

(OCA150004 BID 37529-009 CID #76383)

ORDINANCE NO. 48-328

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 2008-22

Zone change from SF-5 Single-family Residential to LC Limited Commercial subject to the provisions of Protective Overlay #219 on property described as:

Lot 1, Block A, and Reserves A and B, Ridge 400 Addition, Wichita, Sedgwick County, Kansas, located on the east side of Mid Continent Road and south of Maple.

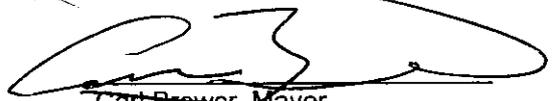
SUBJECT TO PLATTING WITHIN A YEAR OF APPROVAL BY THE GOVERNING BODY AND THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #219:

- A. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building that faces residential zoning or is across the street from any property that is in a residential zoning district. Signs shall be a monument style and all other signs shall be according to the City of Wichita sign code for the LC Limited Commercial zoning district.
- B. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 15-feet. Light poles shall not be located within any setbacks.
- C. Outdoor speakers and sound amplification systems shall not be permitted.
- D. No buildings shall exceed one story in height with a maximum building height of 25 feet.
- E. A six (6) to eight (8) foot tall masonry wall shall be constructed parallel to the east property lines of the subject site, where it abuts existing single-family residences and SF-5 Single-family Residential zoning. A six (6) to eight (8) foot tall cedar fence shall be constructed parallel to the south property lines of the subject site, where it abuts existing single-family residences and the SF-5 Single-family Residential zoning.
- F. A 15-foot wide landscape buffer will be provided along the south and east sides of the subject site. A minimum of 5-foot tall evergreens will be planted at 20-foot centers along the south and east sides. Landscaping will be 1.5 times more than the minimum required by the Landscape Ordinance along the site's street frontages.
- G. All deliveries and trash service shall be between the hours of 6 AM and 10 PM.
- H. The subject site shall comply with the compatibility setback standards on the interior side yard (south) and rear yards (east).
- I. At the time of platting all access onto public right-of-way, cross lot access, utility easements, drainage, improvements and the final size and configuration of the subject site shall be resolved, per the Subdivision standards, as reviewed and recommended by the staff and the appropriate appointed and governing bodies.
- J. The following uses shall not be permitted: adult entertainment establishment; group residence; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; night club; recreation and entertainment; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment; and vehicle repair.

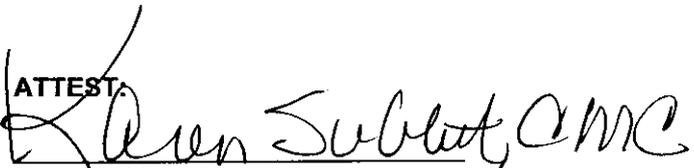
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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, April 7, 2029.

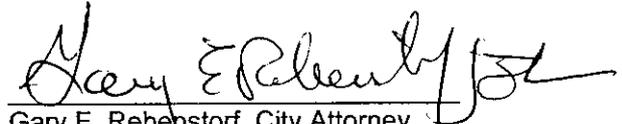

Carl Brewer, Mayor

ATTEST


Karen Sublett, City Clerk



Approved as to form:


