

OCA 150004

ORDINANCE NO. 50-552

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. ZON2017-00017

City zone change from MF-29 Multi-Family Residential District to LC Limited Commercial District described as:

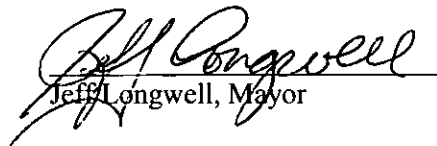
Odd lots 23-39 inclusively, along Meridian Avenue, Richmond's Addition to Wichita, Sedgwick County, Kansas

SECTION 2. The zone change is subject to the provisions of a Protective Overlay, as follows:

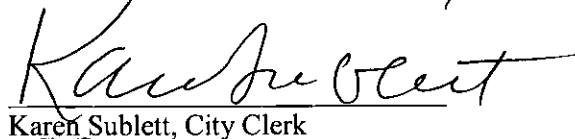
1. All uses shall be limited to those allowed by right in the NR zoning district, EXCEPT that the maximum allowed size for a retail building shall be 8,500 square feet.
2. Property development standards shall be per the LC, Limited Commercial zoning district, except as modified by the Protective Overlay.
3. All parking lot lights shall be shielded and directed downward.
4. One pylon sign shall be allowed except no sign shall be greater than 100 square feet.
5. No building signs shall be allowed on the west and south building elevations.
6. Buildings shall be constructed using earth tone colors.
7. No outdoor storage except that retail sales displays are allowed within 10 feet of the building.
8. Landscape and screening shall be per the landscape ordinance.
9. Maximum building height to be 35 feet.
10. Maximum building coverage shall not exceed 35 percent.

SECTION 3. 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.

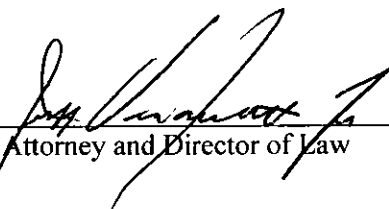
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form: 
Jennifer Magaña, City Attorney and Director of Law

STAFF REPORT
DAB VI June 5, 2017
MAPC May 18, 2017

CASE NUMBER: ZON2017-00017

APPLICANT/AGENT: Ronnie Beard (applicant), Kaw Valley Engineering, Tim Austin (agent)

