

OCA150006 BID37529-009 CID#76383
Published in The Wichita Eagle on 6-18-08
ORDINANCE NO. 47-910

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. ZON2008-15

Zone change from "SF-5" Single-Family Residential to "NR" Neighborhood Retail subject to platting within one year and Protective Overlay #211 on property described as:

Generally located north of East Harry Street between Todd and Shiloh (10402 East Harry Street).

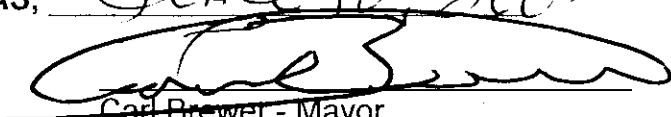
SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #211:

1. The following uses shall not be permitted: group residence, limited; correctional placement residence, limited; group home, general; restaurant and retail, general.
2. Residential development shall be limited to a maximum density of 17.4 dwelling units per acre.
3. Buildings shall be limited to a maximum height of 45 feet.

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, June 11 2028

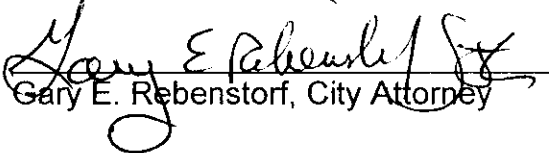

Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form: \


Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
June 3, 2008

TO: Mayor and City Council

SUBJECT: ZON2008-15 - City Zone change from SF-5 Single-family Residential to LC Limited Commercial; amended to NR Neighborhood Retail. Generally located on the north side of Harry Street between Todd and Shiloh Streets (District II)

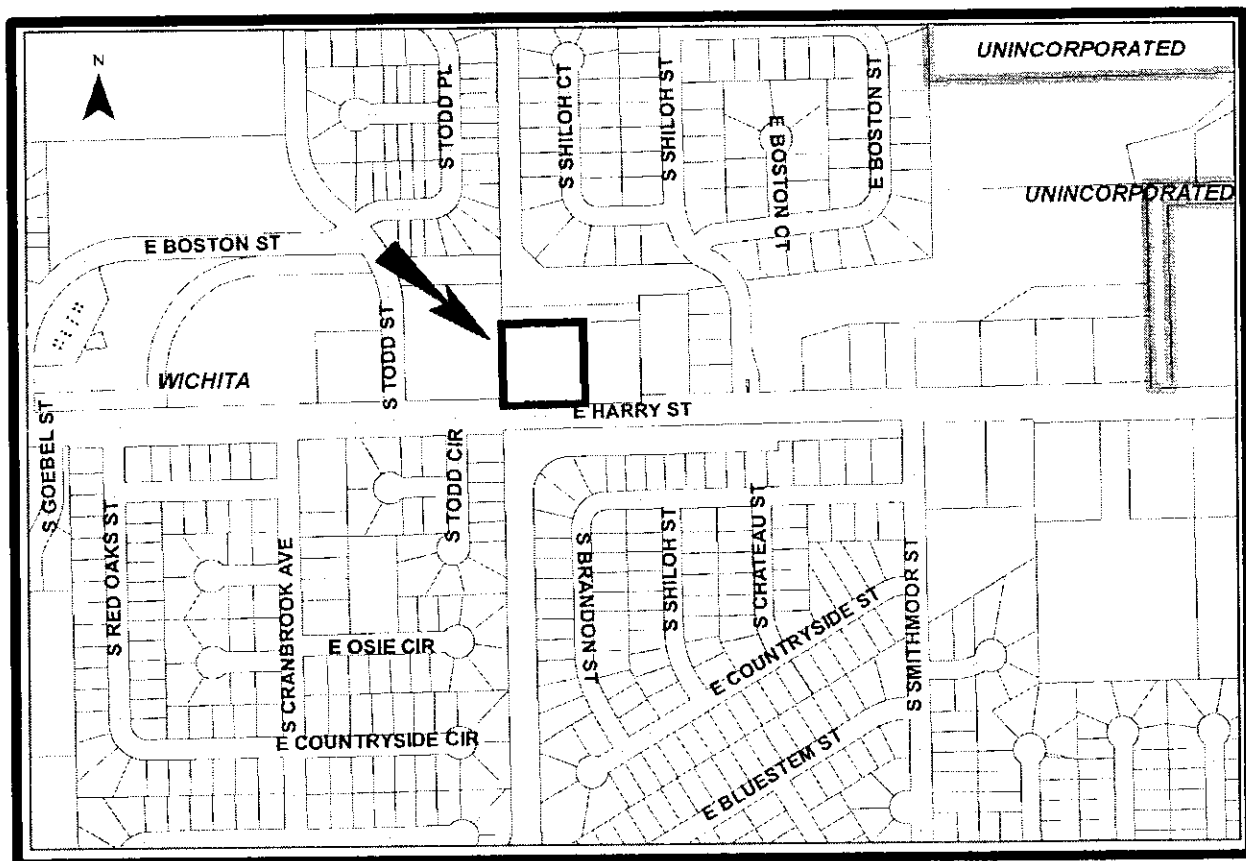
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve NR Neighborhood Retail, subject to Protective Overlay #211 (unanimous).

