

ORDINANCE NO. 50-418

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:

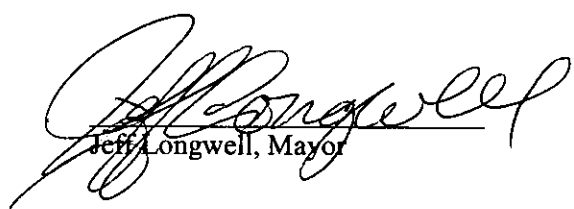
Case No. ZON2016-00062

City zone change from GO General Office to NR Neighborhood Retail; described as:


LOT 1, ROBERT RHODES 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:


Jeff Longwell, Mayor

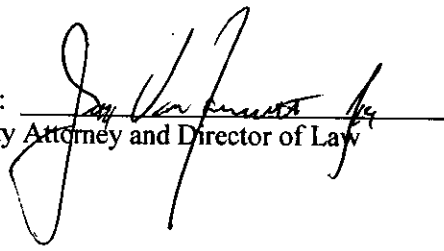
ATTEST:



Karen Sublett, City Clerk



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





STAFF REPORT

MAPC January 5, 2017
DAB VI January 9, 2017

CASE NUMBER: ZON2016-00062

APPLICANT/AGENT: Jeannette Z. Habashy (owner) Pamela Pletcher-Roe (applicant) Ryan D. Hubbard, NAI Martens (agent)

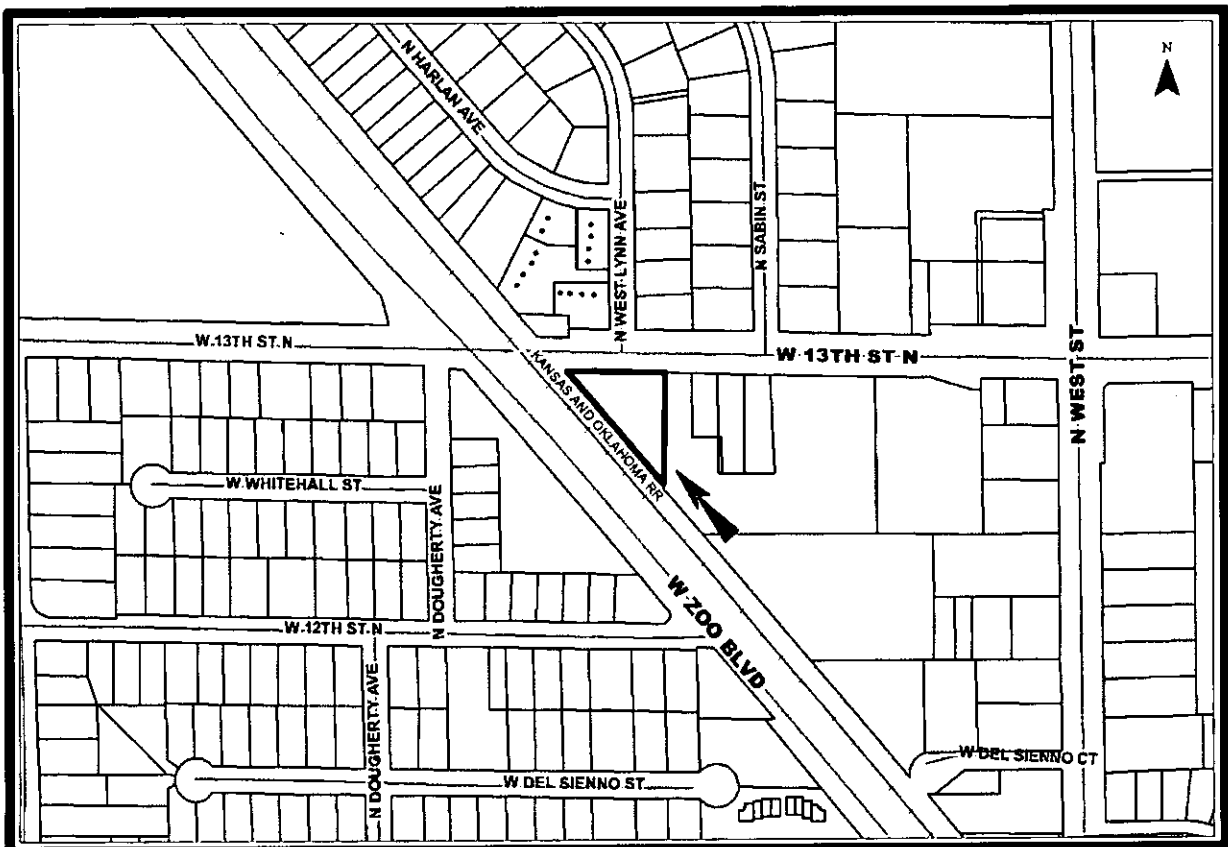
REQUEST: Zone Change to NR Neighborhood Retail

CURRENT ZONING: GO General Office

SITE SIZE: 0.68 acre

LOCATION: South side of West 13th Street west of Zoo Boulevard along Kansas and Oklahoma Railroad

PROPOSED USE: Retail, General to Bakery Catering and On-Site Sales



BACKGROUND: The applicant requests a zone change from GO General Office to NR Neighborhood Retail to allow on-site sale of baked goods produced by "WOW Cakes" who will be relocating from their current location at the northeast corner of West 13th and Meridian. The site is located at the southeast corner of West 13th and Zoo Boulevard. The property is currently developed with a one-story masonry building on the GO zoned lot with on-site parking which was used as a medical office. The only remodeling required to the building will be plumbing and electrical upgrades.

Multi-Family residential uses abut the subject property to the north. East of the site is a nursing facility. Immediately on the west property line is the railroad right-of-way and Zoo Boulevard. NR zoning abuts the west side of Zoo Boulevard.

CASE HISTORY: The subject site was rezoned (Z-2653) from "AA" to "BB" in December 1984 and re-platted in February 1986 as the Robert Rhodes Addition, Wichita, Sedgwick County, Kansas.

ADJACENT ZONING AND LAND USE:

NORTH:	MF-18	Apartment/Town Homes
SOUTH:	NR, R-O-W	Strip Office Center, Railroad and street r-o-w
EAST:	B	Nursing Facility
WEST:	NR, R-O-W	Strip Office Center, Railroad and street r-o-w

PUBLIC SERVICES: The property is serviced by all publicly supplied municipal services. The site has access to West Jennie Street (local collector), which connects to Woodchuck (local collector.) Woodchuck then connects to West Central, which is a 6/7 lane, two-way arterial at this location. The site does not have access onto Central.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages retention of businesses within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. Low-intensity retail, small offices and personal services uses are located in close proximity to, and potentially mixed, with residential uses.

RECOMMENDATION: Based on 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: Multi-Family residential uses abut the subject property to the north. East of the site is a nursing facility. Immediately on the west property line is the railroad right-of-way and Zoo Boulevard. NR zoning abuts the west side of Zoo Boulevard.
2. The suitability of the subject property for the uses to which it has been restricted: The existing GO zoning does not allow for small general retail uses which would

be appropriate in this location.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. The site is developed with adequate on-site parking to accommodate the use. NR zoning limits uses to less than 8,000 square feet for office, 2,000 square feet for restaurant and no drive-through business. Business hours are 11:30 a.m. to 5:30 p.m. Tuesday through Friday and Saturday from 10 a.m. to 1 p.m.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages retention of businesses within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. Low-intensity retail, small offices and personal services uses are located in close proximity to, and potentially mixed, with residential uses.
5. Impact of the proposed development on community facilities: No additional community facilities demand will be created by allowing this request.