

OCA150004 BID #37529-009 CID #76383

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ORDINANCE NO. 49-075

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:

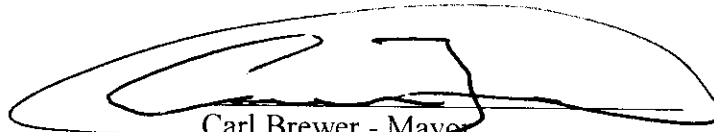
Case No. DER2011-00004

Zone change to CBD Central Business District for those properties listed, depicted and legally described in "Downtown Proposed Rezoning," which is incorporated herein as "Exhibit A" and by this publication made part of this ordinance.

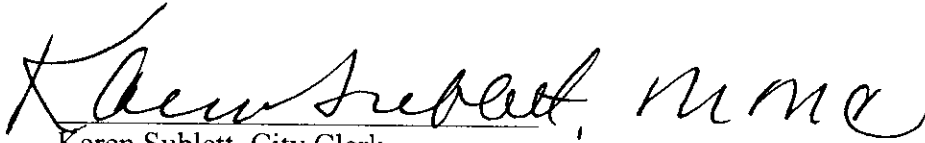
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**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, September 13, 2011

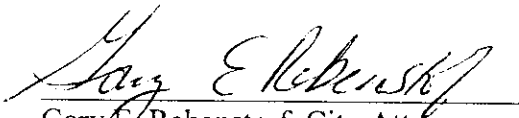

  
Carl Brewer - Mayor

ATTEST:

  
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

  
Gary E. Rebenstorf, City Attorney  


City of Wichita  
City Council Meeting  
August 23, 2011

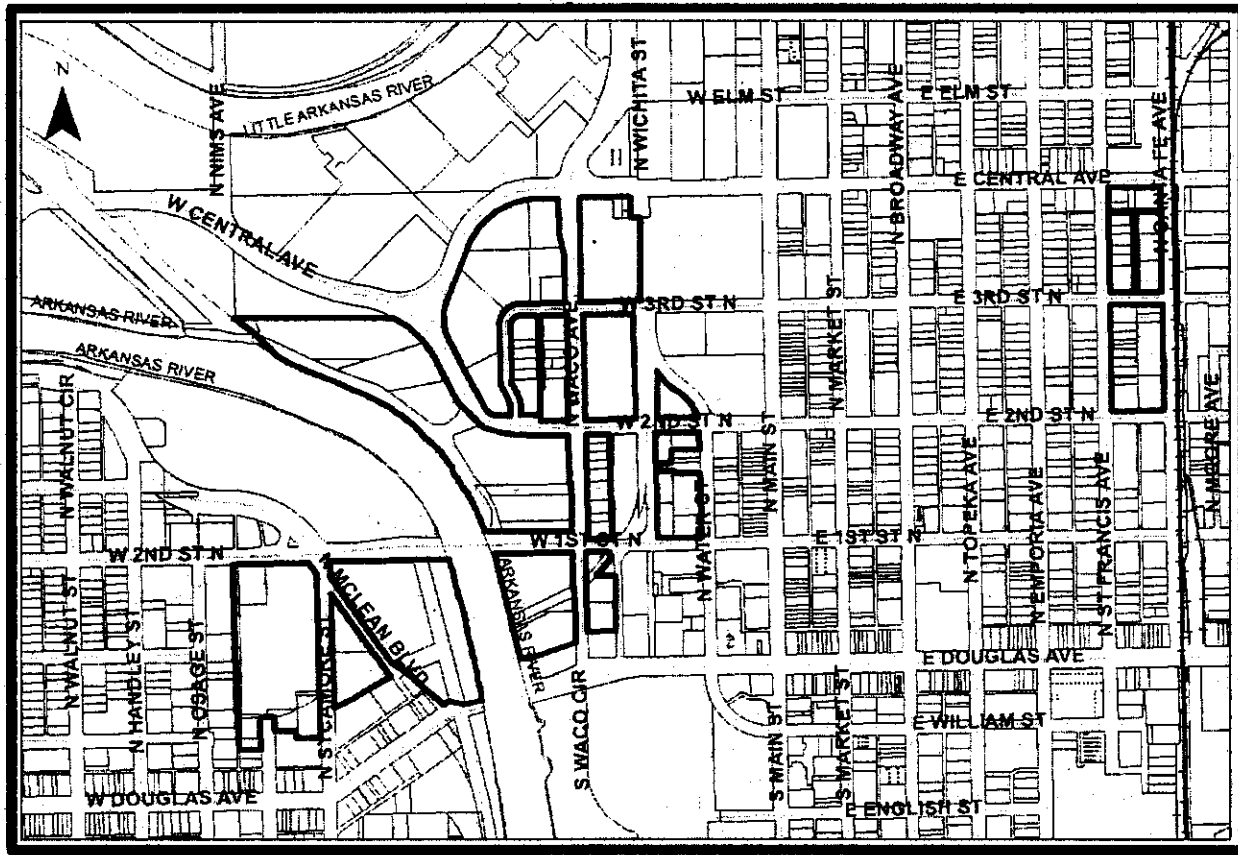
**FILE COPY**

**TO:** Mayor and City Council Members  
**SUBJECT:** DR2011-04: Downtown Rezoning Proposal (Districts IV and VI)  
**INITIATED BY:** Metropolitan Area Planning Department *JLS*  
**AGENDA:** Planning (Consent)

*A5-0*

MAPC Recommendations: Approve (9-0).

