OCA 150004

ORDINANCE NO. 49-504

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

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

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

**Case No. ZON2013-00005**

Zone change from Neighborhood Office ("NO") to General Office ("GO") on an approximately 1.39-acre property described as:

Lot 1, Block 1, Foliage Center 2nd Addition, Wichita, Sedgwick County, Kansas; generally located north of 13th Street North, on the West side of Webb Road.

**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.

Carl Brewer - Mayor

ATTEST:

Karen Sublett, MMC

Karen Sublett, City Clerk

(SEAL)

Approved as to form: Gary E. Rebenstorf

Gary E. Rebenstorf, City Attorney

**Agenda Report No.**

**City of Wichita**
**City Council Meeting**
May 21, 2013

**TO:** Mayor and City Council

**SUBJECT:** ZON2013-00005 and CON2013-00007 – City zone change from Neighborhood Office ("NO") to GO General Office ("GO"), with a Conditional Use for a bank or financial institution; generally located north of 13th Street North on the west side of Webb Road. (District II)

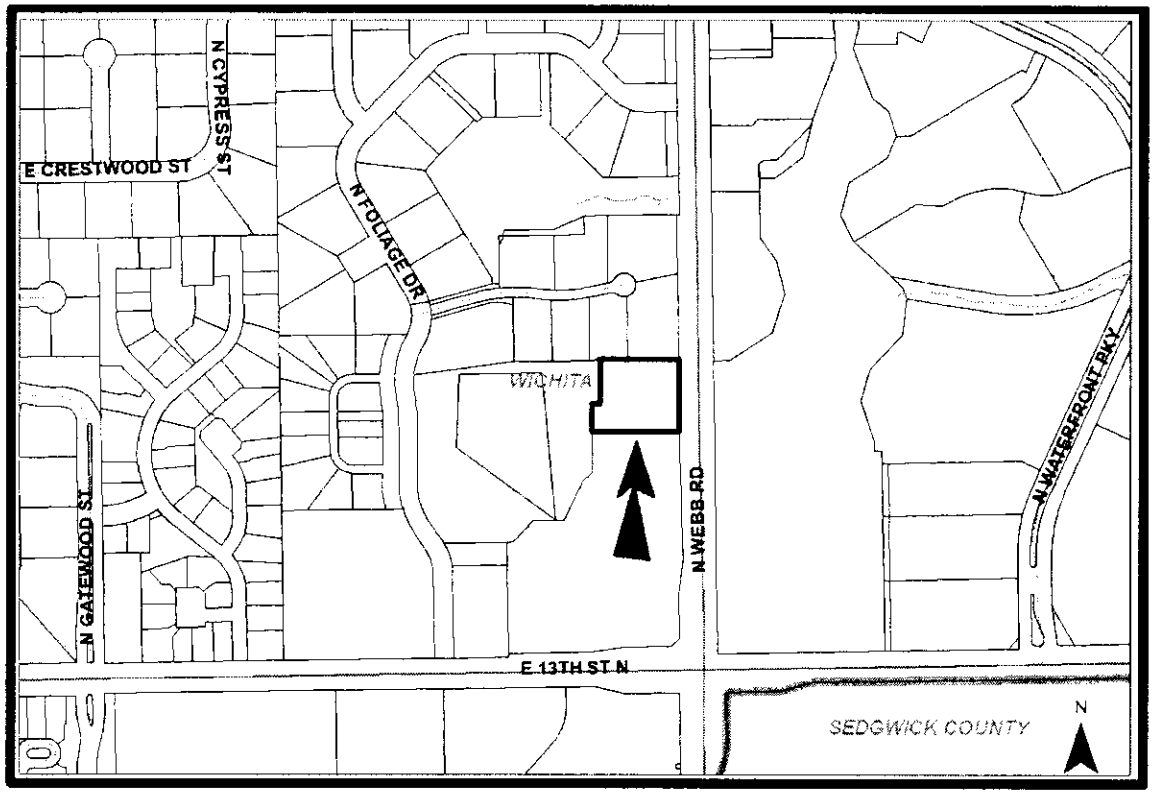
**INITIATED BY:** Metropolitan Area Planning Department JLS

**AGENDA:** Planning (Consent)

**MAPC Recommendation:** Approve (9-0).

**DAB II Recommendation:** Approve (unanimously)

**MAPD Staff Recommendation:** Approve.



**Background:** The applicants are requesting GO General Office ("GO") zoning with a Conditional Use for a bank on the undeveloped, platted, NO Neighborhood Office ("NO") zoned 1.39-acres located north of 13th Street North, on the west side of Webb Road. Banks are not a permitted use in the NO zoning district. Banks can be considered in the GO zoning district with a Conditional Use.

Property located south of the site is undeveloped and zoned LC Limited Commercial ("LC") with a Community Unit Plan ("CUP") overlay DP-282. Property abutting the north and west sides of the site are SF-5 Single-Family Residential ("SF-5") zoned single-family subdivisions. The subdivisions are gated with private streets and CUP overlays. There is a wall separating the site from the abutting north and west residential development, as well as a landscape berm along a portion of the abutting west residential development. Property located east of the site, across Webb Road, is zoned LI Limited Industrial ("LI") and is developed around a retired sand pit as the 'Waterfront's' mix of restaurants, retail buildings, office buildings and a hotel/motel.

**Analysis:** At the MAPC meeting held April 18, 2013, the MAPC voted unanimously (9-0) to approve the requested GO zoning and the Conditional Use, with the following conditions:

1. Roof-mounted equipment, trash receptacles, ground level heating, air conditioning and mechanical equipment shall be screened from ground level view along Webb Road and any residentially zoned property.
2. A 12-foot wide landscape buffer shall run parallel to the site's west and north property line, where it abuts residential zoning. The buffer may be narrower on the east most portion of the north side to allow a drive onto the site; this will be as reviewed and approved by the Planning Director. Landscaping shall be 1.5 times the Landscape Ordinance. No lights or trash receptacles allowed within the landscape buffer.
3. The maximum building height shall be 35 feet. The predominate building material will be a mix of architectural block that will break up the surface of the building(s).
4. Pole lights shall be a maximum height of 15 feet, including fixtures, lamps and base. All lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas/zoning.
5. Signs shall be a monument type; otherwise all signs shall be as permitted in the NO zoning district. No off-site, billboard, temporary or portable signs or LED signs shall be permitted.
6. The site shall be developed in general conformance with the approved site plan.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

At the DAB II meeting held May 6, 2013, the DAB voted, unanimously, to approve the requested zoning. There were no citizens who spoke against the request at the MAPC or DAB meetings. Planning has received no phone calls protesting the request. There have been no valid protest petitions filed with the City Clerk.

**Financial Considerations:** There are no financial considerations in regards to the zoning request.

**Legal Considerations:** The ordinance and resolution has been reviewed and approved as to form by the Law Department.

**Recommendation/Actions:** It is recommended that the City Council adopt the findings of the MAPC and approve the zone change and the Conditional Use subject to the recommended conditions, authorize the Mayor to sign the ordinance and the resolution and place the ordinance establishing the zone change on first reading (simple majority required).