

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. ZON2016-00006**

Zone change from MF-29 Multi-Family Residential ("MF-29") to LC Limited Commercial ("LC"), on an approximately 2.09-acre property described as:

All of Lots 523, 525, 527, 529, 531, 533, 535, 537, 539, 541, 543, and 545 on Meridian Avenue, Martinson's 5th Addition to the City of Wichita, Sedgwick County, Kansas.

TOGETHER WITH: That part of Lots 547, 549 and 551, on Meridian Avenue, in said Martinson's 5th Addition lying within and being coincident with the following described tract of land: Beginning at the northeast corner of said Lot 547; thence southerly along the east line of said Lot 547, 5.00 feet; thence southwesterly with a deflection angle to the right of 54 degrees 00'58", 95.57 feet; thence west-southwesterly with a deflection angle to the right of 24 degrees 06'46", 53.82 feet to a point on the west line of said Lot 551, said point being 22.36 feet southerly of the northwest corner of said Lot 551; thence northerly along the west line of said Lots 551, 549 and 547, 72.36 feet to the northwest corner of said Lot 547; thence easterly along the north line of said Lot 547, 130.00 feet to the point of beginning.

TOGETHER WITH: Lot 368, except the south 50 feet, on Richmond Avenue, (originally dedicated as Phillip Avenue), in said Martinson's 5th Addition.

TOGETHER WITH: The south 50.00 feet of said Lot 368 as condemned for the opening and widening of Kellogg Street and designated as Tract No. 43 in District Court Case No. A-56857.

TOGETHER WITH: All of Lot 370 as condemned for the opening and widening of Kellogg Street and designated as Tract No. 42 in District Court Case No. A-56857.

TOGETHER WITH: That part of Lot 372 as condemned for the opening and widening of Kellogg Street and designated as said Tract No. 42 described as follows: Beginning at the northeast corner of said Lot 372; thence southerly along the east line of said Lot 372, 0.61 feet; thence west-southwesterly with a deflection angle to the right of 84 degrees 38'48", 140.61 feet to a point on the west line of said Lot 372, said point being 13.88 feet southerly of the northwest corner of said Lot 372; thence northerly along the west line of said Lot 372, 13.88 feet to the northwest corner of said Lot 372; thence easterly along the north line of said Lot 372, 140.00 feet to the point of beginning.

TOGETHER WITH: That part of Richmond Avenue, (originally dedicated as Phillip Avenue), in said Martinson's 5th Addition described as follows: Beginning at the intersection of the east right-of-way line of said Richmond Avenue with the southeast right-of-way line of the Mo. Pac. Railroad, (formerly the St. Louis, Ft. Scott & Wichita Railroad); thence southerly along the east right-of-way line of said Richmond Avenue, 69.21 feet, more or less, to a point 13.88 feet southerly of the northwest corner of Lot 372, on said Richmond Avenue; thence west-southwesterly with a deflection angle to the right of 84

degrees 38'48", 33.55 feet to a point on the southeast right-of-way line of said Mo. Pac. Railroad; thence northeasterly along the southeast right-of-way line of said Mo. Pac. Railroad, 79.67 feet to the point of beginning.

TOGETHER WITH: That part of the alley as dedicated in said Martinson's 5th Addition lying west of and abutting the west line of Lots 523 through 551, odd inclusive, on said Meridian Avenue, lying east of and abutting the east line of Lots 368 through 372, even inclusive, on said Richmond Avenue, (originally dedicated as Phillip Avenue), lying south and southeast of and abutting the southeast right-of-way line of said Mo. Pac. Railroad, (formerly the St. Louis, Ft. Scott & Wichita Railroad), and lying north of and abutting the following described line: Commencing at the northwest corner of Lot 551, on said Meridian Avenue, said northwest corner also being on the east right-of-way line of said alley; thence southerly along the east right of way line of said alley, 22.36 feet for a point of beginning; thence west-southwesterly with a deflection angle to the right of 78 degrees 07'44", 11.85 feet; thence west-southwesterly with a deflection angle to the right of 06 degrees 31'04", 8.44 feet to a point on the west right-of-way line of said alley, said west right-of-way line also being the east line of Lot 372, on said Richmond Avenue, (originally dedicated as Phillip Avenue), and said point being 0.61 feet southerly of the northeast corner of said Lot 372, and for a point of termination, Wichita, Sedgwick County, Kansas; generally located on the northwest side of South Meridian Avenue and West Kellogg Street.

Subject to platting within a year of approval by the governing body and to the following provisions of Protective Overlay-305:

- (1) The following uses are prohibited: Correctional placement limited and general, recycling collection station private and public, reverse vending machine, animal care limited and general, construction sales and service, event center, farmer's market, kennels for hobby, boarding, breeding, training, recreational marine facility, nightclub, nurseries and garden centers, commercial parking, pawnshop, indoor recreation and entertainment, tavern and drinking establishment, asphalt plant limited and general, manufacturing limited, mining and quarrying, oil and gas drilling, rock crusher, solid waste incinerator, agricultural sales and service.

