

City of Wichita
City Council Meeting
June 8, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: ZON2004-00016 – Zone change from “SF-5” Single-family Residential to “GC” General Commercial. Generally located at the northwest corner of 29th Street North and Park Place. (District VI)

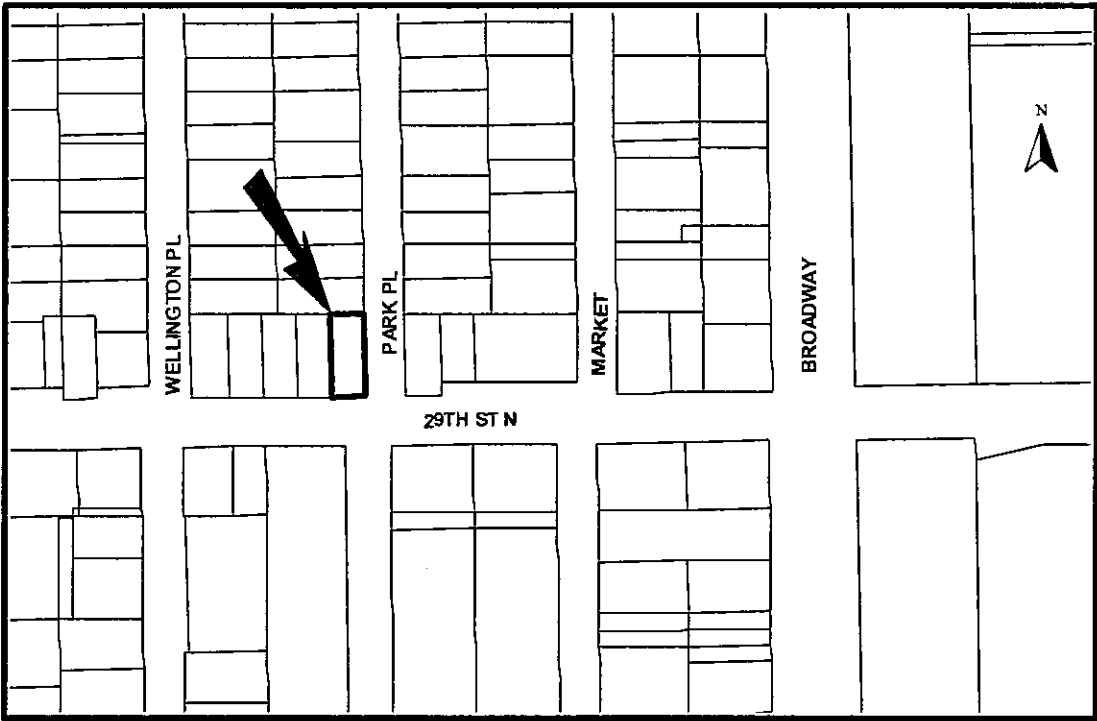
INITIATED BY: Metropolitan Area Planning Department *JVS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve subject to Protective Overlay #138. (10-0)

MAPD Staff Recommendations: Approve.

DAB Recommendations: Approve subject to Protective Overlay #138.



BACKGROUND: The applicant is seeking to rezone .14 acre of platted land located at the northwest corner of Park Place and 29th Street North from "SF-5" Single-family Residential to "GC" General Commercial. The site is developed with a masonry block commercial building that has legal nonconforming rights to uses permitted in the "LC" Limited Commercial district that were established in 1961. In the past, the building has been used as an auction house, and more recently it has been used for "vehicle repair, limited." The applicant desires to use the building for "vehicle repair, general" (auto body repair) which is what triggers the need for the "GC" zoning since that would be an intensification of the site's existing permitted nonconforming use rights.

The building was constructed in the County in 1951. The site was annexed by the City of Wichita in 1961, at which time the site was zoned "AA" One-family Dwelling, under the old code. The building appears to have minimum front yard (29th Street) and interior (west) side yard setbacks. Park Place is built to residential street standards, 16 feet of half-street right-of-way, whereas 29th Street is built to four-lane arterial street standards. Access to the site is from Park Place; there are not any drives on 29th Street.

Surrounding properties are a mix of zoning – "SF-5" Single-family Residential, "LC" Limited Commercial, "GI" General Industrial, "LI" Limited Industrial – and uses – single-family residential, auto repair, auction house and warehousing.

Analysis: The District Advisory Board reviewed this case on May 3, 2004, and recommended approval (9-0), subject to a Protective Overlay (No. 138) that prohibits outside storage. The applicant agreed to the prohibition on outside storage. The MAPC heard the case on May 6, 2004, and recommended approval as recommended by the DAB. No members of the public spoke in opposition at either meeting, and no protest petitions have been received.

Financial Considerations: None

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

Recommendation/Actions: It is recommended that the Council

1. Concur with the findings of the MAPC and approve the zone change subject to the provisions of Protective Overlay No. 138; approve first reading of the ordinance establishing the zone change; or
2. Return the application to MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the members of the membership of the governing body on the first reading.)

(150004) Published in the Wichita Eagle on 6-18-04
ORDINANCE NO. 46-192

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. ZON2004-00016

Request for Zone change from "SF-5" Single-family Residential to "GC" General Commercial, on property described as:

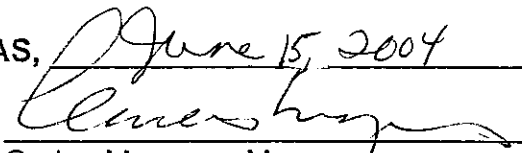
Lots 47 and 48, Block 26, Jones Park Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located at the northwest corner of 29th Street North and Park Place.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #138:


(1) No outside storage.

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 15, 2004

Carlos Mayans - Mayor

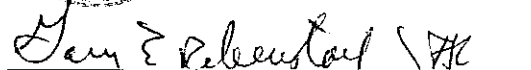
ATTEST:



Karen Sublett, City Clerk



Approved as to form:



Gary E. Rebenstorf, City Attorney