

STAFF REPORT
MAPC-May 9, 2019
DAB V-May 5, 2019

CASE NUMBER: ZON2019-00003

APPLICANT/AGENT: Maple 135, LLC Attn: Doug Malone (Applicant)/ Baughman Company
Attn: Russ Ewy (Agent)

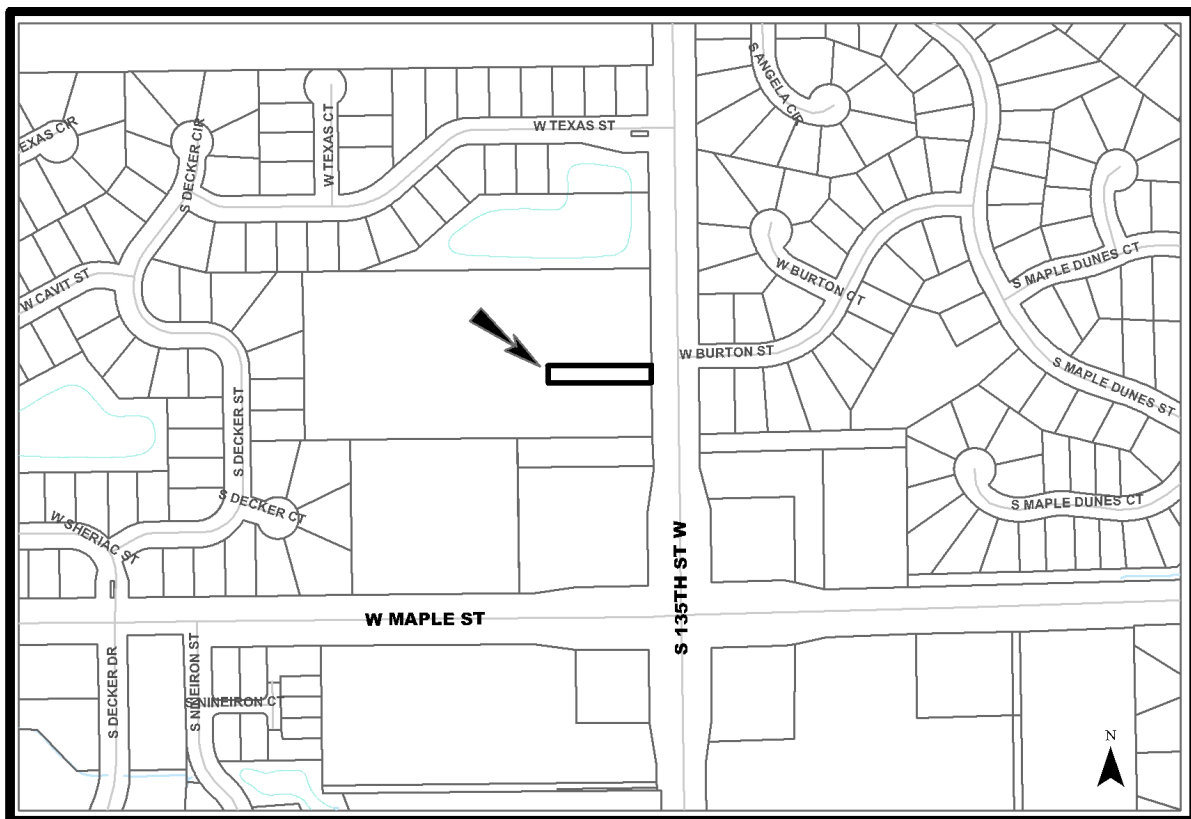
REQUEST: LC Limited Commercial and Amendment to Protective Overlay #309

CURRENT ZONING: SF-5 Single Family

SITE SIZE: 0.241 acre

LOCATION: The west side of West 135th Street South approximately 500 feet north of
West Maple Street.

