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ORDINANCE NO. 46-579

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. ZON 2003-73

Zone change request from B, Multi-family Residential District to LC, Limited Commercial District, on property described as:

Lot 1, Block A, Faissal Addition, Wichita, Sedgwick County, Kansas.

Generally located on the north side of 13th Street and west of Meridian.

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 26th **day of** April, **2005.**

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

BACKGROUND: The site is owned by the City of Wichita, is developed with a fire station that has been closed, and is zoned "B" Multi-family Residential. The City of Wichita has designated the site as surplus property, and is offering the property for sale. The applicant is the contract purchaser, and is seeking "LC" Limited Commercial for the site and it's 3,192 square foot building. At the time this report was prepared, no specific user is under contract to occupy the site.

Surrounding properties are zoned "LC" Limited Commercial and "B" Multi-family Residential, and are developed with apartments, vacant service station, medical offices, automobile services and law offices.

As it is currently developed, the site does not conform with several UZC and Landscape Ordinance requirements for commercial development. The site does not meet the screening and landscape buffer requirements along the east property line that are required because the property to the east is zoned "B" Multi-family Residential. The site may not conform with current parking requirements, which require approximately 10-13 parking spaces depending upon the use of the property. The UZC requires that the non-conformities on the subject property be brought into conformance when the following occurs: 1) any increase on the premises of more than 30 percent floor area or 50 percent value; or 2) any change in use to a more intensive use when a new certificate of occupancy is required.

District Advisory Board VI reviewed this request on January 21, 2004. One member of the public spoke, asking if the proposed zoning would allow a club, car lot or outdoor storage. If that were the case, that person felt the neighborhood would be opposed to the request. The DAB voted 9-2 to recommend approval, and recommended that the applicant add a protective overlay to restrict uses on the property. (Addition of a protective overlay is not recommended since the zoning code or other city ordinances already address these concerns, and the way the site is already developed assist with addressing these concerns.) The MAPC heard the case on January 22, 2004, and recommended approval 8-0. No one spoke in opposition to the request at MAPC. No protest petitions have been received.

No protest petitions have been filed.

Recommendations:

1. Concur with the findings of the MAPC and approve the zone change, subject to platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

Agenda Item #_____

City of Wichita
City Council Meeting
March 2, 2004

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2003-00073 – Zone change from "B" Multi-family Residential to "LC" Limited Commercial. Generally located at the northeast corner of 13th Street North and St. Paul.** (District #VI)

INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA ACTION: Planning (consent)

MAPC Recommendation: Approve, subject to platting within one year. (8-0)

Staff Recommendation: Approve, subject to platting within one year.

DAB Recommendation: Approve, subject to staff recommendations and recommend staff to consider the owner/applicant adding a possible Protective Overlay. (9-2)

