



Wichita-Sedgwick County Metropolitan Area Planning Department

D&P Land LLC
PO Box 16553
Wichita, KS 67216

July 20, 2020

Ulysses Gooch
12 Crestview Lakes Dr
Wichita, KS 67220

CASE NO: ZON2019-00032 – City Zone change from SF-5 Single Family Residential to LC Limited Commercial for the purposes of redevelopment, generally located on the northwest corner of East 21st Street North and North Oliver Avenue

Dear Applicant;

At its regular meeting on **July 7, 2020** the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request in accordance with the attached ordinance.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP
Associate Planner

Copies to: MABCD
Brandon Johnson, Council Member District I
Kameelah Alexander, CSR District VI
Byron and Kate Nielsen, 2 N Crestview Lakes Dr. Wichita, KS, 67220
Brenda Stevenson, 4723 E 27th Street North, Wichita, KS 67220
Charles Rivera, 2401 N Pershing, Wichita KS 67220
Crestview Lakes, Steve and Julia Falke, 3 Crestview Lakes Drive, Wichita, KS 67220
Arthur P DeHart, 1 Crestview Lakes Drive, Wichita KS 67220
Christina Unrein, 7 Crestview Lakes Drive, Wichita, KS 67220
Craig Tolson, 4 Crestview Lakes Drive, Wichita, KS 67220
Scott Langenburg, 5 Crestview Lakes Drive, Wichita, KS 67220
Willow Lakes Estates, Brenda Schewe, 2431 N Pershing St, Wichita, KS 67220
Northeast Heights, James Roseborn, 4518 Greenbriar, Wichita, KS 67220
Mark Lutz, 14 Crestview Lakes Estates, Wichita, KS 67220

Protective Overlay 348 for Limited Commercial Zoning (ZON2019-00032)

1. Land uses: All allowed uses permitted within the LC, Limited Commercial Zoning District with the following EXCEPTIONS; Duplex Residential; Manufactured Home; Group Residence, Limited and General; Cemetery; Correctional Placement Residence, Limited and General; Golf Course; Recycling Collection Station, Private and Public; Recycling Processing Center; Reverse Vending Machine; Utility, Minor; Car Wash; Construction Sales and Service; Store; Entertainment Establishment in the City; Event Center in the City; Funeral Home; Marine Facility, Recreational; Monument Sales; Nightclub in the City; Nurseries and Garden Centers; Pawn Shop; Pay Day Loan-type Businesses; Recreation and Entertainment, Indoor; Secondhand Store; Sexually Oriented Business in the City or County; Tavern or Drinking Establishment; Teen Club in the City; Vehicle and Equipment Sales; Vehicle Repair, Limited and General; Asphalt or Concrete Plant, Limited and General; Storage, Outdoor; Agricultural Research; and Agricultural Sales and Services.
2. Where adjacent to single-family residential uses, a six to eight-foot masonry wall with 1.5 times the code-required landscape materials and a fifteen-foot wide landscape buffer is required. A landscaped earthen berm equivalent to the masonry wall may be substituted for the masonry wall. There shall be a contingency to waive the requirement of a masonry wall or equivalent earth berm and landscaping requirements along the north property line should the property immediately to the north seek redevelopment to a non-residential use prior to the issuing of building permits for the subject site.
3. A landscaped street yard shall be provided along both 21st Street and Oliver Avenue as required by the Landscape Ordinance. The landscape buffer width shall be not less than 20 feet in width. Breaks in the landscape buffer are allowed for drive location(s). A landscape plan shall be prepared by a Kansas Landscape Architect. This plan shall indicate the type, location, and specification of all plant material and shall be submitted to the Metropolitan Area Planning Department (MAPD) for its review and approval prior to the issuance of any building permit(s).
4. All buildings shall share a uniform architectural character, color, and similar predominant exterior building material, as determined by the Director of Planning. All building walls and roofs must have a predominately earth-tone colors, with vivid colors limited to incidental accents, and must employ materials similar or complementary to surrounding residential areas. The predominant exterior building material shall be non-metal, unless approved by the Director of Planning. Non-residential buildings located in the specified area should be residential in character with hip or gabled roof, and use exterior building materials similar to that used in area residences. Building elevations shall be submitted for review and approval by the Planning Director prior to the issuance of building permits.
5. Outdoor lighting sources shall employ cut-off luminaries that are shielded and aimed to minimize light trespass and glare, and shall be mounted at a height not to exceed 15 feet.
6. Building signs shall not face north or west if the abutting lot is developed with a single-family or two-family residence. Ground signage shall be monument style, and be no more than 15 feet in height. All Signage shall comply with Wichita City Sign Code requirements.
7. Portable signs, off-site signs, banners, string pennants and the like shall not be permitted, except for a banner sign permitted for 30 days from the opening of business.
8. Building heights shall be limited to 35 feet and there shall be no west-facing or north-facing window openings above 12 feet.
9. Prior to issuance of a building permit, a site plan shall be submitted for review and approval by the Director of Planning. The site plan shall show the building locations, parking and circulation plans, signage, screening, and indicate the size and location of the landscape buffer areas. Access to the site shall be reviewed and approved by Planning in consultation with the City Traffic Engineer and Wichita Fire Marshall.

