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 AT WICHITA, KANSAS, NOV 16 2004

Carlos Mayans - Mayor

ATTEST:

Gaten Ellis Deputy
for Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

(150004) Published in The Wichita Eagle on November 19, 2004

ORDINANCE NO. 46-404

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. ZON2004-00050

Request for Zone change from "SF-5" Single-family Residential to "NO" Neighborhood Office, on property described as:

A tract in the Southeast Quarter of the Northwest Quarter of Section 31, Township 26, South, Range 1 East of the 6th P.M., Sedgwick County, Kansas lying Northeasterly of K-96 Highway and Southeasterly of the Floodway taken by Condemnation Case A-39338, except that part platted as North Amidon Medical Center Addition and except that part taken for road. Generally located west of Amidon and 34th Street North.

SUBJECT TO PLATTING WITHIN ONE-YEAR AND THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #148:

1. The office use shall be conducted within the premises of the current structure but shall have those improvements such as but not limited to parking and drive aisles and landscaping to comply with the Unified Zoning Code site development regulations. Additionally, the parking lot shall be located and landscaped to screen it from view of the residential zoning east of Amidon.
2. No more than eight individuals (including related family members) shall be allowed to work from the premises at any one time.
3. No direct access shall be allowed onto Womer.
4. The property owner shall grant a cross-lot easement in favor of the property to the south and seek to obtain an easement from the property to the south to serve as the main point of access to the subject property.
5. The property owner shall execute an agreement with the City not to protest paving of Amidon.
6. The property owner shall execute a guarantee for extension of sewer to the property.
7. Light poles, including base and fixtures, shall not exceed 14 feet in height and shall be shielded to prevent spillage to the northeast and east.
8. No signage on Amidon shall be permitted larger than two square feet; provided that it shall not be illuminated and shall be mounted flat against the façade of the building. Ground signage on Womer shall be limited to 10 feet in height.

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 the protective overlay conditions; approve first reading of the ordinance establishing the zone change; or

2. Return the application to the MAPC for reconsideration

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

Agen. Item No. _____

City of Wichita
City Council Meeting
November 9, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: **ZON2004-00050 – Zone change from "SF-5" Single-family Residential to "NO" Neighborhood Office. Generally located west of Amidon and 34th Street North. (District VI)**

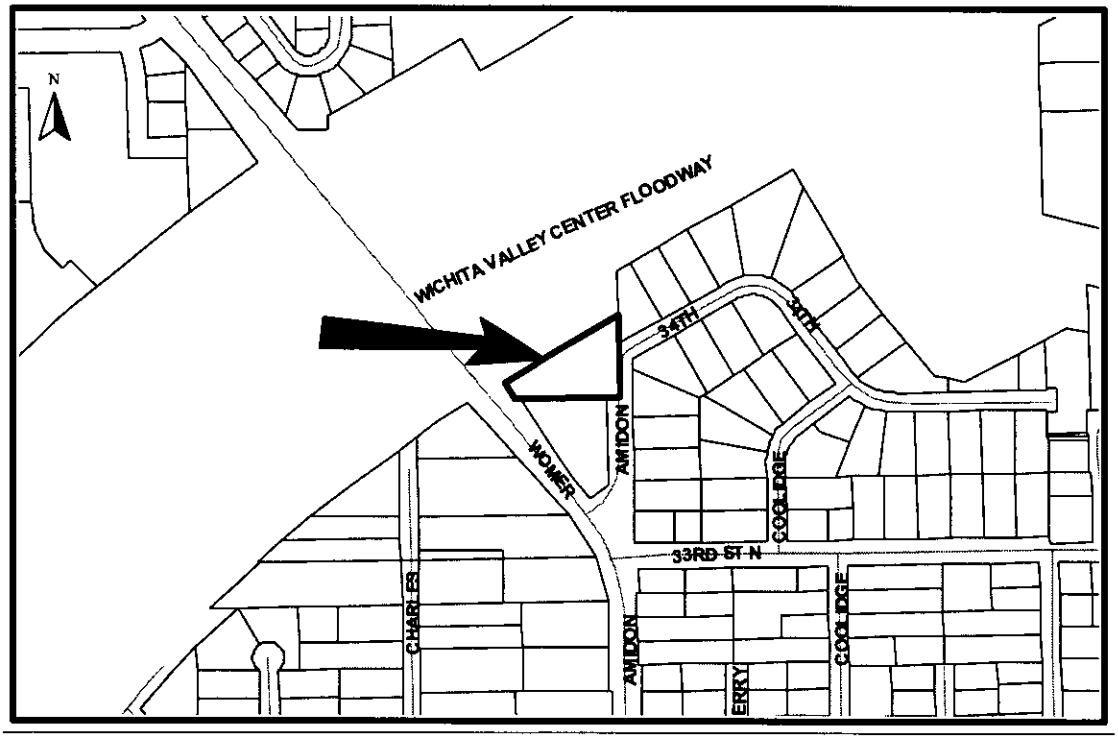
INITIATED BY: Metropolitan Area Planning Department JVS

