

Planning Agenda # _____

**City of Wichita
City Council Meeting
October 20, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: Z-3292 - ZONE CHANGE FROM "B" MULTI-FAMILY TO "GC" GENERAL COMMERCIAL ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF INDIANAPOLIS AND IDA (District I)

INITIATED BY: Metropolitan Area Planning Department *M. Keant BM*

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to the additional provisions of a Protective Overlay as amended (P-O #43) (12-1).

Staff Recommendation: Approve, subject to the additional provisions of a Protective Overlay (P-O # 43).

CPO Recommendation: Approve, subject to staff recommendations (5-0).

Background: The applicant (TTLC) through his agent (Mr. Dean Felt) requests a zone change from "B" Multi-Family to "GC" General Commercial on a .322-acre lot located at the southwest corner of Indianapolis and Ida. The applicant also owns the property at the southeast corner of Indianapolis and Washington and is in the process of developing a new warehouse facility for his electrical construction supply business. The subject property is proposed to be used as parking and outdoor storage for that business.

The proposed new warehouse facility borders the subject property to the west. The uses to the north, east and south are all residential. Other commercial uses are located along Washington Street, but this proposal extends the related commercial uses into the residential neighborhood in this area for the first time. Other commercial uses along Washington Street to the south come to the alley, but none cross the alley to the east between Indianapolis and Gilbert, which is the next street to the south.

The applicant's proposal calls for access to be provided only from the alley off Indianapolis. The 8 proposed parking stalls will be directly accessible from the alley, which is paved with concrete. The open storage area will also be accessible from the alley to the south of the parking stalls. The storage area is proposed to be secured by a chain-link fence on the west, north and east sides, and by a solid fence on the south side. The applicant also proposes to provide a 20-foot landscaping buffer along the Indianapolis Street frontage and a 30-foot landscaping buffer along the Ida Street frontage.

The applicant will be required to meet the landscaping and screening requirements of the Landscape Ordinance and Unified Zoning Code since this is a commercial development located both adjacent to and across the street from a residential zoning district. These requirements include a landscaping buffer along the south property line with shade trees planted at the rate of one tree for each forty feet of length of the common property line. The parking area must provide landscaped screening along Indianapolis, and street yard landscaping must be provided along Indianapolis and Ida. In addition, the screening requirements of the Unified Zoning Code will require full screening of the storage area on the north, east and south sides of the storage area. The chain-link fencing proposed will not meet this requirement by itself and will need to be supplemented with plantings sufficient to provide the screening contemplated by the Code.

The Land Use Guide of the Comprehensive Plan identifies this site as part of the frontage of Washington Street developing commercial. The Plan does not specify the precise depth of commercial development east of Washington Street; but the development of the Chilton's Addition in the block to the north has established a general pattern of development consistent with the Plan. The Comprehensive Plan recognizes residential development further east, therefore it is appropriate to conclude that the transition area between these two uses will be susceptible to developments such as that proposed in this case.

Staff recommended that the request be approved subject to the provisions of a Protective Overlay (P-O #43); however the specific provisions of the Protective Overlay had not been finalized at the time of the CPO meeting.

At the September 14, 1998, CPO 1 meeting, several neighboring property owners spoke, raising concerns with the specifics of the proposed Protective Overlay. The CPO voted 5 to 0 to support the rezoning subject to the provisions of the Protective Overlay as outlined offered by the applicant's agent and as discussed by staff.

