OCA 150004

(Published in the Wichita Eagle: 6/21/19)

ORDINANCE NO. 51-056

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. ZON2019-00010

City zone change from Neighborhood Retail District to LC Limited Commercial District described as:

The South ½ Lot 49, Westfield Acres Addition, Wichita, Sedgwick County, Kansas

Subject to the following amendment to Protective Overlay District #306

PROTECTIVE OVERLAY #306:

1. No off-site or portable signs shall be permitted on the subject property. No building signs shall be permitted on the face of any building that is adjacent to any property that is residentially zoned.

2. Signs shall be in accordance with the City of Wichita sign code, with the exception that signs shall be monument –style and limited to 15 feet in height. No LED signs shall be permitted.

3. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 15 feet. Light poles shall not be located within any setbacks.

4. Outdoor speakers and sound amplification systems shall not be permitted.

5. Trash pickup shall be limited to between the hours of 6:00 am to 10:00 pm.

6. No buildings shall exceed one story in height with a maximum building height of 25 feet.

7. At the time the site is developed, the owner shall install and maintain a 6-8 foot high screening fence/wall located parallel to the north and west property lines of the subject site, where it abuts existing residential zoning.

8. At the time the site is developed, landscaping shall be installed that meets the Landscape Ordinance and the fencing shall use galvanized steel posts.

9. All uses allowed in the NR Neighborhood Residential, including townhomes (3 single-family homes on one lot), are allowed, except the following: duplex; multi-family; correctional placement residence; recycling collection station; restaurant.

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

(SEAL)

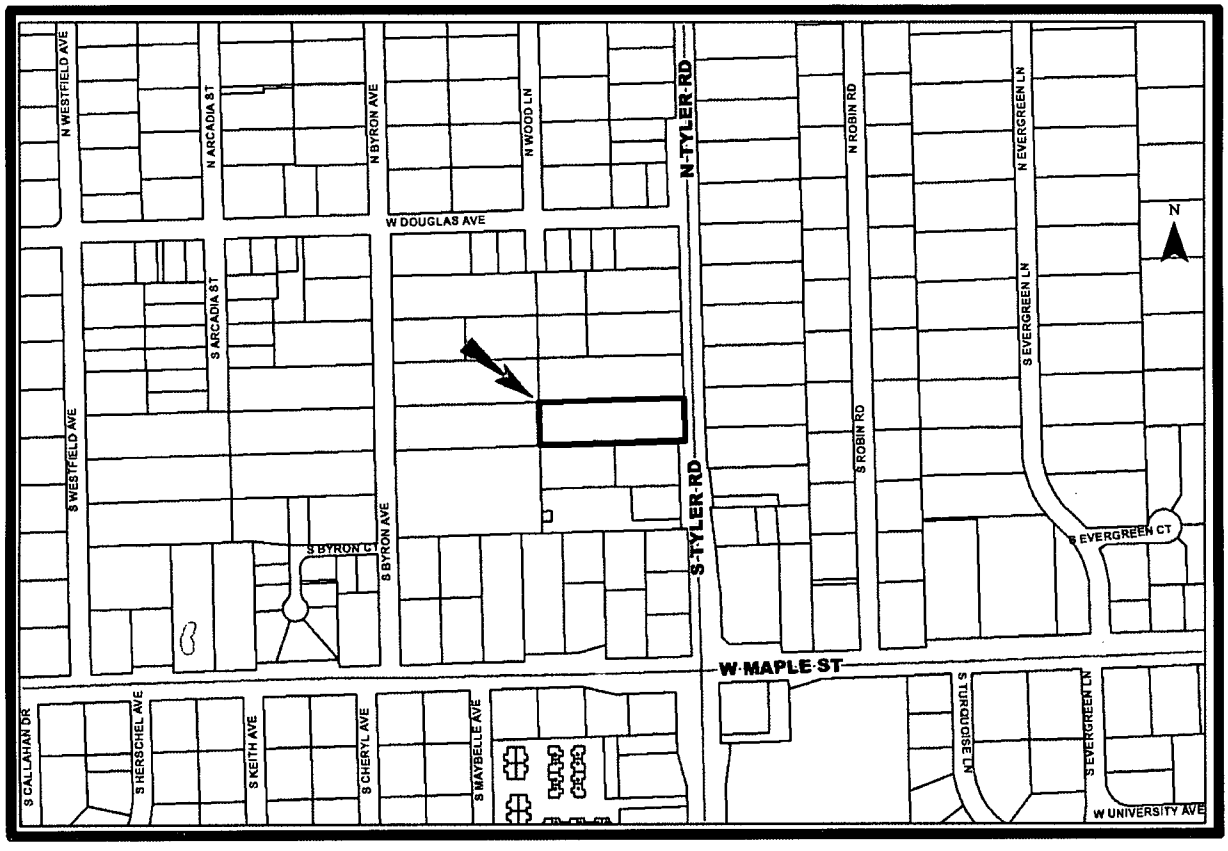
Approved as to form:
Jennifer Magaña, City Attorney and Director of Law

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 11

STAFF REPORT
MAPC-May 9, 2019
DAB V-May 5, 2019

CASE NUMBER:	ZON2019-00010
APPLICANT/AGENT:	Dr. April Horn and Dr. Monica Moore (applicants) / Stan Lanwehr, WDM Architects (agent).
REQUEST:	LC Limited Commercial and Amendment to Protective Overlay #306
CURRENT ZONING:	NR Neighborhood Retail
SITE SIZE:	1.26 acres
LOCATION:	The west side of South Tyler Road approximately one-quarter mile north of West Maple Street (157 S Tyler Road).
PROPOSED USE:	Veterinary Hospital (small animal).



