

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. ZON2006-00030

Request for Zone change from "GO" General Office to "LC" Limited Commercial, on property described as:

Lot 2, Lyman Ray 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located east of Greenwich and south of Waterman.

Subject to the following Protective Overlay PO#180: All buildings on this lot shall be limited to a maximum building height of 60 feet.

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, October 24/2006

Carlos Mayans
Carlos Mayans - Mayor

ATTEST:

Karen Sublett
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

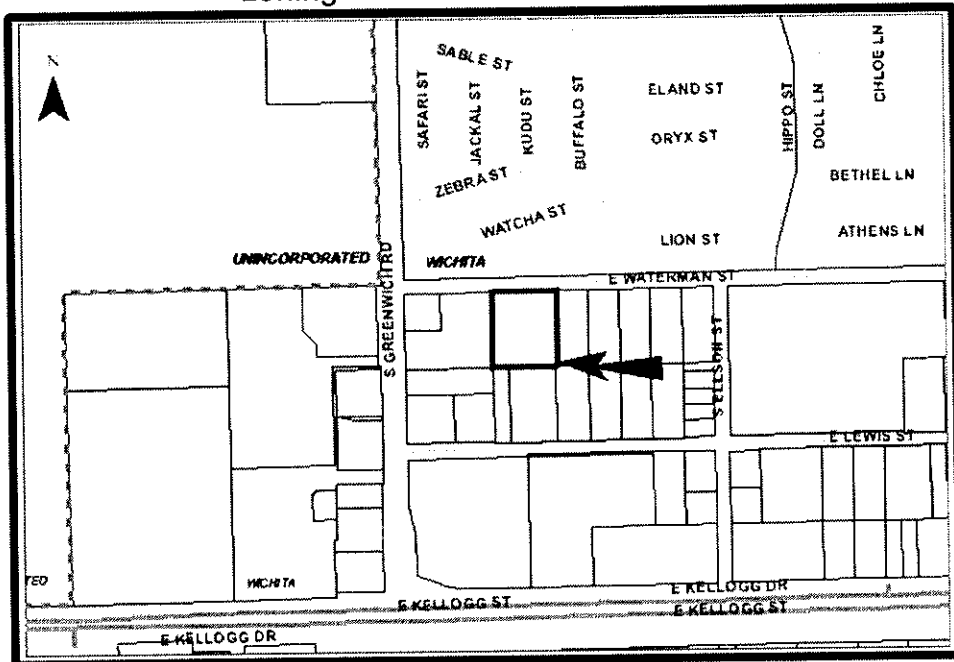
Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

STAFF REPORT

MAPC 9-7-06

DAB II 9-11-06

- CASE NUMBER: ZON2006-00030
- APPLICANT/AGENT: Greenwich Village, LLC (Han Diec) / Kenneth Lerman
- REQUEST: LC Limited Commercial
- CURRENT ZONING: GO General Commercial
- SITE SIZE: 1.89 acres
- LOCATION: East of Greenwich, south of east Waterman
- PROPOSED USE: To create uniform zoning on an ownership that has split zoning



BACKGROUND: The application area is vacant, contains 1.89 acres and is located south of East Waterman Street and approximately 365 feet east of Greenwich Road. The subject lot is zoned GO General Office and is undeveloped. In addition to the subject lot, the applicant owns the two lots to the west of the application area. These two lots located west of the application area are zoned LC Limited Commercial and are developed with retail commercial uses. The owner desires to have his ownership zoned uniformly.

The application area has been viewed as a buffer tract located between the residential uses located to the east and south and the commercial uses located to the west of the application area. The larger area located between Waterman, Ellison, Lewis and Greenwich may be in transition and the two manufactured home parks located north of Waterman and east of Ellison create a uniform zoning and land use boundary along the north and east. Pressure for nonresidential zoning will probably increase from the Kellogg and Greenwich corridors, which have commercial zoning and commercial uses.

CASE HISTORY: The area was annexed by the City in the 1960s. The application area was rezoned from AA Single-family Residential (SF-5 Single-family Residential) to BB Office (GO General Office) in 1979 with the approval of case number Z-2153. The site was replatted to Lyman Ray 2nd Addition in 1979.

ADJACENT ZONING AND LAND USE:

NORTH: MH Manufactured Housing; manufactured home park
SOUTH: SF-5 Single-family Residential; residential
EAST: SF-5 Single-family Residential; residential
WEST: LC Limited Commercial and GC General Commercial; strip retail commercial and mini warehouse

PUBLIC SERVICES: Sewer and water are available. East Waterman is a paved local street with 60 feet of right-of-way.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" depicts this site as appropriate for "urban residential" uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** There is a mix of zoning – Limited Commercial, General Commercial, Single-family and Manufactured Home – and uses, residential and nonresidential. This neighborhood is beginning to experience increased pressure for more intensive zoning driven by the Kellogg

and Greenwich commercial corridors and the age of the housing.

2. The suitability of the subject property for the uses to which it has been restricted: From a zoning standpoint, the GO General Office district permits a significant number of permitted uses that potentially could be economically viable, including: residential (single-family through multi-family), community assembly, church, convalescent care, medical services, general office, hotel/motel, broadcast/recording studio or funeral home. From the applicant's view, it may be easier to develop and market if his entire ownership is all one zoning district.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request would permit retail uses to be located deeper into the neighborhood than is currently permitted along Waterman. Code required buffers such as compatibility setback, height, dumpster placement and screening, and landscaping standards will mitigate potential impacts of increased traffic and extended business hours when compared to most office uses.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial would presumably pose a loss of economic opportunity to the applicant. Approval would increase the square footage of retail zoned land available to the community.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is inconsistent with adopted plans as the "2030 Wichita Functional Land Use Guide" depicts this site as appropriate for "urban residential" uses.
6. Length of time the property has remained vacant as zoned. The property is vacant, but staff does not have a good way of determining if the vacancy is a function of market forces or if the property has not been marketed.
7. Impact of the proposed development on community facilities: Anticipated impacts are accounted for by existing or proposed improvements.