

OCA#: 150004

ORDINANCE NO. 49-271

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. ZON2012-00010

Zone change request from LC Limited Commercial ("LC") to GC General Commercial ("GC") on properties described as:

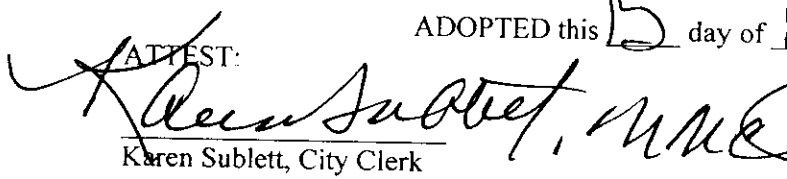
Lots 11, 12, and 13, except street, Block 15, Replat of John McCormick's Addition, Wichita, Sedgwick County, Kansas; generally located west of South Seneca and north of Walker (1227/29 S. Seneca).

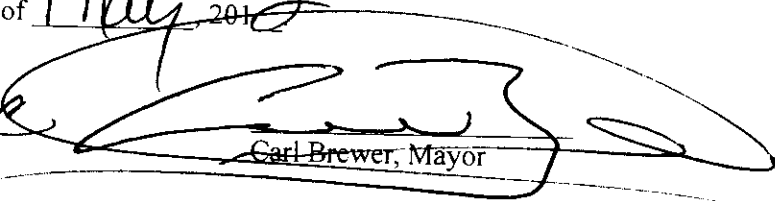
SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

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 15 day of May, 2012

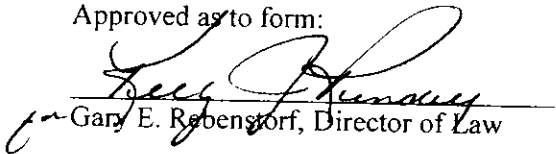
ATTEST:


Karen Sublett, City Clerk


Carl Brewer, Mayor

(SEAL)

Approved as to form:


Gary E. Rebenstorf, Director of Law

City of Wichita
City Council Meeting
May 8, 2012

TO: Mayor and City Council

SUBJECT: ZON2012-00010 – City zone change from LC Limited Commercial (“LC”) to GC General Commercial (“CG”) for a Tattoo/piercing facility; generally located west of South Seneca and north of Walker (1227/29 S. Seneca). (District IV)

