Planning Agenda Item #_____

City of Wichita
City Council Meeting
October 13, 1998

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-3289 - CONTINENTAL INVESTMENT COMPANY, INC. C/O HERBERT REA, PRESIDENT (APPLICANT/OWNER) REQUEST A ZONE CHANGE FROM "GO" GENERAL OFFICE TO "NR" NEIGHBORHOOD RETAIL, LOCATED SOUTH OF CENTRAL AND EAST OF WEST RIDGE DRIVE. **(DISTRICT #4)**

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to applicant submitting a no protest petition to the paving of West Ridge Drive (9-0).

Staff Recommendation: Approve, subject to applicant submitting a no protest petition to the paving of West Ridge Drive.

CPO Recommendation: Approve, subject to MAPD staff comments.

Background: The applicant is requesting to rezone the .326 acre tract from "GO" General Office to "NR" Neighborhood Retail located south of Central and east of West Ridge Drive. A 2,500 square foot building is currently located on this site. The area has one point of access to Central and also to West Ridge Drive. Traffic Engineering is not requesting any improvements to either of these two streets.

The applicant has stated that 1,483 square feet of the site is currently occupied by a chiropractor. However, the remainder of the site has remained unoccupied for approximately 2 years. During this time several persons have inquired about this space, but due to the limitations of the"GO" district no one has been willing to rent it. The type of inquires include a person wanting to sell grave stones but was unable to use this space due to the nature of the business being retail and also the limitations of outside display. Second, a book store inquired but retail sales is not a permitted use in the "GO" district. Finally, a beauty shop inquired but this use requires a Conditional Use in the "GO" district. If the rezoning application is approved to rezone this property to "NR" then the above mentioned

uses could all be done at this location, subject to some limitations.

This site is surrounded by single-family homes to the south, east and west. A small shopping center exists to the north across Central.

Even though the site is surrounded by single-family homes on three sides there is "LC" and "NR" zoning on both sides of the street just east and west of the application area and the remaining single-family homes could possibly be rezoned in the near future.

CPO 4 voted unanimously to approve this request at their September 15th meeting. No neighbors spoke in opposition to this request.

At the September 10th MAPC hearing, the applicant discussed this proposal and the need for the rezoning. One neighbor asked questions about the proposal and the requirement of a no protest petition required of the applicant. The MAPC voted unanimously to approve this request.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change; authorize the Mayor to sign the no protest petition to the paving of West Ridge Drive and instruct the City Clerk to record the document with the Register of Deeds; place the ordinance establishing the zone change on first reading; and instruct the City Clerk to publish the ordinance establishing the zone change; 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.)

Dept

(_____) Published in The Daily Reporter on _____

ORDINANCE NO. 43-984

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. Z- 3289

Zone change request from "GO" General Office District to "NR" Neighborhood Retail District, described as:

Lots 1 and 2, Block 1, Peacock Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located south of Central and east of West Ridge Drive.

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, _____

ATTEST:

Pat Burnett, City Clerk

Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney