

ORDINANCE NO. 48-857

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. ZON2010-00030

Zone change request from B Multi-family Residential ("B") to LC Limited Commercial ("LC") subject to the applicant submitting a "no-protest" petition regarding the possible future paving of the alleyway, on property described as:

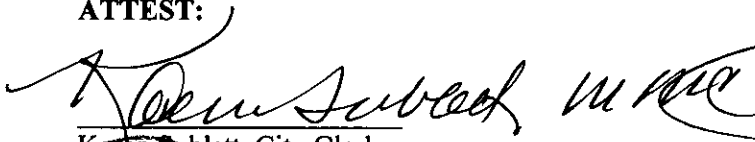
Reserve D and the East half of Reserve C, in Campbell's Subdivision in Lawrence's Addition to Wichita, Sedgwick County, Kansas, TOGETHER WITH that part of Lot 4, Block 2, Lawrence Addition to West Wichita, Sedgwick County, Kansas described as beginning at a point 152 feet West of the Northeast corner of said Lot 4; thence West 50 feet; thence South 7 feet; thence East 50 feet; thence North 7 feet to the point of beginning; generally located west of Osage Street and south of Maple Street.

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.

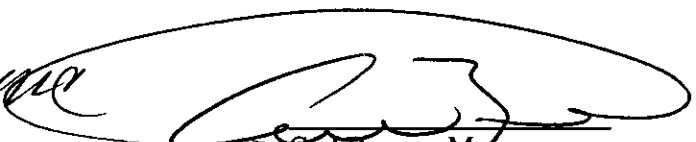
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 26th day of October, 2010

ATTEST:


Karen Sublett, City Clerk




Carl Brewer, Mayor

Approved as to form:


Gary E. Rebenstorf, Director of Law
By SD

City of Wichita
City Council Meeting
October 19, 2010

TO: Mayor and City Council

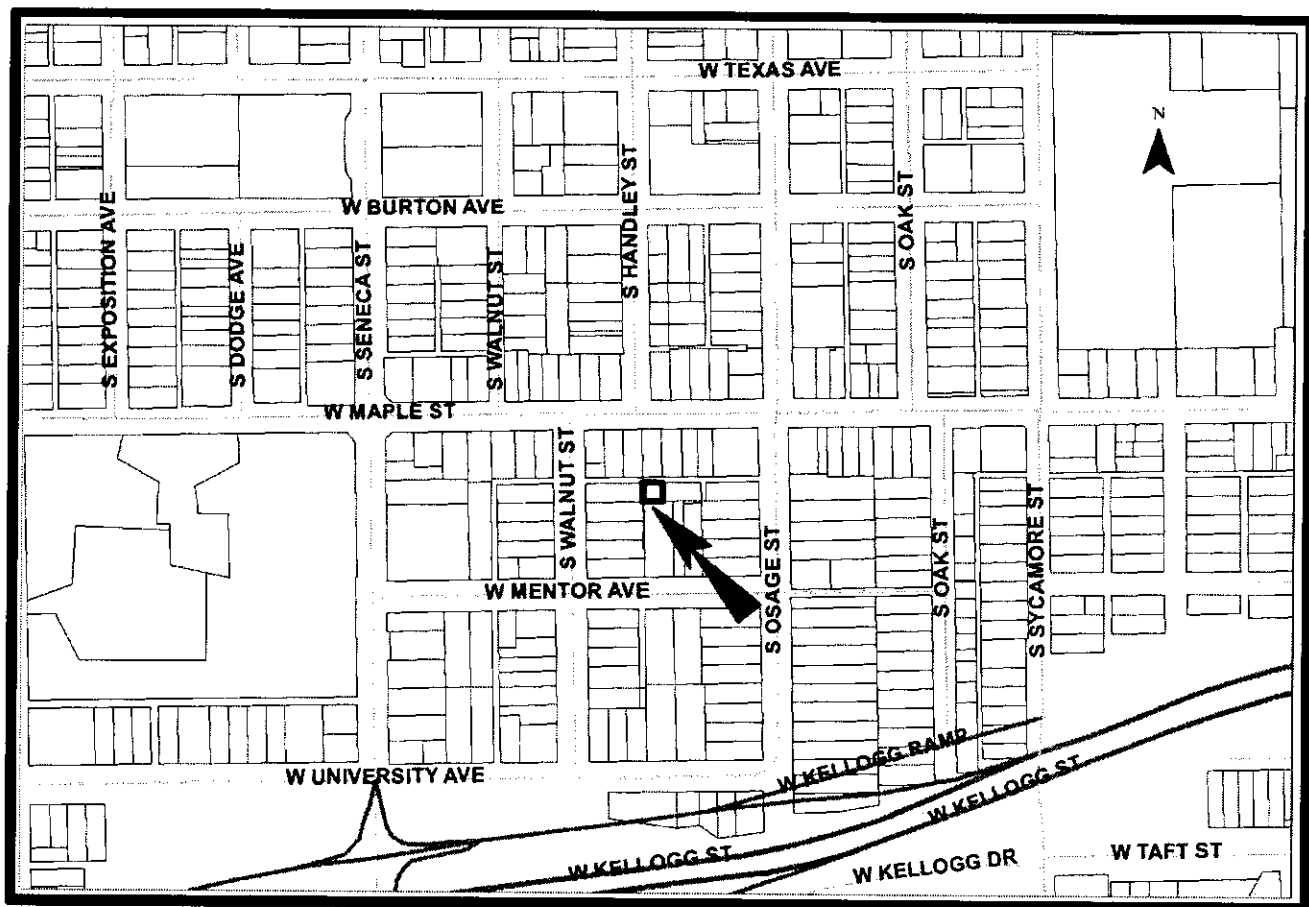
SUBJECT: ZON2010-00030 – City zone change from B Multi-Family Residential (“B”) to LC Limited Commercial (“LC”) for a greenhouse; generally located west of Osage Street and south of Maple Street. (District IV)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve, subject to the applicant submitting a “no-protest” petition regarding the possible future paving of the alleyway. Vote (13-0)

