

ORDINANCE NO. 49-061

FILE COPY

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. ZON2011-00015

Zone change request from SF-5 Single-family Residential ("SF-5") to GO General Office ("GO") on property described as:

Lots 12 and 13, Whitney's Addition to Wichita, Sedgwick County, Kansas; generally located north of 2nd Street on the east side of Meridian Avenue.

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 16 day of August, 2011

ATTEST:

Karen Sublett, MMC
Karen Sublett, City Clerk

Carl Brewer
Carl Brewer, Mayor



Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, Director of Law

By JD

City of Wichita
City Council Meeting
August 9, 2012

TO: Mayor and City Council

SUBJECT: ZON2011-00015 and CON2011-00019 – City zone change request from SF-5 Single-family Residential (“SF-5”) to GO General Office (“GO”) with a Conditional Use (CON2011-19) for a Personal Improvement Service; generally located north of 2nd Street on the east side of Meridian Avenue (318 N. Meridian) (District VI)

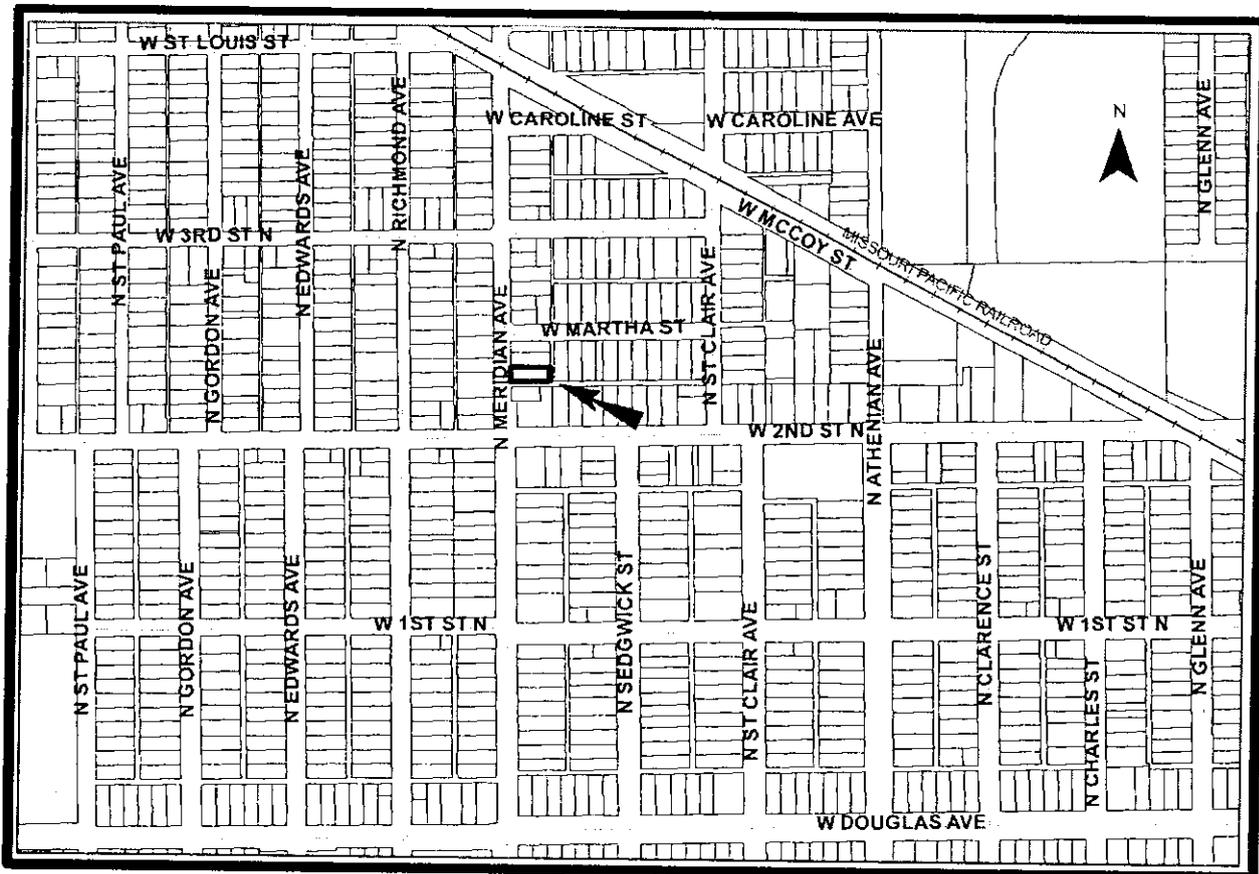
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Non-Consent)