PROPOSED USE: Drive-through restaurant



BACKGROUND: This application was filed to rezone the subject property from SF-5 Single Family to LC Limited Commercial. In addition, the applicant is requesting to amend Protective Overlay #309 to relax the stated sign regulations. The subject property is located on the west side of West 135th Street South approximately 500 feet north of West Maple Street. A zone change case was filed in 2016 to rezone Lot 1, Block F of the Shadow Woods Addition from SF-5 to GO General Office, LC, and NR Neighborhood Retail. The attached zoning concept maps shows Parcel 1 as LC, Parcel 2 as NR, and Parcel 3 as GO. Approval of this case was subject to platting, which has yet to be perfected. The present case is being submitted because the client developing Parcel 1 is requiring their lot size to increase in order to accommodate an additional drive-through lane. Therefore, an additional 43.56 feet of the southern portion of Parcel 2 is being added to Parcel 1 and needs to be rezoned to LC to accommodate the client.

The applicant is requesting to amend item 2 of PO #309. The current PO states the following conditions under item 2:

2. Signs shall be in accordance with the Sign Code of the City of Wichita with the following conditions:

- A. Signs shall be limited to one monument type sign per frontage for each lot, no taller than 12 feet in height, and be limited to 120 square feet in area.
- B. Portable, LED, and off-site signs are not permitted. Flashing signs, rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
- C. No signs shall be allowed on the west or north elevations of any buildings.
- D. As the frontage develops along the arterial roadways, monument type signs shall be spaced a minimum of 150 feet apart, irrespective of how land is leased or sold.

The applicant is requesting to eliminate conditions A and C of the current PO in order to allow a monument sign that is 25 feet tall and 136.32 total square feet in area on the frontage of the lot (see attached exhibit) in addition to allowing signs on the north and west elevations of the building.

There are several areas of LC zoning in the immediate area of the subject property. Several properties surrounding the nearby intersection of West Maple Street and West 135th Street South are zoned LC. Additionally, Parcel 3 abutting the subject site to the west has a proposed zoning of GO and separates the LC zoning from the SF-5 single family residences to the west.

A study of the sign restrictions near the intersection of West 135th Street South and West Maple Street provides the following guidance:

- Southwest corner: CUP DP-225
 - Signs allowed up to 20 feet in height and up to 96 square feet in area.
- Southeast corner: CUP DP-219 & PO #130
 - Signs allowed up to 20 feet in height and up to 144 square feet in area.
 - Signs allowed up to 16.5 feet in height and up to 132 square feet in area.
- Northeast corner: PO #17
 - Signs allowed up to 20 feet in height and up to 96 square feet in area.
- Northwest corner: PO #11
 - Signs allowed up to 20 feet in height and up to 130 square feet in area.

CASE HISTORY: ZON2016-00041 with Protective Overlay #309. See attached description and conditions. The property is platted Lot 1, Block F, Shadow Woods Addition, May 8, 2003.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5	Vacant
SOUTH: SF-5, LC, GO	Vacant, financial, medical office
WEST: SF-5	Vacant
EAST: SF-5	Single-family residential

PUBLIC SERVICES: West 135th Street is a fully improved arterial street. Water and sewer lines are near the property and will need to be extended to serve this location.

CONFORMANCE TO PLANS/POLICIES: The “2035 Wichita Future Growth Concept Map” of the Community Investments Plan identifies this location as appropriate for a mixture of new residential and employment. The map identifies areas that will likely be developed or redeveloped by 2035 and recognizes that with “the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.”

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it is recommended the application be **APPROVED** with the following amendments to Protective Overlay #309, subject to replatting of the subject property.

2. Signs shall be in accordance with the Sign Code of the City of Wichita with the following conditions:

- A. Parcel 1 shall be permitted one monument sign limited to 25 feet in height and 150 feet in area. Parcel 2 and 3 shall be permitted one monument sign each, which shall be limited to 12 feet in height and 32 square feet in area for a single tenant sign and up to 96 square feet in area for a multi-tenant sign.
- B. Parcel 1 shall be permitted one LED sign limited to 50 square feet in area. The following is not permitted on Parcel 1: portable and off-site signs in addition to flashing signs, rotating or moving signs, signs with moving lights or signs which create illusions of movement.
- C. The following are not permitted on Parcels 2 and 3: portable, LED, and off-site signs in addition to flashing signs, rotating or moving signs, signs with moving lights or signs which create illusions of movement.
- D. No signs shall be allowed on the west or north elevations of any buildings on Parcels 2 or 3.
- D. As the frontage develops along the arterial roadways, monument type signs shall be spaced a minimum of 150 feet apart, irrespective of how land is leased or sold.

