

ORDINANCE NO. 48-746

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. ZON2010-00014

Zone change request from B Multi-family Residential ("B") to LI Limited Industrial ("LI") on properties described as:

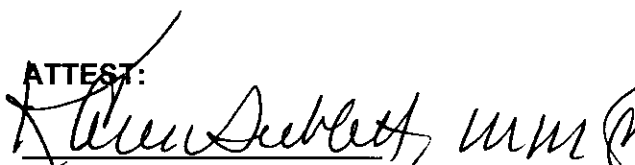
South 2 Feet of Lot 89 and all of Lot 91 & the North 10 Feet of Lot 93, North Park Addition, Wichita, Sedgwick County, Kansas; generally located south side of East 14th Street and west of North Santa Fe (1441 North Santa Fe)

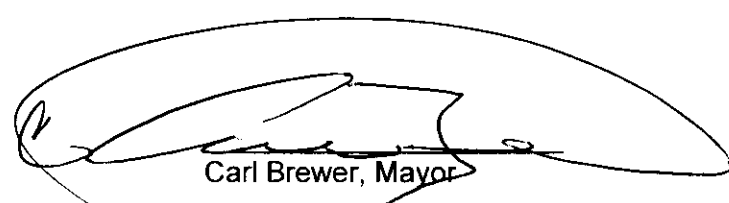
SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

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 15 day of June, 2010.

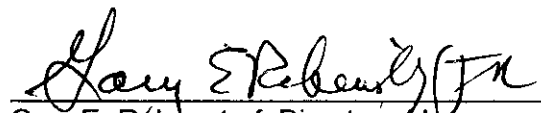
ATTEST:


Karen Sublett, City Clerk


Carl Brewer, Mayor

(SEAL)

Approved as to form:


Gary E. Rebanstorf, Director of Law

City of Wichita
City Council Meeting
June 8, 2010

To: Mayor and City Council

Subject: ZON2010-00014 - City zone change from B Multi-family Residential ("B") to LI Limited Industrial ("LI"); generally located west of North Santa Fe Street and 190 feet south of East 14th Street. (District VI)

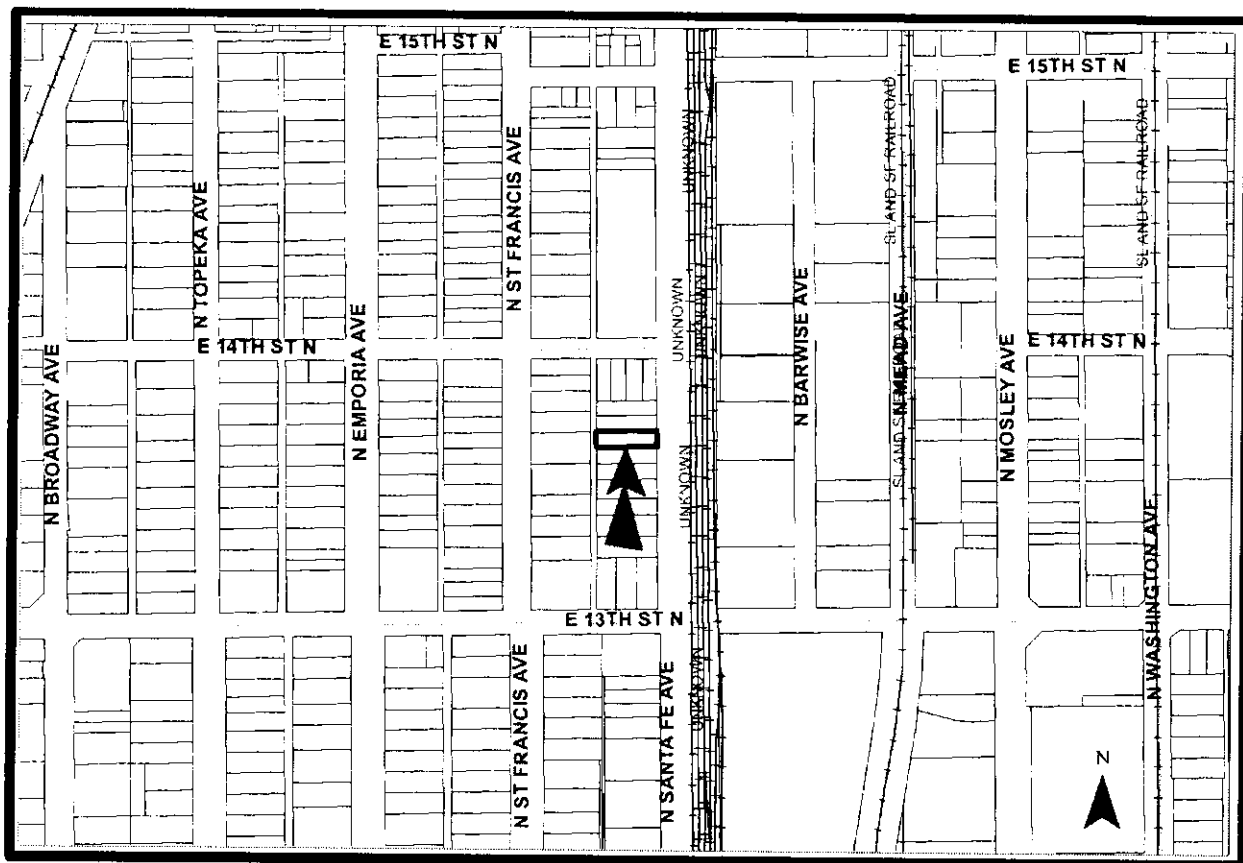
Initiated By: Metropolitan Area Planning Department *JLS*