MAPD Staff Recommendation: Approve, subject to the applicant submitting a “no-protest” petition regarding the possible future paving of the alleyway.



Background: The applicant is requesting LC Limited Commercial (“LC”) zoning on a portion of Reserve C, Campbell's Subdivision in Lawrence's Addition to Wichita, Sedgwick County, Kansas, located 125 feet south of West Maple Street and 260 feet west of Osage Street. The application area is a 50-foot by 48-foot tract zoned B Multi-family Residential (“B”), and is vacant. The site has 50 feet of frontage along an east-west unpaved alleyway located between Osage Street and Walnut Street. The east-west alley provides access to Osage and Walnut Streets. Both Osage and Walnut Streets access Maple Street, a minor arterial, located 125 feet north of the alleyway and application area.

This application is a case where the owner owns contiguous properties with different zoning, B and LC and proposes to have both properties zoned similarly. The property with the warehouse, 419 S. Osage Street, is already zoned LC. This proposed rezone would extend the LC zoning west of the warehouse to the western limits of the applicant’s ownership.

The subject site is one of four properties that only have access off of an alley, which is how the property was platted back in 1887.

Property to the east of the site is zoned LC and is currently developed with a warehouse. Property located north of the site is zoned GC General Commercial (“GC”), and is currently developed with a mix of uses including: single-family residences, office and retail. Property south of the subject site is zoned B and MF-18 Multi-family Residential (“MF-18”) and is developed with a single-family residence and duplex. Property west of the subject site is zoned SF-5 and is developed with a single-family residence. (Uses are based upon CAMA file descriptions.)

Any development on the subject property will be required to meet all compatibility setback, height, noise and design standards of the Unified Zoning Code (UZC), landscaping, screening and any other applicable codes and development standards.

Analysis: At the MAPC meeting held September 9, 2010, the MAPC voted (13-0) to recommend approval of the request for LC zoning, subject to the applicant submitting a “no-protest” petition regarding the possible future paving of the alleyway.

The only concern from the MAPC was if this operation was going to be retail, which could cause high traffic volumes down the unpaved alleyway. The applicant stated that the greenhouse would only be used for plant storage, and that no sales will be conducted from the greenhouse.

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 applicant submitting a “no-protest” petition regarding the possible future paving of the alleyway, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required).

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

Attachments:

- Ordinance

ZON2010-00030

Wichita City Council – October 19, 2010