

PUBLISHED IN THE WICHITA EAGLE ON Jan. 11, 2019

ORDINANCE NO. 50-914

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. ZON2018-00045

City zone change from GO General Office District to LC Limited Commercial District described as:

The East 200 feet of the South 220 feet of Lot 2, Block 2, Park Meadows Estates, Wichita, Sedgwick County, Kansas.

Subject to the following Protective Overlay (**PO #88**):

1. The property shall be restricted to only uses permitted in the GO General Office Zoning District; except the following uses shall not be permitted: group residence, limited; group residence, general; correctional placement residence, limited; correctional placement residence, general; and hotel or motel.
2. The east 200 feet of the south 225 feet of Lot 2, Block 2, Park Meadow Estates Addition, shall be permitted a bank or financial institution use.
3. Signage on the east 200 feet of the south 225 feet of Lot 2, Block 2, Park Meadow Estates Addition shall be limited to one ground/monument sign limited in height to 22 feet and no more than 100 square feet in area, with any electronic message signage limited in size to no more than 50 square feet; provided no ground sign shall be permitted along Todd Street and no off-site signs or billboards or temporary signs are permitted.
4. Buildings shall be limited to a maximum height of 45 feet.
5. No changes to the access to Harry Street or Todd Street shall be permitted.
6. The applicant shall submit a site plan for approval by the Planning Director and Traffic Engineer prior to any modifications to the existing building that changes the configuration of the existing building size or layout or modifies the parking.

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 this 8 day of Jan., ~~2018.~~ ²⁰¹⁹


Jeff Longwell, Mayor

ATTEST:


Ser Karen Sublett, City Clerk



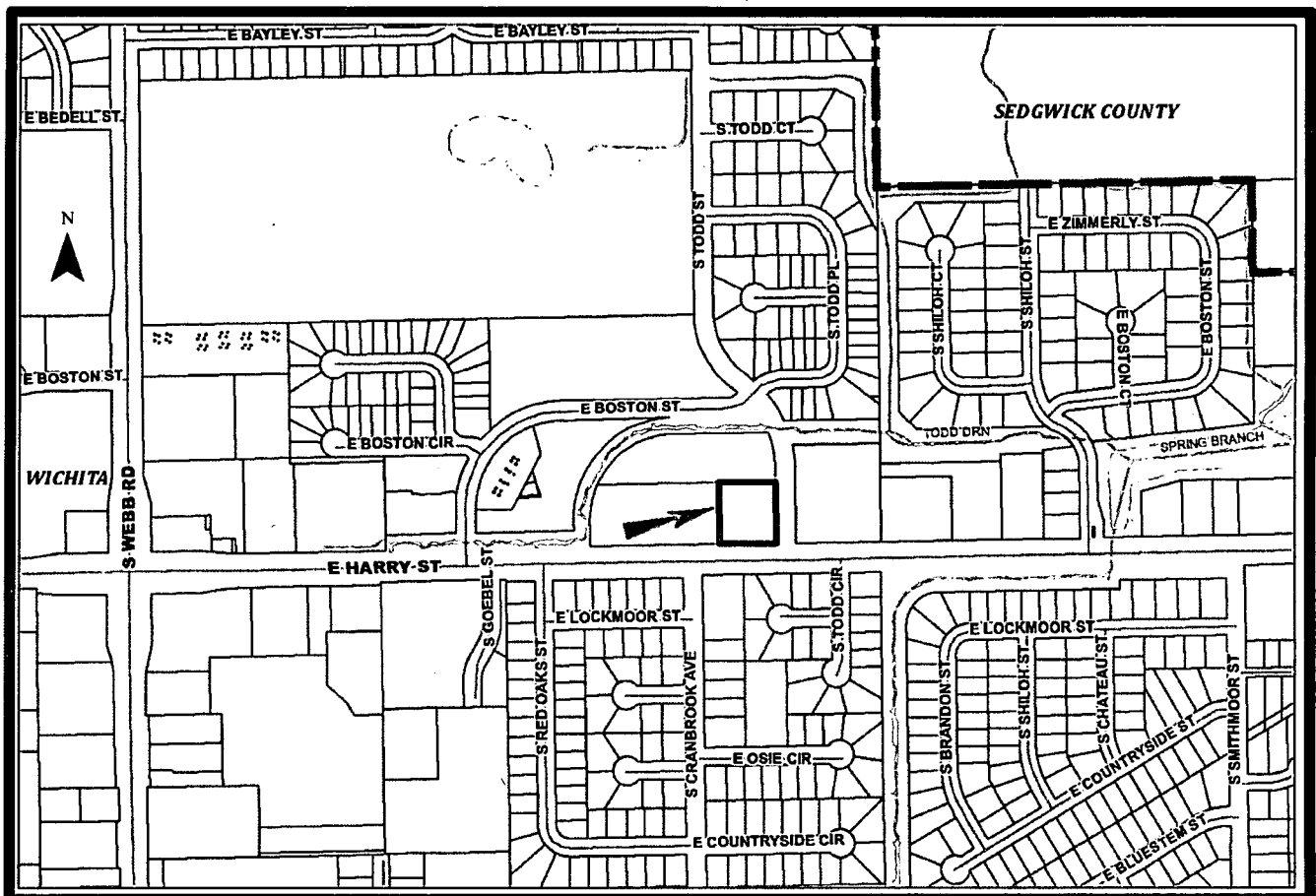
Approved as to form: 
Jennifer Magaña, City Attorney and Director of Law



