

**City of Wichita
City Council Meeting
February 9, 2016**

TO: Mayor and City Council

SUBJECT: ZON2015-00050 – Zone Change from NR Neighborhood Retail (“NR”) to LC Limited Commercial (“LC”) with a Protective Overlay on Property Generally Located at the Northeast Corner of East Central Avenue and Old Manor Road (5308, 5314, 5320, 5326 East Central Avenue) (District I)

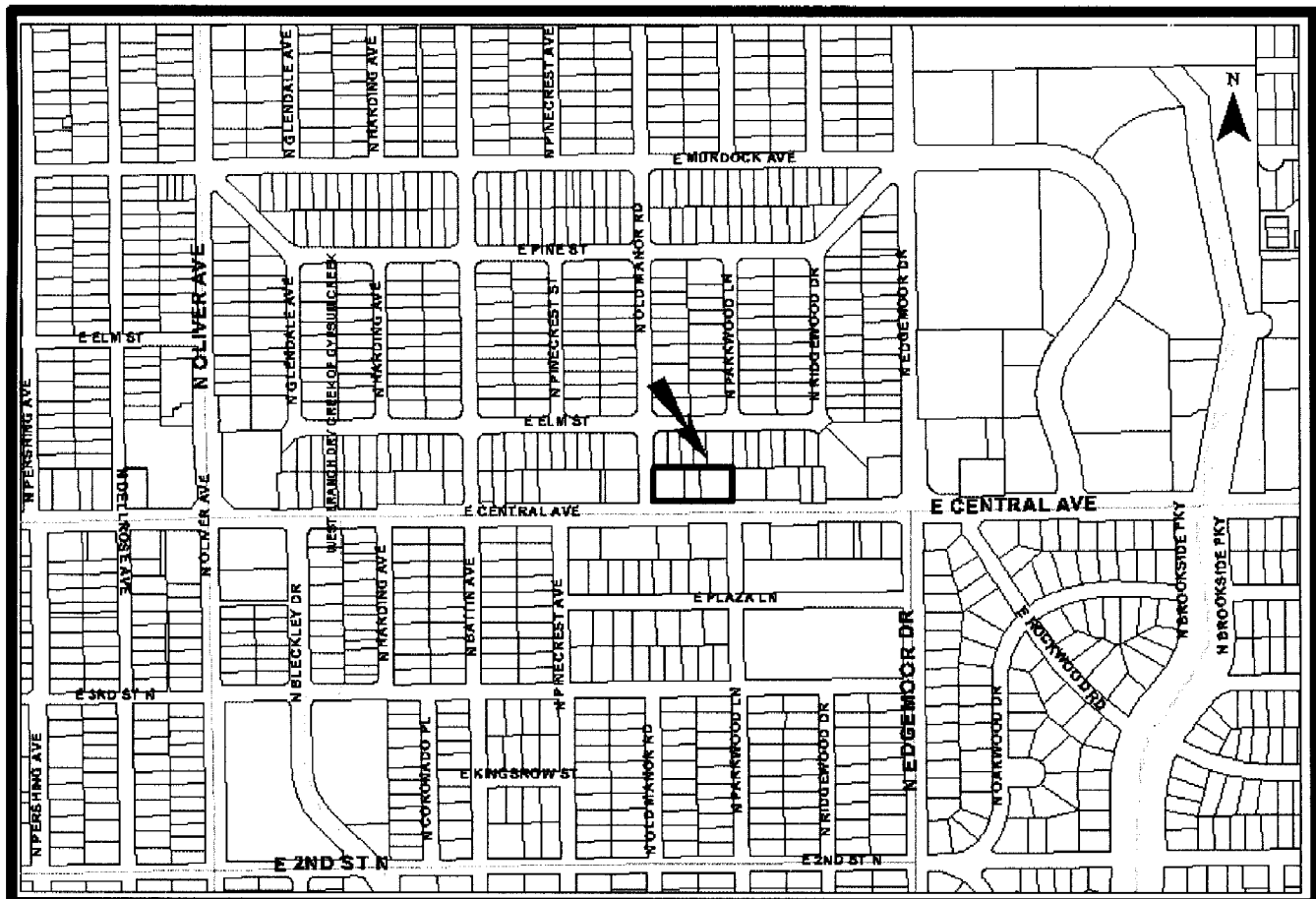
INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (12-1).

DAB Recommendation: District Advisory Board I recommended approval of the request 8-0.

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommends approval of the request.



Background The applicant requests a rezone from NR Neighborhood Retail (“NR”) to LC Limited Commercial (“LC”) zoning on three lots, 1, 2 and 3; Rebecca Addition (5308, 2314, 5320 and 5326 East Central Avenue) totaling 0.86 acres, located at the northeast corner of East Central Avenue and Old Manor Road. The parcels are currently developed with older quadraplexes, many of the units currently vacant. These three lots are the last remaining residential lots along Central Avenue at this location, between Edgemoor (to the east) and North Pinecrest Street (to the west).

