

ORDINANCE NO. 49967

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. ZON2015-00003 and Protective Overlay #295

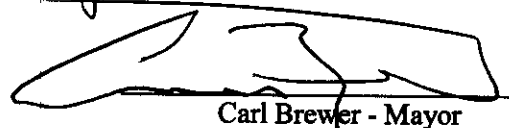
Zone change request from SF-5 Single-Family Residential (SF-5) to LC Limited Commercial (LC) on property located north of East 29th Street North, approximately ½ mile west of North Woodlawn Boulevard described as Lot 1, Block 1, Hinkle Addition to Wichita, Sedgwick County, Kansas, and the north 110 feet of the south 970 feet of the west 550 feet in Section 36, Township 26, Range 1 East of the 6th P.M., Sedgwick County, Kansas, subject to the development standards contained in Protective Overlay #295:

1. Although the site is zoned LC Limited Commercial, the site is restricted to only the uses and the development standards found in the NR Neighborhood Retail zoning district plus other applicable local, state and federal regulations or codes, including but not limited to zoning, fire, building, traffic, stormwater and environmental.
2. At the time building permits are requested, the applicant shall comply with current access management requirements and shall guarantee or provide road improvements (left turn lanes, accel/decel-lanes, etc.) needed to accommodate further development of the site. If required by the stormwater engineer, a drainage plan shall be submitted for review and approval as part of the application for a building permit.

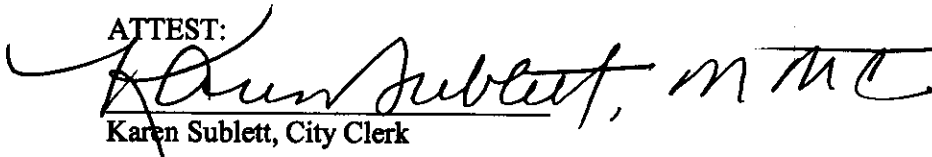
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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 7 day of April, 2015.


Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form:

Sharon Dickgraft / RDV
Sharon Dickgraft, Interim City Attorney

City of Wichita
City Council Meeting
March 24, 2015

TO: Mayor and City Council

SUBJECT: ZON2015-00003 – Zone Change from SF-5 Single-Family Residential to LC Limited Commercial Subject to Protective Overlay #295 on Property Located North of East 29th Street North, Approximately ½ Mile West of North Woodlawn Boulevard (District I)

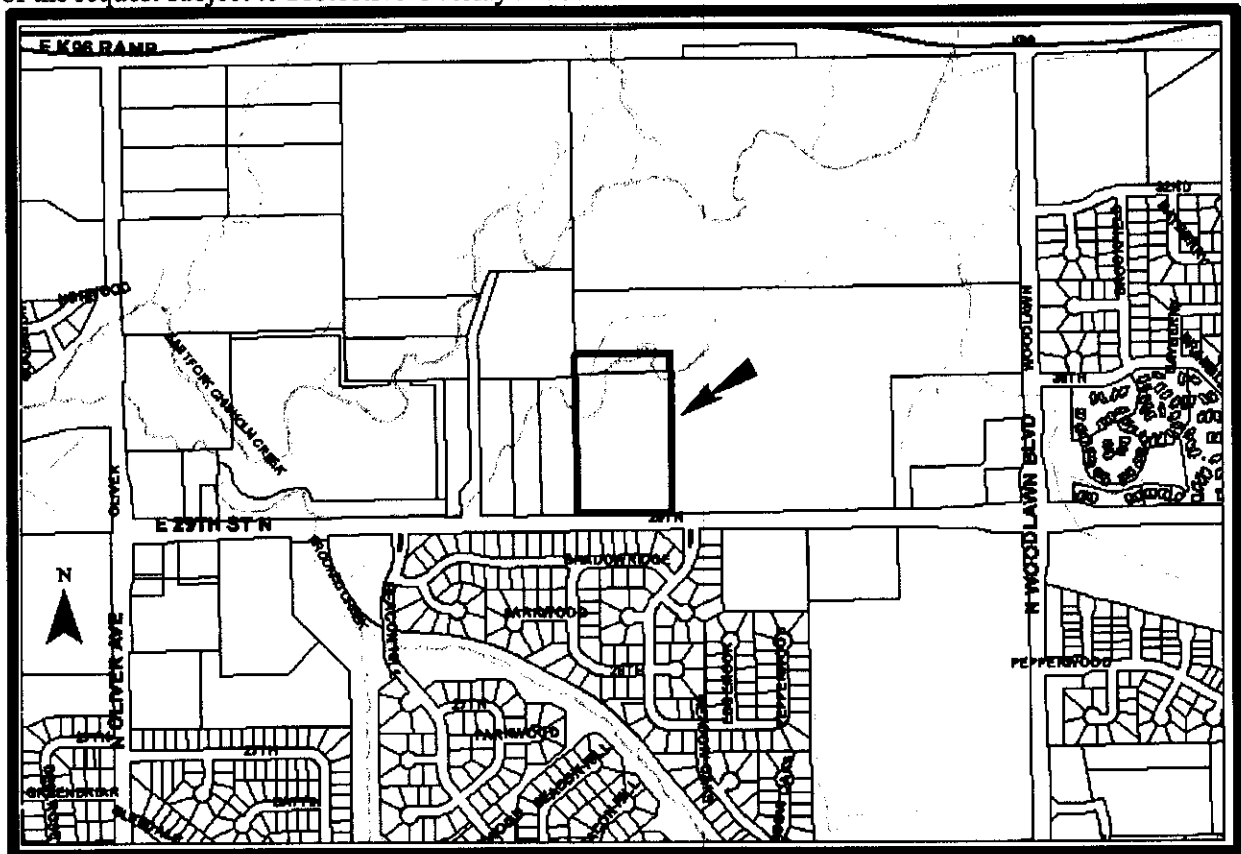
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request subject to Protective Overlay #295 (12-0).

