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ORDINANCE NO. 46-425

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. ZON2003-00066**

Zone change from "SF-5" Single-family Residential to "LC" Limited Commercial on property described as:

Lot 1, Block A, New Life Christian Church Addition, Sedgwick County, Kansas, EXCEPT, that portion platted as Ellson Court Addition, an Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of the Central Avenue and Ellson Street intersection.

**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #136:**

1. Signage shall be per Sign Code for the "NR" zoning district, except no building, wall or pole signs shall be allowed along the south, southwest and east property lines.

2. Parking lot lighting elements (i.e. fixtures, poles, and lamps, and etc.), with light poles, including base, limited to 24 feet in height, and reduced to 14 feet within 150 feet of residential zoning. All lighting shall be behind a 20-foot setback along the south, southwest and east sides. Exterior lighting shall be shielded to prevent light disbursement in a northly or eastern direction.

3. Provide landscaping per the code. Landscaping shall be required prior to the issuance of any occupancy permit.

4. Ultimately solid screening shall be provided along the north side of the platted floodway and the southwest side of the site, where it abuts or is adjacent to residential zoning. The solid screening shall be a minimum of six (6) feet in height. If a portion of the site is developed and the current church use remains on the rest of the site, solid screening will be provided to screen that portion of the newly developed site from the adjacent residential zoning. The Planning Director will review screening.

5. Building walls and roofs must have predominately earth-tone colors, with vivid materials limited to incidental accent, and must employ materials similar to surrounding residential areas. Architectural articulated steel creating texture, shapes and shadows is permitted on the exterior walls within the context as stated in this condition.

6. Provide contingent dedication of 10-feet of utility - sidewalk easement along the Central Avenue frontage.

7. Provide shared access between all developments on the site onto Central Avenue, with full movement on the existing drives while a church exists and operates on the site. At that time when a church does not exist and operates on the site, access onto Central Avenue shall be restricted on the existing east drive to right in – right out. Access onto Ellson Street is restricted to one drive, with shared access between all developments on the site onto Ellson. Provide a guarantee for the paving, to City Standards, of the half of the Ellson Street ROW that abuts the east side of the site.

8. All utilities installed underground.

9. Trash receptacles shall have solid screening to hide them from ground view.

10. Maximum building height of 35-feet.

11. Prohibited uses on the "LC" lot include; motion picture theaters, liquor stores, tavern and drinking establishments, night clubs, drive through restaurants, hotels-motels, marine facility, outdoor recreational, cemeteries, vocational schools, correctional placement residences, group homes, convenience stores, service stations, vehicle repair limited, car wash, construction sales and service, nurseries and garden centers, safety service, recycling collection station (public), reverse vending machine, outdoor storage and asphalt or concrete plant.

12. The Protective Overlay will not be in effect on that portion of the site that is currently being used by the church, until at such time redevelopment of that site is not a church.

**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 AT WICHITA, KANSAS,** December 21, 2004

Carlos Mayans, Mayor

**ATTEST:**

for Patsy Ellis, Deputy
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

# STAFF REPORT

MAPC April 8, 2004
DAB II April 5, 2004

CASE NUMBER: ZON2003-00066

APPLICANT/AGENT: New Life Christian Church c/o Nick Harris (Owner/Applicant) MKEC Engineering Consultants Inc, c/o Greg Allison (Agent)

