

(150004) Published in The Wichita Eagle on June 28, 2013

ORDINANCE NO. 49-517

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. ZON2013-00008

Zone change request from GO General Office ("GO") to LC Limited Commercial ("LC"), on property described as:

Lot 1, Block 1, Wilson Estates Medical Park Addition to the City of Wichita, generally located west of Webb Road and south of 21<sup>st</sup> Street North.

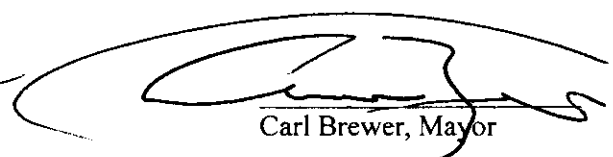
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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 25 day of June, 2013.

ATTEST:

  
Karen Sublett, City Clerk

  
Carl Brewer, Mayor

(SEAL)

Approved as to form:

  
Gary E. Rebenstorf, Director of Law

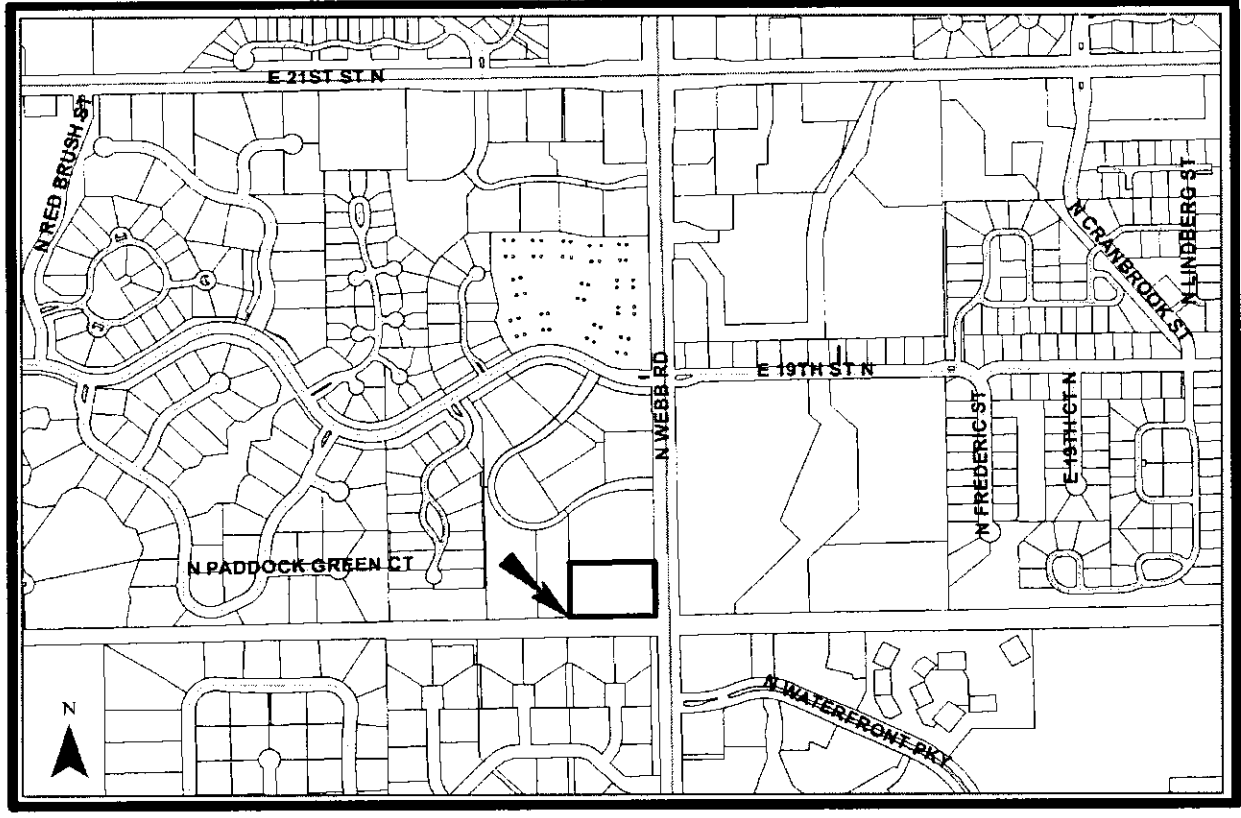
City of Wichita  
City Council Meeting  
June 11, 2013

**TO:** Mayor and City Council  
**SUBJECT:** ZON2013-08 & CUP2013-09 - City zone change from GO General Office ("GO") to LC Limited Commercial ("LC") and amendment of DP-260 to create Parcels 9a and 9b, generally located west of Webb Road and south of 21<sup>st</sup> Street North. (District II)  
**INITIATED BY:** Metropolitan Area Planning Department *JLS*  
**AGENDA:** Planning (Consent)

**DAB Recommendation:** DAB II did not have a quorum and therefore unofficially recommended approval with staff recommended conditions (5-0).

**MAPC Recommendation:** Approve with staff recommended conditions (11-0).

**MAPD Staff Recommendations:** Approve with staff recommended conditions.



**BACKGROUND:** The applicant requests LC Limited Commercial (“LC”) zoning subject to the amended development standards of the Wilson Estates Medical Park Commercial Community Unit Plan (“CUP”) DP-260. The 2.49 acre vacant site is zoned GO General Office (“GO”); the entire DP-260 is zoned GO and developed with medical office uses. The applicant wishes to split the existing Parcel 9 into two parcels, associated with a lot split on the property. The applicant requests LC zoning but limited to NR Neighborhood Retail (“NR”) uses, except that drive-through uses would be permitted and restaurant and retail sizes would not be limited. The applicant anticipates a restaurant/café and/or retail development on the site.

The site is located at the southeast corner of the CUP, at the northwest corner of Webb Road and the 17<sup>th</sup> Street rail corridor. The south 100 feet of the application area is a utility easement, providing a significant buffer between the site and the nearest residences south of the rail corridor. Property north and west of the site are zoned GO within DP-260 and are developed with medical office uses. South of the site, across the rail corridor, is an SF-5 Single-family Residential (“SF-5”) zoned neighborhood. East of the site, across Webb, is an SF-5 zoned church. Southeast of the site, across Webb, is the LI Limited Industrial (“LI”) zoned Waterfront development.

**Analysis:** On May 9, 2013 the MAPC reviewed the application. The MAPC voted (11-0) to approve the application subject to completing the lot split on the property and the following staff recommended condition:

- A. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

No citizens spoke at the MAPC hearing regarding this request. No protests were received during the two-week protest period following the MAPC hearing.

At the DAB II meeting held on May 6, 2013, the DAB did not have a quorum but unofficially voted (5-0) to approve the request with the staff recommended condition. No citizens spoke at the DAB hearing regarding this request.

**Financial Considerations:** There are no financial considerations associated with this request.

**Legal Considerations:** The Law Department reviewed and approved the ordinance as to form.

**Recommendation/Actions:** Adopt the findings of the MAPC and approve the zone change to LC Limited Commercial and the amendment to DP-260, subject to completing the lot split on the property; authorize the Mayor to sign the zone change ordinance and place the ordinance on the first reading (simple majority required).

**Attachments:**

- CUP Document
- Ordinance
- MAPC minutes
- DAB report