

Planning Agenda Item # _____

City of Wichita
City Council Meeting
October 29, 1996

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Z-3205 HARRISON PARK ASSOCIATES BY WADLEY HOMES, INC.,
GENERAL PARTNER, C/O WARREN D. WADLEY REQUEST ZONE CHANGE FROM 'SF-6'
SINGLE FAMILY DWELLING TO 'NR' NEIGHBORHOOD RETAIL AND 'LC' LIMITED
COMMERCIAL, LOCATED EAST OF WEBB ROAD, SOUTH OF LINCOLN STREET
(EXTENDED).
(DISTRICT #2)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to platting within 1 year, and to the additional provisions of a P-O District (11-2).

Staff Recommendation: Approve, subject to platting within 1 year, and to the additional provisions of a P-O District.

CPO Recommendation: Deny (4-2), on 1st consideration; approve (5-1) on 2nd consideration.

Background: The applicant requests a zone change from "SF-6" Single-Family to "NR" Neighborhood Retail and "LC" Limited Commercial on a 5.69 acre unplatted site located east of Webb Road and Lincoln Street (extended). The applicant has a contract with Braum's Ice Cream Store for the northwest 1.23 acres of the site, and is asking for this parcel to be zoned "LC". Specific uses have not been identified for the balance of the site (4.46 acres), and for which "NR" Neighborhood Retail zoning is being requested.

The Neighborhood Retail District is one of the new districts, and is intended to accommodate very low intensity retail and office development near residential neighborhoods. In fact, the "NR" district is intended to provide a buffer district between residential uses and non-residential uses or facilities. Commercial uses are limited to 8,000 square feet of gross floor area, the "NR" district is not for use on tracts of land larger than 6 acres, outside storage is prohibited, and there are special sign restrictions. Restaurants in "NR" are restricted to 2,000 square feet in size and drive-throughs are

not permitted. (These two limitations are why the applicant is requesting "LC" for the proposed Braum's location).

Surrounding land uses are residential, except for the church located to the north of the site. All adjoining properties are zoned "TF-3" Two-Family and "SF-6" Single-Family, with "MF-29" Multi-Family zoning to the northwest.

Staff recommended approval of the request, but subject to the addition of a P-O (Protective Overlay) district with further requirements: extra landscaping along Webb Road and abutting the single family lots to the north and east, limited signage, limitations on lighting of buildings and parking areas, and access controls. As part of the platting of the property, the applicant will also be expected to guarantee the installation of a left turn lane on Webb Road, at the existing signal at Lincoln, to improve traffic flow. Based on traffic concerns and neighborhood opposition, CPO 2 voted (4-2) to recommend denial.

This case was first heard by the Planning Commission during their August 15, 1996 meeting. At that meeting, members of the public voiced their concerns over the appropriateness of commercial zoning at this location, as well as the design of the site, while other neighborhood residents spoke in support of the request. After discussion, the MAPC voted to defer the case for two weeks to allow the applicant to incorporate various changes to the site plan.

During August 29, 1996 MAPC meeting, the Planning Commission voted to reopen the case for further public discussion. The applicant had agreed to a number of additional changes, including use limitations, no vehicular circulation behind buildings abutting the single family lots to the east and south, specification of architectural materials, and agreement with the staff's sign recommendations. Again, nearby residents were split in support and opposition to the rezoning request. Planning Commission discussed the problems of locating commercial uses at a mid-mile location. After discussion, the MAPC voted (11-2) to approve the request as recommended by staff.

The City council considered this item on October 1, but voted to return it to CPO 2, in accordance with Council Policy 9, since the application had been modified considerably. After listening to speakers in support and opposition, CPO 2 voted (5-1, 2 abstaining) to recommend approval.

Recommendation:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting, and to the additional recommended provisions of the P-O (Protective Overlay) district; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for consideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

W.H. P. pub.
1st Read
3-14-00

() Published in the Daily Reporter on March 30, 2001 p.

ORDINANCE NO. 44-654

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. Z- 3205

Zone change request from "SF-6" Single-Family Residential District to "NR" Neighborhood Retail District, and "LC" Limited Commercial District and P-O #3 - Protective Overlay District, described as:

"SF-6" to "NR": Lot 1, Harrison Park Third Addition, Wichita, Sedgwick County, Kansas.

"SF-6" to "LC": Lot 2, Harrison Park Third Addition, Wichita, Sedgwick County, Kansas.

Generally located on the east side of Webb Road, south of Lincoln Street (extended).

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. Landscaping: Landscaping shall comply with the Landscape Ordinance of the City of Wichita, except as follows:
 - A. Street yard landscaping shall be calculated at 1.5 times the minimum ordinance requirements.
 - B. There shall be a 20-foot landscape buffer along the south and east property line of the "NR" application area.

