

(150004) Published in The Wichita Eagle on

2-15-13

ORDINANCE NO.

49-442

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. ZON2012-00031

A zone change from TF-3 Two-family Residential ("TF-3") to GO General Office ("GO"), on property described as:

The East 1,467.82 feet of Lot 1, Block 2, Killarney West Residential Addition to Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #270:

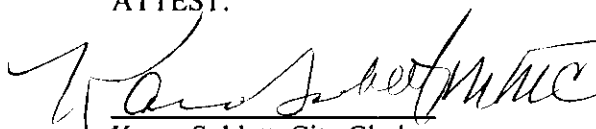
1. Permitted land uses by right are limited to: Office, General; Medical Service; Single-family Residential; Two-family Residential and Church or Place of Worship.
2. Buildings are limited to 35 feet in height.
3. Signs shall conform to the City of Wichita Sign Code, shall be monument style signs and shall not exceed 32 square feet in size. LED or electronic message signs are prohibited.

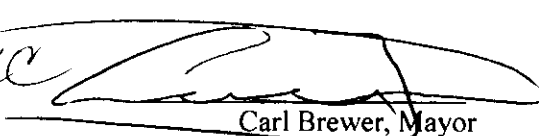
SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

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 12 day of Feb, 2013.

ATTEST:


Karen Sublett, City Clerk


Carl Brewer, Mayor



(SEAL)

Approved as to form:


Gary E. Rebenstorf, Director of Law

**City of Wichita
City Council Meeting
February 5, 2013**

TO: Mayor and City Council

SUBJECT: ZON2012-00031 – City request for a zone change from TF-3 Two-Family Residential to GO General Office, generally located on the south side of 34th Street North and east of Woodlawn Boulevard. (District I)

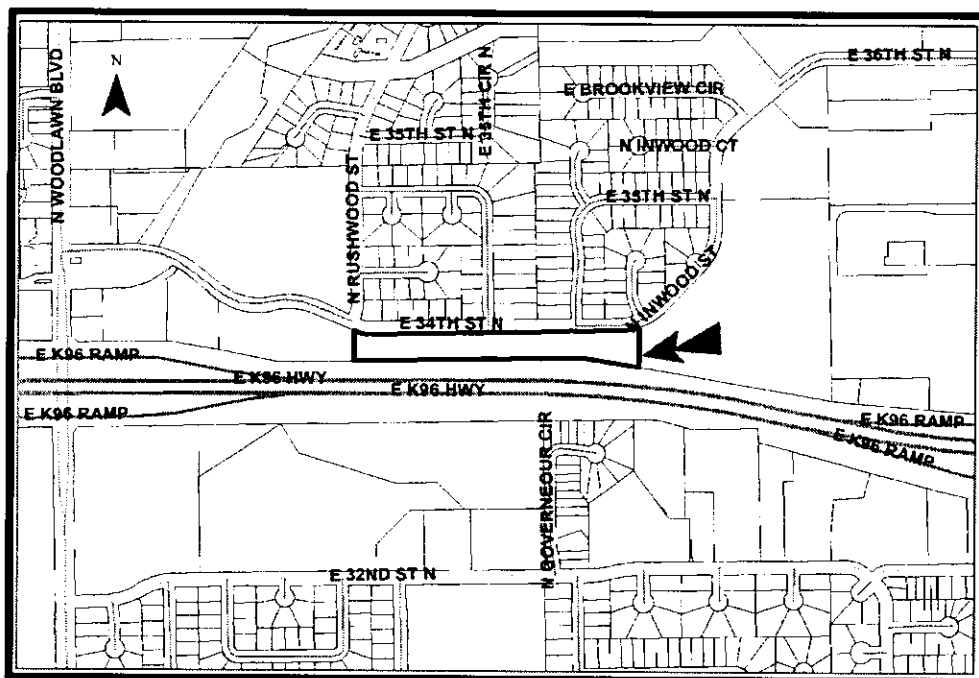
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (non-consent)

MAPC Recommendation: The MAPC recommended approval subject to the staff recommended Protective Overlay (PO) amended to eliminate multi-family uses (7-2-1).

