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ORDINANCE NO.

49902

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. ZON2014-00004

Zone change request from LC Limited Commercial to TF-3 Two-family Residential on property described as:

Lots 2 through 30, Block A, Reserves A and B, Falcon Falls 5th Addition, Wichita, Sedgwick County, Kansas.

Generally located on the North Side of 45th Street North, on the West Side of Hillside.

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

12 day of December, 2014.

ATTEST:


Karen Sublett, City Clerk


Carl Brewer, Mayor



APPROVED AS TO FORM:


Sharon L. Dickgrafe, Interim City Attorney
& Director of Law

City of Wichita
City Council Meeting
June 3, 2014

TO: Mayor and City Council

SUBJECT: ZON2014-00004 and CUP2014-00008 – Abolition of the Falcon Falls Commercial Community Unit Plan DP-283 and Rezoning from the LC Limited Commercial District to the TF-3 Two-Family Residential District on Property Located Northwest of the Intersection of North Hillside Avenue and East 45th Street North (District I)

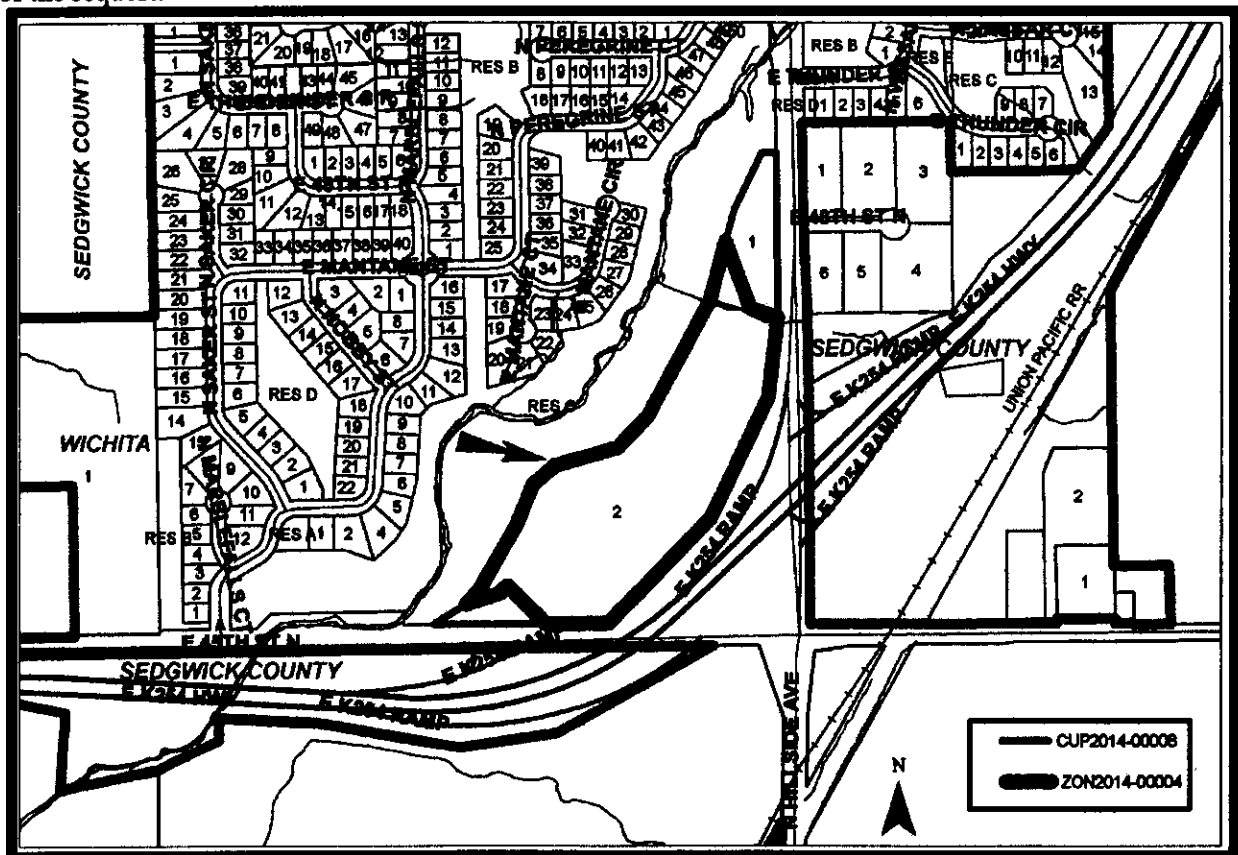
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (9-0).

DAB Recommendation: District Advisory Board I recommended approval of the request (11-0).

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request.



Background: The applicant is requesting the abolition of Community Unit Plan (CUP) DP-283, the Falcon Falls Commercial CUP, and the down zoning of the application area's LC Limited Commercial (LC) zoning to TF-3 Two-family Residential (TF-3). The application area is platted as the Falcon Falls Commercial Addition, contains approximately 20.46 acres and is located at the northwest corner of the intersection of East 45th Street North, Highway K-254 and North Hillside Avenue.

Community Unit Plan DP-283 and its associated LC zoning were approved by the City Council on May 17, 2005, subject to platting within two years. The Falcon Falls Commercial Addition was recorded on December 9, 2005. The CUP contains two parcels, both zoned LC, that permit all LC uses except: adult entertainment, sexually oriented business, group residence, correctional placement residence, asphalt/concrete plant, private club, tavern and drinking establishment. The site is undeveloped.

It is the applicant's belief that the site has an improved chance for development if the current LC zoning and CUP were removed and replaced with TF-3 zoning. The TF-3 district primarily permits single-family and two-family residential uses. As currently zoned, the site can be developed with uses permitted in the requested TF-3 district. However, lending institutions may refuse to offer residential interest rates for residences located in non-residential zoning districts or may not offer mortgages for residences located in non-residential zoning districts. Besides the mortgage question, if the existing CUP were to be left in place, a number of development requirements that are not normally associated with residential development would be present or required, such as: potential for incompatible LC uses to be legally located within the development that is being redirected to a residential development instead of office or commercial uses; masonry screening walls instead of wooden fencing, berms or landscaping; architectural compatibility; commercial or office signage that would not normally be found in a residential area or increased setbacks when compared to the TF-3 district.

Immediately north and west of the application area is a drainage reserve that is zoned SF-5 Single-family Residential (SF-5). North and west of the drainage reserve is a SF-5 zoned residential subdivision. East, across North Hillside Avenue, is an undeveloped SF-20 Single-family Residential (SF-20) subdivision. South of the site, across K-254 Highway on unzoned right-of-way, is a KDOT maintenance yard. Further south is undeveloped LC and SF-5 zoned property.

Community Unit Plans are required by the Unified Zoning Code for land that is: zoned LC or GC General Commercial (GC), six acres or more in size and held under unified ownership at the time of initial approval.

On April 24, 2014, the Metropolitan Area Planning Commission (MAPC) approved (9-0) the request. Other than the applicant's agent there was not anyone present to discuss the request.

On May 5, 2014, District Advisory Board (DAB) I voted 11-0 to approve the request. No one spoke in opposition to the request and there have not been any protests filed.

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 and approve the requested zone change and abolish the Falcon Falls Commercial CUP DP-283 (simple majority vote required); authorize the Mayor to sign the ordinance and place the ordinance on first reading.

Attachments: Falcon Falls CUP, MAPC minutes, DAB memo and ordinance.