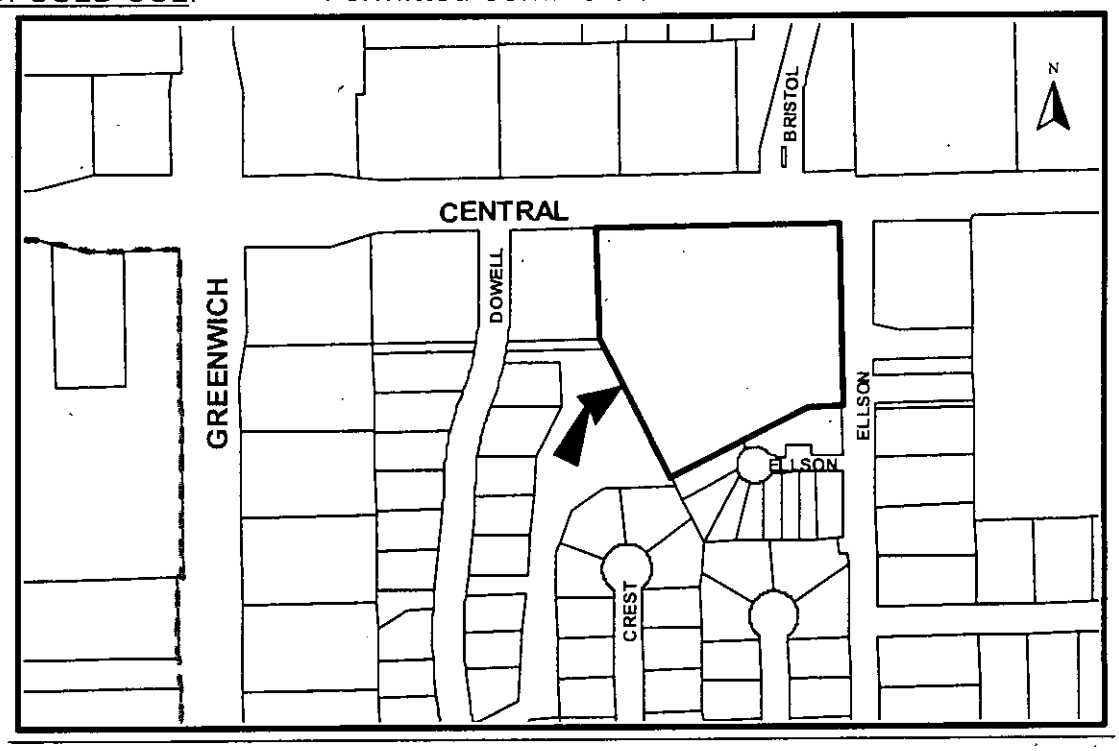
REQUEST: "LC" Limited Commercial

CURRENT ZONING: "SF-5" Single-Family Residential

SITE SIZE: 4.72 acres

LOCATION: Approximately 700-feet east of the Greenwich Road – Central Avenue intersection on the south side of Central, 11441 East Central

PROPOSED USE: Permitted Commercial Uses



BACKGROUND: The applicant requests a zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial on the approximately 4.72 acres of the New Life Christian Church Addition. The applicant has no specific use proposed for the site. The site is currently developed as a church on the west side of the site, with the east portion not developed. The site is located on the south side of Central Avenue and is approximately 700-feet east of the Greenwich Road – Central Avenue intersection.

There is "LC" zoning on three of the four corners of the Greenwich Road – Central Avenue intersection. The exception is the southwest corner, which is zoned "LI" Limited Industrial. This southwest corner is part of an area largely zoned "LI" Limited Industrial, extending south to Kellogg Avenue/US 54, north to railroad tracks located ½ mile north of 13th Street North and from Greenwich Road, west to Webb Road. The Raytheon/Beech Aircraft Company complex is the dominant development in this industrial area and in fact is one of the largest manufacturing/industrial complexes in Wichita/Sedgwick County

The northwest corner of the intersection is developed as a bank with a drive through, zoned "LC", built in 1982. West of the bank is a marine dealership, zoned "GC" General Commercial, with a Conditional Use overlay, CU-300, built in 1987. North of the bank is an electrical substation, which is mostly zoned "LC".

The "LC" zoned northeast corner of the intersection is the partially developed 15.75-acre CUP DP-232. This CUP is a mix of commercial and duplex uses. A Saturn car sales lot, built in 2000, occupies the CUP's corner by the intersection. East of the car sales site, still in the CUP along Central, is a retail strip, built in 2001. The retail strip contains a sit down restaurant, insurance office, hair salon, chiropractor's office, a whirlpool – cabinet sales shop and a vacant space. The rest of the eastern portion of the CUP along Central is not developed and sits north across Central from the subject site, ending approximately 1,110-feet from the intersection. The duplex use of the CUP is north of the previously mentioned undeveloped portion. All 11 lots of the duplex use were built in 1999 and are zoned "LC". A large church is located north of this CUP.

