

ORDINANCE NO. 50-407

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. ZON2016-00049

City zone change from TF-3 Two-Family Residential to GC General Commercial subject to Protective Overlay #248 and Protective Overlay #302; described as:

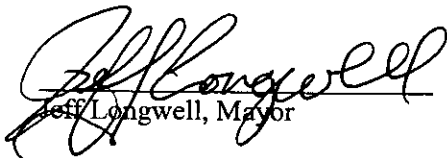
LOTS 10-12 GREEN ST. FAIRMOUNT PARK ADDITION, Wichita, Sedgwick County, Kansas

P.O. #248 AND P.O. #302 shall prohibit the following uses:

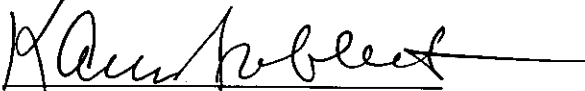
- A. The following uses shall not be permitted: hotel or motel; pawn shop; payday loan; rodeo; riding academy or stable; tattooing or body piercing facility; vehicle and equipment sales; asphalt or concrete plant; vehicle storage yard; adult entertainment establishment; massage therapist/parlor; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; kennel; night club; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

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.

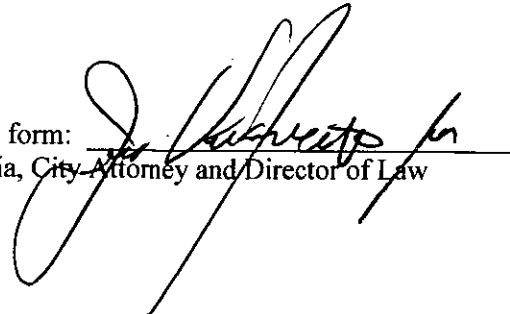
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



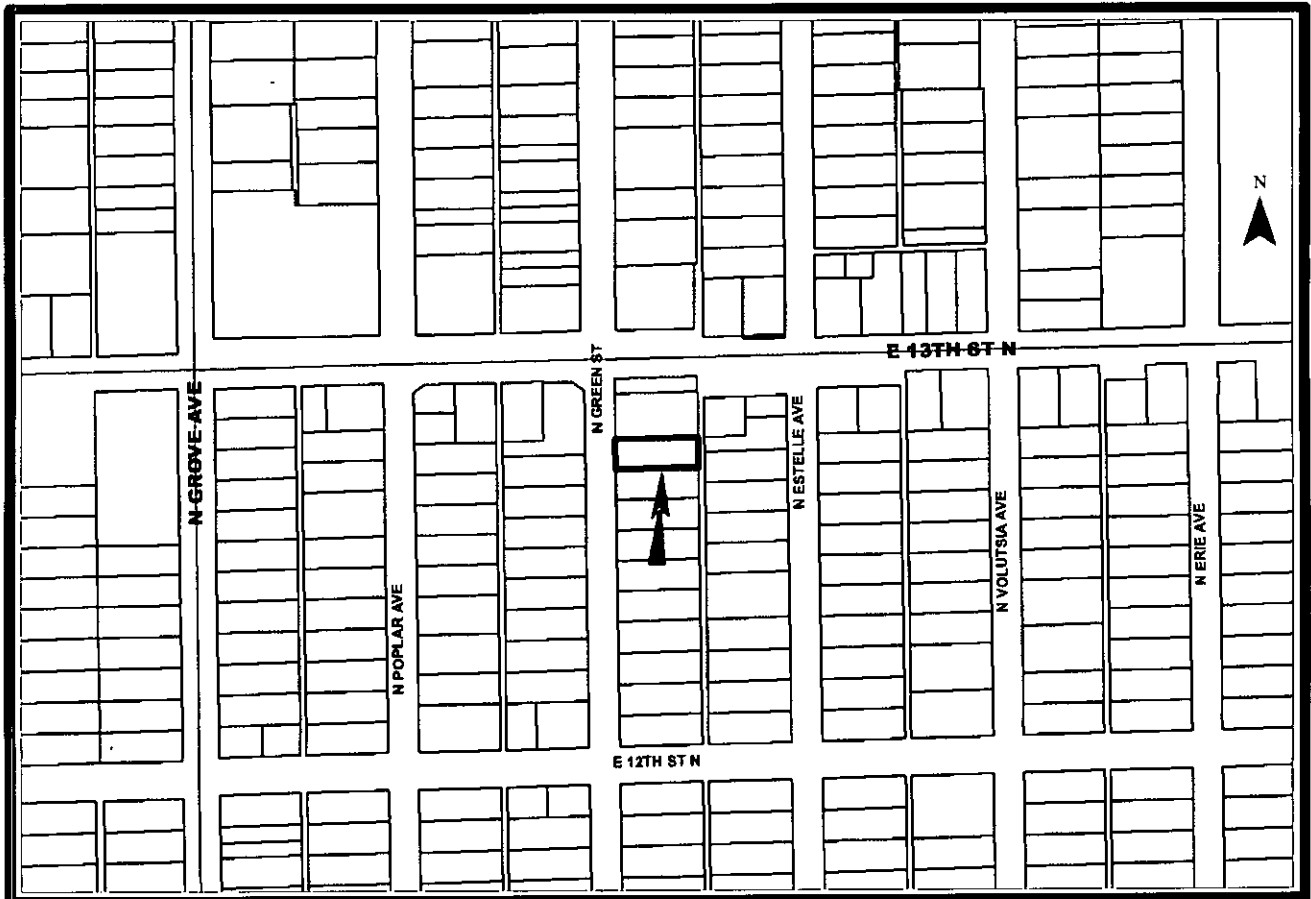
Approved as to form: 
Jennifer Magaña, City Attorney and Director of Law



