

Approved as to form:



Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
February 12, 2008

TO: Mayor and City Council

SUBJECT: ZON2007-00064 – City zoning on un-zoned property to “LC” Limited Commercial. Generally located on the north side of Central Avenue, just east of the Big Ditch (Wichita-Valley Center Floodway). (District V)

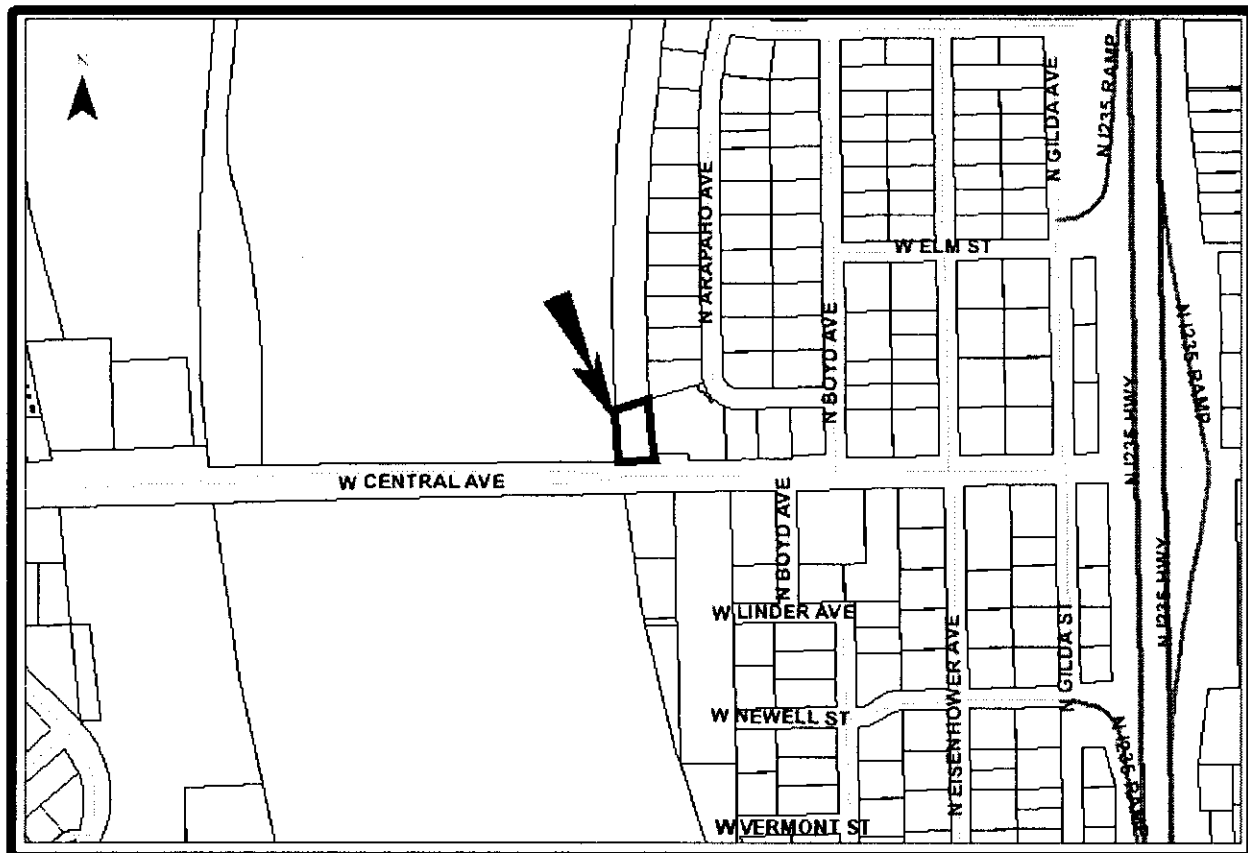
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approval, without platting, vote 8-5.

MAPD Staff Recommendation: Approval, subject to platting within one year.

DAB V Recommendation: Approval, subject to platting within one year, vote 7-0-1.



Background: The applicant requests a zone change on un-zoned property to “LC” Limited Commercial on a 0.4 acre site located east of the east bank along the Wichita-Valley Center Floodway and on the north side of Central Ave. The site is about 250 feet east of the crest of the floodway’s levee and was just recently sold to the applicant from the City of Wichita. While the City owned the property, it was not zoned and was utilized as a buffer for the floodway. The applicant proposes to market the property for an unspecified commercial use. The property currently is paved for use as a parking lot.

The property is located within the Flood Hazard Zone “X,” which is described as the flood insurance rate zone that corresponds to areas outside the 100-year floodplain, areas of 100-year sheet flow flooding where average depths are less than 1 foot, areas of 100-year stream flooding where the contributing drainage area is less than 1 square mile or areas protected from the 100-year flood by levees. No Base Flood Elevations or depths are shown within this zone. A Base Flood Elevation (BFE) is the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report or average depth of the base flood, usually in feet, above the ground surface.

The site’s location is abutting commercial development bordering the east property line, extending east along Central Avenue. The LC zoning to the east is approximately 0.9 acres and contains a strip retail center. North of the retail center there is a residential development, which is all zoned “SF-5” Single-family Residential. The 0.58 acre property located south of the site, across Central Avenue, has an automotive repair shop on it is zoned “GC” General Commercial followed by (going east from this site) a 4.96 acre site containing a mini-storage facility, zoned LC and GC, and a 0.6 acre site containing an office building, zoned LC. South of the commercial developments there are single family and duplex developments zoned SF-5 and “TF-3” Two-family Residential. All other properties located west, northwest and southwest of the subject site are undeveloped, and utilized as the Wichita-Valley Center Floodway.

Analysis: At the District Advisory Board V meeting held January 7, 2008, the DAB V voted (7-0-1) to approve the request, subject to platting within one year. No citizens were present to speak and no protests have been received. At the MAPC meeting held January 10, 2008, the MAPC voted (8-5) to approve the request without the platting requirement. No citizens were present to speak, and no protests have been received.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality.

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

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change to “LC” Limited Commercial and approve the first reading of the ordinance; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

ORDINANCE NO. 47-778

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. ZON2007-00064

City zoning on un-zoned property to "LC" Limited Commercial, on property described as:

That part of the SE 1/4 of Sec. 15, Twp. 27-S, R-1-W of the 6th P.M., Sedgwick County, Kansas described as beginning at the SW corner of Lot 1, Block A, Steve Kelley 3rd Addition, Wichita, Sedgwick County, Kansas; thence N07°21'W along the west line of said Lot 1, 12.25 feet; thence N02°25'W along the west line of said Lot 1, 1499.55 feet to the NW corner of said Lot 1; thence S73°03'42"W, 103.30 feet to the east line of the Big Slough-Cowskin Creek Floodway as condemned in Case No. A-31849; thence S02°25'E along the east line of said Floodway, 127.96 feet; thence S07°21'E along the east line of said Floodway, 4.46 feet to a point 60 feet north of the south line of said SE 1/4; thence N89°33' E parallel with the south line of said SE1/4, 100.73 feet to the place of beginning. Generally located on the north side of Central Avenue, just east of the Big Ditch (Wichita-Valley Center Floodway).

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, February 26, 2008


Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