ORDINANCE NO. 51-301 _____

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. ZON2019-00032

City Zone Change from SF-5 Single Family Residential to LC Limited Commercial subject to the conditions set forth in Protective Overlay #348, legally described as:

Lot 11 except beginning at the northeast corner of said Lot 11; thence S 195.05 feet to a point on a curve; thence along curve to the south line of said Lot 11; thence West 240 feet to the southwest corner of said Lot 11; thence North 10 feet; thence East 229 feet; thence Northeasterly 72.1 feet to a point 20 feet west of the east line of said Lot 11; thence N 194.1 feet; thence East 20 feet to beginning, Block 2, Crestview Lakes Addition, Wichita Sedgwick County, Kansas.

TOGETHER WITH

Lot 12 except beginning at the southeast corner thereof; thence West 20 feet; thence Northeasterly 162.13 feet to the east line of said Lot 12; thence South 160.02 feet to beginning, Block 2, Crestview Lakes Addition, Wichita, Sedgwick County, Kansas.

Protective Overlay #348

1. Land uses: All allowed uses permitted within the LC, Limited Commercial Zoning District with the following EXCEPTIONS; Duplex Residential; Manufactured Home; Group Residence, Limited and General; Cemetery; Correctional Placement Residence, Limited and General; Golf Course; Recycling Collection Station, Private and Public; Recycling Processing Center; Reverse Vending Machine; Utility, Minor; Car Wash; Construction Sales and Service; Store; Entertainment Establishment in the City; Event Center in the City; Funeral Home; Marine Facility, Recreational; Monument Sales; Nightclub in the City; Nurseries and Garden Centers; Pawn Shop; Pay Day Loan-type Businesses; Recreation and Entertainment, Indoor; Secondhand Store; Sexually Oriented Business in the City or County; Tavern or Drinking Establishment; Teen Club in the City; Vehicle and Equipment Sales; Vehicle Repair, Limited and General; Asphalt or Concrete Plant, Limited and General; Storage, Outdoor; Agricultural Research; and Agricultural Sales and Services.
2. Where adjacent to single-family residential uses, a six to eight-foot masonry wall with 1.5 times the code-required landscape materials and a fifteen-foot wide landscape buffer is required. A landscaped earthen berm equivalent to the masonry wall may be substituted for the masonry wall. There shall be a contingency to waive the requirement of a masonry wall or equivalent earth berm and landscaping requirements along the north property line should the property immediately to the north seek redevelopment to a non-residential use prior to the issuing of building permits for the subject site.

