

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.


Carl Brewer - Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form:


for Gary E. Rebenstorf, City Attorney

Background: The applicants request NR Neighborhood Retail (“NR”) zoning, with a PO Protective Overlay (“PO”) on the platted 1.27-acre, SF-5 Single-family Residential (“SF-5”) zoned site; Lots 22 and 23, Block B, Ox Bow Addition. The applicants propose a Woman’s Clothing Boutique, which is listed in the definition of General Retail in the Unified Zoning Code (“UZC”, Sec II-B, 11.1, clothing store) and listed in the UZC as a type of Commercial Use (UZC, Sec III-D).

The site is part of an extensive SF-5 zoned single-family residential neighborhood that ends two blocks north and a block south of the site along Tyler Road. SF-5 zoned single-family residences abut the site’s north and east sides. SF-5 zoned single-family residences are located east across Tyler and south across 17th Street North. Two SF-5 zoned churches are located further south and north of the site, along Tyler. A small SF-5 zoned cemetery is located southwest of the site across Tyler. The site’s location on the northeast corner of 17th Street North and Tyler Road puts it halfway between the 21st Street North and Tyler Road intersection and the 13th Street North and Tyler Road intersection. These intersections are mostly (the SF-5 zoned Northwest High School is the exception) anchored by LC Limited Commercial (“LC”) zoned developments that have abutting multiple types of Multi-Family zoning, TF-3 Two-Family Residential (“TF-3”) and GO General Office (“GO”) zoned developments spreading away from these arterial intersections. The closest non-residential zoning to the site are GO zoned properties located two blocks north and a block south of the site along Tyler Road.

Analysis: At the MAPC meeting held December 22, 2011, the MAPC voted (10-0) to recommend approval of the requested NR zoning with the following provisions of PO #264:

1. Permitted uses shall include: Single-Family Residential, General Retail and General Office.
2. The property shall be developed and/or redeveloped with a building that has a residential character, and that includes brick, masonry, wood, Hardie board, composite or a similar type of siding; a double-pitched or hip roof, with a maximum height of 25 feet.
3. Signage shall be a monument type as permitted in the NR zoning district, along Tyler Road. No building signage along the north and east sides of the building. All other provisions of signage shall be as permitted in the Sign Code for the NR zoning district.
4. The property shall be restricted to one point of access onto Tyler Road. The Traffic Engineer shall determine if the access onto Tyler Road is full movement or right-in – right-out. The property owner shall dedicate complete access control to 17th Street North. The property owner of the subject site shall provide a joint access and cross lot circulation agreement to be provided prior to the case going to City Council, to be in effect when/if the abutting lot to the north also converts to a non-residential use.
5. Lighting shall conform to lighting standards in Sec. IV-B.4 of the Unified Zoning Code and be limited to no more than 14 feet in height, including the base. No light poles shall be located within the compatibility setbacks, where the site abuts and is adjacent to residential zoning.
6. Landscaping shall be provided that is equivalent to a landscaped street yard, parking lot landscaping and screening along Tyler Road, and a 10-foot wide landscape buffer along the property lines abutting a residential district, as required in the City of Wichita Landscape Ordinance. A Landscape Plan shall be submitted to the Director of Planning for approval prior to the issuance of a building permit.
7. The solid wood fence 6-8 feet tall shall be placed along the property lines abutting a residential district, as required in the Unified Zoning Code.
8. A drainage plan shall be submitted to Stormwater prior to issue of permits and redevelopment of the site.

At the MAPC meeting people spoke for and against the requested rezoning. At the DAB V meeting held on January 9, 2012, the DAB voted (7-0) to approve the rezoning request with the above provisions of

PO #264. No one spoke against the requested rezoning at the DAB meeting. No valid protests were received during the two week protest period.

Financial Considerations: There are no financial considerations in regards to the zoning request.

Goal Impact: The application promotes Economic Vitality.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

(1) Adopt the findings of the MAPC and approve the zone change, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required).

Attachments:

- Ordinance
- Dedications of complete access control and cross lot access
- MAPC Minutes
- DAB Memo

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. ZON2011-00039

Zone change from SF-5 Single-Family Residential ("SF-5") to Neighborhood Retail ("NR") on an approximately 1.27-acre property described as:

Lots 22 and 23, Block B, Ox-Bow Addition; generally located on the northeast corner of 17th Street North and Tyler Road, Wichita Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #264:

1. Permitted uses shall include: Single-Family Residential, General Retail and General Office.
2. The property shall be developed and/or redeveloped with a building that has a residential character, and that includes brick, masonry, wood, Hardie board, composite or a similar type of siding; a double-pitched or hip roof, with a maximum height of 25 feet.
3. Signage shall be a monument type as permitted in the NR zoning district, along Tyler Road. No building signage along the north and east sides of the building. All other provisions of signage shall be as permitted in the Sign Code for the NR zoning district.
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8. A drainage plan shall be submitted to Stormwater, prior to issue of permits and redevelopment of the site.