



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

February 13, 2024

Boeing Wichita Credit Union
PO Box 2926
Wichita, KS 67201

Invest Brigham, LLC
3518 Beach Club Dr
Wichita, KS 67205

RE: ZON2023-000072 – Amend Protective Overlay #11, generally located on the north side of West Maple Street within one-quarter mile west of South 135th Street West (13710 West Maple Street).

Dear Applicant,

At its regular meeting on **February 13, 2024**, the Wichita City Council considered the above captioned request. The action of the WCC was to **APPROVE** the request with an amendment to PO #11. You will find the approved PO language below.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

Copies to: J.V. Johnston, Council Member, District V
Teresa Veazey, CSR, District V
Dalton Glasscock, Council Member, District IV
Brooke Kauchak, CSR, District IV
MABCD
Abbot Land Survey, LLC 631 Kessler St. Wichita, KS, 67203
Patricia Nugent, 234 S. Decker Ct. Wichita, KS, 67235
Jacob Stutts, 222 S. Decker Ct. Wichita, KS, 67235
Randy Blair 226 S. Decker Ct. Wichita, KS 67235



FILE COPY

**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Boeing Wichita Credit Union
PO Box 2926
Wichita, KS 67201

January 11, 2024

Invest Brigham, LLC
3518 Beach Club Dr
Wichita, KS 67205

RE: ZON2023-000072 – Amend Protective Overlay #11, generally located on the north side of West Maple Street within one-quarter mile west of South 135th Street West (13710 West Maple Street).

Dear Applicant,

At its regular meeting on **January 11, 2024**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request to amend PO #11.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on January 25, 2024. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **January 25, 2024, at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, February 13, 2024** beginning at 9:00 a.m.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: J.V. Johnston, Council Member District V
Teresa Veazey, CSR, District V
MABCD
Abbot Land Survey, LLC 631 Kessler St. Wichita, KS, 67203
Patricia Nugent, 234 S. Decker Ct. Wichita, KS, 67235
Jacob Stutts, 222 S. Decker Ct. Wichita, KS, 67235
Randy Blair 226 S. Decker Ct. Wichita, KS 67235

**Applicant's Requested and Staff Recommended Protective Overlay #11 Text
(changes from the existing PO shown in red)**

- A. All freestanding signs must be monument type. Freestanding monument signs shall be limited to no more than 20 feet in height and 130 square feet.
- B. Light Poles must be limited to a maximum height of 14 feet.
- C. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- D. Landscaping shall comply with the Landscape Ordinance of the City, except that requirements for street yard landscaping and buffer strip trees must be calculated at 1.5 times the minimum ordinance requirements.
- E. All buildings on the site must share similar architecture character, color, texture, and the same predominate exterior building material. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas.
- F. The administrative adjustment provisions of the Wichita-Sedgwick County Unified Zoning Code, Section V-E.14 shall apply to the protective overlay.
- G. The use of this property shall be limited to ~~office uses, medical uses~~, a bank with a drive-through window, **Single-Family Residential, Duplex, Multi-Family Residential, Accessory Apartment, Assisted Living, Church or Place of Worship, Limited Day Care, General Day Care, Library, Bed and Breakfast Inn, Personal Care Service, Personal Improvement Service, Limited Printing and Copying, Restaurant, General Retail, and Agriculture.**
- H. All buildings shall be limited to 35 feet in height, and 2 stories in height with the second story limited to 25% of the total building floor area.
- I. The west 48 feet of Lot 1, Riverside Health System Addition, shall be added to PO #11 and removed from PO #1.

ORDINANCE NO. 52-342

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. ZON2023-00072

Amendment to Protective Overlay #11 on property zoned LC Limited Commercial, described as:

Lot 2, EXCEPT the North 70 feet thereof, TOGETHER WITH the West 47.78 feet of Lot 1, EXCEPT the North 70 feet thereof, all in Riverside Health System Addition, Wichita, Sedgwick County, Kansas.

AND

The North 70 feet of the West 47.78 feet of Lot 1, TOGETHER WITH the North 70 feet of Lot 2, all in Riverside Health System Addition, Wichita, Sedgwick County, Kansas.

Protective Overlay #11 shall hereby read as follows:

1. All freestanding signs must be monument type. Freestanding monument signs shall be limited to no more than 20 feet in height and 130 square feet.
2. Light Poles must be limited to a maximum height of 14 feet.
3. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
4. Landscaping shall comply with the Landscape Ordinance of the City, except that requirements for street yard landscaping and buffer strip trees must be calculated at 1.5 times the minimum ordinance requirements.
5. All buildings on the site must share similar architecture character, color, texture, and the same predominate exterior building material. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas.
6. The administrative adjustment provisions of the Wichita-Sedgwick County Unified Zoning Code, Section V-E.14 shall apply to the protective overlay.
7. The use of this property shall be limited to a Bank with a Drive-Through Window; Single-Family Residential; Duplex; Multi-Family Residential; Accessory Apartment; Assisted Living Church or Place of Worship; Day Care, Limited; Day Care, General; Library; Bed and Breakfast Inn; Medical Service; Office, General; Personal Care Services; Personal Improvement Services; Printing and

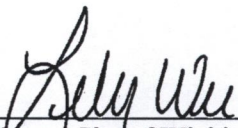
Copying, Limited; Restaurant; Retail, General; and Agriculture.

