Agenda Item #_____

City of Wichita
City Council Meeting
July 10, 2001

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **ZON2001-00037 – ZONE CHANGE FROM "LI" LIMITED INDUSTRIAL TO "LC" LIMITED COMMERCIAL, LOCATED SOUTH OF TEXAS AND EAST OF OSAGE ¼ BLOCK.** (District #IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (12-0).

Staff Recommendation: Approve.

Background: The applicants' platted property is zoned "LI" Limited Industrial and is located south of Texas and ¼ block east of Osage. The site is developed with a single-family residence. Residential uses are not permitted uses in the "LI" district, making the residence a non-conforming use. The property is for sale. An individual is interested in purchasing the home, but due to its non-conforming status, the potential buyer cannot obtain a loan. Therefore, the applicants are seeking a rezoning to the "LC" Limited Commercial district which does permit residential uses, and would allow the buyer to obtain a loan.

All surrounding property is zoned "LI" Limited Industrial. Except for the property located to the north, all surrounding property is developed with residential uses. The property located north of the application area, across Texas Street, is developed with a drive-thru bank and bank related parking.

The application area is part of the Delano Neighborhood. A neighborhood plan has recently been adopted for Delano. One of that plan's recommendations is that this property as well as others similarly situated be rezoned to the "LC" Limited Commercial district. "LC" zoning would eliminate the problem this applicant is facing with the sale of the house, but preserve a wide variety of uses, including residential uses. Staff has been and is currently working with neighborhood residents and business owners to implement the plan's recommendations.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change and first reading of the ordinance.

2. Return the application to the MAPC for reconsideration

   (An override of the Planning Commission's recommendation requires a 2/3 majority vote of the membership of the governing body on the first hearing.)

Dupl

(_____) Published in The Wichita Eagle on JUL 27 2001

ORDINANCE NO. 45-013

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. ZON2001-00037

Request for zone change from "LI" Limited Industrial to "LC" Limited Commercial, on property described as:

The North Half of Lots 68 and 70, Texas Avenue, West Wichita Addition, Wichita, Sedgwick County, Kansas. Generally located south of Texas and east of Osage ¼ block.

