

(150006) Published in The Wichita Eagle on \_\_\_\_\_  
ORDINANCE NO. \_\_\_\_\_

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. ZON2005-00050**

Request for Zone change from "TF-3" Duplex Residential, "SF-5" Single-family Residential and "GO" General Office to "LC" Limited Commercial, on property described as:

Lots 6, 7, & 8, Block A, Loma-Linda Gardens Addition, Wichita, Sedgwick County, Kansas; together with that part of Lot 1, Dillon 10<sup>th</sup> Addition, Wichita, Sedgwick County, Kansas, described as follows: Beginning at the southern-most southwest corner of said Lot 1; thence north along the southern-most west line of said Lot 1, 100-feet; thence east parallel with the south line of said Lot 1, 150-feet; thence south parallel with the southern-most west line of said Lot 1, 100-feet; thence west along the south line of said Lot 1, 150-feet to the point of beginning.

**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #165:**

1. Provide a restrictive covenant binding and tying Lots 6, 7, & 8, Block A, Loma-Linda Gardens Addition, to the Dillon 10<sup>th</sup> Addition. To be provided to Planning Staff for recording with the Register of Deeds, prior to the Ordinance being published.
2. Dedication by separate instrument of complete access control along the site's 32<sup>nd</sup> Street South and Exposition Drive frontage. Dedicate cross lot access onto the site from the Dillon 10<sup>th</sup> Addition. To be provided to Planning Staff for recording with the Register of Deeds, prior to publishing the Ordinance.
3. Dedicate 2-feet of easement to add to the platted 8-foot easement located on the north lot lines of Lots 8, 7, & 6, and a portion of the east lot line of Lot 6, all in Block A, Loma-Linda Gardens Addition. To be provided to Planning Staff for recording with the Register of Deeds, prior to publishing the Ordinance.
4. Screening will be per the Unified Zoning Code along the south and west sides of the site where adjacent to residential zoning.
5. Landscaping will be provided along the west and south sides of the site, where adjacent to residential zoning, per the Landscape Ordinance.
6. The platted 20-foot setback on the west side of Lot 1, Dillon 10<sup>th</sup> Addition and the platted 25-foot along the south side of Lot 1, Dillon 10<sup>th</sup> Addition will apply to the site's west and south sides, where the site is adjacent to "TF-3" or more restrictive zoning. Dedication to be provided to Planning Staff for recording with the Register of Deeds, prior to publishing the Ordinance.
7. Lighting 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 south and west sides.

8. 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 side of any buildings on the site. A building sign of 48-square feet will be allowed on the south side of the building.
9. All utilities will be installed underground.
10. 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,** \_\_\_\_\_

\_\_\_\_\_  
Carl Brewer - Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

City of Wichita  
City Council Meeting  
April 24, 2007

**FILE COPY**

Agenda Report No. \_\_\_\_\_

**TO:** Mayor and City Council

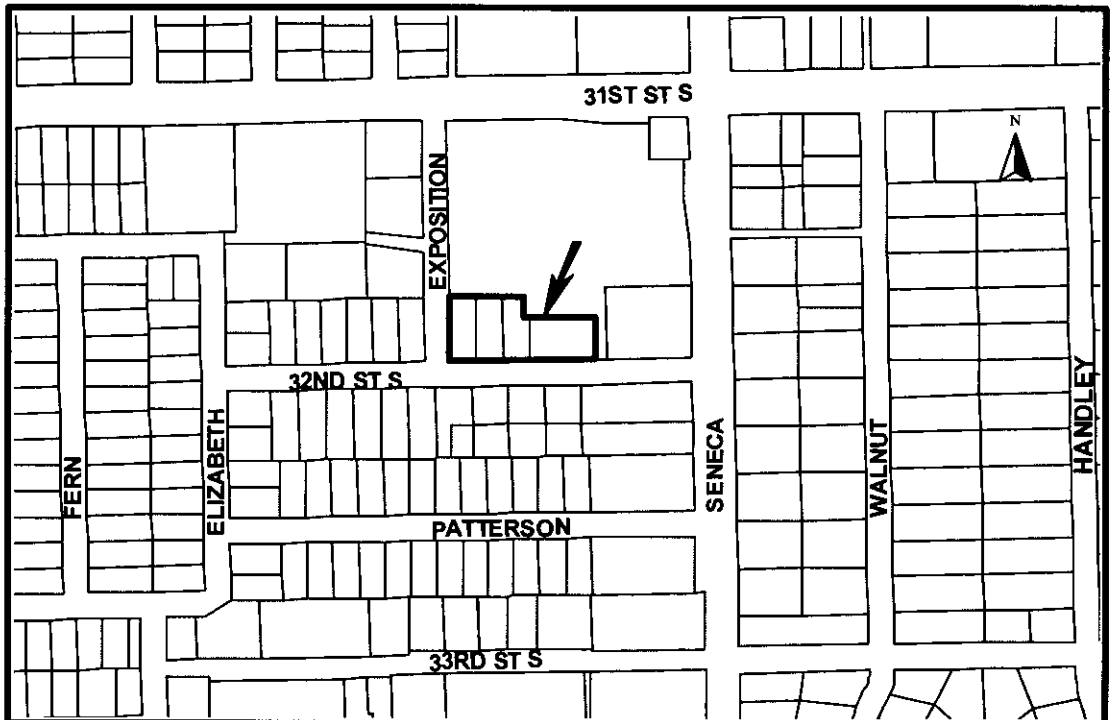
**SUBJECT:** ZON2005-00050 – Zone change from “SF-5” Single-family Residential, “TF-3” Two-family Residential and “GO” General Office to “LC” Limited Commercial, with a Protective Overlay. Located at the northeast corner of 32nd Street South and Exposition. (District IV)

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

**AGENDA:** Planning (Consent)

**MAPC Recommendations:** Approve (10-0), subject to provisions of Protective Overlay District #165 and a 48 square foot building sign on the south elevation.

**MAPD Staff Recommendations:** Approve, subject to Protective Overlay District #165.



**Background:** At their January 10, 2006 meeting, the City Council considered the applicants requested “LC” Limited Commercial zoning on Lots 6, 7, 8, Block A, Loma-Linda Gardens Addition and a portion of Lot 1, Dillon 10<sup>th</sup> Addition, with the additional provisions of Protective Overlay #165. The Council moved (7-0) that the findings of the MAPC be adopted, the zone change subject to the additional provisions of PO #165 be approved and the Planning Department be instructed to forward the ordinance for first reading when the required dedications and covenant had been provided to the Planning Department. Staff has received the required dedications and covenant and has submitted the ordinance for first reading and subsequent publication.

**Analysis:** At its December 8, 2005 meeting, the MAPC voted (10-0) to recommend approval of the requested “LC” zoning subject to the Protective Overlay, as agreed upon by Staff and the applicant. They also approved it with the addition of a 48 square foot building sign on the south elevation. No one spoke against the requested zoning at the MAPC meeting, and Staff has received no written protest against the requested zoning.

**Financial Considerations:** None.

**Goal Impact:** Promote Economic Vitality and Affordable Living.

**Legal Considerations:** The ordinance has been reviewed and approved as to form by the Law Department. Per the provisions of the Protective Overlay, a restrictive covenant, dedications of complete access control, cross lot access, setbacks and a utility easement by separate instrument will be recorded with the Register of Deeds.

**Recommendation/Actions:**

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of the Protective Overlay; place the ordinance establishing the zone change on first reading.