

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. ZON2016-00013**

Zone change from SF-5 Single-Family Residential ("SF-5") to NR Neighborhood Retail ("NR"), on an approximately 1.26-acre property described as:

The South Half of Lot 49; Westfield Acres Addition, Wichita, Sedgwick County, Kansas; generally located approximately 660 feet north of West Maple Street, along the west side of South Tyler Road.

Subject to the following provisions of Protective Overlay-306:

1. No off-site or portable signs shall be permitted on the subject property. No building signs shall be permitted on the face of any building that is adjacent to any property that is residentially zoned.
2. Signs shall be in accordance with the City of Wichita sign code, with the exception that signs shall be monument -style and limited to 15 feet in height. No LED signs shall be permitted.
3. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 15 feet. Light poles shall not be located within any setbacks.
4. Outdoor speakers and sound amplification systems shall not be permitted.
5. Trash pickup shall be limited to between the hours of 6:00 am to 10:00 pm.
6. No buildings shall exceed one story in height with a maximum building height of 25 feet.
7. At the time the site is developed, the owner shall install and maintain a 6-8 foot high screening fence/wall located parallel to the north and west property lines of the subject site, where it abuts existing residential zoning.
8. At the time the site is developed, landscaping shall be installed that meets the Landscape Ordinance and the fencing shall use galvanized steel posts.
9. All uses allowed in the NR Neighborhood Residential, including townhomes (3 single-family homes on one lot), are allowed, except the following: duplex; multi-family; correctional placement residence; recycling collection station; restaurant.

**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.

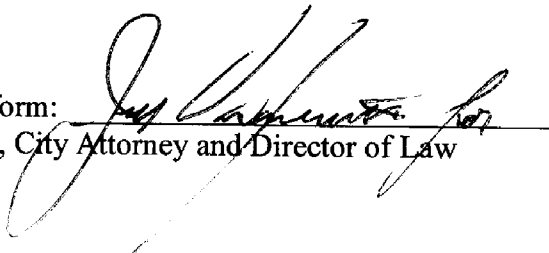
**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

  
Jeff Longwell, Mayor

**ATTEST:**

  
Karen Sublett, City Clerk

(SEAL)

Approved as to form:   
Jennifer Magana, City Attorney and Director of Law

City of Wichita  
City Council Meeting  
June 7, 2015

**TO:** Mayor and City Council

**SUBJECT:** ZON2016-00013 – Zone Change Request from SF-5 Single-family Residential (SF-5) to LC Limited Commercial (LC), Generally Located Approximately 660 Feet North of West Maple Street, Along the West Side of South Tyler Road. (District V).

**INITIATED BY:** Metropolitan Area Planning Department *DM*

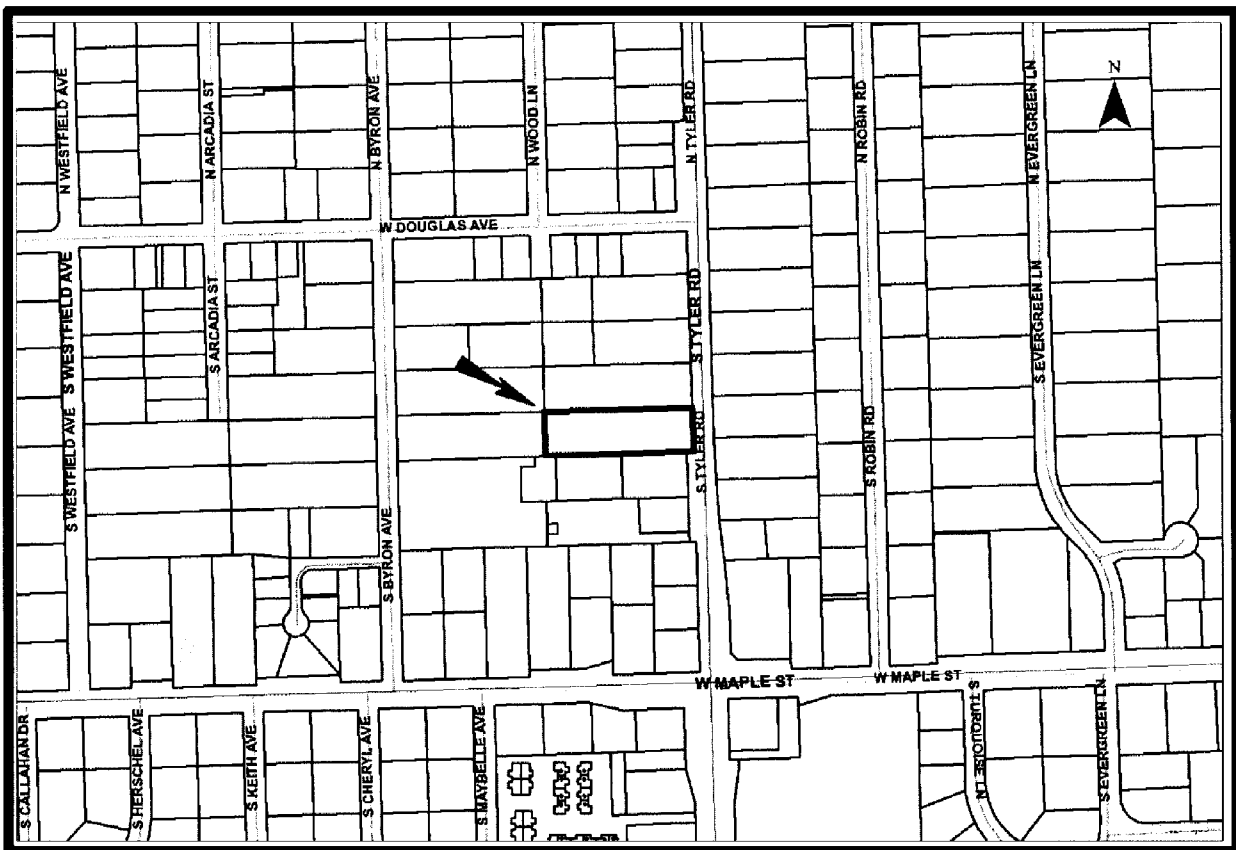
**AGENDA:** Planning (Non-Consent)