This recommendation is based on the following findings:

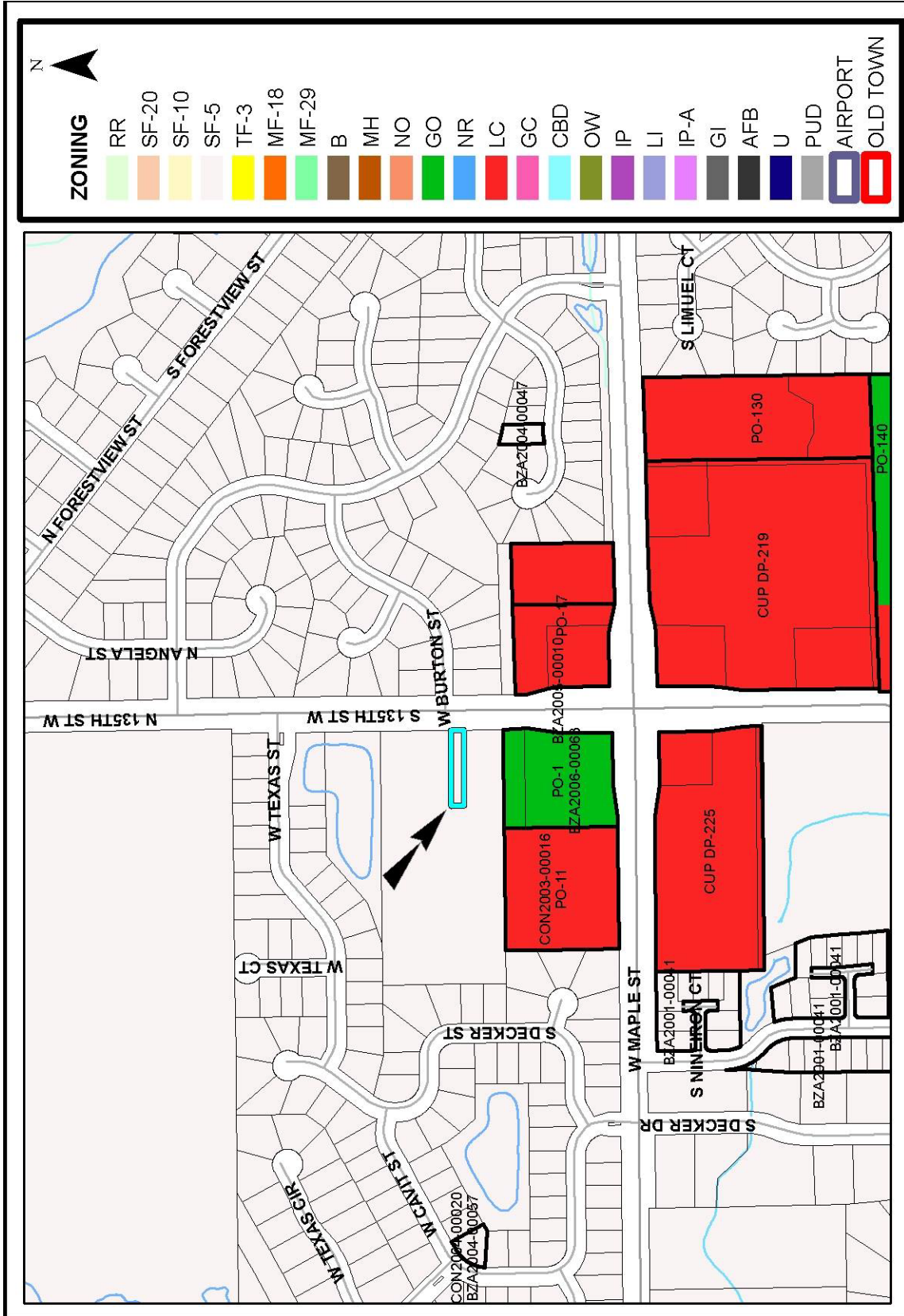
- 1. The zoning, uses and character of the neighborhood: Several properties surrounding the nearby intersection of West Maple Street and West 135th Street South are zoned LC. The other commercial corners at the intersection are of similar scale and intensity and have similar site

