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ORDINANCE NO. 46-580

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. ZON 2005-01

Request for zone change from "TF-3, Two-family Residential District to LC, Limited Commercial District Lot 1, Block 1, Save-A-Lot Addition, except the south 120 feet.

Generally located on the north side of 13th Street North and west 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 26th day of April 2005.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

Analysis: At its regular meeting on February 24, 2005, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered and approved this request. One residential neighbor spoke at that hearing with concerns regarding building setbacks, dumpster locations and loading dock locations. DAB 1 heard and approved this request on March 7, 2005. Neighbors spoke at this public hearing, again with concerns regarding building setbacks, dumpster locations and loading dock locations. Six protest petitions have been filed against this request, three of which are at least partially within the legal protest area, resulting in a 10.29% legal protest of the application.

Financial Considerations: None.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: It is recommended that the City Council

1. Adopt the findings of the MAPC and approve the zone change subject to the condition of platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the members of the governing body on the first hearing.)

Agenda Item No. _____

City of Wichita
City Council Meeting
April 5, 2005

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: ZON2005-00001 – Zone change from "TF-3" Two-family Residential to "LC" Limited Commercial. Generally located north of 13th Street and East of Grove. (District I)

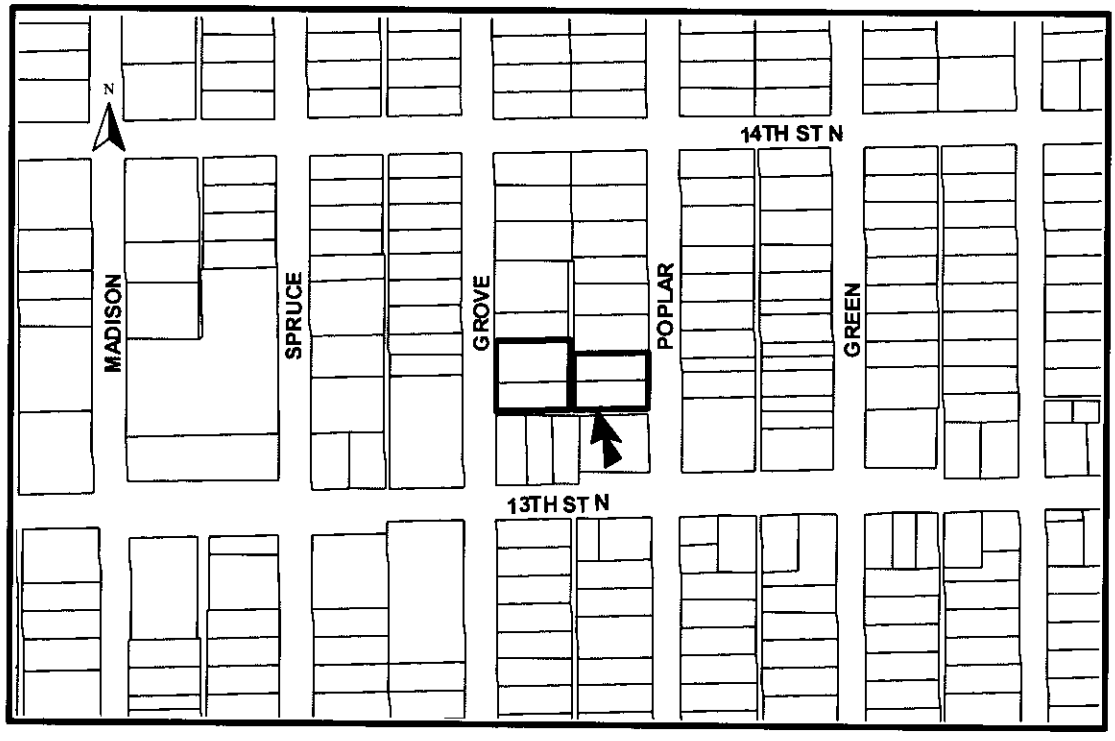
INITIATED BY: Metropolitan Area Planning Department JVS

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to staff recommendations, (11-0).

MAPD Staff Recommendations: Approve, subject to replatting site.

DAB Recommendations: DAB I, approve, subject to staff recommendations, (10-0)



Background: The applicant requests LC Limited Commercial zoning on a .62-acre site, currently zoned TF-3 Two-family. The proposed use is a grocery store on a redeveloped corner site, north of 13th Street, between Grove and Poplar. The southern 16 feet of the application area is already zoned LC; the proposed grocery store site would include the existing LC and GC zoned lots south of the application area, giving the site access to 13th Street. North of the application area are TF-3 zoned single-family residences and vacant lots. South of the application area, across the alley, are LC and GC vacant commercial properties. East and west of the application area are TF-3 zoned single-family residences, vacant lots and a church parking lot.