

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON Feb. 21, 2020

ORDINANCE NO. 51-185

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. ZON2019-00049**

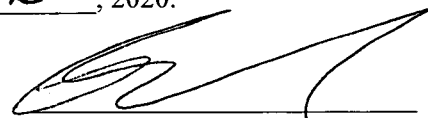
City zone change from B Multi-Family Residential to GC General Commercial and described as follows:

Lots 39, 40 and 41, Hydraulic Avenue, Baker's Addition, Wichita, Sedgwick County, Kansas. (Generally located on the east side of North Hydraulic Avenue between East 2<sup>nd</sup> Street and East 3<sup>rd</sup> Street (340 North Hydraulic Avenue).)

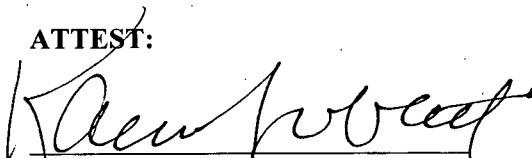
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

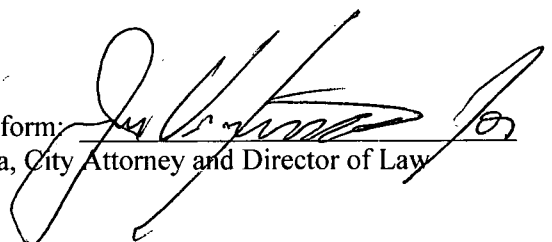
ADOPTED this 18 day of Feb., 2020.

  
Brandon J. Whipple, Mayor

ATTEST:

  
Karen Sublett, City Clerk



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

## STAFF REPORT

MAPC January 9, 2020

DAB I January 6, 2020

**CASE NUMBER:** ZON2019-00049

**APPLICANT/AGENT:** Juan Carlos Mona-Olmos (owner/applicant)

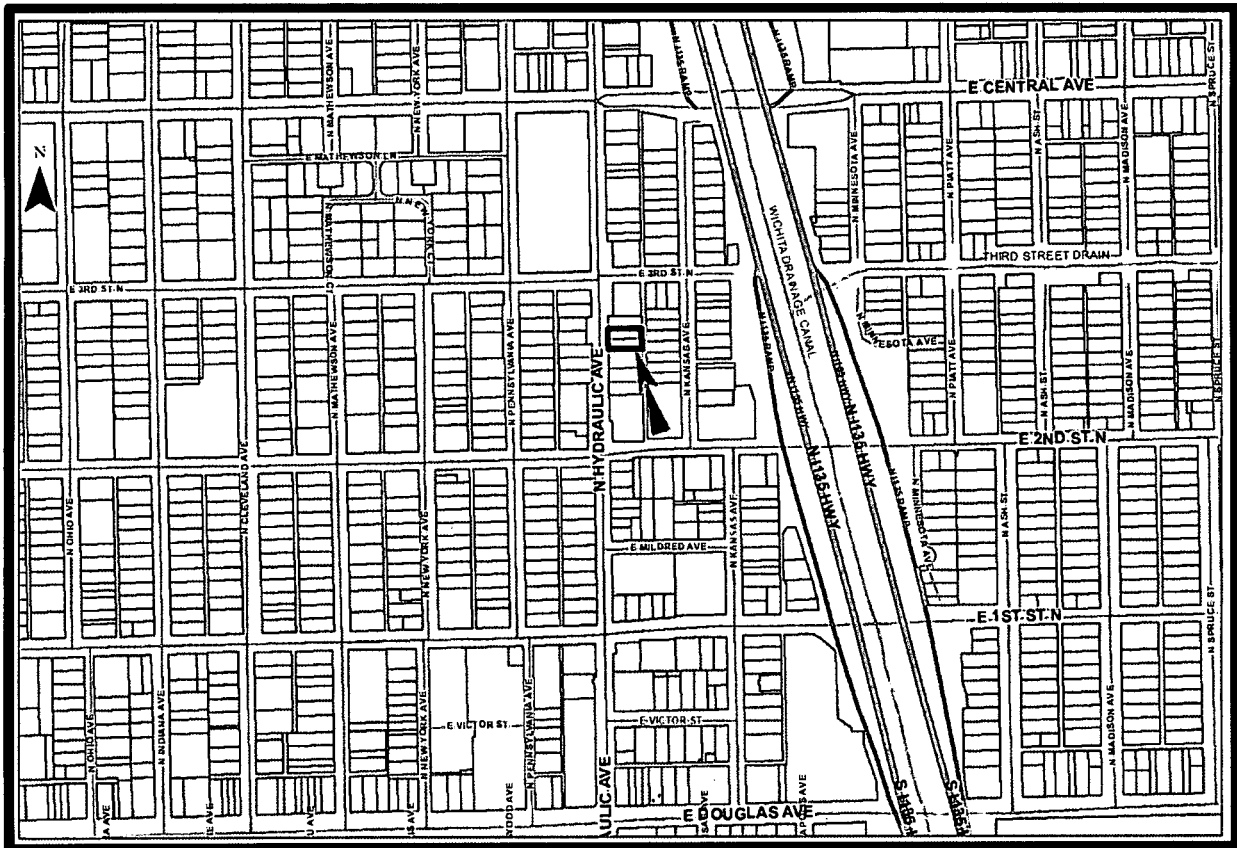
**REQUEST:** Zone change to GC General Commercial