design features as the proposed mixed use development. Additionally, proposed Parcel 3 abutting the subject site to the west has a proposed zoning of GO and separates the LC zoning from the SF-5 single family residences to the west. Furthermore, eliminating the conditions for a 12-foot frontage sign and restrictions of signs on building elevations allows signage on this property to be similar to other commercial properties in the area.

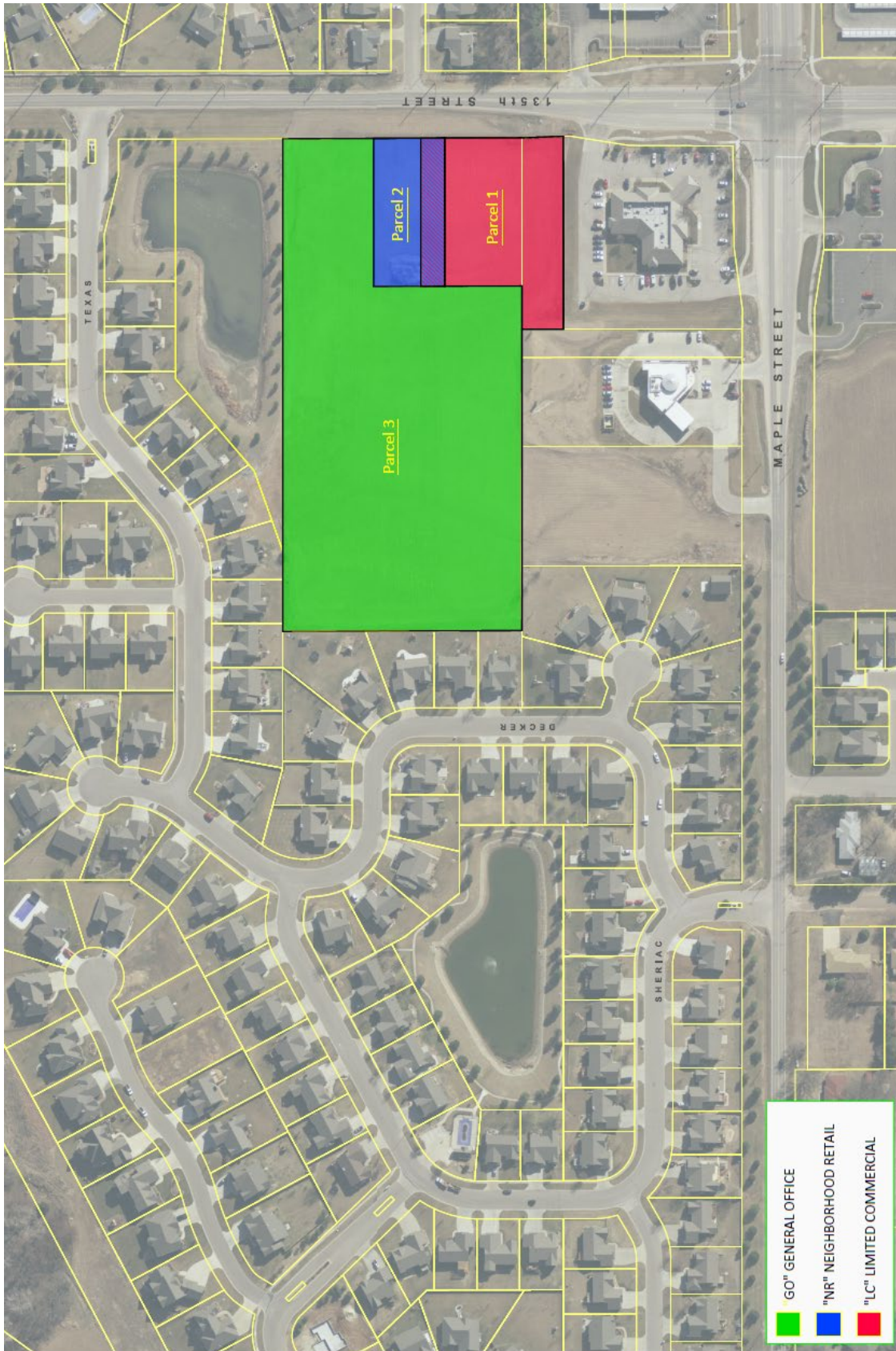
2. The suitability of the subject property for the uses to which it has been restricted: The site is part of a larger zoning case that was approved in 2016 contingent upon platting. This pending case provides a buffer of GO zoning between the single family homes to the west and the LC zone along West 135th Street. The case also has additional protections outlined in PO #309 which govern the subject site. The proposed amendment to PO #309 is not detrimental to the surrounding properties.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site is part of a larger zoning case that was approved in 2016 contingent upon platting. The proposed GO zoning west of the subject site would buffer the proposed NR and LC uses from the SF-5 zoned properties to the west and north. The uses proposed in the NR and LC zoning would be significantly restricted by PO #309. The site design standards of PO #309 will mitigate negative impacts on the surrounding properties. The proposed amendment to PO #309 is not detrimental to the surrounding properties.
4. Length of time the property has remained vacant as currently zoned: The property is currently vacant.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2035 Wichita Future Growth Concept Map” of the Community Investments Plan identifies this location as appropriate for a mixture of new residential and employment. The map identifies areas that will likely be developed or redeveloped by 2035 and recognizes that with “the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.”
6. Impact of the proposed development on community facilities: Existing municipal facilities are in place or can be extended to serve the application area.