Agenda: Planning (Consent)

MAPC Recommendations: Approve (11-0).

MAPD Staff Recommendations: Approve.

DAB VI Recommendations: Approve unanimously (5-0).



Background: William MacPherson owns .11 acre located at 1441 North Santa Fe Street that is currently zoned B Multi-family Residential ("B"). Mr. MacPherson bought the property in 2003, obtained a building permit for a warehouse on June 24, 2003, that was final inspected on December 23, 2003. Additional electrical and plumbing permits have been granted since that time. The property was zoned LI Limited Industrial ("LI") when it was purchased by Mr. MacPherson. The warehouse is currently leased and has a number of vehicles parked and/or stored outside.

One of the recommendations contained in the *Midtown Neighborhood Plan* (approved May 2004) was the voluntary rezoning of properties whose zoning was more intense than that required for the actual use. Apparently in 2004, when the Midtown down zoning (DR2004-00009) initiative was undertaken, Mr. MacPherson's property was re-zoned from LI to B. Council Member's may remember that in all three of the previous neighborhood plans that involved mass rezoning, property owners were given the opportunity to opt out. Mr. MacPherson's name was on the notification list; however, for whatever reason, this property was down zoned to the B district. Multi-family zoning does not properly serve a lot that is developed with a warehouse. He recently received a notice of violation from the Office of Central Inspection and visited the Planning Department to determine his options to restore the property's LI zoning.

Section V-A.1 of the Unified Zoning Code (UZC) specifies that the Metropolitan Area Planning Commission (MAPC) or the governing body may initiate any action permitted by the UZC. On March 18, 2010, based upon the authority found in Sec. V-A.1, Planning staff asked the MAPC to initiate a request to rezone 1441 North Santa Fe from B to LI. By a vote of 11-0, the MAPC authorized staff to initiate an application for the MAPC to consider.

Properties located north and south of the application area for the entire half-block face are zoned LI, except for 627 East 14th Street that is zoned B. The ownership located immediately to the north appear to be used for outside storage, then north of that are residences built circa 1907 to 1920 that front either Santa Fe or 14th Street. The lot located immediately to the south of the subject site has a residence, built in 1907, and owned by the same company that owns the warehouse and outside storage located further to the south. (Residences located on lots zoned LI are nonconforming uses per the current zoning code.) Property located to the east, across Santa Fe, is developed with elevated railroad tracks. Properties located west of the site, across an alley, are zoned TF-3 Two-family Residential ("TF-3").

J.B. Holdings, Inc. owns all of the lots located south and the lot or ownership located immediately north of the subject tract. Daniel J. Phillippi owns all of the lots located further north of the lot immediately north of the subject tract to 14th Street, as well as the lots located east of the alley that front 14th Street. Thus, of the three property owners that own the half-block fronting Santa Fe, the subject property is one of two that are zoned LI.

Analysis: At the DAB VI meeting held on May 3, 2010, the DAB considered the requested LI zoning and recommended APPROVAL (5-0). There were not any members of the public that spoke for or against the requested zoning at the DAB meeting.

At the MAPC meeting held on May 6, 2010, the MAPC voted to APPROVE (11-0) the requested LI zoning. There were not any members of the public that spoke for or against the request at the MAPC meeting. There have not been any protest petitions received. It takes a 2/3 majority vote to overturn the MAPC's recommendation to approve the requested zoning.

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 and approve the zone change; place the ordinance establishing the zone change on first reading.

Attachments: MAPC minutes, DAB minutes and ordinance.