**CURRENT ZONING:** B Multiple-Family Residential

**SITE SIZE:** 0.219 acres

**LOCATION:** East of North Hydraulic Avenue between East 2<sup>nd</sup> and East 3<sup>rd</sup> Streets  
(340 North Hydraulic Avenue)

**PROPOSED USE:** Establish a vehicle sales business



**BACKGROUND:** The applicant is seeking to change the zoning classification from B Multiple-Family Residential (B) to GC General Commercial (GC) on the three platted lots located on the east side of North Hydraulic Avenue between East 2<sup>nd</sup> Street and East 3<sup>rd</sup> Street. The desire is to establish a vehicle sales lot on the subject property, which is occupied by a residential structure. The subject property has 75 feet of frontage along Hydraulic Avenue (Lots 39, 40 and 41) and 128 feet of depth to the east of Hydraulic Avenue. The subject property was used residentially until it was purchased by the applicant. If approved, the conversion of the residential structure to a commercial use will require modifications as required by the adopted building codes of the City, as well as modifications of the property to standards applicable to the commercial use for parking and display area.

The surrounding neighborhood has a mixture of uses and zoning patterns. The properties to the south and east are zoned B Multiple-Family Residential and are occupied with residential properties. The property immediately to the north is also zoned B Multiple-Family Residential. It is presently vacant, but owned by the owner of the lot immediately to its north, which is zoned GC General Commercial that is occupied by an office/warehouse. The property on the west side of Hydraulic Avenue is zoned GC General Commercial and is used for commercial purposes. The property at the southwest corner of Hydraulic Avenue and 3<sup>rd</sup> Street is zoned B Multiple-Family Residential, but it is owned by USD 259 and is used as a parking lot and playground for Washington Accelerated Learning Elementary School. The right-of-way for 3<sup>rd</sup> Street between Hydraulic Avenue and Pennsylvania Avenue has been vacated and is used as part of the school grounds.

**CASE HISTORY:** The platting of the property creating the present lots was by the Baker’s Addition Addition to the City of Wichita, Kansas, which was recorded with the Register of Deeds of Sedgwick County, Kansas, on March 31, 1910. The subject property has been zoned B Multiple-Family Residential for many years. There is no other zoning actions on record regarding the subject property.

**ADJACENT ZONING AND LAND USE:**

NORTH:	B	Vacant
SOUTH:	B	Residential
EAST:	B	Residential
WEST:	GC	Commercial uses

**PUBLIC SERVICES:** The subject property currently has access to all utilities and paved local streets. It also fronts Hydraulic Avenue, which is a four-lane, arterial.

**CONFORMANCE TO PLANS/POLICIES:** The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as appropriate for “residential” uses. However, it is adjacent to land designated for both “commercial” and “industrial” uses. The mixture of designations at this location are indicative of the transitional nature of land development along this major traffic corridor. The conversion of this property to the commercial use proposed is consistent with the intent to support more commercial development. As such, this case is consistent with the Comprehensive Plan.

**RECOMMENDATION:** Given the transitional nature of land development occurring along this major traffic corridor; and based upon the information available at the time the staff report was prepared, staff recommends **APPROVAL** of the application.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The surrounding neighborhood has a mixture of uses and zoning patterns. The properties to the south and east are zoned B Multiple-Family Residential and are occupied with residential properties. The property immediately to the north is also zoned B Multiple-Family Residential. It is presently vacant, but owned by the owner of the lot immediately to its north, which is zoned GC General Commercial that is occupied by an office/warehouse. The property on the west side of Hydraulic Avenue is zoned GC General Commercial and is used for commercial purposes. The property at the southwest corner of Hydraulic Avenue and 3<sup>rd</sup> Street is zoned B Multiple-Family Residential, but it is owned by USD 259 and is used as a parking lot and playground for Washington Accelerated Learning Elementary School. The right-of-way for 3<sup>rd</sup> Street between Hydraulic Avenue and Pennsylvania Avenue has been vacated and is used as part of the school grounds.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned B Multiple-Family Residential and could continue to be used residentially. However, given the location on a major traffic corridor and with the establishment of businesses in the area, it is less economically viable for residential uses. The proposed change expands the development opportunities.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed zone change will not detrimentally affect nearby properties. The entire area is already transitioning to more commercial development. The development standards within the Unified Zoning Code will mitigate all potential impacts on adjacent properties.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan:** The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as appropriate for “residential” uses. However, it is adjacent to land designated for both “commercial” and “industrial” uses. The mixture of designations at this location are indicative of the transitional nature of land development along this major traffic corridor. The conversion of this property to the commercial use proposed is consistent with the intent to support more commercial development. As such, this case is consistent with the Comprehensive Plan.
5. **Relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner:** The proposed changes will create no issues to the public health, safety or welfare.
6. **Impact of the proposed development on community facilities:** There will be no impact on community facilities.