

ORDINANCE NO. 47-991

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. ZON2008-00041

Zone change from GO General Office ("GO") to LC Limited Commercial ("LC") subject to Protective Overlay #218 on property described as:

Lot 1, Block A, Kansas State Bank Addition, Wichita, Sedgwick County, Kansas; generally located on the east side of Maize Road, north of U.S. Highway 54 (Kellogg).

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #218:

1. The subject property shall be limited to the following uses: Banks and Financial Institution, as permitted by the LC Limited Commercial ("LC") District, and all uses permitted by right in the GO General Office ("GO") District;
2. Proposed monument signage shall not face property zoned or used for residential purposes on the west side of Maize Road.

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, October 7, 2008.


Carl Brewer - Mayor

ATTEST/

Karen Sublett

Karen Sublett, City Clerk

(SEAL)



Approved as to form:

Gary E. Rebenstorf

Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
September 23, 2008

TO: Mayor and City Council

SUBJECT: ZON2008-00041 – Zone change from GO General Office (“GO”) to LC Limited Commercial (“LC”) subject to Protective Overlay #218; generally located on the east side of Maize Road, north of U.S. Highway 54 (Kellogg). (District V)

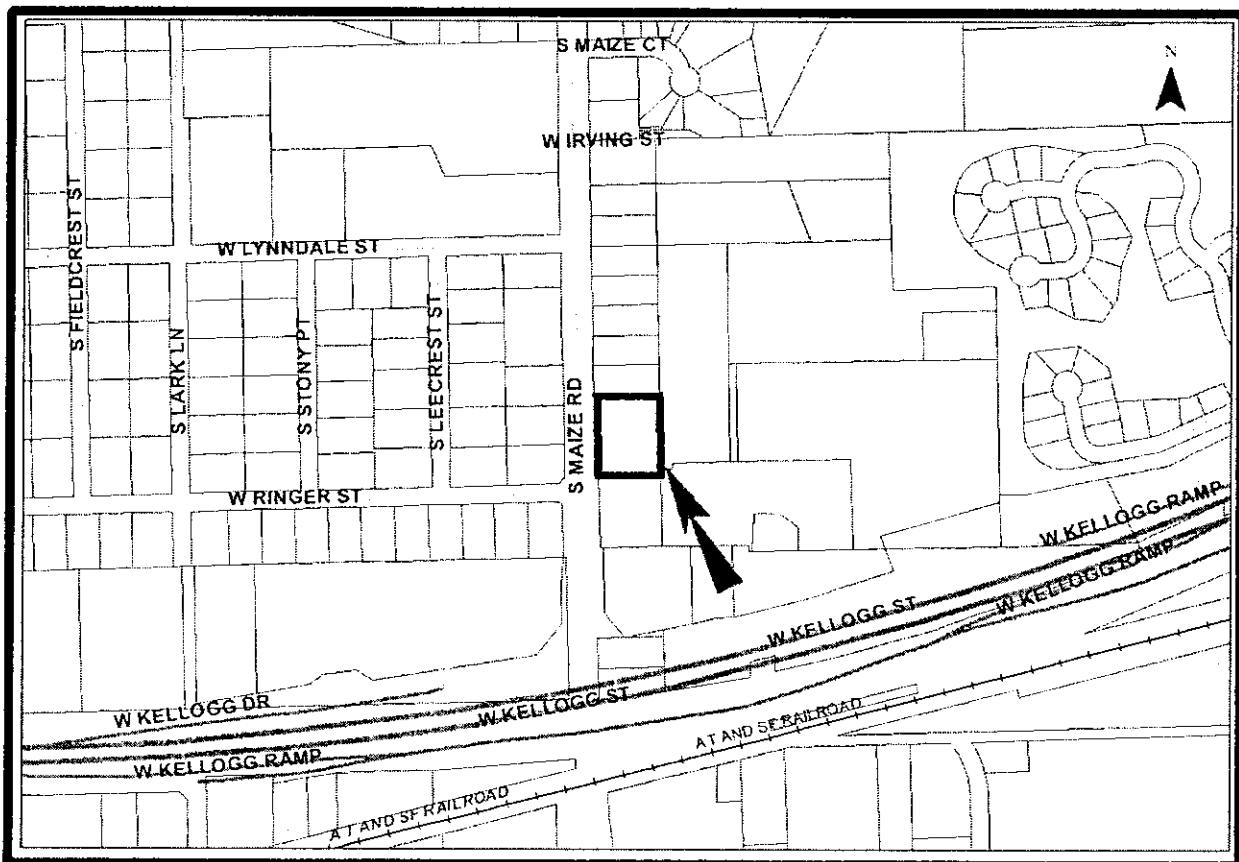
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

DAB V Recommendation: To be heard on September 8, 2008.

MAPC Recommendation: Approve, LC Limited Commercial (“LC”) with a Protective Overlay, (13-0)

MAPD Staff Recommendation: Approve, LC Limited Commercial (“LC”) with a Protective Overlay



Background: The applicant requests a zone change from GO General Office (“GO”) to LC Limited Commercial (“LC”) for a bank or financial institution on 1.3 acres. The site is located east of Maize Road and north of Kellogg. The platted site was originally developed with two single-family residential units. Currently the site is developed with a financial institution. The applicant has also proposed a Protective Overlay that states: “The subject property shall be limited to the following uses: Banks and Financial Institution, as permitted by the LC Limited Commercial (“LC”) District, and all uses permitted by right in the GO General Office (“GO”) District.” The only significant difference between what is there now and what this case is proposing will be the increased signage that LC zoning allows in respect to signage allowed in the GO zone.

The site has SF-5 Single-family Residential (“SF-5”) zoned single-family residences to the north and west across Maize. East of the site is vacant SF-5 zoned property containing the Cowskin Creek Floodway. South of the site is vacant LC zoned property. Further south, at the Maize/Kellogg intersection, is an LC zoned convenience store and car wash.

Analysis: This case will be heard at the District V Advisory Board meeting on September 8, 2008. At the MAPC meeting held August 21, 2008, the MAPC voted (13-0) to approve LC zoning with a Protective Overlay. There was discussion about a provision requiring signage not to face towards the residential property to the west, across Maize Road. MAPC decided to add a provision to the Protective Overlay to prohibit a proposed monument sign from facing the west towards residential property. After the discussion, the MAPC recommended approval of the LC request with a Protective Overlay with the following provisions:

1. The subject property shall be limited to the following uses: Banks and Financial Institution, as permitted by the LC Limited Commercial (“LC”) District, and all uses permitted by right in the GO General Office (“GO”) District;
2. Proposed monument signage shall not face property zoned or used for residential purposes on the west side of Maize Road.

There were no citizens that spoke in favor of the application and there was no opposition.

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 subject to the provisions of Protective Overlay #218 and publish the zone change ordinance in the official City newspaper after adoption; or
2. Return the application to the MAPC for reconsideration; or
3. Deny the application.

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