ORDINANCE NO. 48-154 W.P.

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. ZON2008-00067

Zone change request from SF-5 Single-family Residential ("SF-5") to LC Limited Commercial ("LC") subject to Protective Overlay #227 on property described as:

Lot 1, Joseph E. Hall Addition, Wichita, Kansas, together with all of the 50 feet of street right-of-way for 35th Street South, lying south of and adjacent to said Lot 1 and Lots 6 and 7, Hatcher-Gomez Addition to Wichita, Kansas, together with all of the 50 feet of street right-of-way, lying south of said Lots 6, 7 and 8, in said Hatcher-Gomez Addition, Wichita, Kansas and together with the south 49.5 feet of the Northwest Quarter of Section 7, Township 28, Range 1 East of the 6th P.M., Sedgwick County, Kansas, lying west of the west line of Lot 1, Schraft 3rd Addition, Wichita, Kansas and together with that part of the Southwest Quarter of Section 7, Township 28, Range 1 East of the 6th P.M., Sedgwick County, Kansas, lying north of a line 130 feet north of and parallel with the north right-of-way line of I-235 Highway as condemned in Case A-76777 and lying west of the west line of Lot 1, Schraft 3rd Addition Wichita, Kansas; generally located north and east of south Meridian Avenue and I-235

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #227:

1. One and one half time the landscape requirement.

2. No order boards or queuing lanes within 150 feet of the east property line.

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 13 **day of** January, **200**7

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, Director of Law

Agenda Item No. _____

City of Wichita
City Council Meeting
January 6, 2009

TO: Mayor and City Council

SUBJECT: ZON2008-00067 – City zone change from SF-5 Single-family Residential ("SF-5") to LC General Commercial ("LC") subject to a Protective Overlay; generally located north and east of South Meridian Avenue and I-235. (District IV)

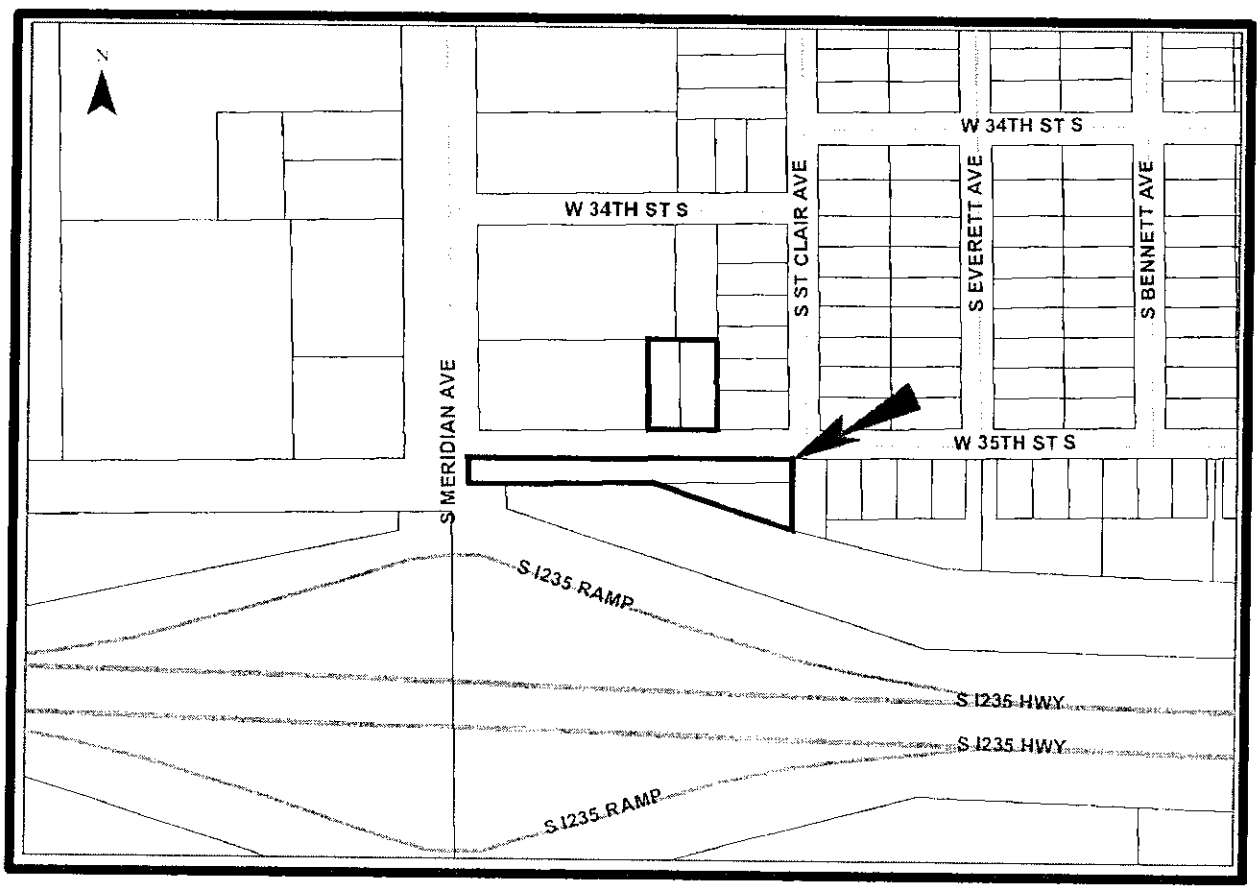
INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Consent)

