

8-10-2007

47-529

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. ZON2007-00027

Request for Zone change from "SF-5" Single-family Residential to "NO" Neighborhood Office on property described as:

Lot 16, Block C, Westview Addition, Wichita, Sedgwick County, Kansas.

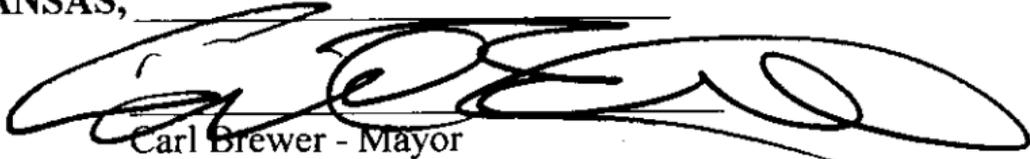
SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #191:

1. Buildings and appurtenances located on the property shall have a residential character, that includes brick, masonry, wood or composite siding; a double pitched roof with a minimum vertical rise of four inches for every twelve inches; and a maximum height of 25 feet.
2. Freestanding signs shall be monument-type with a maximum height of eight feet.
3. The property shall be restricted to one point of access onto Ridge Road. If, in the future, the abutting lot to the south also converts to a non-residential use and the application area is no longer used as a residence, the property owner may be required to pay all costs to modify or close the existing driveway, to pay one-half the cost of reconstructing a new driveway, and to modify the off-street parking area, as required by the Traffic Engineer, in order to allow joint access and cross lot circulation.
4. Lighting shall conform to lighting standards contained in the Unified Zoning Code, and poles or standards shall be limited to no more than 14 feet in height.
5. Landscaping per the Landscape Ordinance shall be installed when the property is no longer used as a primary residence.
6. Compatibility setback along the south property line shall be reduced to the distance that currently exists between the south property line and the existing building.

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.

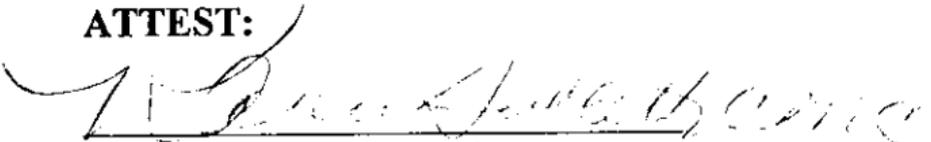
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS,



Carl Brewer - Mayor

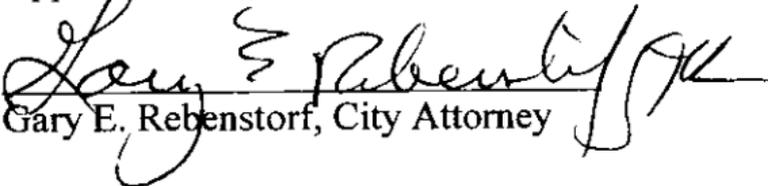
ATTEST:



Karen Sublett, City Clerk

(SEAL)

Approved as to form:



Gary E. Rebenstorf, City Attorney



**City of Wichita
City Council Meeting
July 24, 2007**

TO: Mayor and City Council

SUBJECT: ZON2007-27 – Zone change from “SF-5” Single-Family Residential to “NO” Neighborhood Office and Protective Overlay No. 191; generally located on the west side of Ridge Road, south of Douglas (109 South Douglas). (District V)

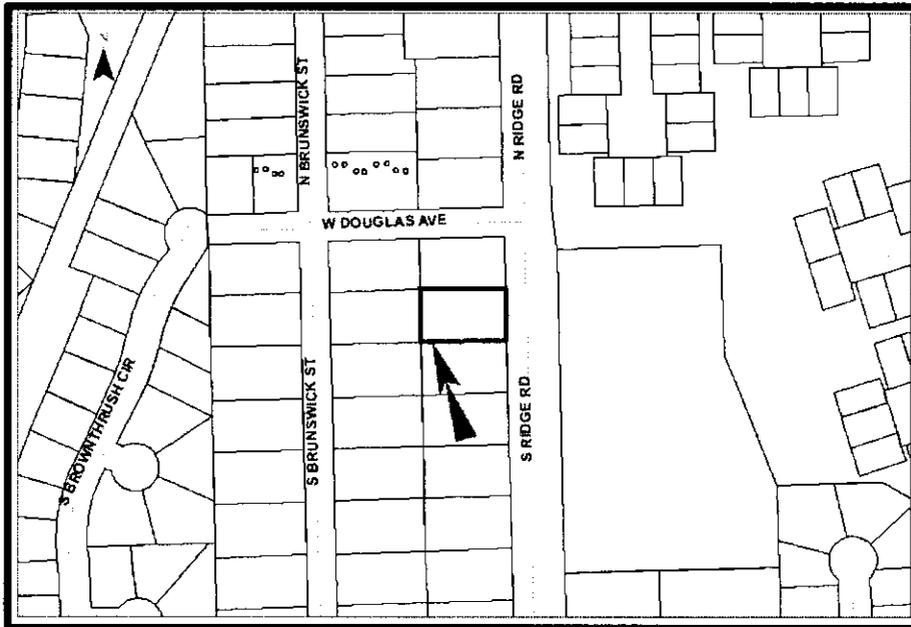
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to staff recommendations (12-0).

