

ORDINANCE NO. 67-381

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON 2004-42**

Request for zone change from "SF-20" Single-family Residential District to "LC" Limited Commercial District, and to P-O #146 Protective Overlay District on property described as:

Lot 30, Block A, Pier 37 Addition, Wichita, Sedgwick County, Kansas.

Generally located on the south side of 37<sup>th</sup> Street north and west of Ridge Road.

**SUBJECT TO PLATTING WITHIN ONE YEAR AND THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY #146:**

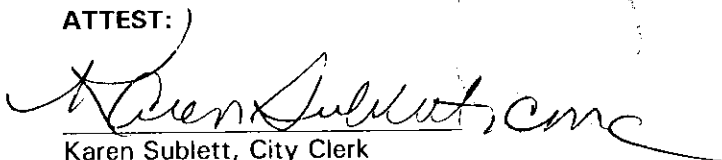
- (1) All signs 20-foot maximum height and monument style. No pole signs permitted. No flashing signs (except for signs showing the date, time, temperature and other public service messages), rotating or moving signs, signs with moving lights, or signs that create the illusion of movement. No portable or off site signs.
- (2) Trash receptacles will have solid screening around them, with materials that are compatible with the materials used on the structures on the site.
- (3) All utilities shall be installed underground.
- (4) Building materials shall be compatible with those used in the adjacent commercial and office developments.

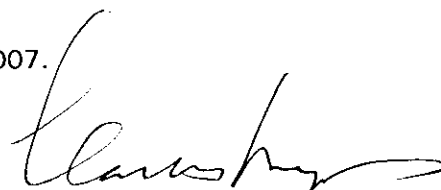
**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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

ADOPTED this 13 day of February, 2007.

ATTEST: )

  
Karen Sublett, City Clerk

  
Carlos Mayans, Mayor

(SEAL)



Approved as to form:

  
Gary E. Rebenstorf, City Attorney



AGENDA ITEM NO. 9

**STAFF REPORT**  
MAPC September 9, 2004

CASE NUMBER: ZON2004-000042

APPLICANT/AGENT: Russell Investments (Owners/Applicants)  
Baughman Company, PA (Agent)

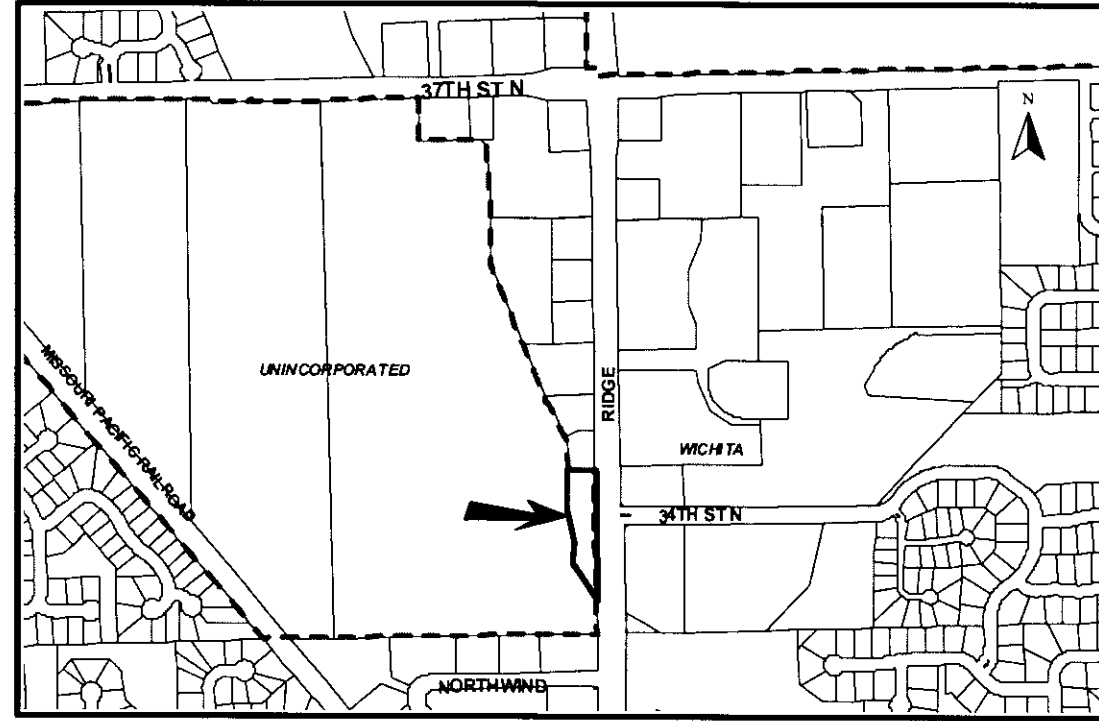
REQUEST: "LC" Limited Commercial

CURRENT ZONING: "SF-20" Single Family Residential

SITE SIZE: 1.6-acres

LOCATION: Midway between 29<sup>th</sup> Street North and 37<sup>th</sup> Street North, on the west side of Ridge Road, Sedgwick County

PROPOSED USE: Commercial development



**BACKGROUND:** The applicant requests a zone change from "SF-20" Single-family Residential to "LC" Limited Commercial on a 1.6-acre unplatted tract located midway between 29<sup>th</sup> Street North and 37<sup>th</sup> Street North, on the west side of Ridge Road. The subject property is currently developed as part of a sand pit, with an open-air pavilion on it. The applicant has no specific use for the proposed zoned change.