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**MAPC Recommendation:** The MAPC recommended approval of the request for NR Neighborhood Residential Zoning with additional provisions to the proposed Protective Overlay (12-1).

**DAB Recommendation:** District Advisory Board V recommended approval of the request with additional provisions to the proposed Protective Overlay (7-0-1).

**MAPD Staff Recommendation:** Metropolitan Area Planning Department staff recommended approval of the request with a proposed Protective Overlay.



**Background:** The applicant is seeking LC Limited Commercial (“LC”) zoning for future commercial uses on 1.26 acres located on the west side of South Tyler Road, approximately 660 feet north of West Maple Street. The subject site abuts LC zoned property along the south property line and is platted. If approved, the LC zoning would permit the development of commercial uses on the site, limited by a Protective Overlay (“PO”) proposed by staff.

Properties north, west and east (across Tyler Road) of the subject site are zoned SF-5 Single-family Residential and developed with single-family residences. Property south of the subject site is zoned LC and is developed with Harp Well and Pump Service, a legal, non-conforming use that was permitted to expand in 1984 by the Wichita Board of Zoning Appeals (BZA 45-84).

**Analysis:** District Advisory Board (DAB) V heard the rezone request on May 3, 2016, and recommended approval (7-0-1). The agent for the applicant stated there is no intention of building a restaurant and would be agreeable with rezoning it to Neighborhood Retail. The applicant is considering a small scale commercial building. DAB members voiced concern over the allowable uses under new zoning. Members of the adjacent neighborhood addressed the DAB in opposition of the change. Their concerns included: home values will decrease next to LC zoning, just because a home is on a main arterial doesn’t mean it has to be LC, devaluation of adjacent properties so applicant can profit, the applicant purchased the home from auction knowing it was zoned SF-5 and it should remain SF-5, the zone change is strictly an effort by applicant to make money at the expense of adjacent property owners and the zone change should be limited to NO or NR not LC with Protective Overlay.

At the Metropolitan Area Planning Commission (MAPC) meeting held on May 5, 2016, the MAPC voted (12-1) to recommend approval of the request with the zone change to NR Neighborhood Retail, and additions to the proposed Protective Overlay, adding no duplexes or multi-family development, townhomes limited to three single-family structures on the lot, no restaurants and that trash pickup can only occur between the hours of 6:00 am and 10:00 pm. Protective Overlay#306 that is recommended for approval states:

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A number of citizens spoke at the MAPC hearing protesting the requested zone change and expressed the same issues brought up at the DAB V meeting. Protests from surrounding property owners were filed on the case and the total area within the 200 foot notifications equals 70.61%.

**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 zone change to NR Neighborhood Residential with Protective Overlay #306, place the ordinance on first reading and authorize the Mayor to sign the ordinance (three-fourths majority vote required).

**Attachments:**

- Ordinance with Protective Overlay #306
- DAB memorandum
- Protest Map
- MAPC minutes
- Correspondence from Craig Hogue