8. No use with a drive-through shall be permitted on the western parcel.
9. All buildings shall be limited to 35 feet in height, and 2 stories in height with the second story limited to 25% of the total building floor area.
10. The west 48 feet of Lot 1, Riverside Health System Addition, shall be added to PO #11 and removed from PO #1.

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 20th day of February 2024.



Lily Wu, Mayor, City of Wichita

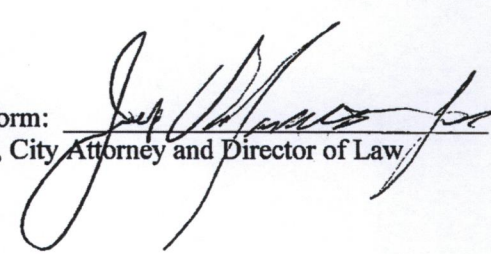
ATTEST:



Jamie Buster, City Clerk

(SEAL)



Approved as to form: 

Jennifer Magaña, City Attorney and Director of Law



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	523086	Print Legal Ad-IPL01607890 - IPL0160789	ORD#52-342	\$111.06	2	66 L

Attention: LaTosha Alvarez
CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

JMBuster@wichita.gov

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON
February 23, 2024
ORDINANCE NO. 52-342

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. ZON2023-00072

Amendment to Protective Overlay #11 on property zoned LC Limited Commercial, described as:

Lot 2, EXCEPT the North 70 feet thereof, TOGETHER WITH the West 47.78 feet of Lot 1, EXCEPT the North 70 feet thereof, all in Riverside Health System Addition, Wichita, Sedgwick County, Kansas.

AND

The North 70 feet of the West 47.78 feet of Lot 1, TOGETHER WITH the North 70 feet of Lot 2, all in Riverside Health System Addition, Wichita, Sedgwick County, Kansas.

Protective Overlay #11 shall hereby read as follows:

All freestanding signs must be monument type. Freestanding monument signs shall be limited to no more than 20 feet in height and 130 square feet.

Light Poles must be limited to a maximum height of 14 feet.

Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.

Landscape shall comply with the Landscape Ordinance of the City, except that requirements for street yard landscaping and buffer strip trees must be calculated at 1.5 times the minimum ordinance requirements.

All buildings on the site must share similar architecture character, color, texture, and the same predominate exterior building material. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas.

The administrative adjustment provisions of the Wichita-Sedgwick County Unified Zoning Code, Section V-E.14 shall apply to the protective overlay.

The use of this property shall be limited to a Bank with a Drive-Through Window; Single-Family Residential; Duplex; Multi-Family Residential; Accessory Apartment; Assisted Living Church or Place of Worship; Day Care, Limited; Day Care, General; Library; Bed and Breakfast Inn; Medical Service; Office, General; Personal Care Services; Personal Improvement Services; Printing and Copying, Limited; Restaurant; Retail, General; and Agriculture.

No use with a drive-through shall be permitted on the western parcel.

All buildings shall be limited to 35 feet in height, and 2 stories in height with the second story limited to 25% of the total building floor area.

The west 48 feet of Lot 1, Riverside Health System Addition, shall be added to PO #11 and removed from PO #1.

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 20th day of February 2024.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk
(SEAL)

Approved as to form:

Jennifer Magana, City Attorney and Director of Law
IPL0160789
Feb 23 2024

In The STATE OF KANSAS
In and for the County of Sedgwick

1 insertion(s) published on:

02/23/24

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 02/23/2024 to 02/23/2024.

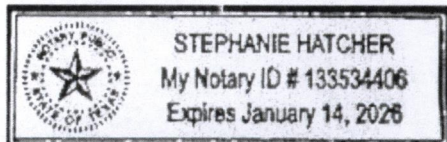
Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 02/28/2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!



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The Belleville News-Democrat
Bellingham Herald
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The Charlotte Observer
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Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
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Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	501875	Print Legal Ad-IPL01524820 - IPL0152482		\$144.27	2	86 L

Attention: MANDY HEBERT
CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

MHEBERT@wichita.gov

LEGAL PUBLICATION

OCA 150004
Published in The Wichita Eagle on December 21, 2023
(One Time Only)
MAPC/BZA January 11, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, January 11, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2023-00065: Variance request in the City to remove the landscape buffer requirements on the north and south sides of the property zoned TF-3 Two-Family Residential District, generally located on the east side of South 167th Street West, south of West Apollo Street.

CUP2023-00046: Minor Amendment to CUP DP-21 to allow a car wash on Parcel 14 zoned LC Limited Commercial, generally located on the west side of South Seneca Street and within one-quarter mile south of West Pawnee Avenue.

VAC2023-00053: Vacation request in the City to vacate the plat's text in Reserve A on property zoned TF-3 Two-Family Residential District, generally located on the east side of South 167th Street West, within 1500 feet north of U.S. Highway 54.

