

OCA 150004

PUBLISHED IN THE WICHITA EAGLE ON

9/20/18

ORDINANCE NO. 50-853

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. ZON2018-00029

City zone change from TF-3 Single-Family Residential to GO General Office on property located at 431 North Oliver Avenue, described as:

Lots 22 and 24 on Oliver Avenue, East Lawn 2nd Addition, Sedgwick County, Kansas

And Protective Overlay #229 on property described as follows:


Even Lots 12 through 24 along Oliver and the East 18.75 feet of Lot 11 along with the East 18.75 feet of the North 20 feet of Lot 13 on Dellrose, East Lawn 2nd Addition, Wichita, Sedgwick County, Kansas

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #229

- 1) Building signs shall not be allowed to face towards the south within 50 feet of the south property line.
- 2) Building signs shall not be allowed to face towards the west property line.
- 3) Portable, billboards and off-site signs are not permitted.

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 August 9, 2018
DAB I August 6, 2018

CASE NUMBER: ZON2018-00029

APPLICANT/AGENT: W.G. Enterprises (Owner)/Kaw Valley Engineering, Levi Bond (Agent)

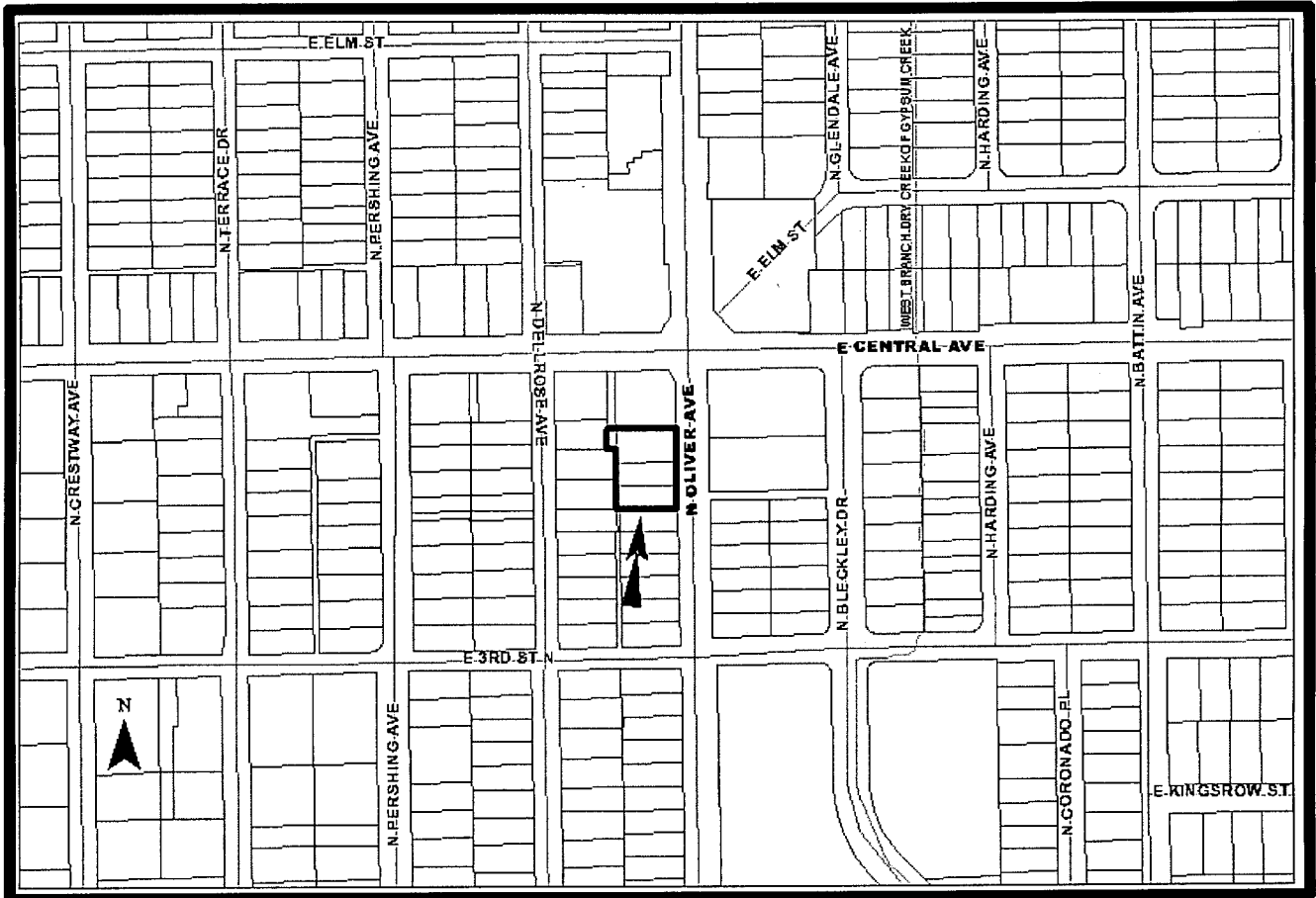
REQUEST: LC Limited Commercial and amend PO-229

