

ORDINANCE NO. 49-845

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. ZON2014-00021

Zone change from GO General Office ("GO") to LC Limited Commercial ("LC") on an approximately 10,050-square foot property described as:

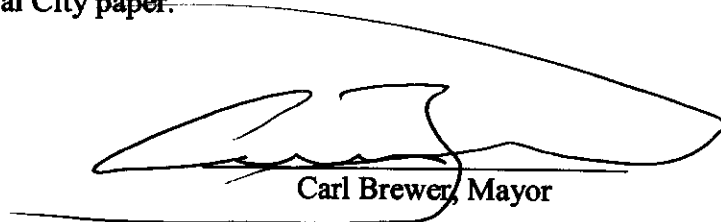
Lot 1, Block A, Frazey Addition, Wichita, Sedgwick County, Kansas; generally located north of 10th Street North on the west side of Topeka Avenue.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT PO #291:

- (1) The uses allowed are those allowed by right in the NR Neighborhood Retail zoning district. Restaurants may exceed 2,000-square feet of gross floor area, but are not permitted with drive-thru window service or in-vehicle food service.
- (2) Maximum occupancy for the restaurant may be 30-36 customers upon confirmation of the available on-site parking as provided by a site plan. The Fire Department shall post the maximum occupancy, as determined by the approved site plan. More customers may be allowed with either an approved variance to the UZC's parking standards or approved off-site parking, per the standards of the UZC as shown on a site plan.

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.

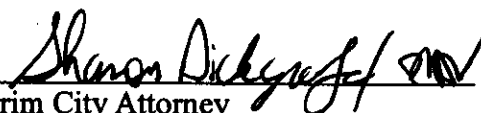
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Carl Brewer, Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form: 
Sharon Dickgraft, Interim City Attorney

City of Wichita
City Council Meeting
October 14, 2014

TO: Mayor and City Council

SUBJECT: ZON2014-00021 – Request for a Zone Change from GO General Office to LC Limited Commercial with a Protective Overlay on Property Generally Located North of 10th Street North on the West Side of Topeka Avenue. (District VI)

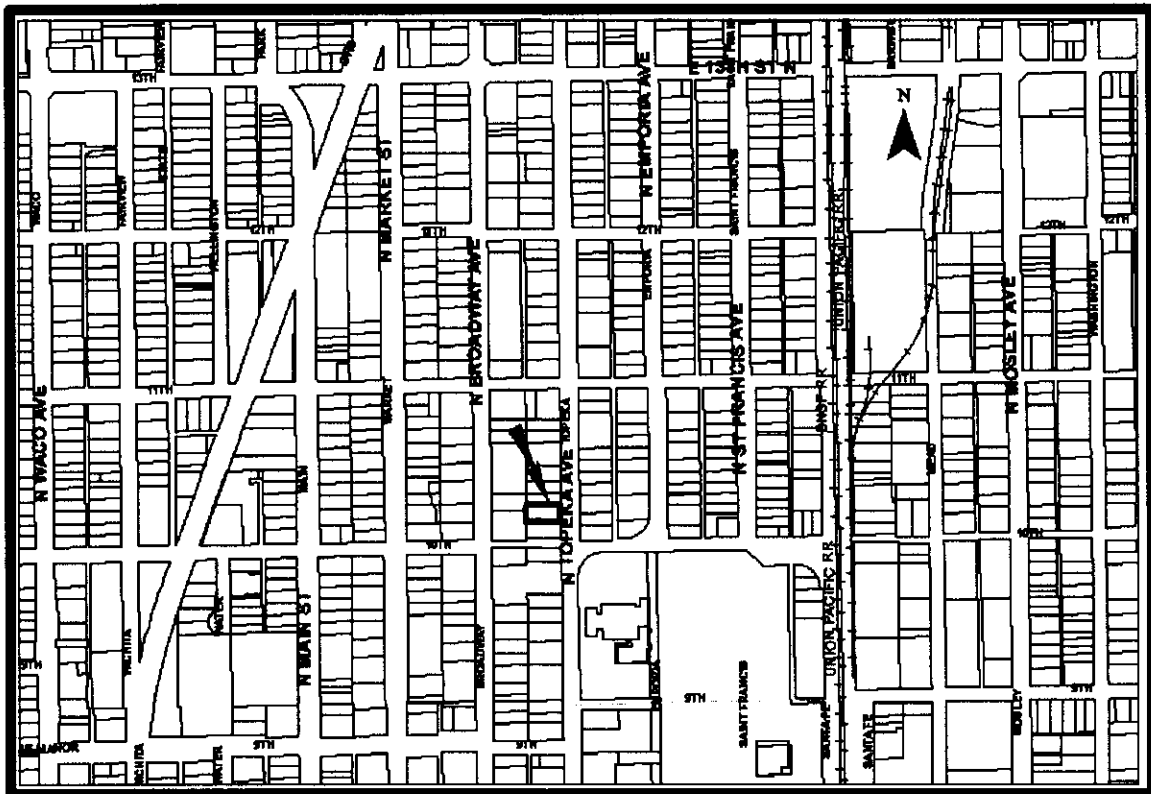
INITIATED BY: Metropolitan Area Planning Department *TLS*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (8-0).

DAB Recommendation: District Advisory Board VI recommended approval of the request (5-0).

MAPD Staff Recommendation: The Metropolitan Area Planning Department staff recommended approval of the request.



Background: The applicant is requesting LC Limited Commercial zoning with Protective Overlay PO #291 on the 10,050-square foot GO General Office zoned subject site; Lot 1, Block A, Frazey Addition. The subject site has an approximately 3,816-square foot office located on it. The office was originally built in 1886 as a single-family residence, the Anawalt House. The Queen Ann Classical Revival style building is one of four buildings that are part of the North Topeka Avenue – 10th Street Historic District, which was entered in the National Historic Register in 1983. The applicant has met on site with the Historic Preservation Planner, to review the standards for any use conversion/remodeling of this registered site.

The applicant proposes to convert the 3,816-square foot building into a restaurant that would allow 75 customers. The GO zoning district does not permit restaurants. Restaurants are first permitted in the NR Neighborhood Retail zoning district. However a restaurant in the NO zoning district cannot exceed 2,000-square feet in gross floor area, nor shall it provide any drive-up window service or in-vehicle food service. Delivery and carry-out services are acceptable; Unified Zoning Code, UZC Sec. III-D.6.t. The LC zoning district does not have these restrictions on restaurants. A restaurant requires one on-site parking space per three customers; the proposed restaurant would need to provide 25 on-site parking spaces. A review of an aerial of the site shows maybe 10-12 parking spaces on the site, which would allow 30-36 customers. The current 10-12 parking spaces also appears to provide the needed parking for an office or retail use; one parking space per 333-square feet for the 3,816-square foot building. Current parking needs to be confirmed by a site plan. On-site parking for the proposed 75 customers would need to be resolved by additional off-site parking or a variance.

The GO zoned Via Christi regional medical complex is the largest development in the area; Community Unit Plan CUP DP-132. The northwest portion of Via Christi is located southeast of the site across 10th Street and Topeka Avenue. The site's close proximity to Via Christi and the other medical and dental facilities in the area make the possibility of walk up traffic to the restaurant a consideration. A NO Neighborhood Office zoned office abuts the south side of the site. The abutting south building was originally constructed in 1886 as a single-family residence that was later converted into an office and is included in the North Topeka Avenue – 10th Street Historic District. Both the subject site and the abutting NO zoned office have paved parking in the rear half of their properties and share a common drive onto 10th Street North. Further south, across 10th Street, are NO, B Multi-Family Residential and LC zoned group residence (CON2008-00033), medical services and uncovered parking. The NO zoned group residence was originally constructed in 1885 as a single-family residence and is part of the North Topeka Avenue – 10th Street Historic District. LC zoned sit down/full service restaurants, fast food restaurants, motels, offices, uncovered parking and social services (all located along Broadway Avenue) abut and are adjacent to the west side of the site. TF-3 Two-Family Residential, B and GO zoned medical and dental offices, a two story apartment building, undeveloped property, and a single-family residence are located east of the site across Topeka Avenue. A B zoned single-family residence (built 1920) abuts the north side of the site and is included in the North Topeka Avenue – 10th Street Historic District. B zoned medical and dental offices and a NO zoned social services building are located further north of the subject site.

Analysis: On September 8, 2014, District Advisory Board (DAB) VI considered the request. There were no protests against the requested LC zoning with the provisions of PO #291 zoning at the DAB VI meeting. DAB VI voted 5-0 to approve the request, subject to the following provisions of PO #291:

- (1) The uses allowed are those allowed by right in the NR Neighborhood Retail zoning district. Restaurants may exceed 2,000-square feet of gross floor area, but are not permitted with drive-thru window service or in-vehicle food service.
- (2) Maximum occupancy for the restaurant may be 30-36 customers upon confirmation of the available on-site parking as provided by a site plan. The Fire Department shall post the maximum occupancy, as determined by the approved site plan. More customers may be allowed with either an approved variance to the UZC's parking standards or approved off-site parking, per the standards of the UZC as shown on a site plan.

On September 11, 2014, the Metropolitan Area Planning Commission (MAPC) considered the request. There were no protests at the MAPC meeting. The MAPC voted 8-0 to approve the request, subject to the

provisions of PO #291, as approved by DAB VI. Planning staff has received no valid protest and received no calls protesting the request.

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: It is recommended that the City Council concur with the findings of the MAPC and approve the zoning, subject to the provisions of the Protective Overlay, and place the ordinance on first reading (simple majority vote required).

Attachments:

- MAPC minutes
- DAB memo
- Ordinance