VAC2023-00054: Request in the City to vacate a portion of the front building setback for a Carwash on property zoned LC Limited Commercial District, generally located on the west side of South Seneca Street and within one-quarter mile south of West Pawnee Avenue.

ZON2023-00072: Request in the City to amend Protective Overlay #11 to permit additional uses on property zoned LC Limited Commercial; located on the north side of West Maple Street, within one-quarter mile west of South 135th Street West (13710 West Maple St.).

ZON2023-00073: Zone change request in the City from NO Neighborhood Office and MF-29 Multi-Family Residential to LC Limited Commercial to allow for a mixed-use building, generally located on the east side of North Waco Avenue, within 150 feet south of West 9th Street North.

ZON2023-00074: Zone Change request in the City from LC Limited Commercial to OW Office Warehouse for contractor warehousing, generally located 300 feet north of 13th Street North and on the west side of North Broadway (1451 North Broadway).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate:

- 1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.
- 2) Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) - using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

Email: Planning@wichita.gov

Mailing Address

Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone: 316.268.4421

Fax: 316.858.7764

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: <https://www.wichita.gov/planning>

WITNESS MY HAND on December 21, 2023

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0152482

Dec 21 2023

In The STATE OF KANSAS
In and for the County of Sedgwick

1 insertion(s) published on:

12/21/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 12/21/2023 to 12/21/2023.

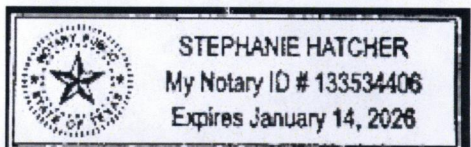
Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 01/03/2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

STAFF REPORT

MAPC: January 11, 2024
DAB V: January 3, 2024

CASE NUMBER: ZON2023-00072 (City)

OWNER/AGENT: Boeing Wichita Credit Union/Invest Brigham LLC (Owners) / Abbott Land Survey, LLC (Agent)

REQUEST: Amend Protective Overlay #11

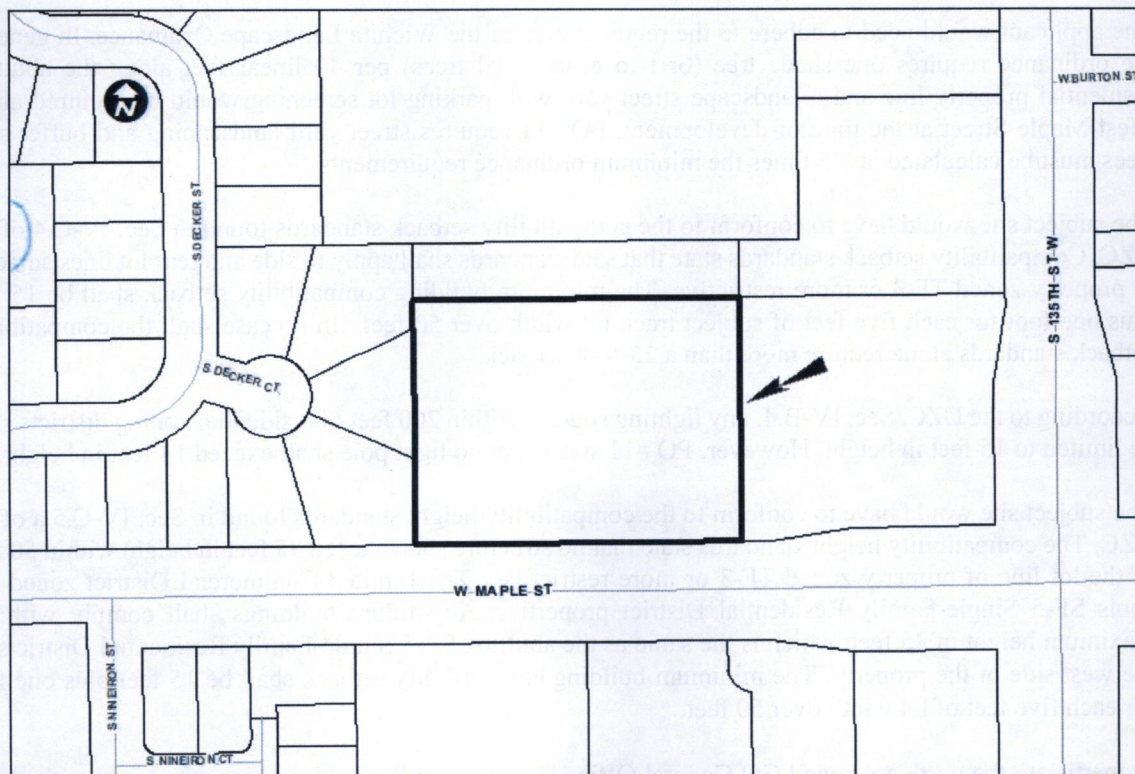
CURRENT ZONING: LC Limited Commercial District with Protective Overlay #11

SITE SIZE: 2.77 acres

LOCATION: Generally located on the north side of West Maple Street within one-quarter mile west of South 135th Street West (13710 West Maple Street).