DAB Recommendation: District Advisory Board I recommended approval subject to the staff recommended PO amended to eliminate multi-family uses and prohibit lighting on signs (6-1).

MAPD Staff Recommendation: MAPD staff recommended approval subject to a PO limiting land uses to: Office, General; Medical Service; Single-family Residential; Two-family Residential; Multi-family Residential limited to the MF-18 zoning district density and Church or Place of Worship; limit building height to 35 feet; limit signs to monument style, not to exceed 32 square feet in size and prohibit LED or electronic message signs.



Background: The applicant requests a zone change from TF-3 Two-family Residential (“TF-3”) to GO General Office (“GO”) on a 4.75 acre site located south of 34th Street North and 1,500 feet east of Woodlawn Avenue (6655 E. 34th Street North). The site borders the K-96 expressway and has visibility from K-96; access to the site is from 34th Street North. Land west of the application area is developed with a religious facility under the same ownership as the application area. The vacant site is 140 feet deep and 1,500 feet long. The applicant indicates a desire to develop the site with an office facility, with the flexibility to do two-family or multi-family residential development.

Without a Protective Overlay (PO), GO zoning would allow the following land uses not permitted in the current TF-3 zoning: multi-family residential (at 75 units per acre), assisted living, group residence, cemetery, community assembly, correctional placement residence, day care, nursing facility, university or college, automated teller machine, bed and breakfast inn, broadcast/recording studio, funeral home, hotel or motel, recreational marine facility, medical service, general office and commercial parking area. Code standards would require a landscape plan to include parking lot screening, and would limit light pole height to 15 feet with lights shielded downward, preventing light trespass off the site. Maximum building height in the GO district is 60 feet.

Property northwest of the subject site is zoned MF-29 Multi-Family Residential (“MF-29”) and is developed with a religious facility. North of the site is an SF-5 Single-family Residential (“SF-5”) zoned subdivision. South of the site, across K-96, is the GC General Commercial (“GC”) zoned YMCA North Branch. East of the site is an MF-29 zoned apartment complex. West of the site is a TF-3 zoned religious facility, further west is LC Limited Commercial (“LC”) zoned vacant commercial property.

Analysis: At the Metropolitan Area Planning Commission (MAPC) meeting held on December 20, 2012, the MAPC voted (7-2-1) to recommend approval of the request, subject to the staff recommended PO amended to eliminate multi-family uses as follows:

1. Permitted land uses by right are limited to: Office, General; Medical Service; Single-family Residential; Two-family Residential and Church or Place of Worship.
2. Buildings are limited to 35 feet in height.
3. Signs shall conform to the City of Wichita Sign Code, shall be monument style signs and shall not exceed 32 square feet in size. LED or electronic message signs are prohibited.

Several neighboring property owners spoke at the MAPC hearing opposed to multi-family development and concerned with parking and noise in the area.

At the District Advisory Board (DAB) I meeting on December 3, 2012, DAB I recommended approval subject to the staff recommended PO amended to eliminate multi-family uses and prohibit lighting on signs (6-1). Several neighboring property owners spoke at the MAPC hearing opposed to multi-family development and concerned with parking and noise in the area. No protest petitions were filed on this request.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance.

Recommendation/Actions:

- 1) Adopt the findings of the MAPC, approve the zone change request subject to the MAPC recommended Protective Overlay (simple majority vote required) and authorize the mayor to sign the ordinance and place the ordinance on first reading, or; 2) adopt the findings of the MAPC, approve the zone change request subject to the DAB recommended Protective Overlay with lighting prohibited on signs (a 2/3 majority vote is required to override the MAPC recommendation on the first hearing) and authorize the mayor to sign the ordinance and place the

ordinance on first reading, or; 3) make alternate findings and deny the request (a 2/3 majority vote is required to override the MAPC recommendation on the first hearing), or; 4) return the request to the MAPC for reconsideration (simple majority vote required).

Attachments: Ordinance, DAB Memo and MAPC minutes.