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ORDINANCE NO.

50 022

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. ZON2014-00025

Zone change request from SF-5 Single-family Residential to LC Limited Commercial on property described as:

Lot 9, Block 1, Sweetbriar Second Addition, Wichita, Sedgwick County, Kansas.

Zone Change request from GO General Office to LC Limited Commercial on property described as:

Lot 10, Block 1, Sweetbriar Second Addition, Wichita, Sedgwick County, Kansas.

Zone change request from LC Limited Commercial to GC General Commercial on property described as:

Part of Lot 4, Block 1, Sweetbriar Second Addition, Wichita, Sedgwick County, Kansas, said tract being more particularly described as follows:

COMMENCING at the southeast corner of the Southwest Quarter, Section 6, Township 27 South, Range 1 East, of the Sixth Principal Meridian, thence on a Kansas coordinate system of 1983 south zone bearing, along the south line of said Southwest Quarter, N88°53'29"W, 667.88 feet; thence N01°06'31"E, 50.00 feet to the southwest corner of said Lot 1; thence along the west line of said Lot 1, N01°00'22"W, 170.64 feet to the POINT OF BEGINNING; thence continuing along said west line on said bearing, N01°00'22"W, 129.49 feet; thence continuing along said west line, N01°02'42"W, 311.63 feet to a northwest corner of said Lot 1; thence along a northerly line of said Lot 1, S88°44'29"E, 36.42 feet; thence along a westerly line of said Lot 2, N34°10'56"E, 30.03 feet to a southwesterly corner of said Lot 2; thence S55°38'36"E, 52.09 feet; thence N88°59'47"E, 154.93 feet; thence S01°00'13"E, 413.98 feet; thence N88°53'29"W, 5.04 feet; thence S01°00'13"E, 20.29 feet; thence S88°59'47"W, 245.83 feet to the POINT OF BEGINNING.

Generally located on the Northwest Corner of 21st Street North and Amidon.

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 9 day of June, 2015.

ATTEST:

Karen Sublett, MMC
Karen Sublett, City Clerk

Jeff Longwell
Jeff Longwell, Mayor



APPROVED AND TO FORM:

Jennifer Magaña for
Jennifer Magaña, Director of Law

Background: The subject site is located at the northwest corner of North 21st Street West and North Amidon Avenue, and currently contains 18.75 acres that are zoned General Commercial (GC), Limited Commercial (LC), General Office (GO) and Single-Family Residential (SF-5), subject to the development standards contained in the Sweetbriar Shopping Center Community Unit Plan (CUP) DP-7. Currently CUP DP-7 is divided into five parcels that permit the following uses: retail shops, restaurants, office service stores, repair shops, commercial schools and storage garages (self-service warehouse).

A number of changes are proposed to the CUP:

- 1) The applicant proposes to add .29 acre to the overall area of the CUP, giving the CUP a total area of 19.04 acres. The added acreage is located primarily in proposed Parcel 1 that is located in the southeast corner of the CUP, currently contains a “loan or cash for title” establishment and is unplatted. The property on which the “loan or cash for title” establishment is located was not included within the boundary of the original CUP.
 - 2) The proposed CUP is to be divided into 12 parcels instead of five. Parcel 1 of the existing CUP contains 15.19 acres, and is proposed to be divided into eight other parcels varying in size from 4.54 acres to .34 acre.
 - 3) Uses proposed to be allowed in all parcels except Parcel 10 include all uses permitted by right in the LC zoning district except for: adult entertainment establishment, cemetery, convalescent care facility, single-family residential, group home, recycling processing center, reverse vending machine, utility, construction sales and service, nightclub in the city, vehicle repair limited and general, asphalt or concrete plant.
 - 4) Proposed Parcel 4B, which currently contains Sutherlands Building Materials, is proposed to be rezoned from LC to GC to permit a larger area for outdoor storage of materials and equipment than is allowed in the LC zoning district. Parcel 4B is proposed to permit “construction sales and service” and the outdoor storage of materials and equipment ordinarily associated with construction and sales services activities, and also home improvement stores, and all uses permitted in Parcels 4A and 4C. Material and equipment stored outside shall be screened from view from public streets. The outdoor storage of heavy equipment (such as front end loaders, tractors, backhoes, bobcats, trenchers, etc.) typically associated with construction sales and service activities as well as the outdoor storage of unpackaged rock, soil, gravel or sand or similar raw materials is prohibited.
- The Wichita-Sedgwick County Unified Zoning Code (UZY) defines “construction sales and service” as an establishment engaged in the retail or wholesale of materials used in the construction and or maintenance of buildings or other structures and or grounds, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers or lawn and garden supply stores. (UZY, Article II, Section II-B.3.n)
- 5) It is proposed to rezone from SF-5 to LC the 121 feet by 251 feet of the westernmost portion of proposed Parcel 9, currently used for parking.
 - 6) Proposed Parcel 10, developed with self-storage warehouses, is to be rezoned from GO to LC. Uses proposed for Parcel 10 include: self-service warehouse, general office, parking and two-family residential or multi-family residential dwelling units.
 - 7) Building setbacks are proposed to be 35 feet along 21st Street West and North Amidon Avenue (General Provision 7). Currently DP-7’s setbacks along 21st Street West and North Amidon vary between 35 feet and 100 feet. The UZY requires all main buildings or structures to be set back at least 35 feet from all street right-of-way lines or alleys (UZY, Article III, Section III-C.2.b(2)(a)1)). Fifteen-foot setbacks are shown along the northern and western property lines except for one section that has a 25-foot setback. (The applicant is advised that the building code or the fire code may require greater separation than 15 feet and those codes supersede

8) General Provision 6.A should be modified to read: Loading and work areas adjoining residential areas shall be screened from ground view. Loading and work areas located within 150 feet of a public street shall be screened from ground level view. Screening of existing unscreened loading and work areas are grandfathered. Screening for existing unscreened loading and work areas shall be required until the parcel has remodeling or redevelopment that exceeds 50 percent of the parcels appraised value, has a 30 percent increase in floor area.

9) General Provision 12.B. Access controls shall be as shown on the plat.

The property has a screening wall along the north and western property lines that screen the center's commercial uses from abutting and adjacent residential uses. A 25-foot waterline easement runs diagonally through the center of the CUP. There are 20-foot building setbacks associated with the water line easement.

Land located to the north of the application area is zoned SF-5 and developed with single-family residences. Properties located to the west are zoned SF-5, Multi-family Residential (B) and LC, and are developed with a club or neighborhood swimming pool, single-family residences, fast food restaurants and a church. Properties located to the south, across North 21st Street West are zoned LC subject to a CUP, and are developed with a variety of uses, such as a bank, discount box store or fast food restaurants. Land to the east, across Amidon Avenue is developed with a grocery store, a vacant retail store, an office and single-family residential.

A replat of the application area, including the unplatted tract identified as proposed Parcel 1, has been submitted, and is named the Sweetbriar Second Addition.

Analysis: On November 3, 2014, District Advisory Board (DAB) VI voted 7-0 to approve the request. One member of the public asked if the western driveway to the shopping center was going to be closed.

On November 6, 2014, the Metropolitan Area Planning Commission (MAPC) approved (10-0) the request. No one from the public was present to speak about the request.

No protests have been submitted; therefore, 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 changes and CUP amendments and place the ordinance on first reading (simple majority vote required).

Attachments: CUP drawing, MAPC minutes, DAB memo and ordinance.