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OCA 150004

ORDINANCE NO. 50-592

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. ZON2017-00025

City zone change from GO General Office to NR Neighborhood Retail zoning; described as:

The North 78 feet of the East 183.2 feet of Lot 1, Cedar Lakes Plaza Addition, Wichita, Sedgwick County, Kansas.

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

(SEAL)

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

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 8

STAFF REPORT
MAPC July 20, 2017
DAB II August 14, 2017

CASE NUMBER: ZON2017-00025

APPLICANT/AGENT: Minh Quoc Tram & Zheng G. Deng Lewis

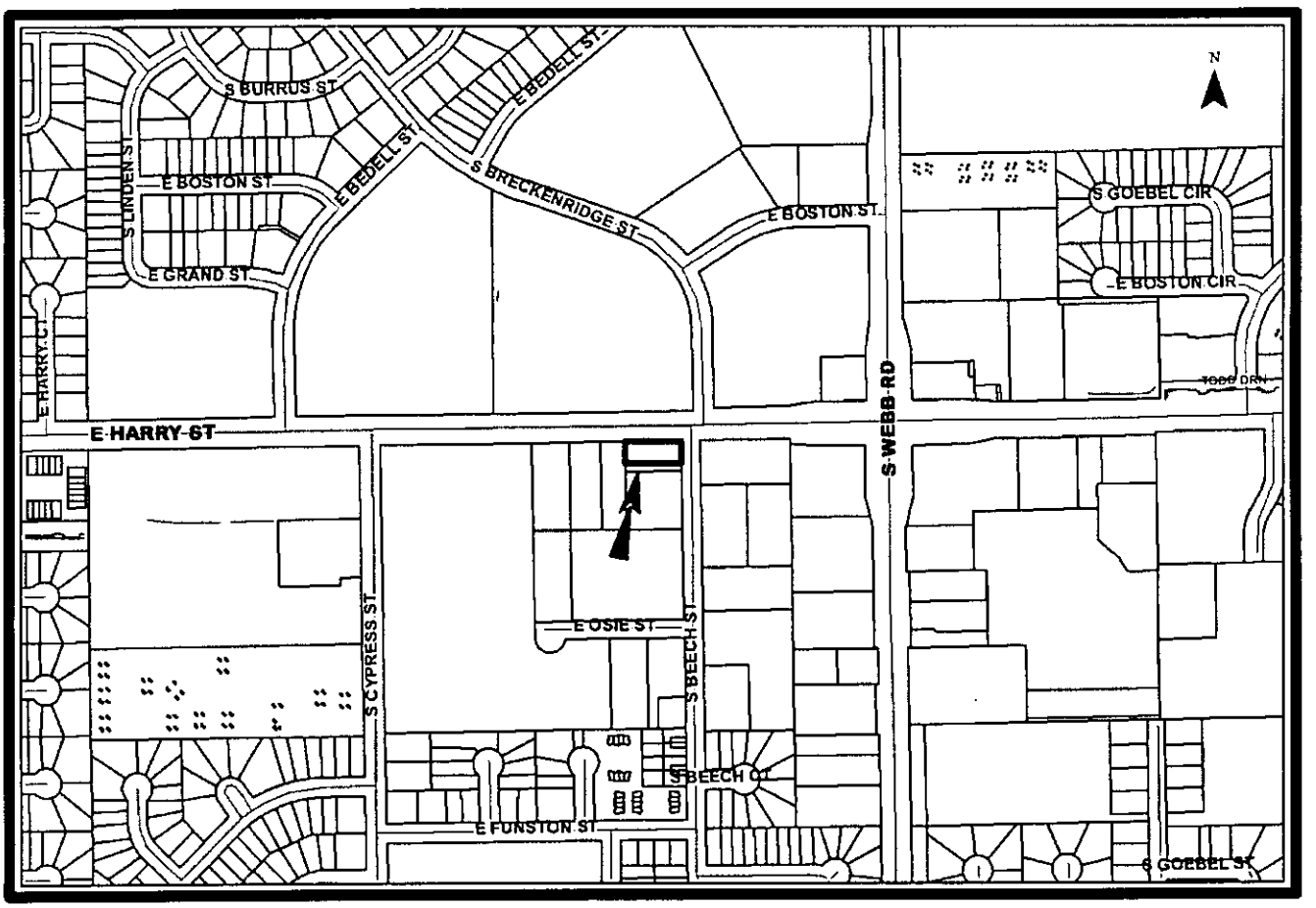
REQUEST: NR Neighborhood Retail

CURRENT ZONING: GO General Office

SITE SIZE: 0.42 acre

LOCATION: Generally located west of East Harry Street at the southwest corner of South Beech Street and East Harry

PROPOSED USE: Office, Personal Services and Restaurant/Coffee Shop



BACKGROUND: The applicant requests a zone change from GO General Office (GO) to NR Neighborhood Retail (NR) on a 0.42 acre site located one block west of the East Harry Street and South Webb Road intersection. The site has 183 feet of frontage along East Harry Street and 103 feet along South Beech Street. The applicant proposes the rezoning to allow permitted uses for "personal care service" and "restaurant" uses, which requires NR zoning.

The applicant has submitted a site plan of the parcel indicating parking area and the number of spaces. Also submitted is a floor plan detailing the first and second floor layout. The applicant proposes to locate the personal care business and coffee shop on the first floor. Currently the site has two handicap accessible parking spaces and 33 standard parking spaces for a total of 35 spaces. The number of parking spaces required by the Unified Zoning Code for NR uses is one space per 333 square feet for office/retail and one space per three seats for restaurant use. The site exceeds the required number of parking spaces for the proposed uses.

Property immediately north of the subject site is zoned TF-3 Two-Family Residential and is developed with garden apartments in the Quail Meadows Community Unit Plan. Located west of the site LC Limited Commercial zoning developed with a one-story masonry building used for retail sales. East of the site is an LC zoned lot developed as an office park. South of the site is GO General Office zoned property that is developed with garden apartments.