MAPD Staff Recommendations: Approve the zone change, subject to Protective Overlay No. 191.

DAB Recommendations: N/A



Background: The application area is a platted lot (Lot 16, Block C, Westview Addition) containing 0.44 acre and zoned "SF-5," Single-family Residential. The lot is developed with a 2,140 square foot single-family residence and is located on the west side of Ridge Road, approximately 160 feet south of Douglas Avenue (109 South Ridge Road). The applicants have purchased the property with the intent that their son would live there, offer music instruction and make space within the house available to other music instructors not living in the home. Music instruction by residents of the home is a permitted home occupation in the SF-5 district, but instruction by those not living in the home is not allowed as a home occupation. Therefore, the applicants are seeking "NO," Neighborhood Office zoning that would allow for instruction by those living outside of the home.

The application area is located along a segment of Ridge Road abutted by similarly sized lots, each originally developed with single-family residential structures. In recent years, a number of these lots, both north and south of the application area, have been rezoned from "SF-5" to more intense zoning districts – "MF-18," Multi-family Residential, "NO" and "GO," General Office.

The lot immediately north of the application area was rezoned to "GO" in 1983. In 2004, the next three lots located further north of Douglas Avenue were also rezoned to "GO," subject to a Protective Overlay (PO). In 2000, the property located two lots south of the application area (149 South Ridge Road) was rezoned to "NO." The land east of the site, across Ridge Road, is developed with an apartment complex that is zoned "SF-5" and subject to a Community Unit Plan that permits apartments as single-family densities. The lots to the west are zoned "SF-5" and developed with single-family residences.

Oddly enough, the subject tract was approved for "NO" zoning, subject to a protective overlay, by both the MAPC and the City Council in 2001 (ZON2001-41). The PO contained the following conditions of approval:

1. The property shall be developed and/or redeveloped with a building that has a residential character, and that includes brick, masonry, wood or composite siding; a double-pitched roof with a minimum vertical rise of 4 inches for every twelve inches; and a maximum height of 25 feet.
2. Freestanding signs shall be monument-type with a maximum height of 8 feet.
3. The property shall be restricted to one point of access onto Ridge Road. If in the future, the abutting lot to the south also converts to a non-residential use, the property owner may be required to pay all costs to modify or close the driveway, to pay one-half the cost of reconstructing the driveway, and to modify the off-street parking area, as required by the Traffic Engineer, in order to allow joint access and cross lot circulation.
4. Lighting shall conform to lighting standards in Sec. IV-B.4 of the Unified Zoning Code and be limited to no more than 14 feet in height.
5. Landscaping shall be provided that is equivalent to a landscaped street yard, parking lot landscaping and screening along Ridge Road, and a buffer along the property lines adjoining a residential district, as required in the City of Wichita Landscape Ordinance. A Landscape Plan shall be submitted to the Director of Planning for approval prior to the issuance of a building permit.

In 2005, the property was rezoned back to "SF-5" zoning (ZON2003-00007) in order to obtain favorable residential mortgage financing.

If this request is approved, zoning screening consisting of fencing, berms and/or landscaping will be required along the south and west property lines, and landscape buffering and parking lot screening will be required. As currently constructed, the site does not comply with compatibility building setback requirements of 25 feet from the south property line. The City Council has the authority to modify the distance. If this request is approved, then the setback should be modified to 10 feet to avoid creating a non-conforming setback.

Analysis: The Metropolitan Area Planning Commission (MAPC) reviewed this application on June 21, 2007 and recommended approval, subject to the provisions contained in Protective Overlay No. 191:

1. Buildings and appurtenances located on the property shall have a residential character, that includes brick, masonry, wood or composite siding; a double pitched roof with a minimum vertical rise of four inches for every twelve inches; and a maximum height of 25 feet.
2. Freestanding signs shall be monument-type with a maximum height of eight feet.
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4. Lighting shall conform to lighting standards contained in the Unified Zoning Code, and poles or standards shall be limited to no more than 14 feet in height.
5. Landscaping per the Landscape Ordinance shall be installed when the property is no longer used as a primary residence.
6. Compatibility setback along the south property line shall be reduced to the distance that currently exists between the south property line and the existing building.

No one was present to speak in opposition to the request.

No protest petitions have been received.

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. Adopt the findings of the MAPC, approve the zone change subject to the provisions of Protective Overlay No. 191; and place the ordinance establishing the zoning on first reading; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)