MAPD Staff Recommendations: Approve.



**Background:** On December 14, 2010, the Wichita City Council adopted Project Downtown: the Master Plan for Wichita to serve as a blueprint for revitalization of downtown. One of the goals of Project Downtown is to "foster development with new tools." One of Project Downtown's strategies by which this goal is proposed to be accomplished is to "update zoning to enable high-value walkable development."

To implement this strategy, the Metropolitan Area Planning Commission (MAPC) initiated a rezoning of certain properties currently zoned either "B" Multi-Family, "LC" Limited Commercial, "GC" General Commercial, or "LI" Limited Industrial to "CBD" Central Business District. The proposed rezoning is similar to MAPC initiated zoning changes to "CBD" Central Business District that have been approved in the past for the Commerce Street Arts District and the Douglas Design District. The properties proposed for rezoning to "CBD" Central Business District are outlined on the map above.

**Analysis:** Project Downtown recommended that the zoning in downtown be updated to the "CBD" Central Business District zoning classification in order to accomplish the following benefits:

1. "CBD" Central Business District zoning permits existing uses to continue on the properties to be rezoned while also permitting additional uses not currently permitted. In particular, residential uses are not currently permitted on the properties currently zoned "LI" Limited Industrial. Mixed-use development is key to promoting walking in downtown.
2. "CBD" Central Business District zoning does not have an on-site parking requirement, which makes it easier to provide parking off-site or to share parking among adjacent properties. Shared parking is key to the "park once" strategy for promoting walking in downtown.
3. "CBD" Central Business District zoning does not have setback requirements or height limitations, so larger buildings can be built than is currently permitted. Higher density development is key to promoting walking in downtown.

In the Notice of Public Hearing that was mailed to affected property owners, owners that did not want their property to be rezoned could submit an "Opt Out" form to have their property remain as currently zoned. No "Opt Out" forms were received. No Protest Petitions have been received.

**Financial Considerations:** None.

**Goal Impact:** The proposed downtown rezoning addresses the Quality of Life goal by promoting desired future land uses for downtown.

**Legal Considerations:** The zone change ordinance has been reviewed and approved as to form by the Law Department.

**Recommendation/Actions:** Adopt the findings of the MAPC, approve the zone change as recommended by the MAPC, and place the ordinance on first reading (simple majority required).

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

**Attachments:** MAPC Minutes Excerpt  
Ordinance

**EXCERPT OF THE JULY 21, 2011 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING**

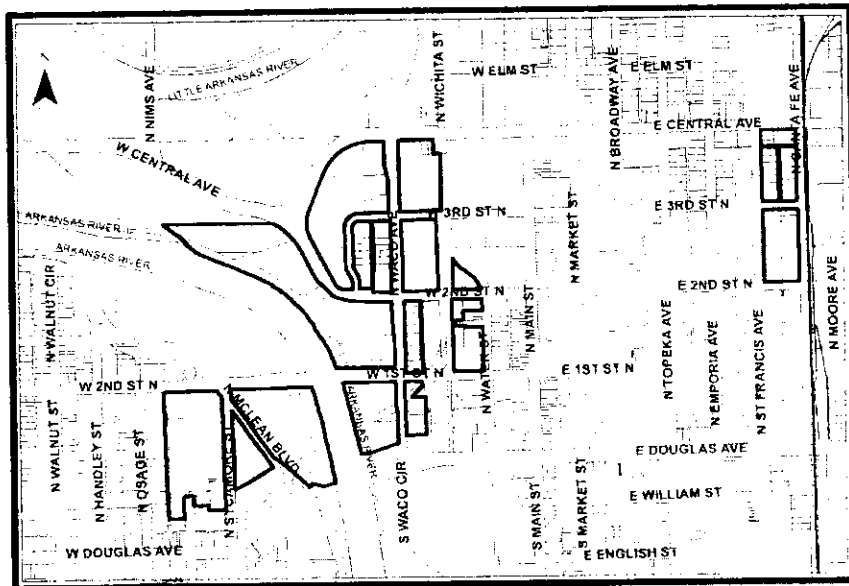
**Case No.: DR2011-04** - Project Downtown Rezoning Proposal. The Wichita-Sedgwick County Metropolitan Area Planning Commission initiated rezoning of certain downtown properties from B Multi-Family; LC Limited Commercial, GC General Commercial, and LI Limited Industrial to CBD Central Business District CBD on properties generally described as:

All of the properties that are proposed to be rezoned are located within the area generally bounded by: Central on the north, Santa Fe on the east, and Douglas on the south, and Osage on the west.

