

ORDINANCE NO. 47-762

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. ZON2007-00043

Zone change from "B" Multi-Family Residential to "GO" General Office with a Protective Overlay #199, described as:

Lot 1, EXCEPT East 30 feet, Normandy Village Addition, Sedgwick County, Kansas. Generally located east of Woodlawn Avenue, west of Armour Avenue, on the south side of Central Avenue.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #199:

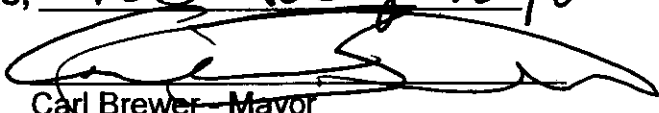
- A. Uses permitted on the site are limited to those permitted in the "B", Multiple-Family Residential zoning district, and the only GO, General Office use permitted is "office, general." Permitted "office, general" uses are the uses listed under "office, general" in the Unified Zoning Code, not the uses permitted in the "GO", General Office zoning district.
- B. The site shall be developed and utilized in general conformance with the site plan submitted with this request.
- C. No off-site, portable, variable or electronic message signs (LED) are permitted.
- D. Maximum building height shall not exceed 40-feet.

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.

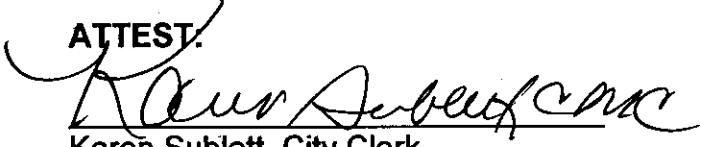
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS,

February 12, 2008


Carl Brewer - Mayor

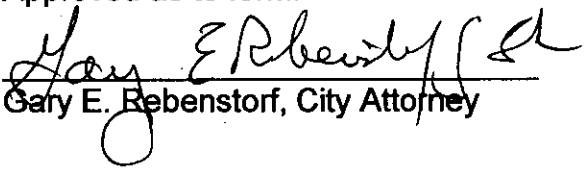
ATTEST.


Karen Sublett, City Clerk

(SEAL)



Approved as to form:


Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
February 5, 2008

TO: Mayor and City Council

SUBJECT: ZON2007-00043 – Zone change from “B” Multi-Family Residential to “GO” General Office. Generally located east of Woodlawn Avenue, west of Armour Avenue, on the south side of Central Avenue (District II.)

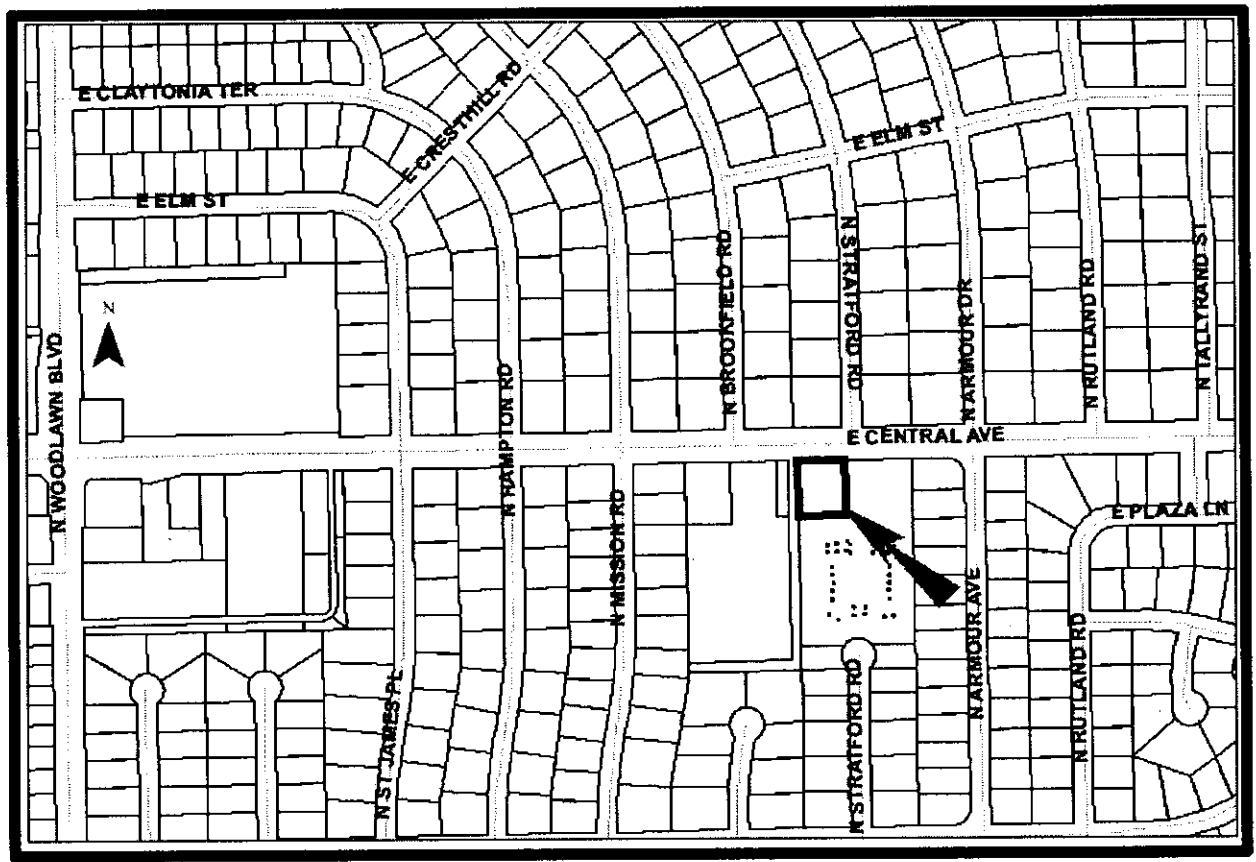
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Non-Consent)