BACKGROUND: This application was filed to rezone the subject property from NR Neighborhood Retail to LC Limited Commercial. In addition, the applicant is requesting to amend Protective Overlay #306 to allow Animal Care, Limited as a permitted use. The subject property is located on the west side of South Tyler Road approximately one-quarter mile north of West Maple Street and is currently vacant.

The applicant is requesting to amend items 1 and 9 of PO #306. The current PO states the following conditions:

1. No off-site or portable signs shall be permitted on the subject property. No building signs shall be permitted on the face of any building that is adjacent to any property that is residentially zoned.

9. All uses allowed in the NR Neighborhood Residential, including townhomes (3 single-family homes on one lot), are allowed, except the following: duplex; multi-family; correctional placement residence; recycling collection station; restaurant.

The applicant is requesting to amend Item 1 to allow building signage on the east wall of the proposed building facing Tyler Road, where residentially-zoned property is located across the street. The applicant is requesting to amend Item 9 to allow the proposed Animal Care, Limited use as permitted in the LC district to correspond to the requested zone change.

There are several areas of LC zoning in the immediate area of the subject property. Several properties surrounding the nearby intersection of West Maple Street and South Tyler Road are zoned LC. The property abutting the subject site to the north and west are zoned SF-5 Single Family. The PO restricting use on the subject property to NR with stated exceptions will continue to serve as a buffer between the LC zoned property to the south and the SF-5 property to the north and west. Property to the southeast across Tyler Road is zoned LC abutting SF-5 property to the north with PO #310 requiring landscaping along the north property line at 1.5 times the required landscaping per the City of Wichita Landscape Ordinance.

CASE HISTORY: ZON2016-00013 with Protective Overlay #306. This case requested a zone change from SF-5 to LC with a Protective Overlay. At the May 5, 2016 Metropolitan Area Planning Commission Meeting, concerns were raised regarding commercial uses being allowed the property. During the meeting, the Commission worked with the agent and came to an agreement on rezoning the property to NR with a Protective Overlay that prohibited multi-family, duplexes, and restaurant uses in addition to sign restrictions and limitation on trash pick-up times. The property is platted as the South ½ Lot 49, Westfield Acres Addition, March 11, 1930.

ADJACENT ZONING AND LAND USE:

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

PUBLIC SERVICES: South Tyler Road is a fully improved arterial street. All municipal utilities serve this property.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept Map of the Community Investments Plan depicts the site as appropriate for "residential" use. The "residential" use category encompasses areas that reflect the full diversity of residential development densities and types

typically found in a large urban municipality. However, directly south of the subject site, that property is depicted as appropriate for "industrial" uses. The "industrial" use category encompasses areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality. The Locational Guidelines of the Community Investments Plan indicate that commercial and employment centers should be located at intersections of arterial streets. The requested zone would expand the size of the commercial center permitted at the intersection of Tyler Road and Maple Street. This property is not in the Establish Central Area, but is a good example of infill development.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it is recommended the application be **APPROVED** with the following amendments to Protective Overlay #306.

1. No off-site or portable signs shall be permitted on the subject property. No building signs shall be permitted on the face of any building that is adjacent to any property that is residentially zoned. Building signs are permitted on the east elevation of the subject property adjacent to the South Tyler Road right-of-way.

9. Animal Care, Limited and all uses allowed in the NR Neighborhood Residential, including townhomes (3 single-family homes on one lot) are allowed, except the following uses are prohibited: duplex; multi-family; correctional placement residence; recycling collection station; restaurant.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties north, west and east (across Tyler Road) of the subject site are zoned SF-5 Single-family Residential and are developed with single-family residences. Property south of the subject site is zoned LC and is developed with a warehouse and office development.

2. The suitability of the subject property for the uses to which it has been restricted: The site is bordered by LC development to the south. Across Tyler Road to the east, the properties are zoned SF-5 and developed with residential uses. The property is zoned NR Neighborhood Retail which permits by-right several residential uses in addition of some civic and commercial uses such as churches, some institutions, banks, general offices and retail, and personal care services. However Protective Overlay limits permitted residential uses to single-family, accessory apartment, assisted living, and group home or residence. It also prohibits correctional placement residents and recycling collection station. Presumably the site could be redeveloped with single-family residences that would have the potential to provide an economic return or continue to be undeveloped; however, the site's adjacency to a heavy commercial use and an arterial street could limit its marketability as a residential property. The site could also be redeveloped into a number of civic or commercials uses as permitted in NR.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The recommended provisions of the Protective Overlay regarding uses, signage, lighting, screening, and landscaping should mitigate any increased negative impact on nearby residential property.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Given the nearby commercial uses and the location of the property on a major arterial street, SF-5 zoning could cause economic hardship to the owner. LC zoning with the conditions outlined in PO #306 is appropriate for this location and provides economic viability of the property for the owner.

5. Length of time the property has been vacant as currently zoned: The site had a single-family house that appears to have been vacant for multiple years given the state of deterioration that was evident that has since been removed from the site.

6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept Map of the Community Investments Plan depicts the site as appropriate for "residential" use. The "residential" use category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. However, directly south of the subject site, that property is depicted as appropriate for "industrial" uses. The "industrial" use category encompasses areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality. The Locational Guidelines of the Community Investments Plan indicate that commercial and employment centers should be located at intersections of arterial streets. The requested zone would expand the size of the commercial center permitted at the intersection of Tyler Road and Maple Street.

7. Impact of the proposed development on community facilities: Existing or proposed improvements are in place to address anticipated demands.

Staff Report Attachments:

1. Area Map
2. Zoning Map
3. Land Use Map
4. ZON2016-00013 and PO #306
5. Site Pictures