DAB Recommendation: District Advisory Board I did not review the application.

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request subject to Protective Overlay #295.



Background: The application area is 11.67 platted acres zoned Single-Family Residential (SF-5) that are located approximately ½ mile west of North Woodlawn Boulevard, north of East 29th Street North. The site is currently developed with broadcast and recording studios and five guy-wire supported broadcast towers that are legal nonconforming uses. The site has approximately 550 feet of frontage along East 29th Street North. The SF-5 district does not permit broadcast and recording studios and broadcast towers by right. The applicant is seeking Limited Commercial (LC) zoning subject to Protective Overlay (PO) #295 limiting the site to the uses and development standards found in the Neighborhood Retail (NR) zoning district, which would make the existing broadcast studio facilities legally conforming and would permit a wider range of uses by right than the site's current SF-5 zoning. By code, the NR district cannot be applied to property that exceeds five acres in size. Also by code, LC zoning that is applied to land with six acres or more must be accompanied by a Community Unit Plan or Protective Overlay.

Neighborhood Retail zoning would also allow the full range of residential uses - single-family through multi-family - as well as public and civic uses - day care, limited and general, private recycling collection station - and a limited range of office and commercial uses - general office, bank, medical service, personal care service, personal improvement service, restaurant and general retail. In the NR district restaurants cannot exceed 2,000 square feet of gross floor area and cannot provide drive-thru or in-car services. Also in the NR district, individual general retail uses are restricted to 8,000 feet or less of gross floor area and outdoor storage is prohibited.

Land located to the north and east of the application area is part of Chisholm Creek Park. Property to the west and south, across East 29th Street North, is developed with single-family residences. All of the nearby land surrounding the site is zoned SF-5.

If the request is approved, the following selected development standards would automatically apply. 1) The installation of screening along the north, east and west sides of the site. Screening can be provided by a six to eight-foot tall fence, six-foot tall evergreen landscaping that provides solid year-round screening, a six-foot landscaped berm that provides solid year-round screening. 2) Compliance with the landscape ordinance that requires front yard landscaping, parking lot screening and side and rear yard landscaping (if not already present). 3) Parking lot lighting poles are limited to 15 feet in height when located within 200 feet of SF-5 or Two-Family Residential zoning (TF-3). 4) Compatibility building setbacks would be 25 feet along the north, east and west property lines. 5) Building height would be limited to 35 feet. 6) Dumpsters and refuse receptacles are required to be located at least 20 feet from SF-5 zoned property. 7) Dumpsters, outdoor work areas, heating and air conditioning units and similar uses or features are required to be screened when located within 150 feet of 29th Street.

The presence of the five guy-wire supported radio towers limit development on the site. The towers are approximately 160 feet in height and are spaced diagonally southwest to northeast in the center of the site approximately 160 feet apart. The southernmost tower, located closest to East 29th Street North and closest to the western property line, is located approximately 123 feet from the site's front property line, and 245 feet from the site's western property line. The tower located closest to the site's eastern property line is approximately 165 feet west of the east property line. The tower located closest to the northern property line is approximately 125 feet south of the north property line. The guy wires will also limit the placement of new uses on the site.

Analysis: On February 19, 2015, the Metropolitan Area Planning Commission (MAPC) approved (12-0) the application subject to the following development standards contained in Protective Overlay #295:

1. Although the site is zoned LC Limited Commercial, the site is restricted to only the uses and the development standards found in the NR Neighborhood Retail zoning district plus other applicable local, state and federal regulations or codes, including but not limited to zoning, fire, building, traffic, stormwater and environmental.
2. At the time building permits are requested, the applicant shall comply with current access management requirements and shall guarantee or provide road improvements (left turn lanes, accel/decel-lanes, etc.) needed to accommodate further development of the site. If required by the stormwater engineer, a drainage plan shall be submitted for review and approval as part of the

application for a building permit.

District Advisory Board (DAB) I did not reviewed the application.

No protest petitions have been received. The request can be approved with a simple majority vote.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

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

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the requested zone change and place the ordinance on first reading (simple majority vote).

Attachments: MAPC minutes and ordinance.