

DR 82-19 - Amendment to County  
Zoning Resolution - Office-Commer-  
cial District.

*Amendment*  
11-17-82  
B Co. C. Approved as  
recommended and is approved  
by BCC

# ACTION

COMMITTEE	DATE
M.A.P.C. <u>approved</u>	8-12-82
B.C.C./B. CO. C. <u>Return to MAP</u> <u>for reconsideration</u>	9-23-82
MAPC <u>Approved as</u> <u>Amended</u>	9-23-82
B Co. C <u>Deferred one week</u> <u>to be amended to</u> <u>conform to City's</u> <u>amendment.</u>	11-3-82
B Co. C. <u>Approved as</u> <u>recommended and approved</u> <u>by BCC</u>	11-17-82

DR 82-19 - Amendment to County  
Zoning Resolution - Office-Commer-  
cial District.

( ) Published in the Daily Reporter on December 1, 1982

RESOLUTION

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO APRIL 28, 1980, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS; BY ADDING SECTION 6-1 AS THE "OC" OFFICE COMMERCIAL DISTRICT AND AMENDING SECTION 1, PARAGRAPH 1; SECTION 11, PARAGRAPH B-3b; SECTION 11, PARAGRAPH D-4; AND SECTION 14, PARAGRAPH C-2 OF THE SEDGWICK COUNTY ZONING RESOLUTION: ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 14.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982 after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted on March 3, 1958, and subsequently amended, Section 1 - "Districts and General Regulations", paragraph 1, shall be amended to read as follows:

1. That portion of Sedgwick County, Kansas, between the Wichita City Limits and three (3) miles beyond; and between the Haysville City Limits and three (3) miles beyond; and between the Derby City Limits and three (3) miles beyond; and between the Mulvane City Limits and three (3) miles beyond; and between the Valley Center City Limits and three (3) miles beyond; between the Goddard City Limits and three (3) miles beyond; and that portion of the area within three (3) miles of the Cheney City Limits as established by the Board of County Commissioners on October 3, 1973, is hereby divided into nine (9) districts as follows:

<u>Symbol</u>	<u>Name</u>
"R" District	Rural Residential District
"R-1" District	Suburban Residential District
"AA" District	One Family Dwelling District
"BB" District	Office District
"OC" District	Office Commercial District
"LC" District	Light Commercial District
"C" District	General Commercial District
"E" District	Light Industrial District
"F" District	Heavy Industrial District

SECTION II. That upon the recommendation of the Wichita, Sedgwick County Metropolitan Area Planning Commission on September 23, 1982 after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 6-1 shall be added to the Zoning Resolution as follows:

SECTION 6-1  
"OC" OFFICE COMMERCIAL DISTRICT CLASSIFICATION

The intent and purpose of this section is to establish a use district that is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are also compatible one to another within the district itself. They are generally smaller, less intense uses or are of such size to be low traffic generators. This district shall be established only when the property is contiguous to an arterial street as designated by Maps 13-A and 13-B of the Transportation Plan or amendments thereto; or be established on a property that is contiguous to any non-residential zoning district.

Uses listed in the "OC" District shall be permitted provided they comply with the following limitations:

- a) No individual business shall occupy more than 5,000 square feet of floor area; provided however, an exception to this limitation may be granted by the Board of Zoning Appeals subject to the following conditions:
  1. A basement area, not exceeding the area used for office or sales use, is used only for storage, records, mechanical equipment or other non-person uses.
  2. Such area shall be determined to be nontraffic generating and deemed to be exempt from all street parking requirements.
  3. Required off-street parking shall not be determined to be less than that required by the floor area used for office or sales purposes.
  4. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations of the zoning resolution.
- b) All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
- c) Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sales which do not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods or services to the home; i.e., florist truck, TV repair truck. Vehicles stored or retained on site overnight shall be stored within the main structure, an enclosed garage or when approved by the Director of Planning as to adequate screening material and location, within an enclosed compound.

- d) No business shall display or store goods or equipment outside of an enclosed building.
- e) No business establishment shall offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles
- f) Motor vehicle parts, service or fuels shall not be dispensed in this district.
- g) Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.

The following regulations shall apply in all "OC" Districts:

A. Uses Permitted

- 1. Offices, including the following:
  - a) Abstract and Title Companies.
  - b) Accountants Offices.
  - c) Advertising Agencies.
  - d) Architects Offices.
  - e) Artist Studios and Art Galleries.
  - f) Attorneys Offices.
  - g) Broadcasting or Recording Studios Without Transmitter Towers.
  - h) Computer and Data Processing Offices.
  - i) Dance Studios.
  - j) Dental Offices and Clinics.
  - k) Engineers Offices.
  - l) Medical Offices and Clinics.
  - m) Minor Surgery Centers.
  - n) Offices, Administrative, Clerical and Sales Services, including the display of sample or inventory items made available for demonstration purposes and where such display

constitutes less than half of the floor area, such display material shall be limited to small business machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture, larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.

- o) Optician & Optical Dispensaries.
- p) Photography Studios.
- q) Real Estate Offices.
- r) Religious Offices and Headquarters.
- s) Travel Agencies and Transportation Ticket Offices.

2. Retail Stores and personal service businesses including the following:

- a) Antique Store.
- b) Apparel and Accessory Store.
- c) Artist, Craft and Hobby Supply Store.
- d) Camera Shop and Photographic Supplies.
- e) Child Day Care Centers.
- f) Cigar, Tobacco and Candy Store.
- g) Clothing and Costume Rental Store.
- h) Cleaning and Laundry Pickup Stations.
- i) Drug Store, Pharmacy or Apothecary.
- j) Electric Household Appliances, Television and Stereo Repair.
- k) Florist Shop.
- l) Hair Stylists (Barber and Beauty Shops).
- m) Jewelry and Jewelry Repair.
- n) Key Shop.
- o) Medical and Orthopedic Appliance Stores.
- p) Office Supplies (not including furniture).
- q) Photographic Equipment and Print Shops.
- r) Picture Framing Shop.
- s) Shoe Repair Shop
- t) Tailor Shops

3. Residential uses as follows:
  - a) Each Business or Office may have an owner residence as a part of the business or office structure.
  - b) Multiple-family dwellings, the same as permitted by conditional use in the "AA" District.
4. Miscellaneous type uses including the following:
  - a) Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served; and is determined by the Director of Building and Zoning to contribute to the necessity of the principal residence or business established on the zoning lot.
  - b) Off-street parking and loading accessory to a principal use established on the zoning lot.
  - c) Signs shall be limited as follows:
    - 1) Ground or pole signs shall be limited to one per business and shall not exceed 32 square feet in area or 30 feet in height. Whenever more than one business is located on a property a horizontal distance, along the street, shall not be less than 50 feet.
    - 2) Each business shall be permitted a sign located on the face of the building not to exceed 32 square feet.
    - 3) Lighting of signs must be limited to internal or indirect illumination of white light only and without flashing or moving images.
    - 4) No portable signs shall be permitted.
5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 12 of the Zoning Resolution, Sedgwick County, Kansas; provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.
  - a) Offices, Retail Stores and Personal Service Businesses not specifically

Listed as a permitted use above, when it can be determined that the use is comparable to any of the above.

B. AREA REQUIREMENTS:

1. Lot Area: For any property having available and utilizing a public water supply and a municipal or community sewage disposal system shall have a minimum lot width of 75 feet and a minimum lot area of 10,000 square feet. Larger areas may be required as determined by the Wichita-Sedgwick County Department of Community Health for the installation of individual sewage disposal systems and private wells.
2. Front Yard: See Section 11-D.
3. Side Yard: No side yard shall be required unless the lot abuts a lot in an "R-1", "R", or "AA" District, but if any side yard is provided, the side yard shall be not less than five (5) feet. Where the side of a lot in the "OC" District abuts upon the side of a lot in an "R", "R-1", or "AA" District, there shall be a side yard the same as required in the "R", "R-1", or "AA" District. Where the rear of a corner lot abuts the side of a lot in an "R", "R-1", or "AA" District, the side yard on the street-side of the corner lot shall be ten (10) feet.
4. Rear Yard: There shall be a rear yard of not less than ten (10) feet.

C. HEIGHT LIMIT: No building shall be erected or enlarged to exceed a height of thirty-five (35) feet.

D. LOT COVERAGE: There shall be a maximum of 40 percent coverage of the lot by any structure.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 11 "SUPPLEMENTAL REGULATIONS", paragraph B-3b be amended to read as follows:

- b) Where any parking area or loading spaces as required in the "OC", "LC", "C", "E", or "F" Districts or for automobile or trailer sales areas, adjoins lots in "R", "R-1", "AA" or "BB" Districts such lot shall be protected the full length of the parking area or loading spaces (but not closer than 15

feet to any street lot line), by a permanent screen or solid wall, compact evergreen screen, or uniformly painted board fence, or woven wire fence, having a height of not less than 4 feet nor more than 6 feet, erected and maintained by the owner or user of such parking area or loading space.

SECTION IV. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 11, "Supplemental Regulations" paragraph D-4 shall be amended to read as follows:

4. Zoning district front yard setbacks referred to in the above paragraphs are as follows:

"R" - Rural Residential District, 30 feet  
"R-1" - Suburban Residential District, 25 feet  
"AA" - One Family Dwelling District, 25 feet  
"BB" - Office District, 20 feet  
"OC" - Office Commercial District, 20 feet  
"LC" - Light Commercial District, 35 feet  
"C" - General Commercial District, 35 feet  
"E" - Light Industrial District, 35 feet  
"P" - Heavy Industrial District, 35 feet

SECTION V. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 14 "ADMINISTRATION" paragraph C-2, shall be amended to read as follows:

2. Application: Application for any change of district boundaries or reclassification of districts as shown on the Zoning Map, shall be filed with the Commission upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record.

Each application shall be verified by at least one of the owners of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

Applications must be accompanied with a certified list of property owners of record and their addresses, if available, and if not available, then the address of the occupant of the premises, if tenanted, in all directions from the subject property for a distance of twice the frontage of the property, included in the application; provided, no distance need be more than 1,000 feet and cannot be less than 200 feet.

For the purpose of defraying costs of proceedings prescribed herein, filing fees and publication fees shall be paid to the County Treasurer or his agent upon the filing of such application for change in district classification. The fee for such application is as follows:

Size of Application Area

Zoning Classification	Up to & Including 3 Acres	Over 3 Acres to 6 Acres	Over 6 Acres to 15 Acres	Over 15 Acres
"R", "R-1" & "AA"	\$200	\$300	\$400	\$500
"BB"	350	450	550	650
"OC", "LC", "C", "E", & "F"	400	500	600	700

"CU" (Conditional Use Permit) - Fee required is the same as for the District in which it is located.  
 Special Permit - as authorized by the Zoning Resolution--\$150.

Any person requesting deferral of a zoning case or a conditional use case shall be charged a fee of \$50 at such time the deferral is granted to cover administrative costs.

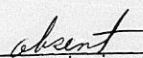
A written receipt shall be issued to the person making such a payment and records thereof shall be in a manner as prescribed by law.

SECTION VI. This resolution shall take affect and be enforced on December 1, 1982, upon its adoption and publication once in the official County paper.

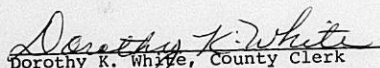
PASSED AND ADOPTED THIS 17<sup>th</sup> day of November, 1982.

  
 Jack Spratt, Chairman

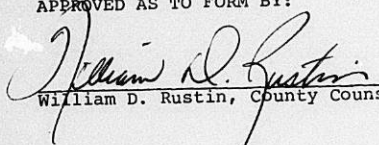
  
 Tom Scott, Commissioner

  
 Don Gragg, Commissioner



  
 Dorothy K. White, County Clerk

APPROVED AS TO FORM BY:

  
 William D. Rustin, County Counselor

WICHITA-SEDGWICK COUNTY


DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

November 8, 1982

**TO** Board of County Commissioners  
**FROM** Robert A. Lakin, Director of Planning  
**SUBJECT** DR-82-19 - Office Commercial District

Attached is a copy of the Resolution establishing the "OC" Office Commercial District into the Sedgwick County Zoning Resolution. This has been amended to conform to the commissions concensus motion on November 3, 1981 to conform to the general concept as adopted by the Board of City Commissioners.

  
Robert A. Lakin  
Director of Planning

RAL:GEL:sad

Attachment

( \_\_\_\_\_ ) Published in the Wichita Eagle-Beacon on \_\_\_\_\_

RESOLUTION

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO APRIL 28, 1980, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK, COUNTY, KANSAS; BY ADDING SECTION 6-1 AS THE "OC" OFFICE COMMERCIAL DISTRICT AND AMENDING SECTION 1, PARAGRAPH 1; SECTION 11, PARAGRAPH B-3b; SECTION 11, PARAGRAPH D-4; AND SECTION 14, PARAGRAPH C-2 OF THE SEDGWICK COUNTY ZONING RESOLUTION: ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 14.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982 after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted on March 3, 1958, and subsequently amended, Section 1 - "Districts and General Regulations", paragraph 1, shall be amended to read as follows:

1. That portion of Sedgwick County, Kansas, between the Wichita City Limits and three (3) miles beyond; and between the Haysville City Limits and three (3) miles beyond; and between the Derby City Limits and three (3) miles beyond; and between the Mulvane City Limits and three (3) miles beyond; and between the Valley Center City Limits and three (3) miles beyond; between the Goddard City Limits and three (3) miles beyond; and that portion of the area within three (3) miles of the Cheney City Limits as established by the Board of County Commissioners on October 3, 1973, is hereby divided into nine (9) districts as follows:

<u>Symbol</u>	<u>Name</u>
"R" District	Rural Residential District
"R-1" District	Suburban Residential District
"AA" District	One Family Dwelling District
"BB" District	Office District
"OC" District	Office Commercial District
"LC" District	Light Commercial District
"C" District	General Commercial District
"E" District	Light Industrial District
"F" District	Heavy Industrial District

SECTION II. That upon the recommendation of the Wichita, Sedgwick County Metropolitan Area Planning Commission on September 23, 1982 after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 6-1 shall be added to the Zoning Resolution as follows:

SECTION 6-1  
"OC" OFFICE COMMERCIAL DISTRICT CLASSIFICATION

The intent and purpose of this section is to establish a use district that is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are also compatible one to another within the district itself. They are generally smaller, less intense uses or are of such size to be low traffic generators. This district shall be established only when the property is contiguous to an arterial street as designated by Maps 13-A and 13-B of the Transportation Plan or amendments thereto; or be established on a property that is contiguous to any non-residential zoning district.

Uses listed in the "OC" District shall be permitted provided they comply with the following limitations:

- a) No individual business shall occupy more than 5,000 square feet of floor area; provided however, an exception to this limitation may be granted by the Board of Zoning Appeals subject to the following conditions:
  1. A basement area, not exceeding the area used for office or sales use, is used only for storage, records, mechanical equipment or other non-person uses.
  2. Such area shall be determined to be nontraffic generating and deemed to be exempt from all street parking requirements.
  3. Required off-street parking shall not be determined to be less than that required by the floor area used for office or sales purposes.
  4. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations of the zoning resolution.
- b) All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
- c) Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sales which do not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods or services to the home; i.e., florist truck, TV repair truck. Vehicles stored or retained on site overnight shall be stored within the main structure, an enclosed garage or when approved by the Director of Planning as to adequate screening material and location, within an enclosed compound.

- d) No business shall display or store goods or equipment outside of an enclosed building.
- e) No business establishment shall offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles
- f) Motor vehicle parts, service or fuels shall not be dispensed in this district.
- g) Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.

The following regulations shall apply in all "OC" Districts:

A. Uses Permitted

- 1. Offices, including the following:
  - a) Abstract and Title Companies.
  - b) Accountants Offices.
  - c) Advertising Agencies.
  - d) Architects Offices.
  - e) Artist Studios and Art Galleries.
  - f) Attorneys Offices.
  - g) Broadcasting or Recording Studios Without Transmitter Towers.
  - h) Computer and Data Processing Offices.
  - i) Dance Studios.
  - j) Dental Offices and Clinics.
  - k) Engineers Offices.
  - l) Medical Offices and Clinics.
  - m) Minor Surgery Centers.
  - n) Offices, Administrative, Clerical and Sales Services, including the display of sample or inventory items made available for demonstration purposes and where such display

constitutes less than half of the floor area, such display material shall be limited to small business machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture, larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.

- o) Optician & Optical Dispensaries.
- p) Photography Studios.
- q) Real Estate Offices.
- r) Religious Offices and Headquarters.
- s) Travel Agencies and Transportation Ticket Offices.

2. Retail Stores and personal service businesses including the following:

- a) Antique Store.
- b) Apparel and Accessory Store.
- c) Artist, Craft and Hobby Supply Store.
- d) Camera Shop and Photographic Supplies.
- e) Child Day Care Centers.
- f) Cigar, Tobacco and Candy Store.
- g) Clothing and Costume Rental Store.
- h) Cleaning and Laundry Pickup Stations.
- i) Drug Store, Pharmacy or Apothecary.
- j) Electric Household Appliances, Television and Stereo Repair.
- k) Florist Shop.
- l) Hair Stylists (Barber and Beauty Shops).
- m) Jewelry and Jewelry Repair.
- n) Key Shop.
- o) Medical and Orthopedic Appliance Stores.
- p) Office Supplies (not including furniture).
- q) Photographic Equipment and Print Shops.
- r) Picture Framing Shop.
- s) Shoe Repair Shop
- t) Tailor Shops

3. Residential uses as follows:
  - a) Each Business or Office may have an owner residence as a part of the business or office structure.
  - b) Multiple-family dwellings, the same as permitted by conditional use in the "AA" District.
4. Miscellaneous type uses including the following:
  - a) Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served; and is determined by the Director of Building and Zoning to contribute to the necessity of the principal residence or business established on the zoning lot.
  - b) Off-street parking and loading accessory to a principal use established on the zoning lot.
  - c) Signs shall be limited as follows:
    - 1) Ground or pole signs shall be limited to one per business and shall not exceed 32 square feet in area or 30 feet in height. Whenever more than one business is located on a property a horizontal distance, along the street, shall not be less than 50 feet.
    - 2) Each business shall be permitted a sign located on the face of the building not to exceed 32 square feet.
    - 3) Lighting of signs must be limited to internal or indirect illumination of white light only and without flashing or moving images.
    - 4) No portable signs shall be permitted.
5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 12 of the Zoning Resolution, Sedgwick County, Kansas; provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.
  - a) Offices, Retail Stores and Personal Service Businesses not specifically

Listed as a permitted use above, when it can be determined that the use is comparable to any of the above.

B. AREA REQUIREMENTS:

1. Lot Area: For any property having available and utilizing a public water supply and a municipal or community sewage disposal system shall have a minimum lot width of 75 feet and a minimum lot area of 10,000 square feet. Larger areas may be required as determined by the Wichita-Sedgwick County Department of Community Health for the installation of individual sewage disposal systems and private wells.
2. Front Yard: See Section 11-D.
3. Side Yard: No side yard shall be required unless the lot abuts a lot in an "R-1", "R", or "AA" District, but if any side yard is provided, the side yard shall be not less than five (5) feet. Where the side of a lot in the "OC" District abuts upon the side of a lot in an "R", "R-1", or "AA" District, there shall be a side yard the same as required in the "R", "R-1", or "AA" District. Where the rear of a corner lot abuts the side of a lot in an "R", "R-1", or "AA" District, the side yard on the street-side of the corner lot shall be ten (10) feet.
4. Rear Yard: There shall be a rear yard of not less than ten (10) feet.

C. HEIGHT LIMIT: No building shall be erected or enlarged to exceed a height of thirty-five (35) feet.

D. LOT COVERAGE: There shall be a maximum of 40 percent coverage of the lot by any structure.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 11 "SUPPLEMENTAL REGULATIONS", paragraph B-3b be amended to read as follows:

- b) Where any parking area or loading spaces as required in the "OC", "LC", "C", "E", or "F" Districts or for automobile or trailer sales areas, adjoins lots in "R", "R-1", "AA" or "BB" Districts such lot shall be protected the full length of the parking area or loading spaces (but not closer than 15

feet to any street lot line), by a permanent screen or solid wall, compact evergreen screen, or uniformly painted board fence, or woven wire fence, having a height of not less than 4 feet nor more than 6 feet, erected and maintained by the owner or user of such parking area or loading space.

SECTION IV. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 11, "Supplemental Regulations" paragraph D-4 shall be amended to read as follows:

4. Zoning district front yard setbacks referred to in the above paragraphs are as follows:

"R" - Rural Residential District, 30 feet  
"R-1" - Suburban Residential District, 25 feet  
"AA" - One Family Dwelling District, 25 feet  
"BB" - Office District, 20 feet  
"OC" - Office Commercial District, 20 feet  
"LC" - Light Commercial District, 35 feet  
"C" - General Commercial District, 35 feet  
"E" - Light Industrial District, 35 feet  
"F" - Heavy Industrial District, 35 feet

SECTION V. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 14 "ADMINISTRATION" paragraph C-2, shall be amended to read as follows:

2. Application: Application for any change of district boundaries or reclassification of districts as shown on the Zoning Map, shall be filed with the Commission upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record.

Each application shall be verified by at least one of the owners of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

Applications must be accompanied with a certified list of property owners of record and their addresses, if available, and if not available, then the address of the occupant of the premises, if tenanted, in all directions from the subject property for a distance of twice the frontage of the property, included in the application; provided, no distance need be more than 1,000 feet and cannot be less than 200 feet.

For the purpose of defraying costs of proceedings prescribed herein, filing and publication fees shall be paid to the County Treasurer or his agent upon the filing of such application for change in district classification. The fee for such application is as follows:

Size of Application Area

Zoning Classification	Up to & Including 3 Acres	Over 3 Acres to 6 Acres	Over 6 Acres to 15 Acres	Over 15 Acres
"R", "R-1" & "AA"	\$200	\$300	\$400	\$500
"B"	350	450	550	650
"OC", "LC", "C", "E", & "F"	400	500	600	700

"CU" (Conditional Use Permit) - Fee required is the same as for the District in which it is located.  
Special Permit - as authorized by the Zoning Resolution--\$150.

Any person requesting deferral of a zoning case or a conditional use case shall be charged a fee of \$50 at such time the deferral is granted to cover administrative costs.

A written receipt shall be issued to the person making such a payment and records thereof shall be in a manner as prescribed by law.

SECTION VI. This resolution shall take effect and be enforced on \_\_\_\_\_, 1982, upon its adoption and publication once in the official County paper.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1982.

\_\_\_\_\_  
Jack Spratt, Chairman

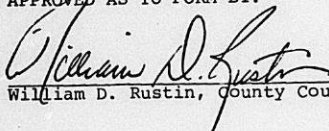
\_\_\_\_\_  
Tom Scott, Commissioner

\_\_\_\_\_  
Don Gragg, Commissioner

ATTEST:

\_\_\_\_\_  
Dorothy K. White, County Clerk

APPROVED AS TO FORM BY:

  
\_\_\_\_\_  
William D. Rustin, County Counselor

WICHITA-SEDGWICK COUNTY

DATE  
October 25, 1982

METROPOLITAN AREA PLANNING DEPARTMENT

TO Board of County Commissioners  
FROM Robert A. Lakin, Director of Planning  
SUBJECT DR82-19 - Office Commercial District

Attached is a delineated copy of an amendment to the Sedgwick County Zoning Resolution that has been recommended by the Wichita-Sedgwick County Metropolitan Area Planning Commission for adoption. Please place this on your agenda for consideration on November 3, 1982.

BACKGROUND

The development of a zoning district for limited retail and service type uses was first discussed by the Planning Commission in 1979. In 1980 the matter was tabled indefinitely. The district was again proposed to the Planning Commission in July 1982 and they instructed the staff to advertise an amendment for public hearing. After public hearing in August 1982 the Planning Commission forwarded their recommendation to the governing body for their consideration.

On September 22, 1982 the County Commission considered the Planning Commission's recommended action and referred the matter back to the Planning Commission for reconsideration. A copy of the previous Planning Commission recommendation is attached.

Since this amendment was presented to you on September 22, 1982, the Planning Commission has reconsidered their recommendation. They have recommended three basic changes in the proposed "OC" Office Commercial District as follows:

- a. Reduce the permitted maximum floor area for an individual business from 7,500 square feet to 5,000 square feet.
- b. Permit the location of the district only when the property is contiguous to an arterial street or contiguous to any non-residential zoning district.
- c. Eliminated Laundramats from the list of permitted uses.

Copies of the Planning Commission minutes of September 23, 1982 are attached for your information.

SUMMARY

The district as now proposed will provide for office, commercial and service type uses subject to limitations that should make them more compatible adjacent to residential neighborhoods than the establishment of Light Commercial on properties to provide for some limited retail uses. The limitations of the district will include the following:

1. 5,000 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Director of Public Works.
5. Restaurants, liquor stores, and clubs are excluded from the district.
6. Permit the overnight storage of service vehicles on the property within an enclosed building or when appropriately screened within an enclosed compound.
7. The location of the district must be contiguous to an arterial street or contiguous to any non-residential district.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and adopt the resolution.
2. Make whatever changes are deemed to be in the best interest of the public and adopt the resolution.

*Robert A. Lakin*

Robert A. Lakin  
Director of Planning

RAL:GEL:sad

Attachment

cc: Ron Worley, Director of Building & Zoning, County  
Wichita Area Board of Realtors, 717 North Emporia, Wichita 67214  
Wichita Area Builders Association, Attn. John Oliphant, 730 North  
Main, Wichita 67203  
Richard Euson, Assistant County Counselor

RESOLUTION

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO APRIL 28, 1980, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK, COUNTY, KANSAS; BY ADDING SECTION 6-1 AS THE "OC" OFFICE COMMERCIAL DISTRICT AND AMENDING SECTION 1, PARAGRAPH 1; SECTION 11, PARAGRAPH B-3b; SECTION 11, PARAGRAPH D-4; AND SECTION 14, PARAGRAPH C-2 OF THE SEDGWICK COUNTY ZONING RESOLUTION: ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 14.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted on March 3, 1958, and subsequently amended, Section 1 - "Districts and General Regulations", paragraph 1, shall be amended to read as follows:

1. That portion of Sedgwick County, Kansas, between the Wichita City Limits and three (3) miles beyond; and between the Haysville City Limits and three (3) miles beyond; and between the Derby City Limits and three (3) miles beyond; and between the Mulvane City Limits and three (3) miles beyond; and between the Valley Center City Limits and three (3) miles beyond; between the Goddard City Limits and three (3) miles beyond; and that portion of the area within three (3) miles of the Cheney City Limits as established by the Board of County Commissioners on October 3, 1973, is hereby divided into ~~eight-(8)~~ nine (9) districts as follows:

<u>Symbol</u>	<u>Name</u>
"R" District	Rural Residential District
"R-1" District	Suburban Residential District
"AA" District	One Family Dwelling District
"BB" District	Office District
<u>"OC" District</u>	<u>Office Commercial District</u>
"LC" District	Light Commercial District
"C" District	General Commercial District
"E" District	Light Industrial District
"F" District	Heavy Industrial District

SECTION II. That upon the recommendation of the Wichita, Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 6-1 shall be added to the Zoning Resolution as follows:

SECTION 6-1  
"OC" OFFICE COMMERCIAL DISTRICT CLASSIFICATION

The intent and purpose of this section is to establish a use district that is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are also compatible one to another within the district itself. They are generally smaller, less intense uses or are of such size to be low traffic generators. This district shall be established only when the property is contiguous to an arterial street as designated by Map 13-A of the Transportation Plan or amendments thereto; or be established on a property that is contiguous to any non-residential zoning district.

*amc  
13-13*  
Uses listed in the "OC" District shall be permitted provided they comply with the following limitations:

- a) No individual business shall occupy more than 5,000 square feet of floor area; provided however, an exception to this limitation may be granted by the Board of Zoning Appeals subject to the following conditions:
  1. A basement area, not exceeding the area used for office or sales use, is used only for storage, records, mechanical equipment or other non-person uses.
  2. Such area shall be determined to be nontraffic generating and deemed to be exempt from off-street parking requirements.
  3. Required off-street parking shall not be determined to be less than that required by the floor area used for office or sales purposes.
  4. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations of the zoning resolution.
- b) All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
- c) Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sales which do not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods or services to the home; i.e., florist truck, TV repair truck. Vehicles stored or retained on site overnight shall be stored within the main structure, an enclosed garage or when approved by the Director of Planning as to adequate screening material and location, within an enclosed compound.

