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OCA 150004

ORDINANCE NO. 51-148

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. ZON2016-00041

Zone change to GO General Office described as:

Lot 1, Block F, Shadow Woods Addition, Wichita, Sedgwick County, Kansas; EXCEPT the south 250 feet of the east 250 feet thereof.

Zone Change to NR Neighborhood Retail described as:

The north 120 feet of the south 250 feet of the east 250 feet of Lot 1, Block F, Shadow Woods Addition, Wichita, Sedgwick County, Kansas.

Zone Change to LC Limited Commercial described as:

The south 130 feet of the east 250 feet of Lot 1, Block F, Shadow Woods Addition, Wichita, Sedgwick County, Kansas; TOGETHER WITH the north 70 feet of Lot 1, Riverside Health System Addition, Wichita, Sedgwick County, Kansas EXCEPT the West 47.78 feet thereof.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY #309:

1. Approval of the zone change shall be contingent upon the replatting of the subject property. Guarantees for specific street improvements for 135th St W. shall be reviewed and determined at the time of platting.
2. Signs shall be in accordance with the Sign Code of the City of Wichita with the following conditions:
 - A. Signs shall be limited to one monument type sign per frontage for each lot, no taller than 12 feet in height, and be limited to 120 square feet in area.
 - B. Portable, LED, and off-site signs are not permitted. Flashing signs, rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
 - C. No signs shall be allowed on the west or north elevations of any buildings.

- D. As the frontage develops along the arterial roadways, monument type signs shall be spaced a minimum of 150 feet apart, irrespective of how land is leased or sold.
3. Access Controls shall be as shown on the final plat.
4. All exterior lighting shall be shielded to direct light disbursement in a downward direction.
5. All lots shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).
 - A. Limited height of light poles to 15 feet within 100 feet of abutting residential-zoned property, and 20 feet on the remainder of the tract.
 - B. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
6. Landscaping for this site shall be required as follows:
 - A. Requirements for street yard landscaping and buffer strip trees will be calculated at 1.5 times the minimum ordinance requirements. Requirements for parking lot landscape shall comply with the landscape ordinance.
 - B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
 - C. A financial guarantee for the plant material approved on the landscape plan for that portion of the subject property being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
7. If the portion of the subject property to be zoned "GO" General Office develops with office (general), assisted living, or medical service, landscaping and screening shall be as follows:
 - A. A landscape buffer of 40 feet in width shall be provided along those property lines abutting residentially-developed lots, which shall include a series of berms 4- to 6-foot in height, and landscaping plantings per the "Buffer with No Screening" section of the Landscape Ordinance calculated at 1.5 times the minimum requirements (one tree, or two ornamental trees, and 5 shrubs per 20 feet). Said buffer shall be a combination of deciduous and evergreen landscaping, per ordinance. The minimum planting size of all deciduous trees shall be no smaller than 3-inch caliper, and all evergreen trees shall be a minimum of 6 feet in height. A solid screening fence shall not be required.
 - B. Screening along the common property line with Reserve "C", Shadow Woods Addition shall be provided by a 15-foot landscape buffer with tree plantings calculated at 1.5 times the minimum ordinance requirements (one tree, or two ornamental trees, and 5 shrubs per 20 feet). Said buffer shall be a combination of deciduous and evergreen landscaping. Existing evergreen trees within the south 35 feet of Reserve "C" may be counted toward fulfilling the number of required buffer trees. A solid screening fence shall not be required.
8. Rooftop mechanical equipment shall be screened from ground level view per the Unified Zoning Code.

9. For all non-residential uses, trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened, with similar materials to the main building, to reasonably hide them from ground view, and shall be prohibited within 50 feet of residential-zoned property. Trash collection shall be limited to between the hours of 6:00 am to 10:00 pm within the subject property.
10. All buildings in the subject property shall share uniform 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.
11. The portion of the subject property to be zoned "GO" General Office shall be limited to the following uses: office (general), assisted living, medical service, and single-family residential.


The portion of the subject property to be zoned "LC" Limited Commercial and "NR" Neighborhood Retail shall not allow the following uses: adult entertainment establishments; sexually oriented business; correctional placement residences; group residential; night club in the city; tavern and drinking establishment; multi-family, auditorium/stadium; community assembly; recycling collection station; bed and breakfast; car wash; construction sales and service; convenience store; entertainment establishment; event center; hotel/motel; kennel; marine facility; monument sales; nursery and garden center; parking area (commercial); pawnshop; recreation and entertainment; recreational vehicle campground; second hand store; service station; teen club; vehicle repair; warehouse self-storage; and industrial uses.

Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. Restaurants with drive-through windows shall be designed to ensure queuing lanes for drive-through windows will not align vehicle headlights in such a manner as to face residential uses. No overhead doors shall be allowed within 200 feet of residential uses and shall not be facing any residential zoning district. Exterior audio systems that project sound beyond the boundaries of the subject property are prohibited.

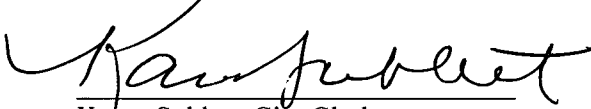
12. No single use shall occupy more than 8,000 square feet of floor area, with the exception of an assisted living complex.
13. All buildings shall be limited to 35 feet in height, and one story, in height, with the exception of an assisted living complex which may be two stories. If a two-story assisted living complex is developed within the portion of the subject property to be zoned "GO" General Office, a 75-foot building setback shall be required from those property lines abutting residentially-developed lots.

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

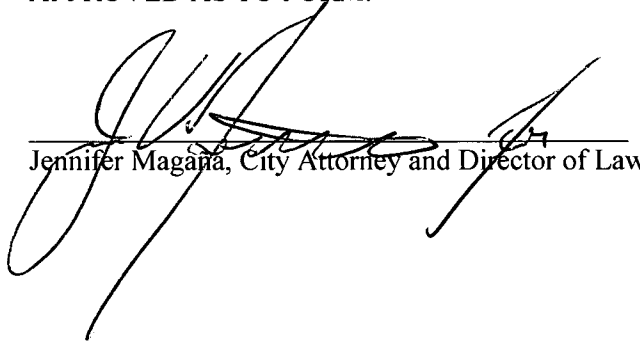
ATTEST:



Karen Sublett, City Clerk



APPROVED AS TO FORM:



Jennifer Magaña, City Attorney and Director of Law



STAFF REPORT
MAPC November 17, 2016
DAB V November 7, 2016

CASE NUMBER: ZON2016-00041

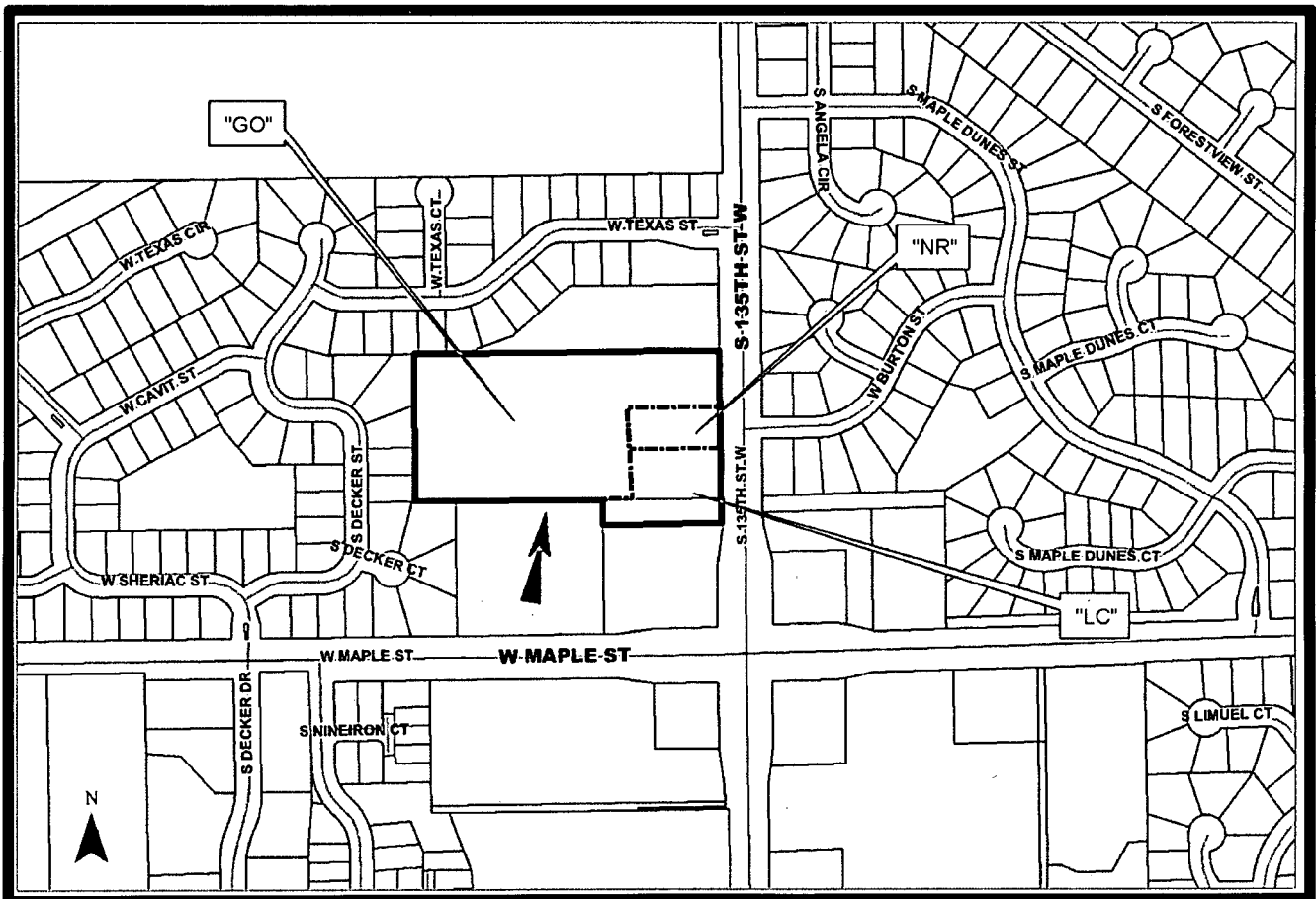
APPLICANT/AGENT: New Life Covenant Church (Owner) and Via Christi Property Services (Owner) Baughman Company, Russ Ewy (Agent)

