

ORDINANCE NO. 48-108

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. ZON2008-00048**

Zone change from LC Limited Commercial ("LC") to GC General Commercial ("GC") subject to Protective Overlay #221 on property described as:

Lot 1, Edminster Gardens, Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of K-15 and 31st Street South.

**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #221:**

- (1) Uses permitted on the site are limited to those permitted in the GC General Commercial zoning district except; pawn shops, night club in the city, sexually oriented business, tattooing and body piercing facility and tavern or drinking establishment.
- (2) Signs are to be allowed by sign code except for no off-site or portable signs.
- (3) On site pole lighting will be no taller than 15-feet including the base/pedestal. Pole lighting will be directed down onto the site away from adjacent residential development. No pole lighting will be placed within setbacks.
- (4) The site shall be developed in conformance with all applicable regulations.

**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, November 4, 2008

  
Carl Brewer - Mayor

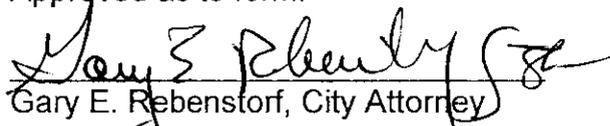
ATTEST

  
Karen Sublett, City Clerk

(SEAL)



Approved as to form:

  
Gary E. Rebenstorff, City Attorney

City of Wichita  
City Council Meeting  
October 28, 2008

**TO:** Mayor and City Council

**SUBJECT:** ZON2008-00048 – City zone change from SF-5 Single-family Residential (“SF-5”) to GC General Commercial (“GC”) with a Protective Overlay; generally located at the northeast corner of the intersection of K-15 and 31<sup>st</sup> Street South (District III)

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

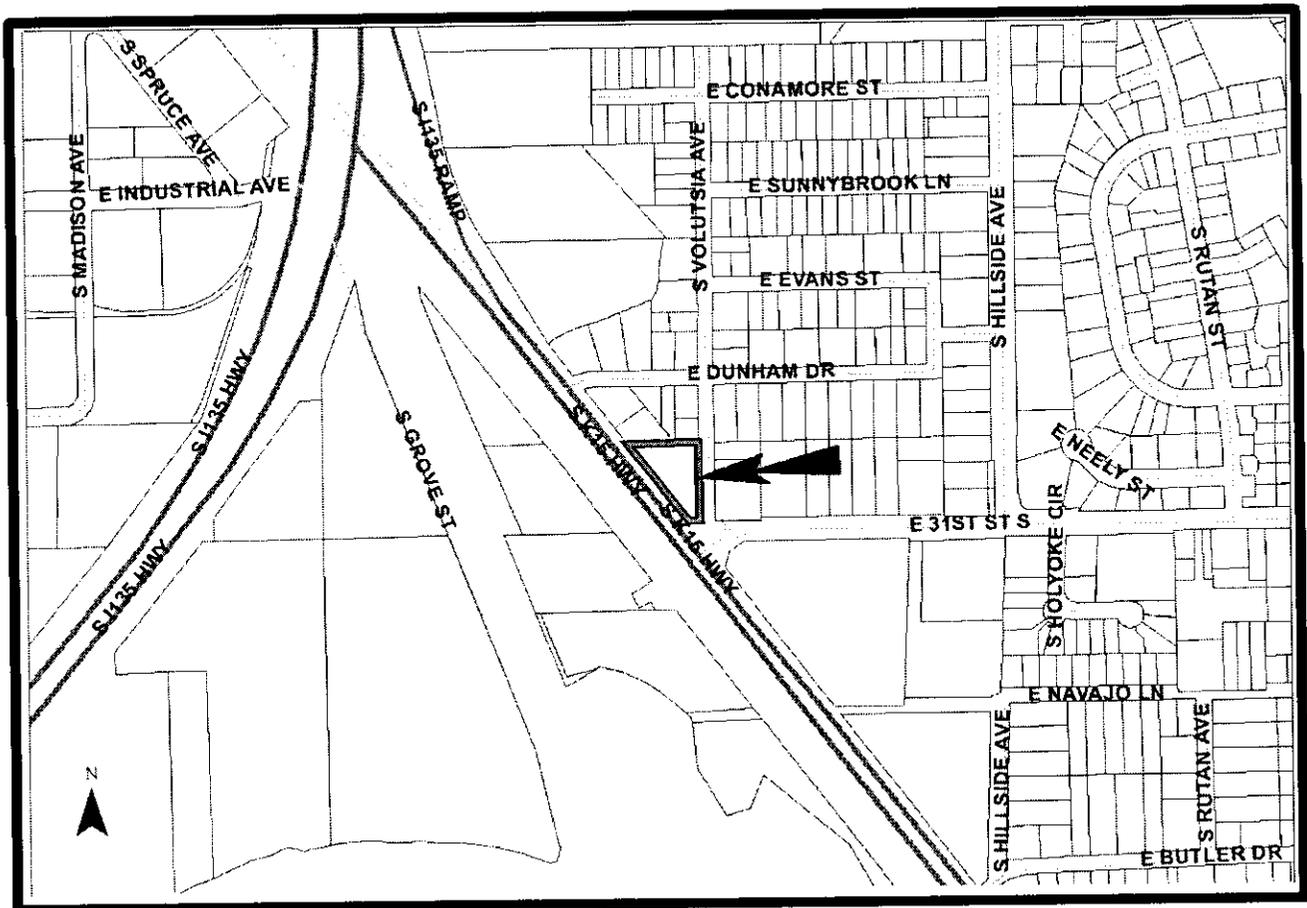
**AGENDA:** Planning (Consent)

