

ORDINANCE NO. \_\_\_\_\_

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. ZON2011-00027**

Zone change from SF-5 Single-Family Residential ("SF-5") to LC Limited Commercial ("LC") on a 1-6 acre property described as:

Lots 3, 4 and 5, Block H, Westerlea Village Addition; generally located east of Mid-Continent Road/Ridge Road, and northwest of Summitlawn Drive and Taft Avenue, Wichita, Sedgwick County, Kansas.

**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #258:**

- A. Replat the site within a year of approval by the governing body.
- B. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building or along any street frontage that faces or is across the street from any property that is in a residential zoning district. Signs will be a monument type of sign, as permitted by the sign code in the LC zoning district.
- C. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 25-feet. Light poles shall not be located within any setbacks. Lighting on buildings must be directed down, away from abutting and adjacent residential zoned properties.
- D. All utilities will be located underground.
- E. Outdoor speakers and sound amplification systems shall not be permitted, with the exception of restaurant order boards. No order boards are permitted in setbacks.
- F. No buildings shall exceed one story in height with a maximum building height of 35 feet.
- G. A 6-8 foot tall masonry wall shall be constructed parallel to the east property line of the subject site, where it abuts existing single-family residences and SF-5 Single-family Residential zoning. The masonry wall shall be constructed at the same grade of the site's parking lot surface. A 6-8 foot tall, solid wooden fence (minimum screening material) will be constructed parallel to the south property line of the subject site, where it is adjacent to existing single-family residences and SF-5 Single-family Residential zoning. The solid wooden fence shall be constructed at the same grade as the site's parking lot surface.
- H. A 15-foot wide landscape buffer will be provided along the south and east sides of the subject site and shall be constructed at the same grade of the site's parking lot surface, unless approved drainage plans (per the replat) dictate otherwise.
- I. Deliveries and trash service shall be between the hours of 6:00 a.m. and 10:00 p.m.
- J. The subject site shall comply with the compatibility setback standards. No access onto Summit Lawn Drive shall be shown on the replat.

- K. The following uses shall not be permitted: adult entertainment establishment; group residence; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; night club; recreation and entertainment; outdoor vehicle sales; service station; tavern and drinking establishment and vehicle repair.

**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** this \_\_\_\_ day of \_\_\_\_\_, 2011.

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

\_\_\_\_\_  
Carl Brewer, Mayor

(SEAL)

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

City of Wichita  
City Council Meeting  
November 15, 2011

**TO:** Mayor and City Council

**SUBJECT:** ZON2011-00027 – Zone change from SF-5 Single-Family Residential to LC Limited Commercial with a Protective Overlay; generally located east of Ridge Road and northwest of Taft Avenue and Summit Lawn Drive. (District V)

