

Published in The Wichita Eagle on

10-22-10

ORDINANCE NO.

45-290

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. ZON2009-00018

Zone change request from SF-5 Single-family Residential to GO General Office on property described as:

Lots 1-4, Block 2, The Moorings Plaza III Addition, Wichita, Sedgwick County, Kansas.

Zone change request from SF-5 Single-family Residential to MF-18 Multi-family Residential on property described as:

Lots 13-44, Block 2, and Lot 1, Block 1, The Moorings Plaza III Addition, Wichita, Sedgwick County, Kansas.

Generally located north of 45th Street North (extended) west of Meridian.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY PROVISIONS #234:

Protective Overlay Provisions for the GO General Office ("GO") parcel

1.) Architectural Controls:

All office buildings within the parcel shall share a uniform architectural character, color, and same predominate exterior building material. The building(s) walls shall not utilize metal as a predominant exterior facade material. If developed in conjunction with the adjoining MF-18 parcel, the buildings shall share a uniform architectural character, color, and same predominate exterior building material.

2.) Landscaping for this parcel shall be required as follows:

A. Landscaped street yards, buffers, and parking lot landscaping/screening, shall utilize a shared palette of landscape materials and shall be in accordance with the City of Wichita Landscape Ordinance.

B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material.

3.) Lighting:

A. The parcel shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps and etc.).

B. All lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential areas.

C. Light poles including above ground base shall be limited to 20 feet tall, except 15 feet tall when within 100 feet of single family residential zoning.

ORDINANCE NO. _____

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. ZON2009-00018

Zone change request from SF-5 Single-family Residential ("SF-5") to GO General Office ("GO") and MF-18 Multi-family Residential ("MF-18") subject to Protective Overlay #234 on properties described as:

Legal Description of MF-18 Multi-family Residential Rezoned Site:

An unplatted tract of land lying in the East Half Quarter, Section 24, Township 26 South, Range 1 West, of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

BEGINNING at a point on the east line of Lot 1, Block 1, The Moorings Tenth Addition, an addition to Wichita, Sedgwick County, Kansas, lying 110.00 feet north of the Southeast corner thereof; thence along said east line on a platted bearing of N01°36'24"W, 45.00 feet; thence along the easterly line of said Block 1, for the next four courses, N29°18'36"E, 360.06 feet; thence N00°46'02"W, 352.85 feet; thence N48°33'38"W, 428.14 feet; thence N41°26'22"E, 415.48 feet to the south line of a Drainage Dedication recorded Doc.#/FLM-PG: 28868254, being a point on a non-tangent curve to the left; thence along the said curve and said Drainage Dedication, 630.03 feet, said curve having a central angle of 28°35'23", a radius of 1262.63 feet, and a long chord distance of 623.52 feet, bearing S67°32'47"E; thence S00°46'02"E, 1048.50 feet to a point 110.00 feet north of the north right-of-way line of Keywest Street; thence parallel with and 110.00 feet north of said north right-of-way, S88°23'36"W, 714.87 feet to the POINT OF BEGINNING; COMMENCING at a point on the east line of Lot 1, Block 1, The Moorings Tenth Addition, an addition to Wichita, Sedgwick County, Kansas, lying 110.00 feet north of the Southeast corner thereof; thence N88°23'36"E, 364.83 feet, to the POINT OF BEGINNING; thence N09°41'44"E, 550.68 feet to a point lying 650 feet north of the north right of way line of Keywest Street; thence parallel with said north line, N88°23'36"E, 250.03 feet; thence S00°46'02"E, 540.06 feet to a point lying 110 feet north of said north line; thence S88°23'36"W, 350.04 feet, to the point of POINT OF BEGINNING. Said tract CONTAINS: 582,051 square feet or 13.36 acres of land, more or less.

