

ORDINANCE NO. 48-317

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. ZON 2008-62

Zone change request from SF-5 Single-family Residential to LC Limited Commercial, described as:

Summit Crossing Addition, Wichita, Sedgwick County Kansas.

Generally located on the southwest corner of 127th Street East and 21st Street North.

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 7 day of April, 2009.

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney


Carl Brewer, Mayor



Wichita-Sedgwick County Metropolitan Area Planning Department

January 9, 2009

ACCN Enterprises, LLC
Attn: Craig Nelson
Po Box 9166
Wichita, KS 67217

RE: ZON2008-00062 - City zone change from SF-5 Single-family Residential to LC Limited Commercial (assoc. with CUP2008-45), generally located south of 21st Street North and west of 127th Street East.

Dear Ladies and Gentlemen:

At its regular meeting on January 6, 2009, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request, subject to platting within one year, and subject to the following conditions:

- A. **APPROVE** the zone change (ZON2008-62) to LC Limited Commercial subject to platting within one year;
- B. **APPROVE** the Community Unit Plan (DP-317), subject to the conditions of the CUP attached and the following conditions:
 - 1. Revise General Provision #3B to include Parcel 11.
 - 2. Revise General Provision #4E shall be amended to add "The CUP masonry wall requirement may be met with a masonry wall and/or a landscaped earth berm."
 - 3. Revise General Provision #6A to include Parcel 11 as restricted to NR signage.
 - 4. Add General Provision #6M to state "The total amount of sign face area of freestanding signage along Garnett shall not exceed 0.5 times the linear frontage.
 - 5. Add General Provision #6N to state "No building signs on Parcels 11 or 12 shall face south."
 - 6. Add General Provision #13E to state "A guarantee for a sidewalk to City of Wichita standards along Garnett and Shadybrook shall be provided at the time of platting."
 - 7. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

RE: ZON2008-00062 - City zone change from SF-5 Single-family Residential to LC Limited Commercial (assoc. with CUP2008-45), generally located south of 21st Street North and west of 127th Street East.

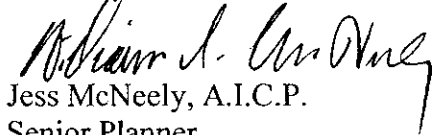
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8. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
9. The applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-317) includes special conditions for development on this property.
10. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



Jess McNeely, A.I.C.P.

Senior Planner

Current Plans Division

JMC:mc

Copies to:

- Ralph Lanzrath, 4 Flanigan Ct, Augusta, KS 67010
- John Lanzrath, 7100 E 45th St N, Wichita, KS 67226
- Jerome Lanzrath, 205 Lexington, Andover, KS 67002
- Leon Lanzrath, 2408 Menlo, Wichita, KS 67211
- MKEC Engineering, 411 N Webb Road, Wichita, KS 67206
- Ben Leader, 1968 N. Garnett, Wichita, KS 67206
- Kyle Stevens, 2000 N. Garnett, Wichita, KS 67206
- Minneha Township, Charles Wiggins, 801 N. Springdale Dr, Wichita, KS 67230
- Fairmount NHA, James Van Milligan, 1717 N Fairmont Ave, Wichita, KS 67226
- Rocky Creek Master, 8100 E. 22Nd St., #100, Wichita, KS 67226
- WCC II, Susan Schlapp, Mail Stop 1-13
- N.A. II, Antoine Sherfield, Mail Stop 1-135
- Julianne Kallman, Engineering, Mail Stop 1-71