- d) No business shall display or store goods or equipment outside of an enclosed building.
- e) Business establishment which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and the Director of Public Works, a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking.
- f) Motor vehicle parts, service or fuels shall not be dispensed in this district.
- g) Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.
- h) No kennels or pet runs shall be permitted except within an enclosed building and provided further, no noise or odor shall be discernible from the exterior of the building from such use.

The following regulations shall apply in all "OC" Districts;

A. Uses Permitted

1. Offices, including the following:

- a) Abstract and Title Companies.
- b) Accountants Offices.
- c) Advertising Agencies.
- d) Architects Offices.
- e) Artist Studios and Art Galleries.
- f) Attorneys Offices.
- g) Broadcasting or Recording Studios Without Transmitter Towers.
- h) Computer and Data Processing Offices.
- i) Dance Studios.
- j) Dental Offices and Clinics.
- k) Engineers Offices.
- l) Financial Offices - Branch Banks, Savings and Loan, Brokerage Houses and Title Insurance.
- m) Medical Offices and Clinics.
- n) Minor Surgery Centers.
- o) Offices, Administrative, Clerical and Sales Services, including the display of sample or inventory items made available for demonstration purposes and where such display

constitutes less than half of the floor area, such display material shall be limited to small business machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture, larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.

- p) Optician & Optical Dispensaries.
- q) Photography Studios.
- r) Real Estate Offices.
- s) Religious Offices and Headquarters.
- t) Travel Agencies and Transportation Ticket Offices.
- u) Veterinarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).

2. Retail Stores and personal service businesses including the following:

- a) Antique Store.
- b) Apparel and Accessory Store.
- c) Artist, Craft and Hobby Supply Store.
- d) Book and Magazine Store.
- e) Boutiques.
- f) Camera Shop and Photographic Supplies.
- g) Child Day Care Centers.
- h) Cigar, Tobacco and Candy Store.
- i) Clothing and Costume Rental Store.
- j) Cleaning and Laundry Pickup Stations.
- k) Drug Store, Pharmacy or Apothecary.
- l) Electric Household Appliances, Television and Stereo Repair.
- m) Florist Shop.
- n) Gift Shop.
- o) Hair Stylists (Barber and Beauty Shops).
- p) Health Centers Including Indoor Racquet Ball Courts.
- q) Jewelry and Jewelry Repair.
- r) Key Shop.
- s) Medical and Orthopedic Appliance Stores.
- t) Office Supplies (not including furniture).
- u) Photographic Equipment and Print Shops.
- v) Pet Sales and Grooming Stores.
- w) Picture Framing Shop.
- x) Shoe Repair Shop.

- y) Stationery, Card and Gift Shops.
  - z) Tailor Shops.
3. Residential uses as follows:
- a) Each business or office may have an owner residence as a part of the business or office structure.
  - b) Multiple-family dwellings, the same as permitted by conditional use in the "AA" District.
4. Miscellaneous type uses including the following:
- a) Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served; and is determined by the Director of Building and Zoning to contribute to the necessity of the principal residence or business established on the zoning lot.
  - b) Off-street parking and loading accessory to a principal use established on the zoning lot.
  - c) Signs shall be limited as follows:
    - 1) Ground or pole signs shall be limited to one per business and shall not exceed 32 square feet in area and 30 feet in height. Whenever more than one business is located on a property a horizontal distance, along the street, shall be not less than 50 feet.
    - 2) Each business shall be permitted a sign located on the face of the building not to exceed 32 square feet.
    - 3) Lighting of signs must be limited to internal or indirect illumination of white light only and without flashing or moving images.
5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 12 of the Zoning Resolution, Sedgwick County, Kansas; provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.
- c) Offices, Retail Stores and Personal Service Businesses not specifically

listed as a permitted use above, when it can be determined that the use is comparable to any of the above.

B. AREA REQUIREMENTS:

1. Lot Area: For any property having available and utilizing a public water supply and a municipal or community sewage disposal system shall have a minimum lot width of 75 feet and a minimum lot area of 10,000 square feet. Larger areas may be required as determined by the Wichita-Sedgwick County Department of Community Health for the installation of individual sewage disposal systems and private wells.
2. Front Yard: See Section 11-D.
3. Side Yard: No side yard shall be required unless the lot abuts a lot in an "R-1", "R", or "AA" District, but if any side yard is provided, the side yard shall be not less than five (5) feet. Where the side of a lot in the "OC" District abuts upon the side of a lot in an "R", "R-1", or "AA" District, there shall be a side yard the same as required in the "R", "R-1", or "AA" District. Where the rear of a corner lot abuts the side of a lot in an "R", "R-1", or "AA" District, the side yard on the street-side of the corner lot shall be ten (10) feet.
4. Rear Yard: There shall be a rear yard of not less than ten (10) feet.

C. HEIGHT LIMIT: No building shall be erected or enlarged to exceed a height of thirty-five (35) feet.

D. LOT COVERAGE: There shall be a maximum of 40 percent coverage of the lot by any structure.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 11 "SUPPLEMENTAL REGULATIONS", paragraph B-3b be amended to read as follows:

- b) Where any parking area or loading spaces as required in the "OC", "LC", "C", "E", or "F" Districts or for automobile or trailer sales areas, adjoins lots in "R", "R-1", "AA" or "BB" Districts such lot shall be protected the full length of the parking area or loading spaces (but not closer than 15

feet to any street lot line), by a permanent screen or solid wall, compact evergreen screen, or uniformly painted board fence, or woven wire fence, having a height of not less than 4 feet nor more than 6 feet, erected and maintained by the owner or user of such parking area or loading space.

SECTION IV. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 11, "Supplemental Regulations" paragraph D-4 shall be amended to read as follows:

4. Zoning district front yard setbacks referred to in the above paragraphs are as follows:

"R"	- Rural Residential District, 30 feet
"R-1"	- Suburban Residential District, 25 feet
"AA"	- One Family Dwelling District, 25 feet
"BB"	- Office District, 20 feet
"OC"	- Office Commercial District, 20 feet
"LC"	- Light Commercial District, 35 feet
"C"	- General Commercial District, 35 feet
"E"	- Light Industrial District, 35 feet
"F"	- Heavy Industrial District, 35 feet

SECTION V. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 14 "ADMINISTRATION" paragraph C-2, shall be amended to read as follows:

2. Application: Application for any change of district boundaries or reclassification of districts as shown on the Zoning Map, shall be filed with the Commission upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record.

Each application shall be verified by at least one of the owners of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

Applications must be accompanied with a certified list of property owners of record and their addresses, if available, and if not available, then the address of the occupant of the premises, if tenanted, in all directions from the subject property for a distance of twice the frontage of the property, included in the application; provided, no distance need be more than 1,000 feet and cannot be less than 200 feet.

For the purpose of defraying costs of proceedings prescribed herein, filing and publication fees shall be paid to the County Treasurer or his agent upon the filing of such application for change in district classification. The fee for such application is as follows:

Size of Application Area

Zoning Classification	Size of Application Area			Over 15 Acres
	Up to & Including 3 Acres	Over 3 Acres to 6 Acres	Over 6 Acres to 15 Acres	
"R", "R-1" & "AA"	\$200	\$300	\$400	\$500
"B"	350	450	550	650
"OC", "LC", "C", "E", & "F"	400	500	600	700

"CU" (Conditional Use Permit) - Fee required is the same as for the District in which it is located.  
 Special Permit - as authorized by the Zoning Resolution--\$150.

Any person requesting deferral of a zoning case or a conditional use case shall be charged a fee of \$50 at such time the deferral is granted to cover administrative costs.

A written receipt shall be issued to the person making such a payment and records thereof shall be in a manner as prescribed by law.

SECTION VI. This resolution shall take affect and be enforced on \_\_\_\_\_, 1982, upon its adoption and publication once in the official County paper.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1982.

\_\_\_\_\_  
 Jack Spratt, Chairman

\_\_\_\_\_  
 Tom Scott, Commissioner

\_\_\_\_\_  
 Don Gragg, Commissioner

ATTEST:

\_\_\_\_\_  
 Dorothy K. White, County Clerk

APPROVED AS TO FORM BY:

\_\_\_\_\_  
 William D. Rustin, County Counselor

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 26, 1982

Board of County Commissioners  
August 26, 1982  
Page Two

TO Board of County Commissioners  
FROM Robert A. Lakin, Director of Planning  
SUBJECT DR82-19 - Office Commercial District

Attached is a delineated copy of an amendment to the Sedgwick County Zoning Resolution that has been recommended by the Wichita-Sedgwick County Metropolitan Area Planning Commission for adoption. Please place this on your agenda for consideration on September 8, 1982.

BACKGROUND

It has been my observation that there is more conflict between applicants and staff, neighbors and applicants, and the Planning Commission and applicants, over whether or not "LC" is an appropriate zoning district to be granted when located adjacent to residential development. At the present time, any small retail business or a barber and beauty shop are required to be located in the "LC" Light Commercial District which is the same district that first permits service stations, large shopping centers and other high traffic retail businesses.

The "OC" Office Commercial District as proposed should provide a district which will allow the relatively small retail and office uses considered to be low traffic generators that can be "good neighbors". Although this district will be available for any location, it should be considered as an expansion of the "DB" Office District to include some retail and service uses that can be located in areas where the complete range of "LC" use would not be appropriate.

This district should make it easier to deal with some of the "in-between" areas where the full range of "LC" uses might not be appropriate. It would also allow the development of a small commercial center without the permission of some of the objectionable uses.

SUMMARY

The district as proposed will provide for office, commercial and service type uses subject to limitations that should make them compatible adjacent to residential neighborhoods. These limitations will include the following:

1. 7,500 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Traffic Engineer (City) or Director of Public Works (County).
5. Restaurants, liquor stores, and clubs are excluded from the district.
6. Permit the overnight storage of service vehicles on the property within an enclosed building or when appropriately screened within an enclosed compound.
- \*7. After public hearing and due consideration of all comments, the Planning Commission recommended that the Resolution be forwarded to the County Commission for adoption. An excerpt of the Planning Commission is attached for your information.

\*Although the County does not have a formal method of citizen input as does the City of Wichita's Citizen Participation Organization, you might be interested in the CPO comments made on the City amendment. A copy of those comments is attached for your information.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and adopt the resolution.
2. Return the amendment to the Planning Commission for reconsideration and give the reasons for such reconsiderations.



Robert A. Lakin  
Director of Planning

RAL:GEL:jps

Attachment

cc: Ron Worley, Director of Building & Zoning  
Wichita Area Board of Realtors, 717 North Emporia,  
Wichita, 67214  
Wichita Area Builders Association, Attention: John Oliphant,  
730 North Main, Wichita, 67203  
Richard Euson, Assistant County Counselor

EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 23, 1982

- 11a. DR 79-17 - Reconsideration of the "OC" Office Commercial District (CITY).
- 11b. DR 82-19 - Reconsideration of the "OC" Office Commercial District (COUNTY).

LAKIN stated that both the City and County Commissions had returned the "OC" District to the Planning Commission for their reconsideration.

LAKIN said that that the City Commission listed several reasons for returning the "OC" District. One of the reasons was that the City Commission felt that the district should be located along arterials or adjacent to nonresidential districts. He said that in listening to the neighborhoods one of their concerns about the proposed District was that after adopting this district the Commission would misapply it by putting it in the middle of a residential area. LAKIN said that although he had differed with the Commission on occasion as to where they choose to recommend approval of commercial applications that intrude into residential areas, he did not feel that was a fair indictment to make against this district. Another thing that he was hearing from the neighborhoods was that if this was put in as a district it was going to be so much easier for the Commission's and governing bodies' conscience to finish strip zoning areas. They felt that if they had a little looser district like "LC", they might be a bit more cautious. LAKIN said his contention was that if the pressures were such that they were going to get a change, they would be as likely to get a change to either "BB" or "LC" and it really did not make a difference if "OC" was in the ordinance or not. LAKIN said that on the other hand he felt the neighborhoods had some reasons to be concerned. He said that traditionally over the years the Commissions views change and the result is that much of the arterial network is stripped out except for where there are new subdivision that back lots into arterials and there is access control. LAKIN stated that among the specifics that the City Commission gave them was the suggestion that it be adjacent to arterials or nonresidential zoning. He said that he supported that the last time and did not find that basically objectionable. This has been done before. It has been in the "G" Mobile Home District from the day that it was adopted, and with rare exception he felt that it had not created a major problem.

LAKIN said that he asked the County Commission to send this back to the Planning Commission because he wanted to keep these districts as close to each other as possible. He said that both Commissions indicated that they had grave concerns about the use of such a district, and spoke to it in terms of it being added and intruding into residential areas. He said that part of that was based on the way that the media has presented it.

BAYOUTH suggested that the Commission take each item and discuss it separately as presented in Lakin's memo dated September 16, 1982.

Item A. Limiting the district to properties along arterials or when the district would be adjacent to nonresidential zoning if the property is not along an arterial.

LAKIN said that he would strongly urge the Commission to consider approving this type of addition to the district.

BAYOUTH said that the only problem he has with this is that when they go back into a neighborhood to allow the expansion of a business, they might want to do it with "OC" rather than "LC", and it would not be on an arterial.

LAKIN said that if it is for expansion of a business or existing zoning pattern, then they would be adjacent to non-residential zoning.

GARDNER commented that as he reads the wording, his only concern revolves around the interpretation of the phrase "when adjacent to a nonresidential district". He said that if they treat that in the inclusive sense that it is adjacent to something other than residential then that justifies it. However, if it is treated in the exclusive sense that it cannot be adjacent to residential then there is a problem. He said that a slight change in the wording might get them around that problem.

LAKIN said that the language that was recommended speaks to being "located contiguous to any nonresidential zoning district". He felt that this was very precise.

GARDNER said that that would satisfy his concerns in that regard.

MOTION: That the Planning Commission approve additional wording that states that: "this district shall be located contiguous to an arterial street as designated by Map 13a of the Transportation Plan, or amendment thereto, or be located contiguous to any nonresidential zoning district". Hansen moved, Gardner seconded.

CAZEL left the meeting.

JAKE HARTMETZ, 234 North Armour, CPO Council "H", stated that when this came before the CPO Council before, they looked at it and did not like it. He reiterated some of the basic problems they have with this district. He said that they now have in existence 14 different zoning classifications in the City. "OC" would be number 15, and he did not feel that it was particularly needed. He asked the Commission to consider taking some of the light commercial uses that are actually fairly heavy commercial uses and moving them up to the "C" commercial district. He pointed out that Towne East was zoned "LC", and by no means was it light commercial. HARTMETZ said that creating another level of zoning is just mudding the water. The problem is that not all of the residential areas are immediately going to have shops in them, but contrary to Lakin's opinion, over the years they have seen in this community, by policy and practice, "creeping commercialism". He said that this will, in the long run, have the effect that people are talking about on residential areas that are now protected by some of the newer means that they have referred to. He felt that if the district is adopted they are going to pay the price 15 years down the line. HARTMETZ did not feel that the whole concept of "OC" was necessary.

He said that if it was necessary, they have two comments with regard to it as it was presented. One, it should be kept along arterials. The other is the size of the building. He said that in Lakin's comments he stated that of all of the uses listed, only three have an average floor area in excess of 3,000 square feet. HARTMETZ said that one of the problems of putting this type of thing next to residences is that a building of that size was going to stick out like a sore thumb. If it is kept down to a size equivalent to what is in the area it might be less objectionable. He said that the last thing that they objected to was some of the proposed uses. He did not feel that anyone present would want some of the uses next door to them. He mentioned upgrading "BB" and not placing another level of "LC" zoning in where it is not really needed.

BAYOUTH said that he was of the opinion that the reasoning behind "OC" was just what Lakin explained earlier. He suggested that it might be helpful if Lakin reviewed his comments.

HARTMETZ said that he heard Lakin and understood what he was saying. He said that what he was talking about was the need for compromise. He said that people were afraid of "LC" because the owner that owns it now and if he does something of what he says he going to do with it, then everything is fine. But ten years down the line somebody could buy that property and they would then have the wide open "LC" zoning there and could put anything in there. He said that they were promised at CPO "H" that the area to the west of Towne East would be developed as an office park, but they got stuck with ShowBiz and Target. He said that these were the kind of things that worried people.

GARDNER related to Hartmetz that his perspective on the "OC" District was almost 180 degrees from his. He said that he was inclined to tell him that he believed that Hartmetz's observations on zoning, real estate and land use are poorly based. He said that he felt that Hartmetz had relatively little knowledge of the broad areas across the City where there are a variety of applications on arterials because residential use is no longer the most desirable use. Some other alternative is being sought by a property owner and it, by and large, is acknowledged by the neighborhood to be a transitional sort of situation. He said that it is one thing to attempt to remain static and resist change, and there is virtue in that to a degree, but there is an element of change that occurs with real estate growth and change, in terms of overall economics, that Hartmetz does not appear to be conversant with to any major degree. He said that, in all due respect, the zoning category that is being proposed, if placed on arterials where residential uses are less than the highest and best use, which is obviously something that is subject to change over a time period and relates very directly to real estate values, the ability to have an additional zone tool somewhere between the "BB" Office which has no real limitation on the maximum size of a building, and the "LC" Light Commercial would be beneficial to neighborhoods. He said that Hartmetz's argument is oblivious to that, or appears at least unknowledgeable of the potential that apartment houses could be built in "BB" at 75 units to the acre, which generally is a highrise. He said that Hartmetz has not addressed that particular element of "BB" zoning. GARDNER said that what was being proposed in the "OC" districts limits the residential uses substantially. It also limits the maximum size of the medical uses substantially, and if they go with the amendment, any single use would be limited to 5,000 square feet maximum.

GARDNER said that "OC" would be a tremendously versatile tool in terms of limiting some of the problems that Hartmetz did not appear to know existed in other categories. He said that his opposition to this, without reference to what currently exists, puzzles him totally. GARDNER said that if someone has property on an arterial they now have a choice of "LC" Light Commercial or "BB" Office. If "BB" or "LC" is approved there is no restriction under the "BB" Office or the light commercial as to the maximum size of the use being proposed. GARDNER felt that if Hartmetz wanted to reduce the ability of nonresidential creeping in a cancer-like fashion into an area, then he should look at a category that limits the maximum size, which neither "BB" Office or "LC" does. He said that the Commission really does not have the ability to modify them at this point. If a category is adopted that does provide limits then they have a tremendous discretionary ability which is more than they presently have.

HARTMETZ said that his response to Gardner's comments is that it has not been evidenced in this city in the last 20 years that this Board acts with much discretion when it comes to commercial development.

GARDNER said that then obviously they have a difference of opinion. HARTMETZ said that was correct.

HANSEN commented that about three years ago there was a proposal for some kind of solution to this problem of light commercial intrusion into neighborhoods, and it came through in a zoning package. She said that there were people on the bench at that time that stood in total and complete opposition. She said that now they are sitting here in general agreement that they may have worked out what may be a workable compromise to deal with it. She said that as Lakin said, most of the tensions and frictions that occur on the bench and between the zoning applicants and the neighbors are primarily in this one area. The rest of the problems are a rather pragmatic marketplace type. This one creates constant problems. She said that now they feel as though they have worked out something that might be workable.

HARTMETZ said that he understood that. He was just voicing his opinion and telling the Commission what the CPO Council had said about it.

VICTOR FUHR, 1502 South Hillside, stated that he could see vividly what the Commission was confronted with. He said that this District gives one an option. He saw nothing wrong with the ordinance.

HANSEN restated the motion.

VOPE ON THE MOTION: It carried  
unanimously. Cazal was not present.  
Goebel, Jones and Wilson were absent.

Item B. The reduction of the 7500 square foot single use limitation to a number in the range of 5,000 square feet.

LAKIN stated that staff had been looking for something that had some data about the average size of the proposed uses. He has received a publication from Urban Land Institute entitled Dollar and Cents of Shopping Centers. In that book it discusses the type of leases that are held in super shopping centers, super regionals, regionals, community, and

"neighborhoods". He mentioned that he had sent the Commission a recap of the article. He said that essentially when you look at local owned stores as opposed to local chain, and national chain, there is a direct correlation to the size of the store with the locally owned being the smaller, and the nationals being the larger. He said that if you look at the size of some of the national chains who have uses in those centers you will find most of those sizes probably a little larger than the average. LAKIN said that the only one that he saw in there that would exceed 5,000 square feet was the super drugstore at a national chain level. As a result of that, he felt fairly comfortable in saying that 5,000 seems like it would not hurt anything and would provide more protection. He said that he heard at the City Commission numbers as low as 1,000 to 1,500 square feet, which he felt was too low. Mr. Hartmetz has suggested 3,000 feet, which is pretty close to what the average size is for the type of uses included in the district. He urged that the Commission reduce the maximum size from 7,500 square feet. He said that 5,000 square feet does not bother him in the least.

BAYOUTH asked if there was an existing building of 5,150 square feet, could there be an appeal to BZA.

LAKIN said that first of all this district is what he categorizes as a "floating district". It has yet to be established on the map, so there is nothing out there that is going to be affected in that fashion. He said that if a number is specifically set in the ordinance, such as 5,000 square feet, it has been the ruling of the Law Department that it could not be varied.

LOFTON felt that a 7,500 square foot building would be too large in a complex. He said that he would be opposed to anything over 5,000 square feet.

GARDNER stated that the way the category is written, it would limit the maximum size of any single user to some figure that they would arbitrarily establish. If the fact is considered that there are probably a lot of office zoned sites that might apply for this category to enhance their uses somewhat in the retail market, it should also be considered that they are going to be giving up multiple family and major clinic uses, to pick up some retail capacity. GARDNER said that the category that would most likely convert to this use would be "BB" Office. He said that 5,000 square feet in maximum size would probably be the smallest they would want to have and still give this category a maximum amount of latitude. He said that if the square footage is limited too severely, then it would prevent people to come in and apply for light commercial.

LOFTON said that what he was saying was that there are some uses that just should not be in the "OC" District, such as broadcasting studios, dance studios or data processing offices, because these type of buildings would need more square footage.

**MOTION:** That the Planning Commission recommend that the 7,500 square feet maximum floor area for a single user be reduced to 5,000 square feet. Chisholm moved, Hansen seconded and it carried unanimously. Cazal was not present. Goebel, Jones and Wilson were absent.

Item C. Concern as to allowing the use of drive-up or drive-thru windows in this district.

LAKIN stated that there was a requirement in the ordinance that required the staff to look at circulation patterns so they could say that there is enough queuing room to handle that particular function. LAKIN said his concern was the cars that are left in the street trying to get in to a drive-thru. He said that he was reasonably content to leave this section in the way it is because of the way the market is going. If the Commission feels strongly that it should be taken out, then they should begin to look at some of the other uses such as finance, photographic studios, etc., because they are dependent on that type of operation.

CHISHOLM did not feel that they needed to discuss this particular question separate from the discussion soon to come up in regard to those uses that should be deleted. He felt that this could be better handled in the full discussion of the uses as opposed to discussing it separately.

GARDNER said that he disagreed, but for a slightly different reason. The fact is that those uses are dealt with in the ordinance where it states that "business establishments which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and the Traffic Engineer a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking". GARDNER said that he believed, for any application that would utilize a drive-in facility, that with the requirement of having to meet both the Director of Planning and the Traffic Engineer's approval, that those problems which people are concerned about would be dealt with very adequately by the professional staff in approving the site development plan for that sort of use. He said that he was reasonably confident that they have demonstrated over the past several years that they have the ability to discern what is or what is not a reasonable arrangement. He felt that this is something that would probably be of a limited nature in this category, nevertheless it could be included and retained with those administrative provisions without difficulty. He felt that the objection from the City Commission was particularly based upon a lack of knowledge that this level of stringent requirement would be placed on that use. GARDNER suggested that Lakin explain this provision when the ordinance is returned to the City Commission.

MOTION: That the Planning Commission recommend that this item be retained as originally written. Gardner moved, Chisholm seconded and it carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

Item D. Concern as to the sign limitations proposed in the district.

LAKIN felt that there was a fairly solid view at City Commission that the sign provision was too expansive and allowed too much. They did not specify in any great way what they thought were the problems. He said that he heard that portable signs should not be allowed in this district, and he wholly concurred. He said that as he listened, it seemed inconsistent to what they had just done with the sign ordinance.

MOTION: That the Planning Commission recommend that Section D be amended to prohibit portable signs. Hansen moved.

The motion died for lack of a second.

BAYOUTH could not see how they could legally prohibit portable signs.

LAKIN said that it could be done legally. Portable signs are not allowed in the "AA" district either.

**MOTION:** That the Planning Commission recommend that the segment on signs be approved as originally written with no change. Gardner moved, Chisholm seconded and it carried with a vote of 5 in favor (Gardner, Chisholm, Bayouth, Lofton and Parsons) and 1 opposed (Hansen). Cazell was not present. Goebel, Jones and Wilson were absent.

Item E. Consideration of a more restricted list of uses.

LAKIN said that the list of uses that he had included was from two lists given to him by City Commissioners. They had gone through the list and found these uses that bothered them. He pointed out that taverns were not a permitted use in this district, so he did not know why that bothered them. He felt that the financial offices would tend to have more volume. The minor surgery centers might have some volume. He said that his only problem on the "display of inventory items" was that he did not know how Central Inspection would interpret it. The "laundromats" does not bother him on volume, but their hours of operation are such that it probably does not fit as neatly in the district as perhaps some of the other uses. He felt that some of the use items should stay in, for example the child day care centers and veterinarian clinics. They have been found to be very good neighbors.

BAYOUTH asked if the only objections to financial institutions were the traffic volumes. He had never seen one create a problem.

LAKIN stated that the peaking characteristic of those operations has been the primary concern, particularly the banks.

GARDNER commented that in the last five years those that have been more aggressive in acquisition of prime sites for the development of quality facilities have paid high dollar amounts for the sites that they have acquired. The larger institutions are acquiring sites that are of such an expensive nature that they probably tend to gravitate toward an intensity of use that might be called light commercial zoning anyway. He said that there is a major difference between a little remote money card center that might be located in closer into a neighborhood and a major type facility with large drive-thru lines. They will probably find the economics of the marketplace dictating that on the larger facilities they are going to pay a premium for the larger sites and are likely to want a higher level of zoning. GARDNER said that they would probably not see very many financial offices or institutions in this kind of category except those that are smaller. He did not believe that they had a legitimate fear from the major facilities wanting to locate in this category. He felt that fear of the financial offices at this point was ill-placed.

The following items were considered separately. The motion to recommend that the specific use remain in the district was:

1. Dance Studios.

VOTE: It carried with a vote of 5 in favor (Gardner, Bayouth, Chisholm, Hansen and Parsons) and 1 opposed (Lofton). Cazel was not present. Goebel, Jones and Wilson were absent.

2. Broadcasting and recording studios.

BAYOUTH asked how this item could create a problem. They don't generate any traffic.

LAKIN said that he was not sure he could respond. He said that the uses were included in a list without an explanation as to what characteristics made the City Commission feel that they were inappropriate in that area.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

3. Computer and Data processing offices.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

4. Financial offices.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

5. Medical and Dental offices.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

6. Minor surgery centers.

VOTE: It carried with a vote of 5 in favor (Gardner, Bayouth, Chisholm, Parsons and Lofton) and 1 opposed (Hansen). Cazel was not present. Goebel, Jones and Wilson were absent.

7. Display of inventory items, (business machines, etc.)

BAYOUTH said that he would like some clarification on this item.

LAKIN said that they were talking about office, administrative, clerical and sales services that included the display of sample or inventory items made available for demonstration purposes, where such display constitutes less than half of the floor area. He said that such display material shall be limited to small business type machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture and larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.

VOTE: It carried unanimously. Cazal was not present. Goebel, Jones and Parsons were absent.

