

City of Wichita
City Council Meeting
January 8, 2008

TO: Mayor and City Council

SUBJECT: ZON2007-57 - City Zone change from "MF-29" Multi-Family to "LC" Limited Commercial. Generally located southeast of the intersection of Meridian and Merton (1702 S. Meridian Ave.) (District IV)

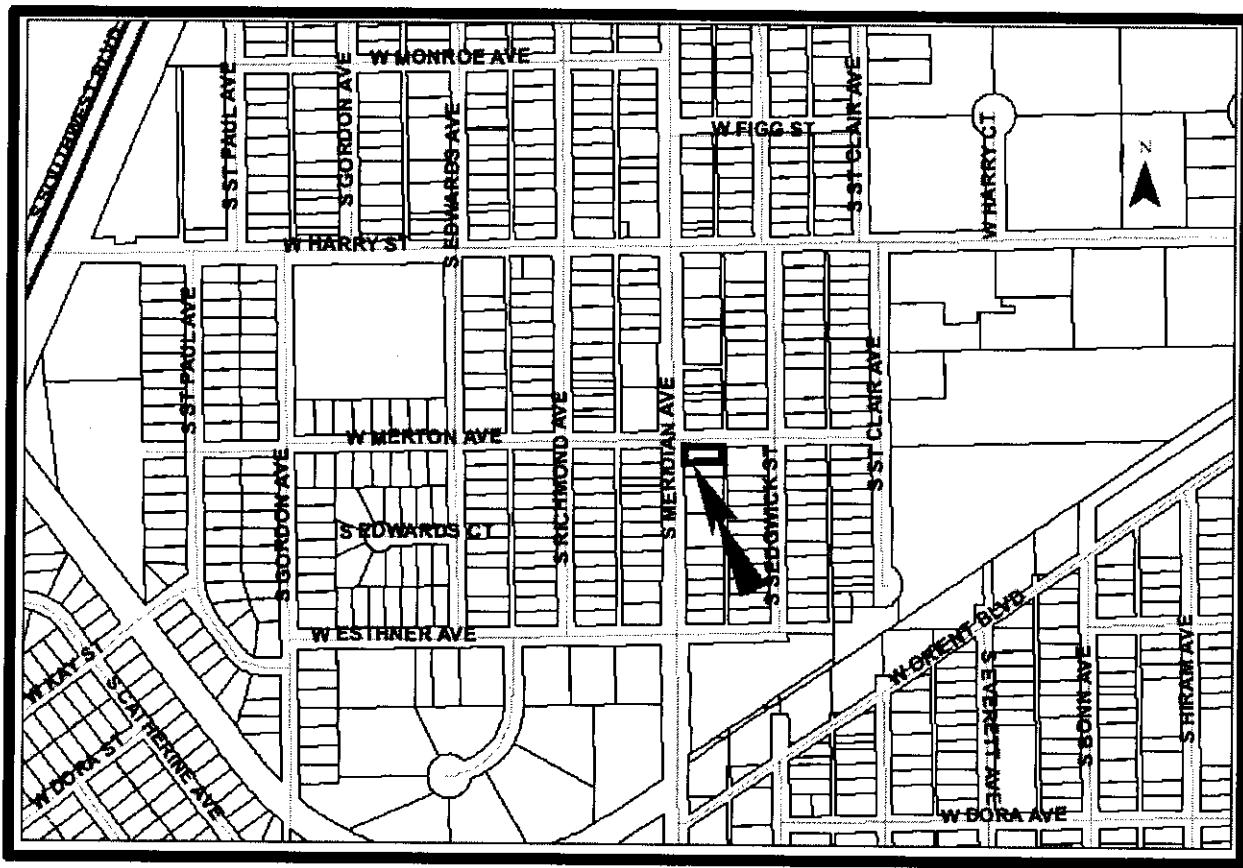
INITIATED BY: Metropolitan Area Planning Department *JS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve (10-1).

DAB IV Recommendation: Approve (6-2-1).

MAPD Staff Recommendation: Deny.



Background: The application area has 50 feet of frontage on Meridian with 130 feet of depth along Merton. The site is zoned "MF-29" Multi-family Residential, and it is developed with a single-family residence built in 1950 and a detached garage. The applicant seeks a zone change to "LC" Limited Commercial; the applicant does not specify a future desired LC land use. The proposed zone change to LC would permit a number of uses (such as, vehicle repair and drive-through businesses) which may be out of character with nearby residences, and may not fit on the limited site. The proposed zone change would not conform with the Comprehensive Plan Land Use Guide or all of the Commercial Locational Guidelines. Likewise, the small size of this site would make it difficult to develop within the Access Management Policy or within the UZC standards for setbacks, compatibility standards, parking, screening and landscape requirements.

North of the application area is Merton Street, a local residential street. Merton Street acts as a divider at this location between commercial zoning and development to the north on Meridian, and residential zoning and development to the south on Meridian. North of Merton, on both sides of Meridian, are LC zoned strip malls. South of the application area is an MF-29 zoned legal non-conforming mobile home and MF-29 zoned single-family residences. East of the site is a "TF-3" Two-family Residential zoned church and TF-3 zoned residences. West of the site, across Meridian, is a "SF-5" Single-family Residential zoned neighborhood of single-family residences and vacant properties.

Analysis: DAB IV reviewed this request on December 5, 2007; one neighbor spoke in opposition to the request and several neighbors spoke in support. The DAB approved the request. MAPC heard this request on December 6, 2007. The MAPC voted (10-1) to approve the request. Several neighbors spoke at the MAPC hearing in support of the request. No protest petitions have been filed.

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 and approve the 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.)

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:

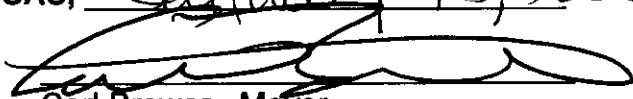
Case No. ZON2007-57

Zone change from "MF-29" Multi-family Residential to "LC" Limited Commercial on property described as:

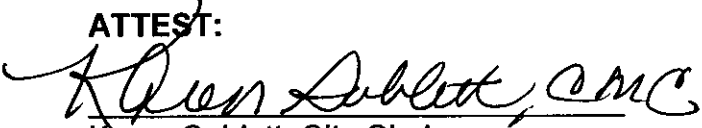
Lots 1-3, Except W. 10 Feet for Street; Block H; S. University Place Addition, Wichita, Sedgwick County, Kansas. Generally located east of Meridian and south of Merton. (1702 S. Meridian Avenue).

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, January 15, 2008

Carl Brewer - Mayor

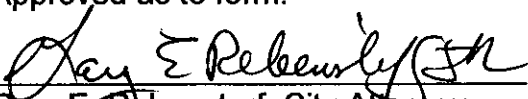
ATTEST:


Karen Sublett, City Clerk

(SEAL)



Approved as to form:


Gary E. Rebenstorf, City Attorney