DAB II Recommendation: Approve zone change with Protective Overlay #199, vote 8-0.

MAPC Recommendation: Approve zone change with Protective Overlay #199, vote 10-0.

MAPD Staff Recommendation: Deny



Background: The applicant is seeking a zone change from the "B," Multiple-family Residential to the "GO," General Office district on property located east of Woodlawn Avenue, west of Armour Avenue, on the south side of Central Avenue (7015 E. Central). The property is currently developed with an office building containing space for four tenants.

Surrounding land uses are: single family residential ("SF-5," Single family Residential) north of Central; multi-family residential ("B," Multi-family Residential) on the east and south; and a synagogue ("SF-5," Single family Residential) on the west. Access to the site is via two access points located on Central. Screening fencing currently exists along the south, east and west sides of the property.

Analysis: Planning staff recommended that the request be DENIED. However, staff gave the Planning Commission the option, if the commission felt the request was appropriate, that the application for a rezone to GO-General Office be APPROVED, subject to conditions in Protective Overlay #199. The Metropolitan Area Planning Commission (MAPC) reviewed this application on November 15, 2007 and recommended approval of the alternative recommendation, approving the rezone to GO-General Office, subject to the provisions contained in Protective Overlay #199:

- A. Uses permitted on the site are limited to those permitted in the "B," Multiple-Family Residential zoning district, and the only GO, General Office use permitted is "office, general." Permitted "office, general" uses are the uses listed under "office, general" in the Unified Zoning Code, not the uses permitted in the "GO," General Office zoning district.
- B. The site shall be developed and utilized in general conformance with the site plan submitted with this request.
- C. No off-site, portable, variable or electronic message signs (LED) are permitted.

There was one citizen that spoke in opposition of this request.

This case was heard at the District II Advisory Board meeting on November 5, 2007. The DAB approved the zone change with the Protective Overlay by a vote of 8-0. There were three people who spoke in opposition of this request at the DAB meeting.

At this time, there have been 20 protest petitions received and stamped by the city clerk, equating to 64% of the total real property within the area required to be notified by state statute. With the protest being more than 20% of the total real property within the area required to be notified by state statute of the proposed zoning map amendment, excluding streets and public ways and property excluded pursuant to Section V-C.10.b, such amendment may be approved by the Governing Body only by a vote of approval by at least three-fourths of all members of the Governing Body. (Article V, Section C.10(a) of the Unified Zoning Code)

Financial Considerations: None.

Goal Impact: Promote 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, approve the zone change subject to the provisions of Protective Overlay No. 199; and place the ordinance establishing the zoning on first reading; or
2. Return the application to the MAPC for reconsideration.

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