CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

Frontgate Developers, LLC
Attn: Trent Bannister
2229 S. West Street
Valley Center, KS 67213

August 30, 2013

Baughman Company, P.A.
Attn: Russ Ewy
315 Ellis
Wichita, KS 67211

RE: BZA2013-00030: Administrative Adjustments to clarify that the development standards contained in Protective Overlay #51 (PO-51) associated with zoning case Z-3316 that assigned GO General Office (GO), 2, 3, 4, part of 5, 6 and 8 do not apply to single-family or two-family residential development on the 8.73 acres covered by PO-51 located southwest of the intersection of Jackson Heights Street and East Central Avenue.

Legal Description: Frontgate Addition to Wichita, Sedgwick County, Kansas.

Dear Applicants:

The Wichita-Sedgwick County Unified Zoning Code (UZC) (Article V, Section V-I.1) grants the Planning Director, with the concurrence of the Director of the Metropolitan Area Building and Construction Department, the authority to approve applications for Zoning Adjustments.

The applicant is seeking clarification that the development standards 2, 3, 4, 5, 6, and 8 of Protective Overlay #51 do not apply to single-family or two-family residential development on property platted as the Frontgate Addition. When PO-51 was created the property owner's intention was to construct a nonresidential development on the site; therefore, the PO contained development standards dealing with (the number in the parentheses is the PO number): (2) maximum gross floor area; (3) signage; (4) architectural control; (5) building height/number of building stories; (6) increased setback from the centerline of Central and (8) increased landscaping. Development standards (1) limit the site to single-family, duplex, dare care, automated teller machine, medical service and general office uses; and (7) limits access to one opening on Central and two to Jackson.

The current property owner intends to develop single-family or two-family residences on the site and requests clarification which of PO-51's development standards apply to single-family or two-family residential.

It our interpretation that only development standards: (1) dealing with permitted uses; (5) only the 35-foot building height limit applies, not the number of stories; and (7) access controls apply to single-family and two-family residential development within Frontgate Addition.

Adjustments to Protective Overlays are permitted by Article V, Section V-D.14 subject to three limitations: no more than a five-foot or ten percent increase in building height is allowed; no more than a ten percent increase in floor area or building coverage or in residential density is allowed or a change in use to a use that is more intensive. The requested clarification does not violate any of the listed limitations. The PO does not include a limitation on the number of dwelling units, only the maximum gross floor area that is applied to non-residential development.

Our signatures below indicate that the requested Zoning Adjustment is hereby GRANTED, subject to the following conditions:

1) Development standards 2, 3, 4, 6 and 8 contained in PO-51 do not apply to single-family or two-family residential development. The limitation on the number of stories contained in standard (5) is also waived; however, the 35-foot building height limit remains. The site development standards of zoning districts SF-5 or TF-3 apply to single-family or two-family residential development respectively.
2) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The "Development Application" sign should now be removed from the property.

John L. Schlegel, Planning Director

Tom Stolz, Director of Metropolitan Area Building and Construction Department

cc: JR Cox, jrcox@wichita.gov

(_____) Pub. ..ed in the Daily Reporter on _____ _____

ORDINANCE NO. 44-674

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 CITY OF WICHITA CODE SEC. 28.04.010.

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 City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3316

Zone change request from "SF-6" Single-Family Residential District to "GO" General Office District, and to "P-O" Protective Overlay District #51, on property described as:

Plaza Central Office Park Second Addition, Wichita, Sedgwick County Kansas.

Generally located on the south side of Central, east of Greenwich Road.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. Development shall be limited to the following uses: single-family, duplex, day care (limited and general) automatic teller machine, medical services, and office (general).

2. Development shall be limited to a maximum gross floor area of 80,000 square feet.

3. All free-standing signs shall be monument-type signs with a maximum height of 20 feet.

4. Architectural Control:

   A. All buildings on the property shall share the similar architectural character, color, texture and the same predominate exterior building material. Building walls and roofs shall have predominately earth-tone colors, with vivid colors limited to incidental accent.

   B. All parking lot light poles shall be of the same color and design, and shall have cut-off fixtures, which direct light away from nearby residential areas. Light poles must be limited to a maximum height of 14 feet.

5. All buildings shall be limited to 35 feet in height with a maximum of two (2) stories.

6. Minimum building setback from the centerline of Central shall be 150 feet.

7. Access shall be limited to one (1) opening on Central and two (2) openings on Jackson.

8. Landscape requirements shall be 1.5 times the requirements for buffering in the Landscape Ordinance for the west property line.

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 AT WICHITA, KANSAS, JUL 11 2000

ATTEST:

Pat Burnett, City Clerk

Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney