

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. ZON2015-00031**

Zone change from SF-5 Single-Family Residential ("SF-5") to NR Neighborhood Retail ("NR"), subject to the provisions of a Protective Overlay ("PO") on an approximately 0.70-acre property described as:

The south 160 feet of Lot 9, Block D, Westview Addition, Wichita, Sedgwick County, Kansas, generally located east of Ridge Road on the northwest corner of Maple and Brunswick Streets.

Provisions of PO #300:

- (1) Permitted uses are an automated teller machine, a bank or financial institution, general office, personal care services, general retail, personal improvement services and medical offices.
- (2) The hedge like line of mature trees running parallel to the site's west property line shall be maintained or improved as needed to provide a solid landscape buffer. A line of six-foot tall (at the time of planting) evergreens shall be planted on 12-foot centers along the north property line. An eight-foot tall solid fence shall be installed south of the line of evergreens. The rest of the required landscaping shall be per the Landscape Ordinance.
- (3) Compatibility setback, height and light standards and all applicable Unified Zoning Code standards will apply to the development of the site. A drainage plan must be approved by the Public Works.
- (4) No parking or lighting within the rear and interior side yard setbacks.

**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, MMC*

Karen Sublett, City Clerk



Approved as to form:

Jennifer Magana, City Attorney and Director of Law

*Jennifer Magana*

City of Wichita  
City Council Meeting  
October 6, 2015

**TO:** Mayor and City Council

**SUBJECT:** ZON2015-00031 – City Zone Change from Single-Family Residential to Neighborhood Retail with a Protective Overlay on Property Located West of Ridge Road on the Northwest Corner of Maple and Brunswick Streets. (District V)

**INITIATED BY:** Metropolitan Area Planning Department *WDB DM*

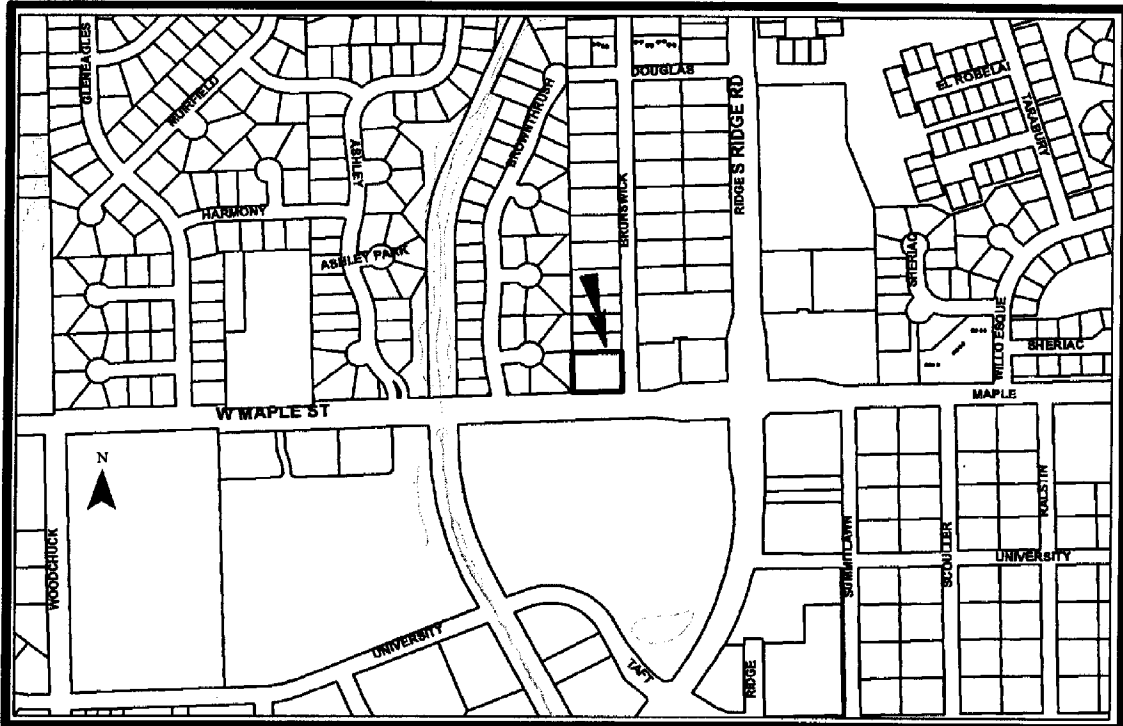
**AGENDA:** Planning (Consent)

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**MAPC Recommendation:** The MAPC recommended approval of the request (11-0).

