

ORDINANCE NO. 50-368

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:

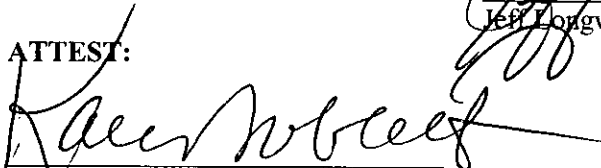
Case No. ZON2016-00040

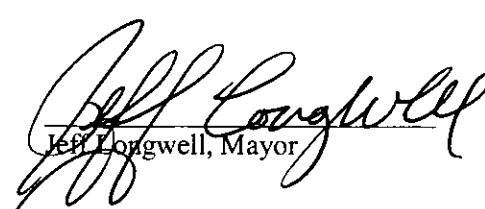
LOTS 1 and 2, BLOCK A MEADOWVIEW ESTATES ADDITION, Wichita, Sedgwick County, Kansas

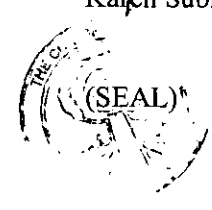
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

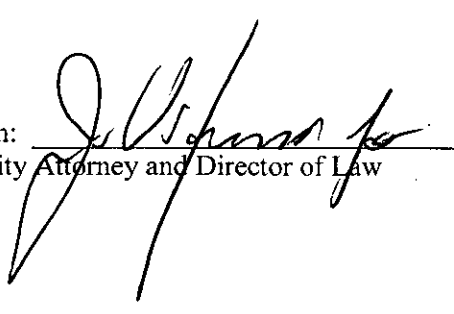
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ATTEST:


Karen Sublett, City Clerk


Jeff Longwell, Mayor


(SEAL)

Approved as to form: 
Jennifer Magaña, City Attorney and Director of Law

STAFF REPORT

MAPC October 20, 2016
DAB V November 7, 2016

CASE NUMBER: ZON2016-00040

APPLICANT/AGENT: Barbara A Palmer Trust (owner/applicant) Calvin Klaassen (agent)

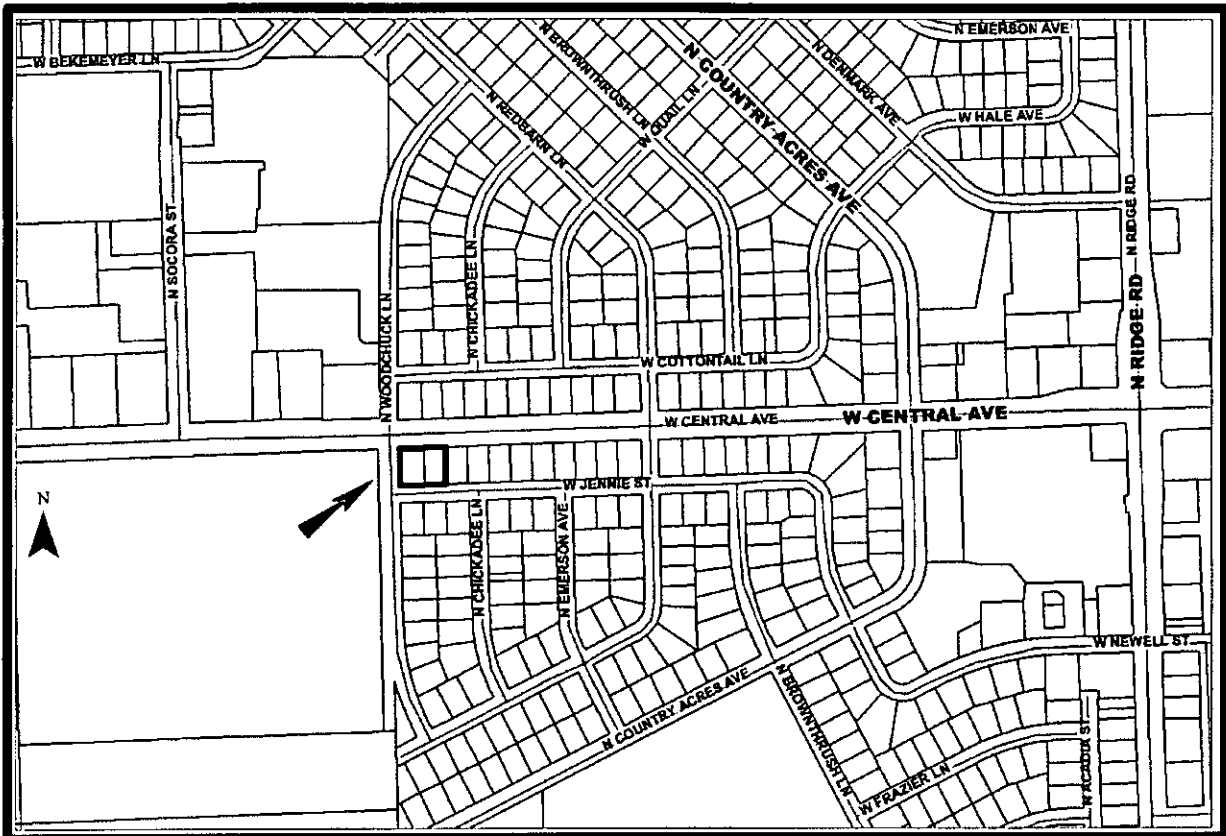
REQUEST: Zone Change to NR Neighborhood Retail

