

OCA 15004

(CORRECTED)
ORDINANCE NO. 48-560

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. ZON2009-00029

Zone change from GO General Office ("GO") to LC Limited Commercial ("LC") on property described as:

The South 4 feet of Lot 13, all of Lots 15, 17 and 19 and the North 7 feet of Lot 21 and the North 21 feet of Lot 13, Granville Park Addition to Wichita, Sedgwick County, Kansas, generally located south of 13th Street North and east of Cleveland Avenue (1332 N. Cleveland Avenue).

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY #237:

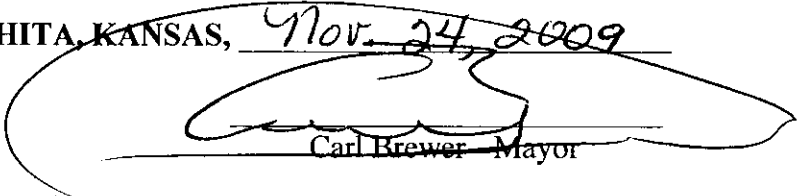
1. Additional restrictions on the use of the property shall be: prohibit liquor stores, offices that accept paychecks or car titles as security for loans and prohibit the sale of alcoholic liquor for consumption on premises.

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.

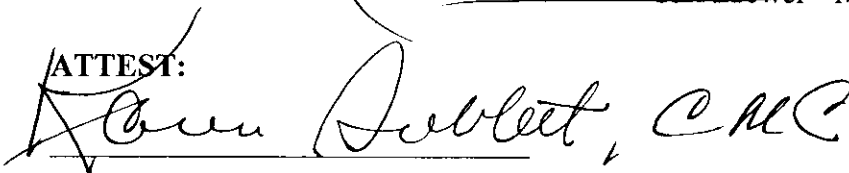
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS,

Nov. 24, 2009


Carl Brewer Mayor

ATTEST:


Karen DeBelt, Clerk

City of Wichita
City Council Meeting
November 17, 2009

TO: Mayor and City Council

SUBJECT: ZON2009-00029 -- Request City zone change from GO General to LC Limited Commercial, generally located south of 13th Street North and east of Cleveland Avenue (1332 N. Cleveland Avenue). (District I)

