

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. ZON2015-00019

Zone change request from LI Limited Industrial (LI) to GC General Commercial (CG) on property described as Beginning at the Northeast corner of lot 6, Block 1, Hi-Tech Industrial Park Second Addition to Wichita, Sedgwick County, Kansas; thence Northeast 35.73 feet; thence South 188.99 feet to a curve; thence Westerly and Southwesterly along a curve 187.24 feet; thence West 80.94 feet; thence North 240 feet to the North line of lot 6; thence Northeast 159.27 feet to the point of beginning, EXCEPT that part deed for street.

AND

Part of lot 6, Block 1, Hi-Tech Industrial Park Second Addition to Wichita, Sedgwick County, Kansas, beginning at the Northwest corner; thence Northeast 138.73 feet; thence South 240 feet; thence West 135.91 feet to the West line; thence North 212.20 feet to the point of beginning.

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 14 day of July, 2015.

Jeff Longwell
Jeff Longwell - Mayor

ATTEST:

Karen Sublett nmc
Karen Sublett, City Clerk



Approved as to form:

Jennifer Magana
Jennifer Magana, City Attorney and Director of Law

City of Wichita
City Council Meeting
July 7, 2015

TO: Mayor and City Council

SUBJECT: ZON2015-00019 – Zone Change from LI Limited Industrial to GC General Commercial on Property Located at 3939 and 3949 North Comotara (north of East 37th Street North and East of North Rock Road) (District II)

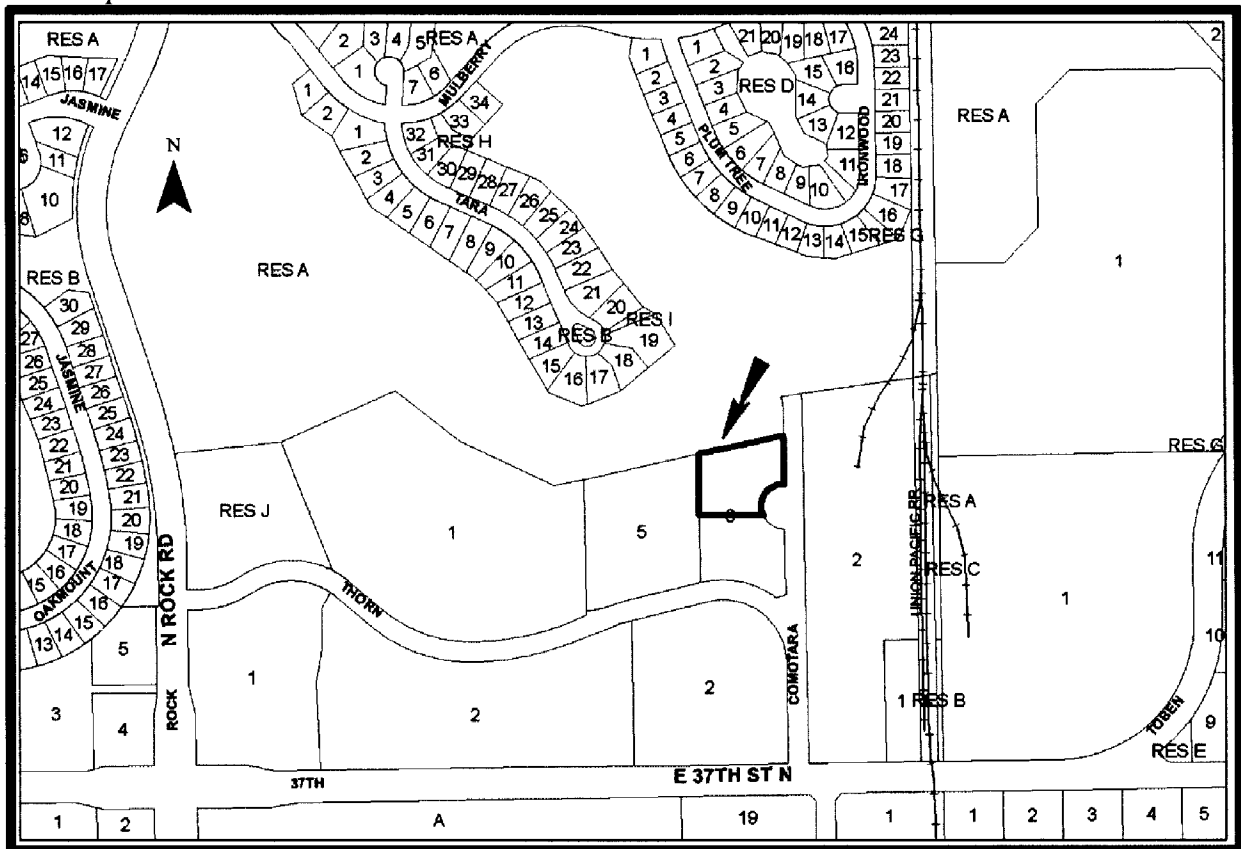
INITIATED BY: Metropolitan Area Planning Department *ALS*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (11-0).

DAB Recommendation: District Advisory Board II approval of the application (7-0).

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



Background: The application area is 1.6 acres of platted land zoned Limited Industrial (LI) located at 3949 North Comotara, which is located north of East Thorn Drive and west of the North Comotara Street cul-de-sac (1,000 feet north of East 37th Street North, 2,000 feet east of North Rock Road). The property is developed with two buildings which house a hotel or motel, The Inn at Willowbend. The first of the hotel/motel buildings was constructed about 1995. The LI zoning district permits a hotel or motel as a use by right. The Unified Zoning Code (UZC, Article II, Section II-B.6.g) defines a “hotel or motel” as “an establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term use by transient guests, usually for less than a week” Additionally, the UZC defines “transient guest” as “a person who occupies a room for a period of less than one week at a time.” (Article II, Section II-B.13.f) The applicant has clients that rent hotel or motel rooms for considerably longer than one week. At one point, the site had signage advertising the site’s facilities as an apartment. In refinancing the hotel or motel property, staff was asked if the longer than a week stays at the hotel/motel were legal as a hotel or motel use or if, by definition, the longer stays constituted an “apartment” or “group residence” use. The LI zoning district does not permit any residential uses, such as an apartment or group residence, either by right or with conditional use approval. The applicant met with staff to review the situation. It was determined that the best way to address any concerns about refinancing the hotel/motel was to rezone the property from the LI district to the General Commercial (GC) district, which permits residential uses by right.

The other alternative to address the applicant’s situation was to have the applicant request a formal interpretation from the zoning administrator regarding the legality of the longer stays. Assuming the zoning administrator determined the longer term stays did not constitute a prohibited residential use, such a ruling would not preclude some other interested party from appealing the interpretation to the Board of Zoning Appeals. The potential for an appeal would have left the applicant without a failsafe resolution and could jeopardize the applicant’s refinancing opportunities. Therefore, the proposed zone change has been requested to permit long term stays.

Land located to the north of the site is zoned SF-5 Single-Family Residential (SF-5) and is developed with the Willowbend Golf Course. Land to the east of the subject tract is zoned LI and contains a steel fabrication facility. Land located to the south and west of the motel or hotel is vacant and is zoned LI.

Analysis: On June 4, 2015, the Metropolitan Area Planning Commission (MAPC) placed the application on its consent agenda and approved (12-0) the application without comment. Other than the applicant there was not anyone present to speak to the request.

District Advisory Board (DAB) II reviewed the request on June 8, 2015, and recommended approval (7-0). No one other than the applicant was present to speak to the request.

No protest petitions have been received. The request can be approved with a simple majority vote.

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 adopt the findings of the MAPC, approve the requested zone change and place the ordinance on first reading (simple majority vote).

Attachments: MAPC minutes, DAB II minutes and ordinance.