PROPOSED USE: Permit additional uses within the Protective Overlay.

RECOMMENDATION: Approval with conditions.



BACKGROUND: The applicant is requesting an amendment to Provision “G” of Protective Overlay (PO) #11 to allow several additional uses on property zoned LC Limited Commercial District. The 2.77 acre site is generally located on the north side of West Maple Street and within one-quarter mile west of South 135th Street West (13710 West Maple Street). The subject property consists of two parcels. The west parcel is undeveloped, while the east parcel is developed with a credit union.

Currently, Provision “G” of PO #11 restricts uses on the subject site to “office uses, medical uses, and a bank with a drive-through window.” In 2003, PO #11 was amended to permit Office, General and Bank or Financial Institution as permitted uses.

The applicant is currently requesting the following additional uses to be permitted by right in PO #11: Single-Family Residential, Duplex, Multi-Family Residential, Accessory Apartment, Assisted Living, Church or Place of Worship, Day Care, Limited, Day Care, General, Library, Bed and Breakfast Inn, Personal Care Service, Personal Improvement Service, Printing and Copying, Limited, Restaurant, Retail, General and Agriculture. Per the Unified Zoning Code (UZO), all of the requested uses are permitted by-right in the LC Limited Commercial District. The uses of Office, General, Medical Service, and Bank or Financial Institution would remain as permitted uses. All other provisions of PO #11 would remain unchanged.

Section IV-B.2 of the Unified Zoning Code (UZO) requires screening of commercial properties when abutting or across a street or alley from residential zoning districts. Because the property abuts residential zoning on the west property line, the applicant would be required to provide a solid screening fence of at least six-feet in height along this property line. The property would also need to adhere to the rules and regulations of the Wichita Sign Code, which prohibits building signs from facing residential zoning district if the building is within 150 feet of the residential lot line.

The applicant would need to adhere to the requirements of the Wichita Landscape Ordinance. In general, the ordinance requires one shade tree (or two ornamental trees) per 40 linear feet along the abutting residential property line and a landscape street yard with parking lot screening would be required along West Maple Street at the time of development. PO #11 requires street yard landscaping and buffer strip trees must be calculated at 1.5 times the minimum ordinance requirements

The subject site would have to conform to the compatibility setback standards found in Sec. IV-C.4 of the UZO. Compatibility setback standards state that said standards shall apply to side and rear lot lines adjacent to property zoned TF-3 or more restrictive. The minimum building compatibility setback shall be 15 feet plus one foot for each five feet of subject track lot width over 50 feet. In no case shall the compatibility setback standards alone require more than a 25-foot setback.

According to the UZO, Sec. IV-B.4, any lighting sources within 200 feet of residential zoning districts shall be limited to 15 feet in height. However, PO #11 states that no light pole shall exceed 14 feet in height.

The subject site would have to conform to the compatibility height standards found in Sec. IV-C.5.a of the UZO. The compatibility height standards state that no structure shall exceed 35 feet in height within 50 feet of the lot line of property zoned TF-3 or more restrictive. The Limited Commercial District zoned site abuts SF-5 Single-Family Residential District properties. Any future buildings shall comply with the maximum height of 35 feet, which is the same as the abutting SF-5 Single-Family Residential Districts on the west side of the property. The minimum building compatibility setback shall be 15 feet plus one foot for each five feet of lot width over 50 feet.

Properties to the north are zoned GO General Office District with PO #309 and are developed with multi-family residential dwellings. The property to the east is zoned GO General Office District with PO #1 and ZON2023-00072

is developed with a medical clinic. Properties to the west are zoned SF-5 Single-Family Residential District and are developed with single-family dwellings. Properties to the south, across West Maple Street, are part of CUP DP-225 and are zoned LC Limited Commercial District with one parcel undeveloped and the other developed with a dental clinic.

Several of the requested uses are subject to Supplementary Use Regulations found in the UZC Sec. III-D.6. The amended PO cannot override these regulations. Any use that is allowed by-right in the PO, will be subject to the corresponding Supplementary Use Regulations, if applicable.

CASE HISTORY: On July 17, 1996, the site was platted as the Riverside Health System Addition and established PO #1 (SCZ-0717). In 1996, a zone change (SCZ-0730) was approved to rezone the subject site from SF-20 Single-Family Residential District to GO General Office District and established PO #11. In February, 1997, the property was annexed into the City of Wichita. On July 1, 2003, a Conditional Use (CON2003-00016) was approved that allowed a bank to be an approved use on Lot 2 (subject site) of the Riverside Health System Addition. Also on July 1, 2003, an amendment to PO #11 (ZON20003-00026) was approved which removed restrictions to permit Medical Services only and permit Office, General and Bank or Financial Institution. On September 14, 2007, the property was rezoned (ZON2005-00028) from GO General Office District to LC Limited Commercial District and PO #11 was amended to include the West 48 feet of Lot 1 (neighboring parcel to the east) of the Riverside Health System Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	GO with PO #309	Multi-family Dwellings
SOUTH:	LC with CUP DP-225	Dental Clinic/Undeveloped
EAST:	GO with PO #1	Medical Clinic
WEST:	SF-5	Single-Family Dwellings

PUBLIC SERVICES: West Maple Street is a paved, four-lane arterial that begins to narrow down to two lanes in front of the subject site, with no sidewalks on either side. Wichita Transit does not provide bus service in the area. The site is currently served by municipal water, sewer, and stormwater.

