

OCA 150004

ORDINANCE NO. 49-613

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. ZON2013-00022

Zone change from B Multi-Family Residential ("B") to LC Limited Commercial ("LC") on an approximately a 0.56-acre property described as:

Parcel 1: Beginning 30 feet East and 280 feet South of the Northwest corner of the Northwest Quarter of Section 14, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence South 70 feet; thence East 150 feet; thence North 70 feet; thence West to the Point of Beginning, being vacated Lots 21 and 23 and the North 20 feet of Lot 25, Baldock's Addition, Wichita, Sedgwick County, Kansas

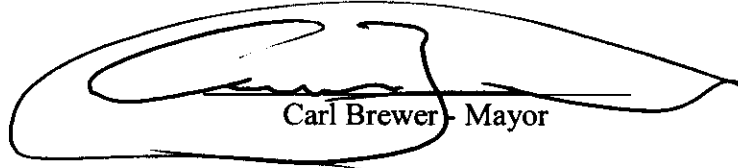
Parcel 2: Beginning 30 feet East and 350 feet South of the Northwest corner of the Northwest Quarter of Section 14, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence South 42.66 feet; thence East 150 feet; thence North 42.66 feet; thence West to the Point of Beginning, being vacated South 5 feet of Lot 25 and ALL of Lot 27 and the North 12.66 feet of Lot 29, Baldock's Addition, Wichita, Sedgwick County, Kansas

Parcel 3: Beginning 30 feet East and 392.66 feet South of the Northwest corner of the Northwest Quarter of Section 14, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence South 49.84 feet; thence East 150 feet; thence North 49.84 feet; thence West to the Point of Beginning, being vacated South 12.34 feet of Lot 29, ALL of Lot 31 and the North half of Lot 33, Baldock's Addition, Wichita, Sedgwick County, Kansas

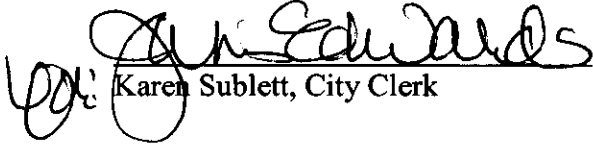
Parcel 4: Beginning 30 feet East and 442.5 feet South of the Northwest corner of the Northwest Quarter of Section 14, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence South 12.5 feet; thence East 150 feet ;thence North 12.5 feet; thence West to the Point of Beginning, being vacated South half of Lot 33, Baldock's Addition, Wichita, Sedgwick County, Kansas; all generally located south of 21st Street North on the west side of Hillside Avenue Street.

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.


Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)



Approved as to form: 
Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
November 19, 2013

TO: Mayor and City Council

SUBJECT: ZON2013-00022 – Zone change from B Multi-Family Residential (B) to LC Limited Commercial (LC) on property generally located south of 13th Street North on the east side of Hillside Avenue. (District I)

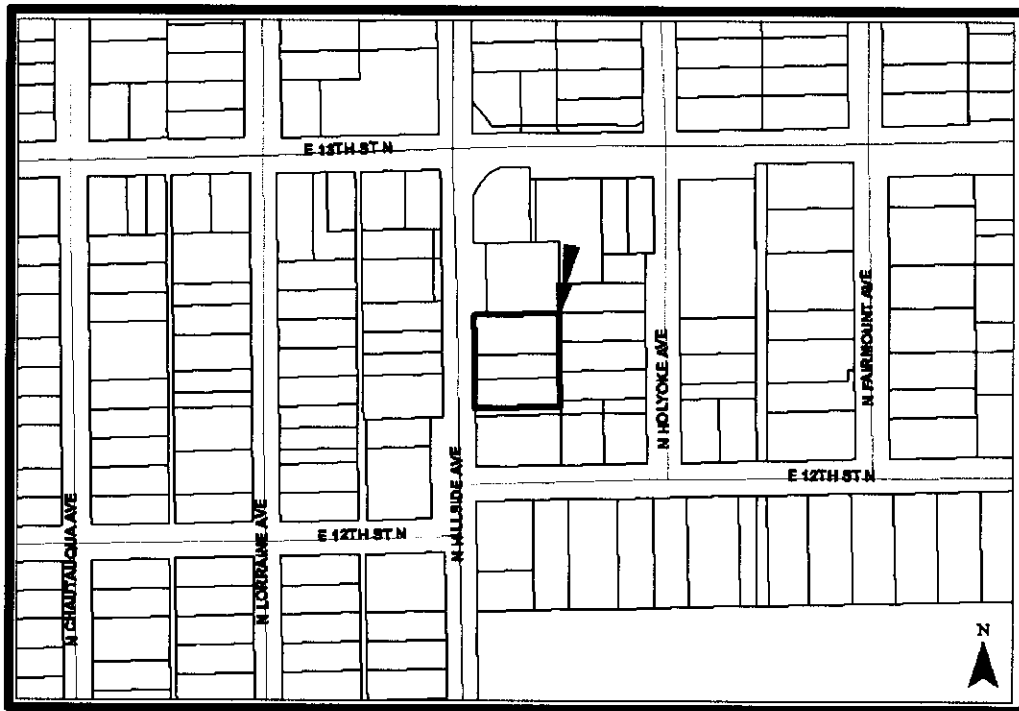
INITIATED BY: Metropolitan Area Planning Department. *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommends approval (10-0).

DAB III Recommendation: DAB I recommends approval (unanimously).

MAPD Staff Recommendation: The MAPD staff recommends approval.



Background: The applicant owns the undeveloped mostly B Multi-Family Residential (B) zoned subject property located along the east side of North Hillside Avenue, between 13th Street North and 12th Street North. Approximately half of the subject properties have B zoning along their North Hillside Avenue frontage and LC Limited Commercial (LC) zoning located on their rear halves. The applicant is requesting LC zoning to match the LC zoning on the rest of their properties located on the southeast side of the 13th Street North – Hillside Avenue intersection.

This portion of North Hillside has LC zoned small retail – commercial development located on both its sides. There are also undeveloped LC, B and GC General Commercial (GC) zoned properties located along this portion of North Hillside Avenue. Development and zoning located north of the site and including the northeast and northwest corners of the 13th Street North and Hillside Avenue intersection are: an abutting Popeyes Fried Chicken restaurant with a drive-thru, a small vacant appliance store, (north of 13th Street North) an auto repair garage, a small church, a small convenience store (without the gas service) and undeveloped land. All of these properties are zoned LC. Development and zoning located west of the site, across Hillside Avenue and south of 13th Street North, include: a small partially occupied (with a salon) retail strip, another partially occupied (with the Bachelor's Lounge) retail strip, a combination rug cleaner – pest exterminator – sewer cleaning business, a small vacant retail strip, two small vacant retail buildings and a Church's Fried Chicken restaurant with a drive-thru. All of these properties are zoned LC. South of the LC zoned retail – commercial uses, located across 12th Street North, are: B zoned single-family residences, a church, the Maple Grove Cemetery and the Highland Cemetery. The LC zoned east, abutting and adjacent properties are undeveloped except for two single-family residences. These properties have frontage on the west side of the residential street Holyoke Avenue. There is also a small undeveloped B zoned property on the southwest corner of 13th Street North and Holyoke Avenue. Further east, across Holyoke Avenue is a small B, TF-3 Two-Family Residential (TF-3) and SF-5 Single-Family Residential (SF-5) zoned mostly single-family residential neighborhood. This residential neighborhood is bound by the already noted LC zoned properties located on the west side of Holyoke Avenue, 13th Street North on its north side, the B zoned Maple Grove Cemetery on its south side, and the B zoned World Impact/Urban Ministry complex on its east side. The largest developments along this section of North Hillside Avenue are the previously mentioned Maple Grove and Highland Cemeteries and Wesley Hospital on its south end and Wichita State University on its north end.

Analysis: At the District Advisory Board I (DAB I) meeting held October 7, 2013, DAB I voted, unanimously, to approve the requested LC zoning with the following three conditions; dedication of access control along Hillside Avenue as approved by the Traffic Engineer, dedication of 20 feet of street right-of-way along the subject property's Hillside Avenue frontage as approved by the Traffic Engineer and a covenant prohibiting access from the subject properties onto Holyoke Avenue. At the Metropolitan Area Planning Commission (MAPC) meeting held October 10, 2013, the MAPC voted (10-0) to approve the requested LC zoning with the above noted three conditions. There were no citizens who spoke against the request at the MAPC or DAB meetings. Planning has received no phone calls protesting the request. There have been no valid protest petitions filed with the City Clerk.

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

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC, approve the zone change contingent on dedication of access control, dedication of street right-of-way and a covenant, and place the ordinance establishing the zone change on first reading (simple majority required).