AGENDA ITEM NO. 5

STAFF REPORT
MAPC: December 1, 2016
DAB I: December 5, 2016

- CASE NUMBER:** ZON2016-00049
- APPLICANT/AGENT:** Janice Thacker (Owner/Applicant)
- REQUEST:** GC General Commercial ("GC")
- CURRENT ZONING:** TF-3 Two-family Residential ("TF-3")
- SITE SIZE:** Total Area 0.16 acres
- LOCATION:** Generally located east of Grove Avenue on the southeast corner of Green and 13th Street North
- PROPOSED USE:** Parking area and gallery



BACKGROUND: The applicant is requesting GC General Commercial ("GC") zoning on a 0.16-acre site, currently zoned TF-3 Two-family Residential ("TF-3"). The proposed use is a parking area and gallery. The site is located at the southeast corner of East 13th Street North and North Green Street, just two blocks east of North Grove Avenue. The subject site currently has a single-family residence.

Any development on the subject property, even a parking area, will be required to meet screening, compatibility standards and landscaping. For any proposed development, screening, buffer landscaping and compatibility standards will be required for the residential properties to the south and east. Any existing vegetation, on the subject property, that is left in place after the development of the site can be used to help satisfy the buffer landscaping requirement. Access control would be reviewed, by the Traffic Engineer, according to the redevelopment of the site. There is currently one existing drive for the site.

Property to the north of the subject site (across 13th Street) is zoned GC and is developed with outdoor storage area. Property to the south of the subject site is zoned TF-3 and is developed with a single-family residence. To the west of the subject site (across Green Street) the property is zoned GC and is currently developed with a vacant single-family residence. Property to the east of the subject site is zoned TF-3 and is vacant, with a duplex further to the east, fronting Estelle Avenue.

CASE HISTORY: The property is platted as Lots 10 and 12, Green Street, Fairmount Park Addition, which was recorded August 12, 1909. The subject site is part of a development that includes the southwest corner and southeast corner of 13th and Green (ZON2010-42 with Protective Overlay (P.O.) #248 and ZON2015-47 with P.O. #302 to rezone TF-3 to GC. The protective overlays prohibit the following uses: hotel or motel; pawn shop; payday loan; rodeo; riding academy or stable; tattooing or body piercing facility; vehicle and equipment sales; asphalt or concrete plant; vehicle storage yard; adult entertainment establishment; massage therapist/parlor; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; kennel; night club; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

ADJACENT ZONING AND LAND USE:

NORTH:	GC	Outdoor Storage
SOUTH:	TF-3	Single-family Residence
EAST:	TF-3	Vacant Land, Duplex
WEST:	GC	Vacant Single-Family Residence

PUBLIC SERVICES: The subject property has frontage along East 13th Street North (north side of property), a four-lane, paved, arterial road with approximately 35,000 Average Daily Trips (ADT's) near this location. Along the west side of the property runs North Green Street, a two-lane, paved, collector without traffic counts. Public water and sewer service are currently available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as "Urban Residential." This is the only corner of Green Street that is not identified as "Local Commercial." The "Urban Residential" category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large

urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category." Locational guidelines further encourage infill development that maximizes public investment in existing infrastructure along arterial streets.

RECOMMENDATION: While this proposed zone change does not exactly conform to the existing Land Use Guide of the Comprehensive Plan, this request would be in conformance at the other three corners of the intersection due to them being classified as Local Commercial. This proposed zone change is proposed to help serve the property to the north of the subject site which was granted a zone change from TF-3 to GC by the MAPC on January 6, 2016 (ZON2015-00047). Thus, based upon the information available prior to the public hearings and past zone change requests in the area, planning staff recommends that the request be **APPROVED**, subject to the proposed Protective Overlay:

- A. The following uses shall not be permitted: hotel or motel; pawn shop; payday loan; rodeo; riding academy or stable; tattooing or body piercing facility; vehicle and equipment sales; asphalt or concrete plant; vehicle storage yard; adult entertainment establishment; massage therapist/parlor; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; kennel; night club; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property to the north of the subject site (across 13th Street) is zoned GC and is developed with outdoor storage area. Property to the south of the subject site is zoned TF-3 and is developed with a single-family residence. To the west of the subject site (across Green Street) the property is zoned GC and is currently developed with a vacant single-family residence. Property to the east of the subject site is zoned TF-3 and is vacant, with a duplex further to the east, fronting Estelle Avenue.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site could be developed with a single-family residential or duplex use under the current zoning.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Rezoning and commercial development could have negative effects on the single-family residences south and east of the application area. Existing codes would require compatibility setbacks, screening, landscaping, limit noise, and prohibit certain uses within 200 feet of residences.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Land Use Guide of the Comprehensive Plan identifies this area as "Urban Residential." This is the only corner of Green Street that

is not identified as "Local Commercial." The "Urban Residential" category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category." Locational guidelines further encourage infill development that maximizes public investment in existing infrastructure along arterial streets.

5. **Impact of the proposed development on community facilities:** Traffic on the existing residential street could increase as a result of the proposed development. The site currently has a curb cut for access to North Green Street, a classified local street.