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ORDINANCE NO.

48-586

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. ZON 2010-00031

Zone change request from LI Limited Industrial to LC Limited Commercial and MF-18 Multi-family Residential on property described as:

LC (11.61 acres): Lots 2, 3 and 4, Block A, Stoney Pointe Addition, Wichita, Sedgwick County, Kansas.

MF-18 (34.16 acres): Lot 1, Reserves A, B, C and D, Block A, Stoney Pointe Addition, Wichita, Sedgwick County, Kansas.

Generally located on the south side of 29th Street North, east of Greenwich Road.

SUBJECT TO THE FOLLOWING AMENDED PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #74 in effect for properties zoned MF-18 and LC:

Item 1 shall be amended to add: All uses permitted in the MF-18 zoning district as allowed by the Unified Zoning Code for property described by the rezoning application. The development shall be generally in conformance to the site plan and documentation attached to the case, or shall be of equivalent or lesser intensity. All uses permitted in the LC zoning district as allowed by Unified Zoning Code for property described by rezoning application.

Item 2 shall be amended as follows: Unless otherwise noted herein, all provisions of original Protective Overlay #74 shall not be applicable to land rezoning requested as noted by properties described by rezoning request (MF-18 & LC); instead to be governed by these protective overlay provisions contained herein. However, the provisions of original Protective Overlay #74 shall be binding to all properties not requested for rezoning to MF-18 & LC or any portion of land included in the remaining portion of land zoned LI with existing Protective Overlay #74. Transfer of title on all or any portion of the land does not constitute a termination of the plan or any portion thereof; but said plan shall run with the land for development and be binding upon the present land owner, their successors and assigns and their lessees unless amended. However, the Planning Director, with the concurrence of the OCI Superintendent, may approve minor adjustments to the conditions of this overlay, consistent with the approved development plan, without filing a formal amendment.

Item 3 shall be amended to add: Minimum setback requirements for the designated MF-18 parcel shall be as required by the Unified Zoning Code. Minimum setback requirements for the LC parcel shall have a front setback of 25 feet, rear – 35 feet, interior side- 15 feet and street side yard of 25 feet.

Item 4 shall be retained as: Outdoor storage and work areas shall not be located in front yard setback areas, and shall be screened from view of all internal and external streets and other ownerships within and abutting the property.

Item 5 shall be amended to add: Height: Maximum height for structures in LC shall be 40 feet. Maximum height for MF-18 shall be 45 feet.

Item 6 shall be amended to add: Signs: All property within Protective Overlay #74 (including those tracts zoned LI, LC and MF-18 zoned properties) shall be treated as one zoning lot, per the Wichita Sign Code Section 24.04.185.2.j. No signs with rotating or flashing lights shall be permitted, nor shall portable signs be permitted. An exception area(s) not greater than 35' x 35' shall be reserved in the LC parcel to allow identification signs for the MF-18 development. This exception area(s) shall be located along future 27th Street North at street(s) that connect from the MF-18 parcel to 27th Street North. All signs shall be monument signs internally illuminated or shielded external lighting. All signs shall comply with the standards of the City of Wichita Sign Code.

Item 7 shall be amended to add: No certificate of occupancy shall be issued for any buildings without municipal water and sewer service.

Item 8 shall be amended to add: Cross-lot circulation is to be provided for all lots development in the LC zoning classification for retail, commercial and office uses through the approval of site plans by the Director of Planning.

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.

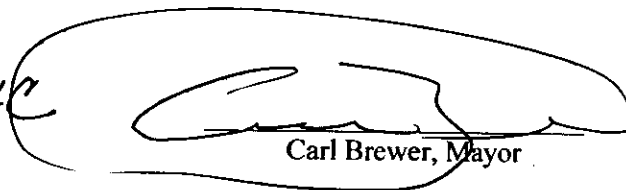
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 12 day of April, 20 11.

ATTEST:


Karen Sibley, City Clerk




Carl Brewer, Mayor

APPROVED AS TO FORM:


Gary E. Rebenstorf, Director of Law
By SUD

City of Wichita
City Council Meeting
October 19, 2010

TO: Mayor and City Council

SUBJECT: ZON2010-00031 – City zone change from LI Limited Industrial to MF-18 Multi-Family Residential and LC Limited Commercial and amendment to Protective Overlay #74; generally located south of 29th Street North and one-fourth to one-half mile east of Greenwich Road. (District II)

