

ORDINANCE NO. 50-145

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. ZON2015-00049

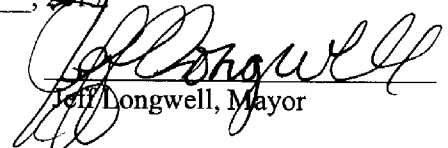
Zone change request from LC Limited Commercial (LC) to GC General Commercial (GC) on property located south of Kellogg and west of Woodlawn (6215 East Kellogg); described as:

Lot 1, Block 1, Davis-Moore 13th Addition, Wichita, Sedgwick County, Kansas; TOGETHER WITH the East 130 feet of the West 140 feet of Lot 2, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas; TOGETHER WITH Lot 1, Davis-Moore 5th Addition, Wichita, Kansas; TOGETHER WITH The West 110 feet of Lot 1, Universals First Addition to Wichita, Kansas; TOGETHER WITH the West 110 feet of Lot 2, except the South 160 feet, Universals First Addition to Wichita, Kansas; TOGETHER WITH that part of vacated Waverly Drive lying adjacent to said Universals First Addition, and said Davis-Moore 5th Addition.

SECTION 2. That upon the taking effect of this ordinance, the above zoning change 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 Jan, 2016

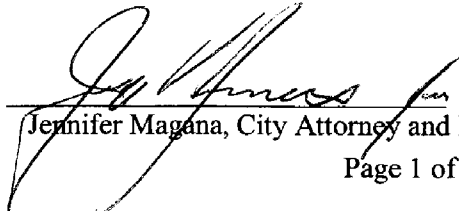

Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Jennifer Magana, City Attorney and Director of Law

Background: The applicants request a zone change from LC Limited Commercial (LC) to GC General Commercial (GC) zoning and an amendment to DP-183, the Davis Moore Community Unit Plan (CUP). The CUP Amendment would add the following GC uses: Construction Sales and Service, Ancillary Fuel Storage, Outdoor Storage and Wholesale or Business Services. The amendment would also prohibit the following uses: Adult Entertainment, Sexually Oriented Business, Group Residence, Correctional Placement Residence, Asphalt/concrete Plants, Private Clubs, Taverns and Drinking Establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. The CUP would continue to permit LC uses to include auto sales, leasing and service. The CUP has a wood screening fence along the south property line; the southeast corner of the CUP has a concrete parking garage which screens the residential neighborhood to the south from the CUP. The CUP would keep all other development standards in place regarding signage, light pole height, landscaping, etc. This zone change and CUP amendment request is generated by the applicant's desire to have outdoor storage of contractor's materials and equipment; the CUP and zoning code would require screening of that storage from surrounding properties and streets.

North of the site is the below grade Kellogg Expressway. The site is not visible from the lowered freeway, but is visible from the eastbound, at-grade Kellogg access drive. South of the site, across Orme and Eilerts is SF-5 Single-family Residential (SF-5) and TF-3 Two-family Residential (TF-3) zoning with duplex and single-family residences. East of the site, across Fabrique is TF-3 and LC zoning with duplex residential and car sales development. West of the site, across Lightner is TF-3 and LC zoning with duplex residential and vehicle repair development.

Analysis: On December 3, 2015, the Metropolitan Area Planning Commission (MAPC) approved (12-0) the application subject to the following conditions:

- A. The CUP General Provision #6 shall be amended to require that all outdoor storage of materials shall be visually screened from all surrounding properties and public right of way; materials shall not be stored or stacked to where they are visible above screening fences from surrounding properties or public right of way.
- B. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

On December 2, 2015, District Advisory Board (DAB) III reviewed the application and approved it 7-0.

No protest petitions have been received. The request can be approved with a simple majority vote.

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 CUP Amendment, subject to the MAPC recommended conditions, and place the ordinance on the first reading (simple majority vote).

Attachments: CUP drawing, ordinance, MAPC minutes.