

May 4, 2018

ORDINANCE NO. 50-699

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. ZON2018-00010

City zone change from SF-5 Single-Family Residential to LC Limited Commercial zoning with Protective Overlay #324; described as:

Lots 3 & 5, Block B, West Maple Gardens Addition; and Lot 1, Ernest Jordan Addition, except the south 333.58 feet; and vacated University Street between the east line of Brummett and the west line of Julia.

The proposed Protective Overlay #324 reads as follows:

1. The following uses shall not be permitted: convenience store; drive-thru restaurant; cemetery; correctional placement residence; golf course; halfway house; recycling collection station; reverse vending machine; animal care, general; car wash; kennel; marine facility, recreational; night club; pawnshop; printing and publishing, general; recreation and entertainment, outdoor; and recreational vehicle campground.
2. A six-foot high masonry wall shall be constructed parallel to the west property line. A 15-foot landscaped buffer shall be provided along the entire length of the west property line on the west side of the masonry wall. The landscaped buffer shall be planted with one (1) shade tree or two (2) ornamental trees per 30 lineal feet of frontage along Brummett, if used for other than residential purposes. If used for residential purposes, there shall be an eight-foot landscape buffer planted with one (1) shade tree or two (2) ornamental trees per 30 lineal feet of frontage along Brummett.
3. If the vacant property north of the site develops with residential uses, a 6-foot high masonry wall shall be constructed along the north property line.
4. Light poles shall be limited to a maximum height of 14 feet.

If the site is used for commercial uses, building exteriors shall share uniform architectural character and shall be predominantly earth-tone colors with vivid colors limited to incidental accent. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings shall not be permitted.

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.

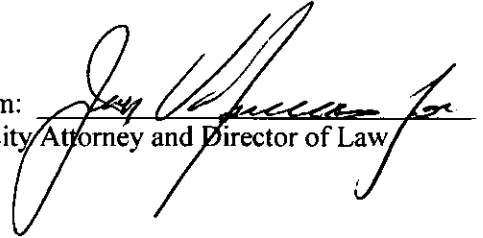

Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



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



DAB IV April 2, 2018

BACKGROUND: The subject site is zoned SF-5 Single-Family Residential (SF-5). The applicant is requesting LC Limited Commercial (LC) zoning to build eight (8) four-plex units for senior housing. The applicant is applying for Low Income Housing Tax Credits (LIHTC) to finance the project. Should funding not be allocated, the applicant wants to use the property for commercial development with a Protective Overlay #324 to limit uses, define screening and landscaping, and create architectural controls.

The proposed Protective Overlay #324 reads as follows:

1. The following uses shall not be permitted: convenience store; drive-thru restaurant; cemetery; correctional placement residence; golf course; halfway house; recycling collection station; reverse vending machine; animal care, general; car wash; kennel; marine facility, recreational; night club; pawnshop; printing and publishing, general; recreation and entertainment, outdoor; and recreational vehicle campground.
2. A six-foot high masonry wall shall be constructed parallel to the west property line. A 15-foot landscaped buffer shall be provided along the entire length of the west property line on the west side of the masonry wall. The landscaped buffer shall be planted with one (1) shade tree or two (2) ornamental trees per 30 lineal feet of frontage along Brummett, if used for other than residential purposes. If used for residential purposes, there shall be an eight-foot landscape buffer planted with one (1) shade tree or two (2) ornamental trees per 30 lineal feet of frontage along Brummett.
3. If the vacant property north of the site develops with residential uses, a 6-foot high masonry wall shall be constructed along the north property line, if the site is used for other than residential purposes.
4. Light poles shall be limited to a maximum height of 14 feet.
5. If the site is used for commercial uses, building exteriors shall share uniform architectural character and shall be predominantly earth-tone colors with vivid colors limited to incidental accent. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings shall not be permitted.