DAB II Recommendation: Approve NR Neighborhood Retail, subject to Protective Overlay #211 (unanimous).

MAPD Staff Recommendation: Approve NR Neighborhood Retail, subject to Protective Overlay #211.



Background: Initially, the applicant was seeking LC Limited Commercial (“LC”) zoning for 1.32 acres located on the north side of east Harry Street approximately 2,600 feet west of Greenwich. The site is zoned SF-5 Single-family Residential (“SF-5”) and developed with what appears to be a vacant residence. The site has 250 feet of frontage along Harry Street with two driveways. At the Metropolitan Area Planning Commission (MAPC) meeting on April 10, 2008, the applicant amended his request to NR Neighborhood Retail (“NR”), subject to following Protective Overlay (“PO”):

1. The following uses shall not be permitted: Group Residence, Limited; Correctional Placement Residence, Limited; Group Home, General; Restaurant and Retail General;
2. Residential development shall be limited to a maximum density of 17.4 dwelling units per acre; and
3. Buildings shall be limited to a maximum height of 45 feet.

The proposed PO brings the request more in compliance with expected development patterns by eliminating general retail and restaurant uses, which would be problematic at this location, but would permit “personal improvement” and “personal care” uses that are typically smaller in scale and less intense activities than general retail uses.

Property to the east is zoned SF-5 and developed as a single-family residence on a large lot that wraps around to the north of the applicant’s site. Further east of the site is a utility substation, also zoned SF-5. Further north of the next door neighbor’s property is Reserve C of the Crystal Creek Addition, zoned SF-5, which is a single-family residential neighborhood. South of Harry Street and a drainage ditch are single-family residences, also zoned SF-5. West of the site is a church, zoned GO General Office (“GO”), and subject to Protective Overlay 94. PO-94 prohibits the following uses: group residence, limited; group residence, general; correctional placement residence, limited; correctional placement residence, general and hotel or motel; limits residential development to a maximum density of 17.4 dwelling units per acre and limits building height to 45 feet.

Analysis: The Metropolitan Area Planning Commission initially heard the request for LC zoning on April 10, 2008. At that meeting, the applicant requested a deferral in order to revise his application from LC to NR, subject to a Protective Overlay. The MAPC approved the request for a deferral to April 24, 2008. At the MAPC meeting of April 24, the request for NR, subject to the Protective Overlay discussed above was approved 12-0. DAB II reviewed this request on April 7, 2008. The DAB approved the request (7-0) subject to staff recommendation. No protest petitions have been filed.

Financial Considerations: None.

Goal Impact: Promote economic vitality.

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

Recommendation/Actions:

1. Concur with the findings of the MAPC, approve the zone change subject to Protective Overlay #211, place the ordinance approving the zone change on first reading and publish the ordinance in the official City newspaper following adoption; or
2. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a two-third majority vote of the City Council on the first hearing.)