CONFORMANCE TO PLANS/POLICIES: The proposed amendment to Protective Overlay #11 is in conformance with the Community Investments Plan.

The Community Investments Plan: The requested amendment to PO #11 is in conformance with the Future Growth Concept Map of the Community Investment Plan. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for "Residential and Employment Mix" uses. The Plan defines "Residential and Employment Mix" as "areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity businesses uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor." Considering the requested uses for PO #11 are lower-intensity uses, staff feels they are appropriate for this location. PO #11 will continue to not permit higher intensity uses that could detrimentally effect nearby properties with this amendment

The request is in partial conformance with the Land Use Compatibility Locational Guidelines of the Comprehensive Plan. Guideline 3.c recommends that neighborhood-serving retail and office uses and high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses if the scale of the development is appropriate for its context. Guideline 3.d recommends that low-density residential uses should be buffered from commercial areas by open space, water bodies, changes in topography, or major barriers such as arterial streets or highways.

RECOMMENDATION: Based upon information available prior to the public hearings and evaluating the conditions and uses of the surrounding neighborhood, staff is recommending the request be **APPROVED**, subject to the revised language of Protective Overlay #11.

Staff Recommended Protective Overlay #11 Text (staff changes to the current protective overlay are shown in red):

1. All freestanding signs must be monument type. Freestanding monument signs shall be limited to no more than 20 feet in height and 130 square feet.
2. Light Poles must be limited to a maximum height of 14 feet.
3. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
4. Landscaping shall comply with the Landscape Ordinance of the City, except that requirements for street yard landscaping and buffer strip trees must be calculated at 1.5 times the minimum ordinance requirements.
5. All buildings on the site must share similar architecture character, color, texture, and the same predominate exterior building material. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas.
6. The administrative adjustment provisions of the Wichita-Sedgwick County Unified Zoning Code, Section V-E.14 shall apply to the protective overlay.
7. The use of this property shall be limited to *office-uses, medical-uses*, a bank with a drive-through window, *Single-Family Residential, Duplex, Multi-Family Residential, Accessory Apartment, Assisted Living, Church or Place of Worship, Day Care, Limited, Day Care, general, Library, Bed and Breakfast Inn, Medical Service, Office, General, Personal Care Services, Personal Improvement Services, Printing and Copying, Limited, Restaurant, Retail, General, and Agriculture.*
8. All buildings shall be limited to 35 feet in height, and 2 stories in height with the second story limited to 25% of the total building floor area.
9. The west 48 feet of Lot 1, Riverside Health System Addition, shall be added to PO #11 and removed from PO #1.

This recommendation of approval is based on the following findings:

1. **The zoning, uses and character of the neighborhood.** Properties to the north are zoned GO General Office District with PO #309 and are developed with multi-family residential dwellings. The property to the east is zoned GO General Office District with PO #1 and is developed with a medical clinic. Properties to the west are zoned SF-5 Single-Family Residential District and are developed with single-family dwellings. Properties to the south, across West Maple Street, are part of CUP DP-225 and are zoned LC Limited Commercial District with one parcel undeveloped and the other developed with a dental clinic.

2. **The suitability of the subject property for the uses to which it has been restricted:** The

ZON2023-00072

Metropolitan Area Planning Commission

Page 4

property is zoned LC Limited Commercial with PO #11 and is limited to the following uses: office, general, medicals services, and a bank with a drive-through window.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** All of the requested uses would normally be permitted by-right in the LC Limited Commercial District. It is not expected that the removal of the restrictions will detrimentally affect nearby property.
4. **Length of time subject property has remained vacant as zoned:** The western portion of the property has never been developed. The eastern portion of the property is developed with a credit union.
5. **Relative gain to public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval would permit new development in an area on an undeveloped parcel that is also appropriate for such development. Denial may represent a loss of economic opportunity for the applicant.
6. **Conformance of the requested change to adopted or recognized Plans/Policies:** The proposed amendment to PO #11 is in conformance with the *Community Investments Plan* as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** Development of the property would make use of existing community facilities and resources and is not expected to exceed their capacity. All public services are available to be extended to serve the property.

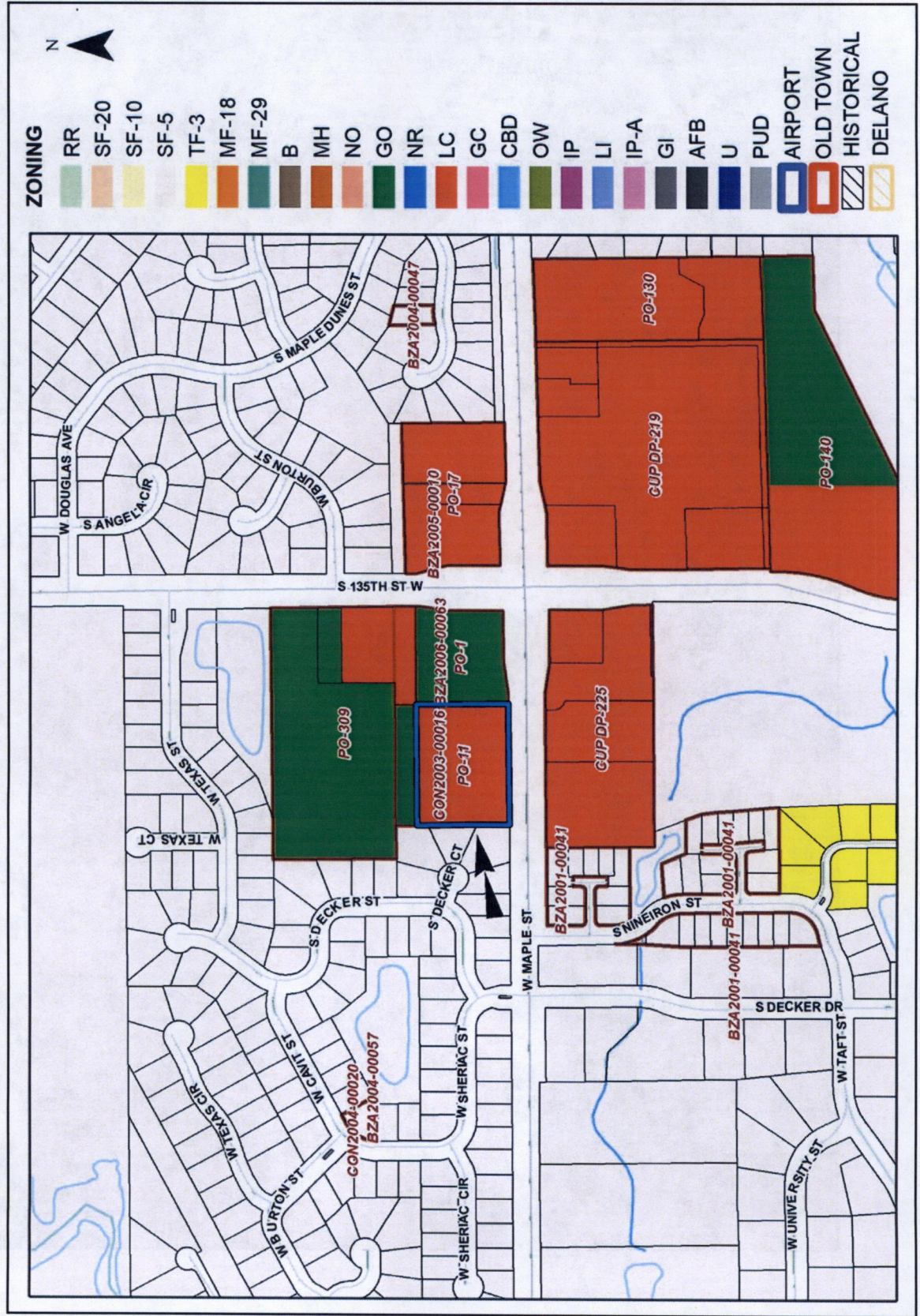
Staff Report Attachments:

- a. Applicant's Requested/Staff Recommended Protective Overlay #11 Text
- b. Aerial Map
- c. Zoning Map
- d. Land Use Map
- e. Photos

**Applicant's Requested and Staff Recommended Protective Overlay #11 Text
(changes from the existing PO shown in red)**

- A. All freestanding signs must be monument type. Freestanding monument signs shall be limited to no more than 20 feet in height and 130 square feet.
- B. Light Poles must be limited to a maximum height of 14 feet.
- C. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- D. Landscaping shall comply with the Landscape Ordinance of the City, except that requirements for street yard landscaping and buffer strip trees must be calculated at 1.5 times the minimum ordinance requirements.
- E. All buildings on the site must share similar architecture character, color, texture, and the same predominate exterior building material. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas.
- F. The administrative adjustment provisions of the Wichita-Sedgwick County Unified Zoning Code, Section V-E.14 shall apply to the protective overlay.
- G. The use of this property shall be limited to ~~office uses, medical uses~~, a bank with a drive-through window, *Single-Family Residential, Duplex, Multi-Family Residential, Accessory Apartment, Assisted Living, Church or Place of Worship, Day Care, Limited, Day Care, General, Library, Bed and Breakfast Inn, Medical Service, Office General, Personal Care Services, Personal Improvement Services, Printing and Copying, Limited, Restaurant, Retail, General, and Agriculture.*
- H. All buildings shall be limited to 35 feet in height, and 2 stories in height with the second story limited to 25% of the total building floor area.
- I. The west 48 feet of Lot 1, Riverside Health System Addition, shall be added to PO #11 and removed from PO #1.