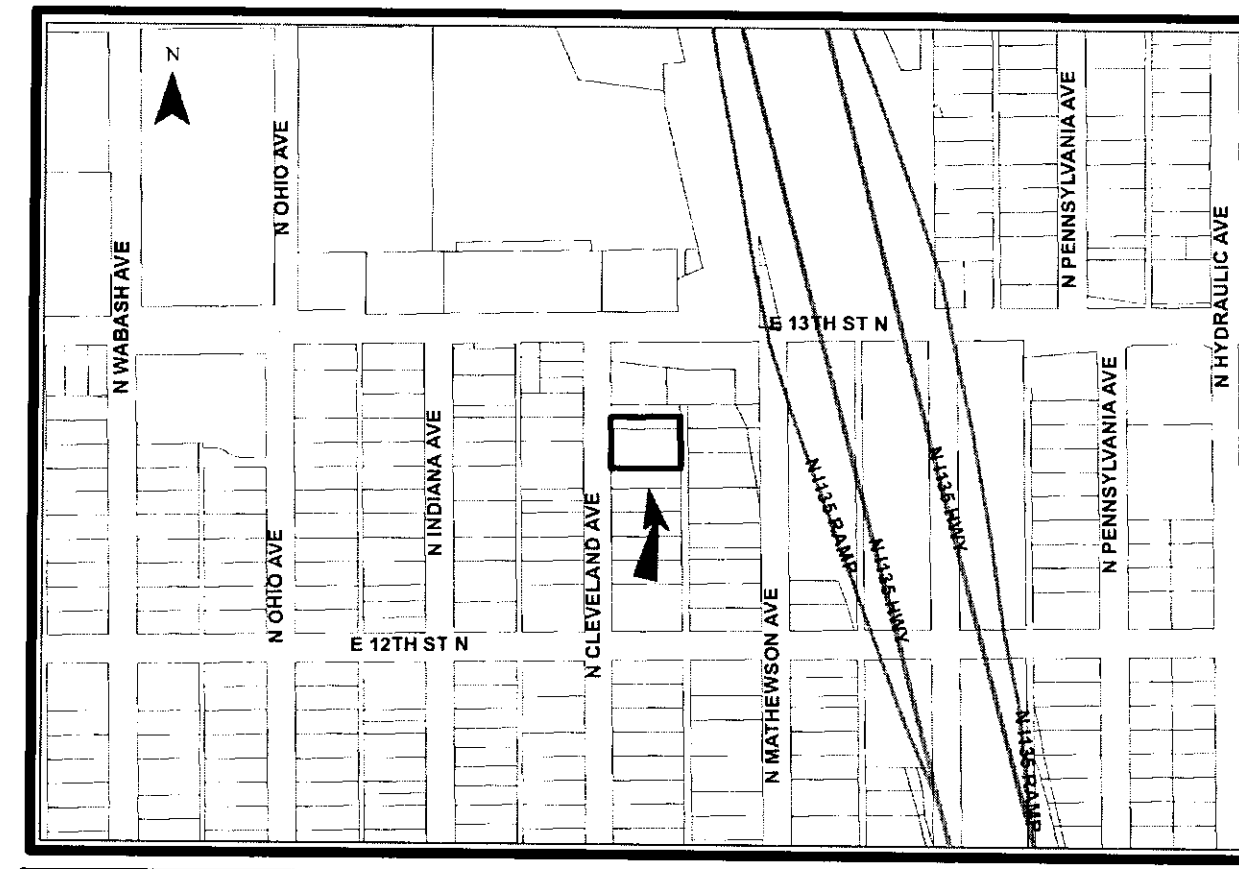
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Non-Consent)

MAPC Recommendation: Approve (12-0).

MAPD Staff Recommendation: Approve.

DAB Recommendation: Approve subject to adding a protective overlay (10-0).



Background: This is a request for a zone change from GO General Office (“GO”) to LC Limited Commercial (“LC”) located south of 13th Street North and east of Cleveland Avenue (1332 N. Cleveland Avenue). The applicant/lessee wishes to convert the west half of the building into a restaurant. Currently, the east half of the building is the office associated with used car sales on property zoned GC General Commercial (“GC”) located between the office building and 13th Street North. The GC and GO tracts are in the same ownership. The GO zoning was established in 1997 when the property was rezoned from B Multi-Family Residential (“B”) to GO and the triplex on the site was converted to office use.

A garage is located to the northeast on property zoned GC. The garage is used as part of the car sales operation. Single-family residences are located to the east on property zoned LC and SF-5 Single-Family Residential (“SF-5”). A single-family residence, on property zoned SF-5, adjoins the south property line. Vacant land zoned B and GC is located west of Cleveland Avenue. McAdams Park is located to the north of 13th Street, and the 13th Street and I-135 interchange is located a block to the east of the site.

Analysis: At the MAPC meeting held October 8, 2009, the MAPC voted (12-0) to approve. No citizens were present to speak on the case. At the District I Advisory Board meeting held October 12, 2009, board members asked questions about the intensity of uses permitted in LC zoning. The DAB board voted (10-0) to approve the request subject to adding a protective overlay that would not allow for payday loans, liquor stores or clubs to be opened at this site, should the restaurant be closed.

No protests have been received.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality and Affordable Living.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance on first reading.
2. Return the application to the MAPC for reconsideration.
3. Modify the request by the addition of a protective overlay as recommended by DAB I that prohibits liquor stores, offices that accept paychecks or car titles as security for loans and prohibits the sale of alcoholic liquor for consumption on premises.
(An override of the Planning Commission's recommendation requires a two-third majority vote of the City Council on the first hearing.)