8. Verterinarian Clinics.

VOTE: It resulted in a moot vote with 3 in favor (Gardner, Bayouth and Parsons) and 3 opposed (Hansen, Lofton and Chisholm). Cazal was not present. Goebel, Jones and Wilson were absent.

GARDNER asked if it was possible to limit this to clinics with enclosed kennel facilities only.

LAKIN pointed out that the ordinance states that no kennels or pet runs shall be permitted except within an enclosed building and provided further that no noise or odor shall be discernible from the exterior of the building from such use. He said that that was primarily an enforcement problem.

GARDNER said that what he was relating to was that in some of the major shopping centers there are pet stores and they occupy a couple thousand feet. The pets are inside. They don't have a noise or odor problem particularly, and he did not see a lot of difference of keeping animals in that situation as compared to a veterinarian clinic.

LAKIN said that since this resulted in a tie vote he would consider it staying in the ordinance unless the City Commission strikes it.

9. Book stores:

VOTE: It carried unanimously. Cazal was not present. Goebel, Jones and Parsons were absent.

10. Boutique.

LAKIN commented that the problem here is lack of conciseness about the definition.

VOTE: It carried unanimously. Cazal was not present. Goebel, Jones and Parsons were absent.

11. Child Day Care.

VOTE: It carried unanimously. Cazal was not present. Goebel, Jones and Parsons were absent.

12. Drug Store.

VOTE: It carried unanimously. Cazal was not present. Goebel, Jones and Parsons were absent.

13. Florist.

VOTE: It carried unanimously. Cazal was not present. Goebel, Jones and Parsons were absent.

14. Gift Shops.

VOTE: It carried unanimously. Cazal was not present. Goebel, Jones and Parsons were absent.

15. Health Centers.

VOTE: It carried unanimously. Cazal was not present. Goebel, Jones and Parsons were absent.

16. Laundromats.

VOTE: It failed with a vote of 2 in favor (Gardner and Bayouth) and 4 opposed (Hansen, Lofton, Chisholm and Parsons). Cazal was not present. Goebel, Jones and Wilson were absent.

17. Pet Sales.

VOTE: It carried with a vote of 4 in favor ( Bayouth, Gardner, Chisholm and Parsons) and 2 opposed (Hansen and Lofton). Cazal was not present. Goebel, Jones and Wilson were absent.

For the record LAKIN stated that he had received a letter from Mrs. Web Quinius objecting to the district and its inclusion into the ordinance.

LAKIN said that he wanted to mention the potential amendment to the ordinance where they are talking about what happens when they bring a district into the City. They assumed that there would be a like amendment in the County, so they included the phrase "that "OC" in the County would be "OC" in the City". If for any reason the County chooses not to adopt the district, then he would recommend to the City Commission that that particular clause be dropped.

MOTION: That the Planning Commission recommend to the City and County Commissions that the ordinance and resolution, as amended, be adopted. Chisholm moved, Hansen seconded and it carried unanimously. Cazal was not present. Goebel, Jones and Wilson were absent.

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WICHITA SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 26, 1982

TO Board of County Commissioners  
FROM Robert A. Lakin, Director of Planning  
SUBJECT DR82-19 - Office Commercial District

Attached is a delineated copy of an amendment to the Sedgwick County Zoning Resolution that has been recommended by the Wichita-Sedgwick County Metropolitan Area Planning Commission for adoption. Please place this on your agenda for consideration on September 8, 1982.

BACKGROUND

It has been my observation that there is more conflict between applicants and staff, neighbors and applicants, and the Planning Commission and applicants, over whether or not "LC" is an appropriate zoning district to be granted when located adjacent to residential development. At the present time, any small retail business or a barber and beauty shop are required to be located in the "LC" Light Commercial District which is the same district that first permits service stations, large shopping centers and other high traffic retail businesses.

The "OC" Office Commercial District as proposed should provide a district which will allow the relatively small retail and office uses considered to be low traffic generators that can be "good neighbors". Although this district will be available for any location, it should be considered as an expansion of the "BB" Office District to include some retail and service uses that can be located in areas where the complete range of "LC" use would not be appropriate.

This district should make it easier to deal with some of the "inbetween" areas where the full range of "LC" uses might not be appropriate. It would also allow the development of a small commercial center without the permission of some of the objectionable uses.

SUMMARY

The district as proposed will provide for office, commercial and service type uses subject to limitations that should make them compatible adjacent to residential neighborhoods. These limitations will include the following:

Board of County Commissioners  
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Page Two

1. 7,500 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Traffic Engineer (City) or Director of Public Works (County).
5. Restaurants, liquor stores, and clubs are excluded from the district.
6. Permit the overnight storage of service vehicles on the property within an enclosed building or when appropriately screened within an enclosed compound.
- \*7. After public hearing and due consideration of all comments, the Planning Commission recommended that the Resolution be forwarded to the County Commission for adoption. An excerpt of the Planning Commission is attached for your information.

\*Although the County does not have a formal method of citizen input as does the City of Wichita's Citizen Participation Organization, you might be interested in the CPO comments made on the City amendment. A copy of those comments is attached for your information.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and adopt the resolution.
2. Return the amendment to the Planning Commission for reconsideration and give the reasons for such reconsiderations.



Robert A. Lakin  
Director of Planning

RAL:GEL:jps  
Attachment

cc: Ron Worley, Director of Building & Zoning  
Wichita Area Board of Realtors, 717 North Emporia,  
Wichita, 67214  
Wichita Area Builders Association, Attention: John Oliphant,  
730 North Main, Wichita, 67203  
Richard Euson, Assistant County Counselor

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE August 9, 1982



TO Robert Lakin, Director of Planning  
FROM Shirley Mast, Administrative Aide III

SUBJECT DR 79-17 Possible Amendments  
to City of Wichita Zoning  
Ordinance - Office Commercial  
District

During the first week of August, 13 of the 15 Neighborhood CPD Councils considered the proposed amendments to the City's Zoning Ordinance concerning the "OC" Office Commercial District. The recommendations of the Councils have been divided into three categories, those supporting the "OC" district as proposed, those supporting the "OC" district with changes, and those opposed to the new "OC" district. The recommendations of the Councils are as follows:

SUPPORTED THE "OC" - OFFICE COMMERCIAL DISTRICT AS PROPOSED (4)

"A", "B", "C", and "D"

"K" also recommended that a serious look be given to holding applicants responsible for maintaining the use that was originally applied for and consideration given to establishing a sunset clause to limit the time that property can remain undeveloped after being rezoned.

SUPPORTED THE "OC" - OFFICE COMMERCIAL DISTRICT WITH CHANGES (3)

"A" - Approved the "OC" district with the change that "R-5" General Residence District part (b) under Residential Uses be changed to "RB" Four Family Dwelling District.

"F" - Approved the "OC" district with the exception of the "R-5" residential density that is allowed and with modifications to further restrict the district to prohibit rap parlors and escort services.

"I" - Approved the "OC" district with the deletions of Sub sections 4 and 5 under "Miscellaneous type Uses and Uses Permitted as exceptions by the Board of Zoning Appeals."

OPPOSED THE "OC" - OFFICE COMMERCIAL DISTRICT (6)

"B" - Opposed the "OC" district because the classification is too broad, it is not restrictive compared to light commercial zoning, and its use is not restricted to property fronting onto arterial streets.

"E" - Opposed the "OC" district because of the extensiveness of the use regulations and because of the opinion that the district is not in the best interest of the residential neighborhood.

Robert Lakin, Director of Planning  
DR 79-17 Possible Amendments of Ordinance.  
August 9, 1982 - Page 2

"H" - Opposed the concept of the "OC" district because it will encroach upon residential areas and they see need to preserve residential neighborhoods. The Council supported the use of the Board of Zoning Appeals procedure for variances or exceptions.

It should be noted that strong opposition was expressed by residents in the Bonnie Brae area to this CPD Council concerning the "OC" district.

"L" - Opposed the addition of any new zoning classification, unless the entire zoning ordinance is revised and recommended that, when the entire ordinance is revised, the following changes in the proposed "OC" district be made:

1. That any screening be consistent with the surrounding area.
2. Delete allowing of drive-up windows.
3. Reduce allowed square footage from 7500 square feet to 1000 for any one business.
4. Retain only the following office uses: Abstract and Title companies, Accountants offices, Advertising Agencies, Architects offices, Art Galleries, Attorneys offices, Broadcasting or recording studios with out transmitter towers, Computer and Data Processing offices, Dental offices, Engineers offices, Offices, administrative, and clerical, Optician, Real Estate offices, and Religious offices and Headquarters.
5. Retain only the following Retail stores and personal service businesses Uses: Child day care centers, Hair stylists (Barber and Beauty shops), jewelry repair shops, key shops, pet grooming stores, picture framing shops, and tailor shops.
6. Amend maximum structure height from 35 ft. to "not taller than average height of residential structures within 300 ft."
7. For bulk regulations, delete the exception portion to the minimum side yard requirements.
8. Under Use Limitations, amend 7500 sq. ft. of floor area to 1000 sq. ft. (D-1), delete sales use (D-1a), delete retail from D-2, delete florist truck and "Approval by Director of Planning" in D-3, strike D-5 (drive-up windows).
9. Limit signs to attached on-site signs, no ground or pole signs.
10. Height of sign shall not exceed 90% of building height.
11. Limit hours of operation from 6:00 a.m. to 9:00 p.m.

"M" - Opposed the "OC" district because the existing BZA variances and exceptions could be used therefore making the new district unnecessary. The Council also indicated the "OC" district would virtually eliminate space between buildings and result in more business encroachment into residential neighborhoods which could indirectly increase crime in the neighborhood.

Note: Area "G" and "N" made no recommendations.

Please provide the Councils' recommendations and comments to the MPMC when this matter is considered at its August 12th meeting.

Noted:  
Sarah Gilbert, CP Coordinator

Shirley Mast  
Administrative Aide III

RESOLUTION

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO APRIL 28, 1980, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK, COUNTY, KANSAS; BY ADDING SECTION 6-1 AS THE "OC" OFFICE COMMERCIAL DISTRICT AND AMENDING SECTION 1, PARAGRAPH 1; SECTION 11, PARAGRAPH B-3b; SECTION 11, PARAGRAPH D-4; AND SECTION 14, PARAGRAPH C-2 OF THE SEDGWICK COUNTY ZONING RESOLUTION: ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 14.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on August 13, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted on March 3, 1958, and subsequently amended, Section 1 - "Districts and General Regulations", paragraph 1, shall be amended to read as follows:

1. That portion of Sedgwick County, Kansas, between the Wichita City Limits and three (3) miles beyond; and between the Haysville City Limits and three (3) miles beyond; and between the Derby City Limits and three (3) miles beyond; and between the Mulvane City Limits and three (3) miles beyond; and between the Valley Center City Limits and three (3) miles beyond; between the Goddard City Limits and three (3) miles beyond; and that portion of the area within three (3) miles of the Cheney City Limits as established by the Board of County Commissioners on October 3, 1973, is hereby divided into ~~eight (8)~~ nine (9) districts as follows:

<u>Symbol</u>	<u>Name</u>
"R" District	Rural Residential District
"R-1" District	Suburban Residential District
"AA" District	One Family Dwelling District
"BB" District	Office District
<u>"OC" District</u>	<u>Office Commercial District</u>
"LC" District	Light Commercial District
"C" District	General Commercial District
"E" District	Light Industrial District
"F" District	Heavy Industrial District

SECTION II. That upon the recommendation of the Wichita, Sedgwick County Metropolitan Area Planning Commission on August 12, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 6-1 shall be added to the Zoning Resolution as follows:

SECTION 6-1  
"OC" OFFICE COMMERCIAL DISTRICT CLASSIFICATION

The intent and purpose of this section is to establish a use district that is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are also compatible one to another within the district itself. They are generally smaller, less intense uses or are of such size to be low traffic generators.

Uses listed in the "OC" District shall be permitted, provided they comply with the following limitations:

- a) No individual business shall occupy more than 7,500 square feet of floor area; provided, however, an exception to this limitation may be granted by the Board of Zoning Appeals subject to the following conditions:
  - 1. A basement area, not exceeding the area used for office or sales use, is used only for storage, records, mechanical equipment or other non-person uses.
  - 2. Such area shall be determined to be non-traffic generating and deemed to be exempt from all street parking requirements.
  - 3. Required off-street parking shall not be determined to be less than that required by the floor area used for office or sales purposes.
  - 4. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations of the zoning resolution.
- b) All Business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
- c) Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sales which do not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods or services to the home; i.e., florist truck, TV repair truck. Vehicles stored or retained on site overnight shall be stored within the main structure, an enclosed garage or when approved by the Director of Planning as to adequate

screening material and location, within an enclosed compound.

- d) No business shall display or store goods or equipment outside of an enclosed building.
- e) Business establishment which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and the Director of Public Works, a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking.
- f) Motor vehicle parts, service or fuels shall not be dispensed in this district.
- g) Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.
- h) No kennels or pet runs shall be permitted except within an enclosed building and provided further, no noise or odor shall be discernible from the exterior of the building from such use.

The following regulations shall apply in all "OC" Districts;

A. Uses Permitted

1. Offices, including the following:

- a) Abstract and Title Companies.
- b) Accountants Offices.
- c) Advertising Agencies.
- d) Architects Offices.
- e) Artist Studios and Art Galleries.
- f) Attorneys Offices.
- g) Broadcasting or Recording Studios Without Transmitter Towers.
- h) Computer and Data Processing Offices.
- i) Dance Studios.
- j) Dental Offices and Clinics.
- k) Engineers Offices.
- l) Financial Offices - Branch Banks, Savings and Loan, Brokerage Houses and Title Insurance.
- m) Medical Offices and Clinics.
- n) Minor Surgery Centers.
- o) Offices, Administrative, Clerical and Sales Services, including the display of sample or inventory items made available for demonstration purposes and where such display

constitutes less than half of the floor area, such display material shall be limited to small business machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture, larger appliances or machines.

Repairs and services of authorized material is permitted as an accessory use.

- p) Optician & Optical Dispensaries.
- q) Photography Studios.
- r) Real Estate Offices.
- s) Religious Offices and Headquarters.
- t) Travel Agencies and Transportation Ticket Offices.
- u) Veterinarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).

2. Retail Stores and personal service businesses including the following:

- a) Antique Store.
- b) Apparel and Accessory Store.
- c) Artist, Craft and Hobby Supply Store.
- d) Book and Magazine Store.
- e) Boutiques.
- f) Camera Shop and Photographic Supplies.
- g) Child Day Care Centers.
- h) Cigar, Tobacco and Candy Store.
- i) Clothing and Costume Rental Store.
- j) Cleaning and Laundry Pickup Stations.
- k) Drug Store, Pharmacy or Apothecary.
- l) Electric Household Appliances, Television and Stereo Repair.
- m) Florist Shop.
- n) Gift Shop.
- o) Hair Stylists (Barber and Beauty Shops).
- p) Health Centers Including Indoor Racquet Ball Courts.
- q) Jewelry and Jewelry Repair.
- r) Key Shop.
- s) Laundromats (self-service).
- t) Medical and Orthopedic Appliance Stores.
- u) Office Supplies (not including furniture).
- v) Photographic Equipment and Print Shops.
- w) Pet Sales and Grooming Stores.
- x) Picture Framing Shop.
- y) Shoe Repair Shop.

- z) Stationery, Card and Gift Shops.
- aa) Tailor Shops.
- 3. Residential uses as follows:
  - a) Each business or office may have an owner residence as a part of the business or office structure.
  - b) Multiple-family dwellings, the same as permitted by conditional use in the "AA" District.
- 4. Miscellaneous type uses including the following:
  - a) Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served, and is determined by the Director of Building and Zoning to contribute to the necessity of the principal residence or business established on the zoning lot.
  - b) Off-street parking and loading accessory to a principal use established on the zoning lot.
  - c) Signs shall be limited as follows:
    - 1) Ground or pole signs shall be limited to one per business and shall not exceed 32 square feet in area and 30 feet in height. Whenever more than one business is located on a property a horizontal distance, along the street, shall be not less than 50 feet.
    - 2) Each business shall be permitted a sign located on the face of the building not to exceed 32 square feet.
    - 3) Lighting of signs must be limited to internal or indirect illumination of white light only and without flashing or moving images.
- 5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 12 of the Zoning Resolution, Sedgwick County, Kansas; provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.
  - c) Offices, Retail Stores and Personal Service Businesses not specifically

listed as a permitted use above, when it can be determined that the use is comparable to any of the above.

B. AREA REQUIREMENTS:

1. Lot Area: For any property having available and utilizing a public water supply and a municipal or community sewage disposal system shall have a minimum lot width of 75 feet and a minimum lot area of 10,000 square feet. Larger areas may be required as determined by the Wichita-Sedgwick County Department of Community Health for the installation of individual sewage disposal systems and private wells.
2. Front Yard: See Section 11-D.
3. Side Yard: No side yard shall be required unless the lot abuts a lot in an "R-1", "R", or "AA" District, but if any side yard is provided, the side yard shall be not less than five (5) feet. Where the side of a lot in the "OC" District abuts upon the side of a lot in an "R", "R-1", or "AA" District, there shall be a side yard the same as required in the "R", "R-1", or "AA" District. Where the rear of a corner lot abuts the side of a lot in an "R", "R-1", or "AA" District, the side yard on the street-side of the corner lot shall be ten (10) feet.
4. Rear Yard: There shall be a rear yard of not less than ten (10) feet.

C. HEIGHT LIMIT: No building shall be erected or enlarged to exceed a height of thirty-five (35) feet.

D. LOT COVERAGE: There shall be a maximum of 40 percent coverage of the lot by any structure.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on August 12, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 11 "SUPPLEMENTAL REGULATIONS", paragraph B-3b be amended to read as follows:

- b) Where any parking area or loading spaces as required in the "OC", "LC", "C", "E", or "F" Districts or for automobile or trailer sales areas, adjoins lots in "R", "R-1", "AA" or "BB" Districts such lot shall be protected the full length of the parking area or loading spaces (but not closer than 15

feet to any street lot line), by a permanent screen or solid wall, compact evergreen screen, or uniformly painted board fence, or woven wire fence, having a height of not less than 4 feet nor more than 6 feet, erected and maintained by the owner or user of such parking area or loading space.

SECTION IV. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on August 12, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 11, "Supplemental Regulations" paragraph D-4 shall be amended to read as follows:

4. Zoning district front yard setbacks referred to in the above paragraphs are as follows:

"R"	- Rural Residential District, 30 feet
"R-1"	- Suburban Residential District, 25 feet
"AA"	- One Family Dwelling District, 25' feet
"BB"	- Office District, 20 feet
"OC"	- Office Commercial District, 20 feet
"LC"	- Light Commercial District, 35 feet
"C"	- General Commercial District, 35 feet
"E"	- Light Industrial District, 35 feet
"F"	- Heavy Industrial District, 35 feet

SECTION V. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on August 12, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 14 "ADMINISTRATION" paragraph C-2, shall be amended to read as follows:

2. Application: Application for any change of district boundaries or reclassification of districts as shown on the Zoning Map, shall be filed with the Commission upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record.

Each application shall be verified by at least one of the owners of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

Applications must be accompanied with a certified list of property owners of record and their addresses, if available, and if not available, then the address of the occupant of the premises, if tenanted, in all directions from the subject property for a distance of twice the frontage of the property, included in the application; provided, no distance need be more than 1,000 feet and cannot be less than 200 feet.

For the purpose of defraying costs of proceedings prescribed herein, filing and publication fees shall be apid to the County Treasurer or his agent upon the filing of such application for change in district classification. The fee for such application is as follows:

Size of Application Area

Zoning Classification	Up to & Including 3 Acres	Over 3 Acres to 6 Acres	Over 6 Acres to 15 Acres	Over 15 Acres
"R", "R-1" & "AA"	\$200	\$300	\$400	\$500
"B"	350	450	550	650
"OC", "LC", "C", "E", & "F"	400	500	600	700

"CU" (Conditional Use Permit) - Fee required is the same as for the District in which it is located.  
 Special Permit - as authorized by the Zoning Resolution--\$150.

Any person requesting deferral of a zoning case or a conditional use case shall be charged a fee of \$50 at such time the deferral is granted to cover administrative costs.

A written receipt shall be issued to the person making such a payment and records thereof shall be in a manner as prescribed by law.

SECTION VI. This resolution shall take affect and be enforced on \_\_\_\_\_, 1982, upon its adoption and publication once in the official County paper.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1982.

\_\_\_\_\_  
 Jack Spratt, Chairman

\_\_\_\_\_  
 Tom Scott, Commissioner

\_\_\_\_\_  
 Don Gragg, Commissioner

ATTEST:

\_\_\_\_\_  
 Dorothy K. White, County Clerk

APPROVED AS TO FORM BY:

\_\_\_\_\_  
 William D. Rustin, County Counselor

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 12, 1982

READVERTISED:

4. Case No. DR 79-17 - Office Commercial District.

NEW CASE:

5. Case No. DR 82-19 - Office Commercial District.

LAKIN stated that these cases cover practically the same areas. One is an amendment to the City text and the other is an amendment to the County text. He mentioned that they have had a couple of work sessions on the amendments recently and about three years ago when a similar proposal was discussed. He said that it has been the staff's feelings for some time that there is a void between the "BB" and "LC" districts for uses that have a mixed office and light commercial character. LAKIN said that the staff approaches this proposed district on the basis of trying to include a number of retail and personal uses, while trying to limit the large traffic generating uses and what might be major intrusions in the neighborhoods. He pointed out that this has been done primarily by limiting the size of any single use. He said that they have also tried to do it through the list of uses that are permitted, particularly by trying to stay away from many of the high volume automobile oriented uses, such as drive-ins, etc. Where such uses are allowed, an opportunity to review a site plan for such things as drive-in windows, to make sure there are queuing areas available so that major problems don't develop out of it. LAKIN said that during the last review of the proposed district with the Planning Commission, several issues were raised that they wanted to be addressed. LAKIN said that staff attempted to address one of those issues by including a residential development potential at a density equal to the "R-5" district. The side yard setback has been adjusted so that when the district is adjacent to a nonresidential zoning district a building could be built with a zero setback. He said that they tried to deal with the overnight storage of vehicles, and have tried to adjust a couple of the other uses that the Commission felt should be permitted. He felt that the staff phrased the changes in such a way that the area in the proposed district would not be abtrusive to the uses in a residential district.

LAKIN said that staff also prepared a similar district for the County so that there would be compatible use districts in both the unincorporated area of the County and within the City. The districts are slightly different in format. He said that a memo with the proposed district was sent to the CPO and staff has received a number of comments from them. LAKIN stated that some of the comments recommended approval. The recommendations of approval also suggest that there might be some "sunset clause" established relating to the development of the property and also relating to the specific use applied for. He said that he viewed that as a fairly major qualification. He felt that it should be clear for the record and in particularly for the City Commission, that when a zoning district is approved, it is basically approved for all of the uses in that district even though an applicant may have a

specific use in mind. Therefore, he did not think that under the State statutes, and as the way case law is handled in Kansas, that they can effectively pursue that recommendation without changing the legislation to allow individual negotiated uses on a sunset basis. If there is a feeling that a piece of property should be developed within a given period of time or the approval should be withdrawn, the only way, currently, that they can effectively do that is to reinstate the case, advertise it and send notices proposing to change it back to its original zoning. It would have to be done in the same fashion as when the applicant brought the case in originally. Should the City Commission or the Planning Commission feel strongly enough about any individual case to initiate a case, he said that he would urge that they do it selectively and not uniformly, or they could end up spending a lot of money. If it was decided to rezone property if it wasn't developed to within a certain time period the City Commission could instruct staff that if the property is not developed within two years, to initiate a case and bring it back to the Commission's attention for consideration.

LAKIN said that CPO Council "A" suggested that "RB" restrictions instead of "R-5" restrictions should be included in the "OC" district. He said that the "RB" density is greater than the "R-5" and he did not understand their reasoning other than four units probably has a greater comfort factor for many people because that is what they have seen in Wichita over the last 30 years. Things like permitting the townhouses, and/or garden apartments that are allowed in "R-5", even though they would be at a lesser density than in the "RB", are apparently making some of the neighborhoods uneasy. He said that he would still recommend that if they are going to have any residential in the proposed district that the "R-5" is a better choice than "RB".

LAKIN stated that CPO Council Area "F" recommended that "R-5" restrictions be included. He said that they wanted to further restrict the district to prohibit rap parlors and escort services. He said that he looked at this again because the district is designed to accommodate some retail uses and personal services, and he supposed with just a small amount of imagination one could put rap parlors and escort services under the "personal service" category. However, he said that he has read through that district and as he understood and interpreted it that he could recommend to the enforcing agencies that he did not find that any of the listed specific uses could be judged to include rap parlors or escort services. He cautioned the Commission that there was one provision in the ordinance that said that the Board of Zoning Appeals could add other uses providing they make a determination that they are alike and similar in nature. He said that staff discussed how this could be covered, and the conclusion was that they could revise the use limitations or limitations of this district to include a list of uses that cannot be put in by the BZA. The problem with that is definitions. What is a rap parlor? What is an escort service? If they are limited, they will have to be defined. LAKIN said that the Law Department has been trying to do that for five years, and have not succeeded. He said the other problem is that if all of the uses that are not wanted are named then the list becomes very long, and he did not feel that they would want to do that. LAKIN said that he really had no viable suggestion to make to the Commission to further reinforce the provision other than he was comfortable with the way it is written.

LAKIN pointed out that CPO Council Area "I" wanted some deletions under miscellaneous type uses and exceptions that could be allowed by the Board of Zoning Appeals.

LAKIN said that CPO Council Area "B" was opposed to this district because it was too broad. He said that the last time this was discussed with the Planning Commission about three years ago, comments were made that it was too narrow. He felt that they have been fairly selective in those uses that were included but nothing is ever perfect. In the enforcement of the districts you will find that there are too many uses in some and not enough in others, and like every district it will be subject to some modification. He cautioned that if they have erred on the side of being too broad, his guess would be that they would never change it. It is easier to add something than to subtract, and in a zoning ordinance the development industry always perceives subtracting as taking something from them. LAKIN said the Council did raise another interesting point in suggesting that the district should be restricted to locations fronting on arterial streets. That suggestion resulted in some discussion between staff members. He said that one of the things that staff discussed was what would happen with the people who might be in home occupations. He said that what the Commission may get in the future is an applicant saying, "Well, I want to sell something out of my house, so why don't you just put the "OC" District in the middle of this section of land, because it is obviously appropriate because staff had the "OC" district adopted because it would be compatible with residential districts". LAKIN said it was not the staff's intent that that be the practice. The same thing could be done now with "LC". He said that there may be merit in the recommendation and he has drafted some language that simply says that this district shall be located along arterials or adjacent to nonresidential districts. That should preclude, as a matter of intent, its misuse by future planning commissions and governing bodies. He urged that the Commission consider it.

LAKIN noted that CPO Council Area "H" was particularly concerned about the Bonnie Brae area. He said that he knew they were concerned about the pressures of strip zoning along Rock Road but he did not know how to get around that. Anytime that there is a Towne East, pressure is going to be present from the day the shopping center is built to request additional zoning. He said that he was not sure that he could see that it was more appropriate to zone the east side of Rock Road, and the side blocks coming into it, with "OC" rather than with "LC".

LAKIN said that CPO Council Area "L" made some interesting comments primarily opposed to any new zoning classification, unless the entire zoning ordinance was revised. He said that that was not his proposal. This proposed classification stands and falls on its own. He said that there were a number of other recommendations that could be looked at but they were very detailed and specific. There are some interesting height adjustments recommended to make it compatible with residential uses. In regard to the use limitations of 7500 square foot, they suggest that it be limited to 1000 square foot for each individual use. LAKIN said that he had been thinking about that item too, and he felt that 7500 was a little on the high side. He said that the 1000 square foot limitation was on the low side and would make the district

ineffective and not usable. He said that he was a little uneasy about including restrictions on operating hours because he did not know how to enforce them. The inspectors go home at 5:00 p.m., even if it is a good idea to limit them to 9:00 p.m. He felt that it would be more effective to include a use list which tends to address that issue rather than to try to put that type of limitation in.