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**DAB III Recommendation:** Approve, vote (8-0)

**MAPC Recommendation:** Approve, subject to staff recommendation, vote (9-0)

**MAPD Staff Recommendation:** Approve



**Background:** The application area is located on the northeast corner of 31<sup>st</sup> Street South and K-15 and is currently zoned LC Limited Commercial (“LC”). The site is currently classified as being developed with an automobile service garage. The use of the site as an automobile service garage is a legal activity in the LC district, per the Unified Zoning Code (“UZC”). This site has been used for automobile related uses over the years. The applicant has applied for the rezone to create more opportunities in terms of uses that can utilize the site. A Protective Overlay is being included with this zone change to exclude any nuisance type uses that are allowed in the GC zone district. The applicant has expressed that a manufacturing use (Section II-B.8.e of the UZC) could be a possible option for the subject site, and the GC zone district would allow that particular type of use.

The zoning of the surrounding property is predominately LC. Property to the north is zoned LC and SF-5 Single-family Residential (“SF-5”) and is currently developed with a warehouse, motorcycle dealership and a single-family residence. Property to the west of the subject site (across K-15) is zoned LI Limited Industrial (“LI”) and is currently being used as a landfill with construction services located on the site. Property to the south of the subject site is zoned LC and is developed with a mobile home park. Property to the east of the subject site is zoned both LC and is developed with a vehicle repair shop.

The subject site is in Flood Zone X, which identifies the area being in a flood insurance rate zone that corresponds to areas outside the 100-year floodplain, and by areas protected from the 100-year flood by levees.

**Analysis:** At the MAPC meeting held September 25, 2008, the MAPC voted (9-0) to recommend approval of the request for GC zoning subject to the provisions of Protective Overlay #221 stated below. There was no opposition.

- (1) Uses permitted on the site are limited to those permitted in the GC General Commercial zoning district except; pawn shops, night club in the city, sexually oriented business, tattooing and body piercing facility and tavern or drinking establishment.
- (2) Signs are to be allowed per the sign code except for no off-site or portable signs.
- (3) On-site pole lighting will be no taller than 15-feet including the base/pedestal. Pole lighting will be directed down onto the site away from adjacent residential development. No pole lighting will be placed within setbacks.
- (4) The site shall be developed in conformance with all applicable regulations.

At the DAB III meeting held on October 1, 2008, the DAB voted (8-0) to recommend approval per planning staff recommendations. The DAB felt this would be a good change because they would rather see the buildings occupied and productive rather than sitting vacant as they have been. Staff has not received any comments for or against this proposal, and there were not any citizens that spoke in favor or in opposition of the case.

**Financial Considerations:** None.

**Goal Impact:** Promote Economic Vitality

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

**Recommendation/Actions:**

1. Adopt the findings of the MAPC, approve the zone change and place the ordinance on first reading; or
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.)