STAFF REPORT

MAPC November 15, 2018
DAB II November 13, 2018

- CASE NUMBER:** ZON2018-00045
- APPLICANT/AGENT:** Credit Union of America (Owner)/Levi Bond – Kaw Valley Engineering, Inc. (Agent)
- REQUEST:** LC General Commercial
- CURRENT ZONING:** GO General Office
- SITE SIZE:** 1.03 acres
- LOCATION:** Located on the northwest corner of Harry Street and Todd Street approximately 1/2-mile east of Webb Road (10222 East Harry Street)
- PROPOSED USE:** Permit larger on-site signage



BACKGROUND: The applicant is requesting the change in zoning to LC Limited Commercial to increase the sign size rights available in the LC District. The all of Lot 2 of Block 2 was rezoned from MF-18 Multiple-Family Residential to GO General Office in 2001 and a Conditional Use Permit at the same time on the East 200 feet of the south 225 feet of Lot 2 for a bank or financial institution (ZON2000-00066 and CON2000-00062). There was also a Protective Overlay (PO #88) established with the rezoning to GO for all of Lot 2 with the following restrictions:

1. The following uses shall not be permitted: group residence, limited; group residence, general; correctional placement residence, limited; correctional placement residence, general; and hotel or motel.
2. Residential development shall be limited to a maximum density of 17.4 dwelling units per acre.
3. Buildings shall be limited to a maximum height of 45 feet.
4. Prior to the issuance of a building permit, the applicant shall submit a site plan for approval by the Planning Director and Traffic Engineer and shall develop the site in general conformance with the approved site plan. The applicant shall attempt to design the site with access drives that minimize turning movement conflicts by either aligning the western-most drive with Cranbrook or separating it from Cranbrook by at least 150 feet.

As noted below, the subject property had been involved in numerous requests in the past and the rezoning to GO was to allow the commercial conversion of this area at an intensity compatible with the surrounding properties and neighborhoods.

The surrounding neighborhood is a mixture of uses with the land immediately adjacent to the north and west being undeveloped and zoned GO General Office. Further to the west and northwest are properties zoned MF-18 Multiple-Family Residential and occupied with apartments. The property immediately to the east is zoned GO General Office and occupied by a church. Further to the east the property is zoned NR Neighborhood Retail and is undeveloped. The property to the south of Harry Street is zoned SF-5 Single-Family Residential and is occupied with single family homes.