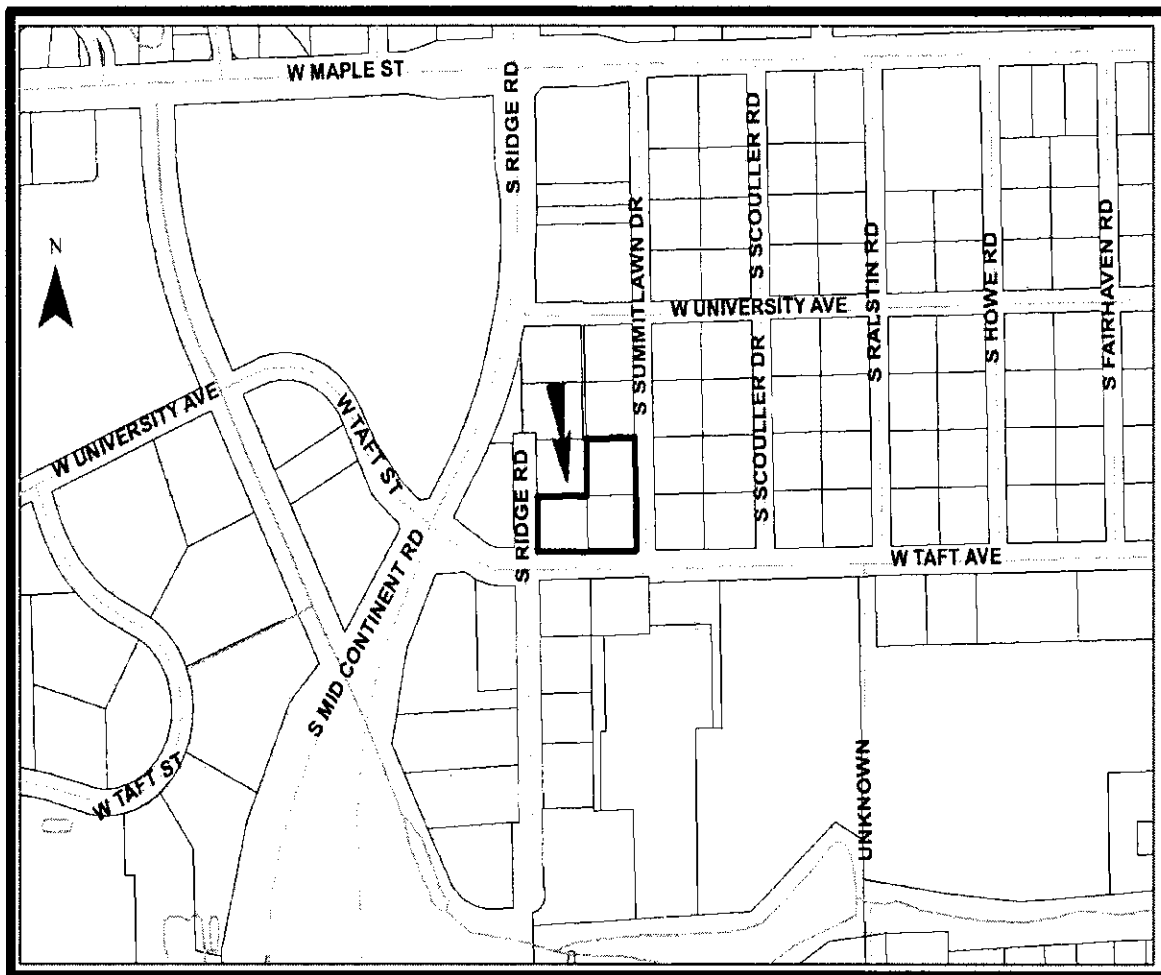
**INITIATED BY:** Metropolitan Area Planning Department *JLS*

**AGENDA:** Planning (Consent)

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**MAPC Recommendation:** Approve LC zoning subject to Protective Overlay #258 and a replat within one year.

**MAPD Staff Recommendation:** Approve LC zoning subject to Protective Overlay #258 and a replat within one year.



**Background:** The applicant requests a zone change from SF-5 Single-Family Residential ("SF-5") to LC Limited Commercial ("LC") on Lots 3, 4 and 5, Block H, Westerlea Village Addition. The 1.6-acre site is located east of Ridge Road and northwest of Taft Avenue and Summit Lawn Drive. The applicant proposes to redevelop the site with unspecified commercial uses. The site is currently developed with three, single-family residences (built 1965, 1967 and 1968), with access onto Ridge Road, Taft Avenue and partial access onto Summit Lawn Drive.

The site is the last of a series of single-family residences to make application for rezoning from SF-5 to LC, in the area south of Maple Street to the north side of Taft Avenue, between Mid-Continent Road/Ridge Road and Summit Lawn Drive. The rezoning, replatting and redevelopment of what were originally single-family residences (all platted in the Westerlea Village Addition) began in 1992, and has resulted in an almost complete line of restaurants facing Mid-Continent Road/Ridge Road.

The surrounding area is characterized by a mixture of single-family residences, commercial uses and property (some undeveloped, one with a house still on it) zoned for commercial uses. The properties to the east of the site are zoned SF-5, and are developed as a single-family residential neighborhood (mid-1950s – late 1960s). South of the site, across Taft Avenue, properties are zoned GC General Commercial ("GC"), LC (CUP DP-37) and SF-5. The SF-5 zoned lots are developed with single-family residences (1955 -1956). The GC and LC zoned properties are subject to Community Unit Plan ("CUP") overlays, and are developed with multiple large box retail, restaurants and a movie theater. Properties abutting the west and north sides of the site are zoned LC with Protective Overlays ("PO"), and are developed with a Freddy's Frozen Custard (with drive through service), a Panera, an undeveloped site and a property with a single-family residence still present. Other development in the area (south of Maple Street) include: an LC zoned single-story, brick, medical office (1984), the LC and GC zoned big box Lowes building supply center (1998), undeveloped LC zoned land, and the LC zoned Pizza Hut Bistro (2005) and Applebee's (2009) restaurants. All of these sites have POs or CUPs attached to them.