AGENDA: Planning (Non-Consent)

MAPC Recommendations: Approve (6-4) subject to platting within one-year and Protective Overlay #148.

MAPD Staff Recommendations: Approve subject to platting within one-year and Protective Overlay #148.

DAB VI Recommendations: Approve (7-2) subject to platting within one-year and Protective Overlay #148.



BACKGROUND: The applicant requests a zone change from "SF-5" Single-family Residential to "NO" Neighborhood Office on property located one lot north of the junction of Womer and North Amidon, which subsequently becomes 34th Street North when the street turns to the northeast. The applicant has indicated the desire to convert an existing residence to general office use for a small CPA office. The office would operate on the scale of a typical home occupation as allowed in residential zoning districts of greater intensity than "SF-5" except that nobody would be living in the residence.

According to the information submitted by the applicant, the applicant intends to remodel the interior of the structure, and to add parking/drive aisles as necessary to meet Unified Zoning Code requirements. The parking lot would be located on the lot and landscaped to screen it from view of the residences across Amidon. (See attached statement from applicant).

The property is located north of a medical office building zoned "GO" General Office. The property to the southwest across Womer is zoned "LC" Limited Commercial and is vacant except for a cell tower on the west edge of the tract. The property to the east and northeast is zoned "SF-5" Single-family Residential and developed with single-family residences. The Wichita-Valley Center Flood Control Project (the Big Ditch) lies to the north/northwest.

Analysis: At the District VI Advisory Board meeting held October 4, 2004, the board recommended approval (7-2) subject to recommended conditions of the protective overlay. The resident living directly across from the property was present to oppose the request due to access to the subject property on Amidon, an unpaved road.

At the MAPC meeting held October 7, 2004, MAPC voted (6-4) to recommend approval subject to staff recommended conditions of the protective overlay. Neighbors were present to request denial and submitted a letter of opposition. No formal protest was filed. Discussions centered on access on Amidon and its potential effect on single-family residential across the street to the east. The owner of the abutting office was approached to allow cross-lot circulation through the adjacent parking lot directly to Womer, but has not granted it. The recommendation of MAPC was to require the cross-lot access agreement from the applicant for the possible cross-lot connection in the future.

The MAPC recommendation was to approve the zone change to "NO" Neighborhood Office subject to a Protective Overlay #148 with the following provisions:

1. The office use shall be conducted within the premises of the current structure but shall have those improvements such as but not limited to parking and drive aisles and landscaping to comply with the Unified Zoning Code site development regulations. Additionally, the parking lot shall be located and landscaped to screen it from view of the residential zoning east of Amidon.
2. No more than eight individuals (including related family members) shall be allowed to work from the premises at any one time.
3. No direct access shall be allowed onto Womer.
4. The property owner shall grant a cross-lot easement in favor of the property to the south and seek to obtain an easement from the property to the south to serve as the main point of access to the subject property.
5. The property owner shall execute an agreement with the City not to protest paving of Amidon.
6. The property owner shall execute a guarantee for extension of sewer to the property.
7. Light poles, including base and fixtures, shall not exceed 14 feet in height and shall be shielded to prevent spillage to the northeast and east.
8. No signage on Amidon shall be permitted larger than two square feet; provided that it shall not be illuminated and shall be mounted flat against the façade of the building. Ground signage on Womer shall be limited to 10 feet in height.

Financial Considerations: None