

OCA 150004

ORDINANCE NO.

49-534

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:

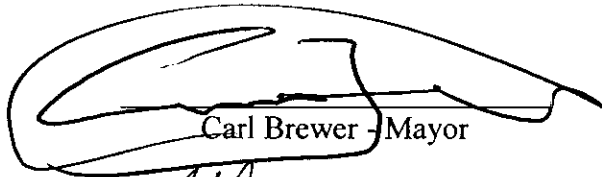
Case No. ZON2013-00011

Zone change from Single-Family Residential ("SF-5") to General Office ("GO") on an approximately 4.9-acre property described as:

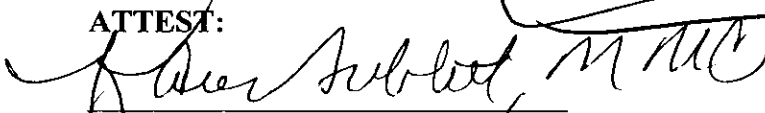
All that part of Zimmerly's 2nd Addition to the City of Wichita, Sedgwick County, Kansas, bounded on the North by Lincoln Street, on the South by Bayley Street, on the West by Topeka Avenue, and on the East by Emporia Avenue, including School Reserve, all Lots, and all Alleys; generally located south of Lincoln Street, between Emporia and Topeka Avenues.

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.


Carl Brewer - Mayor

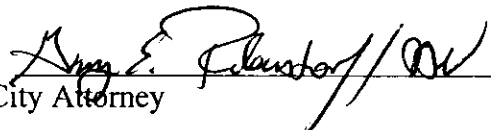
ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney



City of Wichita
City Council Meeting
July 9, 2013

TO: Mayor and City Council

SUBJECT: ZON2013-00011 and CON2013-00011 – City zone change from Single-Family Residential (SF-5) to GO General Office (GO), with a Conditional Use for “safety services,” specifically young victims of abuse; on property generally located south of Lincoln Street, between Topeka and Emporia Avenues. (District III)

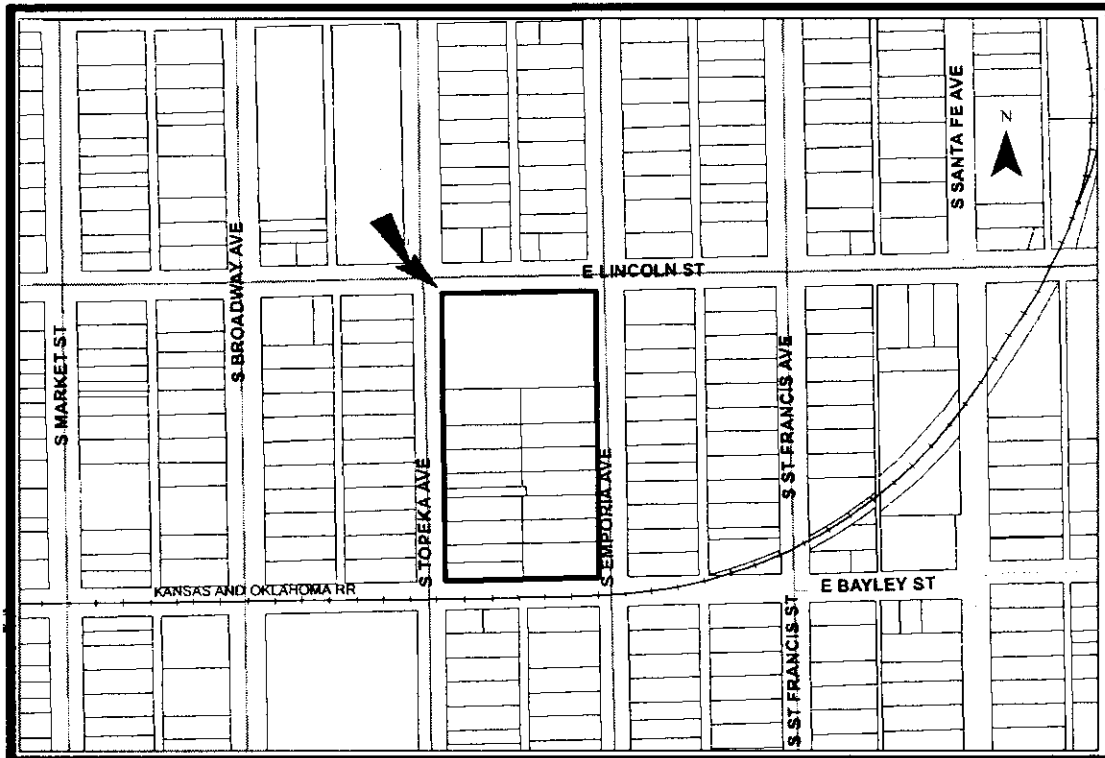
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve (11-0).

