

ORDINANCE NO. 47-697

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. ZON2007-00042

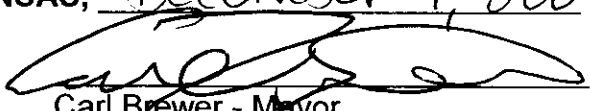
Zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial described as:

The North 20 feet of Lot 1, Block 2, Cedar Lakes Village Second Addition to Wichita, Sedgwick County, Kansas. Generally located southeast of the intersection of Rock Road and Harry Avenue.

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, December 4, 2007.


Carl Brewer - Mayor

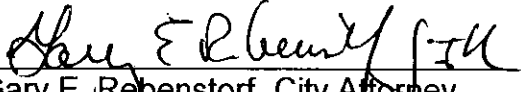
ATTEST:


Karen Sublett, City Clerk

(SEAL)



Approved as to form:


Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
October 23, 2007

TO: Mayor and City Council

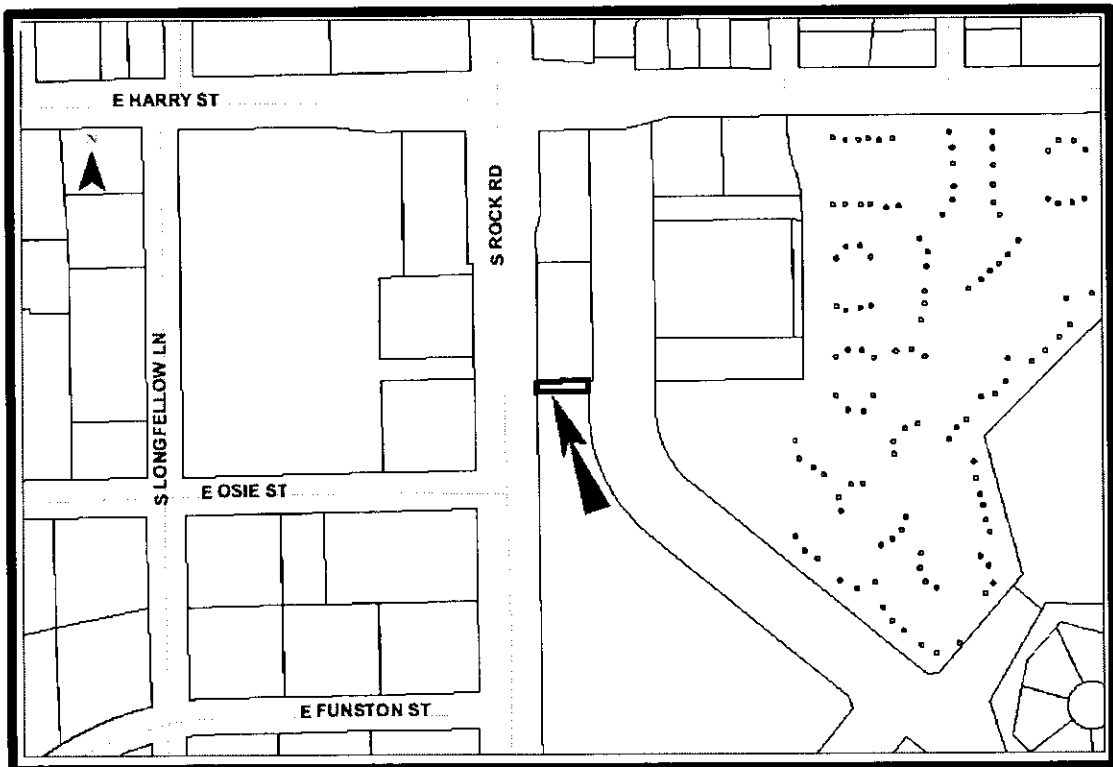
SUBJECT: ZON2007-00042 – Zone change from “SF-5” Single-Family Residential to “LC” Limited Commercial. Generally located southeast of the intersection of Rock Road and Harry Avenue (District II)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve, vote 12-0.

MAPD Staff Recommendation: Approve



Background: The applicant requests a zone change from “SF-5” Single-family Residential to “LC” Limited Commercial on a 20 x 105 foot narrow strip of property located along the northern edge of Lot 1, Block 2, Cedar Lakes Second Addition. This strip of land was a part of CUP DP-51, Cedar Lakes Village Community Unit Plan, but CUP2007-00023 administratively removed this piece of land from DP-51. The site is located southeast of the intersection of Rock Road and Harry Street. The applicant intends to continue using the site for parking.

The strip of land is currently paved and has parking stalls to serve the abutting commercial property to the north. The current use of the lot for commercial parking appears to be in violation of the provisions and restrictions of the CUP, which it was a part of, and the Unified Zoning Code (“UZC”) by not having a conditional use for the ancillary commercial parking lot in a SF-5 zone. This zone change from SF-5 to LC will resolve the issues stated above.

North of the site is an LC zoned auto repair shop with used car sales, approved as a conditional use (CON2002-00011) in 2002. East of the site is LC and “GO” General Office zoning which contains drainage and an apartment complex. South of the site is SF-5 zoned apartment complex within CUP DP-51, which was approved in 1973 as the Cedar Lakes Community Unit Plan, and west of the site is LC zoning and the site of a shopping center (Cherry Creek Shopping Center CUP DP-98) with retail and restaurant uses.

Analysis: At the MAPC meeting held September 20, 2007, the MAPC voted (12-0) to approve the request for LC zoning. At the MAPC meeting, there were not any citizens present to discuss the case. No formal protest petitions have been filed.

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 and approve the zone change; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; 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.)