

(150004) Published in The Wichita Eagle on _____
ORDINANCE NO. 46-663

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. ZON2005-00013

Request for Zone change from "SF-5" Single-family Residential to "LC" Limited Commercial, on property described as:

Lot 5, Block C, West Central Gardens Addition, Wichita, Sedgwick County, Kansas.
Generally located north of West Central and west of Gilda.

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 AT WICHITA, KANSAS, 9-20-05

Carlos Mayans - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney

Background: The applicant requests LC Limited Commercial zoning on a .47-acre site housing a former church that is currently zoned SF-5 Single-family Residential. This site is located north of Central and west of Gilda, just west of the Central and I-235 intersection. The proposed use is for commercial development. North of the application area are SF-5 zoned single-family residences. South of the site, across Central, are LC zoned restaurants, office uses and auto service. East of the site is a LC zoned auto service use and I-235. West of the site are LC zoned office uses. A federally funded traffic study for the Central/I-235 interchange, under KDOT management, will begin in July 2005; the study is expected to take 18-24 months and does not currently have construction funding.

As part of its recommendation for approval, staff had recommended that an additional ten feet of right-of-way be dedicated for Central Avenue and additions to the utility easement on the north and west boundaries. The additional right-of-way was requested by Public Works because of expected future improvements to Central. The additions to the utility easement were requested by Water and Sewer in order to bring them to current standards.

Analysis: MAPC heard this request on April 28, 2005, and no members of the public spoke regarding the request. MAPC moved to eliminate the staff recommended right-of-way dedication on Central and the additional utility easement dedications. MAPC approved the request, by a vote of 9-4, subject to dedication of access control on Central, allowing for one opening.

Financial Considerations: None

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

Recommendation/Actions:

1. Concur with the findings of the MAPC and approve the Zone Change to "LC" Limited Commercial, subject to the dedication of access control on Central Avenue, allowing for one opening; instruct the Planning Department to forward the ordinance for first reading when the dedication has been recorded with the Register of Deeds; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3-majority vote of the membership of the governing body on the first consideration.)

**City of Wichita
City Council Meeting
June 7, 2005**

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: ZON2005-00013 – Zone change from “SF-5” Single-family Residential to “LC” Limited Commercial. Generally located north of Central and west of Gilda. (District V)

INITIATED BY: Metropolitan Area Planning Department *ALS*

AGENDA: Planning (Non-consent)

MAPC Recommendations: Approve, subject to the dedication of access control on West Central Avenue, allowing one opening, vote (9-4).

MAPD Staff Recommendations: Approve, subject to the dedication of ten feet of right-of-way on Central, and dedication of additions to the utility easements on the north and west boundaries, bringing them up to recommended City standards.

DAB Recommendations: Not applicable.