Properties north, east and west of the subject site are zoned SF-5 and developed with single-family dwellings. The property south of the site is zoned LC with PO#82 with similar use limitations and screening requirements. That LC zoned lot is currently undeveloped.

CASE HISTORY: West Maple Gardens Addition was recorded with the Sedgwick County Register of Deeds February 1, 1956.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	Single-family residential
SOUTH: LC	Undeveloped
WEST: SF-5	Single-family residential
EAST: SF-5	Single-family residential

PUBLIC SERVICES: The proposed site has access to West Maple Avenue and West Taft Avenue from South Julia Street. Maple is a four-lane arterial street with a dedicated center turn lane. Taft is a collector street with travel in both directions. Sewer and water are in proximity to the site, but will have to be extended to serve the proposed project.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as being located within the Established Central Area. The Future Growth Concept Map identifies the area as New Residential. New Residential Growth will likely be developed or redeveloped by 2035 as predominately residential with pockets of major institutional and commercial uses. Locational guidelines further encourage infill development that maximizes public investment in existing infrastructure along arterial streets.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to the following provisions of PO #324:

1. The following uses shall not be permitted: convenience store; drive-thru restaurant; cemetery; correctional placement residence; golf course; halfway house; recycling collection station; reverse vending machine; animal

care, general; car wash; kennel; marine facility, recreational; night club; pawnshop; printing and publishing, general; recreation and entertainment, outdoor; and recreational vehicle campground.

6. A six-foot high masonry wall shall be constructed parallel to the west property line. A 15-foot landscaped buffer shall be provided along the entire length of the west property line on the west side of the masonry wall. The landscaped buffer shall be planted with one (1) shade tree or two (2) ornamental trees per 30 lineal feet of frontage along Brummett, if used for other than residential purposes. If used for residential purposes, there shall be an eight-foot landscape buffer planted with one (1) shade tree or two (2) ornamental trees per 30 lineal feet of frontage along Brummett.
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3. Light poles shall be limited to a maximum height of 14 feet.
4. If the site is used for commercial uses, building exteriors shall share uniform architectural character and shall be predominantly earth-tone colors with vivid colors limited to incidental accent. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings shall not be permitted.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** Properties north, east and west of the subject site are zoned SF-5 and developed with single-family dwellings. The property south of the site is zoned LC with PO#82 with similar use limitations, screening and LC zoned lot is currently undeveloped.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** According to the city aerials dating back to 1938, this property has remained undeveloped. Properties south of West Taft Avenue have been developed with general commercial and limited commercial uses limiting the desire to develop the subject site with single-family residential.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested PO #324 allows the area to be developed with higher density multi-family uses in addition to limiting more intensive uses allowed in the LC zoning district such as convenience store; drive-thru restaurant; correctional placement residence; night club; pawnshop; recreation and entertainment, outdoor; and recreational vehicle campground.
- (4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would allow additional residential housing to be developed that cater to senior needs which are lacking in this area.
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as being located within the Wichita Urban Growth Area and the South Wichita/Haysville Neighborhood Plan. The Future Growth Concept Map identifies the area as New Residential. New Residential Growth will likely be developed or redeveloped by 2035 as predominately residential with pockets of major institutional and commercial uses. Locational guidelines further encourage infill development that maximizes public investment in existing infrastructure along arterial streets.
- (6) **Impact of the proposed development on community facilities:** Sewer and water mains are located in proximity to the proposed development, but will have to be extended.

