OCA150004

ORDINANCE NO. 48-527

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. ZON2010-00042

Zone change request from TF-3 Two-family Residential ("TF-3") to GC General Commercial ("GC") subject to Protective Overlay #248 on properties described as:

Lots 1, 3, 5, 7 and 9, Alice now Green Street, Fairmount Park Addition to Wichita, Sedgwick County, Kansas; generally located east of Grove Avenue on the southwest corner of Green and 13th Streets North.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #248:

A. The following uses shall not be permitted: hotel or motel; pawn shop; payday loan; rodeo; riding academy or stable; tattooing or body piercing facility; vehicle and equipment sales; asphalt or concrete plant; vehicle storage yard; adult entertainment establishment; massage therapist/parlor; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; kennel; night club; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

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 this 11 **day of** Jan., **201**1.

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, Director of Law

Agenda Item No. _____

City of Wichita
City Council Meeting
January 4, 2011

TO: Mayor and City Council

SUBJECT: ZON2010-00042 – City zone change from TF-3 Two-family Residential ("TF-3") to GC General Commercial ("GC"); generally located east of Grove Avenue, on the southwest corner of Green and 13th Streets North. (District I)

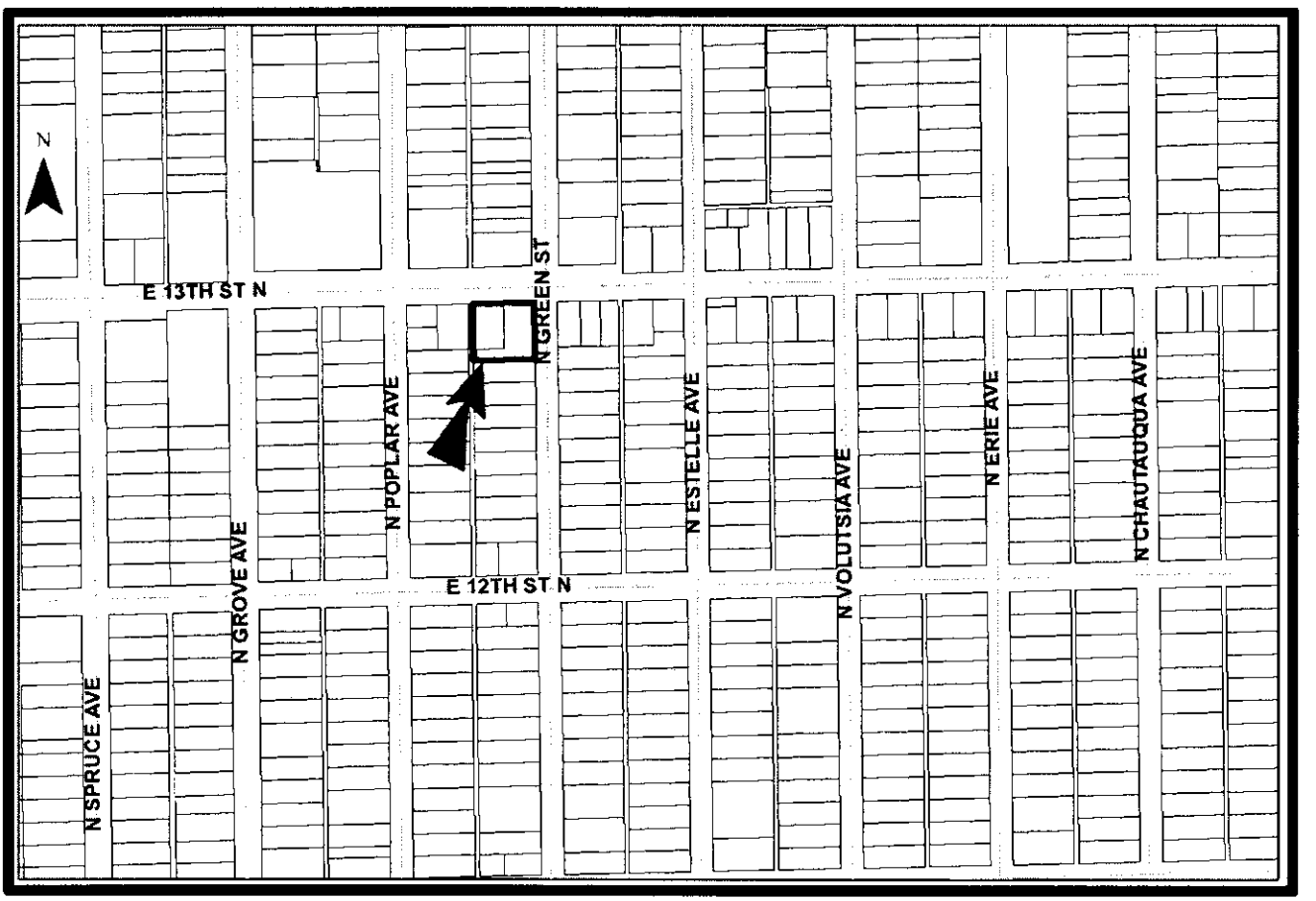
INITIATED BY: Metropolitan Area Planning Department JVS