Staff Report Attachments:

1. Current Zoning Map
2. Zoning Concept Map
3. Exhibit—illustrating where the lot line is moving and which areas is being rezoned
4. Frontage Sign Exhibit
5. ZON2016-00041 with PO #309
6. Site Pictures

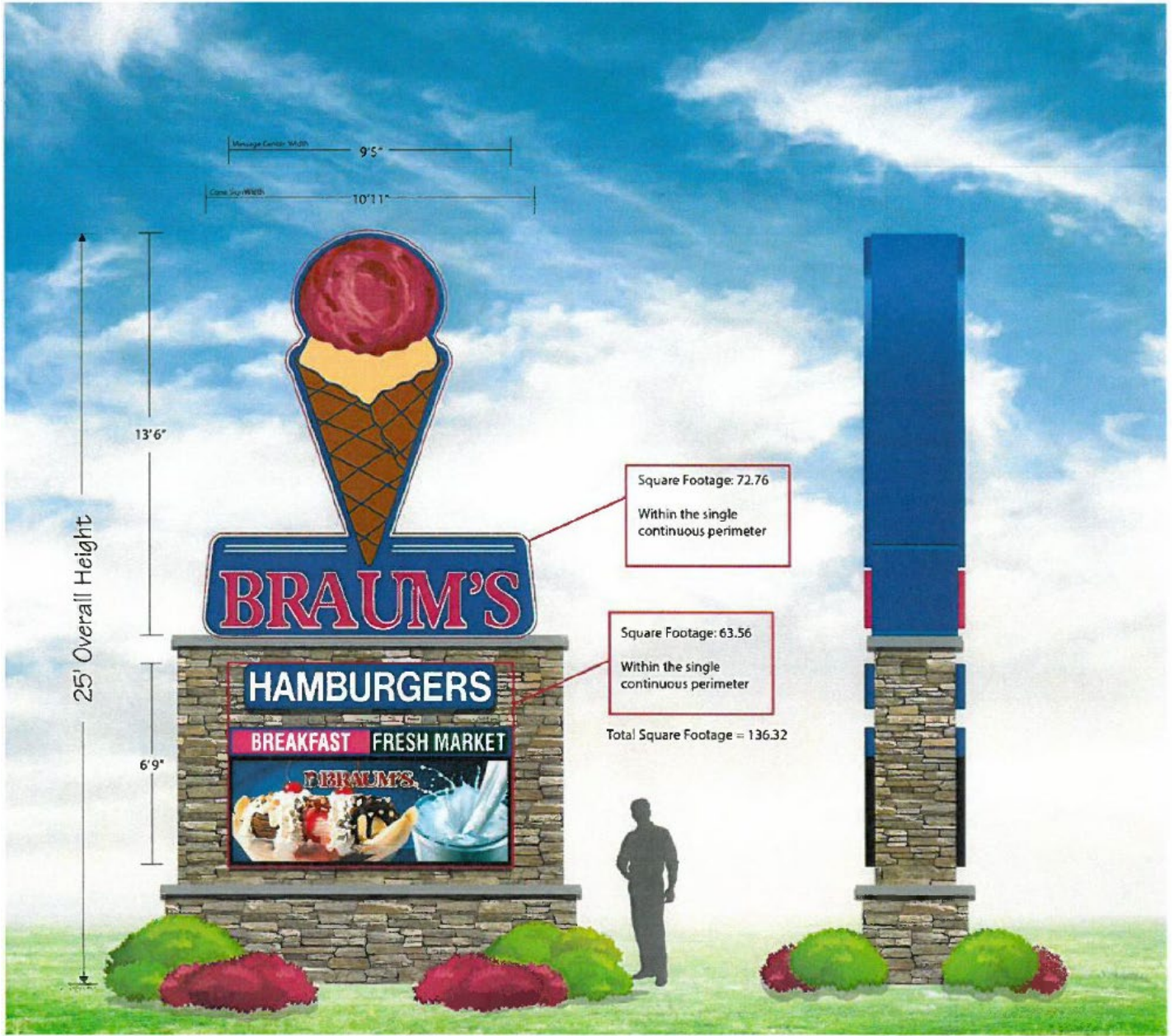


ZON2019-00003



ZONING CONCEPT





ORDINANCE NO. _____

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. ZON2016-00041

GO GENERAL OFFICE: LOT 1 BLOCK F, SHADOW WOODS ADDITION, Wichita, Sedgwick County, Kansas; EXCEPT the south 250 feet of the east 250 feet thereof; AND

NR NEIGHBORHOOD RETAIL: The north 120 feet of the south 250 feet of the east 250 feet of LOT 1, BLOCK F, SHADOW WOODS ADDITION, Wichita, Sedgwick, County, Kansas; AND

LC LIMITED COMMERCIAL: The south 130 feet of the east 250 feet of LOT 1, BLOCK F, SHADOW WOODS ADDITION, Wichita, Sedgwick, County, Kansas; TOGETHER with the north 70 feet of LOT 1, RIVERSIDE HEALTH SYSTEM ADDITION, Wichita, Sedgwick County, Kansas; EXCEPT THE WEST 47.78 feet thereof.

PROTECTIVE OVERLAY #309:

1. Approval of the zone change shall be contingent upon the replatting of the subject property. Guarantees for specific street improvements for 135th St W. shall be reviewed and determined at the time of platting.
2. Signs shall be in accordance with the Sign Code of the City of Wichita with the following conditions:
 - A. Signs shall be limited to one monument type sign per frontage for each lot, no taller than 12 feet in height, and be limited to 120 square feet in area.
 - B. Portable, LED, and off-site signs are not permitted. Flashing signs, rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
 - C. No signs shall be allowed on the west or north elevations of any buildings.
 - D. As the frontage develops along the arterial roadways, monument type signs shall be spaced a minimum of 150 feet apart, irrespective of how land is leased or sold.
3. Access Controls shall be as shown on the final plat.

