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ORDINANCE NO. 46-998

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. ZON2005-00053**

Request for Zone change from “SF-5” Single-family Residential and “GC” General Commercial to “LC” Limited Commercial, on property described as:

Lots 16, 17, 18, East Kellogg Acres, Wichita, Sedgwick County, Kansas.

Generally located midway between Kellogg Street & I-35 (KTA), on the west side of Greenwich Road.

**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #166:**

1. On site pole lights shall be no higher than 14-foot, if within a 100-feet of property with residential zoning. They shall be hooded and directed onto the site and away from the residential developments and zoning west, north and south of the site. No pole lights shall be located within the required compatibility setbacks along the west and south sides of the property.
2. No signs shall be permitted along the face of any building or along any street frontage that faces any property that is in a residential zoning district.
3. A drainage plan including retention and compensatory storage must be provided to the Public Work’s Storm Water Engineer for review and approval, prior to any building permits being issued.
4. Dedicate by separate instrument 10-foot of right-of-way along the site’s Greenwich frontage. To be provided to Planning Staff for recording with the Register of Deeds, prior to the Ordinance being published

5. A restrictive covenant providing cross lot access between the site's lots and ensuring that conformance to the current access management standards can be applied to the entire site and not on it's current configuration of three individual lots platted in the East Kellogg Acres Addition. Complete access control will be approved at the time that access from the site (not per individual lot) onto Greenwich is approved by the Traffic Engineer and implemented when commercial use replaces the current single-family uses. The current driveways for each lot's current single-family use/residences will remain in effect until such time that commercial use replaces the single-family residences. To be provided to Planning Staff for recording with the Register of Deeds, prior to the Ordinance being published.
6. In anticipation of future commercial development in the area, specifically on Lot 19, East Kellogg Acres Addition, which is under common ownership with one of the owner's of the southern abutting Lot 18, East Kellogg Acres Addition (the north portion of the subject site), the approved drainage plan and the restrictive covenant, as sited in PO #166, will extend onto Lot 19, East Kellogg Acres Addition. No access onto Trig Street from the site or Lot 19, East Kellogg Acres Addition. If needed dedicate 10-feet of right-of-way along the lot's Greenwich Road frontage.

**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, March 28, 2006.

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Carlos Mayans - Mayor

**ATTEST:**

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Karen Sublett, City Clerk

(SEAL)

Approved as to form:

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Gary E. Rebenstorf, City Attorney