The current neighborhood character is a mix of LC and NR zoned retail, vehicle repair, medical services and personal care services along Central Avenue. The only other residential properties along this corridor are further west down Central Avenue, near Battin Street and backing up to the commercial properties that are located along Central Avenue. The proposed zone change, from NR to LC would require conformance to all property development standards in the Unified Zoning Code.

Property north of the subject site is zoned SF-5 Single-family Residential (“SF-5”) and is developed with single-family residences. Property to the south of the subject site, across Central Avenue, is zoned LC and is developed with a medical service, personal care services and a restaurant. Property to the east of the subject site is zoned NR and is developed with a strip center and retail stores. Property west of the subject site, across Old Manor Road, is zoned LC and is developed with vehicle repair services and a car wash.

Analysis: On January 4, 2016, District Advisory Board I (DAB) reviewed the application and suggested a few revisions to the staff proposed Protective Overlay. Those suggestions are allowing restaurants, drive-thru and drive-ins, prohibiting payday loan operations and allowing LC Limited Commercial signage. DAB I approved the request 9-0.

On January 7, 2016, The Metropolitan Area Planning Commission (MAPC) recommend approval of case, subject to the following provisions of Protective Overlay #303, which incorporated the DAB I recommendations:

- (1) All uses allowed as permitted uses in the LC Limited Commercial (“LC”) zone district except the following: adult bookstores; pawn shops; payday loan operations; funeral home; adult entertainment; convenience stores; hotel or motel; night club; recreation and entertainment, indoor; service station; tavern and drinking establishment; vehicle and equipment sales, outdoor and wireless communication facility;
- (2) The site shall be developed in conformance with code required noise, setback and height standards, zoning screening and buffering and landscaping requirements unless modified by this Protective Overlay;
- (3) No outdoor storage shall be permitted on the site;
- (4) Outdoor lighting on the site shall be restricted to 12 feet in height, including the base, and shall be shielded away from residential zoning;
- (5) Outdoor speakers and sound amplification systems shall not be permitted.
- (6) Access Control will be determined through Traffic Engineering approval.

No protest petitions have been received. The request can be approved with a simple majority vote.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

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

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the Zone Change, subject to the provisions of Protective Overlay #303, and place the ordinance on first reading (simple majority vote).

Attachments: Ordinance, DAB Memo, MAPC minutes

ORDINANCE NO. 50-151

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. ZON2015-00050

Zone change from NR Neighborhood Retail ("NR") to LC Limited Commercial ("LC") with Protective Overlay #303:

- (1) All uses allowed as permitted uses in the LC Limited Commercial ("LC") zone district except the following: adult bookstores; pawn shops; payday loan operations; funeral home; adult entertainment; convenience stores; hotel or motel; night club; recreation and entertainment, indoor; service station; tavern and drinking establishment; vehicle and equipment sales, outdoor and wireless communication facility;
- (2) The site shall be developed in conformance with code required noise, setback and height standards, zoning screening and buffering and landscaping requirements unless modified by this Protective Overlay;
- (3) No outdoor storage shall be permitted on the site;
- (4) Outdoor lighting on the site shall be restricted to 12 feet in height, including the base, and shall be shielded away from residential zoning;
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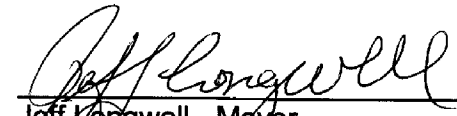
On property located at the northeast corner of East Central Avenue and Old Manor Road (5308, 5314, 5320 and 5326 E. Central Ave.), described as:

Lots 1, 2 and 3; Rebecca Addition, Wichita, Sedgwick County, Kansas.

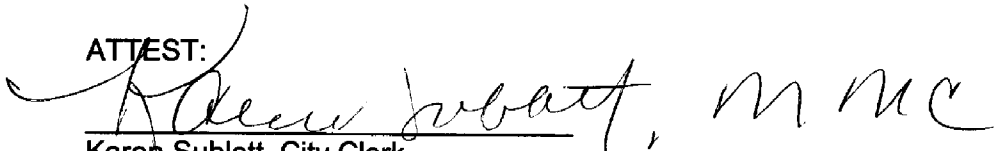
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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

ADOPTED this 16 day of February, 2016.

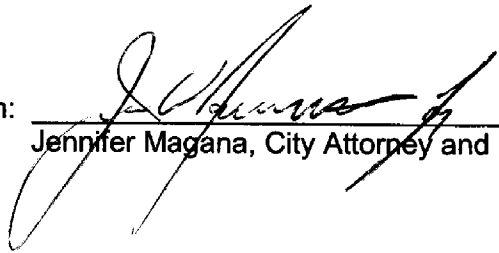

Jeff Longwell - Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form:


Jennifer Magana, City Attorney and Director of Law