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ORDINANCE NO.

49040

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. ZON2009-00037

Zone change request from SF-20 Single-family Residential to GO General Office on property described as:

Lot 1, Block A, Greiffenstein Square Addition, Wichita, Sedgwick County, Kansas.

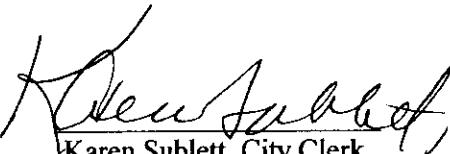
Generally located on the south side of 21st Street North, east of 135th Street West.

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 19 day of July, 2011.

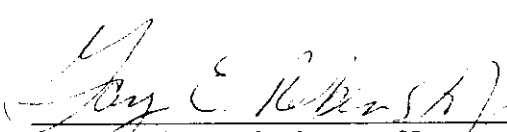
ATTEST:


Karen Sublett, City Clerk

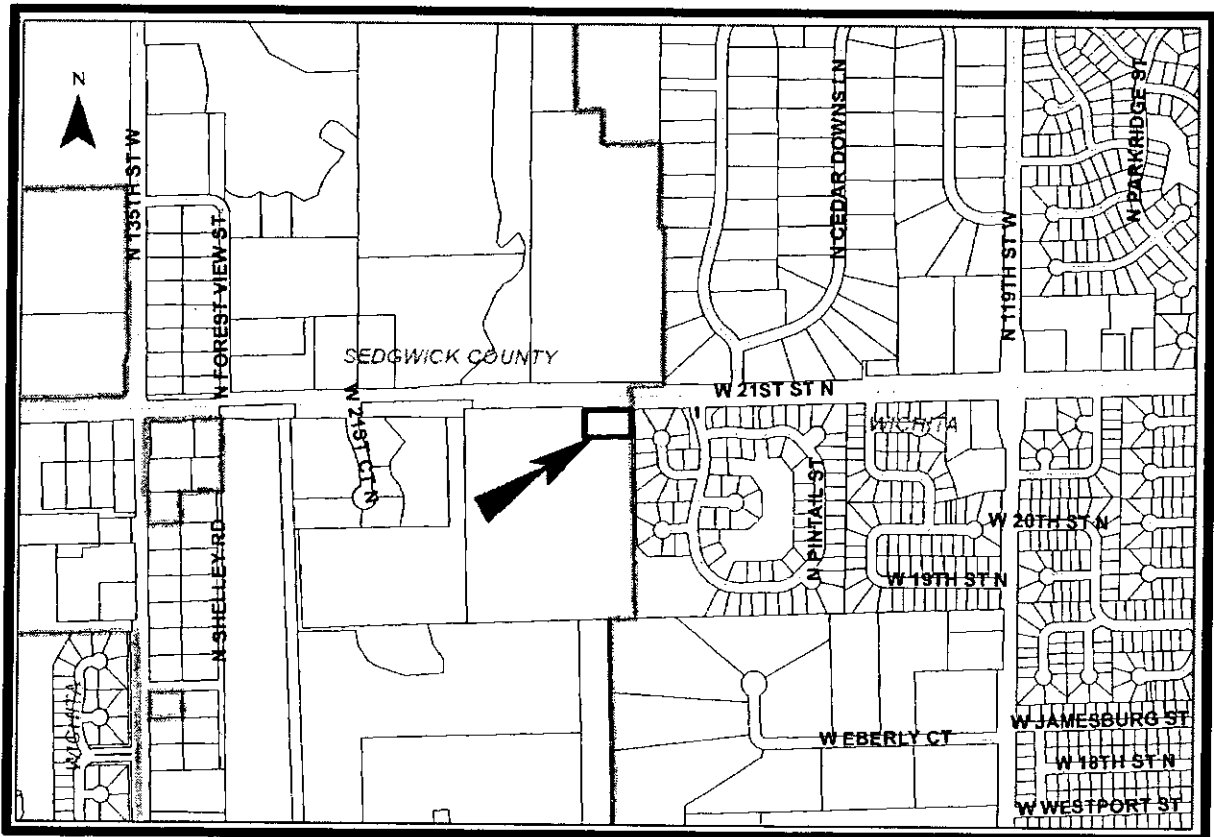

Carl Brewer, Mayor

(SEAL)

