

ORDINANCE NO. 48-842

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. ZON2010-00027

Zone change request from TF-3 Two-Family Residential ("TF-3") to LC Limited Commercial ("LC") and GO General Office ("GO") on properties described as:

GO General Office ("GO"):

Lots 33-35; Aldrich and Paul's Subdivision AND Lots 32-34; Aldrich and Paul's Subdivision; Wichita, Sedgwick County, Kansas.

LC Limited Commercial ("LC"):

Lots 36-37-38; EXCEPT part deeded to the City; Aldrich and Paul's Subdivision AND Lots 39-40; EXCEPT part deeded to the City; Aldrich and Paul's Subdivision AND Lot 41; EXCEPT part deeded to the City and All of Lot 42; Aldrich and Paul's Subdivision AND Lots 43-44-45 and Lot 46; EXCEPT part deeded to the City; Aldrich and Paul's Subdivision; Wichita, Sedgwick County, Kansas.

**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT
#245:**

1. On-site pole lights shall be no higher than 15-foot. They shall be hooded and directed onto the site and away from abutting and adjacent residential development and zoning.
2. Signage on the site will be as allowed in the LC zoning district, except billboards or off-site signage and building signage on the west side of the building is prohibited.
3. A wooden fence not less than 6 foot, but less than 8 foot tall, shall be placed along the west property line for Lots 33 and 32, with one (1) tree every 40 feet along said property line.

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 28 day of Sept, 2010.

ATTEST:

Karen Sublett mhc
Karen Sublett, City Clerk

[Signature]
Carl Brewer, Mayor

(SEAL)



Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, Director of Law
By [Signature]

City of Wichita
City Council Meeting
September 21, 2010

TO: Mayor and City Council

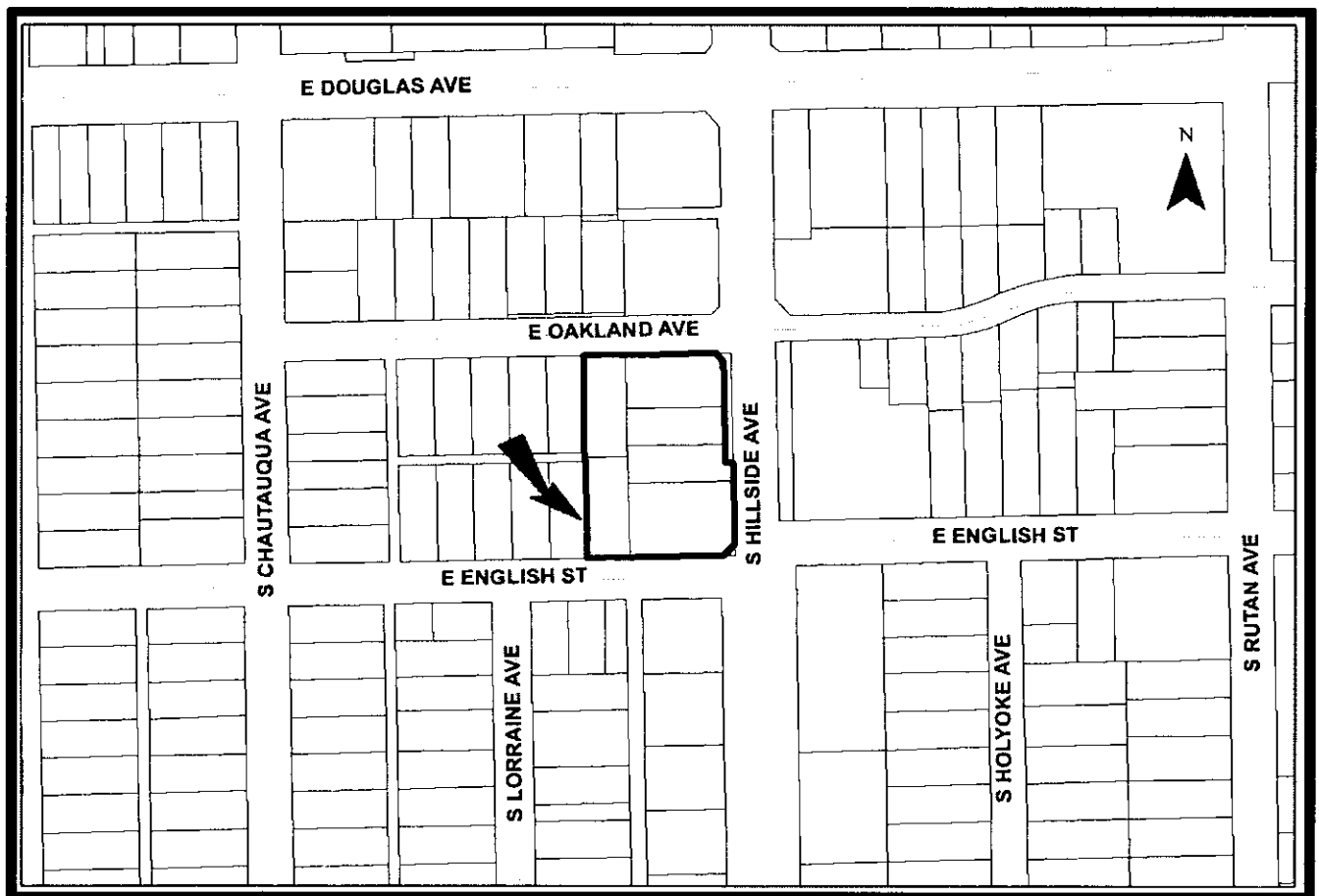
SUBJECT: ZON2010-00027 – City zone change from TF-3 Two-Family Residential (“TF-3”) to LC Limited Commercial (“LC”) and GO General Office (“GO”); generally located southwest of the intersection of Douglas Avenue and Hillside Avenue. (District I)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve, vote (9-0).

MAPD Staff Recommendation: Approve.



Background: The applicant is seeking LC Limited Commercial (“LC”) zoning for a platted site currently zoned TF-3 Two-family Residential (“TF-3”), which is located southwest of the intersection of Douglas Avenue and Hillside Avenue. The application area contains approximately 1.20 acres with 275 feet of frontage along Hillside Avenue. The site is currently developed with a church, built in the 1930’s. The applicant proposes to develop the site for commercial type uses.

The majority of zoning in this area, between Kellogg (south) and Douglas (north), along the west side of Hillside Avenue, consists of GO General Office (“GO”), GC General Commercial (“GC”), PUD Planned Unit Development (“PUD”), LC and TF-3 zoning. The predominant uses along this stretch are dental offices and medical clinics. The area around the intersection of Douglas Avenue and Hillside Avenue feature many high intensity, high traffic generating uses which includes restaurants, bars/taverns, night clubs, a theatre and multiple retail stores. Due to this high volume of traffic, parking is a major concern in this area. The applicant will have to account for parking for whatever use is proposed for the site, with the possibility of parking agreements with nearby property owners. The proposed zone change and any future development would require conformance to all other property development standards in the *Wichita-Sedgewick County Unified Zoning Code (“UZC”)*.

Property to the north of the site is zoned LC and is developed with a retail store. Property to the east, across Hillside Avenue, and to the south is zoned GO General Office (“GO”); both are developed with medical office uses. Property to the west is zoned TF-3 and is developed with residential uses.

Analysis: At the MAPC meeting held August 19, 2010, the MAPC voted (9-0) to recommend approval of the request for LC and GO zoning with the following Protective Overlay (“PO”) #245:

1. On-site pole lights shall be no higher than 15-foot. They shall be hooded and directed onto the site and away from abutting and adjacent residential development and zoning.
2. Signage on the site will be as allowed in the LC zoning district, except billboards or off-site signage and building signage on the west side of the building is prohibited.
3. A wooden fence not less than 6 foot, but less than 8 foot tall, shall be placed along the west property line for Lots 33 and 32, with one (1) tree every 40 feet along said property line.

The case was approved by consent and there was no one in the public to speak for or against the application.

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, approve the zone change with Protective Overlay #245 and place the ordinance on first reading;

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

Attachments:

- Ordinance
- MAPC Minutes

ZON2010-00027

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