The surrounding area is characterized by The Big Slough North drainage, sandpits and retention ponds/drainage reserves, large undeveloped industrial and single-family residential tracts, commercial and office developments, medical and dental services, mixed with the predominate single-family residential developments and small duplex and multi-family residential development. The subject site is within a remnant of Sedgwick County (District IV) now surrounded by the City of Wichita. Nonresidential construction is a recent development, with building beginning in 2000 and continuing to the present. Residential construction appears to have begun in the 1990s and continues to the present. There has been no industrial development in the area. Railroad right-of-way (ROW) runs northwest to southeast through the area. The undeveloped industrial portion of the area abuts and runs parallel to the railroad ROW.

The large tract abutting the west side of the subject property is zoned "SF-20" and is a large sandpit, established by Conditional Use CU-293. The subject site is a part of this tract. The undeveloped property abutting the south side of the subject site is zoned "SF-20" property and is also a part of the above-mentioned large tract with its Conditional Use/sand pit. The applicant has requested a zone change to "LI" Limited Industrial on this southern 6.8-acre abutting property. This request is on today's agenda as ZON2004-39. Properties east of the subject site and across Ridge Road are zoned "LC" and "GO" General Office with a Community Unit Plan overlay, CUP DP-237. Development on these eastern properties includes small one-story commercial/office strips housing a gym, medical and dental offices, a pharmacy, a diet and nutrition center and a convalescent home. There are a few unoccupied spaces in the commercial/office strips that are still under construction. Property north of the site is zoned "NR" Neighborhood Retail and "LC" and is part of CUP DP-242. Development includes dental and medical services, office, a school and undeveloped "LC" property.

**CASE HISTORY:** The subject property is not platted. A Conditional Use, CU-293, for the subject site and the larger area around it was approved by the Board of County Commissioners (BCCO) August 8, 1986. The subject site was zoned "R-1" Urban Residential at that time. The "R-1" zoning district became the "SF-20" and "SF-10" Single-family zoning districts with the zoning district conversions in 1996. The Board of County Commissioners approved a zone change, for the subject site and the larger area around it, from "SF-20" to "B" Multi-family Residential, SCZ-0739, with a Community Unit Plan overlay, CUP DP-245, June 7, 2000. A conditional of approval for the zone change and the CUP was the platting of the property. SCZ-0739 and CUP DP-245 were denied and closed because the property was never platted.

## **ADJACENT ZONING AND LAND USE:**

|        |                      |                                                        |
|--------|----------------------|--------------------------------------------------------|
| NORTH: | "NR", "SF-20" & "LC" | Undeveloped, sand pit, office, medical, dental, school |
| SOUTH: | "SF-20"              | Undeveloped, sand pit                                  |
| EAST:  | "LC" & "GO"          | strips with office, medical, dental, health            |
| WEST:  | "SF-20"              | Undeveloped, sand pit                                  |

**PUBLIC SERVICES:** The site has direct access to Ridge Road, a four-lane arterial street with current traffic volumes of approximately 12,450 vehicles per day at this location. The 2030 Transportation Plan estimates traffic volumes will increase to approximately 18,000 vehicles per day on Ridge Road. The impact of the proposed Northwest Bypass has not been calculated 2030 traffic volumes. The subject property has access to public sewer service. Public water will have to be extended to the subject site.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "High Density Residential" development. The current zoning request of "LC" for the 1.6-acre subject site, does not match the Comprehensive Plan's recommended development. The small, irregular shaped subject site with a sand pit on its east and south sides and Ridge Road on its west side would be difficult to develop as multi-family residential. These factors plus the proposed "LI" zoning to the south of the subject site and the "NR" zoning and development to the north of the subject site isolate its current "SF-20" zoning and makes the site less attractive to develop as single-family residential. The proposed "LC" zoning matches up with existing "LC" zoning east of it across Ridge Road and the "NR" and "LC" zoning north of it.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year and the provisions of Protective Overlay PO#146. All the properties adjacent to the subject site zoned "LC", "GO" and "NR" have CUP overlays on them and even though subject site's relative small size and long, narrow configuration will limit development opportunities a Protective Overlay would ensure that future development on the site will be in line with the surround area's standards. The provisions of PO#146 are:

- (1) All signs 20-foot maximum height and monument style. No pole signs permitted. No flashing signs (except for signs showing the date, time, temperature and other public service messages), rotating or moving signs, signs with moving lights, or signs that create the illusion of movement. No portable or off site signs.
- (2) Trash receptacles will have solid screening around them, with materials that are compatible with the materials used on the structures on the site.
- (3) All utilities shall be installed underground.
- (4) Building materials shall be compatible with those used in the adjacent commercial and office developments.

- (5) All mechanical equipment shall have solid screening.
- (6) All permitted uses in the "LC" district except pawnshops, second hand stores and adult entertainment.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by recent and continuing developments of office, medical and dental services within the "NR", "GO" and "LC" zoned properties, most of which have CUP overlays. The predominate development in the area is single-family residential, that began in the 1990s and is continuing today in the "SF-5" zoned properties. There are still large undeveloped tracts of "SF-20" and "LI" zoned properties in the area. Drainage features are prominent.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-20" Single-family Residential, and is currently part of a larger undeveloped "SF-20" zoned tract that contains a sandpit. Due to its location next to this large sand pit, a drainage channel and its abutting an arterial street (all of which have limited its size and given it a long narrow configuration) plus its close proximity to industrial and commercial zoning and uses, make it is unlikely that the subject property will develop as single-family residential.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The affects will be minimal with the provisions of the Protective Overlay applied.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "High Density Residential" development. The requested "LC" zoning meets most of the locational criteria of the Comprehensive Plan, although the pre-existing "LI" zoning south of the subject site and located at the mid-mile point along Ridge Road, does give the area an unusual zoning pattern. This industrial zoning south of the subject site allows the proposed "LC" zoning to act as a buffer for the "NR" zoning on its north side.
5. Impact of the proposed development on community facilities: Drainage will be issue in the development of this site.