

ORDINANCE NO. 49-025

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. ZON2011-00010

Zone change request from B Multi-family Residential ("B") to GC General Commercial ("GC"), with a PO Protective Overlay on properties described as:

Lots 41, 43, 45 and 47, on Market Street, together with the East half of vacated alley adjoining on the West, and Lots 42, 44, 46 and 48, on Main Street, together with the West half of vacated alley adjoining on the East, and Lots 33, 35, 37 and 39, Except that part for Canal, on Market Street, together with the East half of vacated alley adjoining on the West, all in Garland Brook Addition to Wichita, Sedgwick County, Kansas; generally located at the northeast corner of the intersection of 24th Street North and North Park Place or west of North Broadway and north of 24th St. North.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #253:

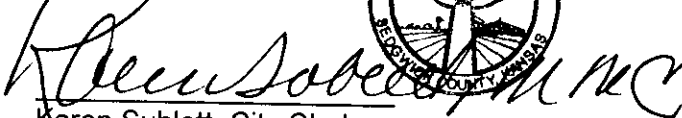
- (1) Screening (fencing, evergreen vegetation or landscaped earth berms) six to eight feet in height, except in a sight triangle, shall be provided along North Park Place and along the northern property line as long as that property is residentially zoned. If fencing is the primary screening material, then landscaping of one tree and three shrubs every 30 feet shall also be supplied.
- (2) No ground supported signage is allowed along the west side of the site, and no building signs facing the south and north are permitted on the site as long as the property adjacent to or across the street is residential developed or zoned. No off-site or portable signs are allowed. Signs, in accordance with the sign code, are permitted along East 24th St. North.
- (3) On site pole lighting will be no taller than 15-feet including the base/pedestal. Pole lighting will be directed down onto the site away from adjacent residential development.
- (4) Maximum height shall not exceed 55-feet.
- (5) The site shall be developed in conformance with all applicable regulations.
- (6) Only the following GC uses shall be permitted: Wholesale and Business Service, Warehousing, outside storage associated with Warehouse, Self-Service Storage, Research Services, Manufacturing, Limited, Warehouse, Self-Service Storage, Printing and Publishing, General, Printing and Copying, Limited, Personal Improvement Service, Personal Care Service, Office, General, and those uses permitted by right in the GO General Office district.

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 12 day of July, 2011.

ATTEST

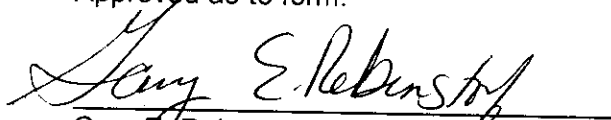
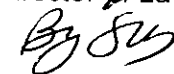

Karen Sublett, City Clerk




Carl Brewer, Mayor

(SEAL)

Approved as to form:


Gary E. Rebenstorf, Director of Law


City of Wichita
City Council Meeting
June 28, 2011

TO: Mayor and City Council

SUBJECT: ZON2011-00010 – City zone change from B Multi-family Residential (“B”) to GC General Commercial (“GC”); generally located west of Broadway and north of 24th St. North. (District VI)

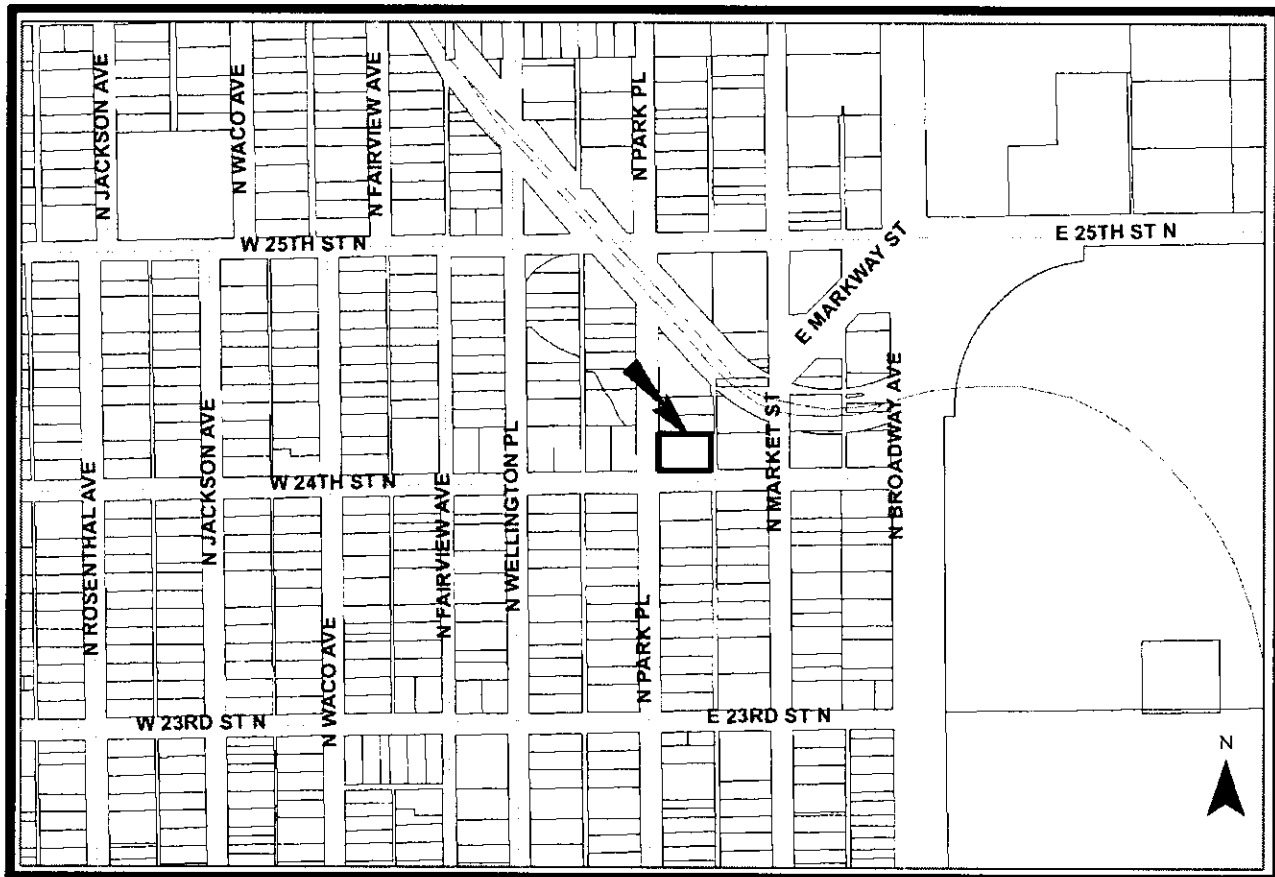
INITIATED BY: Metropolitan Area Planning Department *TL5*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve, vote (9-1).

DAB VI Recommendation: Approve, vote (3-2-1).

MAPD Staff Recommendation: Approve.



Background: The applicant is requesting GC General Commercial (“GC”) zoning on Lots 42, 44, 46 and 48, Garland Brook Addition, located at the northeast corner of 24th Street North and Park Place. The site is currently zoned B Multi-family Residential (“B”) and is currently undeveloped. The site has access to North Park Place and East 24th Street North, both classified as residential streets, and a block and a half east to North Broadway, classified as a minor arterial.

Since the properties to the north, west and south have residential zoning, screening will be required along the north, west and south property lines. The compatibility setback standards will not be required since the surrounding residential zoning is less restrictive than the TF-3 Two-family Residential (“TF-3”) zone district. The property will need to be developed according to requirements in the City’s Landscape Ordinance.

Zoning east of the site is GC, and it is developed with a warehouse/office combination use and is owned by the applicant. Property north of the subject site is zoned B and is developed with a single-family residence. Farther north, across the drainage, the property is zoned GC and is currently used for vehicle storage. Land south of the subject site, across 24th Street North, is zoned B and is currently developed with a single-family residence and what appears to be an accessory apartment. Property west of the subject site, across North Park Place, is zoned B and is developed with single-family residences and quadraplexes.

Warehouse, Self-Service Storage is first permitted by right in the OW Office Warehouse (“OW”) district. Since the bulk of the applicant’s property is zoned GC, it seemed prudent to try to keep the zoning consistent. Also, there is an alley that separates the subject site from the other property owned by the applicant. In the near future, the applicant may want to vacate that portion of the alley to combine the properties into a single zoning lot.

Analysis: At the District VI Advisory Board meeting on Wednesday, May 18, the DAB voted 3-2 to approve the request with the recommendation of solid screening along the north property line and solid paneling on access gates. Other issues discussed were the placement of a chain-linked fence along the north property line and a limited access opening along Park Place. There was no opposition to the request, and one person voicing support of the request.

At the MAPC meeting held May 26, 2011, the MAPC voted (9-1) to recommend approval of the request for GC zoning and the following protective overlay:

- (1) Screening (fencing, evergreen vegetation or landscaped earth berms) six to eight feet in height, except in a sight triangle, shall be provided along North Park Place and along the northern property line as long as that property is residentially zoned. If fencing is the primary screening material, then landscaping of one tree and three shrubs every 30 feet shall also be supplied.
- (2) No ground supported signage is allowed along the west side of the site, and no building signs facing the south and north are permitted on the site as long as the property adjacent to or across the street is residential developed or zoned. No off-site or portable signs are allowed. Signs, in accordance with the sign code, are permitted along East 24th St. North.
- (3) On site pole lighting will be no taller than 15-feet including the base/pedestal. Pole lighting will be directed down onto the site away from adjacent residential development.
- (4) Maximum height shall not exceed 55-feet.
- (5) The site shall be developed in conformance with all applicable regulations.
- (6) Only the following GC uses shall be permitted: Wholesale and Business Service, Warehousing, outside storage associated with Warehouse, Self-Service Storage, Research Services, Manufacturing, Limited, Warehouse, Self-Service Storage, Printing and Publishing, General, Printing and Copying, Limited, Personal Improvement Service, Personal Care Service, Office, General, and those uses permitted by right in the GO General Office district.

The case was approved through a through a 9-1 vote, with some discussion and questions about the screening along the north property line, the staffs decision to require access control along North Park Place and if the existing alley had been vacated. No protests have been received during the subsequent two-week protest period.

Financial Considerations: There are no financial considerations in regards to the zoning request.

Goal Impact: The application will 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 and protective overlay and authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required).

(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