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ORDINANCE NO. 49-476

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. ZON2012-00033

A zone change from B Multi-family Residential ("B") to GC General Commercial ("GC"), on property described as:

Lots 81 and 83, on Cleveland, H.O. Burleigh's 3rd Addition to Wichita, Sedgwick County, Kansas.

Subject to Protective Overlay (PO) 272:

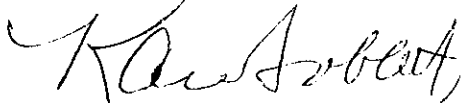
1. Land uses on the property shall be limited to: Construction Sales and Services (and associated parking); Retail, General (not to include liquor stores); and Office, General (not to include offices that accept paychecks or car titles as security for loans).

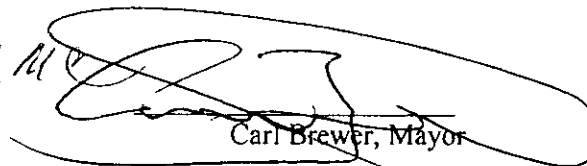
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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 19th day of March, 2013.

ATTEST:


Karen Sublett, City Clerk


Carl Brewer, Mayor

(SEAL)

Approved as to form:



Gary E. Rebenstorf, Director of Law



**City of Wichita
City Council Meeting
March 5, 2013**

TO: Mayor and City Council

SUBJECT: ZON2012-00033 – City request for a zone change from B Multi-family Residential to GC General Commercial, generally located north of 11th Street North and west of Cleveland (1211 N. Cleveland). (District I)

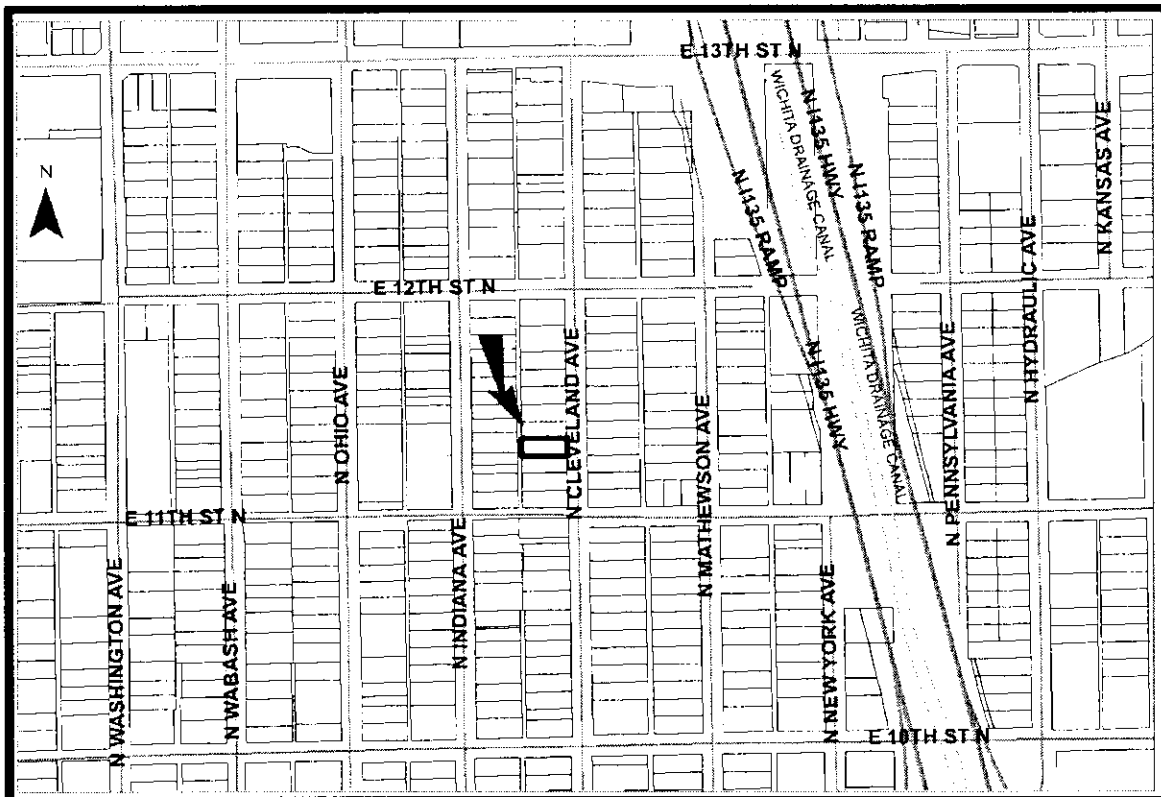
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (non-consent) *JLS*

MAPC Recommendation: The MAPC recommended approval (10-0).

DAB Recommendation: District Advisory Board I recommended denial.

MAPD Staff Recommendation: MAPD staff recommended approval.



Background: The applicants request a zone change from the existing B Multi-family ("B") to GC General Commercial ("GC") zoning on a 0.15-acre platted property. The site is currently vacant; the applicants also own the GC zoned, vacant remainder of this block to the south. The applicants are requesting this zone change to have uniform GC zoning on their entire property. The applicants did not have a proposed use when they first filed for the zone change; they now inform staff that a plumbing contractor proposes using the site.

The subject property is within the environs of two historic registered properties, requiring Historic Preservation Board design review of any future building plans. Property north of the site is zoned B and is developed with the Arkansas Valley Lodge Number 21. Most property further north, and to the east and west of this site is zoned SF-5 Single-family Residential ("SF-5") and developed with single-family residences. The one exception is a B zoned property east of the site, across Cleveland, which is developed with a single-family residence. Vacant property south of the site is owned by the applicant and is zoned GC.

Analysis: At the Metropolitan Area Planning Commission (MAPC) meeting held on January 10, 2013, the MAPC voted (10-0) to approve the request based on staff comments. The applicant spoke at the MAPC, stating that a plumbing contractor may use the site.

At the District Advisory Board (DAB) I meeting on January 7, 2013, DAB I recommended denial. The applicant did not attend the DAB hearing. DAB I was not supportive of the zone change without a proposed use. No protests were filed on this zone change request.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

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

Recommendation/Actions:

- 1) Adopt the findings of the MAPC, approve the zone change request and authorize the mayor to sign the ordinance and place the ordinance on the first reading (simple majority vote required), or;
- 2) make alternate findings and deny the request (a 2/3 majority vote is required to override the MAPC recommendation on the first hearing), or;
- 3) return the request to the MAPC for reconsideration (simple majority vote required).

Attachments: Ordinance, DAB Memo and MAPC minutes.