

ORDINANCE NO. 49-670

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. ZON2013-00039

Zone change from GO General Office (GO) to LC Limited Commercial (LC) on approximately 12.7 acres described as:

That part of Lot 1, Block 1, Hinkle's Addition, Wichita, Sedgwick County, Kansas described as follows: Beginning at the Southwest corner of said Lot 1; thence North, 584.50 feet; thence East, 334.00 feet; thence North, 217.00 feet; thence East, 450.00 feet; thence South, 801.50 feet; thence West, 784.00 feet to a point of beginning.

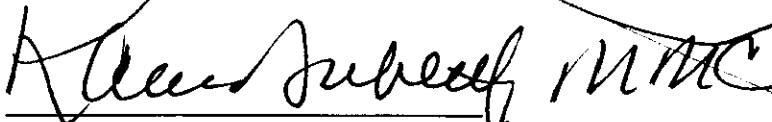
SUBJECT TO PROTECTIVE OVERLAY #284:

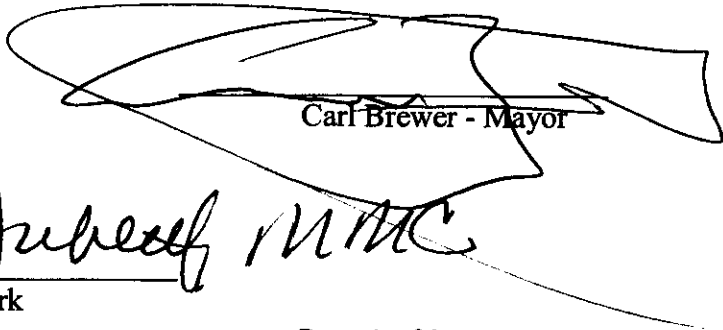
1. The subject property shall be limited to those uses as permitted by the GO zoning district only.
2. Signs shall be permitted in accordance with the City of Wichita Sign Code for the LC zoning district. No building signs are permitted on the south or east building facades facing residential zoning. A pole or monument sign shall not be permitted on the southern 60 feet of the Woodlawn frontage.

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.

ATTEST:


Karen Sublett, City Clerk


Carl Brewer - Mayor



Approved as to form: Gary E. Rebenstorf / REV
Gary E. Rebenstorf, City Attorney

STAFF REPORT

MAPC January 9, 2014

DAB I January 6, 2014

CASE NUMBER: ZON2013-39

OWNER/AGENT: Galichia Medical Properties LLC c/o Matt Leary (applicant); Baughman Company PA c/o Russ Ewy (agent)

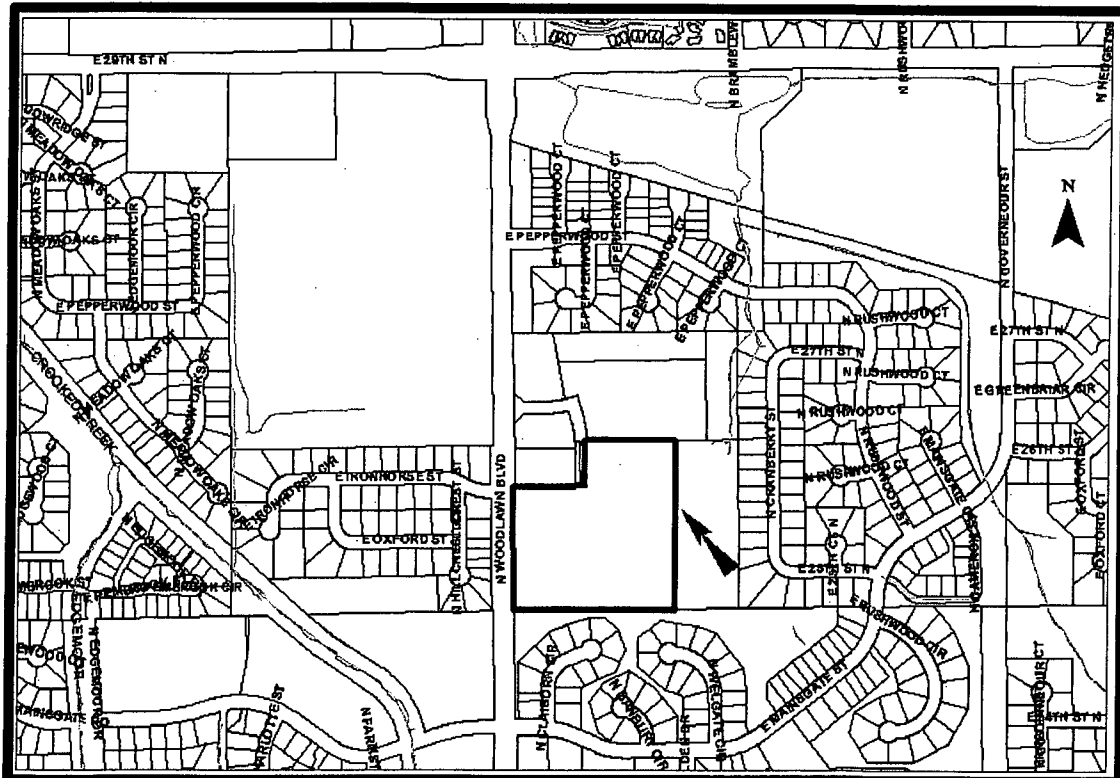
REQUEST: LC Limited Commercial (LC)

CURRENT ZONING: GO General Office (GO)

