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ORDINANCE NO. 46-596

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. ZON2005-00004

Request for Zone change from "SF-5" Single-family Residential to "NR" Neighborhood Retail, on property described as:

Lot 4, Wall's Addition, Wichita, Sedgwick County, Kansas. Generally located north of Central and east of McComas.

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, 5/10-05

Carlos Mayans - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

Background: The applicant originally requested OW Office Warehouse zoning on a .37-acre site, currently zoned SF-5 Single-family. The original proposed use was a hardwood floor company showroom and storage facility (with no on site construction), located northeast of the Central and McComas intersection. This proposed land use is classified as a non-primarily retail "construction sales and services", requiring OW or more intense zoning. The applicant proposed utilizing the existing house for an office, and adding a 1,500 square foot building in the back yard for a storage facility. North and east of the application area are SF-5 zoned single-family residences. East of the site, and on the north side of Central, are two other former single-family homes rezoned for non-residential use; at the northwest corner of Central and Kessler is an LC Limited Commercial zoned office use, and at the northeast corner of Central and Kessler is a GO General Office zoned property with an office use. South of the application area, across Central, is an NR Neighborhood Retail strip center and an LC zoned car wash. West of the site, across McComas, is GO zoned vacant land, further west is the LC zoned corner at West Street with retail and bank uses.

Analysis: This request was heard at the March 7, 2005 DAB VI hearing; one neighbor spoke in opposition to the request. The DAB voted 9-0 to recommend denial of the request.

The agent for the applicant then met with staff, and amended the request to the less intense zon ing district of NR Neighborhood Retail. The application's proposed use will no longer be for Construction Sales and Services (which is not permitted in the NR district), but is amended to "neighborhood retail uses."

This request was heard by MAPC at the March 10, 2005 hearing; no members of the public spoke regarding the request. The MAPC voted 11-0 to deny the "OW" request and recommended approval of the "NR" request.

This request was heard again by DAB VI on April 4, 2005. The DAB voted 9-0 to recommend approval of the "NR" request.

Financial Considerations: None.

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

Recommendation/Actions: It is recommended that the City Council

1. Concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change to "NR" Neighborhood Retail; or

2. Return the application to MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the members of the governing body on the first hearing.)

Agenda Item No. _____

City of Wichita
City Council Meeting
May 3, 2005

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: ZON2005-00004 – Zone change from "SF-5" Single-family Residential to "OW" Office Warehouse. Generally located north of Central and east of McComas. (District VI)

INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Consent)

MAPC Recommendations: Deny "OW" Office Warehouse and approve "NR" Neighborhood Retail. Vote (11-0)

MAPD Staff Recommendations: Deny "OW" Office Warehouse and approve "NR" Neighborhood Retail.

DAB IV Recommendations: March 7, 2005 – deny "OW" Office Warehouse, vote (9-0). April 4, 2005 – approve "NR" Neighborhood Retail, vote (9-0).

