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ORDINANCE NO.

50-117

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. ZON2015-00042

Zone change request from TF-3 Two-family Residential ("TF-3"), MF-29 Multi-family Residential ("MF-29") and B Multi-family Residential ("B") to LC Limited Commercial ("LC") and the provisions of Protective Overlay #301:

1. The landscaped street yards where abutting residentially zoned property on the east side of Glendale Avenue shall be required to provide an increase in the landscape requirements equivalent to 1.5 times.
2. A six foot tall solid masonry screening wall shall be installed where abutting residentially zoned property on the east side of Glendale Avenue, provided however, one drive opening shall be allowed. The six foot tall wall may be shortened at the drive location allowing for proper traffic and pedestrian visibility sight triangles
3. The property shall be re-platted prior to the issuance of a final building permit.

On property described as:

Commencing at the Northwest Corner of said Northwest Quarter; thence East along the north line of said Quarter, 60 feet; thence South parallel with the west line of said Quarter, 50 feet; thence East parallel with said north line, 35 feet to the Point of Beginning; thence East parallel with said north line, 121.5 feet to the Northwest Corner of Lot 1, McGovney Addition to Wichita, Kansas; thence South along the west line of said Lot 1, 169.1 feet to the Southwest Corner of said Lot 1; thence Southwesterly along the west line of Lot 2, said Addition and the west line of Replat of Lots 3 & 4 & part of Lot 2, McGovney Addition to Wichita, Kansas, 232.91 feet, more or less, to the southwest corner of said Replat, said point being 428 feet south and 113.5 feet east of the Northwest Corner of said Quarter; thence Southwesterly along the west line of a tract of land described in Deed Book 981, Page 109, 52.5 feet to the north line of Lot 1, McGovney Second Addition to Wichita, Sedgwick County, Kansas; thence West along said north line, 30 feet; thence North parallel with and 60 feet east of the west line of said Quarter, 390 feet; thence Northeast, 49.5 feet to the Point of Beginning, AND The North 30 feet of Lot 2, McGovney Addition to Wichita, Kansas, Sedgwick County, Kansas, AND Lot 1, in Replat of Lots 3 & 4 & Part of Lot 2, McGovney Addition to Wichita, Kansas, Sedgwick County, Kansas, generally located southeast of the intersection of East Harry Street and South Oliver 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 this 24 day of Nov, 2015.

ATTEST:

Karen Sublett, MMC
Karen Sublett, City Clerk

Jeff Longwell
Jeff Longwell, Mayor



Approved as to form:

Jennifer Magana
Jennifer Magana, City Attorney and Director Law

**City of Wichita
City Council Meeting
November 17, 2015**

TO: Mayor and City Council

SUBJECT: ZON2015-00042 – City Zone Change from TF-3 Two-Family Residential, MR-29 Multi-Family Residential and B Multi-Family Residential to LC Limited Commercial on Property Generally Located Southeast of the Intersection of East Harry Street and South Oliver Avenue. (District III)

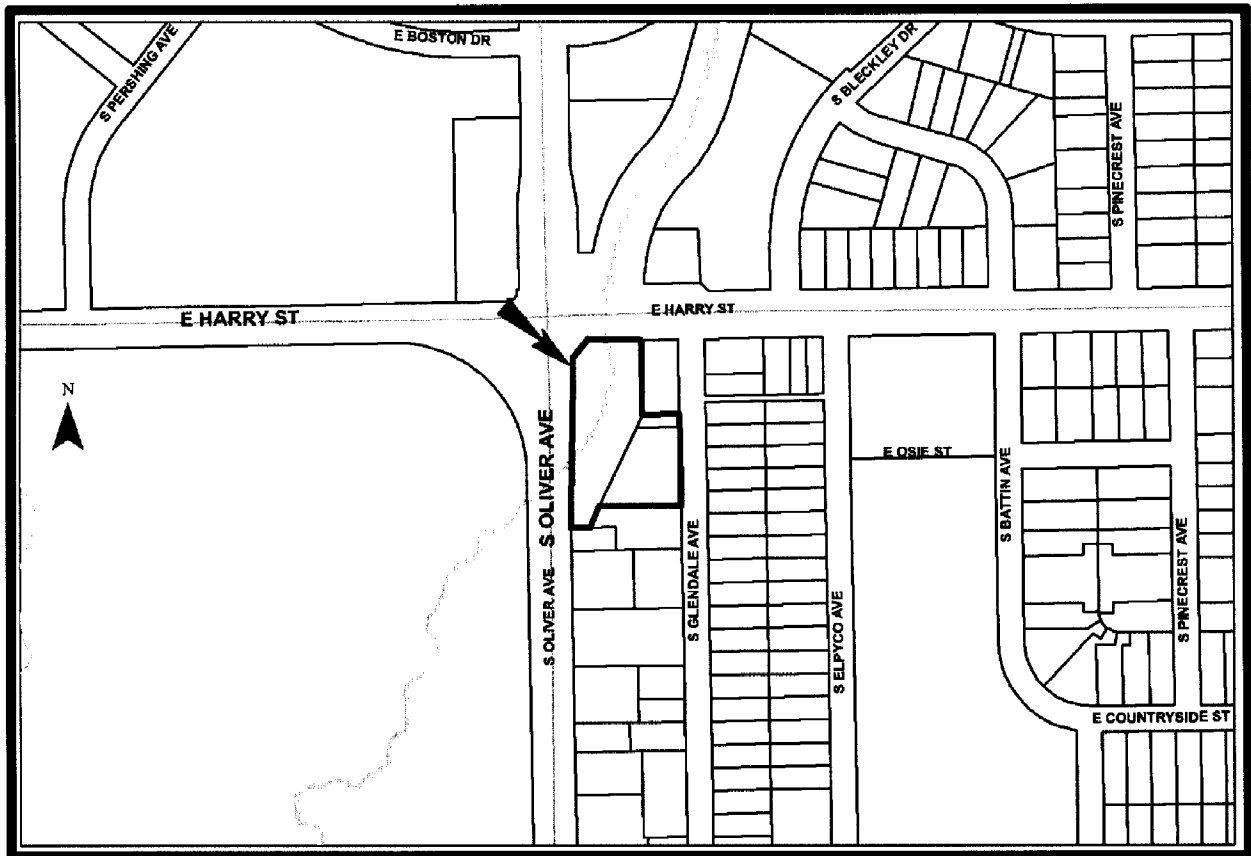
INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (10-2).