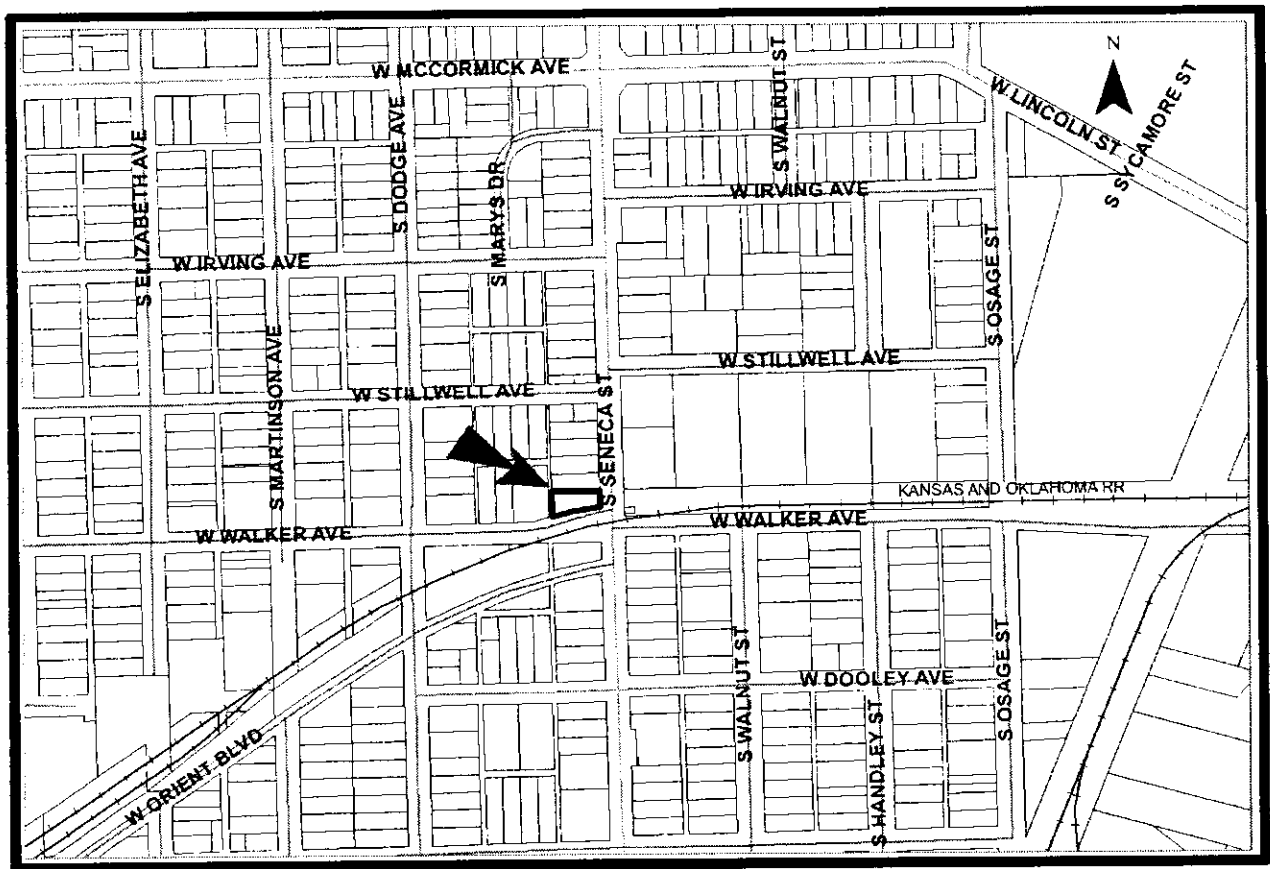
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve (13-0).

DAB III Recommendation: Approve (7-0).

MAPD Staff Recommendation: Approve.



Background: The applicant requests a zone change from the existing LC Limited Commercial (“LC”) to GC General Commercial (“GC”) zoning on a 0.18-acre platted property. The subject property is located at the northwest corner of Seneca and Walker; the site is developed with a building on the eastern portion of the site, adjacent to Seneca, with parking on the remainder of the site to the west. The property owner wishes to use a portion of the building on this site for a Tattooing and Body Piercing Facility, the remainder of the building is used for a restaurant.

This portion of Seneca is developed primarily with commercial and industrial uses. Property north of the site is zoned LC. The lot abutting the application area to the north is developed with a single-family residence; further north is a warehouse use. South of the site, across Walker, is an active rail line. South of the rail line is GI General Industrial (“GI”) zoned property developed with a wrecking and salvage use. East of the site, across Seneca and north of Walker, is LI Limited Industrial (“LI”) zoned property developed with a railroad company facility and a County maintenance facility. East of Seneca and south of Walker is an LC zoned bar/tavern. West of the application area, across a platted but undeveloped alley, is MF-29 Multi-Family Residential (“MF-29”) zoned property developed with single-family residences. The lot west of the application area fronts Walker Avenue, it is 100 feet wide, and is developed with a single-family residence on the western 50-feet of the lot. The separation between this single-family residence and the applicant’s building is approximately 175 feet.

Analysis: At the MAPC meeting held April 5, 2012, the MAPC voted (13-0) to approve the request for GC zoning. No citizens spoke at the MAPC hearing regarding this request. District Advisory Board (DAB) IV heard this request on April 2, 2012. The DAB voted (7-0) to approve the request, no citizens spoke in opposition to the request. No protests were received during the two-week protest period following the MAPC hearing.

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

Goal Impact: The application will promote Economic Vitality.

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

Recommendation/Actions:

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).

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

Attachments:

- Ordinance
- DAB Memo
- MAPC Minutes