

OCA 150004

ORDINANCE NO. 49-781

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:

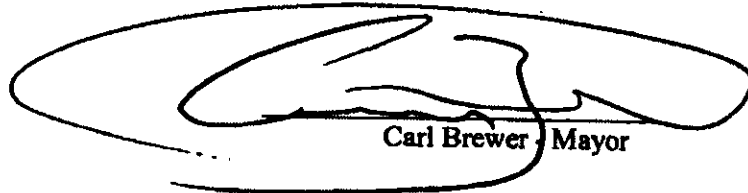
Case No. ZON2014-00007

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

Lot 10, Block B, Vilm Gardens 2<sup>nd</sup> Addition to Wichita, KS; generally located west of Seneca Street on the north side of 43rd Street South (1116 W. 43<sup>rd</sup> Street S.)

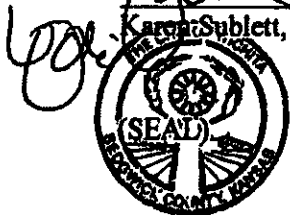
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

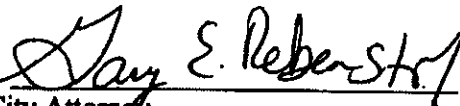
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

  
Carl Brewer Mayor

ATTEST:

  
Karen Sublett, City Clerk Deputy



Approved as to form:   
Gary E. Rebenstorf, City Attorney  
6750

City of Wichita  
City Council Meeting  
July 8, 2014

**TO:** Mayor and City Council

**SUBJECT:** ZON2014-00007 – Zone Change Request from SF-5 Single-family Residential (SF-5) to LC Limited Commercial (LC), generally located west of Seneca Street on the north side of 43rd Street South (1116 W. 43<sup>rd</sup> Street S.) (District IV).

**INITIATED BY:** Metropolitan Area Planning Department *JLS*

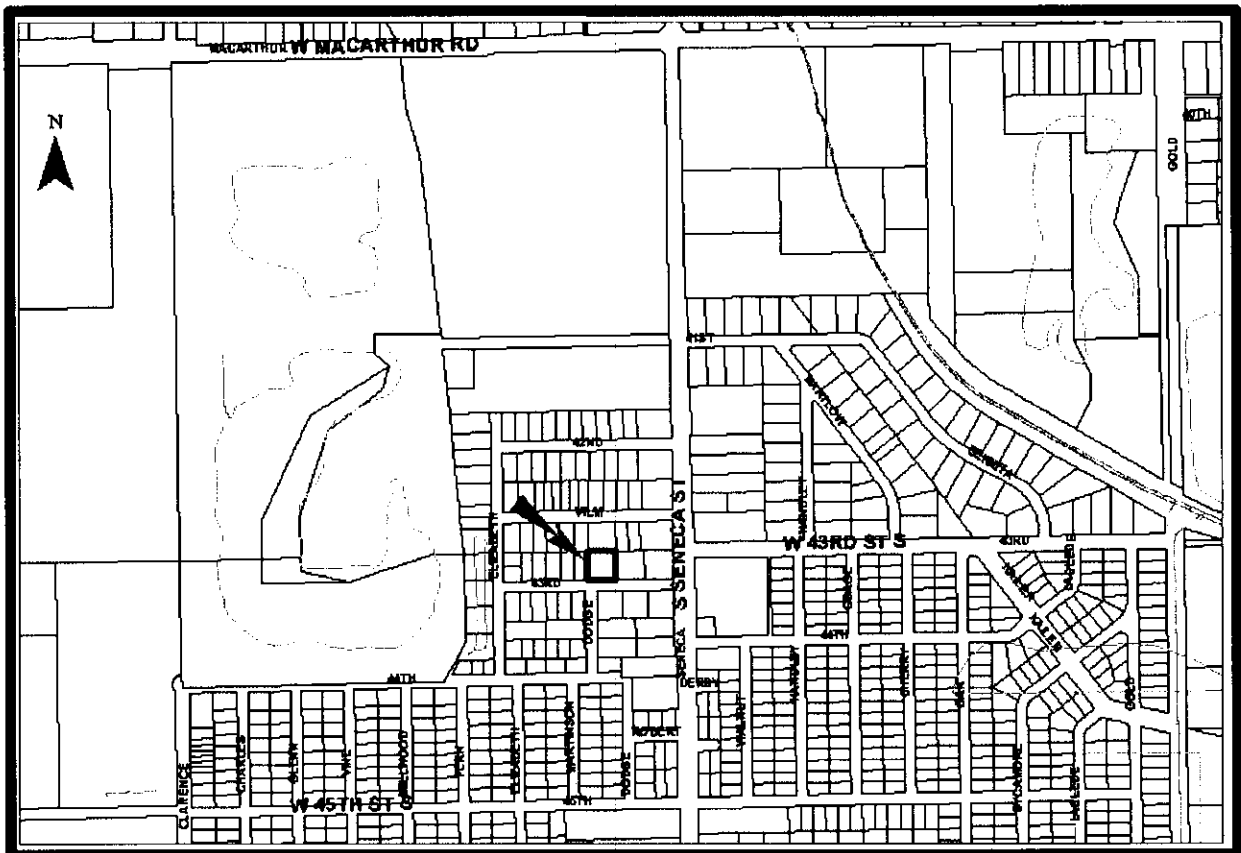
**AGENDA:** Planning (Consent)

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**MAPC Recommendation:** The MAPC recommended approval of the request (9-0).

**DAB Recommendation:** District Advisory Board IV recommended approval of the request (9-0).

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



**Background:** The .5-acre application area is currently zoned SF-5 Single-Family Residential (SF-5), it has remained vacant since platting in 1953. The applicant also owns the LC Limited Commercial (LC) zoned lot east of the site, developed with a vehicle repair business in a metal building and a single-family residence. The applicant wishes to expand the existing vehicle repair business onto the application area and therefore requests a zone change to LC. 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 north, 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. The site was platted with a 30-foot front setback and an 8-foot easement along the west property line.

The two lots east of the application area, between the site and South Seneca, are zoned LC. Approval of this zone change request would result in contiguous LC zoning for three lots, or 450 linear feet, on the north side of West 43<sup>rd</sup> Street South. Property north of the site is zoned SF-5 and developed with a single-family house. South of the site, across 43<sup>rd</sup> Street South, is an SF-5 zoned legal non-conforming multi-family residence. East of the site is the applicant's LC zoned property, and west of the site is an MF-18 Multi-family Residential (MF-18) zoned neighborhood of single and multi-family residences.

**Analysis:** District Advisory Board (DAB) IV heard the rezone request on June 2, 2014, and recommended approval (9-0). No citizens spoke at the DAB hearing on this request.

At the Metropolitan Area Planning Commission (MAPC) meeting held on June 5, 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