DAB Recommendation: District Advisory Board IIII recommended approval of the request (6-1).

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



Background: The application area is located at the southeast corner of the intersection of South Oliver Avenue and East Harry Street (4805 E. Harry St. and 1641 S. Glendale Ave.) The subject property is 1.14 acres of unplatted landed currently owned by the City of Wichita, .062 acres described as the north 30 feet of lot 2, McGovney Addition and .58 acres of lot 1, in Replat of lots 3 and 4 and part of lot 2, McGovney Addition, Wichita, Sedgwick County, Kansas. The unplatted portion of the subject site is zoned TF-3 Two-family Residential, the north 30 feet of lot 2 is zoned MF-29 Multi-family Residential and the Replat of lots 3 and 4 is zoned B Multi-family Residential. The applicant is seeking LC Limited Commercial ("LC") zoning for the property. The majority of the property is currently undeveloped, while .58 acres of the property currently zoned B is developed with a garden apartment complex. It is proposed that this site will be redeveloped into a new convenience store.

East Harry Street at this location has sixty five-feet of half-street right-of-way, and is developed as a four-lane (turning to seven lanes with turn lanes) arterial. South Oliver Avenue at this location has fifty five-feet of half-street right-of-way, and is developed as a four-lane (turning to seven lanes with turn lanes) arterial. South Glendale Avenue at this location has thirty-feet of half-street right-of-way, and is developed as a two-lane residential/local road.

The property will have frontage along Harry Street and Oliver Avenue, which are significant commercial arterials, which in July 2015 carried in both directions approximately 37,000 (Harry Street) and 26,500 (Oliver Avenue) vehicles on an average day. A number of properties fronting Oliver Avenue and Harry Street are zoned LC and developed with restaurants, retail sales, personal service or personal care uses and offices. Land to the east are zoned TF-3 and are developed with residential uses. Property to the south is zoned both TF-3 and LC Limited Commercial and is developed with offices and an electrical substation. Property north (across Harry Street) of the site is zoned LC and is developed with offices. Property west of the site (Across Oliver Avenue) is zoned SF-5 Single-family Residential and is developed with a golf course.

Analysis: On October 7, 2015, District Advisory Board (DAB) II considered the requested LC zoning. There were protesters at the DAB III meeting. DAB III voted 6-1 to approve the request.

On October 15, 2015, the Metropolitan Area Planning Commission (MAPC) considered the request. There were protesters at the MAPC meeting. The MAPC voted 10-2 to approve the requested LC zoning with a Protected Overlay:

1. The landscaped street yards where abutting residentially zoned property on the east side of Glendale Avenue shall be required to provide an increase in the landscape requirements equivalent to 1.5 times.
2. A six foot tall solid masonry screening wall shall be installed where abutting residentially zoned property on the east side of Glendale Avenue, provided however, one drive opening shall be allowed. The six foot tall wall may be shortened at the drive location allowing for proper traffic and pedestrian visibility sight triangles
3. The property shall be re-platted prior to the issuance of a final building permit.

Planning staff has not received protests to the request.

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 concur with the findings of the MAPC and approve the zoning with the provisions of Protective Overlay 301 and place the ordinance on first reading (simple majority of four votes required).