(OCA150004 BID 37529-009 CID #76383)

Published in The Wichita Eagle on 9-23-11

ORDINANCE NO. 49-087

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. ZON2011-00019

Zone change request from SF-5 Single-family Residential to LC Limited Commercial on property described as:

Lot 1, Block 1, Lord's Diner, S. Hillside Addition, Wichita, Sedgwick County, Kansas.

Generally located north of 31st Street South, on the west side of Hillside.

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 20 **day of** Sept, **20** 11.

ATTEST:

Karen Sublett, MMC
Karen Sublett, City Clerk

Lavonta Williams - Vice Mayor
for Carl Brewer, Mayor

(SEAL)

APPROVED AS TO FORM:

Gary E. Rebenstorf
Gary E. Rebenstorf, Director of Law
By SW

Agenda Item No. _____

City of Wichita
City Council Meeting
July 26, 2011

TO: Mayor and City Council

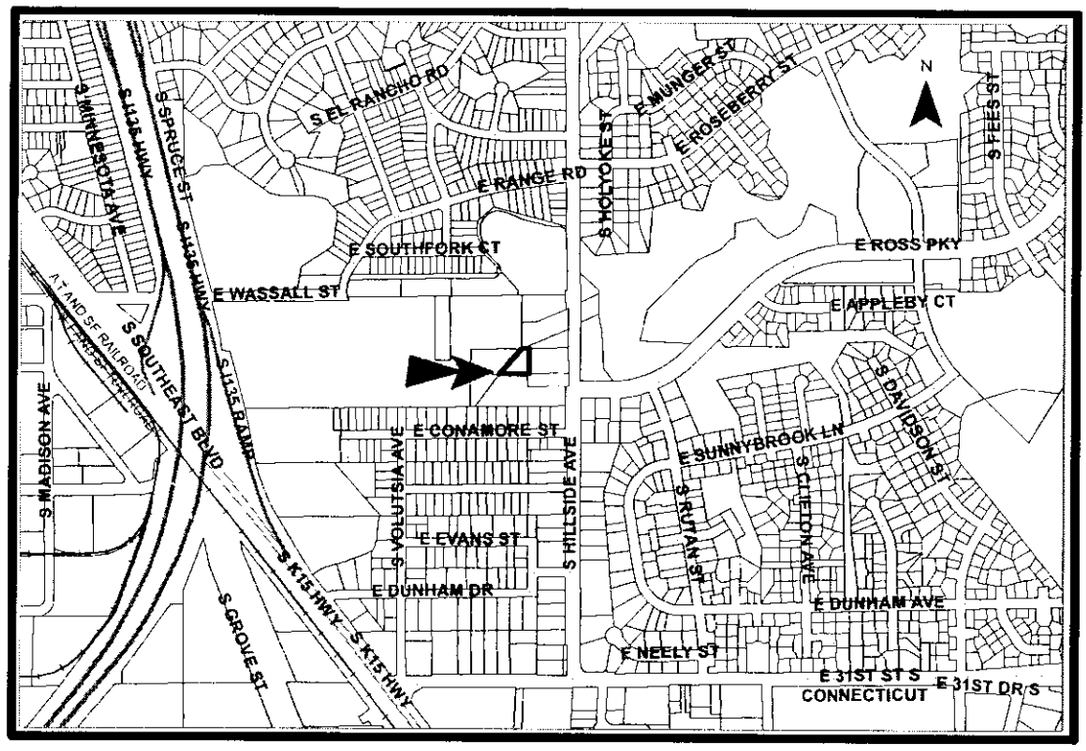
SUBJECT: ZON2011-00019 – City zone change from SF-5 Single-Family Residential to LC Limited Commercial; generally located northwest of the intersection of South Hillside Avenue and East Ross Parkway (2825 S. Hillside Ave.). (District III)

INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Consent)

MAPC Recommendation: Approve (11-0), subject to platting within one year.

MAPD Staff Recommendation: Approve, subject to platting within one year.



Background: The applicant is requesting a zone change to LC Limited Commercial ("LC") for about one-half acre of land currently zoned SF-5 Single-Family Residential ("SF-5"). The property is to the rear (west) of a larger tract of land already zoned LC and developed with a commercial-style building used for providing congregate meals to the community. It abuts a Gypsum Creek, but the site is not mapped as being within the FEMA floodplain.

The land nearby on Hillside is zoned LC and LI Limited Industrial ("LI"). It is developed with a variety of industrial and commercial uses, including a machine shop abutting on the north and south, small commercial strip centers, vehicle repair, restaurants, and a nursing facility. One single-family house is located south of the site but it is on property zoned LC. A park and multi-family development (Plainview) is located to the east of the nursing facility on property zoned MF-29 Multi-Family Residential ("MF-29"). The property to the west and northwest of Gypsum Creek is the site of the abandoned Joyland Amusement Park, and is zoned SF-5 except for the entrance to the park on Hillside that is zoned GC General Commercial ("GC"). The land to the southwest of the machine shop abutting this site is a single-family residential neighborhood zoned SF-5.

Analysis: At the MAPC meeting held June 23, 2011, the MAPC voted (11-0) to approve the request subject to staff recommendations. No one spoke in opposition to this request at the MAPC's advertised public hearing. No written protests have been filed.

Financial Considerations: All improvements will be to City standards and at the applicant's expense.

Goal Impact: The application supports the City's goal to 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 subject to platting within one year, authorize the mayor to sign the ordinance and withhold publication of the ordinance until the plat is recorded.

Attachments:

- Ordinance
- MAPC Minutes