CURRENT ZONING: SF-5 Single-Family Residence and GO General Office

SITE SIZE: 0.47 acre

LOCATION: West of Ridge Road on the South Side of Central

PROPOSED USE: Neighborhood Retail Uses



BACKGROUND: The applicant requests a zone change from GO General Office and SF-5 Single-Family Residential to NR Neighborhood Retail to allow continued operation of a massage therapy business and to bring the subject site into conformity with the current Unified Zoning Code and allow permitted uses within the NR zoning district. The site is located at the southeast corner of West Central and Woodchuck. The property is currently developed with a one-story commercial building on the GO zoned lot with on-site parking located on the SF-5 zoned lot.

Residential uses abut the subject property to the east and south. Bishop Carol High School is located to the west across Woodchuck on SF-5 zoned property and zoning north of the site across Central is GO and NO Neighborhood Office.

CASE HISTORY: A use exception was granted in 1988 to allow parking on an SF-5 zoned lot for the GO use on the adjacent lot to the west (BZA56-88). The adoption of the current UZC in 1996 made this configuration a non-conforming use as SF-5 zoning does not allow parking as a Conditional Use.

The City Council passed Ordinance 50-190 on April 29, 2016 requiring massage therapy business to obtain a City license and show proof of accredited training. The owner of the massage therapy business has operated in this location for several years without complaint.

ADJACENT ZONING AND LAND USE:

NORTH:	GO; NO	Retail
SOUTH:	SF-5	Single-family residences
EAST:	SF-5	Single-family residences
WEST:	SF-5	Major Institutional Use – Bishop Carroll High School

PUBLIC SERVICES: The property is serviced by all publicly supplied municipal services. The site has access to West Jennie Street (local collector), which connects to Woodchuck (local collector.) Woodchuck then connects to West Central, which is a 6/7 lane, two-way arterial at this location. The site does not have access onto Central.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City Limit. The Future Growth Concept Map identifies the area “Commercial, Residential and Major Institutional.” Commercial encompasses areas that reflect a full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices and personal services uses are located in close proximity to, and potentially mixed, with residential uses. Residential uses include a range of housing densities and types. Major Institutional areas include institutional facilities of a significant scale of operation such as a high school.

RECOMMENDATION: Based on information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: This location serves as a transition from LC Limited Commercial to the northwest, GO and NO to the north into the single-family residential neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The existing non-conforming parking on SF-5 zoning allowed by BZA56-88 limits the use of the subject site to only permitted uses in GO zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. The site is developed with adequate on-site parking to accommodate the use.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita City Limit. The Future Growth Concept Map identifies the area "Commercial, Residential and Major Institutional." Commercial encompasses areas that reflect a full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices and personal services uses are located in close proximity to, and potentially mixed, with residential uses. Residential uses include a range of housing densities and types. Major Institutional areas include institutional facilities of a significant scale of operation such as a high school.
5. Impact of the proposed development on community facilities: No additional community facilities demand will be created by allowing this request.