

(150004) Published in The Wichita Eagle on June 7, 2013

ORDINANCE NO. 49-502

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. ZON2013-00006

A zone change request from B Multi-family Residential ("B") to NO Neighborhood Office ("NO") on property located at the southeast corner of East Central Avenue and Terrace Drive, described as:

Lots 24, 26, 28, 30 & 32, on Central Avenue, Central Avenue Subdivision in Prospect Place Addition to Wichita, Sedgwick County, Kansas

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #274

- A. Although the site is zoned NO, offices that accept paycheck or car titles as security for loans are prohibited.

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.

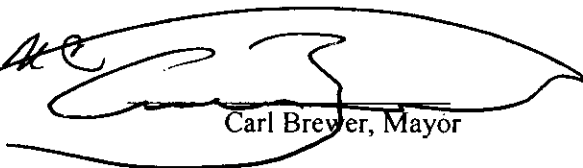
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 4th day of June 2013.

ATTEST:



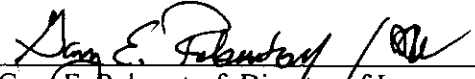
Karen Sublett, City Clerk



Carl Breyer, Mayor



Approved as to form:



Gary E. Rebenstorf, Director of Law

City of Wichita
City Council Meeting
May 21, 2013

TO: Mayor and City Council

SUBJECT: ZON2013-0006 – Zone change request from B Multi-family Residential (“B”) to NO Neighborhood Office (“NO”) on property located at the southeast corner of East Central Avenue and Terrace Drive (4515 East Central Avenue). (District I)

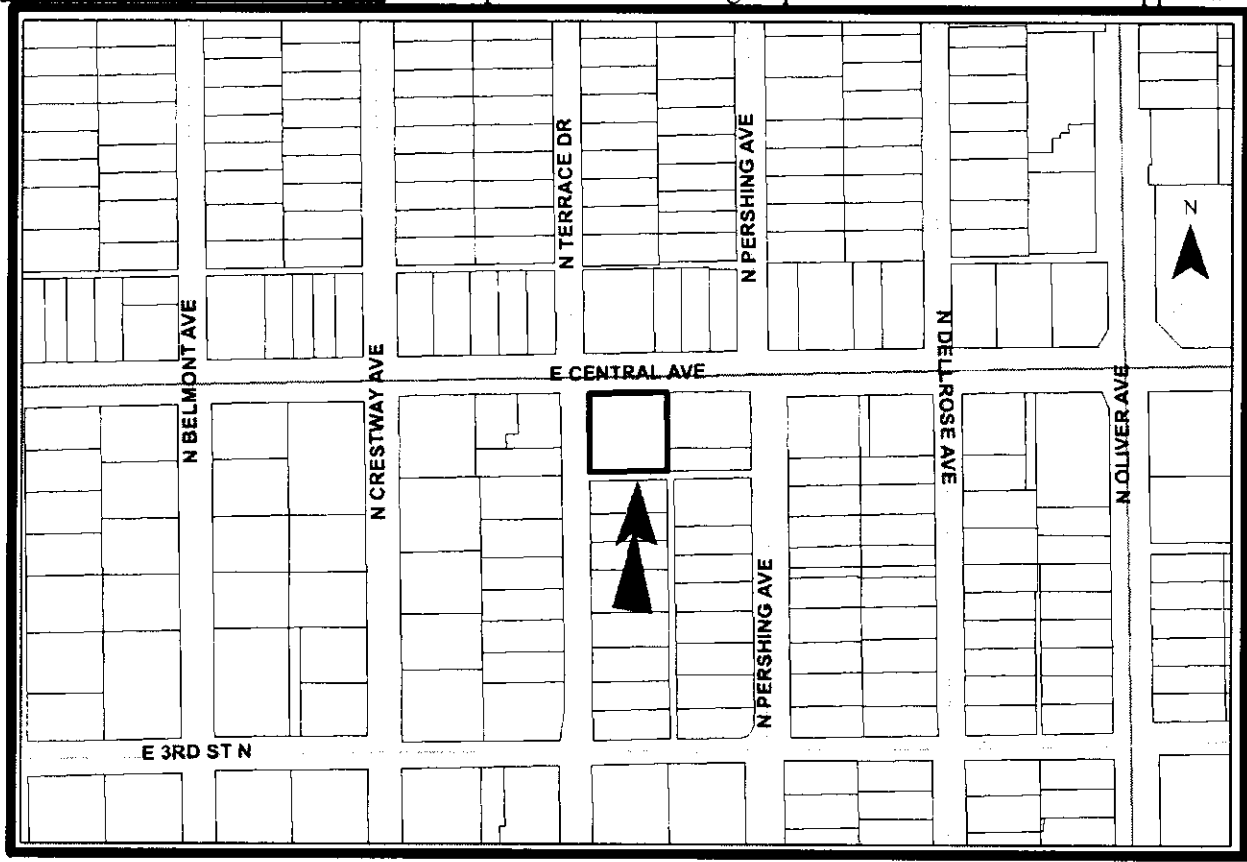
INITIATED BY: Metropolitan Area Planning Department *JVS*

AGENDA: Planning (Non-consent)

MAPC Recommendation: The MAPC recommended approval (9-0).

DAB Recommendation: District Advisory Board I recommended unanimous approval, subject to a Protective Overlay PO #274 that prohibits “Offices that accept paycheck or car titles as security for loans.”

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval.



Background: The application area is located at the southeast corner of North Terrace Drive (located east of Hillside) and East Central Avenue. The property is currently zoned B Multi-family Residential (“B”), and is developed with an approximately 4,200 square-foot office building that has been used for “medical services.” “Medical services” are the only office use permitted by-right in the B zoning district. The applicants’ would like to increase the range of office uses that could legally be located on the property; therefore, the applicants’ are requesting the site to be rezoned to NO Neighborhood Office (“NO”). A driveway from Terrace Drive provides access to a parking lot located at the rear of the existing building. There is also a driveway to Central Avenue. The applicant also owns LC Limited Commercial (“LC”) zoned land located east of the parking area located on the subject tract; that property is developed with a parking lot that has a driveway to North Pershing Avenue, and is used to meet the off-street parking needs of the applicant’s office building.

Surrounding property has a variety of zoning: SF-5 Single-family Residential (“SF-5”), TF-3 Two-family Residential (“TF-3”); NO; GO General Office (“GO”) and LC. Neighboring property is developed with: single-family residences, duplexes, offices, restaurant and retail.

Uses permitted in the NO district by-right but not in the B district are “office, general” and “automated teller machine” (ATM).

Analysis: At the Metropolitan Area Planning Commission (MAPC) meeting held on April 18, 2013, the MAPC voted (9-0) to recommend approval of the request. There was no one from the public to speak on the application.

District Advisory Board (DAB) I heard the rezone request on May 6, 2013, and recommended unanimous approval subject to a Protective Overlay PO #274 that prohibits “Offices that accept paycheck or car titles as security for loans.” At its meeting, the MAPC did not discuss or recommend the elimination of the type of use recommended by DAB I; therefore, approval of the request as recommended by DAB I will require a two-thirds majority vote to enact the DAB recommendation.

Staff has not received any protest petitions.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

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

Recommendation/Actions: 1) Adopt the findings of the MAPC, approve the zone change request, place the ordinance on first reading and authorize the Mayor to sign the ordinance (simple majority vote required); 2) Approve the zone change request including the DAB I recommended Protective Overlay PO #274 by making alternative findings, place the ordinance on first reading and authorize the Mayor to sign the ordinance (two-thirds majority vote required); or 3) Return the application to the MAPC for further consideration (simple majority vote required).

Attachments: Ordinance, MAPC minutes and DAB memo.