(OCA 150004 BID 37529-009 CID #76383)

ORDINANCE NO. 48-407

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. ZON 2008-39

Zone change from SF-5 Single-family Residential to NR Neighborhood Retail, for property described as:

Lot 1, Block A, Bulloch Addition, Wichita, Sedgwick County, Kansas.

Generally located on the north side of Harry, west of Greenwich Road.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #222:

1. The following uses shall not be permitted: group residence, limited; group residence, general; correctional placement residence, limited; correctional placement residence, general; and hotel or motel.

2. Residential development shall be limited to a maximum density of 17.4 dwelling units per acre.

3. Buildings shall be limited to a maximum height of 45 feet.

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 this 18 day of August 2009.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item No. _____

City of Wichita
City Council Meeting
November 25, 2008

TO: Mayor and City Council

SUBJECT: ZON2008-00039 – Zone change from SF-5 Single-family Residential ("SF-5") to NR Neighborhood Retail ("NR"); generally located midway between Greenwich and Webb Roads, on the north side of Harry Street. (District II)

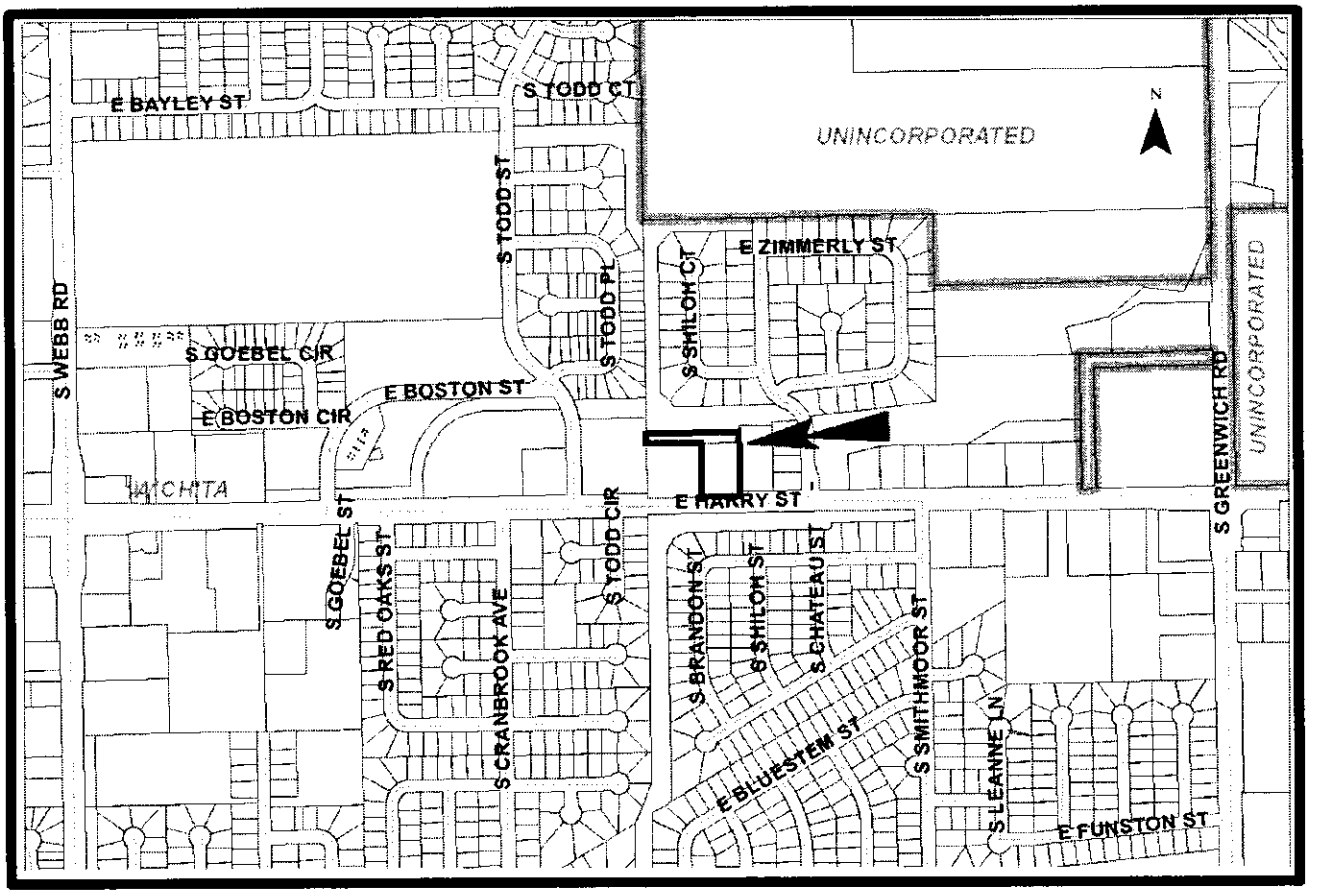
INITIATED BY: Metropolitan Area Planning Department JVS