AGENDA: Planning (Consent)

DAB I Recommendation: Approve.

MAPC Recommendation: Approve, vote (9-0).

MAPD Staff Recommendation: Approve.



Background: The applicant is requesting GC General Commercial ("GC") zoning on a 0.38-acre site, currently zoned TF-3 Two-family Residential ("TF-3"). The proposed use is for an art studio and an open air retail market with outside display. The site is located at the southwest corner of East 13th Street North and North Green Street, just two blocks east of North Grove Avenue. The subject site currently is developed with two single-family residences, with one of those residences being vacant.

Any development on the subject property will be required to meet screening, compatibility standards and landscaping. For any proposed development, screening, buffer landscaping and compatibility standards will be required for the residential properties to the south and east. Any existing vegetation, on the subject property, that is left in place after the development of the site can be used to satisfy the buffer landscaping requirement. Access control would be reviewed, by the Traffic Engineer, according to the redevelopment of the site. The existing drives for the existing residences on the site could be closed, by access control, with continuous curb according to City Standards.

Property to the north of the subject site (across 13th Street) is zoned GC and is developed with a warehouse, with a service garage and paint shop abutting the west side of the warehouse. Property to the south of the subject site is zoned TF-3 and is developed with a duplex. To the west of the subject site the property is zoned LC and is currently vacant with a retail store directly west of the vacant parcel. Property to the east of the subject site (across Green Street) is zoned TF-3 and is developed with single-family residences.

Analysis: At the MAPC meeting held December 2, 2010, the MAPC voted (9-0) to recommend approval of the request for GC zoning. The case was a consent item for the MAPC, and no one from the public spoke for or against the application.

At the DAB I meeting held December 6, 2010, the DAB voted unanimously to recommend approval of the request for GC zoning, while also recommending that a Protective Overlay be placed on the zone change to prohibit undesirable uses. Staff drafted a Protective Overlay for the case and will incorporate the Overlay for final approval through the City Council. The applicant did not have a problem with incorporating the Protective Overlay. No one from the public spoke for or against the application.

No protests have been filed on this application.

The Protective Overlay that was recommended by DAB I contains the following:

A. The following uses shall not be permitted: hotel or motel; pawn shop; payday loan; rodeo; riding academy or stable; tattooing or body piercing facility; vehicle and equipment sales; asphalt or concrete plant; vehicle storage yard; adult entertainment establishment; massage therapist/parlor; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; kennel; night club; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

Financial Considerations: There are no financial considerations in regards to the zoning request.

Goal Impact: To promote economic vitality.

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

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change subject to the provisions of Protective Overlay #248, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required).

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

Attachments:

- MAPC Minutes
- DAB Memo
- Ordinance