

(150006) Published in The Wichita Eagle on 9-14-07
ORDINANCE NO. 47-569

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; AND REPEALING THE ORIGINAL OF ORDINANCES NOS. 45-755 AND 46-653.

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. ZON2005-00028

Request for Zone change to "LC" Limited Commercial and amendment to Protective Overlay #11 on property zoned "GO" General Office, on property described as:

Lot 2 and the west 48 feet of Lot 1, Riverside Health System Addition, Wichita, Sedgwick County, Kansas. Generally located north of Maple and west of 135th Street West.

SUBJECT TO THE FOLLOWING PROVISIONS OF AMENDED PROTECTIVE OVERLAY DISTRICT #11:

- A. All freestanding signs must be monument type. Freestanding monument signs shall be limited to no more than 20 feet in height and 130 square feet.
- B. Light Poles must be limited to a maximum height of 14 feet.
- C. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- D. Landscaping shall comply with the Landscape Ordinance of the City, except that requirements for street yard landscaping and buffer strip trees must be calculated at 1.5 times the minimum ordinance requirements.
- E. All buildings on the site must share similar architectural character, color, texture, and the same predominate exterior building material. Building walls and roofs must have predominantly earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas.
- F. The administrative adjustment provisions of the Wichita-Sedgwick County Unified Zoning Code, Section V-E.14 shall apply to the protective overlay.
- G. The use of this property shall be limited to office uses, medical office uses, and a bank with drive-through window.
- H. All buildings shall be limited to 35 feet in height, and 2 stories in height with the second story limited to 25% of the total building floor area.

- I. The west 48 feet of Lot 1, Riverside Health System Addition, shall be added to P-O #11 and removed from P-O #1.

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. The original of Ordinance Nos. 45-755 and 46-653 are hereby repealed.

SECTION 4. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS,

September 11, 2007

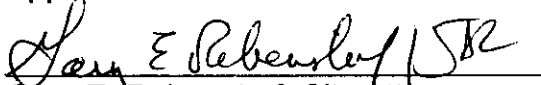

- Mayor

ATTEST:


Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney



City of Wichita
City Council Meeting
August 28, 2007

TO: Mayor and City Council

SUBJECT: ZON2005-28 – Corrective ordinance for zone change to “LC” Limited Commercial and amendment to Protective Overlay #11 on property zoned “GO” General Office. Generally located north of Maple and west of 135th Street West. (District V)

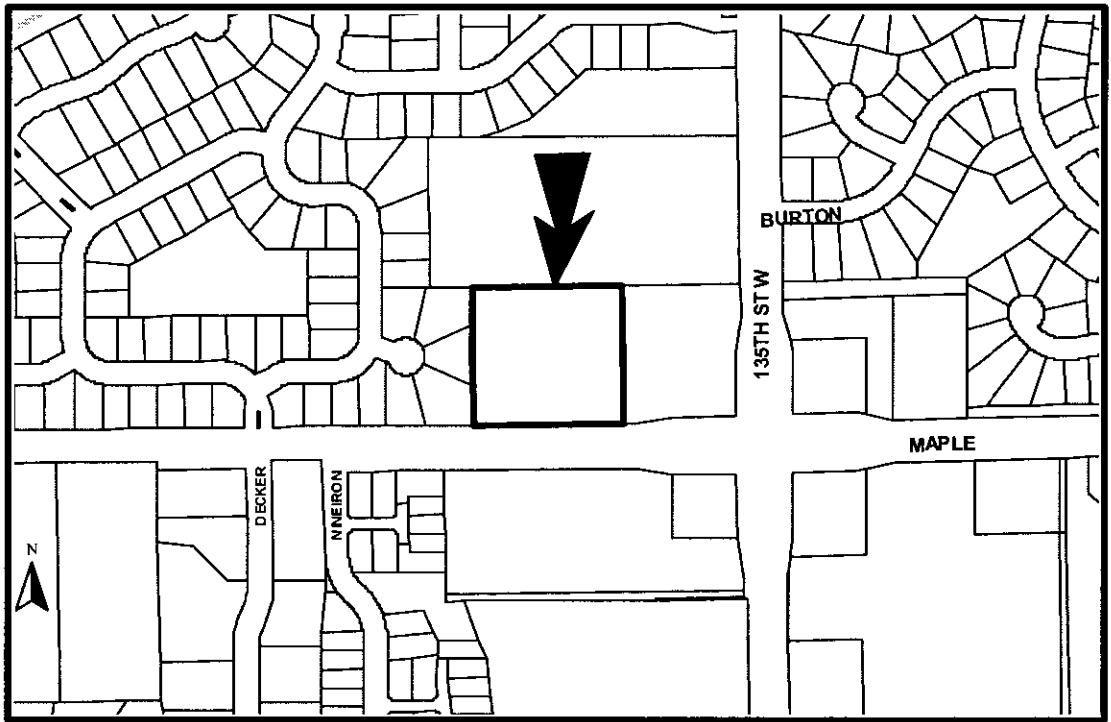
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approved, vote (10-0).

MAPD Staff Recommendations: Approved.

DAB Recommendations: Not applicable.



Background: On August 16, 2005, Wichita City Council approved the zone change from “GO” General Office to “LC” Limited Commercial and amended PO #11. The MAPC and Wichita City Council action intended to rezone a tract that included Lot 2 plus the west 48 feet of Lot 1, Riverside Health System Addition as displayed on the visual materials attached to the case. The original legal description omitted the west 48 feet of Lot 1, and this corrective ordinance adds it to the legal description. A previous case, ZON2003-26 associated with CON2003016, was intended to shift the same 48-foot strip from PO #1 (associated with the remaining portion of Lot 1) to PO #11 (associated with Lot 2).

Analysis: By this action, the west 48 feet of Lot 1, Riverside Health System Addition, will be perfected in its LC zoning and be subject to the PO #11 provisions associated with ZON2005-28. Adherence to the conditions of CON2005-16 will not be required for uses permitted by right in the LC district, subject to the use limitations of PO #11. The remainder of Lot 1, Riverside Health System Addition, will be governed by the provisions of PO #1 as adjusted (SZC-0717).

Financial Considerations: None.

Goal Impact: Promote Economic Vitality.

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

Recommendation/Actions:

1. Concur with the findings of the MAPC and approve the corrective action; place the ordinance establishing the zone change to “LC” Limited Commercial and amending P-0 #11 for first reading; or
2. Return the application to MAPC for reconsideration.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the members of the governing body on the first hearing.)