

(Published in the Wichita Eagle: 6/21/19)

ORDINANCE NO. 51-055

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. ZON2019-00003**

City zone change from SF-5 Single Family Residential District to LC Limited Commercial District described as:

The North 43.56 feet of the South 173.55 feet of the East 250 feet of Lot 1 Block F, Shadow Woods Addition, Wichita, Sedgwick County, Kansas

Subject to the following amendment to Protective Overlay District #309

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. Parcel 1 shall be permitted one monument sign limited to 25 feet in height and 150 feet in area. Parcel 2 and 3 shall be permitted one monument sign each, which shall be limited to 12 feet in height and 32 square feet in area for a single tenant sign and up to 96 square feet in area for a multi-tenant sign.
  - B. Parcel 1 shall be permitted one LED sign limited to 50 square feet in area. The following is not permitted on Parcel 1: portable and off-site signs in addition to flashing signs, rotating or moving signs, signs with moving lights or signs which create illusions of movement.
  - C. The following are not permitted on Parcels 2 and 3: portable, LED, and off-site signs in addition to flashing signs, rotating or moving signs, signs with moving lights or signs which create illusions of movement.
  - D. No signs shall be allowed on the west or north elevations of any buildings on Parcels 2 or 3.
  - E. 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.

**ATTEST:**

  
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Karen Sublett, City Clerk



(SEAL)

  
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Jeff Longwell, Mayor

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