

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. ZON2003-00026**

Request for amendment to Protective Overlay District #11, on property described as:

Lot 2, Riverside Health System Addition, Wichita, Sedgwick County, Kansas. Generally located north of Maple and west of 135<sup>th</sup> Street West.

**SUBJECT TO THE FOLLOWING PROVISIONS OF AMENDED PROTECTIVE OVERLAY DISTRICT #11:**

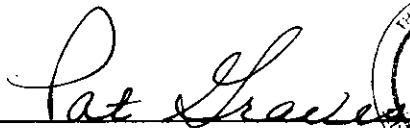
- A. All freestanding signs must be monument type. Freestanding monument signs on the western 48 feet of Lot 1 and all of Lot 2 shall be limited to no more than 20 feet in height.
- B. Light poles must be limited to a maximum height of 14 feet.
- C. Extensive use of backlit canopies and neon or fluorescent tube lighting on building is not permitted.
- D. Landscaping shall comply with the Landscape Ordinance of the City, except that requirements for street yard landscaping and buffer strip trees must be calculated at 1.5 times the minimum ordinance requirements.
- E. All buildings on the site must share similar 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.
- F. The administrative adjustment provisions of the Wichita-Sedgwick County Unified Zoning Code, Section V-E.14 shall apply to the protective overlay.
- G. The use of this property is limited to medical services uses.
- H. All buildings shall be limited to 35 feet in height, and 2 stories in height with the second story limited to 25% of the total building floor area.
- I. The following uses shall be permitted: office, general; medical service; and bank or financial institution with a drive-through window.

**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.

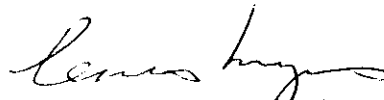
**ADOPTED AT WICHITA, KANSAS, JULY 8 2003**

**ATTEST:**



Pat Graves, City Clerk

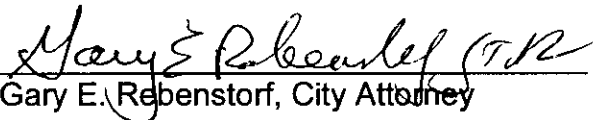




Carlos Mayans, Mayor

(SEAL)

Approved as to form:



Gary E. Rebenstorf, City Attorney

City of Wichita  
City Council Meeting  
July 1, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: ZON2003-26 (Associated with CON2003-16) Conditional Use for bank on property zoned "GO" General Office and amendment to Protective Overlay #1 and Protective Overlay #11. Generally located north of Maple and west of 135<sup>th</sup> Street West. (District V)

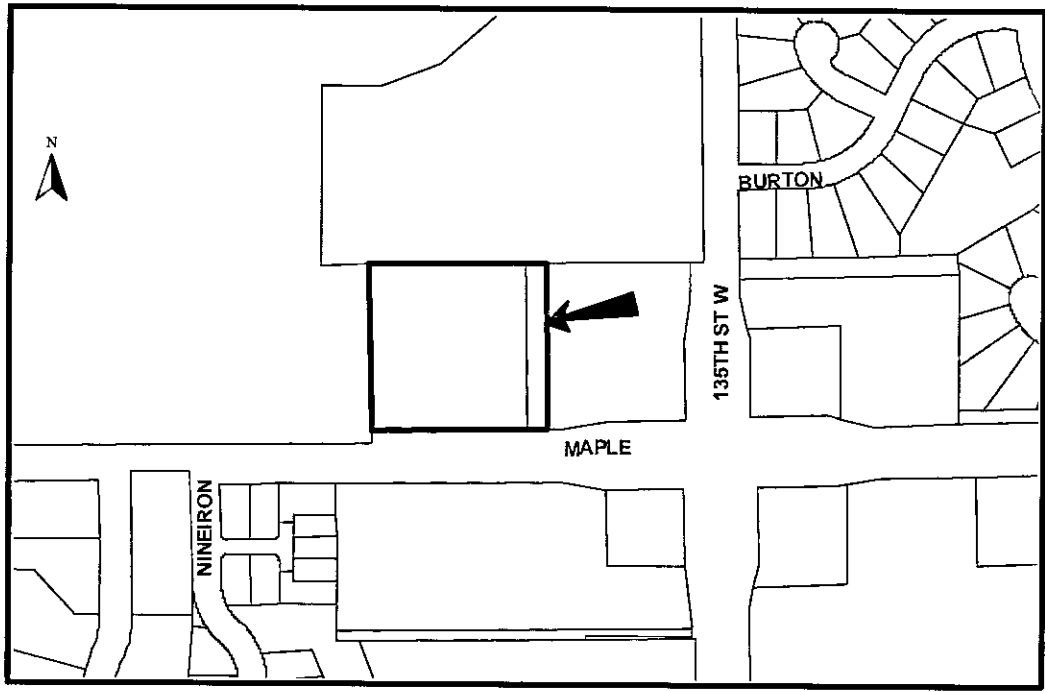
INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA: Planning

MAPC Recommendation: Approve. (8-0-1)

Staff Recommendation: Approve.

