

ORDINANCE NO. 48-384

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. ZON2009-00018

Zone change request from SF-5 Single-family Residential (“SF-5”) to GO General Office (“GO”) and MF-18 Multi-family Residential (“MF-18”) subject to Protective Overlay #234 on properties described as:

Legal Description of MF-18 Multi-family Residential Rezoned Site:

An unplatted tract of land lying in the East Half Quarter, Section 24, Township 26 South, Range 1 West, of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

BEGINNING at a point on the east line of Lot 1, Block 1, The Moorings Tenth Addition, an addition to Wichita, Sedgwick County, Kansas, lying 110.00 feet north of the Southeast corner thereof; thence along said east line on a platted bearing of N01°36'24"W, 45.00 feet; thence along the easterly line of said Block 1, for the next four courses, N29°18'36"E, 360.06 feet; thence N00°46'02"W, 352.85 feet; thence N48°33'38"W, 428.14 feet; thence N41°26'22"E, 415.48 feet to the south line of a Drainage Dedication recorded Doc.#/FLM-PG: 28868254, being a point on a non-tangent curve to the left; thence along the said curve and said Drainage Dedication, 630.03 feet, said curve having a central angle of 28°35'23", a radius of 1262.63 feet, and a long chord distance of 623.52 feet, bearing S67°32'47"E; thence S00°46'02"E, 1048.50 feet to a point 110.00 feet north of the north right-of-way line of Keywest Street; thence parallel with and 110.00 feet north of said north right-of-way, S88°23'36"W, 714.87 feet to the POINT OF BEGINNING; COMMENCING at a point on the east line of Lot 1, Block 1, The Moorings Tenth Addition, an addition to Wichita, Sedgwick County, Kansas, lying 110.00 feet north of the Southeast corner thereof; thence N88°23'36"E, 364.83 feet, to the POINT OF BEGINNING; thence N09°41'44"E, 550.68 feet to a point lying 650 feet north of the north right of way line of Keywest Street; thence parallel with said north line, N88°23'36"E, 250.03 feet; thence S00°46'02"E, 540.06 feet to a point lying 110 feet north of said north line; thence S88°23'36"W, 350.04 feet, to the point of POINT OF BEGINNING. Said tract CONTAINS: 582,051 square feet or 13.36 acres of land, more or less.

Legal Description of GO General Office Rezoned Site:

An un-platted tract of land lying in the East Half Quarter, Section 24, Township 26 South, Range 1 West, of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at a point on the east line of Lot 1, Block 1, The Moorings Tenth Addition, an addition to Wichita, Sedgwick County, Kansas, lying 110.00 feet north of the Southeast corner thereof; thence N88°23'36"E, 364.83 feet, to the POINT OF BEGINNING; thence N09°41'44"E, 550.68 feet to a point lying 650 feet north of the north right of way line of Keywest Street; thence parallel with said north line, N88°23'36"E, 250.03 feet; thence S00°46'02"E, 540.06 feet to a point lying 110 feet north of said north line; thence S88°23'36"W, 350.04 feet, to the point of POINT OF BEGINNING. Said tract CONTAINS: 162,018 square feet or 3.72 acres of land, more or less; generally located south of 53rd Street North, west of Meridian Avenue, between 51st Street North and Keywest.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #234

Protective Overlay Provisions for the GO General Office (“GO”) parcel

- 1.) Architectural Controls:

All office buildings within the parcel shall share a uniform architectural character, color, and same predominate exterior building material. The building(s) walls shall not utilize metal as a predominant exterior facade material. If developed in conjunction with the adjoining MF-18 parcel, the buildings shall share a uniform architectural character, color, and same predominate exterior building material.
- 2.) Landscaping for this parcel shall be required as follows:
 - A. Landscaped street yards, buffers, and parking lot landscaping/screening, shall utilize a shared palette of landscape materials and shall be in accordance with the City of Wichita Landscape Ordinance.
 - B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material.
- 3.) Lighting:
 - A. The parcel shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps and etc.).
 - B. All lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential areas.
 - C. Light poles including above ground base shall be limited to 20 feet tall, except 15 feet tall when within 100 feet of single family residential zoning.
 - D. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- 4.) Screening:
 - A. Rooftop mechanical equipment shall be screened from ground level view with screening materials matching the building roof or wall materials.
 - B. Trash receptacles, loading docks, and loading areas shall be appropriately and individually screened with materials matching or similar to the building(s) facade hiding them from ground view.
 - C. Unless otherwise noted Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.
- 5.) Setbacks:

Setbacks will be as specified in Article III, Section III-C2.b(2) of the Wichita-Sedgwick County Unified Zoning Code, unless contiguous parcels are developed under the same ownership, including parcels to the east, then setbacks between those parcels will not be required.
- 6.) Building Height:

Shall be as per SF-5 Single-family Zoning District
- 7.) Use Restrictions:

No correctional placement residences, no asphalt or concrete plant limited.

Protective Overlay Provisions for MF-18 Multi-family Residential (“MF-18”) parcel

- 1.) Architectural Controls:

Assisted Living buildings within the parcel shall share a uniform architectural character, color, and same predominate exterior building material. The building(s) walls shall not utilize metal as a predominant exterior facade material.
- 2.) Landscaping for this parcel shall be required as follows:
 - A. Landscaped street yards, buffers, and parking lot landscaping/screening, shall utilize a shared palette of landscape materials and shall be in accordance with the City of Wichita Landscape Ordinance.
 - B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material.
- 3.) Lighting:

- A. The parcel shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps and etc.).
 - B. All lighting shall be shielded to direct light disbursement in a downward direction and directed away from residential areas.
 - C. Light poles including above ground base shall be limited to 20 feet tall, except 15 feet tall when within 100 feet of single family residential zoning.
 - D. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- 4.) Screening:
- A. Rooftop mechanical equipment shall be screened from ground level view with screening materials matching the building roof or wall materials; and as per Wichita-Sedgwick County Unified Zoning Code.
 - B. Trash receptacles, loading docks, and loading areas shall be appropriately and individually screened with materials matching or similar to the building(s) facade hiding them from ground view.
 - C. Unless otherwise noted Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV and Section III-C.2.b.
- 5.) Setbacks:
- Setbacks will be as specified in Article III, Section III-C2.b(2) of the Wichita-Sedgwick County Unified Zoning Code, unless contiguous parcels are developed under the same ownership, including parcels to the east, then setbacks between those parcels will not be required.
- 6.) Building Height:
- Shall be as per SF-5 Single-family Zoning District
- 7.) Use Restrictions:
- No asphalt or concrete plant limited.

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 _____, 200__.

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, Director of Law