ORDINANCE NO. 48-304

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. ZON2009-00001

Zone change request from OW Office Warehouse ("OW") to B Multi-family Residential ("B") on property described as:

The North 358.83 Feet of Lot 1, the Plaza at Cherry Creek Hills, Wichita, Sedgwick County, Kansas, EXCEPT that part described as follows: Beginning at the Northwest Corner of said Lot 1; thence S00°00'00"W along the Easterly most West Line of said Lot 1, 168.91 Feet; thence S89°43'00"E parallel with the North line of said Lot 1, 269.02 Feet; thence S52°18'36"E, 89.42 Feet; thence S89°43'00"E parallel with the North Line of said Lot 1, 146.29 Feet to a Point on the East Line of said Lot 1; thence N27°04'54"W along the East Line of said Lot 1, 251.36 Feet to the Northeast Corner of said Lot 1; thence N89°43'00"W along the North Line of said Lot 1, 371.65 Feet to the Place of Beginning; generally located south side of Pawnee Avenue and east of Rock Road.

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 11 **day of** April, 200 1.

ATTEST:

Karen Sublett, CMC

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
March 24, 2009

TO: Mayor and City Council

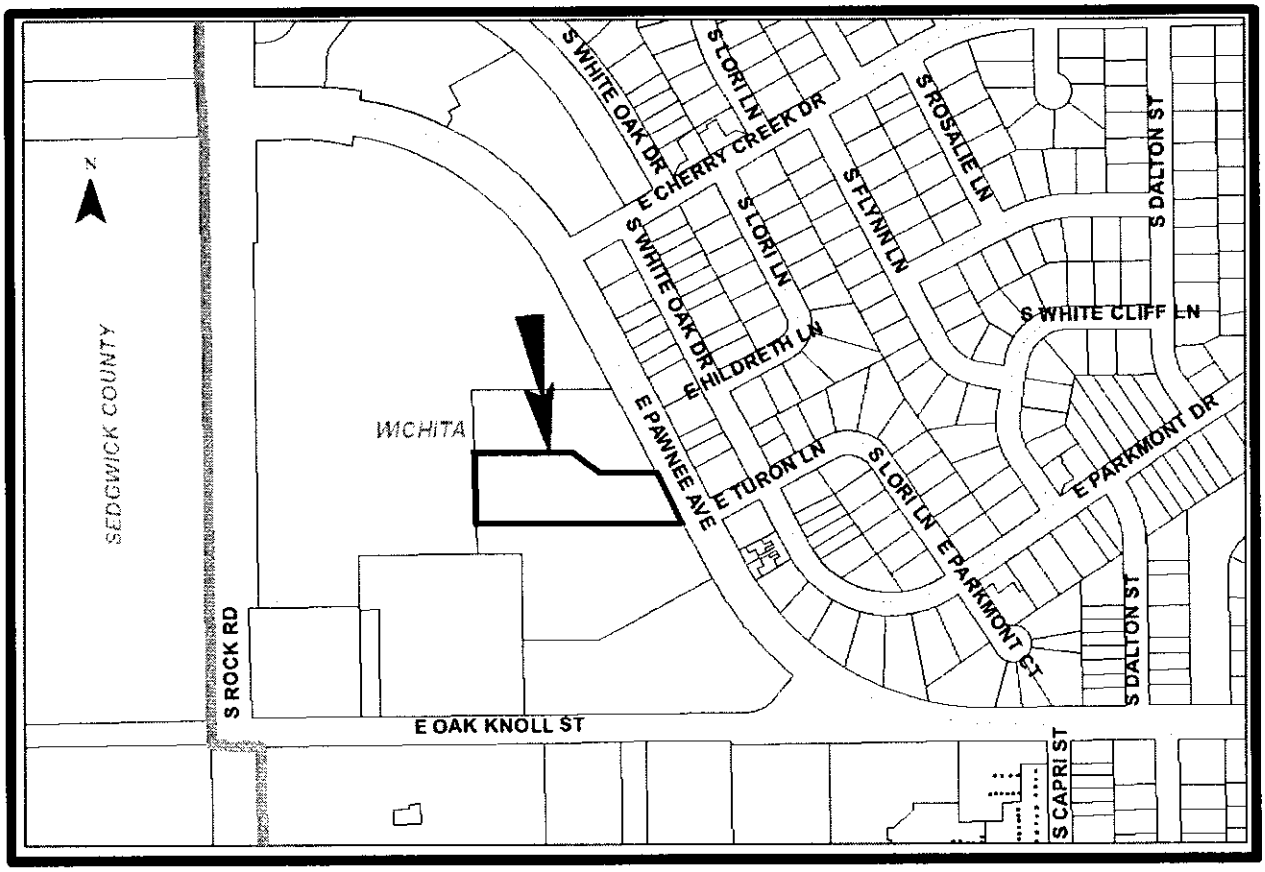
SUBJECT: ZON2009-00001 – City zone change from OW Office Warehouse ("OW") to B Multi-family Residential ("B") generally located south side of Pawnee Avenue and east of Rock Road. (District II)

INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Consent)

MAPC Recommendation: Approve, vote (11-0)

MAPD Staff Recommendation: Approve



Background: The applicant is requesting a zone change from OW Office Warehouse ("OW") to B Multi-family Residential ("B"). The OW district does not permit residential or church uses. The application area contains approximately 2.0 acres with 150 feet of frontage located along Pawnee Avenue, approximately 1,000 feet east of Rock Road. The subject site is currently undeveloped, and the applicant is seeking this rezoning for the proposed construction of a church.

Property adjoining the west side of the site is zoned B and is developed with a large apartment complex with access off of Rock Road and Pawnee Avenue. The property to the north of the application area is zoned OW and is currently undeveloped. Property to the south is zoned OW and is currently undeveloped. Property located east of the subject site, across Pawnee Avenue, is zoned MF-18 Multi-family Residential ("MF-18") and TF-3 Two-family Residential ("TF-3") and is developed with single-family and multi-family residences.

Any development on the subject property will be required to meet access management regulations, all compatibility setback, height, noise and design standards, the Unified Zoning Code's (UZC) landscaping, screening and any other applicable codes and development standards.

Analysis: At the MAPC meeting held February 19, 2009, the MAPC voted (11-0) to recommend approval of the request for B zoning. The case was approved by consent, and there was no one in the public to speak for or against the application.

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 and place the ordinance 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.)