CASE HISTORY: The site was platted as Lot 1 of the Cedar Lakes Plaza Addition in January 1980. The existing structure was built in 1981.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Garden Apartments
SOUTH:	GO	Garden Apartments
EAST:	LC	Office Park
WEST:	LC	General Retail

PUBLIC SERVICES: East Harry Street is a paved, four-lane arterial street at this location with a 100-foot right-of-way. South Beech Street is a paved local street with a 64-foot right-of-way. The site has driveway access onto East Harry. There is no access to Beech Street. All public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City Limit. The Future Growth Concept Map identifies the area "Commercial." The Plan encourages a full diversity of intensities and types, such as convenience retail, restaurants, offices and personal service uses mixed with residential.

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:** Property immediately north of the subject site is zoned TF-3 Two-Family Residential and is developed with garden apartments in the Quail Meadows Community Unit Plan. Located west of the site is zoned LC Limited Commercial and developed with a one-story masonry building used for retail sales. East of the site is an LC zoned lot developed as an office park. South of the site is GO General Office zoned property that is developed with garden apartments.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned GO and does not allow personal care services or restaurants.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The current site development will remain unchanged. Addition of person care services and restaurant uses would potentially benefit the other uses in the area.

4. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval will provide a wider range of small commercial uses to the area. Denial would presumably represent a loss of economic opportunity to the applicant/property owner.

5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City Limit. The Future Growth Concept Map identifies the area "Commercial." The Plan encourages a full diversity of intensities and types such as convenience retail, restaurants, offices and personal service uses mixed with residential.

6. **Impact of the proposed development on community facilities:** All services are in place. Increased demand on community facilities will be minimal based on proposed uses.

Staff Report Attachments:

1. Site Plan
2. Floor plan