The LC" zoned southeast corner of the intersection, is the largely undeveloped 7.76-acre CUP DP-229. Its only development is a convenience store, built in 1999, occupying the CUP's corner by the intersection. The rest of the CUP, with frontage on Greenwich is not developed. East of the convenience store is a credit card gas station, built in 1999. The gas station is zoned "LC". The "LC" zoning extends east of the gas station and across Dowell Street to a vacant lot, which abuts the west side of the subject site.

The subject site's south side contains a large platted floodway. The property south of the floodway is zoned "TF-3" and developed with duplexes, built in 2001. "SF-5"

zoning and urban scale single-family residential development, built in the late 1990s is located south of this "TF-3" zoning and also abuts the southeast portion of the subject site. " SF-5" zoning with large tract single-family residences and urban scale single-family residential development are northeast - east and across Ellson Street from the subject site. Large tract single-family residential developments are on both sides of Central, east of the subject site, and were generally built before 1940. The urban scale single-family residential development occurred generally in the late 1970s and early 1980s. Further east along Central, on its south side, located at the mid-mile is a "GO" district with Protective Overlays (POs #33 & #51). This site has a motel and office.

CASE HISTORY: The site was recorded as the New Life Christian Church Addition and recorded with the Register of Deeds July 6, 1990. The south 2.3 acres of the New Life Christian Church Addition was replatted, SUB2000-00056, and recorded with the Register of Deeds, March 6, 2001 as the Ellson Court Addition. The Ellson Court addition was rezoned from "SF-5" to "TF-3", ZON2000-28, and developed into duplexes. ZON2003-66 was considered at the MAPC's February 19, 2004 meeting. The MAPC recommendation that the staff and agent attempt to resolve some issues with the request and deferred action on the case for 30 days.

ADJACENT ZONING AND LAND USE:

| | | |
|---|---|---|
| NORTH: | "SF-5" | Large tract single-family residential |
| | "LC" | Not developed, retail/office strip |
| SOUTH: | "TF-3" | Duplexes |
| | "SF-5" | Urban scale single-family residential |
| EAST: | "SF-5" | Large tract & urban scale single-family residential |
| WEST: | "LC" | Not developed |

PUBLIC SERVICES: The site has access to Ellson, on its east side, a two-lane asphalt mat local street with open ditches. The site abuts Central, a four-lane arterial, on its north side. There are 10,207 average daily trips on this portion of Central east of the Greenwich-Central intersection. Public water and sewer service are available to serve the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Office" or "Public/Institutional" development. The "Office" category provides for office developments that furnish business, finance, insurance, real estate, medical, and other professional services usually permitted in office, office park and CBD zoning districts. The "Public/Institutional" uses include government employment centers, libraries, educational facilities, churches, hospitals, private schools, and cemeteries. The Locational Guidelines of the Comprehensive Plan direct office development to be adjacent to arterial streets and that is local service orientated. It also should be incorporated within or adjacent to residential neighborhoods and community scale

commercial development. Low-density office use can also serve as a transitional land use between residential uses and higher intensity uses. The "Public/Institutional" Locational Guidelines direct this type of development towards arterial streets. The unspecified use for the "LC" zoning does not conform to the Comprehensive Plan. The locational guidelines recommend that commercial development be located at the intersections of section line roads, not at the mid-mile location.

RECOMMENDATION: Originally the applicant proposed to rezoned the eastern1.2 acres of the New Life Christian Church Addition from "SF-5" Single-Family Residential to "NR" Neighborhood Retail. Staff advised the applicant that they would not support a spot zone on the applicant's property and suggested rezoning the whole site either "NO" Neighborhood Office, "GO" General Office or perhaps "NR" Neighborhood Retail with a protective overlay. These zoning districts recognize that the Comprehensive Plan recommends that the south side of Central between Greenwich and 127th Street East become office use. These zoning districts would allow the church to remain on the site as a permitted use and are more appropriate for a site located approximately 700-feet east of the intersection. These zoning districts are intended for small commercial uses and are often used as a buffer between more intense commercial zoning and residential use. Their range of uses is limited to those with fewer impacts on nearby residential use. The PO with the "NR" zoning would eliminate some of the more intense uses allowed by "NR" zoning, plus implement development standards that are in character with recent zoning patterns in the area. Those development patterns include protective overlays (POs # 33 & #51) on the "GO" zoning district located east of the subject site, at the mid-mile point on Central and the CUP (CUP DP-232) that extends from the northeast corner of the intersection, ending north of the site across Central. These overlays recognize the abutting/adjacent single-family and two-family residential developments that are established in the area, by implementing more than the minimum requirements for screening, landscaping, compatibility setbacks, and signage. The Staff and the applicant could not completely agree on the appropriate zoning for the site.

Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area west of the Central Avenue – Greenwich Road intersection is dominated by the extensive manufacturing/industrial/office complex of the Raytheon/Beech Aircraft facility. The existing "LC" zoned property is located on three of the four corners of this intersection and immediately, abutting, west of the site. Approximately half of the "LC" zoned lots in the area are not developed. Development on the "LC"

zoned sites has generally occurred either in the mid 1980s or from 1999 to 2001. Most of the "LC" zoned sites have CUP overlays on them. The "GO" zoned site located at the mid-mile and east of the subject site has several PO overlays on it. Residential development in the area is either pre 1940 large tract single-family residential, late 1970 to early 1980 urban scale single-family residential, late 1990s to the present urban scale single-family residential or late 1990s to 2001 two family residential.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-5" Single-Family Residential, which accommodates moderate-density single-family residential development and complementary land uses. The site could be developed with such uses, although its proximity to Central Avenue make this site less likely to be developed as single-family residential. The current use as a church is appropriate for this site.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed "LC" zoning as submitted, would require only a minimum of screening, lighting, setbacks, landscaping and signage to be applied to the site, all of which do not consider the abutting and adjacent residential development in the area. Per the locational criteria of the Comprehensive Plan this site is not appropriate for "LC" zoning.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Office" or "Public/Institutional" development. The Locational Guidelines of the Comprehensive Plan direct office development to be adjacent to arterial streets and that is local service orientated. It also should be incorporated within or adjacent to neighborhood and community scale, commercial development. Low-density office use can also serve as a transitional land use between residential uses and higher intensity uses. The "Public/Institutional" Locational Guidelines direct this type of development towards arterial streets. The unspecified use for the "LC" zoning does not conform to the Comprehensive Plan.

5. Impact of the proposed development on community facilities: Access control from the site is not specified at this point and could negatively impact traffic patterns along Central Avenue as well as the physical condition of Ellson, a residential, asphalt mat road with open culverts on either side of it.

If, however the MAPC finds the requested zoning change of "LC" appropriate, Staff recommends the "LC" zoning be covered with the following conditions of PO #~~123~~ 136

1. Signage shall be per Sign Code for the "NR" zoning district, except no

building, wall or pole signs shall be allowed along the south, southwest and east property lines.

2. Parking lot lighting elements (i.e. fixtures, poles, and lamps, and etc.), with light poles, including base, limited to 24 feet in height, and reduced to 14 feet within 150 feet of residential zoning. All lighting shall be behind a 20-foot setback along the south, southwest and east sides. Exterior lighting shall be shielded to prevent light disbursement in a northly or eastern direction.

