

OCA 150004

ORDINANCE NO. 49-243

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. ZON2011-00042

Zone change from TF-3 Two-Family Residential ("TF-3") to General Commercial ("GC") on an approximately 6,500-square foot (130' x 50') property described as:

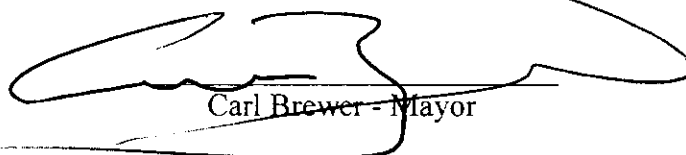
Lots 34 and 36, Rose Hill Addition, Humboldt, now Polar Avenue side; generally located on the northeast corner of 13th Street North and Polar Avenue, Wichita Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #265:

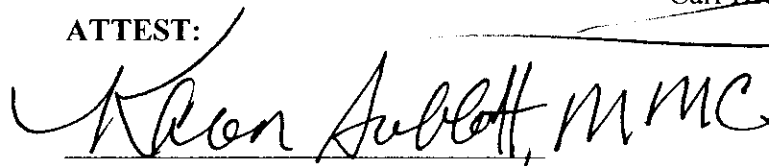
- (1) All vehicle parking on the site will be accessory to the abutting vehicle repair garage abutting the south side of the site; Lot 1, Block 2, Hays and Bell Addition.
- (2) Permitted uses are Vehicle Repair, Limited and General and those uses permitted by right in the LC Limited Commercial ("LC") zoning district.
- (3) Dedication of complete access control onto the abutting alley right-of-way.

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.


Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk

City of Wichita
City Council Meeting
March 6, 2012

TO: Mayor and City Council

SUBJECT: ZON2011-00042 – City zone change from TF-3 Two-Family Residential (“TF-3”) to GC General Commercial (“GC”) with Protective Overlay (“PO”) #265, generally located on the northeast corner of 13th Street North and Poplar Avenue (District I)

INITIATED BY: Metropolitan Area Planning Department *JRS*

AGENDA: Planning (Consent)

MAPC Recommendation: The Metropolitan Area Planning Commission voted (11-0) to approve the request.

DAB V Recommendation: District Advisory Board I voted unanimously to approve the request.

MAPD Staff Recommendation: Planning staff recommends the request be approved.



Background: The applicant is requesting GC General Commercial (“GC”) zoning for the TF-3 Two-Family Residential (“TF-3”) zoned Lots 34 and 36, Rose Hill Addition. The subject site located at 1416 N. Poplar Avenue and is developed with a single-family residence (built 1945). The subject site abuts the north side of the applicant’s GC zoned automobile repair garage located on the northeast corner of Poplar and 13th Street North. If the zoning is approved, the applicant proposes to redevelop the site as a parking area for cars and light trucks waiting for repair at his auto repair garage. The Unified Zoning Code (“UZC”) permits an automobile repair garage as well as an accessory parking area for those vehicles waiting for repair at the garage in the GC zoning district.

The site is part of a mostly TF-3 zoned single-family residential neighborhood that is located north, east and northwest and west of the site. There is a 25-foot wide, concrete paved, with a full curb alley abutting the north side of the site. TF-3 zoned residences are located adjacent to the site on its north, west and east sides. This residential neighborhood is broken up by some GC, LC Limited Commercial (“LC”), GO General Office (“GO”) zoned businesses located along both sides of 13th Street North, between Spruce (west) and Estelle (east) Avenues. The LC and GC zoned Save-A-Lot grocery store is located west of the site, across Poplar Avenue, on the northeast corner of 13th and Grove Avenue. West of the grocery is a LC zoned church. Southeast of the site, across an alley, is a GC zoned lawn care contractor’s business. South of the site, across 13th is a GC zoned single-family residence, and LC zoned liquor store, a small strip retail, a carryout restaurant and an auto repair-detail shop. An LC zoned Family Dollar retail store is located further west. Another two blocks west of the site is a GC zoned property, which advertises itself as auto repair but looks more like a vehicle storage yard or a non-conforming wrecking and salvage yard.

Analysis: At the Metropolitan Area Planning Commission (MAPC) meeting held December 22, 2011, the MAPC voted (11-0) to recommend approval, as a consent item, of the requested GC zoning with the following provisions of PO #265:

- (1) All vehicle parking on the site will be accessory to the abutting vehicle repair garage abutting the south side of the site; Lot 1, Block 2, Hays and Bell Addition.
- (2) Permitted uses are Vehicle Repair, Limited and General and those uses permitted by right in the LC Limited Commercial (“LC”) zoning district.
- (3) Dedication of complete access control onto the abutting alley right-of-way.

At the MAPC meeting no one spoke against the requested rezoning. At the District Advisory Board I (DAB I) meeting held on February 6, 2012, the DAB voted unanimously to approve the rezoning request with the above provisions of PO #265. No one spoke against the requested rezoning at the DAB meeting. No valid protests were received during the two week protest period.

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

Goal Impact: The application promotes 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 and approve the zone change, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required).

Attachments:

- Ordinance
- MAPC Minutes
- DAB I Memo