

ORDINANCE NO. 50-343

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:

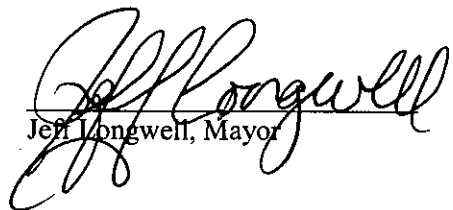
Case No. ZON2016-00036

City zone change from Single-Family Residential (SF-5) to GC General Commercial; described as:

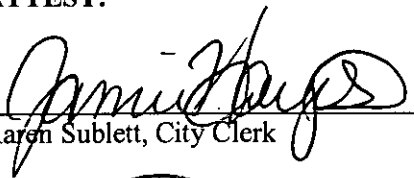
A portion of the Southeast Quarter of Section 30, Township 27 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, more particularly described as follows: Commencing at the intersection of the North line of U.S. Highway 54 and the West line of said Southeast Quarter; thence North along the West Line of said Southeast Quarter 832.14 feet for a point of Beginning; thence East, 331.05 feet; thence North, 178.24 feet; thence East 298 feet to the Northeast Corner of Lot 3, Block 1, Doonan Plaza II Addition, Sedgwick County, Kansas; thence North parallel with the West line of said Southeast Quarter, 350 feet; thence West parallel with the North line of said Southeast Quarter, 300 feet; thence North parallel with the West line of said Southeast Quarter, 300 feet; thence West parallel with the North line of said Southeast Quarter, 329.05 feet, more or less, to a point on the West line of said Southeast Quarter; thence South along the West line of said Southeast Quarter; thence South along the West line of Said Southeast Quarter to the Point of Beginning.

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.

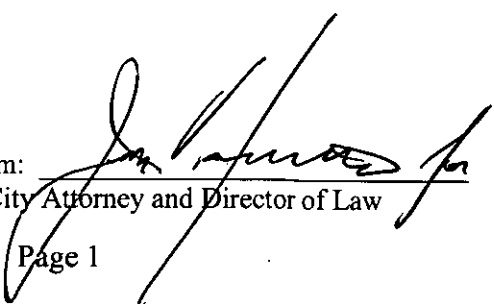
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.


Jeff Longwell, Mayor

ATTEST:

For 
Karen Sublett, City Clerk



Approved as to form: 
Jennifer Magaña, City Attorney and Director of Law

BACKGROUND: The applicant is requesting GC General Commercial zoning for a portion of subject property currently zoned SF-5 Single-Family Residential and the creation of the Cotillion Ballroom Community Unity Plan (CUP DP-341). The application area is 10.74 acres that is located 1,000 feet north of Kellogg, north of Doonan Trucks and Eddy's Chrysler Dodge Jeep Ram car sales, west of Maize Road. The subject property is currently developed with The Cotillion Ballroom, which is a legal, non-conforming night club. The requested zone change and CUP will establish a conforming use if approved. It is also proposed that all uses in the GC district be permitted except for a list of specifically excepted uses, such as: adult entertainment, sexually oriented business and correctional placement residences. The complete list of excepted uses can be found in the proposed CUP, General Provision 12. The CUP contains one parcel.

The proposed CUP also requires:

- 1) Setbacks are as indicated on the CUP drawing.
- 2) Landscaping per City ordinance with modifications.
- 3) Maximum height of light poles, including fixtures, lamps and base, are limited to 24 feet except when located within 100 feet of residential zoning, which shall be 15 feet, except that existing light poles can remain.
- 4) In the event of change of use, rooftop mechanical equipment is to be screened from ground level view with similar materials to the main building.
- 5) Screening walls around the perimeter of the CUP where adjacent to residential zoning shall not be required. The existing wood screening along Emilia Street, where indicated on the plan shall be maintained. Future expansion of the parking lot within the northern, or northeastern portions of Parcel 1 shall trigger the requirement of a 6 to 8-foot screening fence along those property lines.
- 6) Parking is to be per code.
- 7) Signs are to be per code, except that the existing off-site sign located along Kellogg shall be permitted to stay. Portable, billboards, LED and off-site signs are not permitted within Parcel 1.

Land located to the north of the subject property is undeveloped and zoned SF-5 and is under the same ownership as the requested zone change and proposed CUP. Land located to the east is zoned SF-5 and developed with single-family residences. South of the subject property are LI Limited Industrial zoned lots developed with vehicle sales and services. Land west of the subject property is located in the county and is zoned LI and SF-20 Single-Family Residential and is occupied by Brady's Nursery.

CASE HISTORY: The site is unplatted and currently developed with a legal, non-conforming night club.

ADJACENT ZONING AND LAND USE:

North: SF-5	Undeveloped
South: LI	Vehicle sales and service

East: SF-5 Single-family residences
West: LI, SF-20 Landscaping and nursery business

PUBLIC SERVICES: Municipal services are currently provided to the subject property. Access to the subject property is from signalized intersection on Kellogg at 111th Street West through a private access easement across the abutting property to the south.

CONFORMANCE TO PLANS/POLICIES: The "2035 Wichita Future Growth Concept Map" in the "Community Investments Plan" identifies the subject property as "Commercial." Properties with the "Commercial" designation encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. The "Locational Guidelines" of the "Community Investments Plan" support the expansion of existing uses and encourage major destination areas that generate high volumes of traffic to be located in close proximity to major arterials or highways.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be **APPROVED** subject to the following conditions:

- 1) Approve the zone change and the Community Unit Plan DP-341 subject to the development standards contained therein.
- 2) Proof shall be provided to planning staff that notice of the development standards contained in CUP DP-341 has been filed on the application area with the register of deeds.
- 3) The applicant shall submit four copies of the approved CUP to planning staff within 60 days after approval by the governing body, or the request shall be considered null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located to the north of the subject property is undeveloped and zoned SF-5 and is under the same ownership as the requested zone change and proposed CUP. Land located to the east is zoned SF-5 and developed with single-family residences. South of the subject property are LI Limited Industrial zoned lots developed with vehicle sales and services. Land west of the subject property is located in the county and is zoned LI and SF-20 Single-Family Residential and is occupied by Brady's Nursery.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently operating as a legal, non-conforming night club in the city. The zone change and creation of a new CUP will establish a conforming use on the subject property.
3. Extent to which removal of the restrictions will detrimentally affect nearby

property: The development standards associated with the CUP and the zoning code will minimize detrimental impacts of the proposed development. Code requirements include solid screening, landscape buffers, maximum building heights below base zoning standards and maximum gross floor area limitations.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will not significantly impact the neighborhood. Denial would result in a legal, non-conforming use of the property.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2035 Wichita Future Growth Concept Map" in the "Community Investments Plan" identifies the subject property as "Commercial." Properties with the "Commercial" designation encompasses areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. The "Locational Guidelines" of the "Community Investments Plan" support the expansion of existing uses and encourage major destination areas that generate high volumes of traffic to be located in close proximity to major arterials or highways.
6. Impact of the proposed development on community facilities: The development standards contained in the CUP will ensure that required community facilities are in place or are installed.