REQUEST: LC Limited Commercial, NR Neighborhood Retail and GO General Office

CURRENT ZONING: SF-5 Single Residential and GO General Office

SITE SIZE: Approximately 8.2 acres

LOCATION: Generally located north of the northwest corner of Maple and 135th Street on the west side of 135th Street



BACKGROUND: The applicant is requesting a zone change from SF-5 Single-Family Residential (approximately 7.7 acres) and GO General Office (approximately 0.5 acre) to GO (approximately 6.27 acres), NR Neighborhood Retail (approximately 0.69 acre), and LC (approximately 1.27 acres) with a Protective Overlay (PO #309, attached). The applicant proposes to create a mixed-use development.

West and north of the subject property is the Shadow Woods Addition zoned SF-5 zoned and developed with single-family residences. East of the subject site is the Maple Dunes Addition zoned SF-5 and developed with single-family residences. SF-5, LC and GO zoned properties abut the south side of the subject property and are developed with single-family homes, financial institution and medical offices. The northeast, southeast and southwest corners of the arterial intersection of West Maple and South 135th Street are zoned LC and developed with retail, restaurants and grocery store.

The applicant met with the surrounding neighbors on two different occasions to arrive at the agreed upon PO language. DAB V reviewed the case on November 7 and recommended approval of the proposed zone change with the protective overlay as submitted (6-0-1).

CASE HISTORY: The property was platted as part of the Shadow Woods Addition (2003) and the Riverside Health System Addition (1997).

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	Single-family residential
SOUTH: SF-5, LC, GO	Single-family residential, financial, medical office
WEST: SF-5	Single-family residential
EAST: SF-5	Single-family residential

PUBLIC SERVICES: The site has access to 135th Street South, a two-lane, paved arterial street with 80-foot right-of-way. All municipal utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as being located within the Wichita Urban Growth Area. The Future Growth Concept Map identifies the area as New Residential. New Residential Growth will likely be developed or redeveloped by 2035 as predominately residential with pockets of major institutional and commercial uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED.**

This recommendation is based on the following findings:

- (1) The zoning, uses and character of the neighborhood:** The site is located adjacent to single-family homes, financial institution, medical offices, retail, restaurant and grocery store. The other commercial corners at the intersection of Maple and 135th Street West are of similar scale and intensity and have similar site design features as the proposed mixed use development.
- (2) The suitability of the subject property for the uses to which it has been restricted:** LC, NR and GO zoning would allow single-family residences, duplexes, nursing facility, medical service, and financial institution to be built, which is an appropriate use for urban residential development. The most intensive uses on the site are located closest to the intersection. Uses are limited to assisted living, medical service and single-family residential. The proposed development would be required to provide screening per the Unified Zoning Code along property adjacent to residential as well as the protections identified in PO #309.
- (3) Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested GO zoning would buffer the NR and LC uses to the SF-5 zoned property to the west

and north. The uses proposed in the NR and LC zoning would be significantly restricted by PO #309. The site design standards of PO #309 will mitigate negative impacts on the surrounding properties.

- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as being located within the Wichita Urban Growth Area. The Future Growth Concept Map identifies the area as New Residential. New Residential Growth will likely be developed or redeveloped by 2035 as predominately residential with pockets of major institutional and commercial uses.
- (5) **Impact of the proposed development on community facilities:** All services are in place and any increased demand on community facilities will be addressed at the time of platting.

PROTECTIVE OVERLAY #309

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