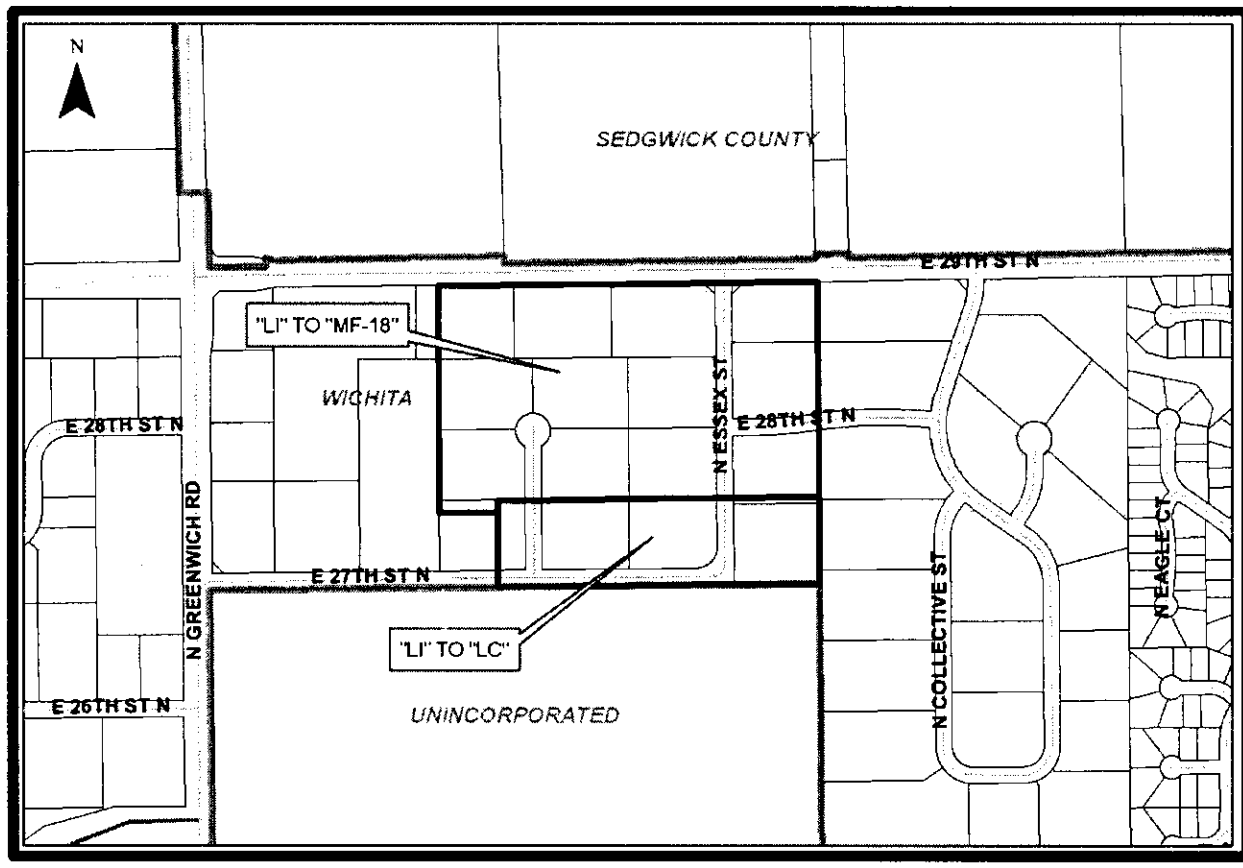
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve subject to amendment of PO #74 and to replatting within one year and maintaining the improvements guaranteed by the original plat (13-0).

MAPD Staff Recommendation: Approve subject to amendment of PO #74 and to replatting within one year and maintaining the improvements guaranteed by the original plat.

DAB Recommendation: Approve subject to amendment of PO #74 and to replatting within one year and maintaining the improvements guaranteed by the original plat (8-0).



BACKGROUND: This is a request for a City zone change from LI Limited Industrial ("LI") to MF-18 Multi-Family Residential ("MF-18") and LC Limited Commercial ("LC") and to amend Protective Overlay #74 to correspond with the zone change request. The property is generally located south of East 29th Street North and one-fourth to one-half mile east of North Greenwich Road. It is 45.77 acres in size, with 34.16 acres requested for MF-18 zoning and 11.61 acres requested for LC zoning. The contract purchaser has submitted a thorough analysis of the site for development of the 34.16 acres requested for MF-18 zoning with 438 apartment units. As shown on the proposed garden apartment site plan, the overall density would be 12.8 dwelling units per acre, well below the allowable 18 dwelling units in the MF-18 zoning district. The proposed project incorporates the site characteristics and shows extensive earth berms and landscaping for screening of parking lots both within and off-site. The amount of parking proposed is well beyond Unified Zoning Code ("UZC") requirements. Please see the attached submittal.

