

ORDINANCE NO. 49-843

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. ZON2014-00022

Zone change from SF-5 Single-family Residential (SF-5) to LC Limited Commercial (LC) on approximately .88 acres described as:

Mike Steven Motors 2nd Addition, Wichita, Sedgwick County, Kansas; generally located between Gouverneur and Whittier and 500 feet south of Kellogg.

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 21st day of October, 2014.

Jeff Longwell
Jeff Longwell, Mayor

ATTEST:

Karen Sublett
Karen Sublett, City Clerk



Approved as to form:
Jennifer Magana, City Attorney and Director Law *JM*

Background: The applicant requests expansion of LC Limited Commercial zoning and an amendment to DP-308, the Mike Steven Motors Community Unit Plan (CUP), by expanding the existing CUP onto the .88-acre site. The SF-5 Single-family Residential zoned site was originally platted as four residential lots with houses constructed in 1953. The applicant intends to create a new CUP parcel with the subject site and restrict it to employee parking only (see the attached CUP document). The existing CUP has a masonry wall along the south property line, immediately north of the application area. The applicant intends to leave the masonry wall in place along the north boundary of the application area and enclose the remainder of the site with a wood screening fence. This request would require a Planning Commission waiver of the Unified Zoning Code (UZC) requirement for a masonry screening wall on the perimeter of CUPs where adjacent to residential zoning. The CUP would keep all other development standards in place regarding signage, light pole height, landscaping, etc.

This CUP has expanded incrementally into the residential neighborhood to the south as the applicant has been able to acquire houses; a portion of Whittier was previously vacated and improved with a hammer-head turn-around. The surrounding property to the north is mostly zoned LC and developed with commercial uses along Kellogg. South, east and west of the site is the remaining SF-5 zoned single-family residential neighborhood.

Recommend approval

Analysis: District Advisory Board (DAB) II heard this request on September ~~18~~², 2014. The DAB voted 9-0 subject to staff recommended conditions with a masonry screening wall requirement. No citizens spoke at the DAB hearing on this request.

At the Metropolitan Area Planning Commission (MAPC) meeting held on September 11, 2014, one neighboring residential property owner spoke against the request. The MAPC voted (8-0) to recommend approval of the request subject to re-platting within one year and the following conditions:

- Applicant has agreed to these conditions.*
- A. The CUP shall require a wood screening fence for a period of seven years (after approval of this CUP amendment) along the south and east property boundaries, with parking lot screening per the zoning and landscape codes along the west boundary of Parcel 4. If the CUP is not expanded further south or east at the end of seven years, the CUP shall then require a masonry wall per the zoning code where adjacent to or across a local street from residential zoning.
 - B. Access to the site shall be from Gouverneur only and on the north 50 feet of the site.
 - C. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

No protests were filed on this request.

*DAB - masonry wall
MAPC - wood fence, 7 years*

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.

7-0

Recommendation/Actions: It is recommended that the City Council: 1) adopt the findings of the MAPC and approve the zone change and CUP amendment subject to re-platting within one year of approval and MAPC recommended conditions, instruct the Planning Department to forward the ordinance for first reading when the plat is recorded (simple majority vote required); 2) approve the request subject to re-platting and the DAB II recommended conditions to include a masonry screen wall by making alternate findings (two-thirds majority vote required); 3) deny the request by making alternate findings (two-thirds majority vote required); or 4) return the application to the MAPC for further consideration (simple majority required).

Attachments: Ordinance, DAB memorandum, MAPC minutes and CUP document