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ORDINANCE NO.

45-311

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. ZON2012-00016

Zone change request from SF-20 Single-family Residential and B Multi-family Residential to LC Limited Commercial on property described as:

Lot 1, Block A, Bruce Harris Addition, Wichita, Sedgwick County, Kansas.

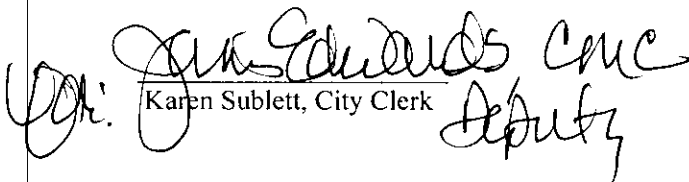
Generally located on the east side of West Street, ½ mile south of Central.

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.

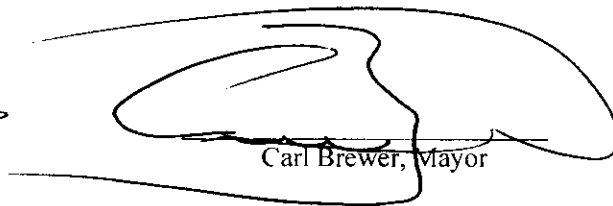
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 17 day of July, 2012.

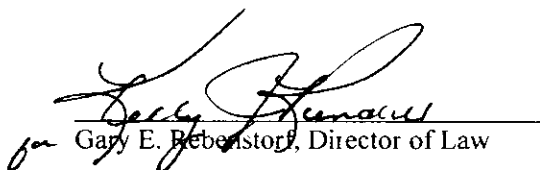
ATTEST:


Karen Sublett, City Clerk

(SEAL)


Carl Brewer, Mayor

APPROVED AS TO FORM:


for Gary E. Rebenstorf, Director of Law

City of Wichita
City Council Meeting
July 10, 2012

TO: Mayor and City Council

SUBJECT: ZON2012-00016 – Zone change request from SF-5 Single-family Residential (“SF-5”) and B Multi-family Residential (“B”) to LC Limited Commercial (“LC”) on property located on the east side of North West Street, 350 feet south of West St. Louis Avenue (south of Central Avenue, 438 and 442 North West Street). (District VI)

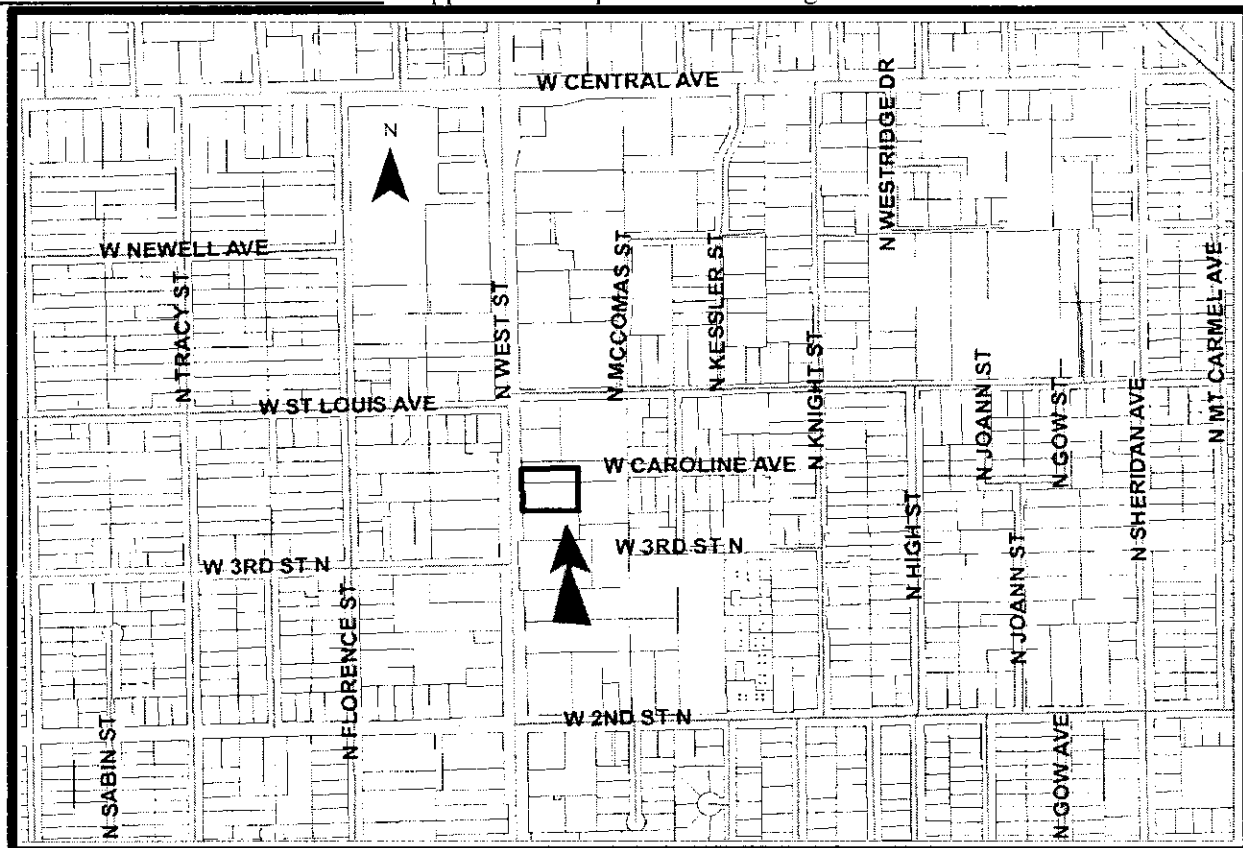
INITIATED BY: Metropolitan Area Planning Department *TL*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve the requested zone change (8-0).