Legal Description of GO General Office Rezoned Site:

An un-platted tract of land lying in the East Half Quarter, Section 24, Township 26 South, Range 1 West, of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at a point on the east line of Lot 1, Block 1, The Moorings Tenth Addition, an addition to Wichita, Sedgwick County, Kansas, lying 110.00 feet north of the Southeast corner thereof; thence N88°23'36"E, 364.83 feet, to the POINT OF BEGINNING; thence N09°41'44"E, 550.68 feet to a point lying 650 feet north of the north right of way line of Keywest Street; thence parallel with said north line, N88°23'36"E, 250.03 feet; thence S00°46'02"E, 540.06 feet to a point lying 110 feet north of said north

line; thence S88°23'36"W, 350.04 feet, to the point of POINT OF BEGINNING. Said tract CONTAINS: 162,018 square feet or 3.72 acres of land, more or less; generally located south of 53rd Street North, west of Meridian Avenue, between 51st Street North and Keywest.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #234

Protective Overlay Provisions for the GO General Office ("GO") parcel

1.) Architectural Controls:

All office buildings within the parcel shall share a uniform architectural character, color, and same predominate exterior building material. The building(s) walls shall not utilize metal as a predominant exterior facade material. If developed in conjunction with the adjoining MF-18 parcel, the buildings shall share a uniform architectural character, color, and same predominate exterior building material.

2.) Landscaping for this parcel shall be required as follows:

- A. Landscaped street yards, buffers, and parking lot landscaping/screening, shall utilize a shared palette of landscape materials and shall be in accordance with the City of Wichita Landscape Ordinance.
- B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material.

3.) Lighting:

- A. The parcel shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps and etc.).
- B. All lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential areas.
- C. Light poles including above ground base shall be limited to 20 feet tall, except 15 feet tall when within 100 feet of single family residential zoning.
- D. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.

4.) Screening:

- A. Rooftop mechanical equipment shall be screened from ground level view with screening materials matching the building roof or wall materials.
- B. Trash receptacles, loading docks, and loading areas shall be appropriately and individually screened with materials matching or similar to the building(s) facade hiding them from ground view.
- C. Unless otherwise noted Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.

5.) Setbacks:

Setbacks will be as specified in Article III, Section III-C2.b(2) of the Wichita-Sedgwick County Unified Zoning Code, unless contiguous parcels are developed under the same ownership, including parcels to the east, then setbacks between those parcels will not be required.

6.) Building Height:

Shall be as per SF-5 Single-family Zoning District

7.) Use Restrictions:

No correctional placement residences, no asphalt or concrete plant limited.

Protective Overlay Provisions for MF-18 Multi-family Residential ("MF-18") parcel

1.) Architectural Controls:

Assisted Living buildings within the parcel shall share a uniform architectural character, color, and same predominate exterior building material. The building(s) walls shall not utilize metal as a predominant exterior facade material.

2.) Landscaping for this parcel shall be required as follows:

- A. Landscaped street yards, buffers, and parking lot landscaping/screening, shall utilize a shared palette of landscape materials and shall be in accordance with the City of Wichita Landscape Ordinance.
 - B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material.
- 3.) Lighting:
- A. The parcel shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps and etc.).
 - B. All lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential areas.
 - C. Light poles including above ground base shall be limited to 20 feet tall, except 15 feet tall when within 100 feet of single family residential zoning.
 - D. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- 4.) Screening:
- A. Rooftop mechanical equipment shall be screened from ground level view with screening materials matching the building roof or wall materials; and as per Wichita-Sedgwick County Unified Zoning Code.
 - B. Trash receptacles, loading docks, and loading areas shall be appropriately and individually screened with materials matching or similar to the building(s) facade hiding them from ground view.
 - C. Unless otherwise noted Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.
- 5.) Setbacks:
- Setbacks will be as specified in Article III, Section III-C2.b(2) of the Wichita-Sedgwick County Unified Zoning Code, unless contiguous parcels are developed under the same ownership, including parcels to the east, then setbacks between those parcels will not be required.
- 6.) Building Height:
- Shall be as per SF-5 Single-family Zoning District
- 7.) Use Restrictions:
- No asphalt or concrete plant limited.

