

ORDINANCE NO. \_\_\_\_\_

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. ZON2016-00024**

City zone change from TF-3 Two-Family Residential to Limited Commercial (LC) on property located at the northeast corner of South Hillside and East Harry Street (3216 E. Harry); described as:

The north 28 feet of the west 61.66 feet of Lot 5, all in Block A, in Pineridge Addition and the west 24 feet-4 inches and of the south 106 feet-3 inches of Lot 1, Replat of Part of Pineridge Addition to Wichita, Sedgwick County, Kansas.

**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.

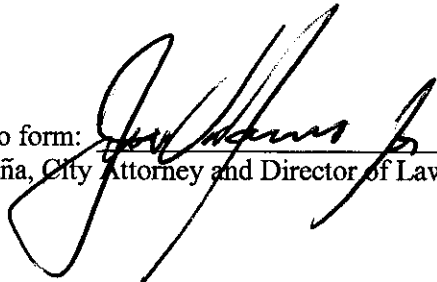
**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

\_\_\_\_\_  
Jeff Longwell, Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form:   
Jennifer Magaña, City Attorney and Director of Law

**City of Wichita  
City Council Meeting  
August 9, 2016**

**TO:** Mayor and City Council

**SUBJECT:** ZON2016-00024 – Zone Change from SF-5 Single-family Residential to LC Limited Commercial, Generally Located on the Northeast Corner of South Hillside Avenue and East Harry Street (District III)

**INITIATED BY:** Metropolitan Area Planning Department

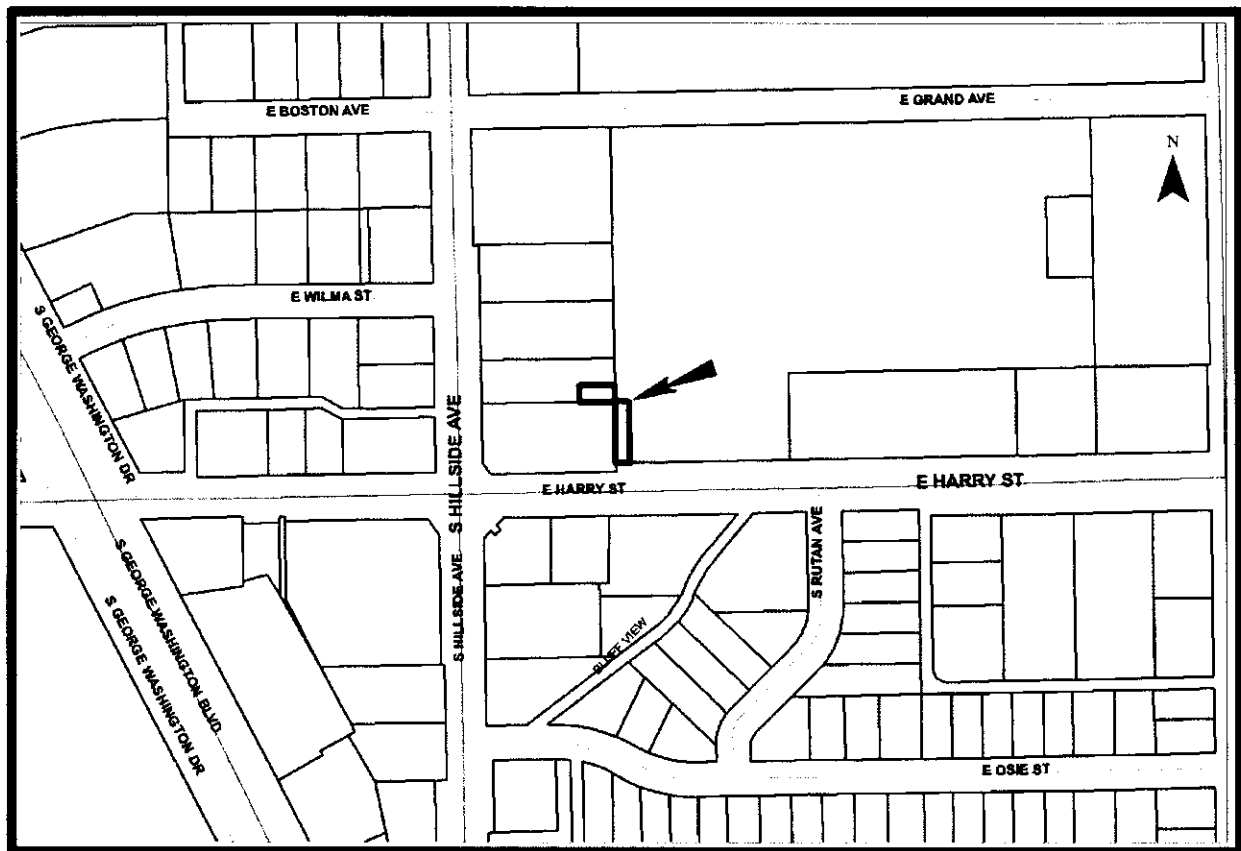
**AGENDA:** Planning (Consent)

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**MAPC Recommendation:** The MAPC recommended approval of the request (12-0) subject to staff and DAB recommended conditions.

**DAB Recommendation:** District Advisory Board IV recommended approval of the request (6-0) subject to staff recommendations and an eight-foot fence for screening along the north property line.

**MAPD Staff Recommendation:** Metropolitan Area Planning Department staff recommended approval of the request subject to contingent dedication five-feet of right-of-way for Harry.



**Background:** The applicant is seeking Limited Commercial (LC) zoning on approximately 0.10 acre of a 0.74 acre parcel located at the northeast corner of East Harry and South Hillside. The subject site is the northeast portion (0.04 acre) of the platted lot and the west 0.06 acre of the Replat of Pineridge Addition. If approved, the LC zoning would permit the entire parcel to be redeveloped as a fast food restaurant. TN Investments is in negotiation to purchase the 0.06 acre from the Catholic Diocese of Wichita.

The properties located east and south of the site are zoned LC and developed with fast food restaurants with drive-thru services. Land north of the site is zoned B Multi-family and TF-3 Two Family Residential developed with multi-family and single-family residential uses. Land to the east of the site is zoned TF-3 and is All Saints Parish.

**Analysis:** On July 7, 2016, the Metropolitan Area Planning Commission (MAPC) approved the request (12-0) subject to staff and DAB recommended conditions. No members of the public spoke at the MAPC hearing.

On July 6, 2016, District Advisory Board (DAB) III reviewed the application and approved it 6-0 subject to staff recommended conditions with the addition of an eight-foot screening fence along the north property line. Members of the public spoke at the meeting and requested an eight-foot screening fence.

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 subject to MAPC recommended conditions and the right-of-way dedication is recorded (simple majority vote).

**Attachments:** Ordinance, MAPC minutes, DAB III report.