LAKIN called the Commission's attention to the height limitations in the proposed County district. He urged that if the districts are approved, that the following modification be made: "No building shall be erected or enlarged to exceed a height of 35 feet".

PARSONS noted that the CPO Councils opposed to the the new district was not listed.

LAKIN said that no Council had recommended complete denial of the proposed district.

LAKIN said that CPO should be complimented for the comments that were submitted. He felt that they had spent a good deal of time, and had given a great deal of thought on the district, and good suggestions had been made.

GARY OSTERMAN, attorney, representing Pat Butterworth, stated that she is the operator of a business at Edgemoor and Lincoln and an applicant for light commercial zoning. He said that she had gotten involved in a business that, unfortunately, was improperly zoned. She has an application before the City Commission and there was some concern as to whether or not it would pass. In discussing the matter with Lakin, the idea of this new zoning classification was discussed. He felt that it particularly meets the need of persons in the same situation as Pat Butterworth. He said that she operates a health and beauty salon in a low density residential area. Because of the concerns of the neighborhood that the "LC" zoning classification may in some way allow future businesses to come in with a different operation, this would be objectionable to the neighborhood. He felt that the explanation and the background set forth by Lakin is exactly the situation that Mrs. Butterworth finds herself in. She needs a classification and she fits perfectly in this classification. He urged the Commission, on Mrs. Butterworth's behalf, to follow the recommendations of Lakin, and give considerable thought to this type of classification.

BAYOUTH asked if the Board of Realtors had been contacted and if they had made any comments.

LAKIN said that they were furnished copies. He said that they are routinely furnished information on any text change, however the staff has received no comments back.

WILSON commented to Osterman that if this ordinance was passed it would not help Mrs. Butterworth in any way. She would still have to apply for this district. Any change would still have to be reviewed and she would still have to go through the same procedure. It would give the Commission the opportunity of finding an alternative for taking care of that sort of situation. He said that the biggest thing that they have to do is to get the realtors to realize that when someone rents or subleases that they are the ones that should be liable. It should not be up to this Commission or City Commission or anyone else to take care of it.

HANSEN agreed with Wilson's comments.

ERNIE HENDERSON, stated that she was involved with the salon at 838 South Edgemoor, in that she does the herbal body wraps. She said that she also was a real estate broker. She said that she believed that most of them do make certain that their properties are either properly zoned or they make the lease subject to rezoning. She realized that the person who owns this property is a realtor and broker, and it was unfortunate that this did happen, but she felt that most of them are a little more careful than that. She said that, speaking as a broker, she felt that there have been many times that she has seen people who are in a similar situation as Pat Butterworth, supplying a service, not unlike a doctor or dentist who have been hurt by the current regulations. She said that a beauty salon does not create as much traffic flow as a doctor's office. She has not seen traffic congestion around a beauty salon like she sees when she goes to her doctor, who sets his appointments every 15 minutes. She felt that this type of salon would not hurt a neighborhood and in fact could be helpful to have services closer to where the people are.

BAYOUTH said that the purpose of the Commission was to handle the appeals regardless of who makes the mistakes.

WILSON responded that that was not his intent of his comment. His comment was pertaining to the fact that each case had to be reviewed individually, regardless of who was involved. The zoning should be for the property, not to solve the problems of the applicant that were created by others.

HENRY SANFORD, 2188 Flynn, speaking in behalf of CPO Area "H", stated that they were in opposition to the new district. He said that he really had not intended to address the Butterworth case directly, but since it has been discussed quite a bit, he decided to speak. They discussed the case at their meeting of July 26, and although Mrs. Butterworth might be an extreme case, the problem they saw in a zoning such as this was that six months later someone could open a dog kennel there. The zoning ordinance would allow it so long as they could hide the odor which would be subject to enforcement. They felt that something like that would be very difficult to enforce. They voted unanimously, 6-0, against the new ordinance as it was presented. SANFORD said that the Council felt the uses were very broad, to be allowed in residential areas. If the district would not be allowed in residential areas then the Council would like to discuss it again. They felt that the proposed district would be granted more frequently and easily than to do it by exception or rezoning as it would be done now. They felt that it did need narrowing. They discussed enforcement as being one of the major problems. He said that he has had a problem in his own neighborhood with enforcement of just a home occupation. It is difficult to enforce some rules on home occupations. The main one is the storing and parking of vehicles.

GARDNER commented that the Commission was specifically considering the "OC" district and that remarks should essentially be limited to commentary on the "OC" district and those items specifically addressed in that category. He felt that the problem Sanford was specifically alluding to in was not germane to the "OC" district.

SANFORD responded that the Council felt that due to the fact that the Butterworth case had some connection with the reintroduction of this zoning again, that it may have something to do with home occupations. He would hate to think that the gentlemen across the street from him would be granted the new classification which would allow him to store and park dump trucks on his property.

GARDNER asked if Sanford believed the new category to include that sort of thing. SANFORD said that he brought up the truck situation in reference to the general problem of enforcement in any zoning district. SANFORD said that the Council felt, that there were no provisions for more enforcement in this new classification than what they have now. They do feel that more enforcement would probably be necessary if this new office-commercial zoning is granted and they felt that more than likely it would be granted. They felt that it would be an encroachment into the residential neighborhoods. It may become the buffer zone between residential and light commercial rather than between the office and light commercial districts. He said that they do support an alternative that Lakin had mentioned in the memo to the Planning Commission dated June 24, (alternative number 3) that would provide provisions in the zoning ordinance to allow other uses by special permits or exceptions. SANFORD said that the Council felt that each case should be looked at individually when they feel that it encroaches upon a residential neighborhood. Enforcement was one of their major issues, and they felt that without the courts behind the enforcement, they hated to see more commercial zoning approaching residential zoning.

HANSEN stated that some of them see this as a protection and an enhancement device for a neighborhood. When one watches the Commission votes, you see cases where light commercial is permitted in residential areas. That can seem as opening a very wide door, and a neighborhood may have, further down the road, a Quik Trip, or something less desirable. She said that in her mind this is a half a loaf and she feels that it would offer some protection for the neighborhoods. She felt that this district was a step in the right direction.

GOEBEL stated that in his estimation all that this is about is narrowing the gap between districts to give the people another category to use. There will consistently be a problem with zoning and that is why, someday, they will have to have something between the "BB" and "IC" districts.

HENRY PACK, 8121 Mocking Bird, said that he believed that the case of Mrs. Butterworth was, to a very large degree, a red herring. No one in her neighborhood had any opposition to her operation until it became necessary for her to apply for light commercial zoning. So Mrs. Butterworth's situation is far removed from what this ordinance will permit. Anyone that looks at the proposed district with its 30 foot high buildings, 30 foot high signs, 25 square feet on each side, signs 50 feet apart, can see it is light commercial zoning with a few of the most objectionable operations eliminated from it. It simply makes the encroachment of light commercial on residential areas easier. If anyone thinks that they are going to have less opposition from a residential neighborhood on requests for this zoning than they do to a light commercial zoning, he would beg to differ. They would be just as opposed to zoning of this classification in his area as they would be to light commercial zoning, when both of them are highly undesirable. This district has no provisions

for requiring architectural compatibility and very questionable limitations as far as traffic is concerned.

GARDNER responded that he did not think that there was any pretense of a case being made that this is the sort of zoning you consider for inserting in the middle of a predominant residential area as was unfortunately stated in a newspaper article. To approach this category with that perspective is wholly unrealistic, just as it would be to say industrial zoning is not an objectionable category if placed in a residential neighborhood. He said that in all due respect to Mr. Pack's remarks, when this category is considered for an appropriate location, where one might otherwise appropriately consider office or light commercial zoning, it has a very specific application. He said that it may, in fact, be adjacent to some residential uses since this City does not totally separate residential uses from the rest of the world. GARDNER said that it might be preferable, given a trend such as along East Central, which is a transitional area, to approve "OC" rather than light commercial with some of the use categories that are included in "LC" district. GARDNER said that he did not think that the category was too broad or liberal.

PACK said that there are places that could be found in the City of Wichita where this would be a suitable classification but there is nothing in this ordinance that says that it would be applied in only certain areas or within certain districts. This ordinance would be applicable anywhere.

HANSEN said that this bench frequently finds it very easy to change zoning to light commercial anyway and she seriously objects to it frequently. She asked Pack how he felt about the proposal if this zoning would be located just on arterial streets.

PACK said that it would be an improvement.

WILSON felt that the proposed district really should be named "KTH" (keep them honest) instead of "OC". There are so many applicants that come and say that they just want a site zoned light commercial because they just want to put in an office and would sell life insurance out of that office. Then nothing happens for six months because the applicant could not get his loan, so he sells it to a Quik Trip. He said that if everybody agrees to the "OC" amendment, it would keep them honest and then a lid could be put on it. If everything was zoned "commercial" and they forgot "light commercial" then the first thing they would know, they would have a foundry in there when all they said they wanted was an office. There has to be some place a lid can be put on it. WILSON said that this has nothing to do with the Butterworth zoning. When the Butterworth case was considered the Planning Commission recommended that "LC" zoning only under the structure, so that when Mrs. Butterworth moved out in two months, the owner of that property could not put a dog kennel or anything else in. He said that they were trying to protect that neighborhood. If they are to continue to protect the neighborhood they will have to have something in there that would keep the people, that are applying, to their word.

PACK said that that would be a good feature for this proposal. He asked that rather than use a new ordinance to accomplish that purpose, why can't that particular point be introduced into the light commercial district and the same prohibition put in the light commercial district.

LOFTON stated that he agreed with Wilson. He felt that if the applicant could not tell the Commission what they were going to put on the property then the zoning should be denied.

GOEBEL remarked that if the Commission approved cases as Lofton suggested then the Commission would be getting into contract zoning. The applicant would have to be held to one category, such as service stations. If the zoning was to be held to only service stations there would not be any service stations left because they are building them into everything else. The Savings and Loan people were the ones really against the last zoning ordinance because there were too many categories and it would have designated each piece of property to a lesser use. He said that the thing that is being said now is that three or four categories could be put inbetween, but it would make it harder for people to use the piece of property.

BRUCE HUMPHREY, 1704 Fairview, said that he would like to echo the concerns of CPO Council "H", and the Bonnie Brae Association. He said that he represented the Midtown Citizens Association, who in their monthly meeting last week, discussed this proposed change and had enough concern about it, as they read it, that they wanted to come before the Commission to share that concern. He said that Lakin had been extremely articulate and he and his staff had obviously put a lot of time into drafting this proposed district and there have been a number of changes suggested out of CPO areas and discussed. He suggested that those changes be incorporated into the new recommendations. He suggested that they should incorporate the Commission's suggestions, those of the CPO and Lakin's thoughts and take advantage of a revised ordinance and offer it to the CPO's to find out what the implications of the new district would be. He said that there were some real positive things in the district in spite of their concerns about it. He felt that it has a potential to be the kind of protection that the Commission has expressed it will be. He said that half a loaf was better than none. If it was possible for them to see the second draft, he would like to have it sent out to the CPO's and neighborhoods and let them have a chance to react to that.

JOHN MORRIS, 3737 Sleepy Hollow, appearing as President of the Sleepy Hollow Neighborhood Association, stated that basically they agree with the general concept and need expressed in this ordinance change. They fully support the amendment Lakin suggested with regard to the arterial street location. If that is made a part of this zoning ordinance it would create a far different animal than they have now. He said that with that amendment, they would basically have only three objections. Those three objections are the permitted uses, the signage allowance, and the square footage requirement. He said that basically they did not agree that all of the permitted uses should be in this classification. He said that they know that it is a matter of definition and a matter of drawing the line somewhere. He felt that in the proposed district they should be more restrictive, and in being more restrictive this classification would be more useful. For example, under the concept that they envision, abstract and title companies would not need to be in this "OC" zoning. "LC" zoning would be an appropriate zoning for those kind of uses. Branch banks, Savings and Loans, brokerage houses, minor surgery centers, opticians and optical dispensers, small clothing stores, and that kind of thing, they felt should be retained in "LC" zoning and not put in the "OC"

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GARDNER responded to the arterial comment. He said that someone could come in and say that they had arterial frontage somewhere near Rutan or Vassar and therefore they felt that they would qualify for "OC". GARDNER said that frankly there was no guarantee that if it was restricted to arterials that that would be a good location for it. There is a dentist office a little further down the way that has kept the neighborhood in kind of a froth for a couple of years. It is a situation where being on an arterial has no bearing from the neighborhood's perspective. He said that there is a massive inconsistency in the approach that being on an arterial therefore makes it more appropriate. He submitted that being on an arterial does in fact have bearing, but that is only a singular element that must be considered but to include it in the proposed district is begging the issue. He said that in regard to the size of the business and the choice of exclusions and inclusions he was not sure he perceived the logic in that reasoning. He said that if he had trouble with abstract and title companies how would he differentiate those from insurance companies. He submitted that they were dealing with something on a little bit higher level than "BB" Office and if the location was not appropriate for "BB" Office then they would not be very bright to submit an application for something of a higher and denser usage. He said that he would concur with Morris in that regard that maybe some categories would not be appropriate in a neighborhood, but neither would the office categories below, and to delete those potential uses from this category would not help anyone.

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MORRIS said that they have approached this from the standpoint of looking at a district, fully realizing that there is no contract zoning in existence in Wichita, and that once it is opened up for one acceptable use for that specific location, it is opened up for all permitted uses under the ordinance. That is why they took a specific look at the permitted uses and they found some that they do not see as fitting into that specific category that they envision ought to be created by this additional classification.

WILSON asked why were abstract and title companies not alright, but attorney offices were.

MORRIS responded that an abstract and title company was generally not a one or two person operation. It is generally larger, even though it would fall under the 7500 square foot limitation whereas there are many semi-retired professional, attorneys, accountants, engineers, etc., that practice out of their home or want some location close to their residence and he felt the usage would be very low density.

HANSEN remarked that it seemed to her that it was Bonnie Brae and Sleepy Hollow who were here to speak to the issue and certainly they have had encroachment on their neighborhoods. They have had to battle zoning on a steady basis because of things the Commission did not feel were compatible. She said that she sees this as a step toward helping the neighborhoods.

MOTION: That the Planning Commission recommend to the City Commission and the County Commission that the "OC" Office-Commercial category be approved with the change that height limitation read "thirty-five feet" instead of "forty-five feet" in the County resolution, as staff recommended. Bayouth moved, Hansen seconded.

Discussion followed on whether this designation should be on arterials only. LAKIN stated for purposes of the record he wanted to clarify if the motion was to recommend approval as advertised, together with the amendment on the height restriction in the County. BAYOUTH said that was correct.

VOTE ON THE MOTION: It carried unanimously. Cazal, Chisholm and Jones were absent.

LOFTON left the meeting.

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EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 12, 1982

READVERTISED:

4. Case No. DR 79-17 - Office Commercial District.

NEW CASE:

5. Case No. DR 82-19 - Office Commercial District.

LAKIN stated that these cases cover practically the same areas. One is an amendment to the City text and the other is an amendment to the County text. He mentioned that they have had a couple of work sessions on the amendments recently and about three years ago when a similar proposal was discussed. He said that it has been the staff's feelings for some time that there is a void between the "BB" and "LC" districts for uses that have a mixed office and light commercial character. LAKIN said that the staff approaches this proposed district on the basis of trying to include a number of retail and personal uses, while trying to limit the large traffic generating uses and what might be major intrusions in the neighborhoods. He pointed out that this has been done primarily by limiting the size of any single use. He said that they have also tried to do it through the list of uses that are permitted, particularly by trying to stay away from many of the high volume automobile oriented uses, such as drive-ins, etc. Where such uses are allowed, an opportunity to review a site plan for such things as drive-in windows, to make sure there are queuing areas available so that major problems don't develop out of it. LAKIN said that during the last review of the proposed district with the Planning Commission, several issues were raised that they wanted to be addressed. LAKIN said that staff attempted to address one of those issues by including a residential development potential at a density equal to the "R-5" district. The side yard setback has been adjusted so that when the district is adjacent to a nonresidential zoning district a building could be built with a zero setback. He said that they tried to deal with the overnight storage of vehicles, and have tried to adjust a couple of the other uses that the Commission felt should be permitted. He felt that the staff phrased the changes in such a way that the area in the proposed district would not be abtrusive to the uses in a residential district.

LAKIN said that staff also prepared a similar district for the County so that there would be compatible use districts in both the unincorporated area of the County and within the City. The districts are slightly different in format. He said that a memo with the proposed district was sent to the CPO and staff has received a number of comments from them. LAKIN stated that some of the comments recommended approval. The recommendations of approval also suggest that there might be some "sunset clause" established relating to the development of the property and also relating to the specific use applied for. He said that he viewed that as a fairly major qualification. He felt that it should be clear for the record and in particularly for the City Commission, that when a zoning district is approved, it is basically approved for all of the uses in that district even though an applicant may have a

specific use in mind. Therefore, he did not think that under the State statutes, and as the way case law is handled in Kansas, that they can effectively pursue that recommendation without changing the legislation to allow individual negotiated uses on a sunset basis. If there is a feeling that a piece of property should be developed within a given period of time or the approval should be withdrawn, the only way, currently, that they can effectively do that is to reinstate the case, advertise it and send notices proposing to change it back to its original zoning. It would have to be done in the same fashion as when the applicant brought the case in originally. Should the City Commission or the Planning Commission feel strongly enough about any individual case to initiate a case, he said that he would urge that they do it selectively and not uniformly, or they could end up spending a lot of money. If it was decided to rezone property if it wasn't developed to within a certain time period the City Commission could instruct staff that if the property is not developed within two years, to initiate a case, and bring it back to the Commission's attention for consideration.

LAKIN said that CPO Council "A" suggested that "RB" restrictions instead of "R-5" restrictions should be included in the "OC" district. He said that the "RB" density is greater than the "R-5" and he did not understand their reasoning other than four units probably has a greater comfort factor for many people because that is what they have seen in Wichita over the last 30 years. Things like permitting the townhouses, and/or garden apartments that are allowed in "R-5", even though they would be at a lesser density than in the "RB", are apparently making some of the neighborhoods uneasy. He said that he would still recommend that if they are going to have any residential in the proposed district that the "R-5" is a better choice than "RB".

LAKIN stated that CPO Council Area "F" recommended that "R-5" restrictions be included. He said that they wanted to further restrict the district to prohibit rap parlors and escort services. He said that he looked at this again because the district is designed to accommodate some retail uses and personal services, and he supposed with just a small amount of imagination one could put rap parlors and escort services under the "personal service" category. However, he said that he has read through that district and as he understood and interpreted it that he could recommend to the enforcing agencies that he did not find that any of the listed specific uses could be judged to include rap parlors or escort services. He cautioned the Commission that there was one provision in the ordinance that said that the Board of Zoning Appeals could add other uses providing they make a determination that they are alike and similar in nature. He said that staff discussed how this could be covered, and the conclusion was that they could revise the use limitations or limitations of this district to include a list of uses that cannot be put in by the BZA. The problem with that is definitions. What is a rap parlor? What is an escort service? If they are limited, they will have to be defined. LAKIN said that the Law Department has been trying to do that for five years, and have not succeeded. He said the other problem is that if all of the uses that are not wanted are named then the list becomes very long, and he did not feel that they would want to do that. LAKIN said that he really had no viable suggestion to make to the Commission to further reinforce the provision other than he was comfortable with the way it is written.

LAKIN pointed out that CPO Council Area "I" wanted some deletions under miscellaneous type uses and exceptions that could be allowed by the Board of Zoning Appeals.

LAKIN said that CPO Council Area "B" was opposed to this district because it was too broad. He said that the last time this was discussed with the Planning Commission about three years ago, comments were made that it was too narrow. He felt that they have been fairly selective in those uses that were included but nothing is ever perfect. In the enforcement of the districts you will find that there are too many uses in some and not enough in others, and like every district it will be subject to some modification. He cautioned that if they have erred on the side of being too broad, his guess would be that they would never change it. It is easier to add something than to subtract, and in a zoning ordinance the development industry always perceives subtracting as taking something from them. LAKIN said the Council did raise another interesting point in suggesting that the district should be restricted to locations fronting on arterial streets. That suggestion resulted in some discussion between staff members. He said that one of the things that staff discussed was what would happen with the people who might be in home occupations. He said that what the Commission may get in the future is an applicant saying, "Well, I want to sell something out of my house, so why don't you just put the "OC" District in the middle of this section of land, because it is obviously appropriate because staff had the "OC" district adopted because it would be compatible with residential districts". LAKIN said it was not the staff's intent that that be the practice. The same thing could be done now with "LC". He said that there may be merit in the recommendation and he has drafted some language that simply says that this district shall be located along arterials or adjacent to nonresidential districts. That should preclude, as a matter of intent, its misuse by future planning commissions and governing bodies. He urged that the Commission consider it.

LAKIN noted that CPO Council Area "H" was particularly concerned about the Bonnie Brae area. He said that he knew they were concerned about the pressures of strip zoning along Rock Road but he did not know how to get around that. Anytime that there is a Towne East, pressure is going to be present from the day the shopping center is built to request additional zoning. He said that he was not sure that he could see that it was more appropriate to zone the east side of Rock Road, and the side blocks coming into it, with "OC" rather than with "LC".

LAKIN said that CPO Council Area "L" made some interesting comments primarily opposed to any new zoning classification, unless the entire zoning ordinance was revised. He said that that was not his proposal. This proposed classification stands and falls on its own. He said that there were a number of other recommendations that could be looked at but they were very detailed and specific. There are some interesting height adjustments recommended to make it compatible with residential uses. In regard to the use limitations of 7500 square foot, they suggest that it be limited to 1000 square foot for each individual use. LAKIN said that he had been thinking about that item too, and he felt that 7500 was a little on the high side. He said that the 1000 square foot limitation was on the low side and would make the district

ineffective and not usable. He said that he was a little uneasy about including restrictions on operating hours because he did not know how to enforce them. The inspectors go home at 5:00 p.m., even if it is a good idea to limit them to 9:00 p.m. He felt that it would be more effective to include a use list which tends to address that issue rather than to try to put that type of limitation in.

LAKIN called the Commission's attention to the height limitations in the proposed County district. He urged that if the districts are approved, that the following modification be made: "No building shall be erected or enlarged to exceed a height of 35 feet".

PARSONS noted that the CPO Councils opposed to the new district was not listed.

LAKIN said that no Council had recommended complete denial of the proposed district.

LAKIN said that CPO should be complimented for the comments that were submitted. He felt that they had spent a good deal of time, and had given a great deal of thought on the district, and good suggestions had been made.

GARY OSTERMAN, attorney, representing Pat Butterworth, stated that she is the operator of a business at Edgemoor and Lincoln and an applicant for light commercial zoning. He said that she had gotten involved in a business that, unfortunately, was improperly zoned. She has an application before the City Commission and there was some concern as to whether or not it would pass. In discussing the matter with Lakin, the idea of this new zoning classification was discussed. He felt that it particularly meets the need of persons in the same situation as Pat Butterworth. He said that she operates a health and beauty salon in a low density residential area. Because of the concerns of the neighborhood that the "IC" zoning classification may in some way allow future businesses to come in with a different operation, this would be objectionable to the neighborhood. He felt that the explanation and the background set forth by Lakin is exactly the situation that Mrs. Butterworth finds herself in. She needs a classification and she fits perfectly in this classification. He urged the Commission, on Mrs. Butterworth's behalf, to follow the recommendations of Lakin, and give considerable thought to this type of classification.

BAYOUTH asked if the Board of Realtors had been contacted and if they had made any comments.

LAKIN said that they were furnished copies. He said that they are routinely furnished information on any text change, however the staff has received no comments back.

WILSON commented to Osterman that if this ordinance was passed it would not help Mrs. Butterworth in any way. She would still have to apply for this district. Any change would still have to be reviewed and she would still have to go through the same procedure. It would give the Commission the opportunity of finding an alternative for taking care of that sort of situation. He said that the biggest thing that they have to do is to get the realtors to realize that when someone rents or subleases that they are the ones that should be liable. It should not be up to this Commission or City Commission or anyone else to take care of it.

HANSEN agreed with Wilson's comments.

ERNIE HENDERSON, stated that she was involved with the salon at 838 South Edgemoor, in that she does the herbal body wraps. She said that she also was a real estate broker. She said that she believed that most of them do make certain that their properties are either properly zoned or they make the lease subject to rezoning. She realized that the person who owns this property is a realtor and broker, and it was unfortunate that this did happen, but she felt that most of them are a little more careful than that. She said that, speaking as a broker, she felt that there have been many times that she has seen people who are in a similar situation as Pat Butterworth, supplying a service, not unlike a doctor or dentist who have been hurt by the current regulations. She said that a beauty salon does not create as much traffic flow as a doctor's office. She has not seen traffic congestion around a beauty salon like she sees when she goes to her doctor, who sets his appointments every 15 minutes. She felt that this type of salon would not hurt a neighborhood and in fact could be helpful to have services closer to where the people are.

BAYOUTH said that the purpose of the Commission was to handle the appeals regardless of who makes the mistakes.

WILSON responded that that was not his intent of his comment. His comment was pertaining to the fact that each case had to be reviewed individually, regardless of who was in involved. The zoning should be for the property, not to solve the problems of the applicant that were created by others.

HENRY SANFORD, 2188 Flynn, speaking in behalf of CPO Area "H", stated that they were in opposition to the new district. He said that he really had not intended to address the Butterworth case directly, but since it has been discussed quite a bit, he decided to speak. They discussed the case at their meeting of July 26, and although Mrs. Butterworth might be an extreme case, the problem they saw in a zoning such as this was that six months later someone could open a dog kennel there. The zoning ordinance would allow it so long as they could hide the odor which would be subject to enforcement. They felt that something like that would be very difficult to enforce. They voted unanimously, 6-0, against the new ordinance as it was presented. SANFORD said that the Council felt the uses were very broad, to be allowed in residential areas. If the district would not be allowed in residential areas then the Council would like to discuss it again. They felt that the proposed district would be granted more frequently and easily than to do it by exception or rezoning as it would be done now. They felt that it did need narrowing. They discussed enforcement as being one of the major problems. He said that he has had a problem in his own neighborhood with enforcement of just a home occupation. It is difficult to enforce some rules on home occupations. The main one is the storing and parking of vehicles.

GARDNER commented that the Commission was specifically considering the "OC" district and that remarks should essentially be limited to commentary on the "OC" district and those items specifically addressed in that category. He felt that the problem Sanford was specifically alluding to in was not germane to the "OC" district.

SANFORD responded that the Council felt that due to the fact that the Butterworth case had some connection with the reintroduction of this zoning again, that it may have something to do with home occupations. He would hate to think that the gentlemen across the street from him would be granted the new classification which would allow him to store and park dump trucks on his property.

GARDNER asked if Sanford believed the new category to include that sort of thing. SANFORD said that he brought up the truck situation in reference to the general problem of enforcement in any zoning district. SANFORD said that the Council felt, that there were no provisions for more enforcement in this new classification than what they have now. They do feel that more enforcement would probably be necessary if this new office-commercial zoning is granted and they felt that more than likely it would be granted. They felt that it would be an encroachment into the residential neighborhoods. It may become the buffer zone between residential and light commercial rather than between the office and light commercial districts. He said that they do support an alternative that Lakin had mentioned in the memo to the Planning Commission dated June 24, (alternative number 3) that would provide provisions in the zoning ordinance to allow other uses by special permits or exceptions. SANFORD said that the Council felt that each case should be looked at individually when they feel that it encroaches upon a residential neighborhood. Enforcement was one of their major issues, and they felt that without the courts behind the enforcement, they hated to see more commercial zoning approaching residential zoning.

HANSEN stated that some of them see this as a protection and an enhancement device for a neighborhood. When one watches the Commission votes, you see cases where light commercial is permitted in residential areas. That can seem as opening a very wide door, and a neighborhood may have, further down the road, a Quik Trip, or something less desirable. She said that in her mind this is a half a loaf and she feels that it would offer some protection for the neighborhoods. She felt that this district was a step in the right direction.

GOEBEL stated that in his estimation all that this is about is narrowing the gap between districts to give the people another category to use. There will consistently be a problem with zoning and that is why, someday, they will have to have something between the "BB" and "LC" districts.