Attachment: Proposed site plan

KREHBIEL
ARCHITECTURE

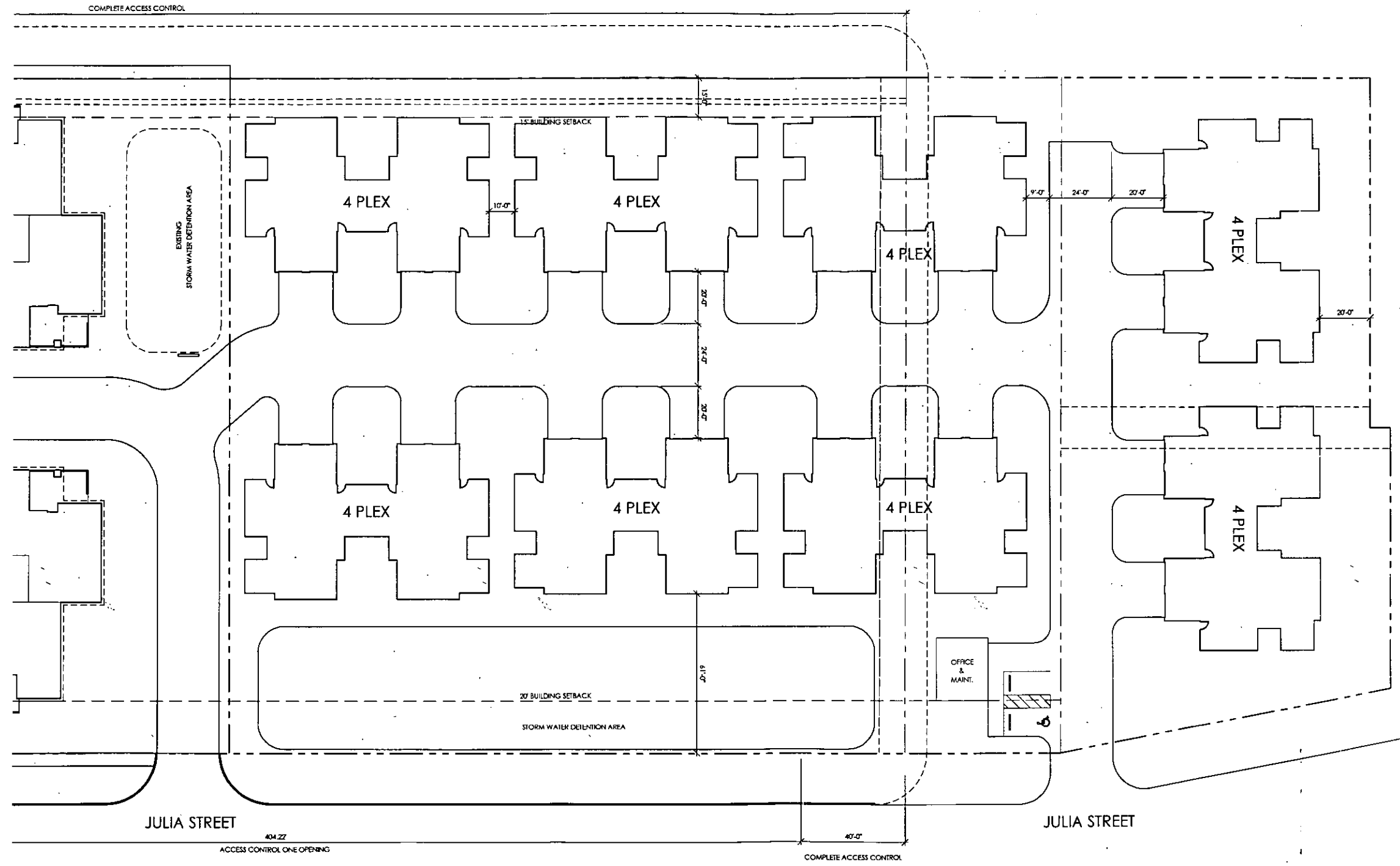
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Wichita KS 67211
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314.267.8844 fax
krehbielarchitecture.com

DATE

VINTAGE COURT
WICHITA, KS

PROJECT NO.
17040
SHEET TITLE
ARCHITECTURAL SITE PLAN

SHEET NO.
SA1.1
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A SITE DEVELOPMENT PLAN
1"=20'-0"

NORTH

SITE DATA
16 - 1 BEDROOM UNITS
16 - 2 BEDROOM UNITS