

OCA 150004

ORDINANCE NO. 48-597

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. ZON2006-00021

Zone change from B Multi-family Residential ("B") and MF-29 Multi-family Residential ("MF-29") to LC Limited Commercial ("LC"), subject to the provisions of Protective Overlay #174; on property described as:

Lots 10, 11, 12, 13, 14, 15, 16, 17, and 18, Block 4, Southeast Manor Addition, Wichita, Sedgwick County, Kansas; generally located on the east side of Parkwood Lane, between Harry Street and Boston Avenue and one block west of Edgemoor Avenue.

SUBJECT TO APPROVAL BY THE GOVERNING BODY AND THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #174:

- (1) Provide a restrictive covenant binding and tying Lots 10, 11, 12, 13, 14, 15, 16, 17, & 18 Block 4, Southeast Manor Addition, to Lot 1, the Dillon 8th Addition. To be provided to Planning Staff for recording with the Register of Deeds, prior to the zoning case going to WCC for final action.
- (2) The Traffic Engineer has allowed two points of access along the site's Parkwood Lane frontage. Dedication of access control will be provided to Planning Staff for recording with the Register of Deeds, prior to the zoning case going to WCC for final action. No access onto Boston Avenue
- (3) The platted 20-foot setback on the north side of Lot 1, Dillon 8th Addition and the platted 35-foot setback along the south side of Lot 1, Dillon 8th Addition will apply to the site's north and south sides. Dedicate a 35-foot setback along the site's west side. Dedication to be provided to Planning Staff for recording with the Register of Deeds, prior to the zoning case going to WCC for final action.
- (4) Lighting on the rezoned site will be per the Unified Zoning Code, including a maximum height of 14-feet for any pole lighting. Pole lights will be located behind the setbacks, as noted along the site's north, south and west sides.
- (5) Signage will be a monument type and per the "LC" zoning district with no portable signs. No building signs or signs mounted on roofs shall be on the west or north sides of any buildings on the site.
- (6) All utilities will be installed underground.

(7) All trash receptacles will have solid screening and gating, per the Unified Zoning Code, (no chain link fencing with metal slats) around them.

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,

February 7, 2010.

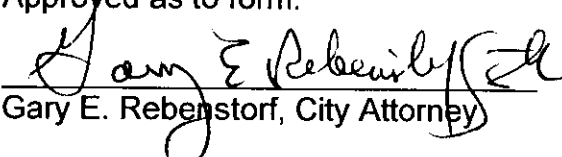

Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form:


Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
January 26, 2010

TO: Mayor and City Council

SUBJECT: ZON2006-00021 – Zone change from B Multi-family Residential (“B”) and MF-29 Multi-family Residential (“MF-29”) to LC Limited Commercial (“LC”) with a Protective Overlay; generally located on the east side of Parkwood Lane, between Harry Street and Boston Avenue and one block west of Edgemoor Avenue. (District III)

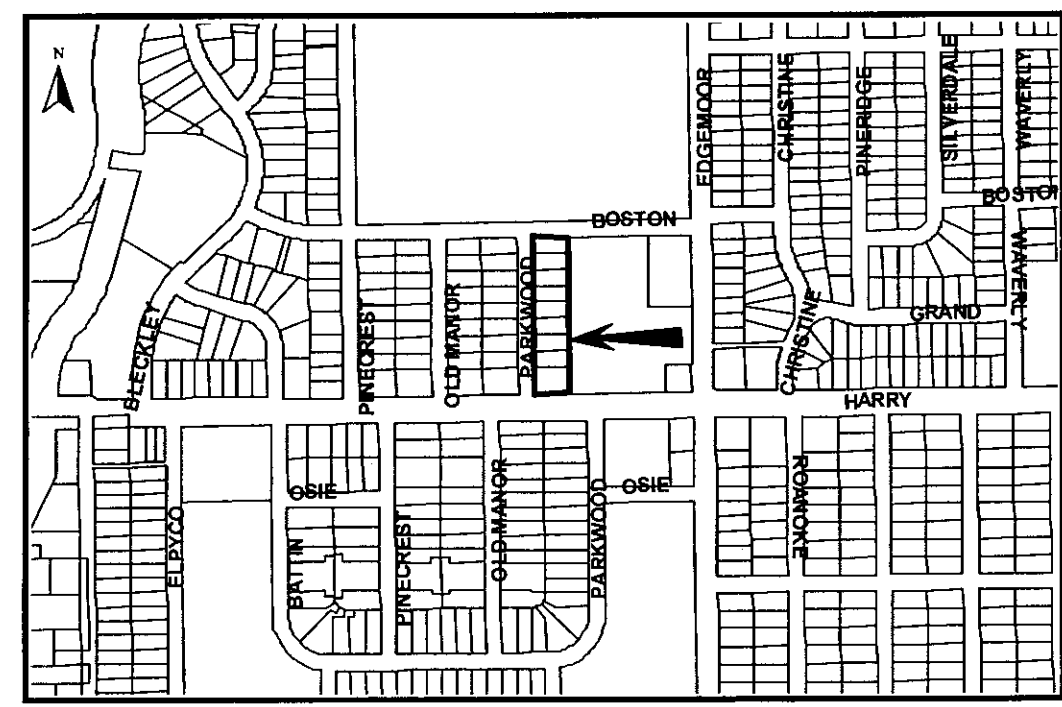
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve unanimously (12-0), subject to the provisions of the Protective Overlay.

MAPD Staff Recommendations: Approve, subject to the provisions of the Protective Overlay.

DAB Recommendations: Approve, unanimously, subject to the provisions of the Protective Overlay.



Background: The applicant requests LC Limited Commercial (“LC”) zoning on Lots 10, 11, 12, 13, 14, 15, 16, 17, & 18, Block 4, Southeast Manor Addition. These lots are zoned, B Multi-family Residential (“B”) and MF-29 Multi-family Residential (“MF-29”). These lots are currently vacant, but were one-story four-plexus and three-plexus, built in the early 1950s. The proposed rezoning will allow the expansion of the eastern abutting, LC zoned Dillon grocery store, located on northwest corner of Egemoor Avenue and Harry Street. The rezoning would remove the last residential zoning in the Harry Street – Parkwood Lane – Boston Avenue – Edgemoor Avenue square block, thus zoning all the property within the square block LC.

The majority of residential development in the area where the site is located, between Oliver Avenue (west) and Edgemoor Street (east) and on either side of Harry Street is single-story four-plexus and some single-story three-plexus zoned B or MF-29. Most of these multi-family structures appear to have been built in the early 1950s with the most recent residential development being two small apartment complexes appearing to be built in the late 1960s. Property south of the site, across Harry Street, is zoned LC and B. The LC property is developed as a Walgreen’s drug store (built early 2000s), while the B zoned properties are developed as four-plexus, built in the early 1950s. Property west of the site, across Parkwood Lane, is zoned MF-29 and B and developed as four-plexus and three-plexus, with common parking areas backing on to Parkwood Lane. The 55.7-acre Caldwell Elementary school, Curtis Middle school and Southeast High public school campus complex is located north of the site, across Boston Avenue. This public school complex is zoned TF-3 Duplex Residential (“TF-3”) and is the dominant feature of the area. As noted, an LC zoned Dillon (built early 1980s) abuts the eastern side of the site.

Analysis: District Advisory Board III considered this request at their May 3, 2006 meeting and recommended approval, unanimously, subject to the provisions of Protective Overlay, (PO) #174. There were no protests to the requested zoning. The provisions of PO #174 are:

- (1) Provide a restrictive covenant binding and tying Lots 10, 11, 12, 13, 14, 15, 16, 17, & 18 Block 4, Southeast Manor Addition, to Lot 1, the Dillon 8th Addition. To be provided to Planning Staff for recording with the Register of Deeds, prior to the zoning case going to WCC for final action.
- (2) The Traffic Engineer has allowed two points of access along the site’s Parkwood Lane frontage. Dedication of access control will be provided to Planning Staff for recording with the Register of Deeds, prior to the zoning case going to WCC for final action. No access onto Boston Avenue
- (3) The platted 20-foot setback on the north side of Lot 1, Dillon 8th Addition and the platted 35-foot setback along the south side of Lot 1, Dillon 8th Addition will apply to the site’s north and south sides. Dedicate a 35-foot setback along the site’s west side. Dedication to be provided to Planning Staff for recording with the Register of Deeds, prior to the zoning case going to WCC for final action.
- (4) Lighting on the rezoned site will be per the Unified Zoning Code, including a maximum height of 14-feet for any pole lighting. Pole lights will be located behind the setbacks, as noted along the site’s north, south and west sides.
- (5) Signage will be a monument type and per the “LC” zoning district with no portable signs. No building signs or signs mounted on roofs shall be on the west or north sides of any buildings on the site.
- (6) All utilities will be installed underground.
- (7) All trash receptacles will have solid screening and gating, per the Unified Zoning Code, (no chain link fencing with metal slats) around them.

The Metropolitan Area Planning Commission (MAPC) considered this request at their May 4, 2006 meeting and recommended approval, unanimously, subject to the provisions of, PO #174. No neighboring property owners were present to speak about the case, and no protests have been received.

Financial Considerations: None.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department. A dedication of a 35-foot setback by separate instrument, a dedication of a complete access control by separate instrument, and a restrictive covenant will be recorded with the Register of Deeds.

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change subject to the provisions of Protective Overlay #174 and place the ordinance establishing the zone change on first reading.

Attachment: A dedication of a 35-foot setback by separate instrument, a dedication of a complete access control by separate instrument, and a restrictive covenant