HENRY PACK, 8121 Mocking Bird, said that he believed that the case of Mrs. Butterworth was, to a very large degree, a red herring. No one in her neighborhood had any opposition to her operation until it became necessary for her to apply for light commercial zoning. So Mrs. Butterworth's situation is far removed from what this ordinance will permit. Anyone that looks at the proposed district with its 30 foot high buildings, 30 foot high signs, 25 square feet on each side, signs 50 feet apart, can see it is light commercial zoning with a few of the most objectionable operations eliminated from it. It simply makes the encroachment of light commercial on residential areas easier. If anyone thinks that they are going to have less opposition from a residential neighborhood on requests for this zoning than they do to a light commercial zoning, he would beg to differ. They would be just as opposed to zoning of this classification in his area as they would be to light commercial zoning, when both of them are highly undesirable. This district has no provisions

for requiring architectural compatibility and very questionable limitations as far as traffic is concerned.

GARDNER responded that he did not think that there was any pretense of a case being made that this is the sort of zoning you consider for inserting in the middle of a predominant residential area as was unfortunately stated in a newspaper article. To approach this category with that perspective is wholly unrealistic, just as it would be to say industrial zoning is not an objectionable category if placed in a residential neighborhood. He said that in all due respect to Mr. Pack's remarks, when this category is considered for an appropriate location, where one might otherwise appropriately consider office or light commercial zoning, it has a very specific application. He said that it may, in fact, be adjacent to some residential uses since this City does not totally separate residential uses from the rest of the world. GARDNER said that it might be preferable, given a trend such as along East Central, which is a transitional area, to approve "OC" rather than light commercial with some of the use categories that are included in "LC" district. GARDNER said that he did not think that the category was too broad or liberal.

PACK said that there are places that could be found in the City of Wichita where this would be a suitable classification but there is nothing in this ordinance that says that it would be applied in only certain areas or within certain districts. This ordinance would be applicable anywhere.

HANSEN said that this bench frequently finds it very easy to change zoning to light commercial anyway and she seriously objects to it frequently. She asked Pack how he felt about the proposal if this zoning would be located just on arterial streets.

PACK said that it would be an improvement.

WILSON felt that the proposed district really should be named "KTH" (keep them honest) instead of "OC". There are so many applicants that come and say that they just want a site zoned light commercial because they just want to put in an office and would sell life insurance out of that office. Then nothing happens for six months because the applicant could not get his loan, so he sells it to a Quik Trip. He said that if everybody agrees to the "OC" amendment, it would keep them honest and then a lid could be put on it. If everything was zoned "commercial" and they forgot "light commercial" then the first thing they would know, they would have a foundry in there when all they said they wanted was an office. There has to be some place a lid can be put on it. WILSON said that this has nothing to do with the Butterworth zoning. When the Butterworth case was considered the Planning Commission recommended that "LC" zoning only under the structure, so that when Mrs. Butterworth moved out in two months, the owner of that property could not put a dog kennel or anything else in. He said that they were trying to protect that neighborhood. If they are to continue to protect the neighborhood they will have to have something in there that would keep the people, that are applying, to their word.

PACK said that that would be a good feature for this proposal. He asked that rather than use a new ordinance to accomplish that purpose, why can't that particular point be introduced into the light commercial district and the same prohibition put in the light commercial district.

LOFTON stated that he agreed with Wilson. He felt that if the applicant could not tell the Commission what they were going to put on the property then the zoning should be denied.

GOEBEL remarked that if the Commission approved cases as Lofton suggested then the Commission would be getting into contract zoning. The applicant would have to be held to one category, such as service stations. If the zoning was to be held to only service stations there would not be any service stations left because they are building them into everything else. The Savings and Loan people were the ones really against the last zoning ordinance because there were too many categories and it would have designated each piece of property to a lesser use. He said that the thing that is being said now is that three or four categories could be put inbetween, but it would make it harder for people to use the piece of property.

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WILSON asked why were abstract and title companies not alright, but attorney offices were.

MORRIS responded that an abstract and title company was generally not a one or two person operation. It is generally larger, even though it would fall under the 7500 square foot limitation whereas there are many semi-retired professional, attorneys, accountants, engineers, etc., that practice out of their home or want some location close to their residence and he felt the usage would be very low density.

HANSEN remarked that it seemed to her that it was Bonnie-Brae and Sleepy Hollow who were here to speak to the issue and certainly they have had encroachment on their neighborhoods. They have had to battle zoning on a steady basis because of things the Commission did not feel were compatible. She said that she sees this as a step toward helping the neighborhoods.

**MOTION:** That the Planning Commission recommend to the City Commission and the County Commission that the "OC" Office-Commercial category be approved with the change that height limitation read "thirty-five feet" instead of "forty-five feet" in the County resolution, as staff recommended. Bayouth moved, Hansen seconded.

Discussion followed on whether this designation should be on arterials only. LAKIN stated for purposes of the record he wanted to clarify if the motion was to recommend approval as advertised, together with the amendment on the height restriction in the County. BAYOUTH said that was correct.

**VOTE ON THE MOTION:** It carried unanimously. Cazal, Chisholm and Jones were absent.

LOFTON left the meeting.

-----

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 26, 1982

**TO** Board of County Commissioners  
**FROM** Robert A. Lakin, Director of Planning  
**SUBJECT** DR82-19 - Office Commercial District

Attached is a delineated copy of an amendment to the Sedgwick County Zoning Resolution that has been recommended by the Wichita-Sedgwick County Metropolitan Area Planning Commission for adoption. Please place this on your agenda for consideration on September 8, 1982.

BACKGROUND

It has been my observation that there is more conflict between applicants and staff, neighbors and applicants, and the Planning Commission and applicants, over whether or not "LC" is an appropriate zoning district to be granted when located adjacent to residential development. At the present time, any small retail business or a barber and beauty shop are required to be located in the "LC" Light Commercial District which is the same district that first permits service stations, large shopping centers and other high traffic retail businesses.

The "OC" Office Commercial District as proposed should provide a district which will allow the relatively small retail and office uses considered to be low traffic generators that can be "good neighbors". Although this district will be available for any location, it should be considered as an expansion of the "BB" Office District to include some retail and service uses that can be located in areas where the complete range of "LC" use would not be appropriate.

This district should make it easier to deal with some of the "inbetween" areas where the full range of "LC" uses might not be appropriate. It would also allow the development of a small commercial center without the permission of some of the objectionable uses.

SUMMARY

The district as proposed will provide for office, commercial and service type uses subject to limitations that should make them compatible adjacent to residential neighborhoods. These limitations will include the following:

Board of County Commissioners  
August 26, 1982  
Page Two

1. 7,500 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Traffic Engineer (City) or Director of Public Works (County).
5. Restaurants, liquor stores, and clubs are excluded from the district.
6. Permit the overnight storage of service vehicles on the property within an enclosed building or when appropriately screened within an enclosed compound.
- \*7. After public hearing and due consideration of all comments, the Planning Commission recommended that the Resolution be forwarded to the County Commission for adoption. An excerpt of the Planning Commission is attached for your information.

\*Although the County does not have a formal method of citizen input as does the City of Wichita's Citizen Participation Organization, you might be interested in the CPO comments made on the City amendment. A copy of those comments is attached for your information.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and adopt the resolution.
2. Return the amendment to the Planning Commission for reconsideration and give the reasons for such reconsiderations.

Robert A. Lakin  
Director of Planning

RAL:GEL:jps  
Attachment

cc: Ron Worley, Director of Building & Zoning  
Wichita Area Board of Realtors, 717 North Emporia,  
Wichita, 67214  
Wichita Area Builders Association, Attention: John Oliphant,  
730 North Main, Wichita, 67203  
Richard Euson, Assistant County Counselor

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE August 9, 1982



TO Robert Lakin, Director of Planning

FROM Shirley Mast, Administrative Aide III

SUBJECT DR 79-17 Possible Amendments  
to City of Wichita Zoning  
Ordinance - Office Commercial  
District

During the first week of August, 13 of the 15 Neighborhood CPO Councils considered the proposed amendments to the City's Zoning Ordinance concerning the "OC" Office Commercial District. The recommendations of the Councils have been divided into three categories, those supporting the "OC" district as proposed, those supporting the "OC" district with changes, and those opposed to the new "OC" district. The recommendations of the Councils are as follows:

SUPPORTED THE "OC" - OFFICE COMMERCIAL DISTRICT AS PROPOSED (4)

"C", "D", "J", and "K"

"K" also recommended that a serious look be given to holding applicants responsible for maintaining the use that was originally applied for and consideration given to establishing a sunset clause to limit the time that property can remain undeveloped after being rezoned.

SUPPORTED THE "OC" - OFFICE COMMERCIAL DISTRICT WITH CHANGES (3)

"A" - Approved the "OC" district with the change that "R-5" General Residence District part (b) under Residential Uses be changed to "RB" Four Family Dwelling District.

"F" - Approved the "OC" district with the exception of the "R-5" residential density that is allowed and with modifications to further restrict the district to prohibit rap parlors and escort services.

"I" - Approved the "OC" district with the deletions of Sub sections 4 and 5 under "Miscellaneous type Uses and Uses Permitted as exceptions by the Board of Zoning Appeals.

OPPOSED THE "OC" - OFFICE COMMERCIAL DISTRICT (6)

"B" - Opposed the "OC" district because the classification is too broad, it is not restrictive compared to light commercial zoning, and its use is not restricted to property fronting onto arterial streets.

"E" - Opposed the "OC" district because of the extensiveness of the use regulations and because of the opinion that the district is not in the best interest of the residential neighborhood.

Robert Lakin, Director of Planning  
DR 79-17 Possible Amendments of Ordinance.  
August 9, 1982 - Page 2

"H" - Opposed the concept of the "OC" district because it will encroach upon residential areas and they see need to preserve residential neighborhoods. The Council supported the use of the Board of Zoning Appeals procedure for variances or exceptions.

It should be noted that strong opposition was expressed by residents in the Bonnie Brae area to this CPO Council concerning the "OC" district.

"L" - Opposed the addition of any new zoning classification, unless the entire zoning ordinance is revised and recommended that, when the entire ordinance is revised, the following changes in the proposed "OC" district be made:

1. That any screening be consistent with the surrounding area.
2. Delete allowing of drive-up windows.
3. Reduce allowed square footage from 7500 square feet to 1000 for any one business.
4. Retain only the following office uses: Abstract and Title companies, Accountants offices, Advertising Agencies, Architects offices, Artist Galleries, Attorneys offices, Broadcasting or recording studios without transmitter towers, Computer and Data Processing offices, Dental offices, Engineers offices, Offices, administrative, and clerical, Optician, Real Estate offices, and Religious offices and Headquarters.
5. Retain only the following Retail stores and personal service businesses Uses; Child day care centers, Hair stylists (Barber and Beauty shops), jewelry repair shops, key shops, pet grooming stores, picture framing shops, and tailor shops.
6. Amend maximum structure height from 35 ft. to "not taller than average height of residential structures within 300 ft."
7. For bulk regulations, delete the exception portion to the minimum side yard requirements.
8. Under Use Limitations, amend 7500 sq. ft. of floor area to 1000 sq. ft. (D-1), delete sales use (D-1a), delete retail from D-2, delete florist truck and "approval by Director of Planning" in D-3, strike D-5 (drive-up windows).
9. Limit signs to attached on-site-signs, no ground or pole signs.
10. Height of sign shall not exceed 90% of building height.
11. Limit hours of operation from 6:00 a.m. to 9:00 p.m.

"N" - Opposed the "OC" district because the existing BZA variances and exceptions could be used therefore making the new district unnecessary. The Council also indicated the "OC" district would virtually eliminate space between buildings and result in more business encroachment into residential neighborhoods which could indirectly increase crime in the neighborhoods.

Note: Area "G" and "M" made no recommendations.

Please provide the Councils' recommendations and comments to the MAPC when this matter is considered at its August 12th meeting.

Noted:  
*Sarah Gilbert*  
Sarah Gilbert, CP Coordinator

*Shirley Masx*  
Shirley Masx  
Administrative Aide III

RESOLUTION

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO APRIL 28, 1980, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK, COUNTY, KANSAS; BY ADDING SECTION 6-1 AS THE "OC" OFFICE COMMERCIAL DISTRICT AND AMENDING SECTION 1, PARAGRAPH 1; SECTION 11, PARAGRAPH B-3b; SECTION 11, PARAGRAPH D-4; AND SECTION 14, PARAGRAPH C-2 OF THE SEDGWICK COUNTY ZONING RESOLUTION: ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 14.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on August 13, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted on March 3, 1958, and subsequently amended, Section 1 - "Districts and General Regulations", paragraph 1, shall be amended to read as follows:

1. That portion of Sedgwick County, Kansas, between the Wichita City Limits and three (3) miles beyond; and between the Haysville City Limits and three (3) miles beyond; and between the Derby City Limits and three (3) miles beyond; and between the Mulvane City Limits and three (3) miles beyond; and between the Valley Center City Limits and three (3) miles beyond; between the Goddard City Limits and three (3) miles beyond; and that portion of the area within three (3) miles of the Cheney City Limits as established by the Board of County Commissioners on October 3, 1973, is hereby divided into ~~eight-(8)~~ nine (9) districts as follows:

<u>Symbol</u>	<u>Name</u>
"R" District	Rural Residential District
"R-1" District	Suburban Residential District
"AA" District	One Family Dwelling District
"BB" District	Office District
<u>"OC" District</u>	<u>Office Commercial District</u>
"LC" District	Light Commercial District
"C" District	General Commercial District
"E" District	Light Industrial District
"F" District	Heavy Industrial District

SECTION II. That upon the recommendation of the Wichita, Sedgwick County Metropolitan Area Planning Commission on August 12, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 6-1 shall be added to the Zoning Resolution as follows:

SECTION 6-1  
"OC" OFFICE COMMERCIAL DISTRICT CLASSIFICATION

The intent and purpose of this section is to establish a use district that is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are also compatible one to another within the district itself. They are generally smaller, less intense uses or are of such size to be low traffic generators.

Uses listed in the "OC" District shall be permitted, provided they comply with the following limitations:

- a) No individual business shall occupy more than 7,500 square feet of floor area; provided, however, an exception to this limitation may be granted by the Board of Zoning Appeals subject to the following conditions:
  1. A basement area, not exceeding the area used for office or sales use, is used only for storage, records, mechanical equipment or other non-person uses.
  2. Such area shall be determined to be non-traffic generating and deemed to be exempt from all street parking requirements.
  3. Required off-street parking shall not be determined to be less than that required by the floor area used for office or sales purposes.
  4. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations of the zoning resolution.
- b) All Business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
- c) Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sales which do not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods or services to the home; i.e., florist truck, TV repair truck. Vehicles stored or retained on site overnight shall be stored within the main structure, an enclosed garage or when approved by the Director of Planning as to adequate

screening material and location, within an enclosed compound.

- d) No business shall display or store goods or equipment outside of an enclosed building.
- e) Business establishment which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and the Director of Public Works, a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking.
- f) Motor vehicle parts, service or fuels shall not be dispensed in this district.
- g) Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.
- h) No kennels or pet runs shall be permitted except within an enclosed building and provided further, no noise or odor shall be discernible from the exterior of the building from such use.

The following regulations shall apply in all "OC" Districts;

A. Uses Permitted

- 1. Offices, including the following:
  - a) Abstract and Title Companies.
  - b) Accountants Offices.
  - c) Advertising Agencies.
  - d) Architects Offices.
  - e) Artist Studios and Art Galleries.
  - f) Attorneys Offices.
  - g) Broadcasting or Recording Studios Without Transmitter Towers.
  - h) Computer and Data Processing Offices.
  - i) Dance Studios.
  - j) Dental Offices and Clinics.
  - k) Engineers Offices.
  - l) Financial Offices - Branch Banks, Savings and Loan, Brokerage Houses and Title Insurance.
  - m) Medical Offices and Clinics.
  - n) Minor Surgery Centers.
  - o) Offices, Administrative, Clerical and Sales Services, including the display of sample or inventory items made available for demonstration purposes and where such display

constitutes less than half of the floor area, such display material shall be limited to small business machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture, larger appliances or machines.

Repairs and services of authorized material is permitted as an accessory use.

- p) Optician & Optical Dispensaries.
  - q) Photography Studios.
  - r) Real Estate Offices.
  - s) Religious Offices and Headquarters.
  - t) Travel Agencies and Transportation Ticket Offices.
  - u) Veterinarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).
2. Retail Stores and personal service businesses including the following:
- a) Antique Store.
  - b) Apparel and Accessory Store.
  - c) Artist, Craft and Hobby Supply Store.
  - d) Book and Magazine Store.
  - e) Boutiques.
  - f) Camera Shop and Photographic Supplies.
  - g) Child Day Care Centers.
  - h) Cigar, Tobacco and Candy Store.
  - i) Clothing and Costume Rental Store.
  - j) Cleaning and Laundry Pickup Stations.
  - k) Drug Store, Pharmacy or Apothecary.
  - l) Electric Household Appliances, Television and Stereo Repair.
  - m) Florist Shop.
  - n) Gift Shop.
  - o) Hair Stylists (Barber and Beauty Shops).
  - p) Health Centers Including Indoor Racquet Ball Courts.
  - q) Jewelry and Jewelry Repair.
  - r) Key Shop.
  - s) Laundromats (self-service).
  - t) Medical and Orthopedic Appliance Stores.
  - u) Office Supplies (not including furniture).
  - v) Photographic Equipment and Print Shops.
  - w) Pet Sales and Grooming Stores.
  - x) Picture Framing Shop.
  - y) Shoe Repair Shop.

- z) Stationery, Card and Gift Shops.
- aa) Tailor Shops.
- 3. Residential uses as follows:
  - a) Each business or office may have an owner residence as a part of the business or office structure.
  - b) Multiple-family dwellings, the same as permitted by conditional use in the "AA" District.
- 4. Miscellaneous type uses including the following:
  - a) Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served; and is determined by the Director of Building and Zoning to contribute to the necessity of the principal residence or business established on the zoning lot.
  - b) Off-street parking and loading accessory to a principal use established on the zoning lot.
  - c) Signs shall be limited as follows:
    - 1) Ground or pole signs shall be limited to one per business and shall not exceed 32 square feet in area and 30 feet in height. Whenever more than one business is located on a property a horizontal distance, along the street, shall be not less than 50 feet.
    - 2) Each business shall be permitted a sign located on the face of the building not to exceed 32 square feet.
    - 3) Lighting of signs must be limited to internal or indirect illumination of white light only and without flashing or moving images.
- 5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 12 of the Zoning Resolution, Sedgwick County, Kansas; provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.
  - c) Offices, Retail Stores and Personal Service Businesses not specifically

listed as a permitted use above, when it can be determined that the use is comparable to any of the above.

**B. AREA REQUIREMENTS:**

1. Lot Area: For any property having available and utilizing a public water supply and a municipal or community sewage disposal system shall have a minimum lot width of 75 feet and a minimum lot area of 10,000 square feet. Larger areas may be required as determined by the Wichita-Sedgwick County Department of Community Health for the installation of individual sewage disposal systems and private wells.
2. Front Yard: See Section 11-D.
3. Side Yard: No side yard shall be required unless the lot abuts a lot in an "R-1", "R", or "AA" District, but if any side yard is provided, the side yard shall be not less than five (5) feet. Where the side of a lot in the "OC" District abuts upon the side of a lot in an "R", "R-1", or "AA" District, there shall be a side yard the same as required in the "R", "R-1", or "AA" District. Where the rear of a corner lot abuts the side of a lot in an "R", "R-1", or "AA" District, the side yard on the street-side of the corner lot shall be ten (10) feet.
4. Rear Yard: There shall be a rear yard of not less than ten (10) feet.

**C. HEIGHT LIMIT:** No building shall be erected or enlarged to exceed a height of thirty-five (35) feet.

**D. LOT COVERAGE:** There shall be a maximum of 40 percent coverage of the lot by any structure.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on August 12, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 11 "SUPPLEMENTAL REGULATIONS", paragraph B-3b be amended to read as follows:

- b) Where any parking area or loading spaces as required in the "OC", "LC", "C", "E", or "F" Districts or for automobile or trailer sales areas, adjoins lots in "R", "R-1", "AA" or "BB" Districts such lot shall be protected the full length of the parking area or loading spaces (but not closer than 15

feet to any street lot line), by a permanent screen or solid wall, compact evergreen screen, or uniformly painted board fence, or woven wire fence, having a height of not less than 4 feet nor more than 6 feet, erected and maintained by the owner or user of such parking area or loading space.

SECTION IV. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on August 12, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 11, "Supplemental Regulations" paragraph D-4 shall be amended to read as follows:

4. Zoning district front yard setbacks referred to in the above paragraphs are as follows:
  - "R" - Rural Residential District, 30 feet
  - "R-1" - Suburban Residential District, 25 feet
  - "AA" - One Family Dwelling District, 25 feet
  - "BB" - Office District, 20 feet
  - "OC" - Office Commercial District, 20 feet
  - "LC" - Light Commercial District, 35 feet
  - "C" - General Commercial District, 35 feet
  - "E" - Light Industrial District, 35 feet
  - "F" - Heavy Industrial District, 35 feet

SECTION V. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on August 12, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 14 "ADMINISTRATION" paragraph C-2, shall be amended to read as follows:

2. Application: Application for any change of district boundaries or reclassification of districts as shown on the Zoning Map, shall be filed with the Commission upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record.

Each application shall be verified by at least one of the owners of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

Applications must be accompanied with a certified list of property owners of record and their addresses, if available, and if not available, then the address of the occupant of the premises, if tenanted, in all directions from the subject property for a distance of twice the frontage of the property, included in the application; provided, no distance need be more than 1,000 feet and cannot be less than 200 feet.

For the purpose of defraying costs of proceedings prescribed herein, filing and publication fees shall be apid to the County Treasurer or his agent upon the filing of such application for change in district classification. The fee for such application is as follows:

Size of Application Area

Zoning Classification	Up to & Including 3 Acres	Over 3 Acres to 6 Acres	Over 6 Acres to 15 Acres	Over 15 Acres
"R", "R-1" & "AA"	\$200	\$300	\$400	\$500
"B"	350	450	550	650
"OC", "LC", "C", "E", & "F"	400	500	600	700

"CU" (Conditional Use Permit) - Fee required is the same as for the District in which it is located.

Special Permit - as authorized by the Zoning Resolution--\$150.

Any person requesting deferral of a zoning case or a conditional use case shall be charged a fee of \$50 at such time the deferral is granted to cover administrative costs.

A written receipt shall be issued to the person making such a payment and records thereof shall be in a manner as prescribed by law.

SECTION VI. This resolution shall take affect and be enforced on \_\_\_\_\_, 1982, upon its adoption and publication once in the official County paper.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1982.

\_\_\_\_\_  
Jack Spratt, Chairman

\_\_\_\_\_  
Tom Scott, Commissioner

\_\_\_\_\_  
Don Gragg, Commissioner

ATTEST:

\_\_\_\_\_  
Dorothy K. White, County Clerk

APPROVED AS TO FORM BY:

\_\_\_\_\_  
William D. Rustin, County Counselor

WICHITA-SEDGWICK COUNTY

DATE  
July 20, 1982

**METROPOLITAN AREA PLANNING DEPARTMENT**

**TO** Metropolitan Area Planning Commission

**FROM** Robert A. Lakin, Director of Planning

**SUBJECT** DR 79-17 and DR 82-19 - Office Commercial District

Attached are delineated copies of possible amendments to both the City of Wichita zoning ordinance and the Sedgwick County zoning resolution. Both of these amendments have been advertised for public hearing for the Planning Commission meeting of August 12, 1982. This meeting will begin at 1:30 p.m. in the City Commission Conference Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

BACKGROUND

As has been discussed with you several different times, it has been my observation that there is more conflict between applicants and staff, neighborhoods and applicants, and the Planning Commission and applicants, over whether or not "LC" is an appropriate zoning district to be granted when located adjacent to an existing residential development.

Prior to 1954 when the "BB" Office District was created, any office, other than medical offices, were required to be located in the "LC" Light Commercial District. At the present time, any small retail business or barber and beauty shop are required to be located in the "LC" Light Commercial District which is the same district that first permits service stations, repair garages, the large shopping centers and other high traffic retail businesses. There is in my opinion a clear need within the community to provide a district which allows the less intense uses that can be compatible with the adjacent residential community without the neighborhood fear of what can be located in the "LC" District.

The "OC" Office Commercial District as proposed should provide for such a district which will allow the relatively small retail and office uses considered to be low traffic generators and "good neighbors". Although this district will be available for any location, it should be considered as an expansion of the "BB" Office District to include some retail and service uses that can be located in areas where the complete range of "LC" uses would not be appropriate. It is also an improvement over "BB" in that the residential densities are lower and major uses which create traffic and other problems like hospitals and clinic are precluded by size from being in the "OC" district.

This district should be considered an opportunity, rather than an impediment, for development in the Wichita area. It should make it easier to deal with some of the "inbetween" areas such as the smaller parcels along the major streets where conversions could be appropriate.

After discussion of this proposed district with the planning commission on July 1, 1982, the staff has incorporated a number of suggested changes which include the following:

1. The inclusion of residential uses at the density as permitted by the "R-5" General Residence District in the City (17.5 d.u./acre) and as permitted as a conditional use in the "AA" District in the county (15 d.u./acre).
2. The expansion of service uses to include business and commercial services.
3. To permit overnight storage of vehicles when appropriately screened within an enclosed compound.
4. The permission of less than a 5 foot side yard when adjacent to nonresidential properties.
5. The permission of floor area in a basement to exceed the 7500 square foot limitation when an exception is granted and the area has been determined to be nonperson areas.

SUMMARY:

The district as proposed will provide for office, commercial and service type uses subject to limitations that should make them compatible to existing neighborhoods. These limitations will include the following:

1. 7500 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Traffic Engineer (City) or Director of Public Works (County).
5. Restaurants, liquor stores, and clubs are excluded from the district.

RECOMMENDATION:

Make whatever changes are deemed to be in the best interests of the community and forward your recommendation to the City Commission and the County Commission for their consideration.

*Robert A. Lakin*

Robert A. Lakin  
Director of Planning

RAL:GEL:sad

cc: Board of County Commissioners  
E. H. Denton, City Manager  
Robert Feldner, Superintendent of Central Inspection  
Ron Worley, Director of Building & Zoning  
Wichita Area Board of Realtors, 717 North Emporia, Wichita 67214  
Wichita Area Builders Association, Attn. John Olyphant, 730 North Main,  
Wichita 67203  
Richard Euson, Assistant County Counselor  
C.P.O.

7/13/82

Additions underlined.  
Deletions marked through.

DR82-19

Possible Amendment to the  
Zoning Resolution for Sedgwick County, Kansas,  
Scheduled for Public Hearing Before the MAPC  
Thursday, August 12, 1982

Recommended that Section I-Districts and General  
Regulations, Paragraph 1 be amended to read as follows.

SECTION I  
DISTRICTS AND GENERAL REGULATIONS

1. That portion of Sedgwick County, Kansas, between the  
Wichita City Limits and three (3) miles beyond; and  
between the Haysville City Limits and three (3) miles  
beyond; and between the Derby City Limits and three (3)  
miles beyond; and between the Mulvane City Limits and  
three (3) miles beyond; and between the Valley Center  
City Limits and three (3) miles beyond; between the  
Goddard City Limits and three (3) miles beyond; and  
that portion of the area within three (3) miles of the  
Cheney City Limits as established by the Board of County  
Commissioners on October 3, 1973, is hereby divided into  
~~eight~~ nine (9) districts as follows:

<u>Symbol</u>	<u>Name</u>
"R" District	Rural Residential District
"R-1" District	Suburban Residential District
"AA" District	One Family Dwelling District
"BB" District	Office District
<u>"OC" District</u>	<u>Office Commercial District</u>
"LC" District	Light Commercial District
"C" District	General Commercial District
"E" District	Light Industrial District
"F" District	Heavy Industrial District

Recommended that the following Section be added to  
the Resolution as Section 6-1.