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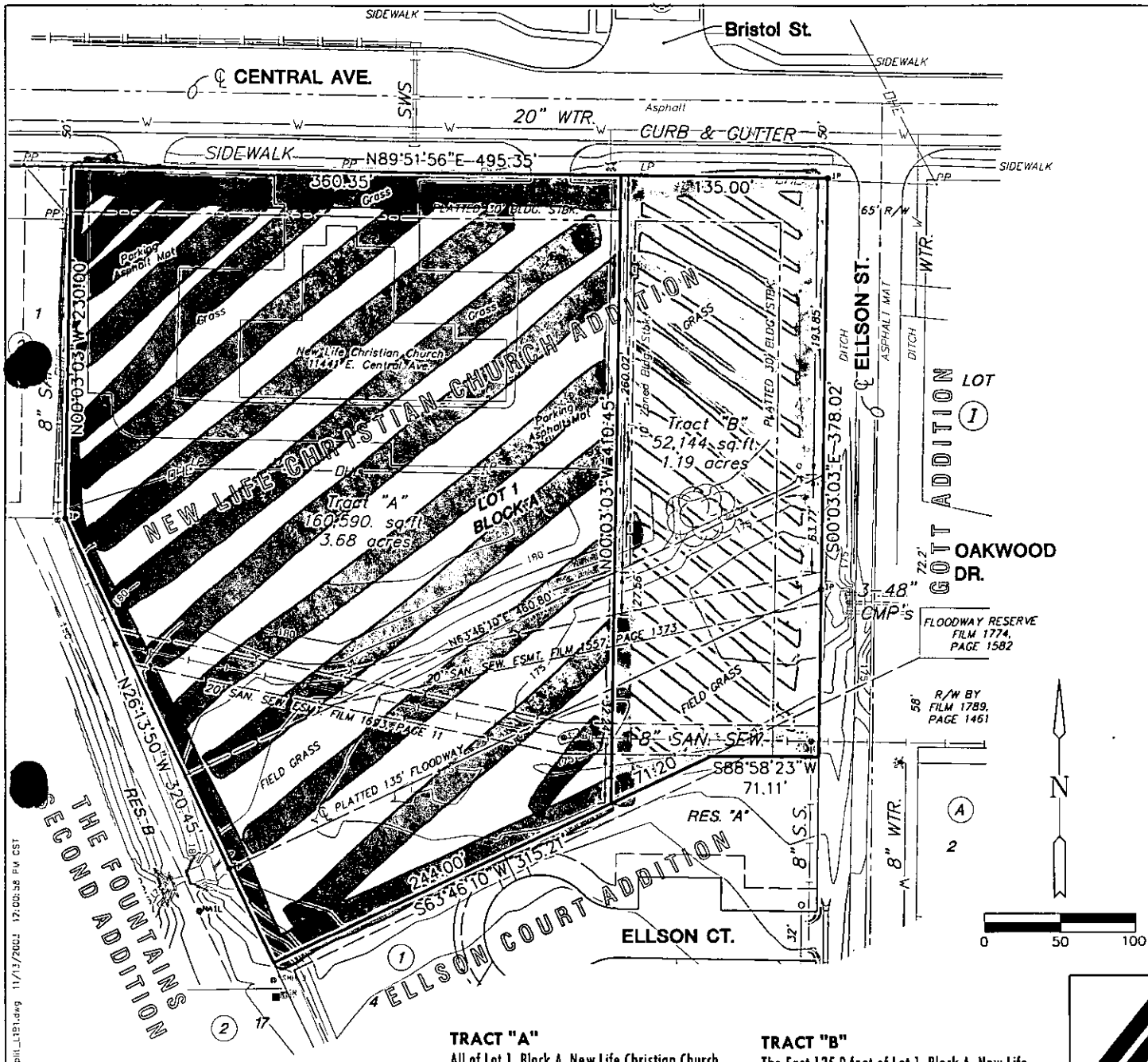


## NOTES:

1. Minimum Pad Elevation of 1366.4 or 179 City Datum
2. Bench mark
   RR Spike in HLP 39' E. & 39' S. of centerline of Ellson and Central
   Elev. = 1366.47 or 179.07 City Datum

**TRACT "A"**
All of Lot 1, Block A, New Life Christian Church Addition, Sedgwick County, Kansas, EXCEPT, the East 135.0 feet of said Lot 1, AND EXCEPT; That portion platted as Ellson Court Addition, an addition to Wichita, Sedgwick County, Kansas.

**TRACT "B"**
The East 135.0 feet of Lot 1, Block A, New Life Christian Church Addition, Sedgwick County, Kansas, EXCEPT; That portion platted as Ellson Court Addition, an addition to Wichita, Sedgwick County, Kansas.

MKEC ENGINEERING CONSULTANTS
411 N. WEBB ROAD
WICHITA, KS. 67206
316 - 684 - 9600

**LOT 1, BLOCK 1**
**NEW LIFE CHRISTIAN ADDITION**
PROJECT NAME

**LOT SPLIT**
SHEET TITLE

| BDL | BDL | CJA |
|---|---|---|
| DESIGN BY: | DRAWN BY: | CHECKED BY: |
| NOVEMBER 2003 | 03382 | 1 / 1 |
| DATE | JOB NO. | SHEET/OF |

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