DAB II Recommendation: Approve (8-0)

MAPD Staff Recommendation: Approve.



Background: The applicants are requesting GO General Office (GO) zoning with a Conditional Use for “safety services” on the SF-5 Single-Family Residential (SF-5) zoned Lincoln Elementary School site. The site is located on the south side of Lincoln Street between Topeka and Emporia Avenues and a railroad right-of-way/track. The Unified Zoning Code (UZC) defines safety services as “...a facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.” The Child Advocacy Center of Sedgwick County (CAC) provides immediate services for the young victims of sexual abuse, physical abuse and neglect and their caregivers. The CAC’s services include prosecution: medical, therapy, law enforcement, social services, the advocacy component and mental health. The former school building and its physical site will provide a single facility for the CAC’s +/-60 staff members and the children in need. Safety services are not a permitted use in the SF-5 zoning district. Safety services can be considered in the GO zoning district with a Conditional Use.

The site is located in an older, mostly single-family residential neighborhood that has developed under a mix of SF-5, TF-3 Two-Family Residential (TF-3), MF-29 Multi-Family Residential (MF-29) and B Multi-Family Residential (B) zoning. Most of the neighborhood’s houses were built between 1900-1920. The immediate exceptions are a B and GC General Commercial (GC) zoned church and another B zoned church, both located north of the site across Lincoln Street. Broadway Avenue (previous US 81) and its GC and LC Limited Commercial (“LC”) zoned businesses are located a block west of the site. Active railroad right-of-way/tracks abut the south side of the site. Recent improvements along the north side of the railroad tracks include ornamental but functional metal fencing and pole lights, plus a sidewalk. South of the railroad tracks is a continuation of the older mostly single-family residential neighborhood, plus a small park all contained within a mix of SF-5, TF-3 and MF-29 zoning.

The applicant has proved a site plan that shows extensive redevelopment of the site, including renovation of the existing building, relocation and expansion of parking, and new internal vehicular circulation. Redevelopment of the site will trigger compliance with, but not limited to, landscaping and parking standards.

Analysis: At the June 5, 2013, DAB III meeting, the DAB voted, unanimously (8-0), to approve the requested GO zoning and the Conditional Use for safety services, with the following conditions:

1. The Conditional Use will be for a facility that will house staff for prosecution, medical, therapy, law enforcement, social services, the advocacy component and mental health, as needed for young victims of sexual abuse, physical abuse and neglect and their caregivers.
2. All applicable site development standards of the UZC, Art. IV, Sec. IV shall be applied.
3. Signs shall be a monument type; otherwise all signs shall be as permitted in the GO zoning district. No off-site, billboard, temporary or portable signs shall be permitted. No LED signs.
4. All utilities will be underground.
5. The site shall be developed in general conformance with the approved site plan.
6. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

At the June 6, 2013, MAPC meeting, the MAPC voted unanimously (11-0) to approve the requested GO zoning and the Conditional Use for safety services, with the above noted conditions. There were no citizens who spoke against the request at the MAPC or DAB meetings. Planning has received no phone calls protesting the request. There have been no valid protest petitions filed with the City Clerk.

Financial Considerations: There are no financial considerations in regards to the zoning request.

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

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the zone change and the Conditional Use subject to the recommended conditions, authorize the Mayor to sign the ordinance and the resolution and place the ordinance establishing the zone change on first reading (simple majority required).

Attachments:

- Ordinance
- Resolution
- MAPC minutes
- DAB memo