SECTION 6-1  
"OC" OFFICE COMMERCIAL DISTRICT CLASSIFICATION

The intent and purpose of this section is to establish a  
use district that is limited to offices and limited retail and  
service uses which are considered to be compatible when adjacent  
to or near residential areas and which uses are also compatible

one to another within the district itself. They are generally smaller, less intense uses or are of such size to be low traffic generators.

Uses listed in the "OC" District shall be permitted, provided they comply with the following limitations:

- a) No individual business shall occupy more than 7,500 square feet of floor area; provided, however, an exception to this limitation may be granted by the Board of Zoning Appeals subject to the following conditions:
  - 1. A basement area, not exceeding the area used for office or sales use, is used only for storage, records, mechanical equipment or other non-person uses.
  - 2. Such area shall be determined to be non-traffic generating and deemed to be exempt from off-street parking requirements.
  - 3. Required off-street parking shall not be determined to be less than that required by the floor area used for office or sales purposes.
  - 4. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations of the zoning resolution.
- b) All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
- c) Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sales which do not require the use of vehicles and heavy equipment in the operation of the business

other than for delivery of goods or services to the home; i.e., florist truck, TV repair truck. Vehicles stored or retained on site overnight shall be stored within the main structure, an enclosed garage or when approved by the Director of Planning as to adequate screening material and location, within an enclosed compound.

- d). No business shall display or store goods or equipment outside of an enclosed building.
- e). Business establishment which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and the Director of Public Works, a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking.
- f). Motor vehicle parts, service or fuels shall not be dispensed in this district.
- g). Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.
- h). No kennels or pet runs shall be permitted except within an enclosed building and provided further, no noise or odor shall be discernible from the exterior of the building from such use.

The following regulations shall apply in all "OC" Districts;

A. Uses Permitted

- 1. Offices, including the following:
  - a). Abstract and Title Companies.
  - b). Accountants Offices.
  - c). Advertising Agencies.
  - d). Architects Offices.

- e) Artist Studios and Art Galleries.
- f) Attorneys Offices.
- g) Broadcasting or Recording Studios Without Transmitter Towers.
- h) Computer and Data Processing Offices.
- i) Dance Studios.
- j) Dental Offices and Clinics.
- k) Engineers Offices.
- l) Financial Offices - Branch Banks, Savings and Loan, Brokerage Houses and Title Insurance.
- m) Medical Offices and Clinics.
- n) Minor Surgery Centers.
- o) Offices, Administrative, Clerical and Sales Services, including the display of sample or inventory items made available for demonstration purposes and where such display constitutes less than half of the floor area, such display material shall be limited to small business machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture, larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.
- p) Optician & Optical Dispensaries.
- q) Photography Studios.
- r) Real Estate Offices.
- s) Religious Offices and Headquarters.
- t) Travel Agencies and Transportation Ticket Offices.
- u) Veterinarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).

2. Retail Stores and personal service businesses including the following:

- a) Antique Store.
- b) Apparel and Accessory Store.
- c) Artist, Craft and Hobby Supply Store.
- d) Book and Magazine Store.
- e) Boutiques.
- f) Camera Shop and Photographic Supplies.
- g) Child Day Care Centers.
- h) Cigar, Tobacco and Candy Store.
- i) Clothing and Costume Rental Store.
- j) Cleaning and Laundry Pickup Stations.
- k) Drug Store, Pharmacy or Apothecary.
- l) Electric Household Appliances, Television and Stereo Repair.
- m) Florist Shop.
- n) Gift Shop.
- o) Hair Stylists (Barber and Beauty Shops)
- p) Health Centers Including Indoor Racquet Ball Courts.
- q) Jewelry and Jewelry Repair.
- r) Key Shop.
- s) Laundromats (self-service).
- t) Medical and Orthopedic Appliance Stores
- u) Office Supplies (not including furniture).
- v) Photographic Equipment and Print Shops.
- w) Pet Sales and Grooming Stores.
- x) Picture Framing Shop.
- y) Photographic Equipment and Print Shops.
- z) Stationery, Card and Gift Shops.
- aa) Tailor Shops.

3. Residential uses as follows:

- a) Each Business or Office may have an owner residence as a part of the business or office structure.

b) Multiple-family dwellings, the same as permitted by conditional use in the "AA" District.

4. Miscellaneous type uses including the following:

a) Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served; and is determined by the Director of Building and Zoning to contribute to the necessity of the principal residence or business established on the zoning lot.

b) Off-street parking and loading accessory to a principal use established on the zoning lot.

c) Signs shall be limited as follows:

1) Ground or pole signs shall be limited to one per business and shall not exceed 32 square feet in area and 30 feet in height. Whenever more than one business is located on a property a horizontal distance, along the street, shall be not less than 50 feet.

2) Each business shall be permitted a sign located on the face of the building not to exceed 32 square feet.

3) Lighting of signs must be limited to internal or indirect illumination of white light only and without flashing or moving images.

5. The Following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 12 of the Zoning

Resolution, Sedgwick County, Kansas; provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.

a. Offices, Retail Stores and Personal Service Businesses not specifically listed as a permitted use above, when it can be determined that the use is comparable to any of the above.

B. AREA REQUIREMENTS:

1. Lot Area: For any property having available and utilizing a public water supply and a municipal or community sewage disposal system shall have a minimum lot width of 75 feet and a minimum lot area of 10,000 square feet. Larger areas may be required as determined by the Wichita-Sedgwick County Department of Community Health for the installation of individual sewage disposal systems and private wells.
2. Front Yard: See Section 11-D.
3. Side Yard: No side yard shall be required unless the lot abuts a lot in an "R-1", "R", or "AA" District, but if any side yard is provided, the side yard shall be not less than five (5) feet. Where the side of a lot in the "OC" District abuts upon the side of a lot in an "R", "R-1", or "AA" District, there shall be a side yard the same as required in the "R", "R-1", or "AA" District. Where the rear of a corner lot abuts the side of a lot in an "R", "R-1", or "AA" District, the side yard on the street-side of the corner lot shall be ten (10) feet.

4. Rear Yard: There shall be a rear yard of not less than ten (10) feet.

C. HEIGHT LIMIT: No building shall be erected or enlarged to exceed three (3) stories, excluding basement, or forty-five (45) feet.

D. LOT COVERAGE: There shall be a maximum of 40 percent coverage of the lot by any structure.

Recommended that Section 11, Paragraph B-3b be amended to read as follows:

- b) Where any parking area or loading spaces as required in the "OC", "LC", "C", "E", or "F" Districts or for automobile or trailer sales areas, adjoins lots in "R", "R-1", "AA" or "BB" Districts such lot shall be protected the full length of the parking area or loading spaces (but not closer than 15 feet to any street lot line), by a permanent screen of solid wall, compact evergreen screen, or uniformly painted board fence, or woven wire fence, having a height of not less than 4 feet nor more than 6 feet, erected and maintained by the owner or user of such parking area or loading space.

Recommended that Section 11, Paragraph D-4 be amended to read as follows:

4. Zoning district front yard setbacks referred to in the above paragraphs are as follows:

- "R" - Rural Residential District, 30 feet
- "R-1" - Suburban Residential District, 25 feet
- "AA" - One Family Dwelling District, 25 feet
- "BB" - Office District, 20 feet
- "OC" - Office Commercial District, 20 feet
- "LC" - Light Commercial District, 35 feet
- "C" - General Commercial District, 35 feet
- "E" - Light Industrial District, 35 feet
- "F" - Heavy Industrial District, 35 feet

Recommended that Section 14, Paragraph C-2 be amended to read as follows:

2. Application: Application for any change of district boundaries or reclassification of districts as shown on the Zoning Map, shall be filed with the Commission upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record.

Each application shall be verified by at least one of the owners of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

Applications must be accompanied with a certified list of property owners of record and their addresses, if available, and if not available, then the address of the occupant of the premises, if tenanted, in all directions from the subject property for a distance of twice the frontage of the property, included in the application; provided, no distance need be more than 1,000 feet and cannot be less than 200 feet.

For the purpose of defraying costs of proceedings prescribed herein, filing and publication fees shall be paid to the County Treasurer or his agent upon the filing of such application for change in district classification. The fee for such application is as follows:

Zoning Classification	Size of Application Area			
	Up to & Including 3 Acres	Over 3 Acres to 6 Acres	Over 6 Acres to 15 Acres	Over 15 Acres
"R", "R-1" & "AA"	\$200	\$300	\$400	\$500
"BB"	350	450	550	650
"OC", "LC", "C", "E", & "F"	400	500	600	700

"CU" (Conditional Use Permit) - Fee required is the same as for the District in which it is located.

Special Permit - as authorized by the Zoning Resolution--\$150.

Any person requesting deferral of a zoning case or a conditional use case shall be charged a fee of \$50 at such time the deferral is granted to cover administrative costs.

A written receipt shall be issued to the person making such a payment and records thereof shall be in a manner as prescribed by law.

*Sept 11*

( ) Published in The Wichita Eagle-Beacon, July 16, 1982

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN, that on Thursday, August 12, 1982, The Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following changes to the Zoning Resolution of Sedgwick County, Kansas:

That Section 1 (DISTRICTS AND GENERAL REGULATIONS) be amended to include the Office Commercial District as a new district; and

That a new Section be added to be designated as Section 6-1 (OFFICE COMMERCIAL DISTRICT CLASSIFICATION) setting forth the permitted uses and limitations of the district; and

That Section 11 (SUPPLEMENTAL REGULATIONS) be amended to include the screening requirements adjacent to parking areas in the "OC" district in the same manner as is required for other commercial and industrial districts; and that the front yard in the "OC" district be established at 20 feet the same as in the "BB" District; and

That Section 14 (ADMINISTRATION) be amended by setting forth the filing fee for the "OC" Office Commercial District.

Copies of the proposed amendments are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department, Tenth Floor, 455 North Main, Wichita, Kansas.

The proposed amendment will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said manner will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Sedgwick County Zoning Resolution will be considered by the Commission as by law provided.

WITNESS my hand and seal this 13th day of July, 1982.

Robert A. Lakin, Secretary  
Wichita-Sedgwick County  
Metropolitan Area Planning  
Commission

(SEAL)

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Wichita-Sedgwick County  
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WITNESS my hand and seal this 13th day of July, 1982.

Robert A. Lakin, Secretary  
Wichita-Sedgwick County  
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That a new Section be added to be designated as Section 6-1 (OFFICE COMMERCIAL DISTRICT CLASSIFICATION) setting forth the permitted uses and limitations of the district; and

That Section 11 (SUPPLEMENTAL REGULATIONS) be amended to include the screening requirements adjacent to parking areas in the "CC" district in the same manner as is required for other commercial and industrial districts; and that the front yard in the "OC" district be established at 20 feet the same as in the "EB" District; and

That Section 14 (ADMINISTRATION) be amended by setting forth the filing fee for the "OC" Office Commercial District.

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WITNESS my hand and seal this 13th day of July, 1982.

Robert A. Lakin, Secretary  
Wichita-Sedgwick County  
Metropolitan Area Planning  
Commission

(SEAL)

WICHITA-SEDGWICK COUNTY

DATE  
October 25, 1982

**METROPOLITAN AREA PLANNING DEPARTMENT**

**TO** Board of County Commissioners  
**FROM** Robert A. Lakin, Director of Planning  
**SUBJECT** DR82-19 - Office Commercial District

Attached is a delineated copy of an amendment to the Sedgwick County Zoning Resolution that has been recommended by the Wichita-Sedgwick County Metropolitan Area Planning Commission for adoption. Please place this on your agenda for consideration on November 3, 1982.

BACKGROUND

The development of a zoning district for limited retail and service type uses was first discussed by the Planning Commission in 1979. In 1980 the matter was tabled indefinitely. The district was again proposed to the Planning Commission in July 1982 and they instructed the staff to advertise an amendment for public hearing. After public hearing in August 1982 the Planning Commission forwarded their recommendation to the governing body for their consideration.

On September 22, 1982 the County Commission considered the Planning Commission's recommended action and referred the matter back to the Planning Commission for reconsideration. A copy of the previous Planning Commission recommendation is attached.

Since this amendment was presented to you on September 22, 1982, the Planning Commission has reconsidered their recommendation. They have recommended three basic changes in the proposed "OC" Office Commercial District as follows:

- a. Reduce the permitted maximum floor area for an individual business from 7,500 square feet to 5,000 square feet.
- b. Permit the location of the district only when the property is contiguous to an arterial street or contiguous to any non-residential zoning district.
- c. Eliminated Laundramats from the list of permitted uses.

Copies of the Planning Commission minutes of September 23, 1982 are attached for your information.

SUMMARY

The district as now proposed will provide for office, commercial and service type uses subject to limitations that should make them more compatible adjacent to residential neighborhoods than the establishment of Light Commercial on properties to provide for some limited retail uses. The limitations of the district will include the following:

1. 5,000 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Director of Public Works.
5. Restaurants, liquor stores, and clubs are excluded from the district.
6. Permit the overnight storage of service vehicles on the property within an enclosed building or when appropriately screened within an enclosed compound.
7. The location of the district must be contiguous to an arterial street or contiguous to any non-residential district.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and adopt the resolution.
2. Make whatever changes are deemed to be in the best interest of the public and adopt the resolution.

*Robert A. Lakin*

Robert A. Lakin  
Director of Planning

RAL:GEL:sad

Attachment

cc: Ron Worley, Director of Building & Zoning, County  
Wichita Area Board of Realtors, 717 North Emporia, Wichita 67214  
Wichita Area Builders Association, Attn. John Oliphant, 730 North  
Main, Wichita 67203  
Richard Euson, Assistant County Counselor

Additions underlined  
Deletions marked-thru

RESOLUTION

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO APRIL 28, 1980, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK, COUNTY, KANSAS; BY ADDING SECTION 6-1 AS THE "OC" OFFICE COMMERCIAL DISTRICT AND AMENDING SECTION 1, PARAGRAPH 1; SECTION 11, PARAGRAPH B-3b; SECTION 11, PARAGRAPH D-4; AND SECTION 14, PARAGRAPH C-2 OF THE SEDGWICK COUNTY ZONING RESOLUTION: ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 14.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted on March 3, 1958, and subsequently amended, Section 1 - "Districts and General Regulations", paragraph 1, shall be amended to read as follows:

1. That portion of Sedgwick County, Kansas, between the Wichita City Limits and three (3) miles beyond; and between the Haysville City Limits and three (3) miles beyond; and between the Derby City Limits and three (3) miles beyond; and between the Mulvane City Limits and three (3) miles beyond; and between the Valley Center City Limits and three (3) miles beyond; between the Goddard City Limits and three (3) miles beyond; and that portion of the area within three (3) miles of the Cheney City Limits as established by the Board of County Commissioners on October 3, 1973, is hereby divided into ~~eight-(8)~~ nine (9) districts as follows:

<u>Symbol</u>	<u>Name</u>
"R" District	Rural Residential District
"R-1" District	Suburban Residential District
"AA" District	One Family Dwelling District
"BB" District	Office District
<u>"OC" District</u>	<u>Office Commercial District</u>
"LC" District	Light Commercial District
"C" District	General Commercial District
"E" District	Light Industrial District
"F" District	Heavy Industrial District

SECTION II. That upon the recommendation of the Wichita, Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 6-1 shall be added to the Zoning Resolution as follows:

SECTION 6-1  
"OC" OFFICE COMMERCIAL DISTRICT CLASSIFICATION

The intent and purpose of this section is to establish a use district that is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are also compatible one to another within the district itself. They are generally smaller, less intense uses or are of such size to be low traffic generators. This district shall be established only when the property is contiguous to an arterial street as designated by Map 13-A of the Transportation Plan or amendments thereto; or be established on a property that is contiguous to any non-residential zoning district.

Uses listed in the "OC" District shall be permitted provided they comply with the following limitations:

- a) No individual business shall occupy more than 5,000 square feet of floor area; provided however, an exception to this limitation may be granted by the Board of Zoning Appeals subject to the following conditions:
  1. A basement area, not exceeding the area used for office or sales use, is used only for storage, records, mechanical equipment or other non-person uses.
  2. Such area shall be determined to be nontraffic generating and deemed to be exempt from off-street parking requirements.
  3. Required off-street parking shall not be determined to be less than that required by the floor area used for office or sales purposes.
  4. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations of the zoning resolution.
- b) All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
- c) Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sales which do not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods or services to the home; i.e., florist truck, TV repair truck. Vehicles stored or retained on site overnight shall be stored within the main structure, an enclosed garage or when approved by the Director of Planning as to adequate screening material and location, within an enclosed compound.

- d) No business shall display or store goods or equipment outside of an enclosed building.
- e) Business establishment which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and the Director of Public Works, a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking.
- f) Motor vehicle parts, service or fuels shall not be dispensed in this district.
- g) Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.
- h) No kennels or pet runs shall be permitted except within an enclosed building and provided further, no noise or odor shall be discernible from the exterior of the building from such use.

The following regulations shall apply in all "OC" Districts;

A. Uses Permitted

- 1. Offices, including the following:
  - a) Abstract and Title Companies.
  - b) Accountants Offices.
  - c) Advertising Agencies.
  - d) Architects Offices.
  - e) Artist Studios and Art Galleries.
  - f) Attorneys Offices.
  - g) Broadcasting or Recording Studios Without Transmitter Towers.
  - h) Computer and Data Processing Offices.
  - i) Dance Studios.
  - j) Dental Offices and Clinics.
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  - l) Financial Offices - Branch Banks, Savings and Loan, Brokerage Houses and Title Insurance.
  - m) Medical Offices and Clinics.
  - n) Minor Surgery Centers.
  - o) Offices, Administrative, Clerical and Sales Services, including the display of sample or inventory items made available for demonstration purposes and where such display

constitutes less than half of the floor area, such display material shall be limited to small business machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture, larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.

- p) Optician & Optical Dispensaries.
  - q) Photography Studios.
  - r) Real Estate Offices.
  - s) Religious Offices and Headquarters.
  - t) Travel Agencies and Transportation Ticket Offices.
  - u) Veterinarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).
2. Retail Stores and personal service businesses including the following:
- a) Antique Store.
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  - d) Book and Magazine Store.
  - e) Boutiques.
  - f) Camera Shop and Photographic Supplies.
  - g) Child Day Care Centers.
  - h) Cigar, Tobacco and Candy Store.
  - i) Clothing and Costume Rental Store.
  - j) Cleaning and Laundry Pickup Stations.
  - k) Drug Store, Pharmacy or Apothecary.
  - l) Electric Household Appliances, Television and Stereo Repair.
  - m) Florist Shop.
  - n) Gift Shop.
  - o) Hair Stylists (Barber and Beauty Shops).
  - p) Health Centers Including Indoor Racquet Ball Courts.
  - q) Jewelry and Jewelry Repair.
  - r) Key Shop.
  - s) Medical and Orthopedic Appliance Stores.
  - t) Office Supplies (not including furniture).
  - u) Photographic Equipment and Print Shops.
  - v) Pet Sales and Grooming Stores.
  - w) Picture Framing Shop.
  - x) Shoe Repair Shop.

- y) Stationery, Card and Gift Shops.
- z) Tailor Shops.
- 3. Residential uses as follows:
  - a) Each business or office may have an owner residence as a part of the business or office structure.
  - b) Multiple-family dwellings, the same as permitted by conditional use in the "AA" District.
- 4. Miscellaneous type uses including the following:
  - a) Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served; and is determined by the Director of Building and Zoning to contribute to the necessity of the principal residence or business established on the zoning lot.
  - b) Off-street parking and loading accessory to a principal use established on the zoning lot.
  - c) Signs shall be limited as follows:
    - 1) Ground or pole signs shall be limited to one per business and shall not exceed 32 square feet in area and 30 feet in height. Whenever more than one business is located on a property a horizontal distance, along the street, shall be not less than 50 feet.
    - 2) Each business shall be permitted a sign located on the face of the building not to exceed 32 square feet.
    - 3) Lighting of signs must be limited to internal or indirect illumination of white light only and without flashing or moving images.
- 5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 12 of the Zoning Resolution, Sedgwick County, Kansas; provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.
  - c) Offices, Retail Stores and Personal Service Businesses not specifically

listed as a permitted use above, when it can be determined that the use is comparable to any of the above.

B. AREA REQUIREMENTS:

1. Lot Area: For any property having available and utilizing a public water supply and a municipal or community sewage disposal system shall have a minimum lot width of 75 feet and a minimum lot area of 10,000 square feet. Larger areas may be required as determined by the Wichita-Sedgwick County Department of Community Health for the installation of individual sewage disposal systems and private wells.
2. Front Yard: See Section 11-D.
3. Side Yard: No side yard shall be required unless the lot abuts a lot in an "R-1", "R", or "AA" District, but if any side yard is provided, the side yard shall be not less than five (5) feet. Where the side of a lot in the "OC" District abuts upon the side of a lot in an "R", "R-1", or "AA" District, there shall be a side yard the same as required in the "R", "R-1", or "AA" District. Where the rear of a corner lot abuts the side of a lot in an "R", "R-1", or "AA" District, the side yard on the street-side of the corner lot shall be ten (10) feet.
4. Rear Yard: There shall be a rear yard of not less than ten (10) feet.

C. HEIGHT LIMIT: No building shall be erected or enlarged to exceed a height of thirty-five (35) feet.

D. LOT COVERAGE: There shall be a maximum of 40 percent coverage of the lot by any structure.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 11 "SUPPLEMENTAL REGULATIONS", paragraph B-3b be amended to read as follows:

- b) Where any parking area or loading spaces as required in the "OC", "LC", "C", "E", or "F" Districts or for automobile or trailer sales areas, adjoins lots in "R", "R-1", "AA" or "BB" Districts such lot shall be protected the full length of the parking area or loading spaces (but not closer than 15

feet to any street lot line), by a permanent screen or solid wall, compact evergreen screen, or uniformly painted board fence, or woven wire fence, having a height of not less than 4 feet nor more than 6 feet, erected and maintained by the owner or user of such parking area or loading space.

SECTION IV. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 11, "Supplemental Regulations" paragraph D-4 shall be amended to read as follows:

4. Zoning district front yard setbacks referred to in the above paragraphs are as follows:
- "R" - Rural Residential District, 30 feet
  - "R-1" - Suburban Residential District, 25 feet
  - "A1" - One Family Dwelling District, 25 feet
  - "BB" - Office District, 20 feet
  - "OC" - Office Commercial District, 20 feet
  - "LC" - Light Commercial District, 35 feet
  - "C" - General Commercial District, 35 feet
  - "E" - Light Industrial District, 35 feet
  - "F" - Heavy Industrial District, 35 feet

SECTION V. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 14 "ADMINISTRATION" paragraph C-2, shall be amended to read as follows:

2. Application: Application for any change of district boundaries or reclassification of districts as shown on the Zoning Map, shall be filed with the Commission upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record.

Each application shall be verified by at least one of the owners of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

Applications must be accompanied with a certified list of property owners of record and their addresses, if available, and if not available, then the address of the occupant of the premises, if tenanted, in all directions from the subject property for a distance of twice the frontage of the property, included in the application; provided, no distance need be more than 1,000 feet and cannot be less than 200 feet.

For the purpose of defraying costs of proceedings prescribed herein, filing and publication fees shall be paid to the County Treasurer or his agent upon the filing of such application for change in district classification. The fee for such application is as follows:

Size of Application Area

Zoning Classification	Up to & Including 3 Acres	Over 3 Acres to 6 Acres	Over 6 Acres to 15 Acres	Over 15 Acres
"R", "R-1" & "AA"	\$200	\$300	\$400	\$500
"B"	350	450	550	650
"OC", "LC", "C", "E", & "F"	400	500	600	700

"CU" (Conditional Use Permit) - Fee required is the same as for the District in which it is located.

Special Permit - as authorized by the Zoning Resolution--\$150.

Any person requesting deferral of a zoning case or a conditional use case shall be charged a fee of \$50 at such time the deferral is granted to cover administrative costs.

A written receipt shall be issued to the person making such a payment and records thereof shall be in a manner as prescribed by law.

SECTION VI. This resolution shall take affect and be enforced on \_\_\_\_\_, 1982, upon its adoption and publication once in the official County paper.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1982.

\_\_\_\_\_  
Jack Spratt, Chairman

\_\_\_\_\_  
Tom Scott, Commissioner

\_\_\_\_\_  
Don Gragg, Commissioner

ATTEST:

\_\_\_\_\_  
Dorothy K. White, County Clerk

APPROVED AS TO FORM BY:

\_\_\_\_\_  
William D. Rustin, County Counselor

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 26, 1982

TO Board of County Commissioners  
FROM Robert A. Lakin, Director of Planning  
SUBJECT DR82-19 - Office Commercial District

Attached is a delineated copy of an amendment to the Sedgwick County Zoning Resolution that has been recommended by the Wichita-Sedgwick County Metropolitan Area Planning Commission for adoption. Please place this on your agenda for consideration on September 8, 1982.

BACKGROUND

It has been my observation that there is more conflict between applicants and staff, neighbors and applicants, and the Planning Commission and applicants, over whether or not "LC" is an appropriate zoning district to be granted when located adjacent to residential development. At the present time, any small retail business or a barber and beauty shop, are required to be located in the "LC" Light Commercial District which is the same district that first permits service stations, large shopping centers and other high traffic retail businesses.

The "OC" Office Commercial District as proposed should provide a district which will allow the relatively small retail and office uses considered to be low traffic generators that can be "good neighbors". Although this district will be available for any location, it should be considered as an expansion of the "BB" Office District to include some retail and service uses that can be located in areas where the complete range of "LC" use would not be appropriate.

This district should make it easier to deal with some of the "in-between" areas where the full range of "LC" uses might not be appropriate. It would also allow the development of a small commercial center without the permission of some of the objectionable uses.

SUMMARY

The district as proposed will provide for office, commercial and service type uses subject to limitations that should make them compatible adjacent to residential neighborhoods. These limitations will include the following:

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1. 7,500 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Traffic Engineer (City) or Director of Public Works (County).
5. Restaurants, liquor stores, and clubs are excluded from the district.
6. Permit the overnight storage of service vehicles on the property within an enclosed building or when appropriately screened within an enclosed compound.
- \*7. After public hearing and due consideration of all comments, the Planning Commission recommended that the Resolution be forwarded to the County Commission for adoption. An excerpt of the Planning Commission is attached for your information.

\*Although the County does not have a formal method of citizen input as does the City of Wichita's Citizen Participation Organization, you might be interested in the CPO comments made on the City amendment. A copy of those comments is attached for your information.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and adopt the resolution.
2. Return the amendment to the Planning Commission for reconsideration and give the reasons for such reconsiderations.

  
Robert A. Lakin  
Director of Planning

RAL:GEL:jps

Attachment

cc: Ron Worley, Director of Building & Zoning  
Wichita Area Board of Realtors, 717 North Emporia,  
Wichita, 67214  
Wichita Area Builders Association, Attention: John Oliphant,  
730 North Main, Wichita, 67203  
Richard Euson, Assistant County Counselor

EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 23, 1982

- 11a. DR 79-17 - Reconsideration of the "OC" Office Commercial District (CITY).
- 11b. DR 82-19 - Reconsideration of the "OC" Office Commercial District (COUNTY).

LAKIN stated that both the City and County Commissions had returned the "OC" District to the Planning Commission for their reconsideration.

LAKIN said that that the City Commission listed several reasons for returning the "OC" District. One of the reasons was that the City Commission felt that the district should be located along arterials or adjacent to nonresidential districts. He said that in listening to the neighborhoods one of their concerns about the proposed District was that after adopting this district the Commission would misapply it by putting it in the middle of a residential area. LAKIN said that although he had differed with the Commission on occasion as to where they choose to recommend approval of commercial applications that intrude into residential areas, he did not feel that was a fair indictment to make against this district. Another thing that he was hearing from the neighborhoods was that if this was put in as a district it was going to be so much easier for the Commission's and governing bodies' conscience to finish strip zoning areas. They felt that if they had a little looser district like "LC", they might be a bit more cautious. LAKIN said his contention was that if the pressures were such that they were going to get a change, they would be as likely to get a change to either "BB" or "LC" and it really did not make a difference if "OC" was in the ordinance or not. LAKIN said that on the other hand he felt the neighborhoods had some reasons to be concerned. He said that traditionally over the years the Commissions views change and the result is that much of the arterial network is stripped out except for where there are new subdivision that back lots into arterials and there is access control. LAKIN stated that among the specifics that the City Commission gave them was the suggestion that it be adjacent to arterials or nonresidential zoning. He said that he supported that the last time and did not find that basically objectionable. This has been done before. It has been in the "G" Mobile Home District from the day that it was adopted, and with rare exception he felt that it had not created a major problem.