4. All exterior lighting shall be shielded to direct light disbursement in a downward direction.
5. All lots shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and etc.).
 - A. Limited height of light poles to 15 feet within 100 feet of abutting residential-zoned property, and 20 feet on the remainder of the tract.
 - B. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
6. Landscaping for this site shall be required as follows:
 - A. Requirements for street yard landscaping and buffer strip trees will be calculated at 1.5 times the minimum ordinance requirements. Requirements for parking lot landscape shall comply with the 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. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
 - C. A financial guarantee for the plant material approved on the landscape plan for that portion of the subject property being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
7. If the portion of the subject property to be zoned "GO" General Office develops with office (general), assisted living, or medical service, landscaping and screening shall be as follows:
 - A. A landscape buffer of 40 feet in width shall be provided along those property lines abutting residentially-developed lots, which shall include a series of berms 4- to 6-foot in height, and landscaping plantings per the "Buffer with No Screening" section of the Landscape Ordinance calculated at 1.5 times the minimum requirements (one tree, or two ornamental trees, and 5 shrubs per 20 feet). Said buffer shall be a combination of deciduous and evergreen landscaping, per ordinance. The minimum planting size of all deciduous trees shall be no smaller than 3-inch caliper, and all evergreen trees shall be a minimum of 6 feet in height. A solid screening fence shall not be required.
 - B. Screening along the common property line with Reserve "C", Shadow Woods Addition shall be provided by a 15-foot landscape buffer with tree plantings calculated at 1.5 times the minimum ordinance requirements (one tree, or two ornamental trees, and 5 shrubs per 20 feet). Said buffer shall be a combination of deciduous and evergreen landscaping. Existing evergreen trees within the south 35 feet of Reserve "C" may be counted toward fulfilling the number of required buffer trees. A solid screening fence shall not be required.
8. Rooftop mechanical equipment shall be screened from ground level view per the Unified Zoning Code.

9. For all non-residential uses, trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened, with similar materials to the main building, to reasonably hide them from ground view, and shall be prohibited within 50 feet of residential-zoned property. Trash collection shall be limited to between the hours of 6:00 am to 10:00 pm within the subject property.
10. All buildings in the subject property shall share uniform 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.
11. The portion of the subject property to be zoned "GO" General Office shall be limited to the following uses: office (general), assisted living, medical service, and single-family residential.

The portion of the subject property to be zoned "LC" Limited Commercial and "NR" Neighborhood Retail shall not allow the following uses: adult entertainment establishments; sexually oriented business; correctional placement residences; group residential; night club in the city; tavern and drinking establishment; multi-family, auditorium/stadium; community assembly; recycling collection station; bed and breakfast; car wash; construction sales and service; convenience store; entertainment establishment; event center; hotel/motel; kennel; marine facility; monument sales; nursery and garden center; parking area (commercial); pawnshop; recreation and entertainment; recreational vehicle campground; second hand store; service station; teen club; vehicle repair; warehouse self-storage; and industrial uses.

Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. Restaurants with drive-through windows shall be designed to ensure queuing lanes for drive-through windows will not align vehicle headlights in such a manner as to face residential uses. No overhead doors shall be allowed within 200 feet of residential uses and shall not be facing any residential zoning district. Exterior audio systems that project sound beyond the boundaries of the subject property are prohibited.

12. No single use shall occupy more than 8,000 square feet of floor area, with the exception of an assisted living complex.
13. All buildings shall be limited to 35 feet in height, and one story, in height, with the exception of an assisted living complex which may be two stories. If a two-story assisted living complex is developed within the portion of the subject property to be zoned "GO" General Office, a 75-foot building setback shall be required from those property lines abutting residentially-developed lots.

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.



Looking northwest at subject property from southeast corner.



Looking northeast from southeast corner of subject property.



Looking southeast from southeast corner of subject property.



Looking south from southeast corner of subject property.