

City of Wichita  
City Council Meeting  
May 20, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: ZON2003-00014 - Zone change from "MF-29" Multi-family Residential to "OW" Office Warehouse with a Protective Overlay. Generally located north of Sunnybrook and east of Rutan. (District III)

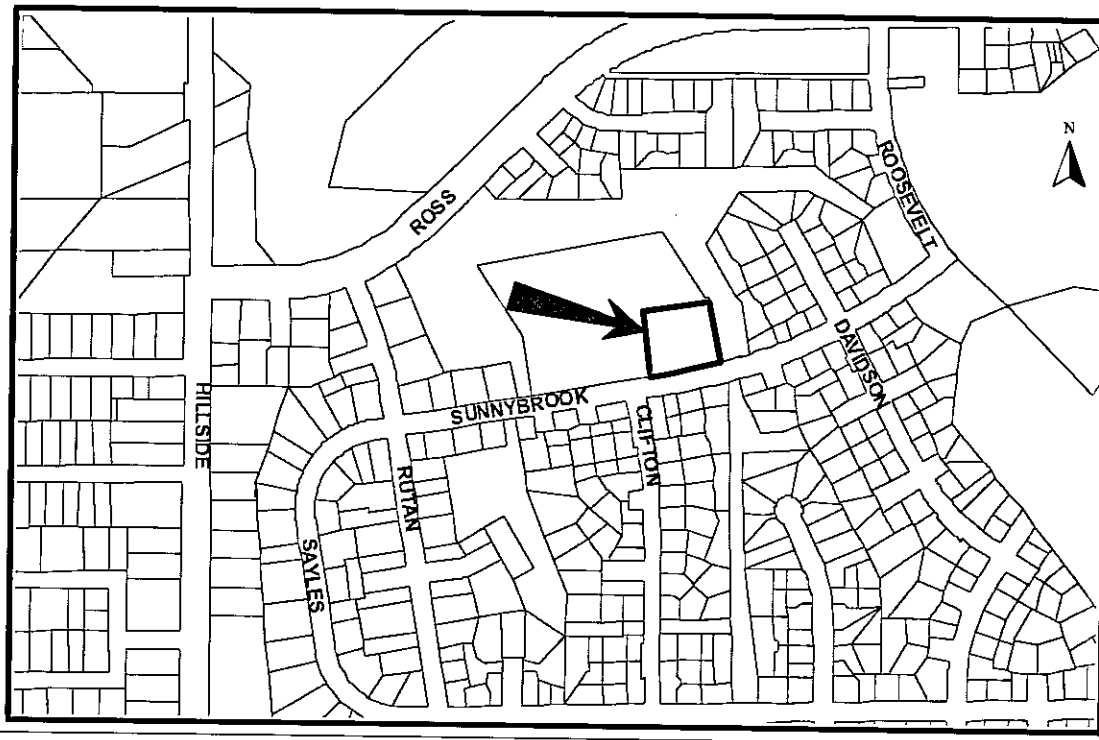
INITIATED BY: Metropolitan Area Planning Department 

AGENDA: Planning

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MAPC Recommendation: Approve, subject to Protective Overlay. (13-0)

Staff Recommendation: Approve, subject to Protective Overlay.



**BACKGROUND:** The applicant requests a zone change from "MF-29" Multi-Family Residential to "OW" Office Warehouse on a 1.3 acre platted tract located north of Sunnybrook and east of Rutan at 3620 E. Sunnybrook. The applicant also requests a Protective Overlay to limit uses and increase screening and landscaping requirements (see attached letter).

The applicant indicates that the subject property is developed with a leasing office and maintenance facility for rental properties in the Planeview area. The applicant indicates that the use of the subject property was established in anticipation of developing apartment units on vacant land that the applicant owns surrounding the subject property. At such time as the apartment units were developed, the existing use of the subject property would become a permitted accessory use; however, since the apartment units will not be developed on the adjacent land, the applicant has requested a zone change to bring the use of the subject property into compliance with the zoning regulations. The applicant also has proposed a Protective Overlay to help ensure compatibility of the subject property with surrounding residential uses.

The surrounding area is characterized primarily by residential uses within the Planeview neighborhood; although, within two blocks of the subject property there is a sizeable commercial area interior to the Planeview neighborhood that is located at the intersection of Ross Parkway and Roosevelt. All of the property immediately surrounding the subject property is zoned "MF-29" Multi-Family Residential. The vacant property north and west of the subject property recently has been replatted for single-family residential development. The properties south and east of the subject property are developed with a mixture of residential uses, primarily consisting of single-family residences, duplexes, and triplexes.

At the MAPC hearing on April 24, 2003, there were no speakers, other than the applicant, either in favor of or in opposition to the request. The MAPC voted (13-0) to approve the request subject to the following provisions of Protective Overlay District #126:

1. The following uses shall be permitted: college or university; community assembly; day care, general; government service; library; parks and recreation; recycling collection station, public or private; safety service; utility, minor; automated teller machine; construction sales and service; office, general; post office substation; vocational school; storage, outdoor; and warehousing.
2. Construction sales and service; storage, outdoor; and warehousing shall only be permitted in association with a leasing and maintenance office for rental properties.
3. Outdoor storage shall be limited to the area that is north of the existing building, which shall be entirely enclosed by a screening fence or wall and/or the walls of structures. Items stored outdoors shall not be visible from any adjacent street nor from ground level view from any adjacent property.
4. The property shall be developed in general conformance with the landscape street yard, landscape buffering, and parking lot screening requirements of the Landscape Ordinance per a landscape plan approved by the Planning Director.

**Recommendations:**

1. Concur with the findings of the MAPC and approve the zone change subject to the provisions of Protective Overlay District #126; approve first reading of the ordinance; or
2. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

(150004) Published in The Derby Reporter on

JUN 6 2003

ORDINANCE NO. 45-731

JUN 05 2003

RECEIVED

METROPOLITAN PLANNING  
ROUTE D

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS 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. ZON2003-00014**

Zone change from "MF-29" Multi-family Residential to "OW" Office Warehouse on property described as:

That portion of Lot 10, Block B, Planeview Subdivision No. 2, Wichita, Kansas described as beginning at the southeasterly most corner of said Lot 10, thence N08 degrees 58'32"W, 213.70 feet; thence S81 degrees, 49'50"W, 234.71 feet; thence S08 degrees 10'10"E, 229.94 feet to the south line of said Lot 10; thence easterly, along the south line of said Lot 10, said south line being a curve to the left, having a radius of 1965 feet and through a central angle of 6 degrees 57'07", a distance of 238.42 feet to the place of beginning. Generally located north of Sunnybrook and east of Rutan.

**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #126:**

1. The following uses shall be permitted: college or university; community assembly; day care, general; government service; library; parks and recreation; recycling collection station, public or private; safety service; utility, minor; automated teller machine; construction sales and service; office, general; post office substation; vocational school; storage, outdoor; and warehousing.
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4. The property shall be developed in general conformance with the landscape street yard, landscape buffering, and parking lot screening requirements of the Landscape Ordinance per a landscape plan approved by the Planning Director.

**SECTION 2.** That upon the taking effect of this ordinance, the above zoning change 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,** JUN 3 2003

**ATTEST:**

Pat Graves  
Pat Graves, City Clerk

Carlos Mayans  
Carlos Mayans, Mayor

(SEAL)



Approved as to form:

Gary E. Rebenstorf  
Gary E. Rebenstorf, City Attorney