

ORDINANCE NO. 48-741

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. ZON2010-00011

Zone change request from GO General Office ("GO") to NR Neighborhood Retail ("NR") on properties described as:

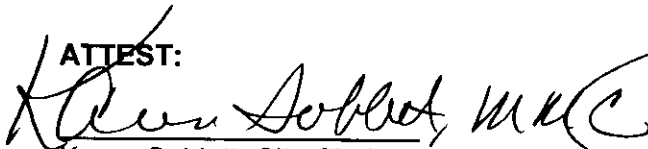
East 62 feet of Lot 3, Jim Fisher Addition, Wichita, Sedgwick County, Kansas; generally located on the south side of Central Avenue, 500-feet west of Woodlawn Boulevard (5921 E. Central Avenue)

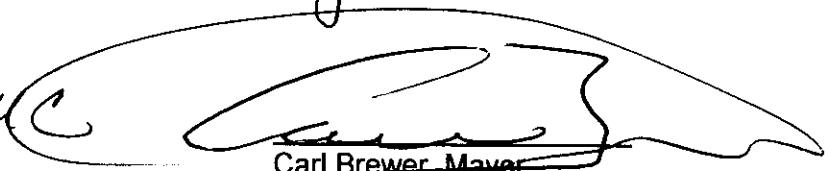
SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

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 25 day of May, 2010

ATTEST:


Karen Sublett, City Clerk


Carl Brewer, Mayor

(SEAL)

Approved as to form:


Gary E. Rebenstorf, Director of Law

ZON2010-00011

Wichita City Council – May 18, 2010

City of Wichita
City Council Meeting
May 18, 2010

TO: Mayor and City Council

SUBJECT: ZON2010-00011 – City zone change from GO General Office (“GO”) to NR Neighborhood Retail (“NR”); generally located on the south side of Central Avenue, 500 feet west of Woodlawn Boulevard. (District II)

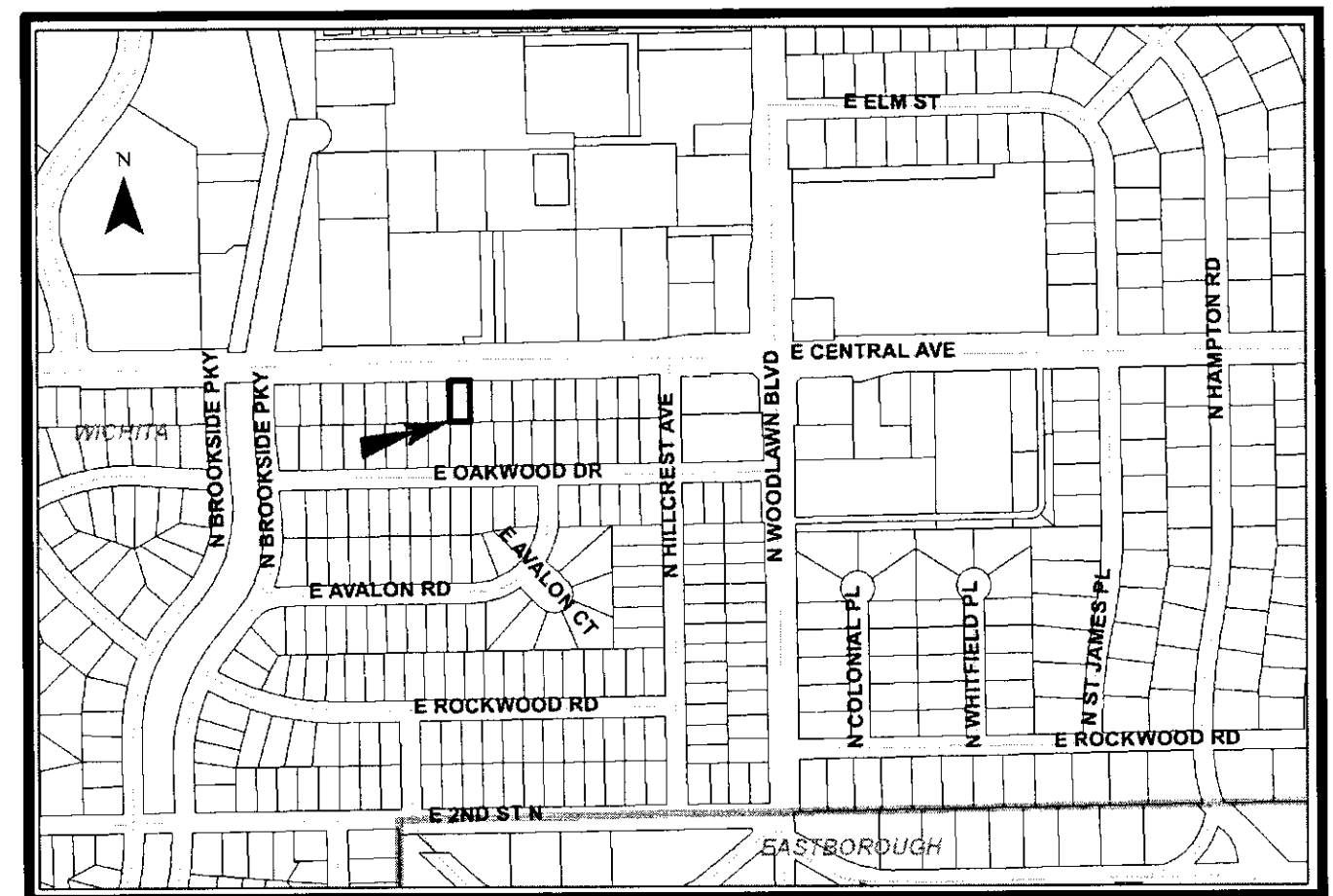
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

DAB IV Recommendation: Approve, vote (6-0).

MAPC Recommendation: Approve, vote (12-0).

MAPD Staff Recommendation: Approve.



Background: The applicant owns 5921 East Central Avenue, a 0.20-acre platted lot, located on the south side of East Central, approximately 500 feet west of Woodlawn Boulevard. The property is currently zoned GO General Office ("GO"), and it is subject to a deed restriction recorded on June 15, 1988, that: 1) prohibits the property from being combined with the lots located to the south and 2) modification of the covenant requires a public hearing before the Metropolitan Area Planning Commission and City Council. Conditional Use 560 was also approved on January 27, 2000, to permit a "personal care service." The applicant is seeking NR Neighborhood Retail ("NR") zoning and currently operates a personal care service, a barber shop, on the application area. The applicant is seeking NR zoning to permit retail sales.

The site is developed with a building containing less than 1,000 square feet that was constructed as a residence in 1951. With the recent improvements to Central Avenue, the site is served by a commercial grade driveway off of Central Avenue. The GO and NR zoning districts share the same signage controls. The primary land use difference between the two districts lies in the fact that the NR district allows retail sales and restaurant without drive-up uses as a use "by right" while the GO district does not permit these uses. Special NR district regulations restrict individual commercial uses to a maximum size of 8,000 square feet. Supplemental use regulations limit restaurants to a maximum size of 2,000 square feet, and they cannot provide drive-up window service or in-vehicle food service. Outdoor commercial storage or display is not permitted in the NR district. Compatibility setback standards are required. The existing building is setback approximately 25 feet from the north property line. Twenty-five feet is the required maximum compatibility setback.

Property north of the site, across Central Avenue, is zoned LC Limited Commercial ("LC") and is developed as a strip office center. Property south of the subject site is zoned SF-5 Single-family Residential ("SF-5") and is developed with single-family residences. Property west of the subject site is zoned GO and is developed with a personal care service, and the property east of the subject site is also zoned GO and is developed as a single-family residence.

Analysis: At the DAB II meeting held March 3, 2010, the DAB voted (6-0) to recommend approval of the request for NR zoning. The case was approved by consent and there was no one in the public to speak for or against the application.

At the MAPC meeting held April 15, 2010, the MAPC voted (12-0) to recommend approval of the request for NR zoning. The case was approved by consent, and there was no one in the public to speak for or against the application.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality

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, approve the zone change and place the ordinance on first reading.