Gary E. Rebenstorf, City Attorney

PLANNING MEMO

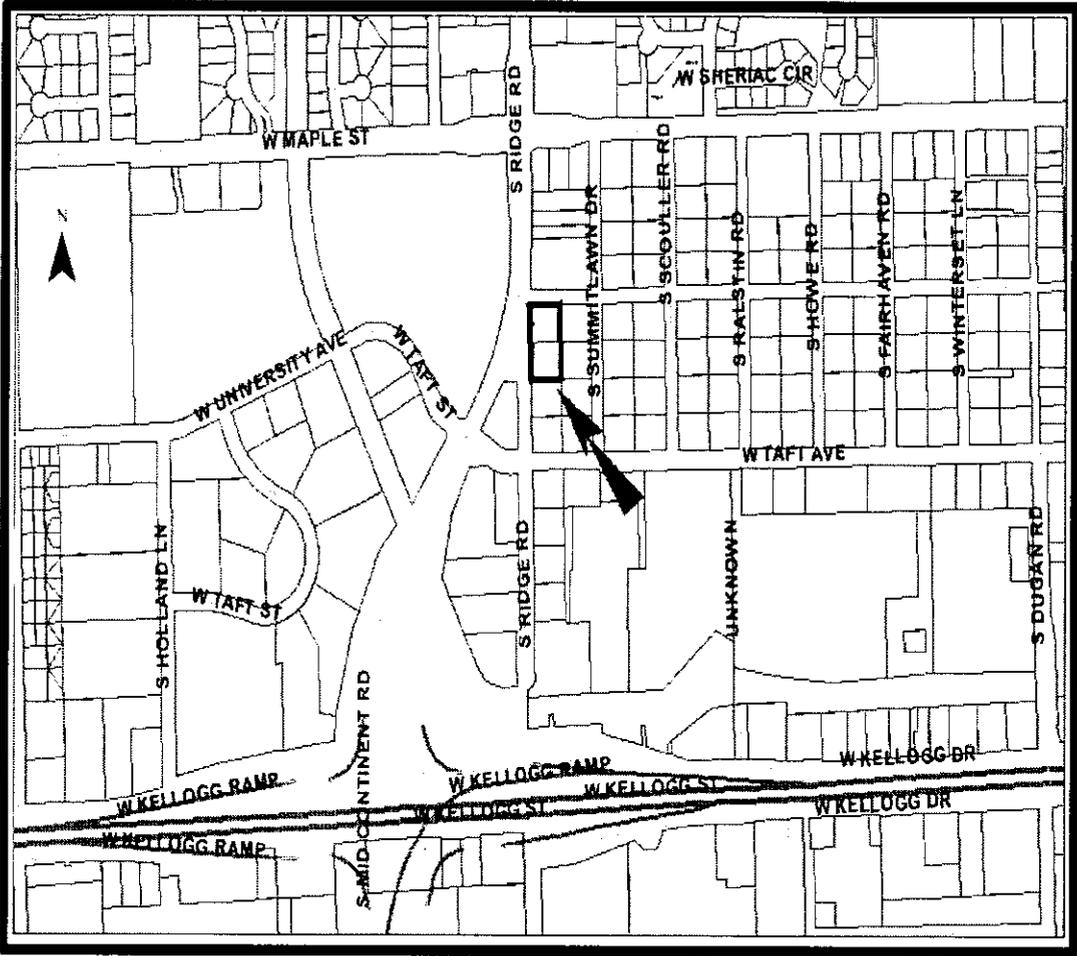
**City of Wichita
City Council Meeting
December 16, 2008**

TO: Mayor and City Council
SUBJECT: ZON2008-00022 – Zone change from SF-5 Single-family Residential (“SF-5”) to LC Limited Commercial (“LC”). Generally located on the southeast corner of Ridge Road and University Avenue. (District V) - **SECOND READING**
INITIATED BY: Metropolitan Area Planning Department *JLS*
AGENDA: Consent

MAPC Recommendations: Approve, subject to platting within one year and a Protective Overlay (10-0).

MAPD Staff Recommendations: Approve, subject to platting within one year and a Protective Overlay.

DAB Recommendations: Approve, subject to platting within one year and a Protective Overlay (9-0-1).



PURPOSE OF THE PLANNING MEMO: At the Council's October 7, 2008 meeting, District V Councilman Longwell moved to approve first reading of the zone change, subject to platting within a year and subject to additional amendments to the Protective Overlay. The motion carried 7-0.

Staff has met to clarify the intent of the motion pertaining to the Protective Overlay. The recommended action below delineates (as underlined) those changes to the motion passed on first reading.

Approve the zone change from SF-5 Single-family Residential ("SF-5") to LC Limited Commercial ("LC"), subject to platting within a year of approval by the governing body and the following provisions of Protective Overlay #219:

- A. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building that faces residential zoning or is across the street from any property that is in a residential zoning district. Signs shall be a monument style and all other signs shall be according to the City of Wichita sign code for the LC Limited Commercial zoning district.
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Protests to the requested zoning change were turned in that represent 65.87% of the net area, which is more than the 20% requiring a $\frac{3}{4}$ majority vote by the Council to override neighborhood protest.

Recommendation/Actions: Adopt the ordinance as amended on second reading (requires a three-fourths majority vote of the City Council.)