

OCA150006 BID 37529-009 CID #76383
Published in The Wichita Eagle on 5-18-07
ORDINANCE NO. 47-484

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. ZON2007-00006

Request for Zone change from "TF-3" Two-family Residential to "LI" Limited Industrial, on property described as:

Lots 427, 429, 431, & 433 Phillips Now Richmond Ave. and Lots 435, 437, 439, 441, 443, 445, exc S 20' for St. Phillips Now Richmond Ave. in Wichita, Sedgwick County, Kansas. Generally North of McCormick Avenue, west of Meridian Avenue, south of Kellogg.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #187:

1. In addition to any other code requirement, screening consistent with zone screen standards shall be installed along the east property line fronting Richmond Street.
2. Dedicate complete access control along the site's Richmond St. frontage.
3. Landscaping and screening shall be installed prior to the lot being put to use.

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.

ADOPTED AT WICHITA, KANSAS,

5-15-07

Carl Brewer - Mayor

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Carl Brewer - Mayor



ATTEST:

Karen Sublett, City Clerk
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney
Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
May 8, 2007

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: ZON2007-00006 – Zone change from “TF-3” Two-family Residential to “LI” Limited Industrial with a Protective Overlay located west of Meridian Avenue between Kellogg and McCormick Avenue (831 S. Richmond). (District IV)

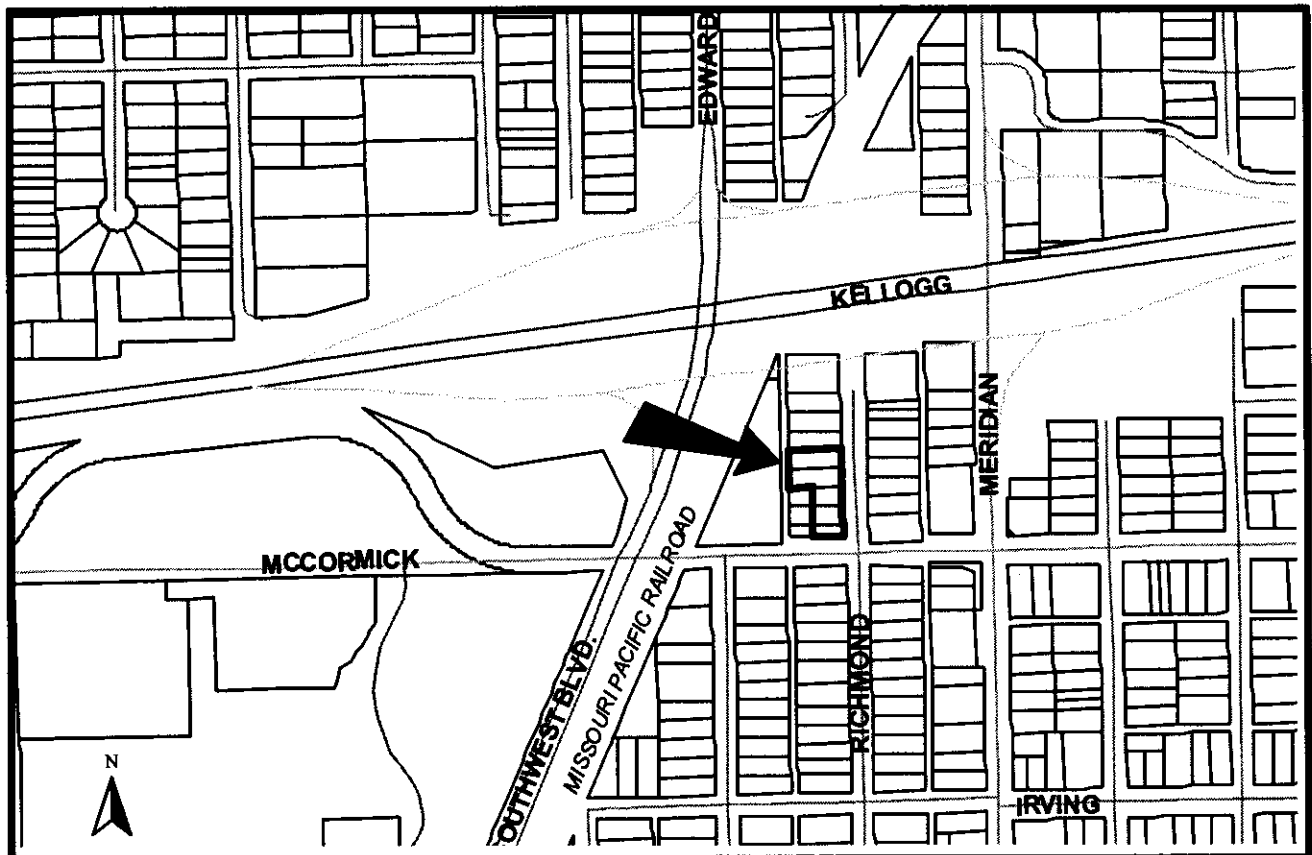
INITIATED BY: Metropolitan Area Planning Department *JS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to staff recommendations (12-0).

MAPD Staff Recommendations: Approve, subject to the provisions of the Protective Overlay.

DAB Recommendations: Approve, subject to staff recommendations (9-0) with 1 abstention.



Background: The applicant requests LI zoning on a 0.58-acre site, currently zoned TF-3 Two-Family with a Protective Overlay ("PO"). The proposed use is for additional truck terminal parking on a corner site, north of McCormick Avenue, between Meridian Avenue and Southwest Boulevard (K-42). The western 75 feet of the three southern lots of the application area are already zoned LI; the proposed additional truck parking would locate in the existing LI zoned lots with site access to McCormick Avenue. North of the application area are TF-3 zoned single-family residences. South of the application area, across McCormick, are TF-3 zoned single-family residences. East of the application area, across Richmond, are TF-3 zoned single-family residences and west of the application area is a LI zoned terminal-warehouse use.

Analysis: There were no speakers in opposition to the request at the MAPC meeting on April 5, 2007. The MAPC voted unanimously (12-0) to recommend approval of the zone change from "TF-3" Two-Family Residential to "LI" Limited Industrial, subject to the provisions of "PO" #187. No protest petitions have been submitted and staff has received no telephone calls protesting the proposed zone change. The provisions of "PO" #187 are:

1. In addition to any other code requirement, screening consistent with zone screen standards shall be installed along the east property line fronting Richmond Street.
2. Dedicate complete access control along the site's Richmond Street frontage.
3. Landscaping and screening shall be installed prior to the lot being put to use.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department. Per the provisions of the Protective Overlay, a restrictive covenant and a dedication of complete access control by separate instrument will be recorded with the Register of Deeds.

Recommendation/Actions:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of the Protective Overlay; place the ordinance establishing the zone change on first reading; or adopt the findings of the MAPC and approve the zone change.
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)