CURRENT ZONING: TF-3 Two-Family Residential

SITE SIZE: 0.65 acre

LOCATION: Located 250 feet south of Central Avenue on the west side of Oliver Avenue (5759 East Central Avenue)

PROPOSED USE: Parking for Commercial expansion



BACKGROUND: The applicant recently acquired the property at 431 N. Oliver (Lots 22 & 24 on Oliver, East Lawn 2nd Addition), which is a single-family residence zoned TF-3 Two-Family Residential. The applicant owns all of the lots north of the subject site which are zoned LC Limited Commercial and developed with a one story commercial building that has been recently remodeled at the southwest corner of East Central and Oliver. The applicant is requesting the rezoning of the residential property (approximately 0.15 acre) to LC in order to provide required parking for the development, and expand PO-229 (approximately 0.65 acre) to include the proposed site. PO-229 currently applies only to Even Lots 12 through 20 along Oliver and the East 18.75 feet of Lot 11 along with the East 18.75 feet of the North 20 feet of Lot 13 on Dellrose, East Lawn 2nd Addition. PO-229 prohibits building signs from the west and south elevation of the structure and prohibits portable, billboard and off-site signs on the property.

The property is located at the southwest corner of East Central Avenue and North Oliver Avenue, which is the northeast corner of the long established College Hill neighborhood. As such, expansion of commercial activities into the established residential area are carefully evaluated.

The position of staff is to **DENY** this request for LC Limited Commercial zoning; but recommend GO General Office zoning for the property at 431 North Oliver Avenue, and expand PO-229 to include the area of the proposed zone change. GO zoning is the first zoning district that permits commercial parking by right. The Unified Zoning Code permits approval to a zoning classification more restrictive than that requested by the applicant and staff finds that the GO zoning provides a more appropriate transition into the residential area rather than LC immediately abutting single-family residential uses.

The property north of the subject site is zoned LC developed with strip center built in 1965 and recently remodeled and opened as a retail liquor store. West of the subject site is zoned SF-5 Single-Family Residential and TF-3 developed with single family dwellings. East of the subject site is a vacant grocery building and a partially occupied office building; and vacant property zoned B Multi-Family Residential.

The neighborhood south and west of the subject site is predominantly single-family dwellings, with two-family dwellings interspersed. The property south of the subject site along North Oliver Avenue down to the northwest corner of East Douglas Avenue and North Oliver Avenue is zoned TF-3 and developed with single-family dwellings and one duplex dwelling. Zoning to the west of the TF-3 zoned property on North Oliver Avenue is SF-5 Single Family Residential with some interspersed TF-3 zoned lots.

CASE HISTORY: This property is located in the East Lawn 2nd Addition to the City of Wichita, which was filed and recorded with the Register of Deeds in January 1927. Several zoning actions have occurred on parcels that has created the commercial development at the southwest corner. ZON2008-71 rezoned Even Lots 12 through 20 on Oliver and the East 18.75 feet of Lot 11 along with the East 18.75 feet of the North 20 feet of Lot 13 on Dellrose, East Lawn 2nd Addition to LC with PO-229.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Commercial
SOUTH:	TF-3	Residential
EAST:	LC; B	Commercial, vacant
WEST:	SF-5; TF-3; LC	Residential and Commercial

PUBLIC SERVICES: Central Avenue is a fully improved commercial four-lane arterial street with turn lanes provided at certain intersections. The site is served by all municipal and private utilities and services.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is located as appropriate for Commercial and Residential within the Established Central Area. The recommended rezoning to GO is consistent with the spirit and intent of the Comprehensive Plan.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends the request be **DENIED** as submitted and recommend approval of the zoning change from TF-3 Two-Family Residential to GO General Office with the expansion of PO-229. This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Central Avenue is a commercial corridor; however specific actions have been taken in the past to protect the integrity of the residential development to the south of the subject property.
2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned TF-3 and used as a single-family residence. This is consistent with other uses in the immediate vicinity. GO General Office restricts the property primarily to just office uses, which does limit the potential future uses of the property to some degree and provides a buffer zone between residential uses and commercial uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed GO zoning will allow expansion of parking without adding more intensive uses of the LC zoning district to abut residential uses.
4. Length of time the property has been vacant as currently zoned: The property has been occupied as a single-family dwelling unit since constructed around 1935. The change to GO limits the potential uses for the site for any future development that may occur and provide a buffer from the commercial use to the north of the site.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is located as appropriate for Commercial and Residential within the Established Central Area. The recommended rezoning to GO is consistent with the spirit and intent of the Comprehensive Plan.
7. Impact of the proposed development on community facilities: Rezoning of the property would not have any impact on community facilities or resources. All public improvements are available to serve the property.

Staff Report Attachments:

1. Proposed PO-229

