

ORDINANCE NO. 50-661
PUBLISHED IN THE WICHITA EAGLE ON Jan. 19, 2018

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. ZON2017-0052

City zone change from SF-5 Single-Family Residential District to LC Limited Commercial District and described as follows:

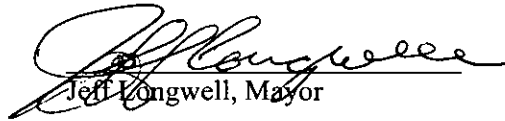
The south 175.6 feet of Lot 1, Parkview Southern Baptist Church 2nd Addition to the City of Wichita, Sedgwick County, Kansas.

Subject to the following Protective Overlay (PO-322):

1. Uses shall be limited to those allowed by right in the LC zoning district, EXCEPT: Recycling Collection Station, Public or Private, Recycling Processing Center, Construction Sales and Service, Nightclubs in the City, Entertainment Establishment in the City, Correctional Facilities, Correctional Placement Residence, Animal Care, General; Kennels, RV Campground, Sexual Oriented Businesses, and Tavern or Drinking Establishments, and any industrial, manufacturing, general or extractive use listed in the Use Regulations of Section III-D.
2. No outdoor storage is permitted.
3. All parking lot lights shall be shielded and directed downward.
4. Signage shall be per the sign code for the LC, Limited Commercial zoning district.
5. Buildings shall be constructed using earth tone colors with accent colors appropriate to match standard business colors of the tenants.
6. Landscape and screening shall be per the landscape ordinance.
7. Maximum building height is 35 feet.
8. Maximum building coverage shall be no more than 35 percent.

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.

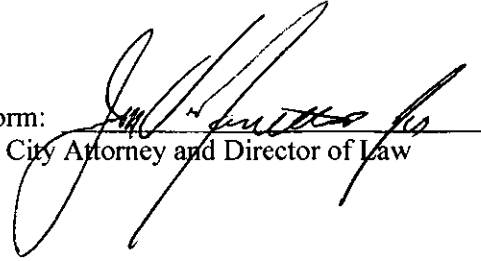

Jeff Longwell, Mayor

ATTEST:



Karen Sublett, City Clerk

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





STAFF REPORT

MAPC December 7, 2017

DAB IV December 4, 2017

CASE NUMBER: ZON2017-00052

APPLICANT/AGENT: Parkview Southern Baptist Church (Owner)/Russ Ewy, Baughman Company (Agent)/Freddie's Land, LLC (Contract Buyer)