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 ____ day of _____, 200__.

- D. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- 4.) Screening:
 - A. Rooftop mechanical equipment shall be screened from ground level view with screening materials matching the building roof or wall materials.
 - B. Trash receptacles, loading docks, and loading areas shall be appropriately and individually screened with materials matching or similar to the building(s) facade hiding them from ground view.
 - C. Unless otherwise noted Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.
- 5.) Setbacks:

Setbacks will be as specified in Article III, Section III-C2.b(2) of the Wichita-Sedgwick County Unified Zoning Code, unless contiguous parcels are developed under the same ownership, including parcels to the east, then setbacks between those parcels will not be required.
- 6.) Building Height:

Shall be as per SF-5 Single-family Zoning District
- 7.) Use Restrictions:

No correctional placement residences, no asphalt or concrete plant limited.

Protective Overlay Provisions for MF-18 Multi-family Residential ("MF-18") parcel

- 1.) Architectural Controls:

Assisted Living buildings within the parcel shall share a uniform architectural character, color, and same predominate exterior building material. The building(s) walls shall not utilize metal as a predominant exterior facade material.
- 2.) Landscaping for this parcel shall be required as follows:
 - A. Landscaped street yards, buffers, and parking lot landscaping/screening, shall utilize a shared palette of landscape materials and shall be in accordance with the City of Wichita Landscape Ordinance.
 - B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material.
- 3.) Lighting:
 - A. The parcel shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps and etc.).
 - B. All lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential areas.
 - C. Light poles including above ground base shall be limited to 20 feet tall, except 15 feet tall when within 100 feet of single family residential zoning.
 - D. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- 4.) Screening:
 - A. Rooftop mechanical equipment shall be screened from ground level view with screening materials matching the building roof or wall materials; and as per Wichita-Sedgwick County Unified Zoning Code.
 - B. Trash receptacles, loading docks, and loading areas shall be appropriately and individually screened with materials matching or similar to the building(s) facade hiding them from ground view.
 - C. Unless otherwise noted Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.
- 5.) Setbacks:

Setbacks will be as specified in Article III, Section III-C2.b(2) of the Wichita-Sedgwick County Unified Zoning Code, unless contiguous parcels are developed under the same ownership, including parcels to the east, then setbacks between those parcels will not be required.
- 6.) Building Height:

Shall be as per SF-5 Single-family Zoning District
- 7.) Use Restrictions:

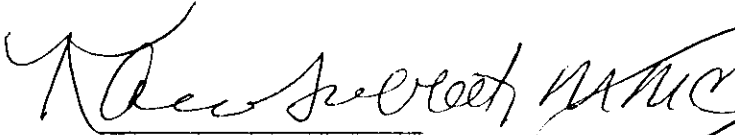
No asphalt or concrete plant limited.

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.

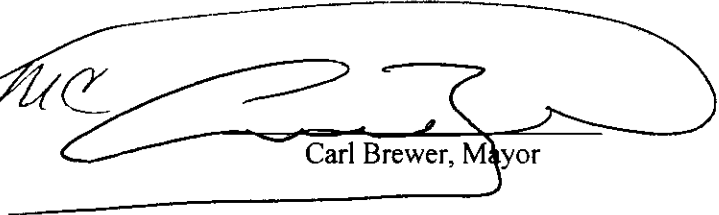
ADOPTED this 19 day of June, 2012

ATTEST:



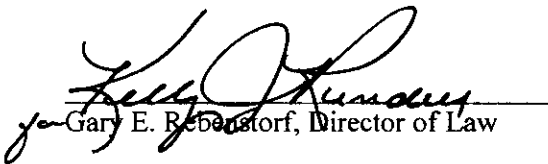
Karen Sublett, City Clerk





Carl Brewer, Mayor

APPROVED AS TO FORM:



Gary E. Reberstorf, Director of Law

Background: The applicant proposes to rezone approximately 17.1 acres located one-quarter mile south of the intersection of 53rd Street North and Meridian Avenue. The applicants are proposing to rezone two areas within the 17.1 acres by rezoning 13.36 acres of MF-18 Multi-family Residential (“MF-18”) and 3.72 acres of GO General Office (“GO”), both subject to a Protective Overlay. See the attached map at the end of the report for a depiction of the location of each zoning request within the overall site. The application area is currently zoned SF-5 Single-family Residential (“SF-5”). The application area is sandwiched in between land: approved for LC Limited Commercial (“LC”) zoning, subject to DP-311, on the north; approved for NR Neighborhood Retail (“NR”) zoning, subject to DP-311, on the east; and SF-5 zoned land located to the south and west.

The applicants designed this particular “island” zoning pattern so that a strip of SF-5 zoning, approximately 170 to 200 feet deep, remains along the west and south sides of the proposed application area. These two strips of land are currently undeveloped and buffer the subject site from existing residences located south of Keywest Street and west of Sandkey Street.

The application area is currently unplatted and approval of the rezone will be contingent on the platting of the property. Even though access will be addressed through the platting process, the applicants have indicated access will be off of Meridian, through the approved and recently platted CUP DP-311 located to the north and east. The applicants do not plan to have access off of Keywest or Sandkey. Any development on the subject property will be required to meet the provisions of: the Protective Overlay recommended below, access management regulations, compatibility setbacks dealing with building, height, noise and dumpsters and landscaping and screening. The application area will be subject to the requirements of the Sign Code for the City of Wichita for the MF-18 and GO zoning districts.

Property west and south of the subject site is zoned SF-5 and is either undeveloped or developed with single family residences. Property to the north and east of the subject site is currently zoned SF-5, but has been approved for LC Limited Commercial (“LC”) zoning and NR Neighborhood Retail (“NR”) and is currently undeveloped. A drainage ditch runs from the northwest to the southeast on the northern tract. Land located directly to the west of the application area is in the same ownership as the subject site and is currently undeveloped SF-5 zoned land. Land further to the west, across Sandkey, is also zoned SF-5 and is developed with single-family residences. The property located directly to the south is in the same ownership as the subject site and is currently undeveloped SF-5 zoned land. Land located further to the south, across Keywest, is also zoned SF-5 and is developed with single-family residences.

The area proposed to be rezoned is ¼ of a mile from both the Little Arkansas and the Big Arkansas Rivers. This area is in a transition from farm activity to more urban uses. The subject site is located in flood hazard zone “X.” Flood zone X is the flood insurance rate zone that corresponds to areas outside the 100-year floodplains, areas of 100-year sheet flow flooding where average depths are less than 1 foot, areas of 100-year stream flooding where the contributing drainage area is less than 1 square mile or areas protected from the 100-year flood by levees. No Base Flood Elevations or depths are shown within this zone.

The applicants and their agent organized a neighborhood meeting on June 10, 2009. During that meeting, some of the questions that were asked included:

- The functionality of the assisted living facility; is it a nursing home or assisted living?
- The pricing of the multi-family units?
- Type of screening between the single-family and proposed multi-family property?
- Future access to 53rd Street?
- There was also talk about the general retail and overall growth due to traffic generated by the new Wal-Mart.
- Type of buildings that might be built along Meridian in the NR parcels (non-related).
- Someone asked about the offsite LC zoning south of the Bachman’s office. The citizen wanted a Panera Bread (non-related)

Analysis: This case was originally heard at the District VI Advisory Board meeting held on June 17, 2009. At that meeting, the DAB voted 6-0 to approve the request. There were no comments from the public and the board members had just a couple questions, including:

- Does the applicant have any problems with the provisions stated in the staff report?
- What is the highest density allowed in the MF-18?
- The staff report doesn't mention the height of the screening fence.
- Will an age restriction be required for living in the twin/patio homes?
- Will the homes have sufficient storage?