2035 Wichita Future Growth Concept Map

- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Small City Urban Growth Areas
 - Small City Urban Growth Areas
 - Rural Areas
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Neighborhood/Area Plans



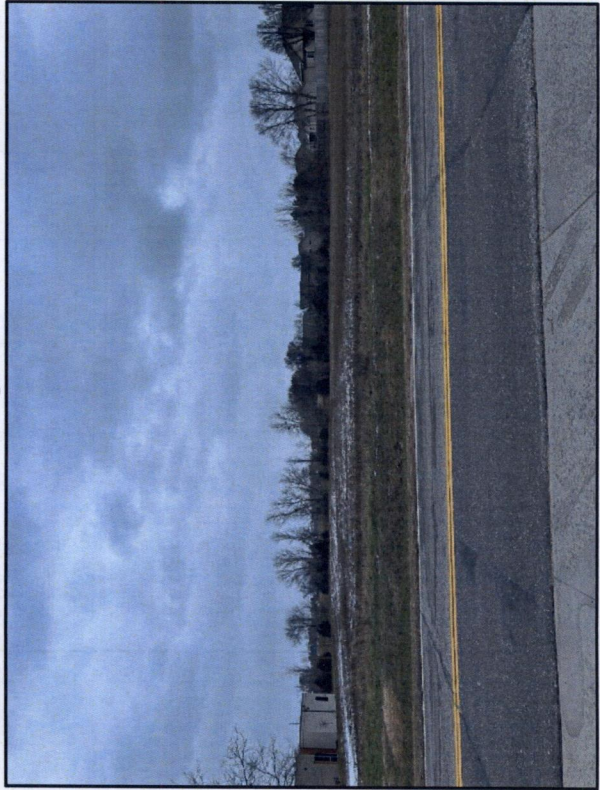
Looking north into west parcel



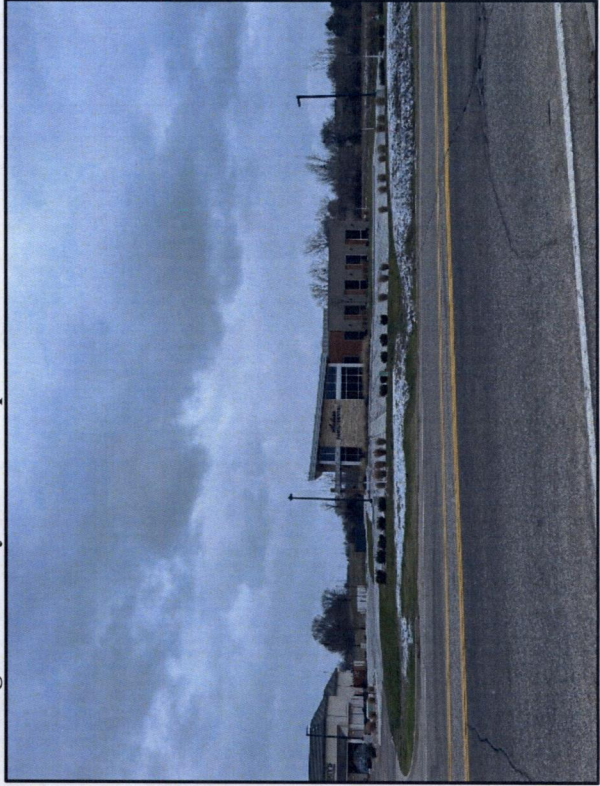
Looking north into east parcel



Looking south away from west parcel



Looking south away from east parcel



Looking west away from west parcel



Looking east away from east parcel



(150006) Published in The Wichita Eagle on 9-14-07
ORDINANCE NO. 47-569

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; AND REPEALING THE ORIGINAL OF ORDINANCES NOS. 45-755 AND 46-653.

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. ZON2005-00028

Request for Zone change to "LC" Limited Commercial and amendment to Protective Overlay #11 on property zoned "GO" General Office, on property described as:

Lot 2 and the west 48 feet of Lot 1, Riverside Health System Addition, Wichita, Sedgwick County, Kansas. Generally located north of Maple and west of 135th Street West.

SUBJECT TO THE FOLLOWING PROVISIONS OF AMENDED PROTECTIVE OVERLAY DISTRICT #11:

- A. All freestanding signs must be monument type. Freestanding monument signs shall be limited to no more than 20 feet in height and 130 square feet.
- B. Light Poles must be limited to a maximum height of 14 feet.
- C. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- D. Landscaping shall comply with the Landscape Ordinance of the City, except that requirements for street yard landscaping and buffer strip trees must be calculated at 1.5 times the minimum ordinance requirements.
- E. All buildings on the site must share similar architectural character, color, texture, and the same predominate exterior building material. Building walls and roofs must have predominantly earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas.
- F. The administrative adjustment provisions of the Wichita-Sedgwick County Unified Zoning Code, Section V-E.14 shall apply to the protective overlay.
- G. The use of this property shall be limited to office uses, medical office uses, and a bank with drive-through window.
- H. All buildings shall be limited to 35 feet in height, and 2 stories in height with the second story limited to 25% of the total building floor area.