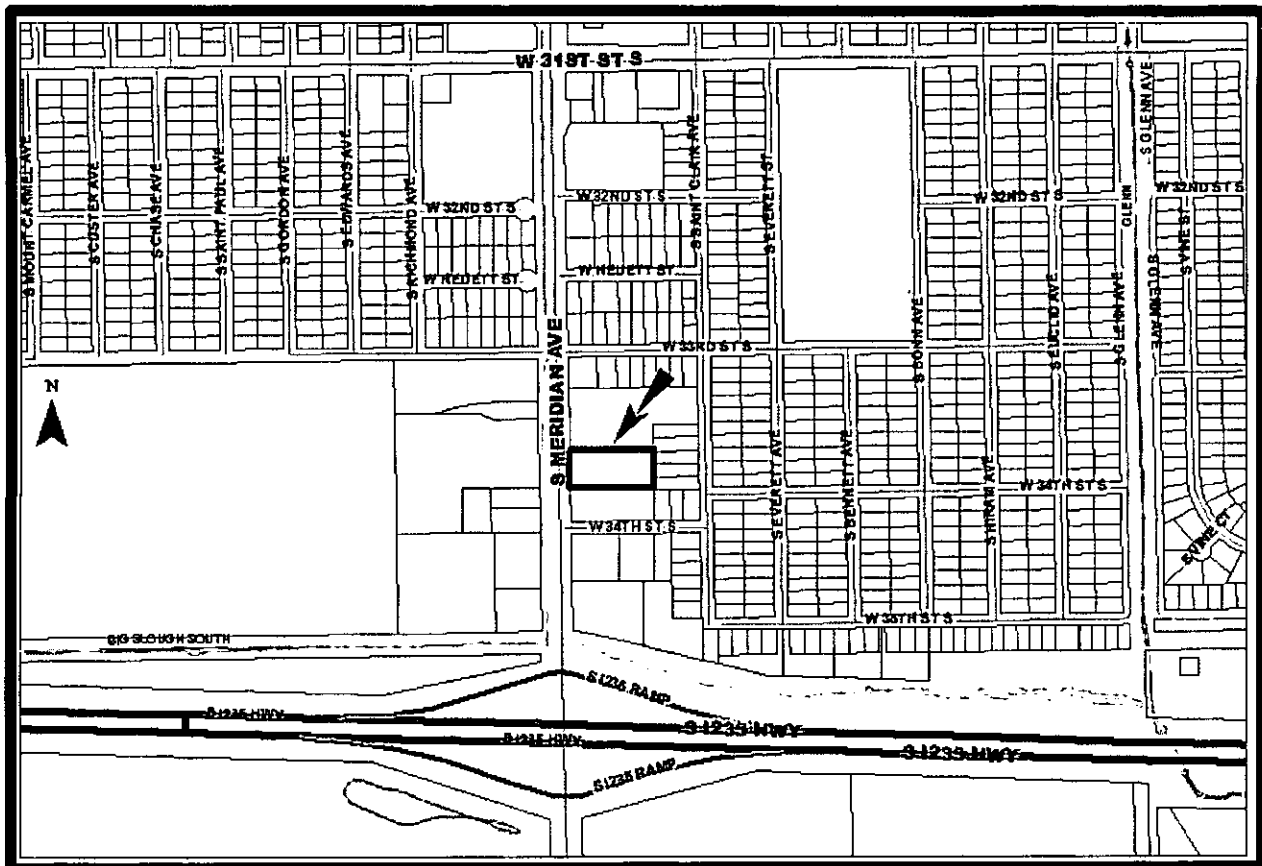
REQUEST: LC Limited Commercial

CURRENT ZONING: SF-5 Single Family Residential

SITE SIZE: 1.5 acres

LOCATION: Located on the east side of Meridian Street and south of 31st Avenue South (3430 South Meridian Avenue)

PROPOSED USE: Commercial development



ZON2017-00052

BACKGROUND: The applicant Parkview Southern Baptist Church has contracted to sell the southern 175 feet of its lot along Meridian to Freddie's for a new proposed restaurant and is seeking a rezoning from the SF-5 Single Family Residential (SF-5) category to LC Limited Commercial (LC) in order for this use to occur.

The church property was platted as the Parkview Southern Baptist 2nd Addition in March of 1983 and created a single lot for the church. According to the records with the Sedgwick County Appraiser, the church building was constructed in 1980. The church is served by two drive entrances from Meridian Avenue immediately across from the northern entrance to the South YMCA that is further to the west behind the Alford Branch of the Library and the Wichita Fire Station No. 12.

The proposed lot in this case is proposed to have an entrance onto Meridian across from the drive entrance to the Fire Station and Library; however that approval has yet to be granted by the City. The creation of the lot will need to be approved through either a formal Lot Split; or a replat of the property. Access to Meridian Avenue will be finalized as part of that approval process.

Immediately south of this proposed lot is property owned by the Heart of Kansas Southern Baptist Association that serves as its office. That property was platted as the Russell Addition in February of 1980.

The surrounding neighborhood is a mixture of commercial and residential uses. All of the uses along the west side of Meridian Avenue are commercial, with LC zoning and being subject to a CUP (DP-138). This primarily addresses the South YMCA Facility, but also covers the other fast food restaurants on Meridian south of the Fire Station. The restrictions within that CUP provide additional protections for the area that, to a degree, are appropriate for the property that is the subject of this request.

The some of the properties to the east and north are zoned TF-3 Two Family Residential (TF-3), with the neighborhood further to the north and east all zoned SF-5 Single Family Residential (SF-5).

The properties on either side of Meridian Avenue south to I-235 are zoned LC Limited Commercial (LC) and used accordingly. The Burger King restaurant on the southeast corner of Meridian Avenue and West 34th Street South has a Protective Overlay (PO-225) in effect addressing certain aspects of the development of that property concerning placement of the order board and traffic queuing limitations.

The conversion of this property to LC Limited Commercial (LC) for development of the fast food restaurant is not out of character with the overall pattern of development in this portion of Meridian Avenue. However, staff believes a Protective Overlay would be appropriate to assure certain uses otherwise permitted in the LC Limited Commercial (LC) District do not get introduced into the neighborhood. The terms of that Protective Overlay are recommended to read as follows:

Subject to the following Protective Overlay:

1. Uses shall be limited to those allowed by right in the LC zoning district, EXCEPT: Recycling Collection Station, Public or Private, Recycling Processing Center, Construction Sales and Service, Nightclubs in the City, Entertainment Establishment in the City, Correctional Facilities, Correctional Placement Residence, Animal Care, General; Kennels, RV Campground, Sexual Oriented Businesses, and Tavern or Drinking Establishments, and any industrial, manufacturing, general or extractive use listed in the Use Regulations of Section III-D.
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ZON2017-00052

CASE HISTORY: As noted earlier, other than the platting of the property in 1983, there is no other previous zoning activity on this parcel.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	residential
SOUTH:	B	commercial office
EAST:	TF-3	residential
WEST:	LC	commercial

PUBLIC SERVICES: Meridian Avenue is a fully improved commercial four-lane arterial street with turn lanes provided at certain intersections. The site is served by all municipal and private utilities and services.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is located as appropriate for New Employment and Residential and Employment Mix. The site is just south of the Established Central Area (ECA), where infill development and higher density is encouraged. A commercial development of the site would provide greater tax base and employment opportunities.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends approval of the request, subject to the creation of the Protective Overlay described in the Background Section above. This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding neighborhood is a mixture of commercial and residential uses. The neighborhood has proven to be attractive for additional commercial development along Meridian Avenue, provided measures to protect the existing residential neighborhoods to the east and north are taken.
2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned SF-5 Single Family Residential and that zoning classification is unlikely to be developed for single family homes.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed LC zoning is appropriate. The proposed Protective Overlay will provide restrictions on the site that will help mitigate adverse impact on nearby property.
4. Length of time the property has been vacant as currently zoned: The property has remained vacant because of the church ownership, which has been since the early 1980's.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is located as appropriate for New Employment and Residential and Employment Mix. A commercial development of the site would provide greater tax base and employment opportunities.
7. Impact of the proposed development on community facilities: Development of the property would not have any impact on community facilities or resources. All public improvements are available to serve the property.

Staff Report Attachments:

1. Zoning Exhibit

