

ORDINANCE NO. 47667

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. ZON2007-00041**

Zone change from "TF-3" Two-family Residential to "B" Multi-family Residential described as:

LOTS 50 AND 52 TOGETHER WITH THAT PART OF VACATED ORME STREET, BEING 30 FEET ADJACENT TO SAID LOTS; LOTS 54, 56, 58 AND 60, ON PARK, NOW RUTAN, IN INDIANA SUBDIVISION IN VINCENNES ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS. Generally located east of the intersection of South Rutan Avenue and East Orem Street, 700 feet east of Hillside Avenue.

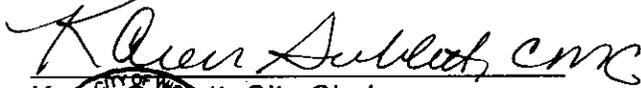
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**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, October 23, 2007

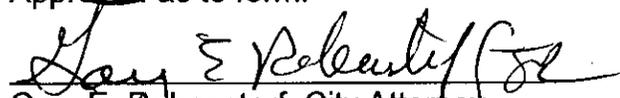
  
Carl Brewer - Mayor

ATTEST:

  
Karen Schubert, City Clerk



Approved as to form:

  
Gary E. Rebenstorf, City Attorney

RECEIVED

OCT 25 2007

METROPOLITAN PLANNING  
COMMISSION

**REQUEST FOR DECLARATION OF EMERGENCY**

REQUEST OF THE MAYOR OF THE CITY OF WICHITA, KANSAS, FOR THE DECLARATION BY THE CITY COUNCIL OF SAID CITY OF THE EXISTENCE OF A PUBLIC EMERGENCY REQUIRING THE ADOPTION OF AN ORDINANCE BELOW DESIGNATED.

TO THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS:

I, Carl Brewer, Mayor of the City of Wichita, Kansas, hereby request that the City Council declare that a public emergency exists requiring the final adoption and passage on the day of its introduction, to wit, October 23, 2007, of an Ordinance entitled:

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 (Case No. ZON2007-00041)

The general nature of such public emergency lies in the need of the Applicant to secure timely approval of the rezoning of the property prior to the date of a closing scheduled for the property, and the schedule of Council meetings that does not allow sufficient time for the routine two reading approval process prior to the date needed.

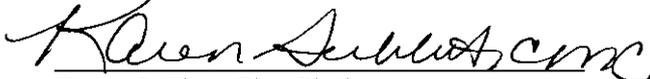
It is therefore expedient at this time that the City Council find and determine that a public emergency exists by reason of the foregoing and that the above entitled Ordinance be finally adopted on the day of its introduction.

Executed at Wichita, Kansas on this 23rd day of October 2007.

MAYOR OF THE CITY OF WICHITA, KANSAS

  
Carl Brewer, Mayor

ATTEST:

  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

  
Gary E. Rebenstorf, City Attorney



City of Wichita  
City Council Meeting  
October 23, 2007

**TO:** Mayor and City Council

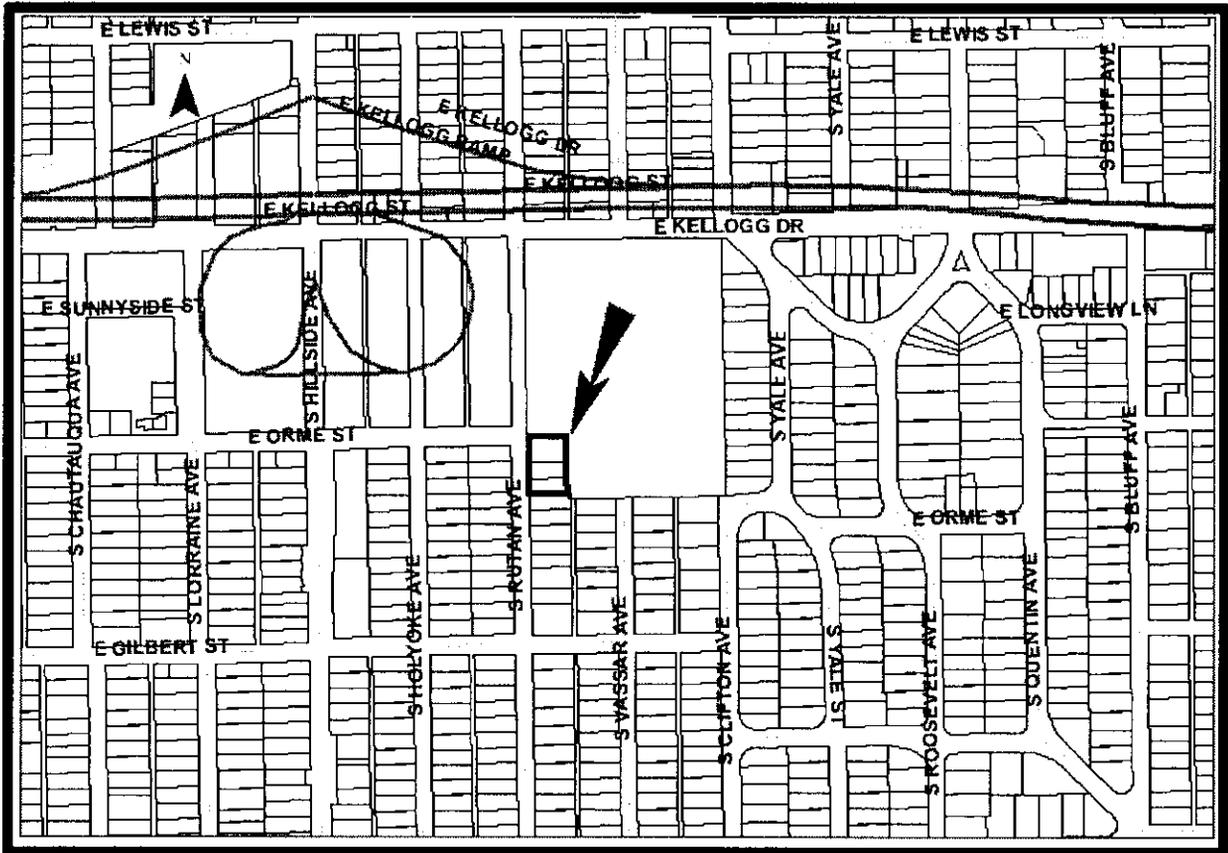
**SUBJECT:** ZON2007-00041 – Zone change from “TF-3” Two-family Residential to “B” Multi-family Residential. Generally located east of the intersection of South Rutan Avenue and East Orme Street, 700 feet east of Hillside Avenue (District III)

**INITIATED BY:** Metropolitan Area Planning Department *JLS*

**AGENDA:** Planning (Consent)

**MAPC Recommendation:** Approve, vote 11-0.

**MAPD Staff Recommendation:** Approval



**Background:** This case is being brought back to the Council for action due to an error in the Agenda Report dated October 16, 2007. The Recommendation/Actions section of that report was incorrectly written. Action number one (1) stated: *Adopt the findings of the MAPC and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council.* Platting of this property was not required as part of this zone change. If the report was written correctly at the very beginning, this case would be up for a second reading at this meeting. As it is, staff would ask the Council to approve this request on the first reading to establish the zone change, as stated in the revised Recommendation/Actions section below. The applicant should not have to be delayed in the sale of the property due to staff's error.

The rezone request is for a platted 0.5-acre site located approximately 700 feet east of the intersection of South Hillside Avenue and East Orme Street. The properties are currently zoned "TF-3" Two-Family Residential, with single-family residences on two of the properties and the other property being vacant. The Catholic Diocese of Wichita has contracted with the owners of these properties to purchase them so as to expand the Calvary Cemetery located at Kellogg and Hillside. These properties are contiguous to the existing cemetery which is zoned B - Multi-family. Acquisition of these properties and a zone change will "square out" the existing cemetery.

Uses surrounding the subject site include TF-3 zoned property located immediately south and west of the application area developed with single-family residences. North and east of the subject site is the Calvary Cemetery, zoned "B" Multi-Family Residential. There are other single-family homes south and west of the subject site along Rutan Ave. on TF-3 zoned lots. Just to the north and west is Kellogg Avenue (US-54), with the entrance/exit ramp off Hillside Avenue. The current neighborhood character is predominately "TF-3" zoned single family-housing units. The proposed zone change, from "TF-3" to "B," would require conformance to all property development standards in the Unified Zoning Code.

The applicant proposes to use the proposed site for cemetery operations. Existing access and parking will not change due to this application. This application will allow the applicant to have a uniformly shaped lot conducive to the continuing operation of the cemetery.

**Analysis:** At the MAPC meeting held September 6, 2007, the MAPC voted (11-0) to approve the requested for B zoning. At the MAPC meeting, there were not any citizens present to discuss the case.

No formal protest petitions have been filed for this case.

**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 and approve the zone change; declare an emergency, adopt ordinance establishing the zone change on first reading; ~~or~~
2. ~~Return the application to the MAPC for reconsideration.~~

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