- I. The west 48 feet of Lot 1, Riverside Health System Addition, shall be added to P-O #11 and removed from P-O #1.

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. The original of Ordinance Nos. 45-755 and 46-653 are hereby repealed.

SECTION 4. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS,

September 11, 2007



- Mayor

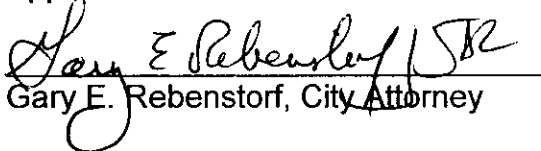
ATTEST:



Karen Sublett, City Clerk

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney



**City of Wichita
City Council Meeting
August 28, 2007**

TO: Mayor and City Council

SUBJECT: ZON2005-28 – Corrective ordinance for zone change to “LC” Limited Commercial and amendment to Protective Overlay #11 on property zoned “GO” General Office. Generally located north of Maple and west of 135th Street West. (District V)

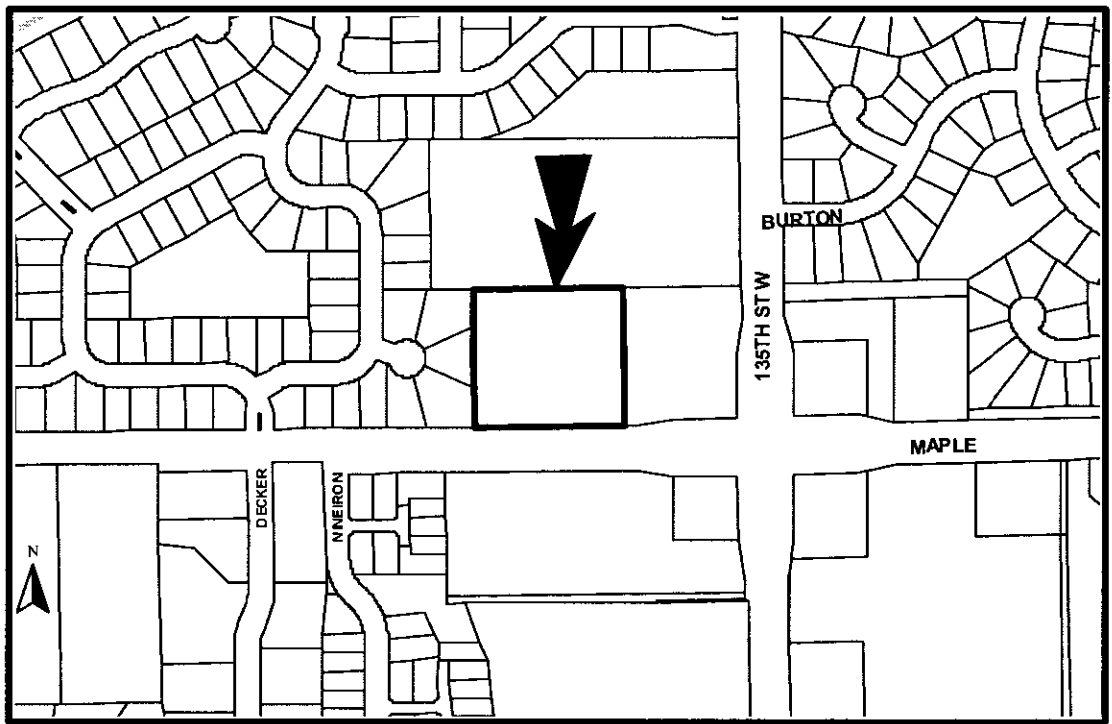
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approved, vote (10-0).

MAPD Staff Recommendations: Approved.

DAB Recommendations: Not applicable.



Background: On August 16, 2005, Wichita City Council approved the zone change from “GO” General Office to “LC” Limited Commercial and amended PO #11. The MAPC and Wichita City Council action intended to rezone a tract that included Lot 2 plus the west 48 feet of Lot 1, Riverside Health System Addition as displayed on the visual materials attached to the case. The original legal description omitted the west 48 feet of Lot 1, and this corrective ordinance adds it to the legal description. A previous case, ZON2003-26 associated with CON2003016, was intended to shift the same 48-foot strip from PO #1 (associated with the remaining portion of Lot 1) to PO #11 (associated with Lot 2).

Analysis: By this action, the west 48 feet of Lot 1, Riverside Health System Addition, will be perfected in its LC zoning and be subject to the PO #11 provisions associated with ZON2005-28. Adherence to the conditions of CON2005-16 will not be required for uses permitted by right in the LC district, subject to the use limitations of PO #11. The remainder of Lot 1, Riverside Health System Addition, will be governed by the provisions of PO #1 as adjusted (SZC-0717).

Financial Considerations: None.

Goal Impact: Promote Economic Vitality.

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

Recommendation/Actions:

1. Concur with the findings of the MAPC and approve the corrective action; place the ordinance establishing the zone change to “LC” Limited Commercial and amending P-0 #11 for first reading; or
2. Return the application to MAPC for reconsideration.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the members of the governing body on the first hearing.)