MAPC Recommendations: Approve, subject to staff recommendations (11-0)

MAPD Staff Recommendations: Approve, subject to conditions

DAB VI Recommendations: 06/06/11: Deny (8-0) 07/20/11: Approve (6-0)



Background: The applicant requests a zone change from SF-5 Single-family Residential (“SF-5”) to GO General Office (“GO”) with a Conditional Use for a Personal Improvement Service on 0.15 acre. The site is located north of 2nd Street (across an alley) on the east side of Meridian Avenue, and was originally developed with a single-family residence. The applicant runs a pottery studio, teaches pottery classes and operates related retail on the LC Limited Commercial (“LC”) zoned property located south of the alley. The applicant intends to develop the subject property with a structure that could be used for additional pottery teaching classrooms, pottery supplies storage and an accessory apartment with a garage.

There are SF-5 zoned single-family residences located to the north, south and east of the subject site. Also located south of the subject site is the previously mentioned applicant’s LC zoned property. Properties located west of the subject site, across Meridian, are zoned TF-3 Two-family Residential (“TF-3”), and are developed with a duplexes and single-family residences.

Analysis: This case was heard at the District VI Advisory Board (DAB) meeting held on June 6, 2011. At that meeting, the DAB voted (8-0) to deny the request. The DAB members denied the request due to the request not conforming to the Comprehensive Land Use Guide or Delano Overlay District guidelines. The Delano Design Review Board reviewed and approved the proposed design of the site. At the DAB meeting there were not any citizens present to speak on the request.

At the MAPC meeting held June 9, 2011, MAPC voted (11-0) to recommend approval of the zone change and Conditional Use request, subject to staff recommendations. One Planning Commissioner had a question in regards to what constituted a Personal Improvement Service; staff answered that a pottery studio falls under the classification of a Personal Improvement Service. There was not anyone from the public to speak against the application.

The action of the MAPC was to approve the request subject to the following conditions:

- A. Approve the zone change (ZON2011-00015) to GO General Office (“GO”).
- B. Approve the Conditional Use (CON2011-00019), to allow a Personal Improvement Service, specifically additional pottery teaching classrooms, pottery supplies storage and an accessory apartment with a garage subject to the following conditions:
 1. The site shall conform to the approved site plan.
 2. The site shall conform to the Landscape Ordinance.
 3. Buildings on the site shall conform to the Delano Overlay design guidelines.
 4. The site shall be developed in conformance with all codes, policies, and regulations, including but not limited to zoning, building, health, and access management codes, policies and regulations.
 5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

At their regularly scheduled meeting on July 12, 2011, the City Council voted to return the case to the District Advisory Board, where the case was previously denied. The DAB heard the case with new information regarding the results of the Delano Design Review Committee and the site plan that was approved for the site. Also, the Board felt that Condition #3 of the recommended condition of approval did not fit the site, and recommended that it be removed. The DAB voted 6-0 to approve the request,

subject to the site plan that had been approved by the Delano Design Review Committee and to remove Condition #3 from the Conditional Use.

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

Goal Impact: The application will support the City's goal to promote Economic Vitality.

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

Recommendation/Actions:

1) Adopt the findings of the MAPC and approve the zone change to GO General Office ("GO") and Conditional Use, subject to the removal of Condition #3 of the Conditional Use, and authorize the Mayor to sign the ordinance and place the ordinance on first reading and sign the resolution (simple majority vote required); or 2) Adopt the findings of the MAPC and approve the zone change to GO General Office ("GO") and Conditional Use, and authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required) and sign the resolution; or 3) deny the zone change and conditional use request by making alternative findings, and override the MAPCs recommendation (two-thirds majority vote required); or 4) return the application to the MAPC for further consideration (simple majority vote required).

Attachments:

- Ordinance
- Resolution
- MAPC Minutes
- DAB Memos
- Site Plan