**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:

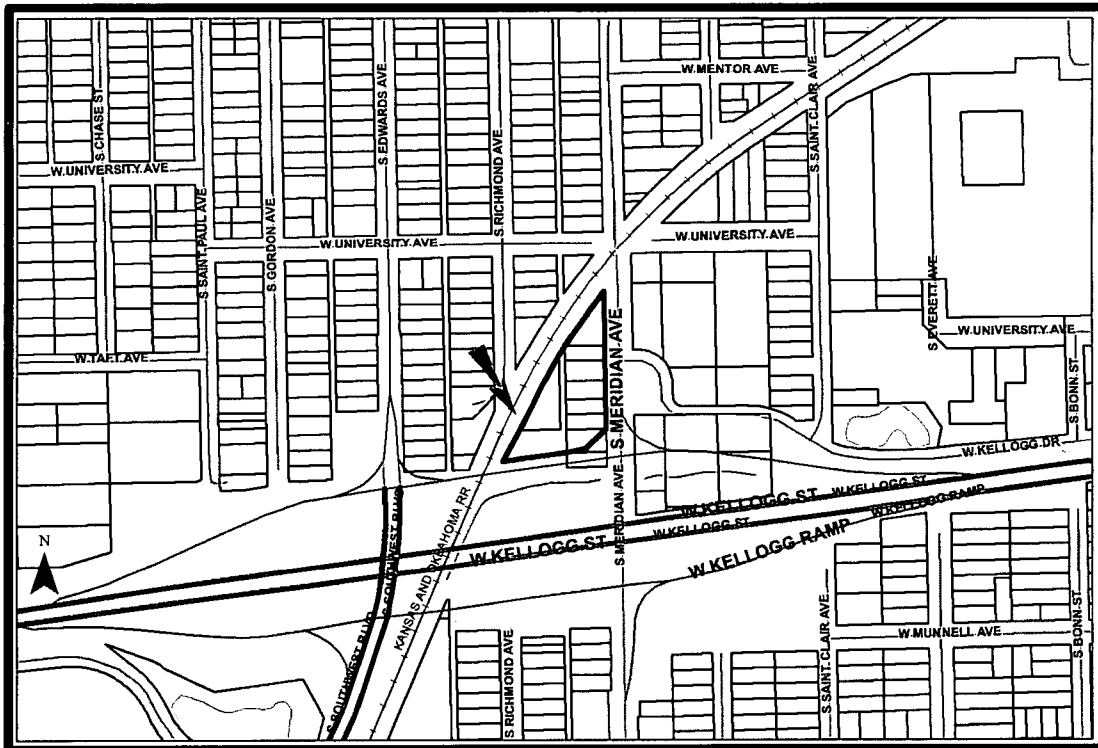
  
Karen Sublett, City Clerk



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

**STAFF REPORT**  
MAPC March 3, 2016  
DAB IV March 7, 2016  
WCC April 5, 2016

- CASE NUMBER:** ZON2016-00006
- APPLICANT/AGENT:** Teresa Robert, Joe Labelle, SPS Investments, c/o Larry Simmons, City of Wichita, c/o John Philbrick (applicants/owners) Hudson Real Estate, c/o James D. Hudson (agent)
- REQUEST:** LC Limited Commercial
- CURRENT ZONING:** MF-29 Multi-Family Residential
- SITE SIZE:** Approximately 2.09-acres
- LOCATION:** Generally located on the northwest side of North Meridian Avenue and West Kellogg Drive (WCC IV)
- PROPOSED USE:** Allow commercial development



**BACKGROUND:** The applicant is requesting LC Limited Commercial (LC) zoning on the 2.09-acre, platted MF-29 Multifamily-Family Residential (MF-29) zoned site. The site is located on the northwest side of North Meridian Avenue and West Kellogg Drive. The east side of the site is developed with five small, one-story single-family residences (built 1930, 1935, 1950, 1952), a residential designed manufactured home and a trailer. The City of Wichita owns the undeveloped south end of the east side and the undeveloped west portion of the site. A platted, unimproved 20-foot wide alley separates the east and west sides of the subject site.

The 54.5-acre U University (U) zoned Friends University campus (founded 1898) is the dominant development in the area and is located east of the MF-29 zoned subject site, across Meridian Avenue. An active railroad track runs southwest – northeast through the area and abuts the west and north sides of the site. TF-3 Two-Family Residential (TF-3) zoned small, one-story single-family residences and scattered duplexes (built mostly 1930-1950s) are located west and north of the site, across the railroad tracks. The subject site is separated from Friends University and the adjacent low to moderate density residential development by the active railroad tracks, the arterial Meridian Avenue and Kellogg Street/US-54 Highway.

**CASE HISTORY:** The site is platted as all of Lots 523, 525, 527, 529, 531, 533, 535, 537, 539, 541, 543, and 545, portions of Lots 547, 549 and 551 on Meridian Avenue, portions of Lot 368, 370, and 372 as condemned for the opening and widening of Kellogg Street, all in the Martinson’s 5th Addition. The Martinson 5<sup>th</sup> Addition was recorded with the Register of Deeds November 6, 1886.