3. A landscaped street yard shall be provided along both 21st Street and Oliver Avenue as required by the Landscape Ordinance. The landscape buffer width shall be not less than 20 feet in width. Breaks in the landscape buffer are allowed for drive location(s). A landscape plan shall be prepared by a Kansas Landscape Architect. This plan shall indicate the type, location, and specification of all plant material and shall be submitted to the Metropolitan Area Planning Department (MAPD) for its review and approval prior to the issuance of any building permit(s).
4. All buildings shall share a uniform architectural character, color, and similar predominant exterior building material, as determined by the Director of Planning. All building walls and roofs must have a predominately earth-tone colors, with vivid colors limited to incidental accents, and must employ materials similar or complementary to surrounding residential areas. The predominant exterior building material shall be non-metal, unless approved by the Director of Planning. Non-residential buildings located in the specified area should be residential in character with hip or gabled roof, and use exterior building materials similar to that used in area residences. Building elevations shall be submitted for review and approval by the Planning Director prior to the issuance of building permits.
5. Outdoor lighting sources shall employ cut-off luminaries that are shielded and aimed to minimize light trespass and glare, and shall be mounted at a height not to exceed 15 feet.
6. Building signs shall not face north or west if the abutting lot is developed with a single-family or two-family residence. Ground signage shall be monument style, and be no more than 15 feet in height. All Signage shall comply with Wichita City Sign Code requirements.
7. Portable signs, off-site signs, banners, string pennants and the like shall not be permitted, except for a banner sign permitted for 30 days from the opening of business.
8. Building heights shall be limited to 35 feet and there shall be no west-facing or north-facing window openings above 12 feet.
9. Prior to issuance of a building permit, a site plan shall be submitted for review and approval by the Director of Planning. The site plan shall show the building locations, parking and circulation plans, signage, screening, and indicate the size and location of the landscape buffer areas. Access to the site shall be reviewed and approved by Planning in consultation with the City Traffic Engineer and Wichita Fire Marshall.

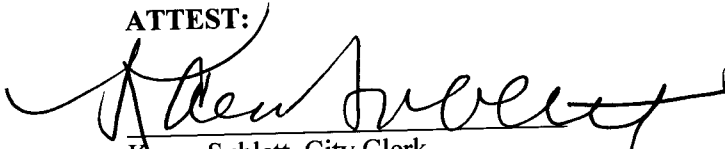
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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 14 day of July, 2020.


Brandon J. Whipple, Mayor, City of Wichita

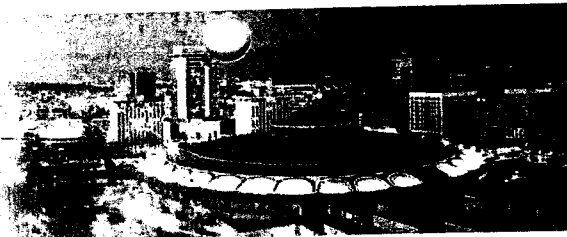
ATTEST:


Karen Sublett, City Clerk



Approved as to form:

Jennifer Magaña, City Attorney and Director of Law



LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
453697	0004699935			\$109.20	1	182

Attention: Jamie Buster

CITY OF WICHITA/CLERKS OFFICE

455 N MAIN ST FL 13

WICHITA, KS 67202

LEGAL PUBLICATION

OCA 150004

PUBLISHED IN THE WICHITA EAGLE,
ON JULY 17, 2020 (4699935)
ORDINANCE NO. 51-301

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 20.94.010, 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 20.94.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

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2. Where adjacent to single-family residential uses, a six to eight-foot masonry wall with 1.5 times the code-required landscape materials and a fifteen-foot wide landscape buffer is required. A landscaped earthen berm equivalent to the masonry wall may be substituted for the masonry wall. There shall be a contingency to waive the requirement of a masonry wall or equivalent earthen berm and landscaping requirements along the north property line should the property immediately to the north seek redevelopment to a non-residential use prior to the issuing of building permits for the subject site.

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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 14th day of July, 2020.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Jennifer Magaña, City Attorney and
Director of Law

In The STATE OF KANSAS
In and for the County of Sedgwick
AFFIDAVIT OF PUBLICATION

1 Insertions

Beginning issue of: 07/17/2020

Ending issue of: 07/17/2020

STATE OF KANSAS)

.SS

County of Sedgwick)

Tony Berg, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 7/17/2020 to 07/17/2020.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Tony Berg

(Signature of Principal Clerk)

DATED: 7/17/2020

Jennifer Magaña
Notary Public Sedgwick County, Kansas

JENNIFER RAE BAILEY
Notary Public - State of Kansas
My Appt. Expires 6/14/2021