D.A.B. Recommendation: Five approve. (4-1)



**BACKGROUND:** The applicant is requesting to allow a bank with a drive-through window and to amend Protective Overlay (P-O) #11 and the western 48 feet of Protective Overlay #1, located on property zoned "GO" General Office. The protective overlay amendments are needed to remove the restriction on P-O #11 to medical service uses only and clarify that P-O #1 allows banks, which are a Conditional Use in the "GO" district, and other general office uses.

The applicant is not requesting changes to other provisions of the protective overlays. Existing provisions of P-O #1 and P-O #11 require monument signs, limit light poles to 14 feet in height and restrict the amount of building lighting, require additional landscaping, and building materials with architectural compatibility and use of materials similar to surrounding residential uses. P-O #11 also limits the use of the property to medical office uses only and building height to 35 feet and two stories with the second story limited to 25 percent of the total building floor area.

The subject property is located on the north side of Maple approximately 300 feet west of the intersection of 135<sup>th</sup> Street West and Maple.

The property to the east (the remainder of P-O #1) is developed with a brick medical office building. The property to the south is zoned "LC" Limited Commercial (DP-225 Auburn Hills Commercial C.U.P.). The eastern half of the property is developed with a small retail strip center that includes a drive-through bank; the western half is vacant.

The northeast and southeast corners of the intersection of 135<sup>th</sup> Street West and Maple are zoned "LC" also. Overall, approximately 29 acres of commercial zoning exists at this intersection. The surrounding area beyond the commercial uses at the intersection are zoned "SF-5" Single-family residential and being developed with single-family uses except for the Auburn Hills Golf Course to the south.

The proposed site plan contains two points of access, with the easternmost point being less than 200 feet from the existing driveway on the adjoining property. The original staff recommendation was to revise the site plan to align access points in conformance to the city's Access Management Policy. However, a raised median may be installed in front of the adjoining drive in the future since it is less than 300 feet from the intersection right-of-way line. This would make the adjoining drive right-in/right-out only.

At the District V Advisory Board meeting held June 2, 2003, the board voted (4-1) to approve the requested amendments to the protective overlays and the Conditional Use subject to a revised site plan that was distributed at the meeting, although the plan did not meet the city's access management guidelines. There was discussion of the need for good traffic management with internal circulation for the lot. The agent noted that the placement of a utilities box was affecting the placement of the access point. No members of the public were present to speak on the case.

MAPC voted (8-0-1) on June 5, 2003 to approve the requested amendments to the protective overlays and the Conditional Use subject to the revised site plan presented at the DAB V meeting. No members of the public were present to speak on the case.

The recommended conditions for the amendments to the protective overlays (ZON2003-00026) were:

1. The following uses shall be permitted: office, general; medical service; and bank or financial institution with a drive-through window;

2. Freestanding monument signs on the western 48 feet of Lot 1 and all of Lot 2 shall be limited to no more than 20 feet in height.

The recommended conditions for the Conditional Use (CON2003-00016) were:

1. The applicant shall submit a revised site plan for review and approval by the Planning Director, with the revised site plan including those items specified by the Conditional Use Site Plan Guidelines.
2. The site shall be developed in general conformance with the approved site plan.
3. The applicant shall obtain all permits necessary to make the required site and landscaping improvements; all improvements shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

**RECOMMENDATION:**

1. Concur with the findings of the MAPC and approve the amendments to P-O #1 and P-O #11; approve the first reading of the ordinance; approve the Conditional Use to permit a bank on property zoned "GO" General Office, subject to the recommended conditions, and authorize the signature of the resolution; or
2. Return the application to the MAPC for reconsideration.

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

(150004) Published in The Derby Reporter on 7-1-03  
ORDINANCE NO. 45-755

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**Case No. ZON2003-00026**

Request for amendment to Protective Overlay District #1, on property described as:

Lot 1, Riverside Health System Addition, Wichita, Sedgwick County, Kansas. Generally located north of Maple and west of 135<sup>th</sup> Street West.

**SUBJECT TO THE FOLLOWING PROVISIONS OF AMENDED PROTECTIVE OVERLAY DISTRICT #1:**

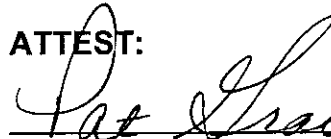
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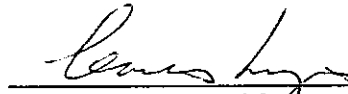
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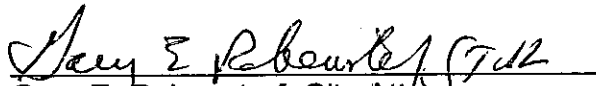
  
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(SEAL)

Approved as to form:

  
Gary E. Rebenstorf, City Attorney