**ADJACENT ZONING AND LAND USE:**

NORTH:	Railroad, TF-3	Railroad right-of-way, single-family residences, duplexes, trailer
SOUTH:	Kellogg/US-54	US Highway
EAST:	U	Friends University campus
WEST:	Railroad, TF-3	Railroad right-of-way, single-family residences, duplexes

**PUBLIC SERVICES:** Public water is located in Meridian Avenue and sewer is located in the alley that separates the east and west halves of the site. The site currently has access/driveways for each of the site’s residences onto Meridian Avenue. Meridian Avenue is a curbed and paved four-lane arterial with a center turn lane on its north quarter at this location and a full-curbed landscaped median on its south three-quarters up to its interchange with the Kellogg Avenue/US-54 Highway frontage street.

**CONFORMANCE TO PLANS/POLICIES:** The “2035 Wichita Future Growth Concept Map” of the Comprehensive Plan identifies the northeast portion of the site as appropriate for “new employment” and the west portion as appropriate for “residential development.” The new employment category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on

market driven factors. Higher density housing and convenience centers are also development possibilities. The site's new employment designation is likely a spillover from the 54.5-acre Friends University's designation as new employment center. The site's residential development designation appears to confirm the site's current single-family residential development.

The "2035 Urban Growth Areas Map" identifies the site as being in 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. Commercial development in the Established Central Area should be neighborhood-serving retail and office uses and high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses or through conversions of residential structures if appropriate site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential are provided and the scale of the development is appropriate for its context.

The locational criteria of Employment Centers states that they should be located at the intersection of arterial streets and along highways and commercial corridors. The site is located at the interchange of the arterial Meridian Avenue and Kellogg Street/US-54 Highway, which compromises the site's existing single-family residential development. The subject site does not require nor has direct access through residential neighborhoods.

The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses including all densities of residential development. The requested LC zoning can be compatible with the new employment classification as well as the Established Central Area's infill goal of providing neighborhood-serving retail, office uses and high-density residential uses located along arterial streets; the arterial Meridian Avenue and Kellogg Street/US-54 Highway.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the proposed zoning be APPROVED, subject to replatting within a year. This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the surrounding area:** The 54.5-acre U zoned Friends University campus (founded 1898) is the dominant development in the area and is located east of the MF-29 zoned subject site, across Meridian Avenue. An active railroad track runs southwest – northeast through the area and abuts the west and north sides of the site. TF-3 zoned small, one-story single-family residences and scattered duplexes (built mostly 1930-1950s) are located west and north of the site, across the railroad tracks. The subject site is separated from Friends University and the adjacent low to moderate density residential development by the active railroad tracks, the arterial Meridian Avenue and Kellogg Street/US-54 Highway.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site's MF-29 zoning allows the current single-family residential development by right, as well as any potential duplex, multi-family residential and some office

development. The site's location on the northwest corner of the arterial Meridian Avenue – Kellogg Street/US-54 Highway interchange makes single-family residential and duplex development less attractive, as the traffic generated by the interchange compromises the value of these types of residential development.

- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested LC zoning allows for commercial development that is more suitable for this location at the northwest corner of the arterial Meridian Avenue– Kellogg Street/US-54 Highway interchange. The existing and active railroad track running southwest – northeast through the area and abutting the west and north sides of the site separates the site from the existing low to moderate density single-family residential development located north and west of the site across the railroad tracks.

- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2035 Wichita Future Growth Concept Map” of the Comprehensive Plan identifies the northeast portion of the site as appropriate for “new employment” and the west portion as appropriate for “residential development.” The new employment category encompasses areas likely to be developed or re-developed by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. Major shopping centers and office parks are likely to be developed as well, based on market driven factors. Higher density housing and convenience centers are also development possibilities. The site's new employment designation is likely a spillover from the 54.5-acre Friends University's designation as new employment center. The site's residential development designation appears to confirm the site's current single-family residential development.

The “2035 Urban Growth Areas Map” identifies the site as being in 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. Commercial development in the Established Central Area should be neighborhood-serving retail and office uses and high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses or through conversions of residential structures if appropriate site design features that limit traffic, noise, lighting, and adverse impacts on surrounding residential are provided and the scale of the development is appropriate for its context.

The locational criteria of Employment Centers states that they should be located at the intersection of arterial streets and along highways and commercial corridors. The site is located at the interchange of the arterial Meridian Avenue and Kellogg Street/US-54 Highway. The subject site does not require nor has direct access through residential neighborhoods. The site abuts the interchange of the arterial Meridian Avenue and Kellogg Street/US-54 Highway, which compromises the site's existing single-family residential development by the traffic it generates.

The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses including all densities of residential development. The requested LC zoning can be compatible with the new employment classification as well as the Established Central Area's infill goal of providing neighborhood-serving retail, office uses and high-density residential uses located along arterial streets; the arterial Meridian Avenue and Kellogg Street/US-54 Highway.

- (5) **Impact of the proposed development on community facilities:** The site will generate more traffic onto the interchange of the arterial Meridian Avenue and Kellogg Street/US-54 Highway. The site will also require a drainage study, via a replat of the site, because of the probable increase of paving due to the possible commercial development.