LAKIN said that he asked the County Commission to send this back to the Planning Commission because he wanted to keep these districts as close to each other as possible. He said that both Commissions indicated that they had grave concerns about the use of such a district, and spoke to it in terms of it being added and intruding into residential areas. He said that part of that was based on the way that the media has presented it.

BAYOUTH suggested that the Commission take each item and discuss it separately as presented in Lakin's memo dated September 16, 1982.

Item A. Limiting the district to properties along arterials or when the district would be adjacent to nonresidential zoning if the property is not along an arterial.

LAKIN said that he would strongly urge the Commission to consider approving this type of addition to the district.

BAYOUTH said that the only problem he has with this is that when they go back into a neighborhood to allow the expansion of a business, they might want to do it with "OC" rather than "LC", and it would not be on an arterial.

LAKIN said that if it is for expansion of a business or existing zoning pattern, then they would be adjacent to non-residential zoning.

GARDNER commented that as he reads the wording, his only concern revolves around the interpretation of the phrase "when adjacent to a nonresidential district". He said that if they treat that in the inclusive sense that it is adjacent to something other than residential then that justifies it. However, if it is treated in the exclusive sense that it cannot be adjacent to residential then there is a problem. He said that a slight change in the wording might get them around that problem.

LAKIN said that the language that was recommended speaks to being "located contiguous to any nonresidential zoning district". He felt that this was very precise.

GARDNER said that that would satisfy his concerns in that regard.

**MOTION:** That the Planning Commission approve additional wording that states that: "this district shall be located contiguous to an arterial street as designated by Map 13a of the Transportation Plan, or amendment thereto, or be located contiguous to any nonresidential zoning district". Hansen moved, Gardner seconded.

CAZEL left the meeting.

JAKE HARTMETZ, 234 North Armour, CPO Council "H", stated that when this came before the CPO Council before, they looked at it and did not like it. He reiterated some of the basic problems they have with this district. He said that they now have in existence 14 different zoning classifications in the City. "OC" would be number 15, and he did not feel that it was particularly needed. He asked the Commission to consider taking some of the light commercial uses that are actually fairly heavy commercial uses and moving them up to the "C" commercial district. He pointed out that Towne East was zoned "LC", and by no means was it light commercial. HARTMETZ said that creating another level of zoning is just mudding the water. The problem is that not all of the residential areas are immediately going to have shops in them, but contrary to Lakin's opinion, over the years they have seen in this community, by policy and practice, "creeping commercialism". He said that this will, in the long run, have the effect that people are talking about on residential areas that are now protected by some of the newer means that they have referred to. He felt that if the district is adopted they are going to pay the price 15 years down the line. HARTMETZ did not feel that the whole concept of "OC" was necessary.

He said that if it was necessary, they have two comments with regard to it as it was presented. One, it should be kept along arterials. The other is the size of the building. He said that in Lakin's comments he stated that of all of the uses listed, only three have an average floor area in excess of 3,000 square feet. HARTMETZ said that one of the problems of putting this type of thing next to residences is that a building of that size was going to stick out like a sore thumb. If it is kept down to a size equivalent to what is in the area it might be less objectionable. He said that the last thing that they objected to was some of the proposed uses. He did not feel that anyone present would want some of the uses next door to them. He mentioned upgrading "BB" and not placing another level of "LC" zoning in where it is not really needed.

BAYOUTH said that he was of the opinion that the reasoning behind "OC" was just what Lakin explained earlier. He suggested that it might be helpful if Lakin reviewed his comments.

HARTMETZ said that he heard Lakin and understood what he was saying. He said that what he was talking about was the need for compromise. He said that people were afraid of "LC" because the owner that owns it now and if he does something of what he says he going to do with it, then everything is fine. But ten years down the line somebody could buy that property and they would then have the wide open "LC" zoning there and could put anything in there. He said that they were promised at CPO "H" that the area to the west of Towne East would be developed as an office park, but they got stuck with ShowBiz and Target. He said that these were the kind of things that worried people.

GARDNER related to Hartmetz that his perspective on the "OC" District was almost 180 degrees from his. He said that he was inclined to tell him that he believed that Hartmetz's observations on zoning, real estate and land use are poorly based. He said that he felt that Hartmetz had relatively little knowledge of the broad areas across the City where there are a variety of applications on arterials because residential use is no longer the most desirable use. Some other alternative is being sought by a property owner and it, by and large, is acknowledged by the neighborhood to be a transitional sort of situation. He said that it is one thing to attempt to remain static and resist change, and there is virtue in that to a degree, but there is an element of change that occurs with real estate growth and change, in terms of overall economics, that Hartmetz does not appear to be conversant with to any major degree. He said that, in all due respect, the zoning category that is being proposed, if placed on arterials where residential uses are less than the highest and best use, which is obviously something that is subject to change over a time period and relates very directly to real estate values, the ability to have an additional zone tool somewhere between the "BB" Office which has no real limitation on the maximum size of a building, and the "LC" Light Commercial would be beneficial to neighborhoods. He said that Hartmetz's argument is oblivious to that, or appears at least unknowledgeable of the potential that apartment houses could be built in "BB" at 75 units to the acre, which generally is a highrise. He said that Hartmetz has not addressed that particular element of "BB" zoning. GARDNER said that what was being proposed in the "OC" districts limits the residential uses substantially. It also limits the maximum size of the medical uses substantially, and if they go with the amendment, any single use would be limited to 5,000 square feet maximum.

GARDNER said that "OC" would be a tremendously versatile tool in terms of limiting some of the problems that Hartmetz did not appear to know existed in other categories. He said that his opposition to this, without reference to what currently exists, puzzles him totally. GARDNER said that if someone has property on an arterial they now have a choice of "LC" Light Commercial or "BB" Office. If "BB" or "LC" is approved there is no restriction under the "BB" Office or the light commercial as to the maximum size of the use being proposed. GARDNER felt that if Hartmetz wanted to reduce the ability of nonresidential creeping in a cancer-like fashion into an area, then he should look at a category that limits the maximum size, which neither "BB" Office or "LC" does. He said that the Commission really does not have the ability to modify them at this point. If a category is adopted that does provide limits then they have a tremendous discretionary ability which is more than they presently have.

HARTMETZ said that his response to Gardner's comments is that it has not been evidenced in this city in the last 20 years that this Board acts with much discretion when it comes to commercial development.

GARDNER said that then obviously they have a difference of opinion. HARTMETZ said that was correct.

HANSEN commented that about three years ago there was a proposal for some kind of solution to this problem of light commercial intrusion into neighborhoods, and it came through in a zoning package. She said that there were people on the bench at that time that stood in total and complete opposition. She said that now they are sitting here in general agreement that they may have worked out what may be a workable compromise to deal with it. She said that as Lakin said, most of the tensions and frictions that occur on the bench and between the zoning applicants and the neighbors are primarily in this one area. The rest of the problems are a rather pragmatic marketplace type. This one creates constant problems. She said that now they feel as though they have worked out something that might be workable.

HARTMETZ said that he understood that. He was just voicing his opinion and telling the Commission what the CPO Council had said about it.

VICTOR FUHR, 1502 South Hillside, stated that he could see vividly what the Commission was confronted with. He said that this District gives one an option. He saw nothing wrong with the ordinance.

HANSEN restated the motion.

VOTE ON THE MOTION: It carried  
unanimously. Cazal was not present.  
Goebel, Jones and Wilson were absent.

Item B. The reduction of the 7500 square foot single use limitation to a number in the range of 5,000 square feet.

LAKIN stated that staff had been looking for something that had some data about the average size of the proposed uses. He has received a publication from Urban Land Institute entitled Dollar and Cents of Shopping Centers. In that book it discusses the type of leases that are held in super shopping centers, super regionals, regionals, community, and

"neighborhoods". He mentioned that he had sent the Commission a recap of the article. He said that essentially when you look at local owned stores as opposed to local chain, and national chain, there is a direct correlation to the size of the store with the locally owned being the smaller, and the nationals being the larger. He said that if you look at the size of some of the national chains who have uses in those centers you will find most of those sizes probably a little larger than the average. LAKIN said that the only one that he saw in there that would exceed 5,000 square feet was the super drugstore at a national chain level. As a result of that, he felt fairly comfortable in saying that 5,000 seems like it would not hurt anything and would provide more protection. He said that he heard at the City Commission numbers as low as 1,000 to 1,500 square feet, which he felt was too low. Mr. Hartmetz has suggested 3,000 feet, which is pretty close to what the average size is for the type of uses included in the district. He urged that the Commission reduce the maximum size from 7,500 square feet. He said that 5,000 square feet does not bother him in the least.

BAYOUTH asked if there was an existing building of 5,150 square feet, could there be an appeal to BZA.

LAKIN said that first of all this district is what he categorizes as a "floating district". It has yet to be established on the map, so there is nothing out there that is going to be affected in that fashion. He said that if a number is specifically set in the ordinance, such as 5,000 square feet, it has been the ruling of the Law Department that it could not be varied.

LOFTON felt that a 7,500 square foot building would be too large in a complex. He said that he would be opposed to anything over 5,000 square feet.

GARDNER stated that the way the category is written, it would limit the maximum size of any single user to some figure that they would arbitrarily establish. If the fact is considered that there are probably a lot of office zoned sites that might apply for this category to enhance their uses somewhat in the retail market, it should also be considered that they are going to be giving up multiple family and major clinic uses, to pick up some retail capacity. GARDNER said that the category that would most likely convert to this use would be "BB" Office. He said that 5,000 square feet in maximum size would probably be the smallest they would want to have and still give this category a maximum amount of latitude. He said that if the square footage is limited too severely, then it would prompt people to come in and apply for light commercial.

LOFTON said that what he was saying was that there are some uses that just should not be in the "OC" District, such as broadcasting studios, dance studios or data processing offices, because these type of buildings would need more square footage.

**MOTION:** That the Planning Commission recommend that the 7,500 square feet maximum floor area for a single user be reduced to 5,000 square feet. Chisholm moved, Hansen seconded and it carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

Item C. Concern as to allowing the use of drive-up or drive-thru windows in this district.

LAKIN stated that there was a requirement in the ordinance that required the staff to look at circulation patterns so they could say that there is enough queuing room to handle that particular function. LAKIN said his concern was the cars that are left in the street trying to get in to a drive-thru. He said that he was reasonably content to leave this section in the way it is because of the way the market is going. If the Commission feels strongly that it should be taken out, then they should begin to look at some of the other uses such as finance, photographic studios, etc., because they are dependent on that type of operation.

CHISHOLM did not feel that they needed to discuss this particular question separate from the discussion soon to come up in regard to those uses that should be deleted. He felt that this could be better handled in the full discussion of the uses as opposed to discussing it separately.

GARDNER said that he disagreed, but for a slightly different reason. The fact is that those uses are dealt with in the ordinance where it states that "business establishments which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and the Traffic Engineer a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking". GARDNER said that he believed, for any application that would utilize a drive-in facility, that with the requirement of having to meet both the Director of Planning and the Traffic Engineer's approval, that those problems which people are concerned about would be dealt with very adequately by the professional staff in approving the site development plan for that sort of use. He said that he was reasonably confident that they have demonstrated over the past several years that they have the ability to discern what is or what is not a reasonable arrangement. He felt that this is something that would probably be of a limited nature in this category, nevertheless it could be included and retained with those administrative provisions without difficulty. He felt that the objection from the City Commission was particularly based upon a lack of knowledge that this level of stringent requirement would be placed on that use. GARDNER suggested that Lakin explain this provision when the ordinance is returned to the City Commission.

MOTION: That the Planning Commission recommend that this item be retained as originally written. Gardner moved, Chisholm seconded and it carried unanimously. Cazal was not present. Goebel, Jones and Wilson were absent.

Item D. Concern as to the sign limitations proposed in the district.

LAKIN felt that there was a fairly solid view at City Commission that the sign provision was too expansive and allowed too much. They did not specify in any great way what they thought were the problems. He said that he heard that portable signs should not be allowed in this district, and he wholly concurred. He said that as he listened, it seemed inconsistent to what they had just done with the sign ordinance.

MOTION: That the Planning Commission recommend that Section D be amended to prohibit portable signs. Hansen moved.

The motion died for lack of a second.

BAYOUTH could not see how they could legally prohibit portable signs.

LAKIN said that it could be done legally. Portable signs are not allowed in the "AA" district either.

MOTION: That the Planning Commission recommend that the segment on signs be approved as originally written with no change. Gardner moved, Chisholm seconded and it carried with a vote of 5 in favor (Gardner, Chisholm, Bayouth, Lofton and Parsons) and 1 opposed (Hansen). Cazel was not present. Goebel, Jones and Wilson were absent.

Item E. Consideration of a more restricted list of uses.

LAKIN said that the list of uses that he had included was from two lists given to him by City Commissioners. They had gone through the list and found these uses that bothered them. He pointed out that taverns were not a permitted use in this district, so he did not know why that bothered them. He felt that the financial offices would tend to have more volume. The minor surgery centers might have some volume. He said that his only problem on the "display of inventory items" was that he did not know how Central Inspection would interpret it. The "laundromats" does not bother him on volume, but their hours of operation are such that it probably does not fit as neatly in the district as perhaps some of the other uses. He felt that some of the use items should stay in, for example the child day care centers and veterinarian clinics. They have been found to be very good neighbors.

BAYOUTH asked if the only objections to financial institutions were the traffic volumes. He had never seen one create a problem.

LAKIN stated that the peaking characteristic of those operations has been the primary concern, particularly the banks.

GARDNER commented that in the last five years those that have been more aggressive in acquisition of prime sites for the development of quality facilities have paid high dollar amounts for the sites that they have acquired. The larger institutions are acquiring sites that are of such an expensive nature that they probably tend to gravitate toward an intensity of use that might be called light commercial zoning anyway. He said that there is a major difference between a little remote money card center that might be located in closer into a neighborhood and a major type facility with large drive-thru lines. They will probably find the economics of the marketplace dictating that on the larger facilities they are going to pay a premium for the larger sites and are likely to want a higher level of zoning. GARDNER said that they would probably not see very many financial offices or institutions in this kind of category except those that are smaller. He did not believe that they had a legitimate fear from the major facilities wanting to locate in this category. He felt that fear of the financial offices at this point was ill-placed.

The following items were considered separately. The motion to recommend that the specific use remain in the district was:

1. Dance Studios.

VOTE: It carried with a vote of 5 in favor (Gardner, Bayouth, Chisholm, Hansen and Parsons) and 1 opposed (Lofton). Cazel was not present. Goebel, Jones and Wilson were absent.

2. Broadcasting and recording studios.

BAYOUTH asked how this item could create a problem. They don't generate any traffic.

LAKIN said that he was not sure he could respond. He said that the uses were included in a list without an explanation as to what characteristics made the City Commission feel that they were inappropriate in that area.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

3. Computer and Data processing offices.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

4. Financial offices.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

5. Medical and Dental offices.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

6. Minor surgery centers.

VOTE: It carried with a vote of 5 in favor (Gardner, Bayouth, Chisholm, Parsons and Lofton) and 1 opposed (Hansen). Cazel was not present. Goebel, Jones and Wilson were absent.

7. Display of inventory items, (business machines, etc.)

BAYOUTH said that he would like some clarification on this item.

LAKIN said that they were talking about office, administrative, clerical and sales services that included the display of sample or inventory items made available for demonstration purposes, where such display constitutes less than half of the floor area. He said that such display material shall be limited to small business type machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture and larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

8. Verterinarian Clinics.

VOTE: It resulted in a moot vote with 3 in favor (Gardner, Bayouth and Parsons) and 3 opposed (Hansen, Lofton and Chisholm). Cazel was not present. Goebel, Jones and Wilson were absent.

GARDNER asked if it was possible to limit this to clinics with enclosed kennel facilities only.

LAKIN pointed out that the ordinance states that no kennels or pet runs shall be permitted except within an enclosed building and provided further that no noise or odor shall be discernible from the exterior of the building from such use. He said that that was primarily an enforcement problem.

GARDNER said that what he was relating to was that in some of the major shopping centers there are pet stores and they occupy a couple thousand feet. The pets are inside. They don't have a noise or odor problem particularly, and he did not see a lot of difference of keeping animals in that situation as compared to a veterinarian clinic.

LAKIN said that since this resulted in a tie vote he would consider it staying in the ordinance unless the City Commission strikes it.

9. Book stores:

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

10. Boutique.

LAKIN commented that the problem here is lack of conciseness about the definition.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

11. Child Day Care.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

12. Drug Store.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

13. Florist.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

14. Gift Shops.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

15. Health Centers.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

16. Laundromats.

VOTE: It failed with a vote of 2 in favor (Gardner and Bayouth) and 4 opposed (Hansen, Lofton, Chisholm and Parsons). Cazel was not present. Goebel, Jones and Wilson were absent.

17. Pet Sales.

VOTE: It carried with a vote of 4 in favor ( Bayouth, Gardner, Chisholm and Parsons) and 2 opposed (Hansen and Lofton). Cazel was not present. Goebel, Jones and Wilson were absent.

For the record LAKIN stated that he had received a letter from Mrs. Web Quinius objecting to the district and its inclusion into the ordinance.

LAKIN said that he wanted to mention the potential amendment to the ordinance where they are talking about what happens when they bring a district into the City. They assumed that there would be a like amendment in the County, so they included the phrase "that "OC" in the County would be "OC" in the City". If for any reason the County chooses not to adopt the district, then he would recommend to the City Commission that that particular clause be dropped.

MOTION: That the Planning Commission recommend to the City and County Commissions that the ordinance and resolution, as amended, be adopted. Chisholm moved, Hansen seconded and it carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

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WICHITA-SEDGWICK COUNTY

DATE  
October 25, 1982

**METROPOLITAN AREA PLANNING DEPARTMENT**

**TO** Board of County Commissioners  
**FROM** Robert A. Lakin, Director of Planning  
**SUBJECT** DR82-19 - Office Commercial District

Attached is a delineated copy of an amendment to the Sedgwick County Zoning Resolution that has been recommended by the Wichita-Sedgwick County Metropolitan Area Planning Commission for adoption. Please place this on your agenda for consideration on November 3, 1982.

BACKGROUND

The development of a zoning district for limited retail and service type uses was first discussed by the Planning Commission in 1979. In 1980 the matter was tabled indefinitely. The district was again proposed to the Planning Commission in July 1982 and they instructed the staff to advertise an amendment for public hearing. After public hearing in August 1982 the Planning Commission forwarded their recommendation to the governing body for their consideration.

On September 22, 1982 the County Commission considered the Planning Commission's recommended action and referred the matter back to the Planning Commission for reconsideration. A copy of the previous Planning Commission recommendation is attached.

Since this amendment was presented to you on September 22, 1982, the Planning Commission has reconsidered their recommendation. They have recommended three basic changes in the proposed "OC" Office Commercial District as follows:

- a. Reduce the permitted maximum floor area for an individual business from 7,500 square feet to 5,000 square feet.
- b. Permit the location of the district only when the property is contiguous to an arterial street or contiguous to any non-residential zoning district.
- c. Eliminated laundramats from the list of permitted uses.

Copies of the Planning Commission minutes of September 23, 1982 are attached for your information.

SUMMARY

The district as now proposed will provide for office, commercial and service type uses subject to limitations that should make them more compatible adjacent to residential neighborhoods than the establishment of Light Commercial on properties to provide for some limited retail uses. The limitations of the district will include the following:

1. 5,000 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Director of Public Works.
5. Restaurants, liquor stores, and clubs are excluded from the district.
6. Permit the overnight storage of service vehicles on the property within an enclosed building or when appropriately screened within an enclosed compound.
7. The location of the district must be contiguous to an arterial street or contiguous to any non-residential district.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and adopt the resolution.
2. Make whatever changes are deemed to be in the best interest of the public and adopt the resolution.

*Robert A. Lakin*

Robert A. Lakin  
Director of Planning

RAL:GEL:sad

Attachment

cc: Ron Worley, Director of Building & Zoning, County  
Wichita Area Board of Realtors, 717 North Emporia, Wichita 67214  
Wichita Area Builders Association, Attn. John Oliphant, 730 North  
Main, Wichita 67203  
Richard Euson, Assistant County Counselor

Additions underlined  
Deletions ~~marked-thru~~

#### RESOLUTION

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO APRIL 28, 1980, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS; BY ADDING SECTION 6-1 AS THE "OC" OFFICE COMMERCIAL DISTRICT AND AMENDING SECTION 1, PARAGRAPH 1; SECTION 11, PARAGRAPH B-3b; SECTION 11, PARAGRAPH D-4; AND SECTION 14, PARAGRAPH C-2 OF THE SEDGWICK COUNTY ZONING RESOLUTION: ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 14.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted on March 3, 1958, and subsequently amended, Section 1 - "Districts and General Regulations", paragraph 1, shall be amended to read as follows:

1. That portion of Sedgwick County, Kansas, between the Wichita City Limits and three (3) miles beyond; and between the Haysville City Limits and three (3) miles beyond; and between the Derby City Limits and three (3) miles beyond; and between the Mulvane City Limits and three (3) miles beyond; and between the Valley Center City Limits and three (3) miles beyond; between the Goddard City Limits and three (3) miles beyond; and that portion of the area within three (3) miles of the Cheney City Limits as established by the Board of County Commissioners on October 3, 1973, is hereby divided into ~~eight-(8)~~ nine (9) districts as follows:

<u>Symbol</u>	<u>Name</u>
"R" District	Rural Residential District
"R-1" District	Suburban Residential District
"AA" District	One Family Dwelling District
"BB" District	Office District
<u>"OC" District</u>	<u>Office Commercial District</u>
"LC" District	Light Commercial District
"C" District	General Commercial District
"E" District	Light Industrial District
"F" District	Heavy Industrial District

SECTION II. That upon the recommendation of the Wichita, Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 6-1 shall be added to the Zoning Resolution as follows:

SECTION 6-1  
"OC" OFFICE COMMERCIAL DISTRICT CLASSIFICATION

The intent and purpose of this section is to establish a use district that is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are also compatible one to another within the district itself. They are generally smaller, less intense uses or are of such size to be low traffic generators. This district shall be established only when the property is contiguous to an arterial street as designated by Map 13-A of the Transportation Plan or amendments thereto; or be established on a property that is contiguous to any non-residential zoning district.

Uses listed in the "OC" District shall be permitted provided they comply with the following limitations:

- a) No individual business shall occupy more than 5,000 square feet of floor area; provided however, an exception to this limitation may be granted by the Board of Zoning Appeals subject to the following conditions:
  1. A basement area, not exceeding the area used for office or sales use, is used only for storage, records, mechanical equipment or other non-person uses.
  2. Such area shall be determined to be nontraffic generating and deemed to be exempt from off-street parking requirements.
  3. Required off-street parking shall not be determined to be less than that required by the floor area used for office or sales purposes.
  4. Any exception to the floor area granted by the Board of Zoning Appeals shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations of the zoning resolution.
- b) All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
- c) Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sales which do not require the use of vehicles and heavy equipment in the operation of the business other than for delivery of goods or services to the home; i.e., florist truck, TV repair truck. Vehicles stored or retained on site overnight shall be stored within the main structure, an enclosed garage or when approved by the Director of Planning as to adequate screening material and location, within an enclosed compound.

- d) No business shall display or store goods or equipment outside of an enclosed building.
- e) Business establishment which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and the Director of Public Works, a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking.
- f) Motor vehicle parts, service or fuels shall not be dispensed in this district.
- g) Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.
- h) No kennels or pet runs shall be permitted except within an enclosed building and provided further, no noise or odor shall be discernible from the exterior of the building from such use.

The following regulations shall apply in all "OC" Districts;

A. Uses Permitted

- 1. Offices, including the following:
  - a) Abstract and Title Companies.
  - b) Accountants Offices.
  - c) Advertising Agencies.
  - d) Architects Offices.
  - e) Artist Studios and Art Galleries.
  - f) Attorneys Offices.
  - g) Broadcasting or Recording Studios Without Transmitter Towers.
  - h) Computer and Data Processing Offices.
  - i) Dance Studios.
  - j) Dental Offices and Clinics.
  - k) Engineers Offices.
  - l) Financial Offices - Branch Banks, Savings and Loan, Brokerage Houses and Title Insurance.
  - m) Medical Offices and Clinics.
  - n) Minor Surgery Centers.
  - o) Offices, Administrative, Clerical and Sales Services, including the display of sample or inventory items made available for demonstration purposes and where such display

constitutes less than half of the floor area, such display material shall be limited to small business machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture, larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.

- p) Optician & Optical Dispensaries.
- q) Photography Studios.
- r) Real Estate Offices.
- s) Religious Offices and Headquarters.
- t) Travel Agencies and Transportation Ticket Offices.
- u) Veterinarian Offices (small animal clinic for treatment and boarding of dogs, cats and other small pets).

2. Retail Stores and personal service businesses including the following:

- a) Antique Store.
- b) Apparel and Accessory Store.
- c) Artist, Craft and Hobby Supply Store.
- d) Book and Magazine Store.
- e) Boutiques.
- f) Camera Shop and Photographic Supplies.
- g) Child Day Care Centers.
- h) Cigar, Tobacco and Candy Store.
- i) Clothing and Costume Rental Store.
- j) Cleaning and Laundry Pickup Stations.
- k) Drug Store, Pharmacy or Apothecary.
- l) Electric Household Appliances, Television and Stereo Repair.
- m) Florist Shop.
- n) Gift Shop.
- o) Hair Stylists (Barber and Beauty Shops).
- p) Health Centers Including Indoor Racquet Ball Courts.
- q) Jewelry and Jewelry Repair.
- r) Key Shop.
- s) Medical and Orthopedic Appliance Stores.
- t) Office Supplies (not including furniture).
- u) Photographic Equipment and Print Shops.
- v) Pet Sales and Grooming Stores.
- w) Picture Framing Shop.
- x) Shoe Repair Shop.

- y) Stationery, Card and Gift Shops.
  - z) Tailor Shops.
3. Residential uses as follows:
- a) Each business or office may have an owner residence as a part of the business or office structure.
  - b) Multiple-family dwellings, the same as permitted by conditional use in the "AA" District.
4. Miscellaneous type uses including the following:
- a) Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served; and is determined by the Director of Building and Zoning to contribute to the necessity of the principal residence or business established on the zoning lot.
  - b) Off-street parking and loading accessory to a principal use established on the zoning lot.
  - c) Signs shall be limited as follows:
    - 1) Ground or pole signs shall be limited to one per business and shall not exceed 32 square feet in area and 30 feet in height. Whenever more than one business is located on a property a horizontal distance, along the street, shall be not less than 50 feet.
    - 2) Each business shall be permitted a sign located on the face of the building not to exceed 32 square feet.
    - 3) Lighting of signs must be limited to internal or indirect illumination of white light only and without flashing or moving images.
5. The following uses may be permitted as exceptions by the Board of Zoning Appeals as set forth in Section 12 of the Zoning Resolution, Sedgwick County, Kansas; provided such uses shall comply with the use limitations of this district and any other conditions the Board may deem necessary to protect adjacent properties.
- c) Offices, Retail Stores and Personal Service Businesses not specifically

listed as a permitted use above, when it can be determined that the use is comparable to any of the above.

**B. AREA REQUIREMENTS:**

- 1. Lot Area:** For any property having available and utilizing a public water supply and a municipal or community sewage disposal system shall have a minimum lot width of 75 feet and a minimum lot area of 10,000 square feet. Larger areas may be required as determined by the Wichita-Sedgwick County Department of Community Health for the installation of individual sewage disposal systems and private wells.
- 2. Front Yard:** See Section 11-D.
- 3. Side Yard:** No side yard shall be required unless the lot abuts a lot in an "R-1", "R", or "AA" District, but if any side yard is provided, the side yard shall be not less than five (5) feet. Where the side of a lot in the "OC" District abuts upon the side of a lot in an "R", "R-1", or "AA" District, there shall be a side yard the same as required in the "R", "R-1", or "AA" District. Where the rear of a corner lot abuts the side of a lot in an "R", "R-1", or "AA" District, the side yard on the street-side of the corner lot shall be ten (10) feet.
- 4. Rear Yard:** There shall be a rear yard of not less than ten (10) feet.