Although the site has been identified in the Comprehensive Plan as appropriate for "Local Commercial" uses, the presence of the SF-5 zoned single-family neighborhood, located east of the site across Summit Lawn Drive, requires any commercial uses on the site to be developed so as to minimize any negative impact on the neighborhood. The site was originally platted as three single-family residential lots and was part of the western edge of this neighborhood. The earlier rezoning (1992 to the present) of properties located north of the site, all of them located on the west side of Summit Lawn, provide examples of development controls that can be applied to the subject site. To buffer the adjacent existing single-family residences/neighborhood from the unspecified commercial development on the site, the applicant and staff recommend that a PO be approved that continues the development considerations established during the past zoning changes on the abutting and adjacent northern properties. The recommended PO recommendations for: signage, lighting, noise, vehicular access and building height. It also requires a six to eight foot high masonry wall and fence, a landscape buffer along the property line and prohibits certain uses that are less compatible with residential development.

**Analysis:** At the MAPC meeting of October 6, 2011, the MAPC voted 11-0-1 to approve the requested LC zoning, subject to a replat within a year of approval by the governing body, and with the following provisions of Protective Overlay #258:

- A. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building or along any street frontage that faces or is across the street from any property that is in a residential zoning district. Signs will be a monument type of sign, as permitted by the sign code in the LC zoning district.
- B. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 25-feet. Light poles shall not be located within any setbacks. Lighting on buildings must be directed down, away from abutting and adjacent residential zoned properties.
- C. All utilities will be located underground.

- D. Outdoor speakers and sound amplification systems shall not be permitted, with the exception of restaurant order boards. No order boards are permitted in setbacks.
- E. No buildings shall exceed one story in height with a maximum building height of 35 feet.
- F. A 6 to 8 foot tall masonry wall shall be constructed parallel to the east property line of the subject site, where it abuts existing single-family residences and SF-5 Single-family Residential zoning. The masonry wall shall be constructed at the same grade of the site's parking lot surface. A 6 to 8 foot tall, solid wooden fence (minimum screening material) will be constructed parallel to the south property line of the subject site, where it is adjacent to existing single-family residences and SF-5 Single-family Residential zoning. The solid wooden fence shall be constructed at the same grade as the site's parking lot surface.
- G. A 15-foot wide landscape buffer will be provided along the south and east sides of the subject site and shall be constructed at the same grade of the site's parking lot surface, unless approved drainage plans (per the replat) dictate otherwise.
- H. Deliveries and trash service shall be between the hours of 6:00 a.m. and 10:00 p.m.
- I. The subject site shall comply with the compatibility setback standards.
- J. No access onto Summit Lawn Drive shall be permitted.
- K. The following uses shall not be permitted: adult entertainment establishment; group residence; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; night club; recreation and entertainment; outdoor vehicle sales; service station; tavern and drinking establishment and vehicle repair.

There were no protests to the requested zoning change at the MAPC meeting. No valid protests have been received by the Planning Department; however there is a letter objecting to current development in the area. The letter lacks the required signatures of both the owners, and cannot be counted as a valid protest.

**Financial Considerations:** Approval of the request does not commit the City of Wichita to any atypical financial obligations.

**Goal Impact:** The MAPC's recommendation supports the City's goal of promoting 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 as recommended by the MAPC, subject to the provisions of the Protective Overlay, and replatting within a year of approval by the governing body; withhold publication of the ordinance until the replat has been recorded and authorize the Mayor to sign the ordinance (simple majority vote required).

**Attachments:**

- Ordinance
- MAPC Minutes of October 6, 2011
- Objection letter