

City of Wichita
City Council Meeting
May 6, 2003

Agenda Report No.

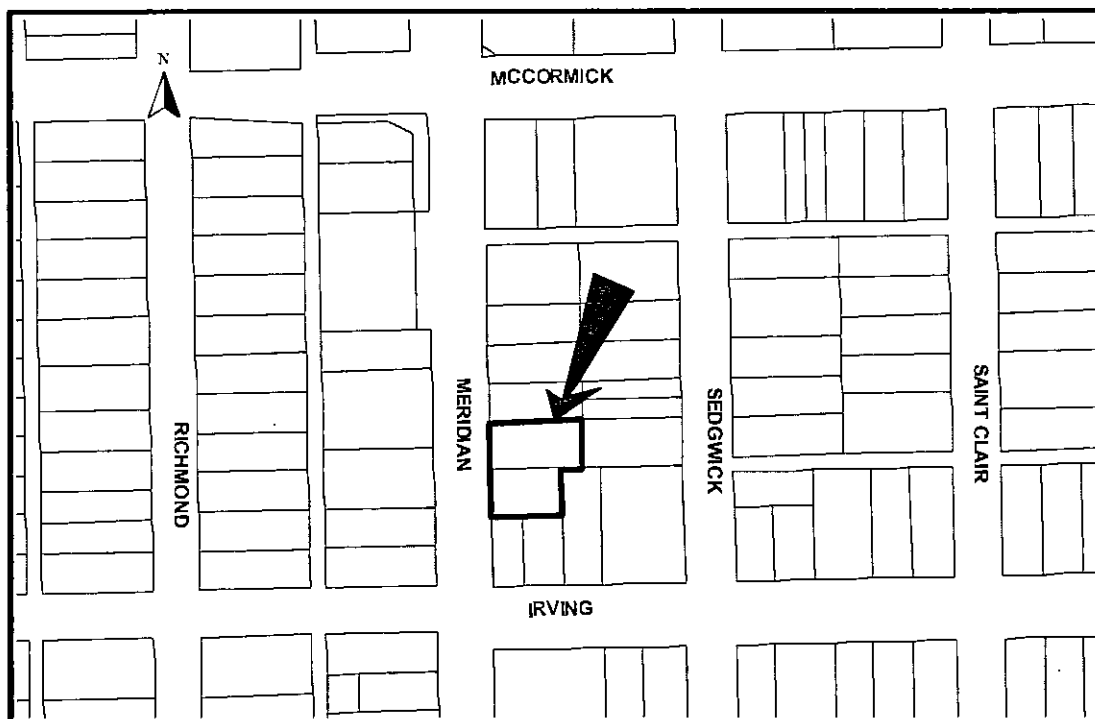
TO: Mayor and City Council

SUBJECT: ZON2003-00011 – Zone change from “MF-29” Multi-family Residential to “NO” Neighborhood Office. Generally located north of Irving and east of Meridian. (District IV)

INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA: Planning

MAPC Recommendation: Approve, subject to Protective Overlay #125 conditions. (11-0)
D.A.B. Recommendation: Approve, subject to Protective Overlay #125 conditions. (5-0-1)
Staff Recommendation: Approve, subject to Protective Overlay #125 conditions.



BACKGROUND: The applicants are requesting rezoning of a 0.3 acre tract that is located on the west side of Meridian about 100 feet north of Irving Street and that is zoned "MF-29" Multi-family Residential. The applicants are constructing a new residential-style building on the property and would like to use it as an office for a computer business. "NO" Neighborhood Office is the first zoning district that would permit this type of use.

The application area meets Unified Zoning Code setbacks for the "NO" district except the compatibility setback for the rear property line, which should have been 25 feet instead of 20 feet. Sufficient area is available to comply with City of Wichita Landscape Ordinance requirements; compliance with the Landscape Ordinance would be triggered by conversion to a commercial use accompanied by a 30 percent expansion of the building improvements or 50 percent of the value of building improvements. However, it is unlikely this threshold would be met because the applicant is seeking to convert a new structure to commercial use and does not intend to make any significant alterations to the structure. The use of a protective overlay could require the site meet the customary requirements for a commercial use.

The adjacent properties are zoned "MF-29" or "TF-3" Two-family Residential but occupied with single-family residences except for a triplex to the south and a duplex to the northeast. The intersection of McCormick and Meridian, located one-half block to the north, has retail/commercial uses on all four corners on property zoned "LC" Limited Commercial. These uses include a bar, bingo parlor, service station, auto repair and some smaller retail uses. A new fire station is located on the southeast corner of Irving and Meridian nearby. An apartment building on property zoned "GO" General Office is located a block to the southwest. The remaining properties in the vicinity along Meridian are residential.

At the District IV Advisory Board meeting held April 2, 2003, the board voted (5-0-1) to recommend approval subject to the protective overlay recommended by staff.

At the MAPC meeting held April 10, 2003, MAPC voted (11-0) to recommend approval subject to the protective overlay recommended by staff. There were no citizens present to speak on the case.

RECOMMENDATION:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of the protective overlay; approve the first reading of the ordinance.
2. Return the application to the MAPC for reconsideration.

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

(150004) Published in The Derby Reporter on

MAY 16 2003

ORDINANCE NO. 45-722

RECEIVED

MAY 16 2003

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS ^{METROPOLITAN PLANNING} ~~FOR DISTRICTS OF~~ CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, ~~ROUTED~~ ^{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. ZON2003-00011

Request for zone change from "MF-29" Multi-family Residential to "NO" Neighborhood Office, on property described as:

Lots 20 and 22 on Meridian Avenue, and the north 50 feet of Lots 2, 4, 6, and 8 on Lincoln Street (now Irving), together with the north half of vacated alley adjacent to said Lot 22 on the south, and the south half of vacated alley adjacent to said Lots 2, 4, 6, and 8 on the north; all in Garfield Addition, Wichita Sedgwick County, Kansas; except the west 10 feet thereof condemned for street right-of-way in case number A-53077. Generally located north of Irving and east of Meridian.

SUBJECT TO FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #125:

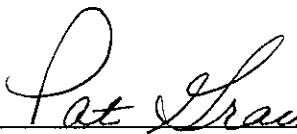
1. The property shall meet Unified Zoning Code requirements for site development regulations, including parking, screening and compatibility setbacks and the City of Wichita Landscape Ordinance requirements for a landscaped street yard on Meridian and buffers adjacent to residential zoning districts.
2. Free-standing signage shall be restricted to one monument style sign with a maximum height of six feet and a maximum sign face of 12 square feet.
3. Primary exterior building materials shall consist of materials typical of residential construction. Metal siding shall not be permitted as an exterior material except as incidental trim.
4. Lighting standards shall be no more than 14 feet in height, and shall otherwise conform to Sec. IV-B.4 of the Unified Zoning Code.
5. One point of access on Meridian shall be permanently closed.
6. The applicant shall dedicate a 10-foot contingent dedication of utility and pedestrian easement along Meridian.

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.

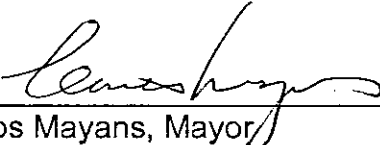
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, MAY 13 2003

ATTEST:

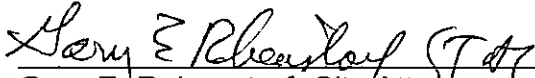

Pat Graves, City Clerk




Carlos Mayans, Mayor

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney