

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. ZON2014-00009**

Zone change from LC Limited Commercial ("LC") to OW Office-Warehouse ("OW") on an approximately 0.47-acre property described as:


Lots 193 and 195, Burr's 2nd Addition & Lot 1, Pennypower 2nd Addition, Wichita, Sedgwick County, Kansas; generally located south of Kellogg Drive on the west side of Hydraulic Avenue.

**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #288:**

- (1) Permitted uses are general office, warehousing, government services, library, parks and recreation, safety services, university or college, minor utilities, automated teller machine, bank or financial institution, broadcast-recording studio, funeral home, monument dales, personal care service, personal improvement service, limited printing and copying, general retail, vocational school and wholesale or business services.
- (2) Dedicate 10 feet of right-of-way off of the east lot lines of Lots 193 and 195, Burr's 2nd Addition.
- (3) Access shall be approved by the Traffic Engineer.
- (4) The site shall be come into compliance with the Unified Zoning Code's (UZC) screening, lighting and landscaping standards and other applicable development standards.

**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 M A C  
Karen Sublett, City Clerk

(SEAL)

Approved as to form: Sharon Dickgrafe / SDW  
Sharon Dickgrafe, Interim City Attorney

City of Wichita  
City Council Meeting  
August 12, 2014

**TO:** Mayor and City Council

**SUBJECT:** ZON2014-00009 – City Zone Change from LC Limited Commercial to OW Office-Warehouse with a Protective Overlay on Property Generally Located South of Kellogg Drive on the West Side of Hydraulic Avenue (District I)

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

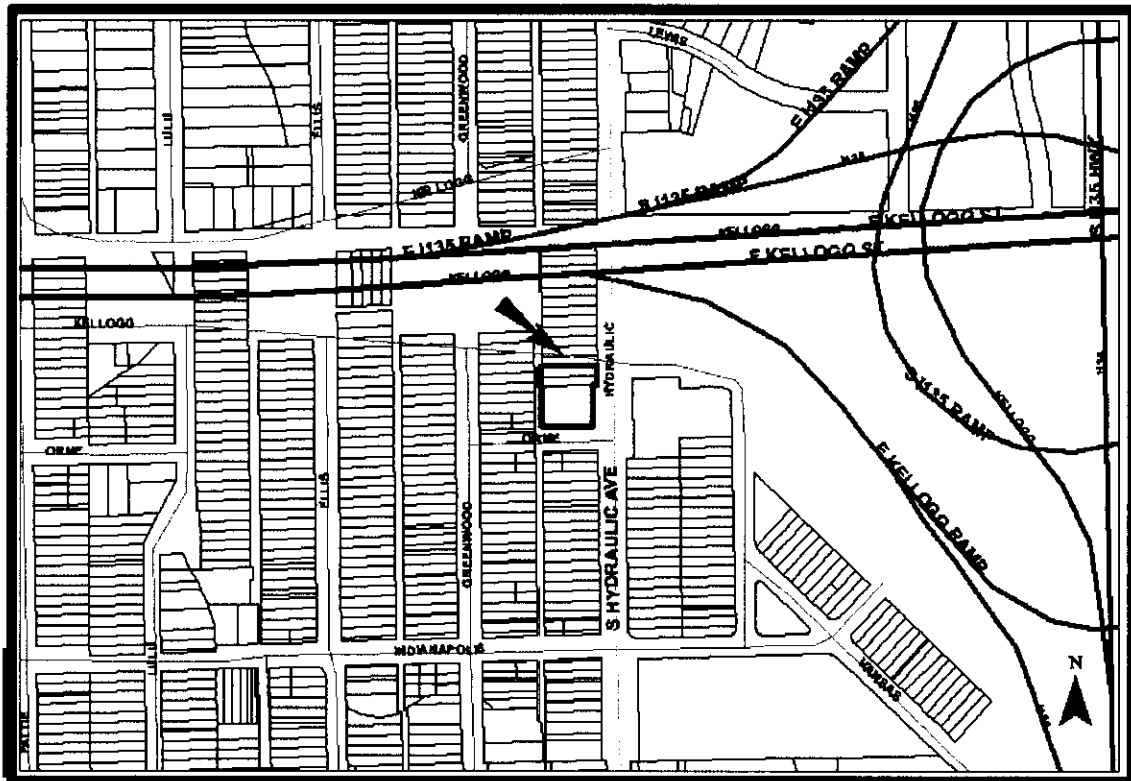
**AGENDA:** Planning (Consent)

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**MAPC Recommendation:** The MAPC recommended approval of the request (10-0).

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

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



**Background:** The applicant is requesting OW Office-Warehouse (OW) zoning on the platted approximately 0.47-acre LC Limited Commercial (LC) zoned site. The north portion of the site has a small office building (672-square feet, built 1969) on it, with the rest of the site mostly developed as an unused parking lot. The applicant proposes to build a warehouse to receive and store shipments of equipment that they then deliver to different businesses in the area. The OW zoning district allows warehousing activities for businesses with operating characteristics that do not require highly visible locations or the type of vehicular access needed for retail and high intensity office development. The applicant's LC and GO General Office (GO) zoned headquarters (8,150-square feet, built 1977) is located east of the subject site, across Hydraulic Avenue. Currently the applicant receives, stores and delivers their office equipment from rented storage units located five blocks north (across Kellogg Avenue – United States Highway 54) of their headquarters. The applicant has stated that the delivery of the office equipment to the subject site will be made by box trucks during normal business hours. The proposed zoning will bring a critical operational component into close proximity of the applicant's headquarters.

With the exception of the applicant's LC and GO zoned office and the LC zoned subject site, the surrounding neighborhood consist of B Multi-Family Residential (B) zoned single-family residences, scattered duplexes and small multi-family residences (all built 1910-1940s). Kellogg Avenue – United States Highway 54 separates the north side of the applicant's properties and the area from an adjacent neighborhood of GC General Commercial (GC) and LC zoned businesses.

**Analysis:** On June 19, 2014, the Metropolitan Area Planning Commission (MAPC) considered the request and unanimously approved (10-0) it with the following provisions of PO Protective Overlay (PO)-288:

- (1) Permitted uses are general office, warehousing, government services, library, parks and recreation, safety services, university or college, minor utilities, automated teller machine, bank or financial institution, broadcast-recording studio, funeral home, monument sales, personal care service, personal improvement service, limited printing and copying, general retail, vocational school and wholesale or business services.
- (2) Dedicate 10 feet of right-of-way off of the east lot lines of Lots 193 and 195, Burr's 2nd Addition.
- (3) Access shall be approved by the Traffic Engineer.
- (4) The site shall be come into compliance with the Unified Zoning Code's (UZC) screening, lighting and landscaping standards and other applicable development standards.

No one spoke against the request at the MAPC meeting. No protests have been filed on this request.

On July 7, 2014, District Advisory Board (DAB) I voted (9-0) to approve the request with the provisions of PO-288. No one spoke against the request at the DAB I meeting

**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 and the dedication of street right-of-way by separate instrument as to form. The dedication of street right-of-way by separate instrument will be recorded with the Register of Deeds.

**Recommendation/Actions:** It is recommended that the City Council adopt the findings of the MAPC and approve the requested zone change with the provisions of Protective Overlay-288 (simple majority vote required); authorize the Mayor to sign the ordinance and place the ordinance on first reading.

**Attachments:**

- MAPC minutes
- DAB memo
- Ordinance
- Dedication of street right-of-way