

City of Wichita  
City Council Meeting  
June 23, 2015

**TO:** Mayor and City Council

**SUBJECT:** ZON2015-00018 – City Zone Change from LI Limited Industrial to CBD Central Business District on Property Generally Located South of Waterman Street and East of Commerce Street (District I)

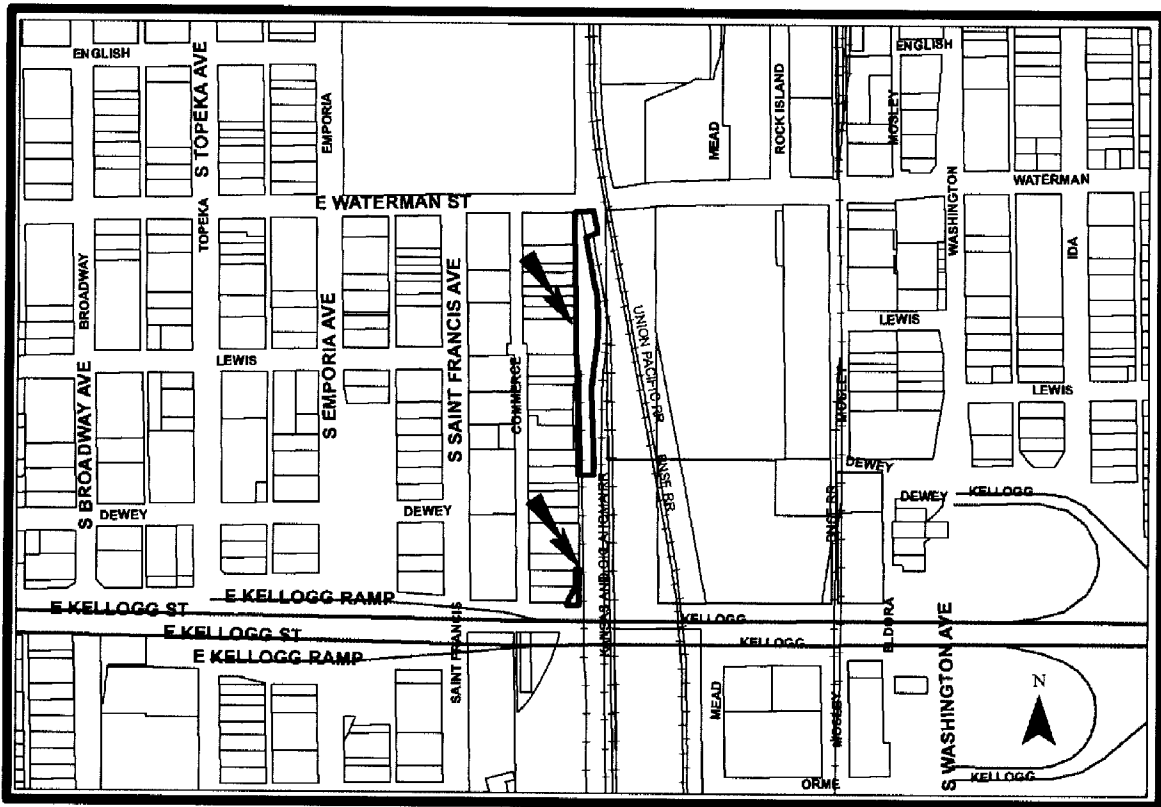
**INITIATED BY:** Metropolitan Area Planning Department *JLS dm*