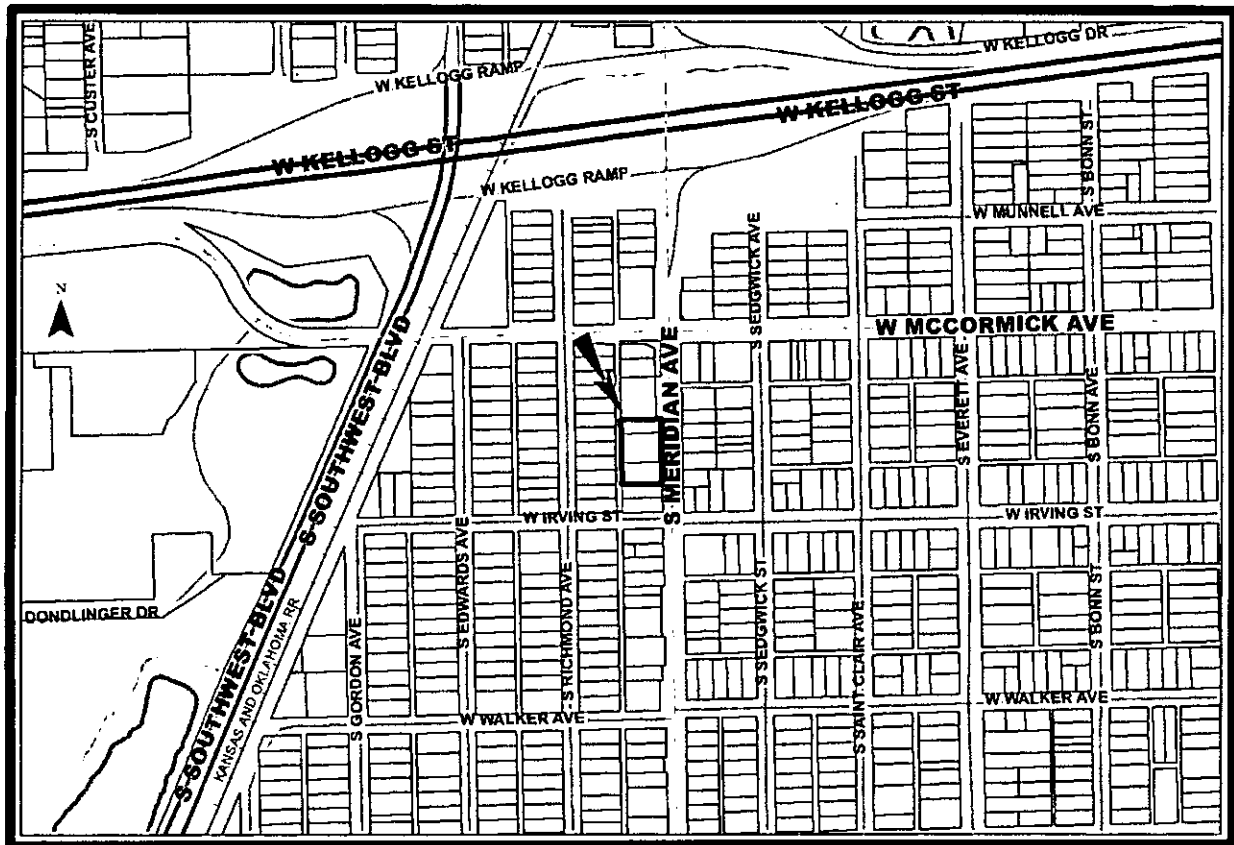
REQUEST: LC Limited Commercial District

CURRENT ZONING: MF-29 Multi-Family Residential District

SITE SIZE: 0.67-acres

LOCATION: Generally located on the west side of Meridian Street, approximately 300' south of McCormack Avenue (1031 S. Meridian)

PROPOSED USE: Retail building



BACKGROUND: The applicant is requesting a rezoning from MF-29 Multi-Family Residential District (MF-29) to LC Limited Commercial District (LC). The property is a 1.6-acre site improved with a single-family home and accessory building located at 1031 South Meridian Street, the west side of South Meridian Street, 300' south of West McCormick Avenue.

The applicant believes the site can best be developed with a retail use to serve the nearby neighborhood. While the proposed LC would allow a variety of commercial uses at this location, a general retail use as envisioned by the applicant would be the most appropriate use of the property. There is similar LC zoning north of the subject property so the zoning request is compatible existing zoning in the area.

A Protective Overlay (PO) has been submitted by the applicant as an approach to provide the most desirable development at the property. This overlay would limit uses to those permitted in the NR Neighborhood Retail District (NR), prohibit outdoor storage and adds restrictions on lighting and building design. The PO language includes a maximum retail building size of 8,500 square feet, and increase over the 8,000 square foot maximum of the NR district.

The suggested language of the PO is listed below:

1. All uses shall be limited to those allowed by right in the NR zoning district, EXCEPT that the maximum allowed size for a retail building shall be 8,500 square feet.
2. Property development standards shall be per the LC, Limited Commercial zoning district, except as modified by the Protective Overlay.
3. All parking lot lights shall be shielded and directed downward.
4. One pylon sign shall be allowed except no sign shall be greater than 100 square feet.
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8. Landscape and screening shall be per the landscape ordinance.
9. Maximum building height to be 35 feet.
10. Maximum building coverage shall not exceed 35 percent.

The property located north of the subject property is zoned LC and is improved with a retail building. South of the site is a single family home zoned MF-29. East of the site is are single family homes zoned MF-29, and a small office zoned NO Neighborhood Office (NO). To the west of the subject property are single family homes on South Richmond Avenue zoned a TF-3 Two-Family Residential District (TF-3).

CASE HISTORY: The property is platted as Lots 23 through 39 in Richmond's Addition, 1886.

ADJACENT ZONING AND LAND USE:

North:	LC	retail building
South:	MF-29	single-family home
East:	MF-29, NO	single-family home, office
West:	TF-3	single family residential

PUBLIC SERVICES: South Meridian Street is a fully improved commercial arterial streets. The site is served by all municipal and private utilities and services.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as residential. The site is in the Established Central Area

(ECA), and can be considered an area of opportunity for redevelopment. Neighborhood serving retail can be appropriate along arterial streets on small infill sites if the scale of design is suited for the area and desirable site design features are included. A commercial development of the site would provide greater tax base and employment opportunities.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends approval of the request. This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property located north of the subject property is zoned LC and is improved with a retail building. South of the site is a single family home zoned MF-29. East of the site is are single family homes zoned MF-29, and a small office zoned NO Neighborhood Office (NO). To the west of the subject property are single family homes on South Richmond Avenue zoned TF-3 Two-Family Residential District (TF-3).
2. The suitability of the subject property for the uses to which it has been restricted: The property may not be ideally suited for development with the existing MF-29 zoning. There is no multi-family development in the vicinity of the subject property and this indicates the area is not best suited for the existing zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed LC zoning would have no more significant impact than development with the existing MF-29 zoning. The multi-family zoning would permit a 45-foot building height. The PO would limit building height to 35 feet, providing less potential impact on nearby property. This helps demonstrate how the proposed Protective Overlay will provide restrictions on the site that will help prevent any adverse impact on nearby property.
4. Length of time the property has been vacant as currently zoned: This 1.6-acre site is developed with a single-family home. While the site is not vacant, it has not developed with a multi-family project utilizing the existing zoning. This would indicate that the MF-29 zoning is not ideally suited for the property.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita-Sedgwick County Comprehensive Plan, the Community Investments Plan, identifies the site as residential. The site is in the Established Central Area (ECA), and can be considered an area of opportunity for redevelopment. Neighborhood serving retail can be appropriate along arterial streets on small infill sites if the scale of design is suited for the area and desirable site design features are included. A commercial development of the site would provide greater tax base and employment opportunities.
7. Impact of the proposed development on community facilities: Development of the property would not have any impact on community facilities or resources. All public improvements are available to serve the property.

Staff Report Attachments:

1. Zoning Exhibit