Buffer strip trees shall consist of pine trees spaced at a maximum of 20 feet and a minimum height of 8 feet.
 - C. The applicant shall submit a Landscape Plan and install the required plantings prior to the issuance of building permits, and in any event, prior to April 1, 1997. If the applicant intends to record a plat prior to planting, a financial guarantee for the planting shall be submitted.
 - D. Maintenance of the buffer strip shall be by the owner(s) of the land in which the buffer strip is required. Failure of the owner(s) to properly maintain any part of the buffer strip shall be considered a violation of the "P-O", and the City of Wichita may serve notice

on the owner(s) of their failure to so maintain, setting out the manner in which they have failed to perform, and granting them twenty (20) days within which to perform all of the items designated in said notice. After said twenty (20) days, the City may enter upon the property to perform the work deemed in said notice of deficiency, and the cost of such work performed by the City assessed against the property in the same manner as provided by law for like assessments, and said assessment may be established as a lien upon the property.

2. **Signs:** Freestanding signage is limited to one monument type sign no taller than 12 feet with a maximum of 60 square feet of signage for the "LC" zoning portion of the site, and the monument type signs no taller than 8 feet with a maximum of 48 square feet of signage per sign for the "NR" zoning portion of the site. No off-site signs or portable signs shall be permitted. All signs shall be turn off at 11:00 p.m.

No building advertising signs shall be permitted along the south or east face of the buildings located within the "NR" zoning district.

3. **Architectural Control:** All buildings on the site shall be constructed of brick, brick and E.F.S. Stucco System, or decorative split-faced block. 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. All building elevations shall share the same architectural finish.
4. **Lighting:** Light poles shall be of the same color and design, and shall have cut-off fixtures, which direct light away from the nearby residential area. 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, as determined by the Director of Planning, is not permitted.
5. **Access Control:** Access to the site shall be limited to two (2) opening, one (1) opening each to the "LC" district and "NR" district. The opening to the "LC" district will be required to line up with Lincoln Street to take advantage of the signals and existing curb cut, and provide two (2) lanes out/one (1) lane in configuration as determined by the City's Traffic Engineer.
6. **Drainage:** At the time of platting, a drainage plan will be submitted to the City for review and approval. The drainage plan will require the site to be graded to drain to Webb Road.
7. **Screening:** Screening of all dumpsters, outside storage, and utilities, such as AC units, will be constructed of material to match and preferably be connected to the buildings they support. No dumpsters, outside storage and utilities, such as AC units, will be visible by the residents adjoining the property and this screening will not rely solely on trees within the buffer strip to block the view.
8. The "NR" zoning district shall be limited to a maximum building coverage of 20% or 40,000 square feet.
9. No buildings shall exceed one (1) story in height with a maximum height of 25 feet.
10. **Fencing:** If the existing wood fence on the adjoining residential properties to the south and east of the application area is not properly maintained, the owner (s) of the commercial area shall be responsible for the replacement of the fence on their own property.
11. **On-Site Traffic Circulation:** No traffic shall be permitted to circulate around the rear of the buildings adjacent to the residential properties to the south and east of the application area.

12. Exclusion of permitted uses in the "NR" and "LC" : The following uses shall be excluded from the list of permitted uses:

Duplex, multi-family, manufactured/mobile home, group residence (limited or general), cemetery, college or university, day care (limited or general), golf course, group home (limited, general or commercial), halfway house (limited, general or commercial), hospital, parks and recreation, recycling collection station (private or commercial), reverse vending machine, school (elementary, middle and high); utility (minor), car wash, construction sales and service, hotel or motel, marine facility (recreation), night club, parking area (commercial), recreation, entertainment (indoor), service station, tavern and drinking establishment, asphalt and concrete plant (limited), agricultural research, and agricultural sales and service.

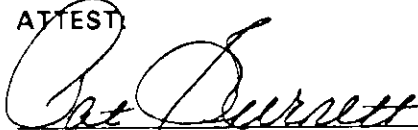
13. The Administrative Adjustment provision of the Wichita-Sedgwick County Unified Zoning Code, Section V-E 14 shall apply to the Protective Overlay.

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.

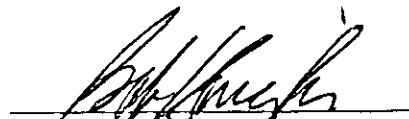
SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, MAY 23 2000.

ATTEST

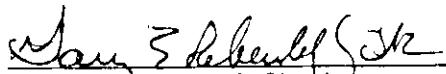

Pat Burnett, City Clerk




Bob Knight, Mayor

(SEAL)

Approved as to form:


Gary E. Rebenstorf, City Attorney