CASE HISTORY: As noted above, there have been several past zoning actions on this property. A zone change request (SCZ-0270) to "C" Commercial was denied by the MAPC and withdrawn by the applicant on November 16, 1971. The subject property was platted as Lot 2, Block 2 Park Meadow Estates Addition on August 18, 1976. On September 27, 1976, the zoning on the subject property was changed (SCZ-0325) to "AA" One-Family and a Conditional Use (CU- 160) was approved for the establishment of a multi-family housing development with a gross density of 7 units per acre. The Official Zoning Map dated April 14, 1977, shows the zoning of the subject property as "R-5" General Residence with the restrictions of CU- 160 removed from the property, which appears to have been changed as a result of the property being annexed by the City of Wichita. On October 23, 1990, the Board of Zoning Appeals approved a use exception to permit a child care center in the "R-5" General Residence District subject to construction within one year; however, the use exception was declared null and void for failure to meet the construction deadline. When the Unified Zoning Code was adopted on March 4, 1996, the zoning of the subject property converted to "MF- 18" Multi-Family Residential. The present zoning of GO General Office with the Protective Overlay (PO #88) the Conditional Use for the bank and financial institution was granted in 2001 (ZON2000-00066 and CON2000-00062).

ADJACENT ZONING AND LAND USE:

NORTH:	GO	vacant
SOUTH:	SF-5	residential
EAST:	GO	church
WEST:	GO	vacant

PUBLIC SERVICES: East Harry Street is a four-lane arterial street. Todd Street is a two-lane residential street. The site is served by all municipal and private utilities and services.

ZON2018-00045

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is appropriate for “residential employment mix”. The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature. This request does not envision new development, but is desired only to address signage issues.

The overall spirit and intent of the existing use appears to be in conformance with the above stated policies and guidelines of the adopted Plans for the City of Wichita.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends approval of the request to rezone the subject property to LC Limited Commercial, subject to the amendment of Protective Overlay #88 such that it reads as follows:

Protective Overlay #88:

1. The property shall be restricted to only uses permitted in the GO General Office Zoning District; except the following uses shall not be permitted: group residence, limited; group residence, general; correctional placement residence, limited; correctional placement residence, general; and hotel or motel.
2. The east 200 feet of the south 225 feet of Lot 2, Block 2, Park Meadow Estates Addition, shall be permitted a bank or financial institution use.
3. Signage on the east 200 feet of the south 225 feet of Lot 2, Block 2, Park Meadow Estates Addition shall be limited to one ground/monument sign limited in height to 22 feet and no more than 100 square feet in area, with any electronic message signage limited in size to no more than 50 square feet; provided no ground sign shall be permitted along Todd Street and no off-site signs or billboards or temporary signs are permitted.
4. Buildings shall be limited to a maximum height of 45 feet.
5. No changes to the access to Harry Street or Todd Street shall be permitted.
6. The applicant shall submit a site plan for approval by the Planning Director and Traffic Engineer prior to any modifications to the existing building that changes the configuration of the existing building size or layout or modifies the parking.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding neighborhood is a mixture of single-family and apartment residential uses. The properties immediately to the north and west are zoned GO General Office (GO). The property on the east side of Todd Street is zoned GO General Office (GO). The properties south of Harry Street are zoned SF-5 Single-Family Residential (SF-5) and used residentially.
2. The suitability of the subject property for the uses to which it has been restricted: The property is presently used as a financial institution and no change in use is proposed.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed LC zoning with the proposed Protective Overlay will provide restrictions on the site that will help mitigate adverse impact on nearby property.
4. Length of time the property has been vacant as currently zoned: The property has been a properly zoned for many years.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is appropriate for “residential employment mix”. The residential/employment mix encompasses areas of land

that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature. This request does not envision new development, but is desired only to address signage issues.

The overall spirit and intent of the existing use appears to be in conformance with the above stated policies and guidelines of the adopted Plans for the City of Wichita.

7. Impact of the proposed development on community facilities: Rezoning of the property with the restrictions proposed would not have any impact on community facilities or resources. All public improvements are available to serve the property.