Planning Agenda Item #_____

City of Wichita
City Council Meeting
January 14, 1996

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3215 - TAM NGUYEN, EXPRESS ALTERATIONS REQUESTS ZONE CHANGE FROM 'GO' GENERAL OFFICE TO 'NR' NEIGHBORHOOD RETAIL, LOCATED SOUTH OF CENTRAL, EAST OF BROOKSIDE (5813 EAST CENTRAL).

(DISTRICT #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to the additional provisions of a Protective Overlay District (9-2).

Staff Recommendation: Approve.

CPO Recommendation: Deny zone change, approve Conditional Use (6-0).

Background: The applicant requests a zone change from "GO" General Office to "NR" Neighborhood Retail on a 0.17 acre platted tract generally located south of Central, east of Brookside (5813 E. Central).

The applicant's business, Express Alterations, has recently remodeled an existing home on the subject property in order to relocate their business after being displaced by the Kellogg expansion. Express Alterations was erroneously issued a building permit for this remodel project. After the error was found, the Office of Central Inspection issued a temporary Certificate of Occupancy to allow the business to open to allow the applicant time to apply for the change in zoning. The site has access to Central, as well as to Brookside via a shared drive with the dentist office adjacent to the west. There is an existing 6-foot solid wood screening fence located at the rear of the property.

The zoning code classifies the applicant's business as a "personal care service", and first permits these uses "by right" in the "NR" district, or as a Conditional Use in the "GO" District. In addition to uses permitted in the "GO" district, the "NR" district permits a number of limited retail and service uses which are considered to be compatible when adjacent to or near residential areas, yet

tend to generate more traffic than typical office uses. Other uses include: general retail, financial institutions, and restaurants (the latter if limited to 2000 square feet and no drive-through service).

The surrounding land uses are mixed. There are offices and service businesses, as well as residences to the east and west along Central on property zoned "GO" and "NR". To the south of the application area are properties zoned "SF-6" and developed with residential uses. Across Central to the north is Kansas Lighting, and other commercial uses, on property zoned "LC".

CPO2 voted 6-0 to recommend denial of "NR" zoning, but was supportive of a Conditional Use to permit the personal service business.

During the Planning Commission's discussion of this matter, questions concerning the appropriateness of all uses permitted by the "NR" Neighborhood Retail district were addressed. The public voiced their concerns over the protection of the single-family residences to the south along Oakwood Drive. One property owner was concerned about drainage from and access to the site, along with restaurants as an allowed use.

After discussion, the MAPC voted (9-2) to approve the request as recommended by staff and subject to the additional provisions of a Protective Overlay prohibiting restaurants.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District; place the ordinance establishing the zone change on first reading; or

2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

STATE OF KANSAS)
Sedgwick County) ss:

Letha Stephenson, being first duly sworn,

Deposes and says: That he/she is Legal Manager of

THE DAILY REPORTER

a daily newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County, Kansas, with a general paid circulation on a daily basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published Monday through Friday, and has been so published continuously and uninterrupted in said county and state for a period of more than five years prior to the first publication of said notice, and has been admitted at the post office of Derby, Kansas, in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive week, the first publication thereof being made as aforesaid on the 31st day of January, 19 97, with subsequent publications being made on the following dates:

_____, 19____

_____, 19____

_____, 19____

_____, 19____

_____, 19____

_____, 19____

Letha M. Stephenson

Subscribed and sworn to before me this 3rd day of February, 19 97

Brenda Mello

Notary Public

BRENDA-MELLO
Notary Public - State of Kansas
My Appt. Expires 6/10/2000

Printer's Fee $ 55X.42=23.10

Additional Copies $_____

CW97-094 (First Published in The Daily Reporter, January 31, 1997)

ORDINANCE NO. 43-360

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 ORDINANCE NO. 43-014.

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 Ordinance No. 43-014, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3215

Zone change request from 'GO' General Office District to 'NR' Neighborhood Retail District, and to 'P-O' Protective Overlay District #10 on property described as:

The West 62 feet of the East 186 feet of Lot 1, Jim Fisher Addition, Wichita, Sedgwick County, Kansas. Generally located south of Central, east of Brookside (5813 E. Central).

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. Restaurants are prohibited on this site.

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, January 28, 1997.

Bob Knight, Mayor

ATTEST: (Seal)

Pat Burnett, City Clerk

(J31)

SEDGWICK COUNTY

WSC

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

December 27, 1996

Express Alterations
Tam Nguyen
5813 E. Central
Wichita, Ks 67208

RE: Z-3215 - Request for zone change from "GO" General Office to "NR" Neighborhood Retail on property generally located south of Central, east of Brookside (5813 E. Central)

Dear Mr. Nguyen:

At its regular meeting on December 19, 1996, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Planning Commission was to recommend that the request be APPROVED, subject to a Protective Overlay prohibiting restaurants.

This matter will be forwarded to the City Council for consideration at their regular meeting on Tuesday, January 14, 1997. This meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas, beginning at 9:00 a.m. We would remind you that zoning items are considered after all other matters of business. In recognition of the official public hearing held by the Planning Commission, the City Council does not permit additional debate by proponents or opponents of zone change requests.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this matter, please contact our office at 268-4421.

Sincerely,

Russ Ewy
Associate Planner