**C. HEIGHT LIMIT:** No building shall be erected or enlarged to exceed a height of thirty-five (35) feet.

**D. LOT COVERAGE:** There shall be a maximum of 40 percent coverage of the lot by any structure.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C Of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 11 "SUPPLEMENTAL REGULATIONS", paragraph B-3b be amended to read as follows:

- b) Where any parking area or loading spaces as required in the "OC", "LC", "C", "E", or "F" Districts or for automobile or trailer sales areas, adjoins lots in "R", "R-1", "AA" or "BB" Districts such lot shall be protected the full length of the parking area or loading spaces (but not closer than 15

feet to any street lot line), by a permanent screen or solid wall, compact evergreen screen, or uniformly painted board fence, or woven wire fence, having a height of not less than 4 feet nor more than 6 feet, erected and maintained by the owner or user of such parking area or loading space.

SECTION IV. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 11, "Supplemental Regulations" paragraph D-4 shall be amended to read as follows:

4. Zoning district front yard setbacks referred to in the above paragraphs are as follows:

"R"	- Rural Residential District, 30 feet
"R-1"	- Suburban Residential District, 25 feet
"AA"	- One Family Dwelling District, 25 feet
"BB"	- Office District, 20 feet
"OC"	- Office Commercial District, 20 feet
"LC"	- Light Commercial District, 35 feet
"C"	- General Commercial District, 35 feet
"E"	- Light Industrial District, 35 feet
"F"	- Heavy Industrial District, 35 feet

SECTION V. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 23, 1982, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, and subsequently amended, Section 14 "ADMINISTRATION" paragraph C-2, shall be amended to read as follows:

2. Application: Application for any change of district boundaries or reclassification of districts as shown on the Zoning Map, shall be filed with the Commission upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record.

Each application shall be verified by at least one of the owners of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

Applications must be accompanied with a certified list of property owners of record and their addresses, if available, and if not available, then the address of the occupant of the premises, if tenanted, in all directions from the subject property for a distance of twice the frontage of the property, included in the application; provided, no distance need be more than 1,000 feet and cannot be less than 200 feet.

For the purpose of defraying costs of proceedings prescribed herein, filing and publication fees shall be paid to the County Treasurer or his agent upon the filing of such application for change in district classification. The fee for such application is as follows:

Size of Application Area

Zoning Classification	Up to & Including 3 Acres	Over 3 Acres to 6 Acres	Over 6 Acres to 15 Acres	Over 15 Acres
"R", "R-1" & "AA"	\$200	\$300	\$400	\$500
"B"	350	450	550	650
"OC", "LC", "C", "E", & "F"	400	500	600	700

"CU" (Conditional Use Permit) - Fee required is the same as for the District in which it is located.  
 Special Permit - as authorized by the Zoning Resolution--\$150.

Any person requesting deferral of a zoning case or a conditional use case shall be charged a fee of \$50 at such time the deferral is granted to cover administrative costs.

A written receipt shall be issued to the person making such a payment and records thereof shall be in a manner as prescribed by law.

SECTION VI. This resolution shall take affect and be enforced on \_\_\_\_\_, 1982, upon its adoption and publication once in the official County paper.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1982.

\_\_\_\_\_  
 Jack Spratt, Chairman

\_\_\_\_\_  
 Tom Scott, Commissioner

\_\_\_\_\_  
 Don Gragg, Commissioner

ATTEST:

\_\_\_\_\_  
 Dorothy K. White, County Clerk

APPROVED AS TO FORM BY:

\_\_\_\_\_  
 William D. Rustin, County Counselor

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 26, 1982

TO Board of County Commissioners  
FROM Robert A. Lakin, Director of Planning  
SUBJECT DR82-19 - Office Commercial District

Attached is a delineated copy of an amendment to the Sedgwick County Zoning Resolution that has been recommended by the Wichita-Sedgwick County Metropolitan Area Planning Commission for adoption. Please place this on your agenda for consideration on September 8, 1982.

BACKGROUND

It has been my observation that there is more conflict between applicants and staff, neighbors and applicants, and the Planning Commission and applicants, over whether or not "LC" is an appropriate zoning district to be granted when located adjacent to residential development. At the present time, any small retail business or a barber and beauty shop are required to be located in the "LC" Light Commercial District which is the same district that first permits service stations, large shopping centers and other high traffic retail businesses.

The "OC" Office Commercial District as proposed should provide a district which will allow the relatively small retail and office uses considered to be low traffic generators that can be "good neighbors". Although this district will be available for any location, it should be considered as an expansion of the "BB" Office District to include some retail and service uses that can be located in areas where the complete range of "LC" use would not be appropriate.

This district should make it easier to deal with some of the "in-between" areas where the full range of "LC" uses might not be appropriate. It would also allow the development of a small commercial center without the permission of some of the objectionable uses.

SUMMARY

The district as proposed will provide for office, commercial and service type uses subject to limitations that should make them compatible adjacent to residential neighborhoods. These limitations will include the following:

Board of County Commissioners  
August 26, 1982  
Page Two

1. 7,500 square feet of floor area for any one business.
2. No display or storage of goods or equipment outside of an enclosed building.
3. No dispensing of fuels or the sale of parts or servicing of vehicles shall be permitted.
4. Any business providing drive-up windows shall be subject to review and approval of the vehicular movement by the Director of Planning and the Traffic Engineer (City) or Director of Public Works (County).
5. Restaurants, liquor stores, and clubs are excluded from the district.
6. Permit the overnight storage of service vehicles on the property within an enclosed building or when appropriately screened within an enclosed compound.
7. After public hearing and due consideration of all comments, the Planning Commission recommended that the resolution be forwarded to the County Commission for adoption. An excerpt of the Planning Commission is attached for your information.

\*Although the County does not have a formal method of citizen input as does the City of Wichita's Citizen Participation Organization, you might be interested in the CPO comments made on the City amendment. A copy of those comments is attached for your information.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and adopt the resolution.
2. Return the amendment to the Planning Commission for reconsideration and give the reasons for such reconsiderations.

  
Robert A. Lakin  
Director of Planning

RAL:CEL:jps

Attachment

cc: Ron Worley, Director of Building & Zoning  
Wichita Area Board of Realtors, 717 North Esplanade,  
Wichita, 67214  
Wichita Area Builders Association, Attention: John Oliphant,  
730 North Main, Wichita, 67203  
Richard Euson, Assistant County Counselor

EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 23, 1982

- 11a. DR 79-17 - Reconsideration of the "OC" Office Commercial District (CITY).
- 11b. DR 82-19 - Reconsideration of the "OC" Office Commercial District (COUNTY).

LAKIN stated that both the City and County Commissions had returned the "OC" District to the Planning Commission for their reconsideration.

LAKIN said that that the City Commission listed several reasons for returning the "OC" District. One of the reasons was that the City Commission felt that the district should be located along arterials or adjacent to nonresidential districts. He said that in listening to the neighborhoods one of their concerns about the proposed District was that after adopting this district the Commission would misapply it by putting it in the middle of a residential area. LAKIN said that although he had differed with the Commission on occasion as to where they choose to recommend approval of commercial applications that intrude into residential areas, he did not feel that was a fair indictment to make against this district. Another thing that he was hearing from the neighborhoods was that if this was put in as a district it was going to be so much easier for the Commission's and governing bodies' conscience to finish strip zoning areas. They felt that if they had a little looser district like "LC", they might be a bit more cautious. LAKIN said his contention was that if the pressures were such that they were going to get a change, they would be as likely to get a change to either "BB" or "LC" and it really did not make a difference if "OC" was in the ordinance or not. LAKIN said that on the other hand he felt the neighborhoods had some reasons to be concerned. He said that traditionally over the years the Commissions views change and the result is that much of the arterial network is stripped out except for where there are new subdivision that back lots into arterials and there is access control. LAKIN stated that among the specifics that the City Commission gave them was the suggestion that it be adjacent to arterials or nonresidential zoning. He said that he supported that the last time and did not find that basically objectionable. This has been done before. It has been in the "G" Mobile Home District from the day that it was adopted, and with rare exception he felt that it had not created a major problem.

LAKIN said that he asked the County Commission to send this back to the Planning Commission because he wanted to keep these districts as close to each other as possible. He said that both Commissions indicated that they had grave concerns about the use of such a district, and spoke to it in terms of it being added and intruding into residential areas. He said that part of that was based on the way that the media has presented it.

BAYOUTH suggested that the Commission take each item and discuss it separately as presented in Lakin's memo dated September 16, 1982.

Item A. Limiting the district to properties along arterials or when the district would be adjacent to nonresidential zoning if the property is not along an arterial.

LAKIN said that he would strongly urge the Commission to consider approving this type of addition to the district.

BAYOUTH said that the only problem he has with this is that when they go back into a neighborhood to allow the expansion of a business, they might want to do it with "OC" rather than "LC", and it would not be on an arterial.

LAKIN said that if it is for expansion of a business or existing zoning pattern, then they would be adjacent to non-residential zoning.

GARDNER commented that as he reads the wording, his only concern revolves around the interpretation of the phrase "when adjacent to a nonresidential district". He said that if they treat that in the inclusive sense that it is adjacent to something other than residential then that justifies it. However, if it is treated in the exclusive sense that it cannot be adjacent to residential then there is a problem. He said that a slight change in the wording might get them around that problem.

LAKIN said that the language that was recommended speaks to being "located contiguous to any nonresidential zoning district". He felt that this was very precise.

GARDNER said that that would satisfy his concerns in that regard.

MOTION: That the Planning Commission approve additional wording that states that: "this district shall be located contiguous to an arterial street as designated by Map 13a of the Transportation Plan, or amendment thereto, or be located contiguous to any nonresidential zoning district". Hansen moved, Gardner seconded.

CAZEL left the meeting.

JAKE HARTMETZ, 234 North Armour, CPO Council "H", stated that when this came before the CPO Council before, they looked at it and did not like it. He reiterated some of the basic problems they have with this district. He said that they now have in existence 14 different zoning classifications in the City. "OC" would be number 15, and he did not feel that it was particularly needed. He asked the Commission to consider taking some of the light commercial uses that are actually fairly heavy commercial uses and moving them up to the "C" commercial district. He pointed out that Towne East was zoned "LC", and by no means was it light commercial. HARTMETZ said that creating another level of zoning is just mudding the water. The problem is that not all of the residential areas are immediately going to have shops in them, but contrary to Lakin's opinion, over the years they have seen in this community, by policy and practice, "creeping commercialism". He said that this will, in the long run, have the effect that people are talking about on residential areas that are now protected by some of the newer means that they have referred to. He felt that if the district is adopted they are going to pay the price 15 years down the line. HARTMETZ did not feel that the whole concept of "OC" was necessary.

He said that if it was necessary, they have two comments with regard to it as it was presented. One, it should be kept along arterials. The other is the size of the building. He said that in Lakin's comments he stated that of all of the uses listed, only three have an average floor area in excess of 3,000 square feet. HARTMETZ said that one of the problems of putting this type of thing next to residences is that a building of that size was going to stick out like a sore thumb. If it is kept down to a size equivalent to what is in the area it might be less objectionable. He said that the last thing that they objected to was some of the proposed uses. He did not feel that anyone present would want some of the uses next door to them. He mentioned upgrading "BB" and not placing another level of "LC" zoning in where it is not really needed.

BAYOUTH said that he was of the opinion that the reasoning behind "OC" was just what Lakin explained earlier. He suggested that it might be helpful if Lakin reviewed his comments.

HARTMETZ said that he heard Lakin and understood what he was saying. He said that what he was talking about was the need for compromise. He said that people were afraid of "LC" because the owner that owns it now and if he does something of what he says he going to do with it, then everything is fine. But ten years down the line somebody could buy that property and they would then have the wide open "LC" zoning there and could put anything in there. He said that they were promised at CPO "H" that the area to the west of Towne East would be developed as an office park, but they got stuck with ShowBiz and Target. He said that these were the kind of things that worried people.

GARDNER related to Hartmetz that his perspective on the "OC" District was almost 180 degrees from his. He said that he was inclined to tell him that he believed that Hartmetz's observations on zoning, real estate and land use are poorly based. He said that he felt that Hartmetz had relatively little knowledge of the broad areas across the City where there are a variety of applications on arterials because residential use is no longer the most desirable use. Some other alternative is being sought by a property owner and it, by and large, is acknowledged by the neighborhood to be a transitional sort of situation. He said that it is one thing to attempt to remain static and resist change, and there is virtue in that to a degree, but there is an element of change that occurs with real estate growth and change, in terms of overall economics, that Hartmetz does not appear to be conversant with to any major degree. He said that, in all due respect, the zoning category that is being proposed, if placed on arterials where residential uses are less than the highest and best use, which is obviously something that is subject to change over a time period and relates very directly to real estate values, the ability to have an additional zone tool somewhere between the "BB" Office which has no real limitation on the maximum size of a building, and the "LC" Light Commercial would be beneficial to neighborhoods. He said that Hartmetz's argument is oblivious to that, or appears at least unknowledgeable of the potential that apartment houses could be built in "BB" at 75 units to the acre, which generally is a highrise. He said that Hartmetz has not addressed that particular element of "BB" zoning. GARDNER said that what was being proposed in the "OC" districts limits the residential uses substantially. It also limits the maximum size of the medical uses substantially, and if they go with the amendment, any single use would be limited to 5,000 square feet maximum.

GARDNER said that "OC" would be a tremendously versatile tool in terms of limiting some of the problems that Hartmetz did not appear to know existed in other categories. He said that his opposition to this, without reference to what currently exists, puzzles him totally. GARDNER said that if someone has property on an arterial they now have a choice of "LC" Light Commercial or "BB" Office. If "BB" or "LC" is approved there is no restriction under the "BB" Office or the light commercial as to the maximum size of the use being proposed. GARDNER felt that if Hartmetz wanted to reduce the ability of nonresidential creeping in a cancer-like fashion into an area, then he should look at a category that limits the maximum size, which neither "BB" Office or "LC" does. He said that the Commission really does not have the ability to modify them at this point. If a category is adopted that does provide limits then they have a tremendous discretionary ability which is more than they presently have.

HARTMETZ said that his response to Gardner's comments is that it has not been evidenced in this city in the last 20 years that this Board acts with much discretion when it comes to commercial development.

GARDNER said that then obviously they have a difference of opinion. HARTMETZ said that was correct.

HANSEN commented that about three years ago there was a proposal for some kind of solution to this problem of light commercial intrusion into neighborhoods, and it came through in a zoning package. She said that there were people on the bench at that time that stood in total and complete opposition. She said that now they are sitting here in general agreement that they may have worked out what may be a workable compromise to deal with it. She said that as Lakin said, most of the tensions and frictions that occur on the bench and between the zoning applicants and the neighbors are primarily in this one area. The rest of the problems are a rather pragmatic marketplace type. This one creates constant problems. She said that now they feel as though they have worked out something that might be workable.

HARTMETZ said that he understood that. He was just voicing his opinion and telling the Commission what the CPO Council had said about it.

VICTOR FUHR, 1502 South Hillside, stated that he could see vividly what the Commission was confronted with. He said that this District gives one an option. He saw nothing wrong with the ordinance.

HANSEN restated the motion.

VOTE ON THE MOTION: It carried  
unanimously. Cazel was not present.  
Goebel, Jones and Wilson were absent.

Item B. The reduction of the 7500 square foot single use limitation to a number in the range of 5,000 square feet.

LAKIN stated that staff had been looking for something that had some data about the average size of the proposed uses. He has received a publication from Urban Land Institute entitled Dollar and Cents of Shopping Centers. In that book it discusses the type of leases that are held in super shopping centers, super regionals, regionals, community, and

"neighborhoods". He mentioned that he had sent the Commission a recap of the article. He said that essentially when you look at local owned stores as opposed to local chain, and national chain, there is a direct correlation to the size of the store with the locally owned being the smaller, and the nationals being the larger. He said that if you look at the size of some of the national chains who have uses in those centers you will find most of those sizes probably a little larger than the average. LAKIN said that the only one that he saw in there that would exceed 5,000 square feet was the super drugstore at a national chain level. As a result of that, he felt fairly comfortable in saying that 5,000 seems like it would not hurt anything and would provide more protection. He said that he heard at the City Commission numbers as low as 1,000 to 1,500 square feet, which he felt was too low. Mr. Hartmetz has suggested 3,000 feet, which is pretty close to what the average size is for the type of uses included in the district. He urged that the Commission reduce the maximum size from 7,500 square feet. He said that 5,000 square feet does not bother him in the least.

BAYOUTH asked if there was an existing building of 5,150 square feet, could there be an appeal to BZA.

LAKIN said that first of all this district is what he categorizes as a "floating district". It has yet to be established on the map, so there is nothing out there that is going to be affected in that fashion. He said that if a number is specifically set in the ordinance, such as 5,000 square feet, it has been the ruling of the Law Department that it could not be varied.

LOFTON felt that a 7,500 square foot building would be too large in a complex. He said that he would be opposed to anything over 5,000 square feet.

GARDNER stated that the way the category is written, it would limit the maximum size of any single user to some figure that they would arbitrarily establish. If the fact is considered that there are probably a lot of office zoned sites that might apply for this category to enhance their uses somewhat in the retail market, it should also be considered that they are going to be giving up multiple family and major clinic uses, to pick up some retail capacity. GARDNER said that the category that would most likely convert to this use would be "BB" Office. He said that 5,000 square feet in maximum size would probably be the smallest they would want to have and still give this category a maximum amount of latitude. He said that if the square footage is limited too severely, then it would prompt people to come in and apply for light commercial.

LOFTON said that what he was saying was that there are some uses that just should not be in the "OC" District, such as broadcasting studios, dance studios or data processing offices, because these type of buildings would need more square footage.

MOTION: That the Planning Commission recommend that the 7,500 square feet maximum floor area for a single user be reduced to 5,000 square feet. Chisholm moved, Hansen seconded and it carried unanimously. Cazel was not present. Goebel, Jones and Wilson were absent.

Item C. Concern as to allowing the use of drive-up or drive-thru windows in this district.

LAKIN stated that there was a requirement in the ordinance that required the staff to look at circulation patterns so they could say that there is enough queuing room to handle that particular function. LAKIN said his concern was the cars that are left in the street trying to get in to a drive-thru. He said that he was reasonably content to leave this section in the way it is because of the way the market is going. If the Commission feels strongly that it should be taken out, then they should begin to look at some of the other uses such as finance, photographic studios, etc., because they are dependent on that type of operation.

CHISHOLM did not feel that they needed to discuss this particular question separate from the discussion soon to come up in regard to those uses that should be deleted. He felt that this could be better handled in the full discussion of the uses as opposed to discussing it separately.

GARDNER said that he disagreed, but for a slightly different reason. The fact is that those uses are dealt with in the ordinance where it states that "business establishments which offer goods or services by way of drive-up windows or directly to customers in parked motor vehicles shall first submit and have approved by the Director of Planning and the Traffic Engineer a site plan which shall provide for adequate queuing of vehicles that does not interfere with the required off-street parking". GARDNER said that he believed, for any application that would utilize a drive-in facility, that with the requirement of having to meet both the Director of Planning and the Traffic Engineer's approval, that those problems which people are concerned about would be dealt with very adequately by the professional staff in approving the site development plan for that sort of use. He said that he was reasonably confident that they have demonstrated over the past several years that they have the ability to discern what is or what is not a reasonable arrangement. He felt that this is something that would probably be of a limited nature in this category, nevertheless it could be included and retained with those administrative provisions without difficulty. He felt that the objection from the City Commission was particularly based upon a lack of knowledge that this level of stringent requirement would be placed on that use. GARDNER suggested that Lakin explain this provision when the ordinance is returned to the City Commission.

MOTION: That the Planning Commission recommend that this item be retained as originally written. Gardner moved, Chisholm seconded and it carried unanimously. Cazal was not present. Goebel, Jones and Wilson were absent.

Item D. Concern as to the sign limitations proposed in the district.

LAKIN felt that there was a fairly solid view at City Commission that the sign provision was too expansive and allowed too much. They did not specify in any great way what they thought were the problems. He said that he heard that portable signs should not be allowed in this district, and he wholly concurred. He said that as he listened, it seemed inconsistent to what they had just done with the sign ordinance.

MOTION: That the Planning Commission recommend that Section D be amended to prohibit portable signs. Hansen moved.

The motion died for lack of a second.

BAYOUTH could not see how they could legally prohibit portable signs.

LAKIN said that it could be done legally. Portable signs are not allowed in the "AA" district either.

**MOTION:** That the Planning Commission recommend that the segment on signs be approved as originally written with no change. Gardner moved, Chisholm seconded and it carried with a vote of 5 in favor (Gardner, Chisholm, Bayouth, Lofton and Parsons) and 1 opposed (Hansen). Cazal was not present. Goebel, Jones and Wilson were absent.

Item E. Consideration of a more restricted list of uses.

LAKIN said that the list of uses that he had included was from two lists given to him by City Commissioners. They had gone through the list and found these uses that bothered them. He pointed out that taverns were not a permitted use in this district, so he did not know why that bothered them. He felt that the financial offices would tend to have more volume. The minor surgery centers might have some volume. He said that his only problem on the "display of inventory items" was that he did not know how Central Inspection would interpret it. The "laundromats" does not bother him on volume, but their hours of operation are such that it probably does not fit as neatly in the district as perhaps some of the other uses. He felt that some of the use items should stay in, for example the child day care centers and veterinarian clinics. They have been found to be very good neighbors.

BAYOUTH asked if the only objections to financial institutions were the traffic volumes. He had never seen one create a problem.

LAKIN stated that the peaking characteristic of those operations has been the primary concern, particularly the banks.

GARDNER commented that in the last five years those that have been more aggressive in acquisition of prime sites for the development of quality facilities have paid high dollar amounts for the sites that they have acquired. The larger institutions are acquiring sites that are of such an expensive nature that they probably tend to gravitate toward an intensity of use that might be called light commercial zoning anyway. He said that there is a major difference between a little remote money card center that might be located in closer into a neighborhood and a major type facility with large drive-thru lines. They will probably find the economics of the marketplace dictating that on the larger facilities they are going to pay a premium for the larger sites and are likely to want a higher level of zoning. GARDNER said that they would probably not see very many financial offices or institutions in this kind of category except those that are smaller. He did not believe that they had a legitimate fear from the major facilities wanting to locate in this category. He felt that fear of the financial offices at this point was ill-placed.

The following items were considered separately. The motion to recommend that the specific use remain in the district was:

1. Dance Studios.

VOTE: It carried with a vote of 5 in favor (Gardner, Bayouth, Chisholm, Hansen and Parsons) and 1 opposed (Lofton). Cazal was not present. Goebel, Jones and Wilson were absent.

2. Broadcasting and recording studios.

BAYOUTH asked how this item could create a problem. They don't generate any traffic.

LAKIN said that he was not sure he could respond. He said that the uses were included in a list without an explanation as to what characteristics made the City Commission feel that they were inappropriate in that area.

VOTE: It carried unanimously. Cazal was not present. Goebel, Jones and Wilson were absent.

3. Computer and Data processing offices.

VOTE: It carried unanimously. Cazal was not present. Goebel, Jones and Wilson were absent.

4. Financial offices.

VOTE: It carried unanimously. Cazal was not present. Goebel, Jones and Wilson were absent.

5. Medical and Dental offices.

VOTE: It carried unanimously. Cazal was not present. Goebel, Jones and Wilson were absent.

6. Minor surgery centers.

VOTE: It carried with a vote of 5 in favor (Gardner, Bayouth, Chisholm, Parsons and Lofton) and 1 opposed (Hansen). Cazal was not present. Goebel, Jones and Wilson were absent.

7. Display of inventory items, (business machines, etc.)

BAYOUTH said that he would like some clarification on this item.

LAKIN said that they were talking about office, administrative, clerical and sales services that included the display of sample or inventory items made available for demonstration purposes, where such display constitutes less than half of the floor area. He said that such display material shall be limited to small business type machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture and larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

8. Verterinarian Clinics.

VOTE: It resulted in a moot vote with 3 in favor (Gardner, Bayouth and Parsons) and 3 opposed (Hansen, Lofton and Chisholm). Cazel was not present. Goebel, Jones and Wilson were absent.

GARDNER asked if it was possible to limit this to clinics with enclosed kennel facilities only.

LAKIN pointed out that the ordinance states that no kennels or pet runs shall be permitted except within an enclosed building and provided further that no noise or odor shall be discernible from the exterior of the building from such use. He said that that was primarily an enforcement problem.

GARDNER said that what he was relating to was that in some of the major shopping centers there are pet stores and they occupy a couple thousand feet. The pets are inside. They don't have a noise or odor problem particularly, and he did not see a lot of difference of keeping animals in that situation as compared to a veterinarian clinic.

LAKIN said that since this resulted in a tie vote he would consider it staying in the ordinance unless the City Commission strikes it.

9. Book stores:

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

10. Boutique.

LAKIN commented that the problem here is lack of conciseness about the definition.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

11. Child Day Care.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

12. Drug Store.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

13. Florist.

VOTE: It carried unanimously. Cazel was not present. Goebel, Jones and Parsons were absent.

14. Gift Shops.

VOTE: It carried unanimously. Cazal was not present. Goebel, Jones and Parsons were absent.

15. Health Centers.

VOTE: It carried unanimously. Cazal was not present. Goebel, Jones and Parsons were absent.

16. Laundromats.

VOTE: It failed with a vote of 2 in favor (Gardner and Bayouth) and 4 opposed (Hansen, Lofton, Chisholm and Parsons). Cazal was not present. Goebel, Jones and Wilson were absent.

17. Pet Sales.

VOTE: It carried with a vote of 4 in favor ( Bayouth, Gardner, Chisholm and Parsons) and 2 opposed (Hansen and Lofton). Cazal was not present. Goebel, Jones and Wilson were absent.

For the record LAKIN stated that he had received a letter from Mrs. Web Quinius objecting to the district and its inclusion into the ordinance.

LAKIN said that he wanted to mention the potential amendment to the ordinance where they are talking about what happens when they bring a district into the City. They assumed that there would be a like amendment in the County, so they included the phrase "that "OC" in the County would be "OC" in the City". If for any reason the County chooses not to adopt the district, then he would recommend to the City Commission that that particular clause be dropped.

MOTION: That the Planning Commission recommend to the City and County Commissions that the ordinance and resolution, as amended, be adopted. Chisholm moved, Hansen seconded and it carried unanimously. Cazal was not present. Goebel, Jones and Wilson were absent.

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*Lytle*

( ) Published in The Wichita Eagle-Beacon, July 16, 1982

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN, that on Thursday, August 12, 1982, The Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following changes to the Zoning Resolution of Sedgwick County, Kansas:

That Section 1 (DISTRICTS AND GENERAL REGULATIONS) be amended to include the Office Commercial District as a new district; and

That a new Section be added to be designated as Section 6-1 (OFFICE COMMERCIAL DISTRICT CLASSIFICATION) setting forth the permitted uses and limitations of the district; and

That Section 11 (SUPPLEMENTAL REGULATIONS) be amended to include the screening requirements adjacent to parking areas in the "OC" district in the same manner as is required for other commercial and industrial districts; and that the front yard in the "OC" district be established at 20 feet the same as in the "BB" District; and

That Section 14 (ADMINISTRATION) be amended by setting forth the filing fee for the "OC" Office Commercial District.

Copies of the proposed amendments are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department, Tenth Floor, 455 North Main, Wichita, Kansas.

The proposed amendment will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said manner will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Sedgwick County Zoning Resolution will be considered by the Commission as by law provided.

WITNESS my hand and seal this 13th day of July, 1982.

Robert A. Lakin, Secretary  
Wichita-Sedgwick County  
Metropolitan Area Planning  
Commission

(SEAL)