At the MAPC meeting held June 18, 2009, the MAPC voted (12-0) to recommend approval of the request for GO and MF-18 zoning subject to staff recommendations, platting within one year and Protective Overlay #234 with the recommended provisions stated below. There were no citizens who spoke on the case.

Protective Overlay Provisions for the GO General Office ("GO") parcel

1.) Architectural Controls:

All office buildings within the parcel shall share a uniform architectural character, color, and same predominate exterior building material. The building(s) walls shall not utilize metal as a predominant exterior facade material. If developed in conjunction with the adjoining MF-18 parcel, the buildings shall share a uniform architectural character, color, and same predominate exterior building material.

2.) Landscaping for this parcel shall be required as follows:

- A. Landscaped street yards, buffers, and parking lot landscaping/screening, shall utilize a shared palette of landscape materials and shall be in accordance with the City of Wichita Landscape Ordinance.
- B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material.

3.) Lighting:

- A. The parcel shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps and etc.).
- B. All lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential areas.
- C. Light poles including above ground base shall be limited to 20 feet tall, except 15 feet tall when within 100 feet of single family residential zoning.
- D. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.

4.) Screening:

- A. Rooftop mechanical equipment shall be screened from ground level view with screening materials matching the building roof or wall materials.
- B. Trash receptacles, loading docks, and loading areas shall be appropriately and individually screened with materials matching or similar to the building(s) facade hiding them from ground view.
- C. Unless otherwise noted Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.

5.) Setbacks:

Setbacks will be as specified in Article III, Section III-C2.b(2) of the Wichita-Sedgwick County Unified Zoning Code, unless contiguous parcels are developed under the same ownership, including parcels to the east, then setbacks between those parcels will not be required.

6.) Building Height:

Shall be as per SF-5 Single-family Zoning District.

7.) Use Restrictions:

ZON2009-00018

No correctional placement residences, no asphalt or concrete plant limited.

Protective Overlay Provisions for MF-18 Multi-family Residential ("MF-18") parcel

1.) Architectural Controls:

Assisted Living buildings within the parcel shall share a uniform architectural character, color, and same predominate exterior building material. The building(s) walls shall not utilize metal as a predominant exterior facade material.

2.) Landscaping for this parcel shall be required as follows:

- A. Landscaped street yards, buffers, and parking lot landscaping/screening, shall utilize a shared palette of landscape materials and shall be in accordance with the City of Wichita Landscape Ordinance.
- B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material.

3.) Lighting:

- A. The parcel shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps and etc.).
- B. All lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential areas.
- C. Light poles including above ground base shall be limited to 20 feet tall, except 15 feet tall when within 100 feet of single family residential zoning.
- D. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.

4.) Screening:

- A. Rooftop mechanical equipment shall be screened from ground level view with screening materials matching the building roof or wall materials; and as per Wichita-Sedgwick County Unified Zoning Code.
- B. Trash receptacles, loading docks, and loading areas shall be appropriately and individually screened with materials matching or similar to the building(s) facade hiding them from ground view.
- C. Unless otherwise noted Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.

5.) Setbacks:

Setbacks will be as specified in Article III, Section III-C2.b(2) of the Wichita-Sedgwick County Unified Zoning Code, unless contiguous parcels are developed under the same ownership, including parcels to the east, then setbacks between those parcels will not be required.

6.) Building Height:

Shall be as per SF-5 Single-family Zoning District.

7.) Use Restrictions:

No asphalt or concrete plant limited.

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, approve the zone change subject to platting within one year and the provisions of Protective Overlay #234, and withhold publication of ordinance until the plat has been recorded; or
- 2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

Attachment(s):

- Zone Map
- DAB VI Memo
- MAPC Minutes
- Ordinance