SITE SIZE: 12.71 acres

LOCATION: Generally located east of North Woodlawn and ½ mile south of 29th Street North (2600 N. Woodlawn)

PROPOSED USE: Continued medical office and hospital use with Limited Commercial sign rights



BACKGROUND: The applicant's GO General Office (GO) zoned site is developed with a medical office and hospital use. The applicant intends to continue medical office and hospital use on the site, but desires increased signage as allowed under LC Limited Commercial (LC) zoning. The applicant submitted a voluntary Protective Overlay (PO) restricting land uses to those permitted in the GO zoning district, but permitting signage in accordance with LC zoning under the Sign Code, see the attached letter from the applicant. The application area received three Sign Code variances and one administrative adjustment between 2001 and 2006 (case numbers BZA2001-21, BZA2006-26, BZA2006-34 and BZA2006-36). Those variances and adjustments allowed: an increase in ground sign size from 32 to 96 square feet, an increase in building sign size from 32 to 130 square feet, an increase in the number of signs for a business from one to two, the internal illumination of building signs, and a decrease in ground sign separation from 150 to 100 feet. The addition of an emergency room to the site prompted the three cases in 2006, as the applicant was concerned with adequate signage during emergency situations.

The Sign Code allows a maximum of 32 square feet for pole or monument signs in GO zoning; it allows .8 square feet per linear foot of arterial street frontage in LC zoning, not to exceed 300 square feet. The application area has approximately 580 linear feet of frontage along Woodlawn, an arterial street. Building signs in GO zoning are limited to 32 square feet; building signs in LC zoning are permitted up to 20 percent of building elevation per building tenant, not to exceed a total of 400 square feet. Because the application area is over 6 acres, the Unified Zoning Code (UZC) requires LC zoned developments to submit a Community Unit Plan (CUP) document, or a PO in lieu of a CUP as submitted by the applicant. Code required compatibility setbacks, parking, screening and landscaping is identical under GO and LC zoning. With a change from GO to LC zoning, the site could increase maximum building height from 60 to 80 feet. Because medical use buildings already exist on the site, staff does not anticipate buildings taller than those permitted under GO zoning.

The application area is on the east side of N. Woodlawn with a mixture of surrounding zoning and land uses. North of the site is GO zoned vacant land and a medical office use. Immediately south of the site is an SF-5 Single-family Residential (SF-5) zoned residential neighborhood, 580 feet further south of the site is an LC zoned shopping center. East of the site is an SF-5 zoned residential neighborhood. West of the site, across Woodlawn, is a TF-3 Two-family Residential (TF-3) zoned duplex neighborhood. Northwest of the site, across Woodlawn, is an SF-5 zoned elementary school. Southwest of the site is a large GO zoned office use on the west side of Woodlawn, and a GO zoned retirement community. Further west of the GO office use is an MF-29 Multi-family Residential (MF-29) zoned apartment complex.

CASE HISTORY: The site was platted as a portion of Lot 1, Block 1 of the Hinkle's Addition in 1972.

ADJACENT ZONING AND LAND USE:

NORTH:	GO	Medical office, vacant
SOUTH:	SF-5, LC	Single-family residences, shopping center
EAST:	SF-5	Single-family residences
WEST:	TF-3, GO	Two-family residences, office development, retirement community

PUBLIC SERVICES: The site has access to Woodlawn, a four-lane arterial with central turn lanes, a 110-foot right of way and a daily traffic volume of 20,597 vehicles per day. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "2013 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies the site as "major institutional." The major institutional category includes institutional facilities of a significant size and scale of operation and could include a range of such uses as

government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities.

RECOMMENDATION: The requested LC with PO land use restrictions is consistent with surrounding zoning and uses, a PO should protect residential neighbors to the east and south from incompatible land uses and signage. The requested zone change will permit signage that is larger than signage already permitted on the site through variances and adjustments. However, the requested LC zoning will allow signage consistent with nearby commercial developments. Based upon the information available prior to the public hearings, planning staff recommends that the request for LC zoning be **APPROVED** subject to a Protective Overlay with the following conditions:

1. The subject property shall be limited to those uses as permitted by the GO zoning district only.
2. Signs shall be permitted in accordance with the City of Wichita Sign Code for the LC zoning district. No building signs are permitted on the south or east building facades facing residential zoning. A pole or monument sign shall not be permitted on the southern 60 feet of the Woodlawn frontage.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The application area is on the east side of N. Woodlawn with a mixture of surrounding zoning and land uses. North of the site is GO zoned vacant land and a medical office use. Immediately south of the site is an SF-5 zoned residential neighborhood, 580 feet further south of the site is an LC zoned shopping center. East of the site is an SF-5 zoned residential neighborhood. West of the site, across Woodlawn, is a TF-3 zoned duplex neighborhood. Northwest of the site, across Woodlawn, is an SF-5 zoned elementary school. Southwest of the site is a large GO zoned office use on the west side of Woodlawn, and a GO zoned retirement community. Further west of the GO office use is an MF-29 zoned apartment complex.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The existing GO zoning allows the existing medical office and hospital development. However, GO sign restrictions on this site may not be adequate considering the traffic volume on this portion of Woodlawn, the facility scale and the building setback from Woodlawn.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Abutting properties to the north are zoned GO, the proposed PO should protect residences south and east of the site.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2013 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies the site as "major institutional." The major institutional category includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities.
- (5) **Impact of the proposed development on community facilities:** The existing Woodlawn Street and public utilities accommodate the current land use.