

OCA150006 BID37529-009 CID#76383
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ORDINANCE NO. 47-873

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. ZON2008-02

Zone change from GO General Office to NR Neighborhood Retail on property described as:

The east 62 feet of Lot 4, Jim Fisher Addition to Wichita, Sedgwick County, Kansas. Generally located south of Central Avenue and east of north Brookside Parkway (6019 east Central).

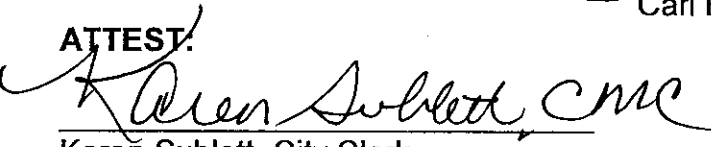
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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, April 22, 2008


Carl Brewer - Mayor

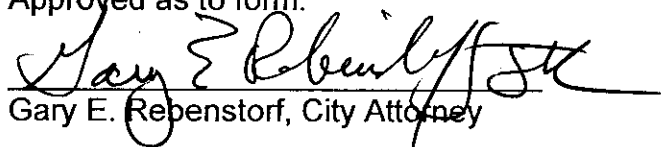
ATTEST:


Karen Sublett, City Clerk

(SEAL)



Approved as to form:


Gary E. Repenstorf, City Attorney

City of Wichita
City Council Meeting
April 15, 2008

TO: Mayor and City Council

SUBJECT: ZON2008-02 - Zone Change from GO General Office to NR Neighborhood Retail; located at 6019 E. Central Avenue. (District II)

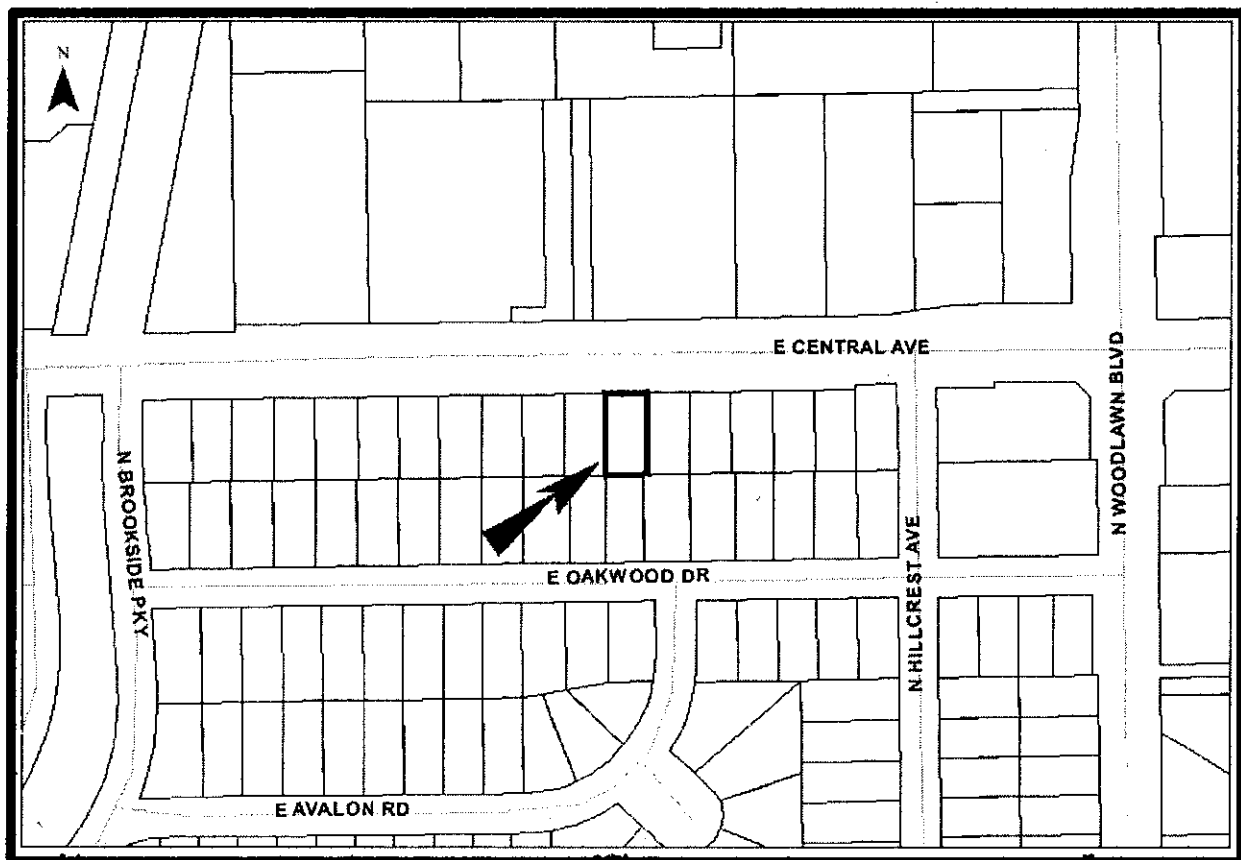
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve (10-0).

DAB Recommendation: Approve

MAPD Staff Recommendation: Approve.



Background: The applicant owns 6019 E. Central Avenue, a .17 acre platted lot located on the south side of Central, approximately 300 feet west of Hillcrest Avenue. The property is zoned General Office ("GO") with Conditional Use 555 to permit "personal care services" (a tailor shop). The applicant currently operates a tailor shop and is seeking Neighborhood Retail ("NR") zoning to permit a restaurant. Restaurants are first permitted in the NR zoning district, provided the restaurant does not exceed 2,000 square feet in gross floor area and does not provide any drive-up window or in-vehicle service.

The site is developed with a building containing less than 2,000 square feet that was constructed as a residence in 1951. With the recent improvements to Central Avenue, the site is served by a commercial grade drive off of Central Avenue. Except for the portion covered by the building, the entire lot is paved and used for parking and traffic circulation. There are seven parking stalls, including a handicap accessible stall, located at the rear of the lot, and two more parking spaces in the front. Parking standards for a restaurant are one parking space per three occupants. If that is the maximum number of parking spaces available, then the restaurant use would be limited to approximately 27 patrons at any one time. There is cross lot circulation to the lot located to the east, but not to the west. (Conditional Use 555 required at least five parking spaces be installed to the rear of the building, and that cross lot circulation be allowed when the lots on either side are redeveloped.)

Nearby zoning includes: NR, Two-family Residential ("TF-3"), GO and Limited Commercial ("LC"). The nearby properties are developed with office, retail shopping, personal improvement services and duplex uses. The NR zoned property is located immediately to the east of the application area and is subject to a restrictive covenant that limits uses on the site to GO uses and to a single NR use, a hair stylist salon.

Analysis: District Advisory Board (DAB) II reviewed this request on March 3, 2008, and the DAB recommended approval of the request. Only the applicant was present to speak to the request. The MAPC heard this request on March 13, 2008 and voted (10-0) to approve the request. Staff has not received any protest petitions.

Financial Considerations: None.

Goal Impact: Promote economic vitality.

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

Recommendation/Actions:

1. Concur with the findings of the MAPC, approve the zone change and place the ordinance establishing the zone change on first reading; 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.)