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, JUL 17 2001

WICHITA–SEDGWICK COUNTY

W-SC

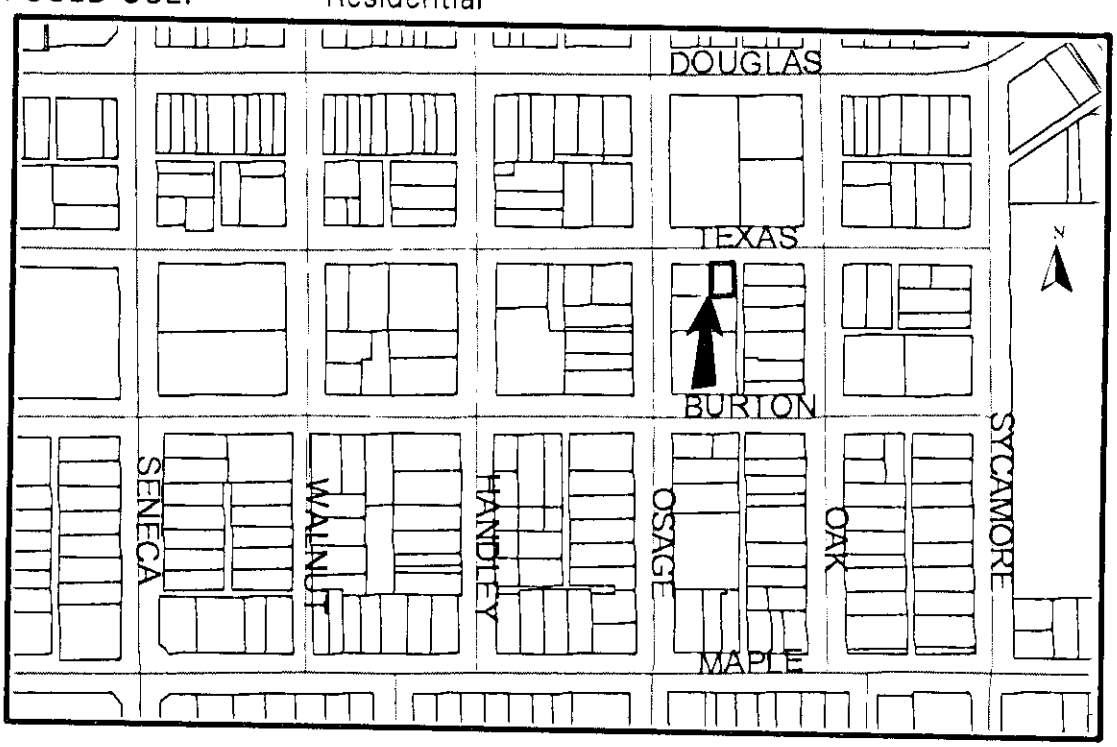
AGENDA ITEM NO. 10

STAFF REPORT

MAPC 6/21/01

FILE COPY

CASE NUMBER:	ZON2001-00037
OWNER/APPLICANT:	Randy D. And Jane F. Wiley (owner / applicant)
AGENT:	N/A
REQUEST:	"LC" Limited Commercial
CURRENT ZONING:	"LI" Limited Industrial
SITE SIZE:	Less than 1acre
LOCATION:	South of Texas and east of Osage ¼ block
PROPOSED USE:	Residential



BACKGROUND: The applicants' platted property is zoned "LI" Limited Industrial and is located south of Texas and ¼ block east of Osage. The site is developed with a single-family residence. Residential uses are not permitted uses in the "LI" district, making the residence a non-conforming use. The property is for sale. An individual is interested in purchasing the home, but due to its non-conforming status, the potential buyer can not obtain a loan. Therefore, the applicants are seeking a rezoning to the "LC" Limited Commercial district which does permit residential uses, and would allow the buyer to obtain a loan.

All surrounding property is zoned "LI" Limited Industrial. Except for the property located to the north, all surrounding property is developed with residential uses. The property located north of the application area, across Texas Street, is developed with a drive-thru bank and bank related parking.

The application area is part of the Delano Neighborhood. A neighborhood plan has recently been adopted for Delano. One of that plan's recommedations is that this property as well as others similarily situated be rezoned to the "LC" Limited Commerical district. "LC" zoning woulld eliminate the problem this applicant is facing with the sale of the house, but preserve a wide variety of uses, including residential uses. Staff has been and is currently working with neighborhood residents and business owners to implement the plan's recommendations.

CASE HISTORY: The West Wichita Addition was platted in 1872.

ADJACENT ZONING AND LAND USE:

NORTH: "LI" Limited Industrial; bank
SOUTH: "LI" Limited Industrial; residence
EAST: "LI" Limited Industrial; residence
WEST: "LI" Limited Industrial; residence

PUBLIC SERVICES: Municipal sewer and water are available as are all other customarily supplied public services.

CONFORMANCE TO PLANS/POLICIES: As indicated above, the Delano Neighborhood Plan recommends the rezoning of properties that are overzoned for their current and anticipated uses. The "LC" Limited Commerical zoning district is the zoning district recommended for this property.

RECOMMENDATION: Based upon 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. All surrounding land is zoned "LI" Limited Industrial and is used for residential uses or a bank. The character of the area appears to be an older stable residential neighborhood located on the edge of a commercial district.

2. The suitablility of the subject property for the uses to which it has been restricted. The site is zoned "LI" Limited Industrial which permits a very wide range of uses, except for residential uses. The site is developed with a single-family residence which make the site's zoning un-suitable for its current use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not have a detrimental affect as the "LC" district is more restrictive than the "LI" district.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: As indicated above, the Delano Neighborhood Plan recommends the rezoning of properties that are overzoned for their current and anticipated uses. The "LC" Limited Commerical zoning district is the zoning district recommended for this property.

5. Impact of the proposed development on community facilities: None identified as the existing use will remain.