Wichita-Sedgwick County Metropolitan Area Planning Department

Vintage Court, LLC
2959 North Rock Rd. Ste 520
Wichita, KS 67226

June 5, 2023

KE Miller Engineering, P.A.
Attn: Kirk Miller
117 E Lewis
Wichita, KS 67202

Re: **ZON2023-00032: Administrative Adjustment in the City to PO #324 to adjust the requirements for a masonry wall to a solid fence on property zoned LC Limited Commercial; located on west side of South Julia Street, between West Taft and West Maple Streets (361-387 South Julia).**

Legal Description LOT 3 & ALL LOT 5 EXCEPT STREET RIGHT OF WAY, AND THAT PART OF THE NORTH 1/2 OF THE VACATED UNIVERSITY AVE ADJACENT ON THE SOUTH, BLOCK B WEST MAPLE GARDENS AND LOT 1 EXCEPT THE SOUTH 333.58 FT THEREOF AND THAT PART OF THE SOUTH 1/2 OF THE VACATED UNIVERSITY AVE ADJACENT ON NORTH, ERNEST JORDAN ADDITION

Dear Applicants:

We have reviewed your request for a Zoning Adjustment to Conditions #2 and #3 in PO #324 to alter the screening requirements to permit the use of a solid screening fence instead of a masonry wall because the development on the subject parcel will be residential.

On the basis of our review, we find that adjusting the PO as requested is consistent with the approved PO and the LC Limited Commercial zoning district and will not have an adverse effect on the PO or on adjacent properties, nor will it be a substantial deviation of the original PO. The establishment of PO #324 was a continuation of PO #80 on property abutting to the south. The establishment of the original PO #80 on property abutting to the south was based on concerns expressed by property owners. Those concerns were not expressed when the subject site was rezoned and PO #324 was established. The current use on the site is a multi-family duplex development which typically only requires a six-foot wooden fence as the minimum screening. This requested Administrative Adjustment has not had any questions or concerns raised by any surrounding property owners.

Our signatures below indicate that PO #324 shall be adjusted as stated below. This PO adjustment shall not be deemed to alter any other provisions of PO except as expressly stated herein. This PO does not alter any other applicable codes including but not limited to zoning, building, health or fire.

2. ***A six-foot solid screening fence*** shall be constructed parallel to the west property line…

3. If the vacant property to the north of the site develops with residential uses, a six-foot high ***solid screening fence*** shall be constructed along the north property line.

Section V-C.14 of the Unified Zoning Code ("UZC") allows the Planning Director, with the concurrence of the Zoning Administrator, to approve minor adjustments to an approved PO. We find that modifying Conditions #2 and #3 to alter the screening requirements meets the conditions required by Sec. V.I.6 of the UZC.

The "Development Application" sign should now be removed from the property.

Scott Wadle, Planning Director
Metropolitan Area Planning Department

J.R. COX JR.

John R. Cox, Jr., Zoning Administrator
Metropolitan Area Planning Department

cc: MABCD
Jeff Blubaugh, Council Member District IV
Brooke Kauchak, Community Services Representative District IV

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON May 4, 2018

ORDINANCE NO. 50-699

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. ZON2018-00010

City zone change from SF-5 Single-Family Residential to LC Limited Commercial zoning with Protective Overlay #324; described as:

Lots 3 & 5, Block B, West Maple Gardens Addition; and Lot 1, Ernest Jordan Addition, except the south 333.58 feet; and vacated University Street between the east line of Brummett and the west line of Julia.

The proposed Protective Overlay #324 reads as follows:

1. The following uses shall not be permitted: convenience store; drive-thru restaurant; cemetery; correctional placement residence; golf course; halfway house; recycling collection station; reverse vending machine; animal care, general; car wash; kennel; marine facility, recreational; night club; pawnshop; printing and publishing, general; recreation and entertainment, outdoor; and recreational vehicle campground.

2. A six-foot high masonry wall shall be constructed parallel to the west property line. A 15-foot landscaped buffer shall be provided along the entire length of the west property line on the west side of the masonry wall. The landscaped buffer shall be planted with one (1) shade tree or two (2) ornamental trees per 30 lineal feet of frontage along Brummett, if used for other than residential purposes. If used for residential purposes, there shall be an eight–foot landscape buffer planted with one (1) shade tree or two (2) ornamental trees per 30 lineal feet of frontage along Brummett.

3. If the vacant property north of the site develops with residential uses, a 6-foot high masonry wall shall be constructed along the north property line.

4. Light poles shall be limited to a maximum height of 14 feet.

If the site is used for commercial uses, building exteriors shall share uniform architectural character and shall be predominantly earth-tone colors with vivid colors limited to incidental accent. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings shall not be permitted.

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

(SEAL)

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