

OCA#: 150004

ORDINANCE NO. 49-198

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. ZON2011-00041

Zone change request from SF-5 Single-family Residential ("SF-5") to GC General Commercial ("GC"), subject to the provisions of a PO Protective Overlay on properties described as:

Lot 50, Linwood Acres, Sedgwick County, Kansas EXCEPT the West 5 feet thereof and the North 5 feet thereof dedicated for street; generally located at the southeast corner of S. Ellson and East Lewis Streets.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #263:

1. Dedication of complete access control by separate instrument along East Lewis Street and along South Ellson Street except for one opening as directed by the Traffic Engineer.
2. Submit a "no protest" petition regarding the future paving of Lewis and Ellson Streets.

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 7th day of Feb, 2011

ATTEST:

Karen Sublett
Karen Sublett, City Clerk

Carl Brewer
Carl Brewer, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, Director of Law

City of Wichita
City Council Meeting
January 24, 2012

TO: Mayor and City Council

SUBJECT: ZON2011-00041 – City zone change from SF-5 Single-family Residential (“SF-5”) to GC General Commercial (“GC”) generally located east of Greenwich Road, north of Kellogg Street, on the southeast corner of Lewis & Ellson Streets. (District II)

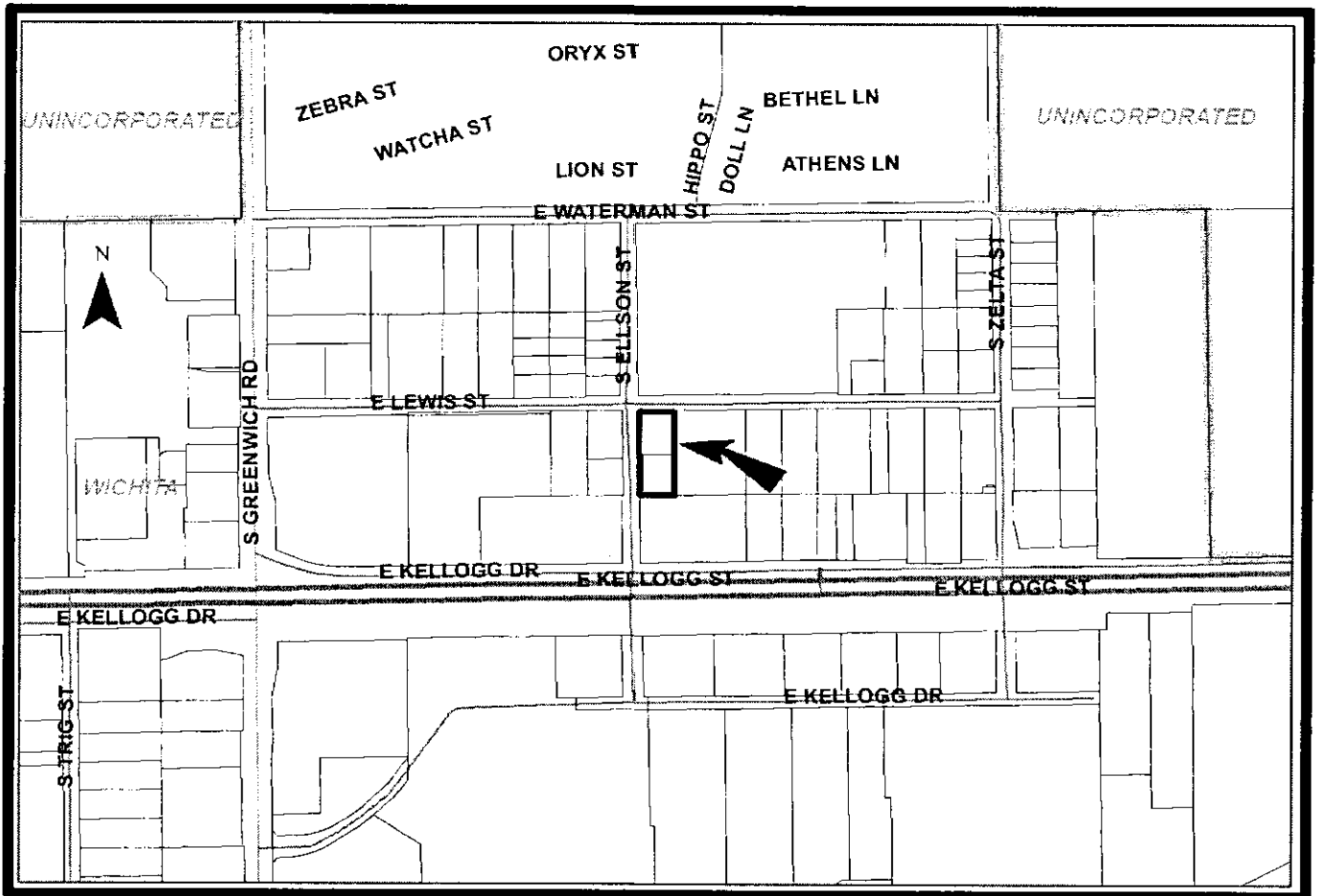
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommends approval subject to Protective Overlay #263 (10-0).

DAB II Recommendation: DAB II is scheduled hear this request on January 9, 2012.

MAPD Staff Recommendation: MAPC staff recommends approval.



Background: The applicant's request a zone change from SF-5 Single-family Residential ("SF-5") and LC Limited Commercial ("LC") to GC General Commercial ("GC") on a site encompassing two properties. The property at 11605 East Lewis Street is 0.41 acre in size, while the property at 430 South Ellson Street is 0.40 acre in size (Lot 50 of the Linwood Acres Addition). The property is currently undeveloped, and is used as overflow parking for the vehicle dealership that owns the property. The applicants propose to use the site for an expansion of their vehicle sales lot.

The applicant is not requesting access to Lewis from the expanded site. Current access to the subject site will be provided from the frontage road through the existing property fronting Kellogg Drive and one driveway off Ellson Street. The applicant will be asked to submit an agreement not to protest participation in the future paving cost of Lewis Street and Ellson Street. The City's landscape code will require the frontage along Lewis Street to be landscaped with trees in front of a screening fence.

The surrounding area is characterized by large undeveloped and developed commercial properties zoned either LC or GC. Property located north of the subject site, across Lewis, is zoned MH, TF-3, MF-18 and SF-5, and developed with a mobile home park and single-family residences. The property to the south and east (same property owner as the subject site) is zoned GC, and is developed as an auto dealership. The properties to the west of the subject site are zoned LC with one lot developed with a single-family residence and the other is vacant.

Analysis: The case is scheduled to be heard at the January 9, 2012, District II Advisory Board meeting. This report had to be submitted to the Law Department before the results of the aforementioned DAB meeting were known.

At the MAPC meeting held December 22, 2011, the MAPC voted on consent (10-0) to recommend approval of the request for GC zoning subject to Protective Overlay #263:

1. Dedication of complete access control by separate instrument along East Lewis Street and along South Ellson Street except for one opening as directed by the Traffic Engineer.
2. Submit a "no protest" petition regarding the future paving of Lewis and Ellson Streets.

No protests have been received during the subsequent two-week protest period.

Financial Considerations: There are not any financial considerations in regards to the zoning request.

Goal Impact: The application will 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 Protective Overlay #263, 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
- MAPC Minutes