**AGENDA:** Planning (Consent)

**MAPC Recommendation:** The MAPC recommended approval of the request (12-0).

**DAB Recommendation:** District Advisory Board I recommended approval of the request (9-1).

**MAPD Staff Recommendation:** The Metropolitan Area Planning Department staff recommended approval of the request.



**Background:** The long broken, irregular shaped, undeveloped, unplatted Limited Industrial (LI) zoned site is located north of Kellogg Street, south of Waterman Street, east of Commerce Street and west of the elevated railroad tracks. The requested Central Business District (CBD) zoning matches the west abutting CBD zoned properties, which were rezoned from LI; ZON2000-00032 and ZON2005-00031. Most of these abutting properties' brick, one-two story buildings were built (1900-1930) originally as warehouses utilizing the area's still existing active railroad lines/tracks. The National Historic registered Broom Corn Warehouse is the oldest building, built in 1895. The most recent building appears to have been built in 1960. What was once an industrial warehouse district is now mostly art studios/galleries, an antique store, offices, retail and garden apartments, and is part of the Commerce Street Art District. The applicants propose to use the proposed CBD zoned subject property for much needed paved parking for these abutting CBD zoned developments. The site's current LI zoning would allow parking by right, but the applicants want the property's zoning to match the west abutting development.

The areas located further west, south and north of the site are also zoned CBD. The dominate development in this area of CBD zoning is the recently completed (2009) Intrust Bank Arena, located north of the site, across Waterman Street. Intrust Bank Arena hosts concerts, hockey games, basketball games and other events that require a large events venue. Parking lots cluster around the Arena's west and south sides. Office buildings, retail, parking lots and vacant buildings are located further west of the site. The exception to the area's CBD zoning is the east and south abutting LI zoned railroad easement, which has active ground level rail spurs and elevated tracks. More CBD zoned properties, including the Union Station Depot, are located further east of the site, across the elevated tracks.

**Analysis:** On May 21, 2015, the Metropolitan Area Planning Commission (MAPC) considered the request. There were no protesters at the MAPC meeting. The MAPC voted 12-0 to approve the request for CBD zoning.

On June 1, 2015, District Advisory Board (DAB) I considered the request. There were no protesters at the DAB meeting. DAB I voted 9-1 to approve the request for CBD zoning. Planning staff has received no valid protests.

**Financial Considerations:** Approval of this request will not create any financial obligations for the City.

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

**Recommendation/Actions:** It is recommended that the City Council adopt the findings of the MAPC and approve the requested zoning, subject to platting within a year (a simple majority vote) and instruct the Planning Department to forward the ordinance for first reading when the plat is completed.

**Attachments:**

- MAPC minutes
- DAB memo
- Ordinance

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. ZON2015-00018**

Zone change from LI Limited Industrial ("LI") to CBD Central Business District ("CBD") subject to platting within a year of approval the governing body on an approximately 1.12-acre property described as:

A tract of land in the Southwest Quarter of Section 21, Township 27 South, Range 1 East of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas described as follows: Commencing at the northeast corner of Lot 78 on vacated Santa Fe Ave., (platted as Fifth Ave.), N. A. English's 3rd Addition to the City of Wichita, Sedgwick County, Kansas; thence S89°59'35"E (assumed basis of bearings) along the easterly extension of the north line of said Lot 78, 30.00 feet to a point on the east line of said vacated Santa Fe Ave., and for a point of beginning; thence continuing S89°59'35"E along the easterly extension of the north line of said Lot 78, 19.06 feet; thence S09°34'05"E, 237.20 feet to the point of curvature of a tangent curve to the right; thence southerly along said curve, having a central angle of 09°36'35" and a radius of 617.25 feet, an arc distance of 103.53 feet, (having a chord length of 103.41 feet bearing S04°45'47"E), to the point of tangency of said curve; thence S00°02'30"W, 14.58 feet to the point of curvature of a tangent curve to the right; thence southerly along said curve, having a central angle of 06°50'19" and a radius of 607.50 feet, an arc distance of 72.51 feet, (having a chord length of 72.46 feet bearing S03°27'40"W), to the point of tangency of said curve; thence S06°52'49"W, 91.32 feet to the point of curvature of a tangent curve to the left; thence southerly along said curve, having a central angle of 06°48'59" and a radius of 556.50 feet, an arc distance of 66.21 feet, (having a chord length of 66.17 feet bearing S03°28'19"W), to the point of tangency of said curve; thence S00°03'50"W, 227.15 feet; thence N89°57'58"W, 46.58 feet to a point on the east line of Lot 14, Fletcher's 2nd Addition to Wichita, Sedgwick County, Kansas; thence N00°02'02"E along the east line of said Lot 14 and Lots 13, 12, and 11 in said Fletcher's 2nd Addition, 78.66 feet to the northeast corner of said Lot 11; thence N89°49'38"W along the north line of said Lot 11, 13.50 feet; thence N00°02'02"E parallel with the east line of Lots 10, 9, 8, 7, 6, 5, 4, and 3 in said Fletcher's 2nd Addition, 200.00 feet to a point on the north line of said Lot 3; thence S89°49'38"E along the north line of said Lot 3, 13.50 feet to the northeast corner of said Lot 3, said northeast corner also being the southeast corner of Lot 2 in said Fletcher's 2nd Addition; thence N00°02'02"E along the east line of said Lot 2 and Lot 1 in said Fletcher's 2nd Addition, 56.30 feet, more or less, to the northeast corner of said Lot 1; thence N89°49'38"W along the north line of said Lot 1, 2.28 feet to the intersection with the southerly extension of the east line of said vacated Santa Fe Ave.; thence N00°08'41"E along the extended east line of said vacated Santa Fe Ave., 472.72 feet, more or less, to the point of beginning; TOGETHER

WITH a tract of land in the Southwest Quarter of Section 21, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the northeast corner of Lot 78 on vacated Santa Fe Ave., (platted as Fifth Ave.), N. A. English's 3rd Addition to the City of Wichita, Sedgwick County, Kansas; thence S89°59'35"E (assumed basis of bearings) along the easterly extension of the north line of said Lot 78, 30.00 feet to a point on the east line of said vacated Santa Fe Ave., said point also being the northwest corner of a tract of land described and conveyed in the Quitclaim Deed recorded in DOC.#/FLM-PG: 29358323; thence continuing S89°59'35"E along the easterly extension of the north line of said Lot 78, (and along the north line of said tract of land), 19.06 feet to the northeast corner of said tract of land, and for a point of beginning; thence continuing S89°59'35"E along the easterly extension of the north line of said Lot 78, (and along the easterly extension of the north line of said tract of land), 34.48 feet; thence S09°34'05"E parallel with the east line of said tract of land, 58.00 feet; thence S80°25'55"W, 34.00 feet to a point on the east line of said tract of land; thence N09°34'05"W along the east line of said tract of land, 63.74 feet to the point of beginning, and TOGETHER WITH that part of the Condemnation recorded in Misc. Book A, Page 408 which lies in the East Half of the Southwest Quarter of Section 21, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing where the west line of the W. & S.W. Ry. right-of-way intersects the south line of the East Half of said Southwest Quarter; thence westerly along the south line of the East Half of said Southwest Quarter, 2.65 feet for a point of beginning; thence northerly parallel with the west line of said W. & S.W. Ry. right-of-way, 146.00 feet, more or less, to the intersection with the easterly extension of the south line of Lot 39, Fletcher's Addition to Wichita, Kansas; thence westerly along said extended south line, 28.35 feet; thence southwesterly, 35.00 feet normally distant westerly of the centerline of the W. & W. Ry. to a point on the south line of the East Half of said Southwest Quarter; thence easterly along the south line of the East Half of said Southwest Quarter to the point of beginning, all being subject to that part of the above described tract condemned for additional right-of-way designated as Tract 23 in Condemnation Case No. A-33119, Div. No. 2 recorded in Misc. Book 263, Page 321.

**SECTION 2.** That upon the taking effect of this ordinance, contingent on completing the platting of the above described property, 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 Soblet, City Clerk

Kansas City Clerk



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