

OCA 150004

ORDINANCE NO. 49-671

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. ZON2013-00041

Zone change from LC Limited Commercial (LC) to GC General Commercial (GC) on approximately .4 acres described as:

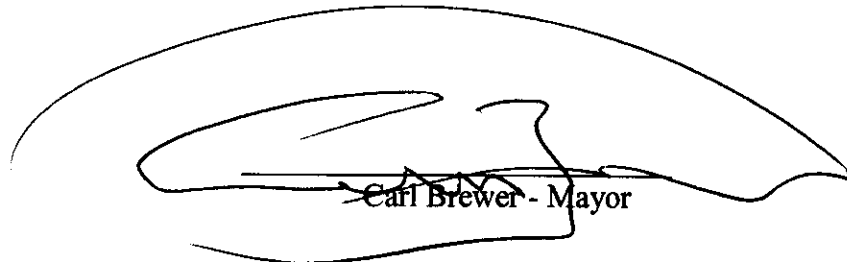
Lots 1 and 3, Block 2, Archie Adams Addition, Wichita, Sedgwick County, Kansas.

SUBJECT TO PROTECTIVE OVERLAY #285:

1. The site shall be limited to those uses permitted in the LC zoning district and Manufacturing, General only.
2. The site shall be developed and maintained in conformance with the approved site plan.
3. Manufacturing, General uses on the site shall conform with the UZC Section III.D.6.n. with office, display, wholesale or retail use along the building's Pawnee Street frontage.
4. The site shall conform with all code requirements to include but not limited to zoning, landscaping, building, fire and health.
5. Signs shall be permitted in accordance with the City of Wichita Sign Code for the LC zoning district. No building signs are permitted on the south building facade facing residential zoning.


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



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

City of Wichita
City Council Meeting
February 11, 2014

TO: Mayor and City Council

SUBJECT: ZON2013-00041 – Zone change request from LC Limited Commercial to GC General Commercial, generally located south of East Pawnee and one block west of Hydraulic (1561 E. Pawnee) (District III).

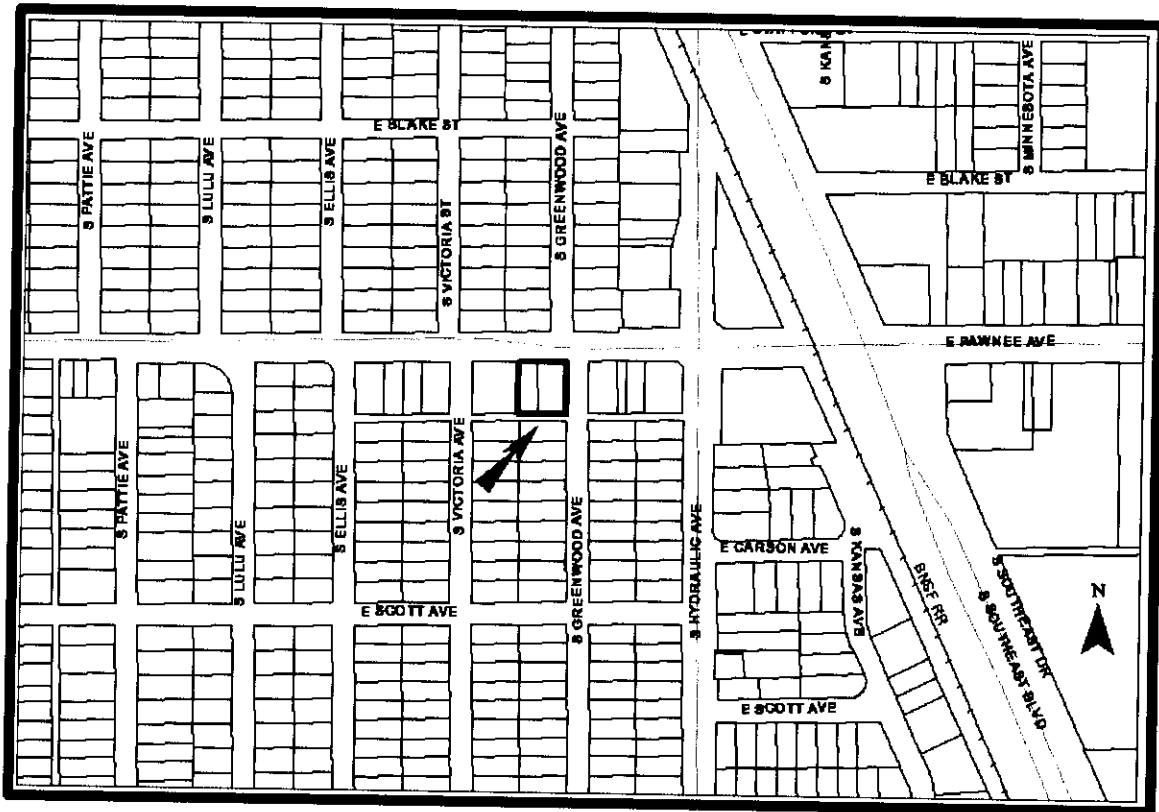
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (11-0).

DAB Recommendation: District Advisory Board III recommended approval of the request (8-0).

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request.



Background: The applicant's LC Limited Commercial (LC) zoned site was developed with two small retail buildings along E. Pawnee. The applicant intends to redevelop the site with one larger building used primarily as a commercial bakery; the bakery would send most baked goods out for distribution but would have a walk-in retail component. The Unified Zoning Code (UZC) first permits manufacturing, general in the GC General Commercial zoning district. The UZC defines "manufacturing, general" to include "bakeries engaged in large-scale production and wholesale distribution." The UZC supplementary use conditions for manufacturing in GC requires that building principal street frontage be used for office space, display, wholesale or retail sales. Other code requirements such as parking, screening and landscaping are identical under LC or GC zoning. The Sign Code would allow more signage under GC than LC zoning. The applicant submitted a proposed site plan (see attached) which appears to meet all UZC requirements.

The application area is at the southwest corner of E. Pawnee and Greenwood. Areas north of the site, across Pawnee, and south of the site, across a platted alley, are TF-3 Two-family Residential (TF-3) zoned residential neighborhoods. Property east and west of the site, along the south side of E. Pawnee, is zoned LC and developed with retail, convenience store, restaurant and vehicle repair uses. The Pawnee/Hydraulic intersection has LC zoning at all four corners developed with retail, auto service and restaurant uses. The nearest GC General Commercial zoning is 850 feet northeast of the site at the northeast corner of Southeast Boulevard and Blake Street; this GC zoned site is developed with a manufacturing use.

Analysis: District Advisory Board (DAB) III heard the rezone request on January 8, 2014, and recommended approval (8-0). No citizens spoke at the DAB hearing on this request.

The Metropolitan Area Planning Commission (MAPC) heard the request on January 9, 2014. No citizens spoke at the MAPC hearing and no protests were filed on this request. The MAPC voted (11-0) to recommend approval of the request subject to Protective Overlay #285:

1. The site shall be limited to those uses permitted in the LC zoning district and Manufacturing, General only.
2. The site shall be developed and maintained in conformance with the approved site plan.
3. Manufacturing, General uses on the site shall conform with the UZC Section III.D.6.n. with office, display, wholesale or retail use along the building's Pawnee Street frontage.
4. The site shall conform with all code requirements to include but not limited to zoning, landscaping, building, fire and health.
5. Signs shall be permitted in accordance with the City of Wichita Sign Code for the LC zoning district. No building signs are permitted on the south building facade facing residential zoning.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

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

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the zone change request, place the ordinance on first reading and authorize the Mayor to sign the ordinance (simple majority vote required).

Attachments:

- DAB report
- Site plan
- Ordinance
- MAPC minutes

PO # 205 CATE PLAN

APPROVED

William J. Lee, No. 9

Date: 2-20-14

E Pawnee St

VICTORIA

GREENWOOD AVE.

Existing Shared Curb cut.

Remove exist curb cut.

20'-0" Front Yard Set Back

16' Utility Esmt.

5'-0" Side Yard Set Back.

Existing Fuel Lanes

New curb cut.

LOT 4

LOT 2

LOT 1

LOT 3

Existing Gas Station

PROPOSED BAKERY

Exterior freezer

10'-0" Side Yard Set Back

Trash Enclosure

Loading Area

ALLEY (20'-0")

Existing Rear Yard Screening:
6'-0" Solid Wood Fence,
Full length of South property Line.

PARKING:
25 NEW STALLS
(Includes 1 ADA stall)

LEGAL DESCRIPTION:
Lot 3 Except the West 2 feet along with Lot 1 and the West 2 feet of Lot 3, all in Block 2, Archie Adams Addition to Wichita, Sedgwick County, Kansas.



(A)

SITE PLAN:

SCALE: 1" = 40'-0"

project no.
1318
sheet

A-1
Site
Plan

Juarez Bakery

Pawnee & Greenwood
Wichita, Kansas



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architects www.arch-innov.com master planners
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Wichita, Kansas 67207-1703 fax 316.685.7667
1271 Kelly Johnson Blvd., Suite 111 phone 719.260.9990
Colorado Springs, CO, 80920 fax 719.260.9991

DATE:
01-31-2014