**Background:** In November, 2010, the Metropolitan Area Planning Commission (MAPC) adopted Project Downtown: the Master Plan for Wichita to serve as a blueprint for revitalization of downtown. One of the goals of Project Downtown is to “foster development with new tools.” One of Project Downtown’s strategies by which this goal is proposed to be accomplished is to “update zoning to enable high-value walkable development.”

To implement this strategy, the MAPC voted on June 23, 2011 to initiate a rezoning of certain properties currently zoned either “LC” Limited Commercial, “GC” General Commercial, or “LI” Limited Industrial and to “CBD” Central Business District and established July 21, 2011 as the public hearing to consider the Project Downtown Rezoning Proposal. The proposed rezoning is similar to MAPC initiated zoning changes to “CBD” Central Business District that have been approved in the past for the Commerce Street Arts District and the Douglas Design District.

The properties proposed for rezoning to “CBD” Central Business District are outlined on the map below. Attached maps show the existing zoning of the area, and how the area would be zoned if the proposed rezoning is approved.



The proposed update to downtown's zoning has several benefits:

1. "CBD" Central Business District zoning permits existing uses to continue on the properties to be rezoned while also permitting additional uses not currently permitted. In particular, residential uses are not currently permitted on the properties currently zoned "LI" Limited Industrial. Mixed-use development is key to promoting walking in downtown.
2. "CBD" Central Business District zoning does not have an on-site parking requirement, which makes it easier to provide parking off-site or to share parking among adjacent properties. Shared parking is key to the "park once" strategy for promoting walking in downtown.
3. "CBD" Central Business District zoning does not have setback requirements or height limitations, so larger buildings can be built than is currently permitted. Higher density development is key to promoting walking in downtown.

The attached Notice of Public Hearing contains an "Opt Out Form." Any property owner that does not wish to be rezoned need only submit this form prior to the July 21, 2011, public hearing to have their property remain as currently zoned. The Notice of Public Hearing also provides my direct contact information for any property owner who needs additional information regarding the rezoning proposal and how it may impact their property. Many property owners have contacted me regarding the rezoning proposal and all have been supportive. To date, no Opt Out Forms have been received.

**Recommendation:** The Project Downtown Rezoning Proposal is a tool to implement the goals and initiatives contained in the Project Downtown: the Master Plan for Wichita. Accordingly, planning staff recommends that the proposed rezoning be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The rezoning proposal is consistent with and reflective of the present character and uses within the neighborhood. The "opt-out" provision allows property owners to remain as currently zoned, if they so choose.
2. The suitability of the subject property for the uses to which it has been restricted. The predominate LI Limited Industrial and GC General Commercial zoning of the area proposed to be rezoned has setback, height, and on-site parking regulations that are inconsistent with the dense, mixed-use development pattern envisioned by Project Downtown. Additionally, the LI Limited Industrial zoning classification does not permit residential uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The predominate zoning of nearby properties is CBD Central Business District; therefore, there should be no detrimental effects on these properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The requested change is consistent with policy direction contained in both the Wichita-

Sedgwick County Comprehensive Plan and Project Downtown: the Master Plan for Wichita.

5. Impact of the proposed development on community facilities: New development that may result from this rezoning proposal will be more consistent with planned community facilities for the area than development that could occur without the rezoning.

**SCOTT KNEBEL**, Planning Staff presented the Staff Report.

He said they received communication from Ruffin Properties saying that they wished they had been included in the rezoning. He said staff will be looking at the Douglas frontage in the Delano District because they have had a number of requests in the past for redevelopment projects in that area. He said one option they are looking at is changing the corridor to Central Business District similar to what has been done east of downtown.

**ALDRICH** asked about the notification procedure and the opt out option.

**KNEBEL** explained that notices were mailed and the opt out form was part of the notice.

**ALDRICH** asked if any notices came back.

**KNEBEL** said no notices to the actual property owners came back with the opt out form. He added that they were required to notify surrounding properties and one of those notices was returned.

**ALDRICH** clarified that once the rezoning takes place, the property owner loses the ability to opt out.

**KNEBEL** said yes once the Ordinance is published then the zoning is changed. He said a property owner would have to initiate the rezoning process.

**MOTION:** To approve subject to staff recommendation.

**DENNIS** moved, **KLAUSMEYER** seconded the motion, and it carried (9-0).