

ORDINANCE NO. 50-143

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. ZON2015-00047

Zone change from TF-3 Two-Family Residential (TF-3) to GC General Commercial (GC) with Protective Overlay #302:

- A. The following uses shall not be permitted: hotel or motel; pawn shop; payday loan; rodeo; riding academy or stable; tattooing or body piercing facility; vehicle and equipment sales; asphalt or concrete plant; vehicle storage yard; adult entertainment establishment; massage therapist/parlor; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; kennel; night club; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

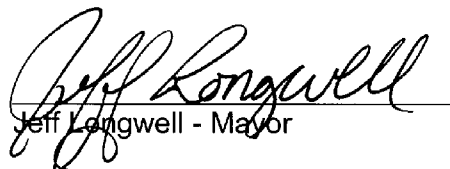
On property located south east of the intersection of East 13th Street North and North Green Street (1358 North Green Street); described as:

Lots 4, 6 and 8, on Alice, now Green Street, Fairmount Park Addition to Wichita, Sedgwick County Kansas.

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 12th day of January, 2016.

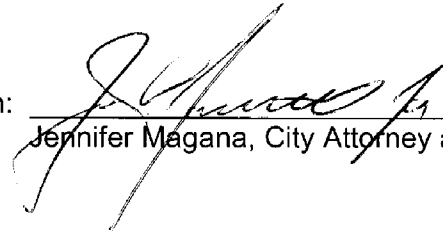

Jeff Longwell - Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Jennifer Magana, City Attorney and Director of Law

City of Wichita
City Council Meeting
January 5, 2016

TO: Mayor and City Council

SUBJECT: ZON2015-00047 – Zone Change from TF-3 Two-Family Residential to GC General Commercial with a Protective Overlay on Property Generally Located Southeast of the Intersection of North Green Street and East 13th Street North (1358 North Green Street) (District I)

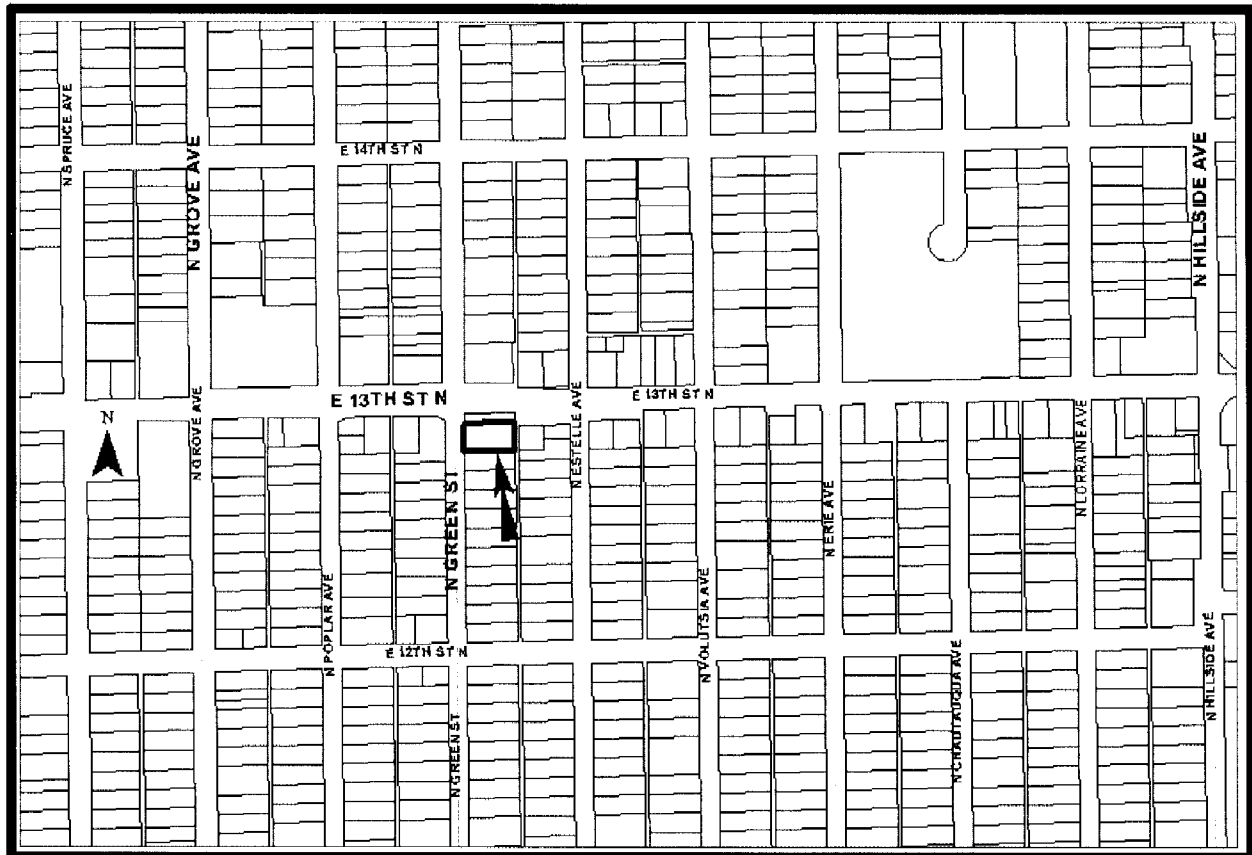
INITIATED BY: Metropolitan Area Planning Department 

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (12-0).

DAB Recommendation: District Advisory Board I recommended approval of the request 9-0.

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommends approval of the request.



Background: The applicant is requesting GC General Commercial (“GC”) zoning on a 0.22-acre site, currently zoned TF-3 Two-family Residential (“TF-3”). The proposed use is a parking area, commercial, for an art studio and an open air retail market with outside display proposed to be developed just west of the site, across Green Street. The site is located at the southeast corner of East 13th Street North and North Green Street, just two blocks east of North Grove Avenue. The subject site currently is undeveloped.

Any development on the subject property, even a parking area, will be required to meet screening, compatibility standards and landscaping. For any proposed development, screening, buffer landscaping and compatibility standards will be required for the residential properties to the south and east. Any existing vegetation, on the subject property, that is left in place after the development of the site can be used to satisfy the buffer landscaping requirement. Access control would be reviewed, by the Traffic Engineer, according to the redevelopment of the site. There is currently one existing drive for the site.

Property to the north of the subject site (across 13th Street) is zoned GC and is developed with outdoor storage area. Property to the south of the subject site is zoned TF-3 and is developed with a single-family residence. To the west of the subject site (across Green Street) the property is zoned GC and is currently developed with a vacant single-family residence. Property to the east of the subject site is zoned TF-3 and is vacant, with a duplex further to the east, fronting Estelle Avenue.

Analysis: On December 3, 2015, The Metropolitan Area Planning Commission (MAPC) recommend approval of (12-0) the application with Protective Overlay #302:

- A. The following uses shall not be permitted: hotel or motel; pawn shop; payday loan; rodeo; riding academy or stable; tattooing or body piercing facility; vehicle and equipment sales; asphalt or concrete plant; vehicle storage yard; adult entertainment establishment; massage therapist/parlor; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; kennel; night club; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

On December 7, 2015, District Advisory Board (DAB) I reviewed the application and recommend approval 9-0.

No protest petitions have been received. The request can be approved with a simple majority vote.

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: It is recommended that the City Council adopt the findings of the MAPC and approve the Zone Change, subject to the provisions of Protective Overlay #302, and place the ordinance on first reading (simple majority vote).

Attachments: Ordinance, DAB Memo, MAPC minutes