The property currently is vacant. It was rezoned from RR Rural Residential ("RR") to LI subject to Protective Overlay #74 in 2000 and platted in 2007 as part of Greenwich Business Addition. The Greenwich Business Addition plat includes approximately 30 acres to the west between this proposed tract and Greenwich Road, which is being retained for future development by the current owner and would remain subject to the LI zoning with PO #74 provisions. The plat also includes the 80-acre tract to the east that was rezoned LI and is subject to PO #155.

The property to the north is a large agricultural tract zoned RR. USD #375 owns a large tract north of the agricultural land that has split zoning of LC and MF-18; a new elementary school is located on the LC portion, and the rest is vacant for future use. The land to the northeast is a Westar substation and two farmsteads on large acreages. A Westar transmission line separates the property from the vacant 80-acre LI property to the east. The remaining quarter-section lying one-fourth mile east of this site is zoned SF-5 and is being developed as a single-family residential subdivision. The land to the south is being developed with a medical office facility. A large industrial park zoned LI is located west of Greenwich Road. The industrial park includes some typical office-warehouse types of uses, a retail strip center at the corner of 29th Street North and Greenwich Road, a home improvement center (Star Lumber) and a City of Wichita park complex with soccer fields and baseball fields (on property zoned SF-5).

Analysis: At the District II Advisory Board meeting held September 13, 2010, the District Advisory Board voted (8-0) to recommend approval subject to staff recommendations. At the Metropolitan Area Planning Commission (MAPC) meeting held September 9, 2010, the MAPC voted (13-0) to approve subject to the staff recommendations. One citizen spoke about the impact of the development on her property and the increase in traffic on the road. No protests have been received.

The recommendations of MAPC are to **APPROVE** subject to the following:

- A. Approve zone change from LI to MF-18 and LC, subject to replatting within one year and maintaining of the improvements guaranteed by the original plat.
- B. Amend Protective Overlay #74 to add the following provisions for properties zoned **MF-18 and LC**:
 - 1. **Uses**: Add: All uses permitted in the MF-18 zoning district as allowed by the Unified Zoning Code for property described by the rezoning application. The development shall be generally in conformance to the site plan and documentation attached to the case, or shall be of equivalent or lesser intensity. All uses permitted in the LC zoning district as allowed by Unified Zoning Code for property described by rezoning application.
 - 2. Unless otherwise noted herein, all provisions of original Protective Overlay #74 shall not be applicable to land rezoning requested as noted by properties described by rezoning request (MF-18 & LC); instead to be governed by these protective overlay provisions contained herein. However, the provisions of original Protective Overlay #74 shall be binding to all properties not

requested for rezoning to MF-18 & LC or any portion of land included in the remaining portion of land zoned LI with existing Protective Overlay #74. Transfer of title on all or any portion of the land does not constitute a termination of the plan or any portion thereof; but said plan shall run with the land for development and be binding upon the present land owner, their successors and assigns and their lessees unless amended. However, the Planning Director, with the concurrence of the OCI Superintendent, may approve minor adjustments to the conditions of this overlay, consistent with the approved development plan, without filing a formal amendment.

3. Minimum setback requirements for the designated MF-18 parcel shall be as required by the Unified Zoning Code. Minimum setback requirements for the LC parcel shall have a front setback of 25 feet, rear – 35 feet, interior side- 15 feet and street side yard of 25 feet.
4. Outdoor storage and work areas shall not be located in front yard setback areas, and shall be screened from view of all internal and external streets and other ownerships within and abutting the property.
5. Height: Maximum height for structures in LC shall be 40 feet. Maximum height for MF-18 shall be 45 feet.
6. Signs: All property within Protective Overlay #74 (including those tracts zoned LI, LC and MF-18 zoned properties) shall be treated as one zoning lot, per the Wichita Sign Code Section 24.04.185.2.j. No signs with rotating or flashing lights shall be permitted, nor shall portable signs be permitted. An exception area(s) not greater than 35' x 35' shall be reserved in the LC parcel to allow identification signs for the MF-18 development. This exception area(s) shall be located along future 27th Street North at street(s) that connect from the MF-18 parcel to 27th Street North. All signs shall be monument signs internally illuminated or shielded external lighting. All signs shall comply with the standards of the City of Wichita Sign Code.
7. No certificate of occupancy shall be issued for any buildings without municipal water and sewer service.
8. Cross-lot circulation is to be provided for all lots development in the LC zoning classification for retail, commercial and office uses through the approval of site plans by the Director of Planning.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the zone change and amendment to Protective Overlay #74; and authorize the Mayor to sign the ordinance, and withhold the publication of the ordinance until the plat is recorded (simple majority vote required).

Attachments:

- Ordinance
- Site plan
- MAPC Minutes
- DAB II report
- Booklet provided by contract purchaser