

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. ZON2014-00027

Zone change request from B Multi-family Residential (B) to LC Limited Commercial (LC) described as: Lots 1-4, Schreck's Addition to Wichita, Sedgwick County, Kansas.


SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #293:

1. The site permits LC uses permitted by right except for the following: "nightclub in the city"; "tavern and drinking establishment"; "entertainment establishment in the city"; "construction and sales and service"; "sexually oriented business" or an office or business that provides loans in exchange for vehicle titles.
2. Building setbacks of a minimum of 20 feet shall be provided along the eastern and northern property line.
3. Complete access control shall be dedicated to East Audrey Street unless the property is developed with single-family, two-family or three-family residences. The existing driveway to Audrey Street shall be closed prior to the issuance of any building permits for any use other than single-family, two-family or three family residences.
4. There shall not be any signage (ground or building) located on East Audrey Street nor along the east property line unless it is associated with a home occupation and complies with home occupation signage standards.
5. Maximum building height shall not exceed 35.
6. Lighting associated with the site shall be shielded and directed so as to prevent spillover of lighting onto abutting or adjacent residential uses.

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 12th day of January, 2014.


Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form: Sharon Dickgrafe / MA
Sharon Dickgrafe, Interim City Attorney

**City of Wichita
City Council Meeting
January 6, 2015**

TO: Mayor and City Council

SUBJECT: ZON2014-00027 – Zone change from B Multi-Family Residential to LC Limited Commercial on Property Located on the Southeast Corner of North Grove Avenue and East Audrey Street (one block north of East 21st Street North) (District I)

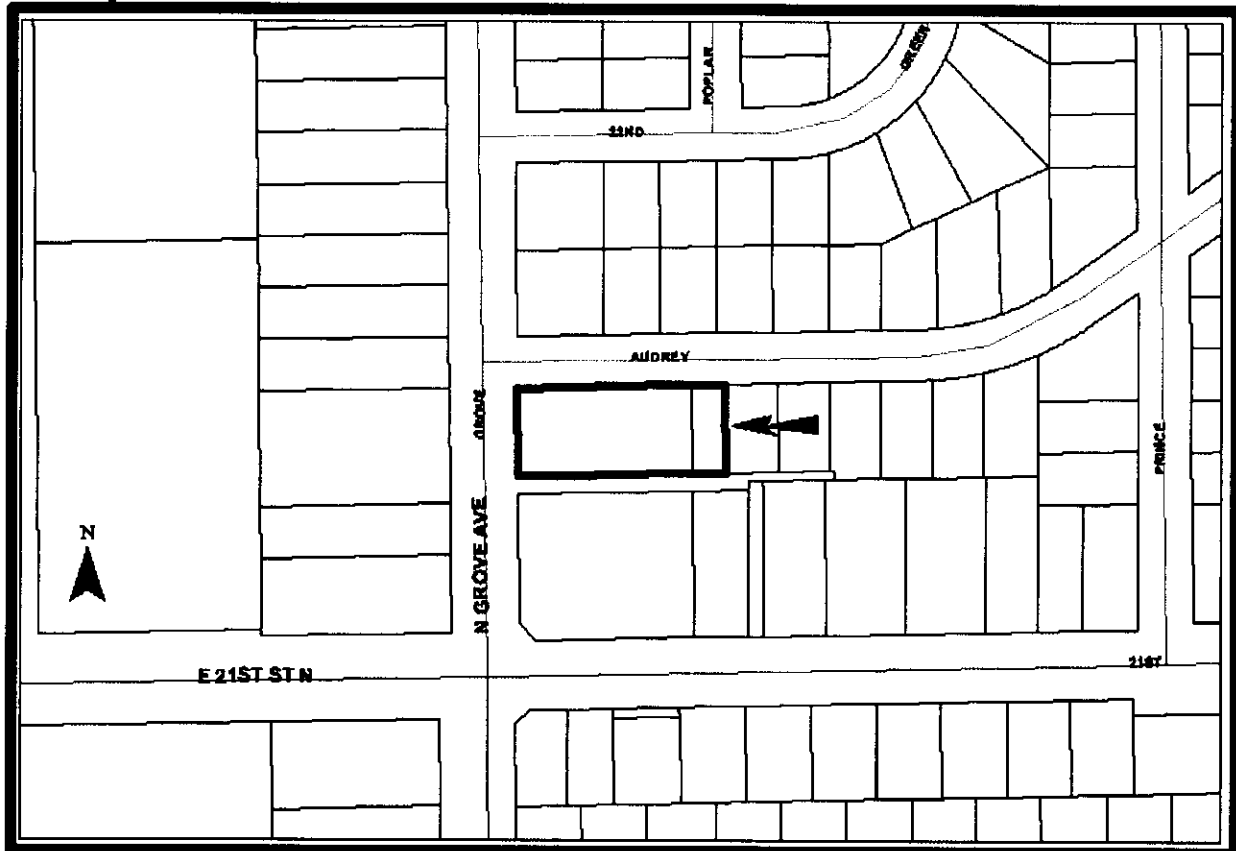
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (8-0).