DAB IV Recommendation: Approve, subject to staff recommendations, (7-0)

MAPC Recommendation: Approve, subject to platting within one year and the provisions of Protective Overlay #227, (12-0)

MAPD Staff Recommendation: Approve, with Protective Overlay #227



Background: The applicant is requesting LC Limited Commercial ("LC") zoning for the 1.43-acre unplatted SF-5 Single-family Residential ("SF-5") zoned site. The site is currently undeveloped. The site is located directly north of I-235, on the east side of South Meridian Avenue. The requested LC zoning would allow the applicant to extend existing LC zoning from the north and to market the site for commercial development.

The applicant also owns the LC zoned property located directly west of the northern two lots included in this application. The property included in this rezone request is bisected by the existing 35th Street South right-of-way that is currently undeveloped. To bring the existing LC zoned, and the proposed zoned properties into one lot, the applicant would have to vacate the existing right-of-way by way of a vacation request or replatting of the property.

The site is located across Meridian Avenue from the Meridian Outlet Mall Community Unit Plan ("CUP") DP-138. That entire CUP is zoned LC and is developed with both sit-down and drive-thru restaurants, a YMCA, a library and a fire station. The CUP also contains a couple of undeveloped parcels which may be occupied with future commercial development. Property to the south of the subject site consists of a drainage canal and I-235. Property north of the subject site is zoned LC and is currently undeveloped. The property abutting the east property line is zoned TF-3 Two-family Residential ("TF-3") and SF-5 and is developed with single-family residences.

Analysis: At the DAB IV meeting held on December 3, 2008, the DAB voted (7-0) to recommend approval per planning staff recommendations, and with a protective overlay for the site to accommodate neighbors as much as possible. One citizen had concerns regarding increased traffic, and what effect would the proposed zone change have on property values and property taxes.

At the MAPC meeting held December 4, 2008, the MAPC voted (12-0) to recommend approval of the request for LC zoning subject to platting within one year, and the provisions of Protective Overlay #227 stated below. There was one citizen who spoke in opposition to the case.

1. One and one half time the landscape requirement shall be installed.

2. No order boards or queuing lanes can be located within 150 feet of the east property line.

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 platting within one year and the provisions of Protective Overlay #227; and withhold publication of the ordinance until the plat has been recorded; 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.)

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