APPROVED AS TO FORM:


Gary E. Rebenstorf, Director of Law

B3 J20



Background: The applicant was originally seeking LC Limited Commercial (“LC”) zoning for an unplatted, undeveloped, SF-20 Single-family Residential (“SF-20”) tract that is just less than one acre in size and is located south of West 21st Street North, one-half mile west of North 119th Street West. However, after filing the application, the request was amended to GO General Office (“GO”) instead of LC. The applicant’s agent indicated it was the applicant’s intention to build an office building, which does not require LC zoning. The application area is part of a larger 29.15-acre tract owned by the applicant that has a residence with the balance of the property used for agricultural activities. The tract is proposed to have 275 feet of frontage along 21st Street and be 158 feet deep.

On average, office uses generate 11 daily trips (ADT) per 1,000 square feet of floor area. The site is approximately 43,429 square feet. Developed at thirty percent, the site could have 13,028 square feet of floor area that could yield approximately 143 average daily trips to the site. The total square footage that may be built could be impacted by its proximity to the floodplain.

East of the application area is a developed single-family residential subdivision, Teal Brook Estates, zoned SF-5 Single-family Residential (“SF-5”). The land to the south and west is owned by the applicant, is zoned SF-20, has a residence and is also used for agricultural activities. Land to the north, across 21st Street, is zoned SF-20 or SF-5 Single-family Residential (“SF-5”) and is either vacant or developed with a single-family subdivision, Cedar Downs Addition.

The GO district permits building heights up to 60 feet, plus one foot of additional height for each foot of setback beyond the minimum required; however, compatibility height standards limit structure height to 35 feet when located within 50 feet of the lot line of property zoned TF-3 Two-family Residential (“TF-3”) or more restrictive, that includes land zoned SF-5 and SF-20. Compatibility building height standards also allow height to increase by one foot for each additional three feet of setback beyond 50 feet. The GO district permits a zero or five feet interior side yard setback; however, the compatibility setback standard will trigger a 25-foot setback adjacent to the site’s side and rear property lines. Zoning screening with fencing, screening wall, solid vegetation or landscaped earth berm will be required along the site’s rear and side lot lines where non-residential uses are contiguous to residential zoning. Selected land uses permitted by-right in the GO district include: all residential uses, church, hospital, medical services, general offices, hotel or motel subject to specified development standards, nursing facility or funeral home.

Analysis: At the MAPC meeting held January 21, 2010, the MAPC voted (9-0) to recommend approval subject to platting within one year. During the hearing, one of the commissioners inquired about the site’s proximity to the floodplain, was the filling that has been completed on the site legally permitted and how will filling the site impact surrounding drainage? A representative for the Teal Brook Homeowners Association spoke in opposition citing: the lack of an effective buffer between the application area and the neighborhood; the abundance of land already zoned for office use in the area; the floodway is a wildlife corridor; this area is associated with historically significant people and development at this site will impact drainage and its impact on Teal Brook. One other area property owner spoke in favor of the application. There was also a general discussion regarding permits required for the filling of a floodplain. The applicant spoke about his development plans and assured the planning commission they had obtained all required permits.

Alternatives:

1. Adopt the findings of the Metropolitan Area Planning Commission, approve the zone change to GO General Office, subject to platting within one year; direct staff to prepare an appropriate resolution after the plat has been approved and authorize the Chairman to sign the resolution.
2. Return such recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove (requires a simple majority vote).
3. Deny the zone change and override the MAPC recommendation with a 2/3 vote.

Financial Considerations:  ☐ *Approved by Division of Finance*

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Legal Considerations:   ☒ *Approved as to form and signed by County Counselor's Office*