

OCA 150004

ORDINANCE NO. 49-754

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. ZON2014-00002

Zone change from SF-5 Single-family Residential (SF-5) to LC Limited Commercial (LC) on approximately .5 acres described as:

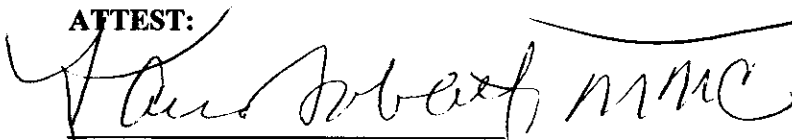
Lots 3 and 4, Block 2, Eureka Gardens Addition to Wichita, KS; generally located east of Illinois and south of Taft (526 S. Illinois).

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.

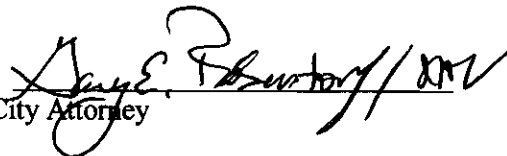
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

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

Background: The applicant requests LC Limited Commercial (LC) zoning on two platted lots, one of which is developed with a single-family residence. The .5-acre site is currently zoned SF-5 Single-Family Residential (SF-5). Under LC zoning, the Unified Zoning Code (UZC) would permit the following land uses on this site by right (which are not permitted under the current SF-5 zoning): duplex, multi-family, assisted living, group residence, correctional placement residence, hospital, nursing facility, university or college, animal care, automated teller machine, bank or financial institution, broadcast/recording studio, construction sales and services, convenience store, farmers market, funeral home, hotel or motel, medical service, nurseries or garden centers, general office, commercial parking area, pawnshop, personal care service, personal improvement service, post office substation, limited printing and copying, indoor entertainment and recreation, restaurant, general retail, secondhand store, service station, limited vehicle repair, vocational school, agricultural research, agricultural sales and service. Under LC zoning, the UZC would require compatibility setbacks from SF-5 zoning, parking, screening and landscaping; these requirements will limit development on the site. The UZC requires a 25-foot compatibility setback from SF-5 zoning to the south and east, it limits building height to 35 feet within 50 feet of SF-5 zoning, it limits light pole height to 15 feet within 200 feet of residential zoning, and it requires three parking spaces per 1,000 square feet for most commercial uses.

This block of South Illinois Street has transitioned from residential to primarily commercial zoning over time. The entire west side of this block is zoned GC General Commercial (GC) and developed with banking, retail, vehicle repair and restaurant uses that front West Street. Other than the application area, only one other residence exists in SF-5 zoning on the east side of this block, three residences exist in LC zoning on the east side of the block. Property to the north of the site is zoned LC and developed with an office/warehouse. Property immediately south of the site is zoned SF-5 and developed with a single-family residence; further south is an LC zoned vehicle repair business and hotel/restaurant uses fronting the Kellogg expressway. East of the site are SF-5 and TF-3 Two-family Residential (TF-3) zoned single-family residences and duplexes.

Analysis: District Advisory Board (DAB) IV heard the rezone request on April 7, 2014, and recommended approval (7-0). No citizens spoke at the DAB hearing on this request.

At the Metropolitan Area Planning Commission (MAPC) meeting held on April 10, 2014, the MAPC voted (9-0) to recommend approval of the request. No citizens spoke at the MAPC hearing and no protests were filed on this request.

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, place the ordinance on first reading and authorize the Mayor to sign the ordinance (simple majority vote required).

Attachments:

- Ordinance
- DAB memorandum
- MAPC minutes