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to platting within one year and the provisions of Protective Overlay #222 (10-0).

MAPD Staff Recommendations: Approve, subject to platting within one year and the provisions of Protective Overlay #222.

DAB Recommendations: Approve, subject to platting within one year and the provisions of Protective Overlay #222 (9-0).



Background: The applicant is seeking NR Neighborhood Retail ("NR") zoning for 1.42 unplatted acres. The site is currently zoned SF-5 Single-family Residential ("SF-5") and is developed with what appears to be a vacant residence. The site has 174.3 feet of frontage along Harry Street and has a long strip/finger on its north side that extends behind the entire north side of the abutting western property.

The abutting property to the east is zoned SF-5 and is developed as an electrical/utility substation. Further east of the site are single-family residences (built 2004 and 2007) and a vacant lot, all zoned SF-5. Other properties located further east include a partially developed LC Limited Commercial ("LC") zoned property with a CUP (DP-265) overlay and undeveloped LC properties up to the Greenwich Road and Harry Street intersection. Properties located north of the site are zoned SF-5 and are part of a partially developed single-family residential subdivision (Crystal Creek Addition, recorded on August 20, 2003). Reserve C of the Crystal Creek Addition abuts the north side of the site. Properties located south of the site, across Harry Street, are developed as SF-5 zoned single-family residential subdivisions (Smithmoor 1st Addition, recorded on September 23, 1986 and the Huntcrest 2nd Addition, recorded on October 22, 1982). West of the site, the abutting and adjacent properties have been rezoned to NR with a Protective Overlay (ZON2008-15, PO-211) and GO General Office ("GO") with a PO (ZON2001-18, PO-94). Both PO's provide use and design standards that are compatible to the established abutting and adjacent single-family residential neighborhoods. The development trend on the north side of Harry Street, between Greenwich and Webb Roads, has been, and continues to be, a transition from residential uses to office and retail uses.

Analysis: The MAPC considered ZON2008-39 at their October 9, 2008 meeting and unanimously approved the request (10-0), per staff's recommendation with the provisions of the Protective Overlay. No citizens spoke at the MAPC meeting, and there have been no protests filed.

DAB II considered the ZON2008-39 at their October 6, 2008 meeting and unanimously approved (9-0), per the staff's recommendation with the provisions of the Protective Overlay. No citizens spoke at the DAB meeting.

The recommended provisions of Protective Overlay #222 are as follows:

(1) Plat the property within one (1) year of approval by the governing body.
(2) The following uses shall not be permitted: group residence, limited; group residence, general; correctional placement residence, limited; correctional placement residence, general; and hotel or motel.
(3) Residential development shall be limited to a maximum density of 17.4 dwelling units per acre.
(4) Buildings shall be limited to a maximum height of 45 feet.

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. Adopt the findings of the MAPC and approve the zone change subject to platting within one year and subject to Protective Overlay #222; withhold the publication of the ordinance until the plat is recorded; or

2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)