DAB Recommendation: Approve the requested zone change (8-0).

MAPD Staff Recommendation: Approve the requested zone change.



Background: The application area is located on the east side of North West Street, approximately 350 feet south of West St. Louis Avenue (which is located south of West Central Avenue). The subject property is the western 230 feet of Lot 27, Knight Acres Addition, and contains 1.08 acres. The approximately western 163 feet of the application area is zoned B Multi-family Residential ("B") while the approximately eastern 67 feet is zoned SF-5 Single-family Residential ("SF-5"). The applicant is seeking LC Limited Commercial ("LC") zoning for the property. The property is currently developed with two single-family residences that are addressed as 438 and 442 North West Street. Each residence has an access drive to West Street. It is proposed that the two existing residences will be demolished and a new commercial building will be built.

Surrounding properties located to the north, south and west are zoned LC, and are developed with a restaurant or retail stores. One LC zoned lot located west of West Street is vacant. Property to the east is zoned SF-5, and is vacant. The applicant owns approximately the northern 80 feet of the land located east of the site. Another person owns the remainder of the SF-5 zoned land located east of the application area.

West Street is a significant commercial arterial, which in 2006 carried in both directions approximately 39,000 vehicles on an average day. Most of the property fronting West Street, between Kellogg Avenue and Central Avenue, has been previously zoned to LC or more intense zoning.

If approved, a six-foot solid screening fence or landscaping or berms or some combination of the three will be required to provide a buffer for the SF-5 zoned land located east (rear) of the site. A minimum rear yard building setback of 15 feet is also required (where LC zoning abuts SF-5 or TF-3 zoning). Building heights are limited to a maximum of 35 feet when located within fifty feet of SF-5 or TF-3 zoned land. Dumpsters and refuse receptacles must be located at least twenty feet from SF-5 or TF-3 zoned property. Roof-mounted equipment, trash receptacles, mechanical equipment and outdoor work and storage areas are required to be screened from ground view from any residential zoning district or public street right-of-way located within 150 feet of those uses. Lighting sources are limited to fifteen feet in height when located within 200 feet of residential zoning districts.

Analysis: District Advisory Board VI heard the request on June 4, 2012, and recommended approval (8-0). There was not anyone present to speak in opposition.

At the Metropolitan Area Planning Commission (MAPC) meeting held June 7, 2012, the MAPC voted (8-0) to recommend approval of LC zoning .

Staff did not receive any valid official protests; therefore, the application may be approved, as recommended by the MAPC and DAB, with a simple majority vote.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Goal Impact: The application will promote Economic Vitality.

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

Recommendation/Actions: Adopt the findings of the MAPC and approve the zone change to the LC Limited Commercial district, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority vote required).

Attachments: MAPC minutes, ordinance, DAB memo.