At the September 24, 1998, MAPC hearing, one neighboring property owner submitted written suggestions of additional provisions to be added to the Protective Overlay recommended by staff. The MAPC voted 12 to 1 to recommend the rezoning with the amended provisions of the Protective Overlay that combined staff recommendations with some of the suggested language of the neighboring property owner. The Protective Overlay reads as follows:

1. The applicant shall designate a 30-foot landscape reserve along Ida Avenue and a 20-foot landscape reserve along Indianapolis Avenue; except that parking shall be permitted in the 20-foot landscape reserve at the west side of the property off the alley as shown on the approved site plan.
2. The applicant shall designate complete access control along both Ida and Indianapolis for Lots 14, 16, 18 and 20 on Ida Avenue, Wollmans Addition to the City of Wichita, Sedgwick County, Kansas.
3. The only uses permitted on the site shall be the parking along the west side of the property, open storage of electrical materials and supplies in the designated storage yard area, and screening and landscaping as specified herein.
4. No business signs, off-site advertising signs, or portable signs shall be permitted on the property.
5. Security lighting shall be limited to light fixtures on light poles not exceeding 14 feet in height. All such lighting shall have timers with cut-off switches. All light fixtures shall be shielded and designed to direct light away from adjacent residential properties.
6. No sound projecting devices or loudspeakers shall be used on-site.
7. The applicant shall provide screening on the north, east and south sides of the storage area in conformance with the screening requirements of the Unified Zoning Code. This will require a solid fence or the use of plant materials sufficient to provide a solid screen. Any deviation of the UZC standard shall be granted only through an application for a variance submitted to the Board of Zoning Appeals and shall only be permitted if the variance is approved by said Board. Further, no materials stored on-site shall not be stacked higher than the height of the screening provided.
8. The applicant shall submit a landscape plan for approval to the Director of Planning. The landscape plan shall provide landscaping at 1 and ½ times the rate of street yard trees required by the City of Wichita Landscape Ordinance.
9. A revised site plan detailing all of the above requirements shall be submitted in support of this application prior to submission of the case to the governing body.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change subject to the provisions of the recommended Protective Overlay; and approve first reading of the Ordinance; or
2. Return the application to the MAPC for reconsideration.

(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.)

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() Published in The Daily Reporter on OCT 30 1998

ORDINANCE NO. 43-988

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 CITY OF WICHITA CODE SEC. 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 City of Wichita Code Sec 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3292

Zone change request from "B" Multi-Family District to "GC" General Commercial District and to "P-O" Protective Overlay District No. 43 on property described as:

Lots 14, 16, 18 and 20 on Ida Avenue, Wollmans Addition, Wichita, Sedgwick County, Kansas Generally located at the southwest corner of Indianapolis and Ida.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The applicant shall designate a 30-foot landscape reserve along Ida Avenue and a 20-foot landscape reserve along Indianapolis Avenue; except that parking shall be permitted in the 20-foot landscape reserve at the west side of the property off the alley as shown on the approved site plan.
2. The applicant shall designate complete access control along both Ida and Indianapolis for Lots 14, 16, 18 and 20 on Ida Avenue, Wollmans Addition to the City of Wichita, Sedgwick County, Kansas.

3. The only uses permitted on the site shall be the parking along the west side of the property, open storage of electrical materials and supplies in the designated storage yard area, and screening and landscaping as specified herein.
4. No business signs, off-site advertising signs, or portable signs shall be permitted on the property.
5. Security lighting shall be limited to light fixtures on light poles not exceeding 14 feet in height. All such lighting shall have timers with cut-off switches. All light fixtures shall be shielded and designed to direct light away from adjacent residential properties.
6. No sound projecting devices or loudspeakers shall be used on-site.
7. The applicant shall provide screening on the north, east and south sides of the storage area in conformance with the screening requirements of the Unified Zoning Code. This will require a solid fence or the use of plant materials sufficient to provide a solid screen. Any deviation of the UZC standard shall be granted only through an application for a variance submitted to the Board of Zoning Appeals and shall only be permitted if the variance is approved by said Board. Further, no materials stored on-site shall not be stacked higher than the height of the screening provided.
8. The applicant shall submit a landscape plan for approval to the Director of Planning. The landscape plan shall provide landscaping at 1 and ½ times the rate of street yard trees required by the City of Wichita Landscape Ordinance.
9. A revised site plan detailing all of the above requirements shall be submitted in support of this application prior to submission of the case to the governing body.

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.

