

OCA 150004

ORDINANCE NO. 48-797

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. ZON2010-00021

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

The east half of Lot 31, all of Lots 32 and 33, except the south 15 feet deeded for a street, Block 13, East Highlands Addition, Wichita, Sedgwick County, Kansas; generally located on the north side of Central Avenue, 200 feet east of Battin Avenue (5120 East Central).

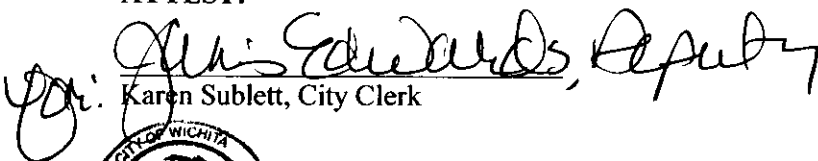
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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, 8-17-2010


Carl Brewer - Mayor

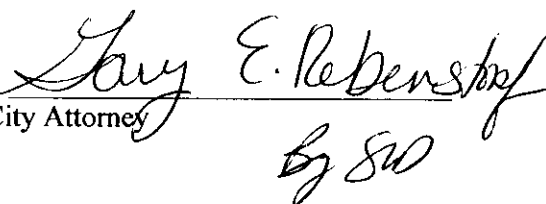
ATTEST:


Karen Sublett, City Clerk



Approved as to form:

Gary E. Rebenstorf, City Attorney


By SW

City of Wichita
City Council Meeting
August 10, 2010

TO: Mayor and City Council

SUBJECT: ZON2010-00021 – City zone change from GO General Office (“GO”) to NR Neighborhood Retail (“NR”); generally located north of Central Avenue, 200 feet east of Battin Avenue (5120 East Central). (District I)

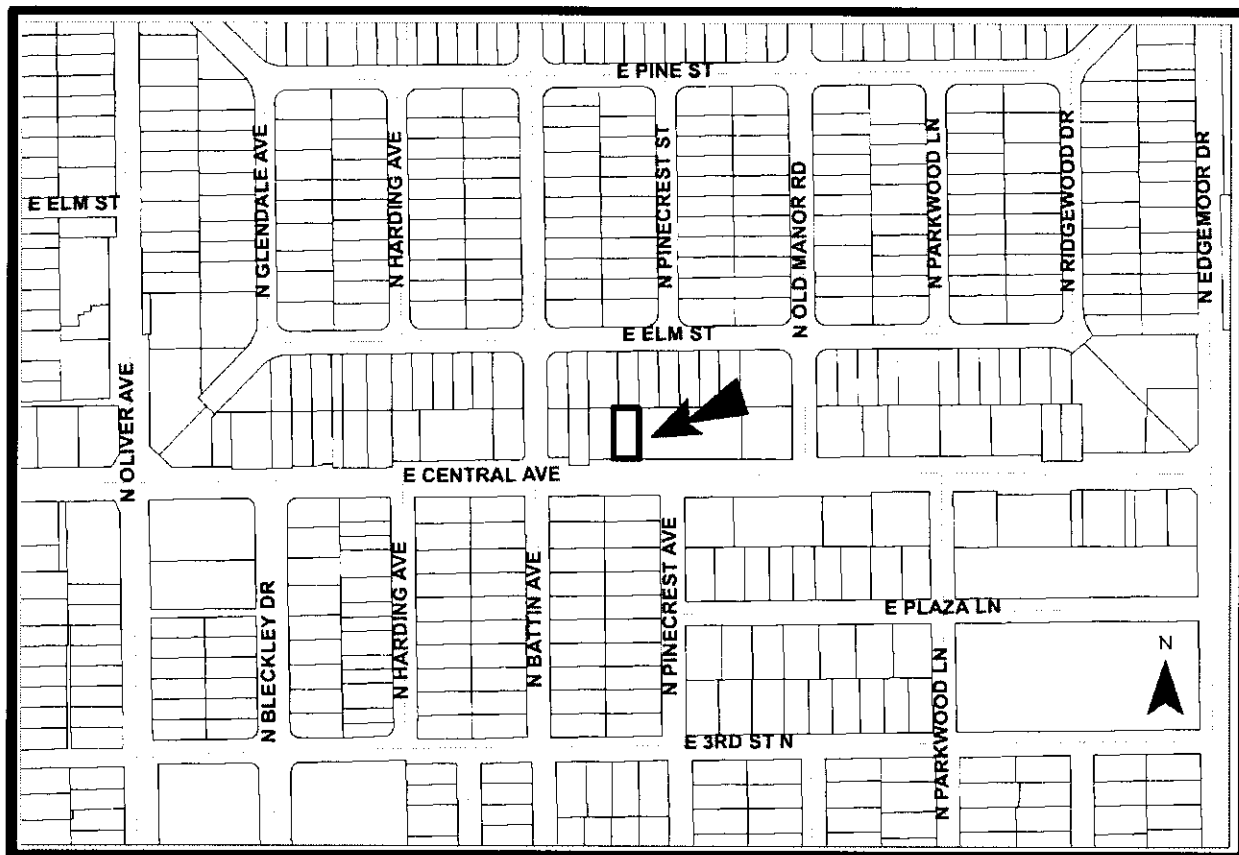
INITIATED BY: Metropolitan Area Planning Department *TLS*

AGENDA: Planning (Consent)

DAB I Recommendation: Approve, vote (unanimous).

MAPC Recommendation: Approve, vote (11-0).

MAPD Staff Recommendation: Approve.



Background: The applicant is seeking to rezone from GO General Office (“GO”) to NR Neighborhood Retail (“NR”) two and one-half lots that have 62.5 feet of frontage located on the north side of East Central Avenue and 200 feet east of Battin Street. The applicant indicates that he has difficulty keeping the building rented, and a zoning upgrade will help improve the potential for the property to be rented. The property is currently developed with an office building containing approximately 1,760 square feet of gross floor area. The office building is designed to hold up to four separate tenants; it appears it currently has three tenants (family counseling, tax office and massage), one of which is the applicant.

Across the parking lot, west of the applicant’s property, is a building similar to the applicant’s that is developed with an insurance office. Both properties are enclosed by a wooden screening fence located along the neighboring office building’s western property line. A wooden fence is located along the joint northern property line. A masonry wall is located along the applicant’s eastern property line.

Surrounding properties are zoned SF-5 Single-family Residential (SF-5); B Multi-family Residential; LC Limited Commercial and GO. Neighboring properties are developed as single-family residential, car wash and an insurance office.

Uses permitted in the Neighborhood Retail and General Office districts are similar except that NR zoning permits a: “bank,” “personal care service,” “personal improvement service,” “printing and copying, limited,” restaurant, limited to 2,000 square feet and no drive through” and “retail, general” by right. Those uses are either not permitted or require a conditional use in the GO district. The GO district permits “group residence, general,” which the NR district does not.

Signage permitted by the NR district is the same as that permitted in the GO district.

Analysis: At the DAB I meeting held on July 12, 2010, the DAB voted (unanimous) to recommend approval of the request for NR zoning.

At the MAPC meeting held July 8, 2010, the MAPC voted (11-0) to recommend approval of the request for NR zoning. The case was approved by consent, and there was not anyone from the public to speak for or against the application.

There have not been any protests received.

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. Adopt the findings of the MAPC, approve the zone change and place the ordinance on first reading.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the City Council on the first hearing.)