DAB Recommendation: District Advisory Board I recommended approval of the request (5-2).

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request.



Background: The application area is .56 platted acre located at the southeast corner of North Grove Avenue and East Audrey Street (north of East 21st Street and east of North Grove Avenue) that is zoned B Multi-Family Residential (B). The applicants are seeking to rezone the property to the Limited Commercial (LC) district.

The subject property is platted into four lots of nearly equal area, and is currently developed with outdoor basketball courts that were likely associated with the property located to the south that was once used as a Boys and Girls Club. Access to the site is via a driveway from Audrey Street. Another driveway is located off of North Grove Avenue mid-block between Audrey Street and 21st Street. An alley was located in the same location as the driveway off of North Grove Avenue; however, it has been vacated. With the vacation of the alley, it would be easier to combine the subject property with the LC zoned land located to the south. It is staff's understanding that a single entity is expected to own both the subject tract and the site containing the old Boys and Girls Club. The site has mature landscape screening along the north, east and west property lines.

Properties located to the north, across East Audrey Street, are zoned B, Two-Family Residential (TF-3) or Single-Family Residential (SF-5), and are developed with duplex or single-family residences. Lots to the east are zoned SF-5, and are developed with single-family residences. Land to the south is zoned LC, and is developed with an office or retail sales commercial building that fronts East 21st Street. The properties located to the west, across Grove Avenue, are zoned LC and MF-29 Multi-Family Residential (MF-29), and are developed with retail sales, office/warehouse combination or triplex residential uses.

The purpose of the LC zoning district is to accommodate retail, commercial, office and other complementary land uses. The LC district permits a wide range of uses, such as: residential – single-family thru multifamily; public and civic – community assembly, hospital or government service; commercial – hotel, office, general retail or restaurant; agriculture – agricultural research. Base building setbacks in the LC district are: front – 20 feet; interior side – zero or five feet; street side – 10 feet; and rear -10 feet. However, minimum side and rear compatibility setbacks of 15 feet would be required if the property is rezoned to LC. Building height in the LC district are permitted to be up to 80 feet.

In contrast to the LC district, the purpose of the B zoning district is to accommodate very high density multi-family residential development and complementary land uses. The B district permits: the full range of residential uses –single-family residential thru multi-family and assisted living; public and civic uses – community assembly, hospital or college and commercial uses – medical service. Building setbacks in the B district are: front – 20 feet; interior side – five feet; street side – five feet; and rear – 15 feet. Maximum building height in the B district is 55 feet.

Redevelopment of the site under LC zoning will trigger a number of code required development standards, such as: a six-foot wooden screening fence, solid landscaping, a berm, or some combination of the three to be located along the east property line; a minimum 15-foot compatibility building setback would be required along the east property line and that portion of the application area located across the Audrey Street from TF-3 zoning, but not for that portion of the site across Audrey Street from B zoning; screening of outdoor work or storage areas from ground level view; a 20-foot setback from the east property line for dumpsters; a building height limit of 35 feet if a building is located within 50 feet of property zoned TF-3 or SF-5, and the height of outdoor lighting sources is limited to 15 feet if located within 200 feet of a residential zoning district. Redevelopment of the site will trigger landscape code requirements for parking lot, buffer and street yard landscaping.

The sign code would allow an on-site ground or pole sign with an area of 51 square feet along North Grove Avenue and a 50 square-foot sign along Audrey Street. The sign code would not allow building signage facing Audrey Street; however, building signage would be permitted along Grove Avenue.

Analysis: On November 20, 2014, the Metropolitan Area Planning Commission (MAPC) approved the application subject to the development conditions listed below and contained in Protective Overlay #293:

1. The site permits LC uses permitted by right except for the following: “nightclub in the city”;

“tavern and drinking establishment”; “entertainment establishment in the city”; “construction and sales and service”; “sexually oriented business” or an office or business that provides loans in exchange for vehicle titles.

2. Building setbacks of a minimum of 20 feet shall be provided along the eastern and northern property line.
3. Complete access control shall be dedicated to East Audrey Street unless the property is developed with single-family, two-family or three-family residences. The existing driveway to Audrey Street shall be closed prior to the issuance of any building permits for any use other than single-family, two-family or three family residences.
4. There shall not be any signage (ground or building) located on East Audrey Street nor along the east property line unless it is associated with a home occupation and complies with home occupation signage standards.
5. Maximum building height shall not exceed 35.
6. Lighting associated with the site shall be shielded and directed so as to prevent spillover of lighting onto abutting or adjacent residential uses.

On December 1, 2014, District Advisory Board (DAB) I voted 5-2 to recommend approval. The two negative votes reflect concern with not knowing what business will occupy the site.

No protest petitions have been received. The request can be approved with a simple majority vote.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

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

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the requested zone change subject to the development standards contained in Protective Overlay #293 and place the ordinance on first reading.

Attachments: MAPC minutes, DAB memo and ordinance.