**DAB Recommendation:** District Advisory Board V recommended approval of the request (9-0).

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



**Background:** The applicant is requesting a zone change from SF-5 Single-Family Residential (“SF-5”) to Neighborhood Retail (“NR”) on the platted 160-foot (x) 187-foot (0.70-acres) site; the south 160 feet of Lot 9, Block D, Westview Addition. The site is a corner lot located one-block west of Ridge Road on the northwest corner of Brunswick and Maple Streets. The site’s one-story, brick, ranch style house’s (built 1948) front yard faces Maple Street, a paved four-lane arterial, with two center-turn lanes at this location. The site has large mature deciduous trees located throughout it, including a hedge-like line of mature trees running parallel to its west property line.

SF-5 zoned neighborhoods abut the north and west sides of the SF-5 zoned site. The west abutting SF-5 zoned single-family residences (built in the early 1990s) are separated from the subject site by the noted hedge-like line of mature trees and a six-foot brick wall. None of the houses located west of the site have front yards facing Maple Street. A similar landscape buffer does not separate the north abutting SF-5 zoned single-family residences (built late 1970s) from the subject site. A Limited Commercial (“LC”) zoned small Horton’s carpet store (built 1996), a small commercial strip with gas pumps (built 1983) and an Outback full-service restaurant (built 1999) are located east of the site, across Brunswick Street; zoning cases Z-2337, Z-3162, and Z-3237. If the zoning is approved, the 0.68-acre carpet store and 0.70-acre commercial strip site present a similar scale of commercial development that could occur on the 0.70-acre subject site. South of the site, across Maple Street, are the LC and GC General Commercial zoned big box, 17.71-acre Lowes home improvement store (built 1998) and the LC zoned big box, 15.72-acre Target department store (built 2004); zoning cases Z-3306/DP-37 and Z-3326, ZON2003-00055/DP-270. Lowes and Target are the two largest commercial developments located along the Ridge Road – Maple Street intersection, which includes full service restaurants, casual dining restaurants, furniture stores, commercial and strip buildings. Based on the built dates (as shown on the Sedgwick County Appraiser’s information) the subject site’s one-story, brick, ranch style house (built 1948) is one of the oldest, if not the oldest building in the area. The site’s house was built prior to the adoption of the Unified Zoning Code (UZC) and prior to the 1958 Sedgwick County zoning of county land located within a three mile-ring of the Wichita city limits.

**Analysis:** On August 20, 2015, the Metropolitan Area Planning Commission (MAPC) considered and approved (11-0) the request, with the following provisions of a protective overlay:

- (1) Permitted uses are an automated teller machine, a bank or financial institution, general office, personal care services, general retail, personal improvement services and medical offices.
- (2) The hedge like line of mature trees running parallel to the site’s west property line shall be maintained or improved as needed to provide a solid landscape buffer. A line of six-foot tall (at the time of planting) evergreens shall be planted on 12-foot centers along the north property line. An eight-foot tall solid fence shall be installed south of the line of evergreens. The rest of the required landscaping shall be per the Landscape Ordinance.
- (3) Compatibility setback, height and light standards and all applicable Unified Zoning Code standards will apply to the development of the site. A drainage plan must be approved by the Public Works.
- (4) No parking or lighting within the rear and interior side yard setbacks.

There were no protesters at the MAPC meeting.

On September 14, 2015, District Advisory Board V (DAB V) considered the request. DAB V voted 9-0 to approve the request for the NR zoning with the above provisions of a protective overlay. There were no protesters at the DAB V meeting. Planning staff has received no valid protests to the request.

**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 concur with the findings of the MAPC and approve the zoning with the provisions of Protective Overlay 300 and place the ordinance on first reading (simple majority of four votes required).