

ORDINANCE NO. 47-528

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. ZON2006-00026

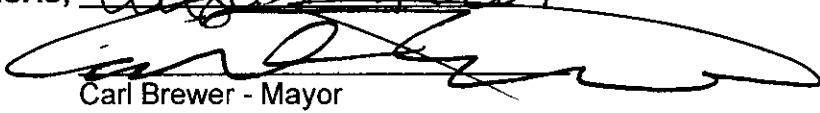
Request for zone change from "GO" General Office to "LC" Limited Commercial on property described as:

East 58 Feet of Lots 86-88 and East 58 Feet of the South 1/2 of Lot 90 on Water Street, AND Lots 86-88 Except East 58 Feet and South 1/2 of Lot 90 Except 58 Feet on Water Street, AND North 1/2 of Lot 90 and All of Lot 92 on Water Street, AND Lot 94 and South 1/2 of Lot 96 on Water Street of the Mungers Original Town Addition in Wichita, Sedgwick County, Kansas. Generally located Northeast corner of W. Murdock and N. Water.

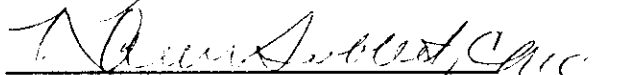
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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, August 7, 2007


Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk



(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney

RECEIVED
AUG 15 2007
METROPOLITAN PLANNING
DISTRICT

City of Wichita
City Council Meeting
July 24, 2007

TO: Mayor and City Council

SUBJECT: ZON2007-00026 – Zone change from “GO” General Office to “LC” Limited Commercial. Northeast corner of W. Murdock and N. Water. (District VI)

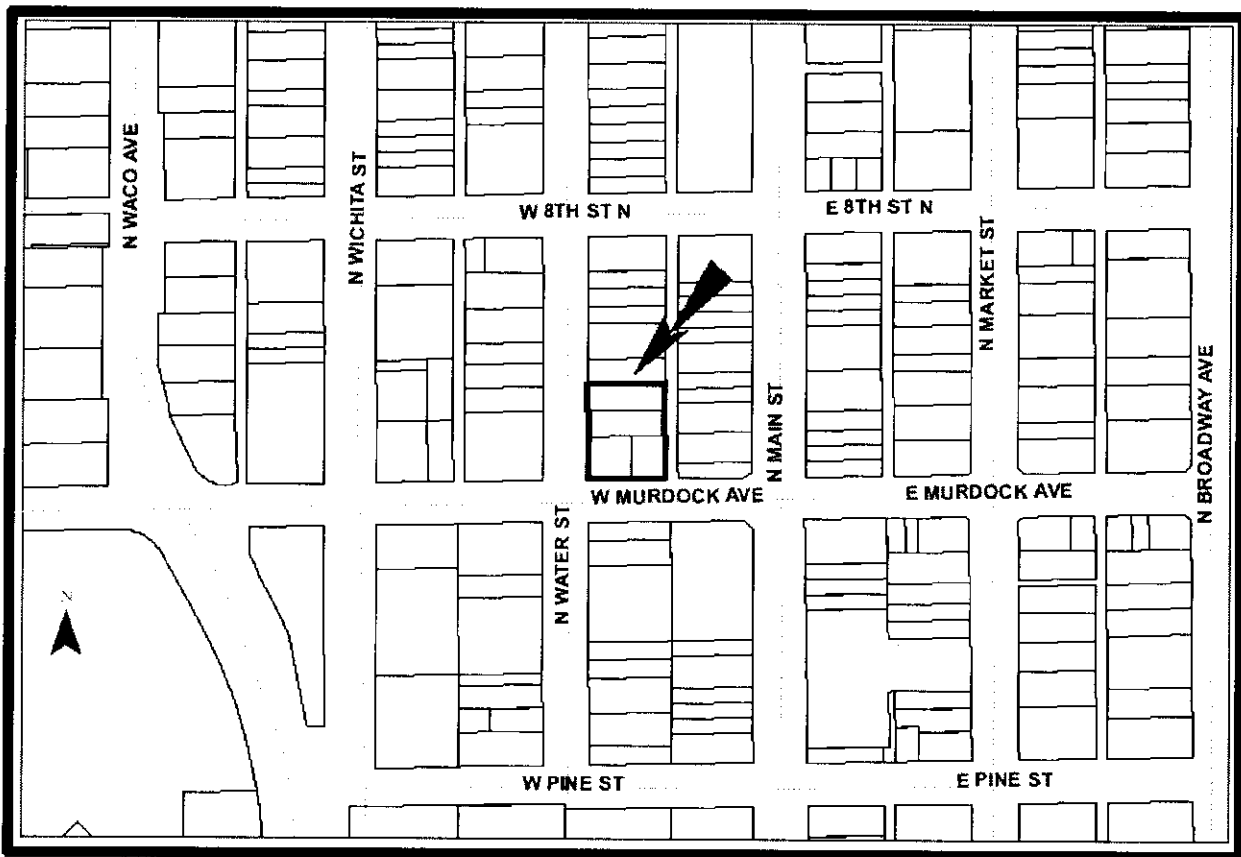
INITIATED BY: Metropolitan Area Planning Department *JUS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve “LC,” Limited Commercial (12-0)

MAPD Staff Recommendations: Approve “LC,” Limited Commercial

DAB Recommendations: Approve “LC,” Limited Commercial



Background: The applicant requests LC zoning on platted Lots 86, 87, 88, 90, 92, 94 and 96 of the Mungers Original Town Addition, each encompassing .5-acres, currently zoned GO, for a catering use that serves liquor to be housed within the existing American Legion, Post Number 4. The application area is on the northeast corner of Water Street and Murdock Avenue (816 N. Water.)

The assembly hall at the American Legion is being utilized as a base for a catering business, which serves liquor, and the operator of this catering service needs the rezone to apply for a liquor license. According to Section 4.04.020 of the Wichita City Code, no person shall sell at retail any alcoholic liquor within the corporate limits of the city at or from premises located in areas zoned for more restrictive than NR Neighborhood Retail. Since the current zoning, GO, is more restrictive than NR, a less restrictive zoning would be required for a liquor license.

North of the application area are properties zoned LI, Limited Industrial and GO developed with a plumbing service and a television station. South of the application area is GC, General Commercial and LI zoned property developed with a fire station and additional parking. Land west of the application area is zoned GO and LC developed as the Kansas Vehicle Registration Office and additional parking. Land east of the application area is zoned GO and GC developed with a plumbing service and additional parking.

Analysis: At the MAPC meeting held June 21, 2007, the MAPC voted (12-0) to approve the zone change to LC. No citizens spoke at the MAPC meeting. At the District VI Advisory Board meeting held June 20, 2007, DAB VI also recommended approval of LC (7-0). No citizens spoke at the DAB VI meeting. No protests have been received.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality and Affordable Living

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 and approve the zone change to LC Limited Commercial; place the ordinance establishing the zone change for first reading; or
2. Return the application to the MAPC for reconsideration.

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