate for "Urban Development Mix", which encompasses areas that will be developed or redeveloped with urban residential

uses, as well as major institutional uses, local commercial uses, and park and open space uses.

**RECOMMENDATION:** The application area is a unique site as a former school building with potential of adaptive re-use. Laura Avenue is in an awkward situation of being the only intact residential street within an area designated for “urban residential mix” but zoned LI (except for a small LC tract) that precludes new or extensive residential re-use. Pattie Avenue has a mix of residential and nonresidential uses, including two plumbing contractor businesses across from the school site. Pattie Avenue continues as Kellogg Drive that loops around to Lulu Avenue and provides better access to the site.

In the larger context, this area between Douglas Avenue, Lulu Avenue, Kellogg and Washington Avenue was rezoned from residential to “E” (now “LI”) in 1959. The area was intended to serve as a transition zone between the “CBD” and the residential neighborhoods and provide a place for commercial and industrial expansion. Today, the area is a hodgepodge of residential/non-residential uses.

The requested GC would allow commercial activities typical of the area, plus enable residential use. Based on these factors and information available prior to the public hearing, Staff recommends the application be APPROVED, subject to vacation or replatting of Hunters 3<sup>rd</sup> Addition within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Most surrounding properties are zoned LI, with the exception of several properties zoned to enable the refinancing or sale of residential properties. However, all immediately surrounding properties to the north and west are developed with single-family residences. East of the site, across Pattie Avenue, is a mixture of construction sales and service businesses and offices, parking and residential uses. Further east of the site, east of Lulu, is a large church complex. South of the site is Kellogg/US-54, a limited access freeway. To the north side of Waterman Street, approximately 1000 feet north of this site, the Douglas Street corridor was rezoned in 2005 from LI to “CBD” Central Business District. The purpose of that rezoning was to enable residential development, and increase flexibility for redevelopment of older buildings within that corridor. This would be similar to the intent of this requested rezoning to GC.
2. The suitability of the subject property for the uses to which it has been restricted: The site could be developed as currently zoned with any use other than residential. The school building may not be easily renovated for all office, commercial, or industrial uses, so allowing residential use would enhance the possibility of saving the structure for a viable re-use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request would permit dense residential development, which could affect nearby residents and businesses with increased traffic on Laura Avenue,

Pattie Avenue, and Lewis Street, but re-use in office or other commercial uses already permitted in the LI zoning district could result in the same or more increases in traffic on these streets.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this site as appropriate for “Urban Development Mix”, which encompasses areas that will be developed or redeveloped with urban residential uses, as well as major institutional uses, local commercial uses, and park and open space uses. The request is in general conformance with the Land Use Guide of the Comprehensive Plan. Because of the presence of existing residential uses on LI zoning, the residential uses will not benefit from the site development regulations such as compatibility setbacks, noise and lighting standards and landscaping requirements normally required when non-residential uses are established near residential uses.
5. Impact of the proposed development on community facilities: Traffic on the existing local streets could increase as a result of any proposed development permitted in the existing zoning of LI or the requested zoning of GC. However, this site has good access to Kellogg, a limited access freeway, to Lulu Avenue and Waterman Street, both urban collectors, and Douglas Avenue and Washington Streets, both arterials.