

City of Wichita
City Council Meeting
November 4, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: CUP2003-45 (Associated with ZON2003-43) – Amendment #3 to DP194-Home Design Center C.U.P. and a Zone Change from “GO” General Office to “LC” Limited Commercial. Generally located at the northeast corner of 29th Street North and Penstemon. (District II)

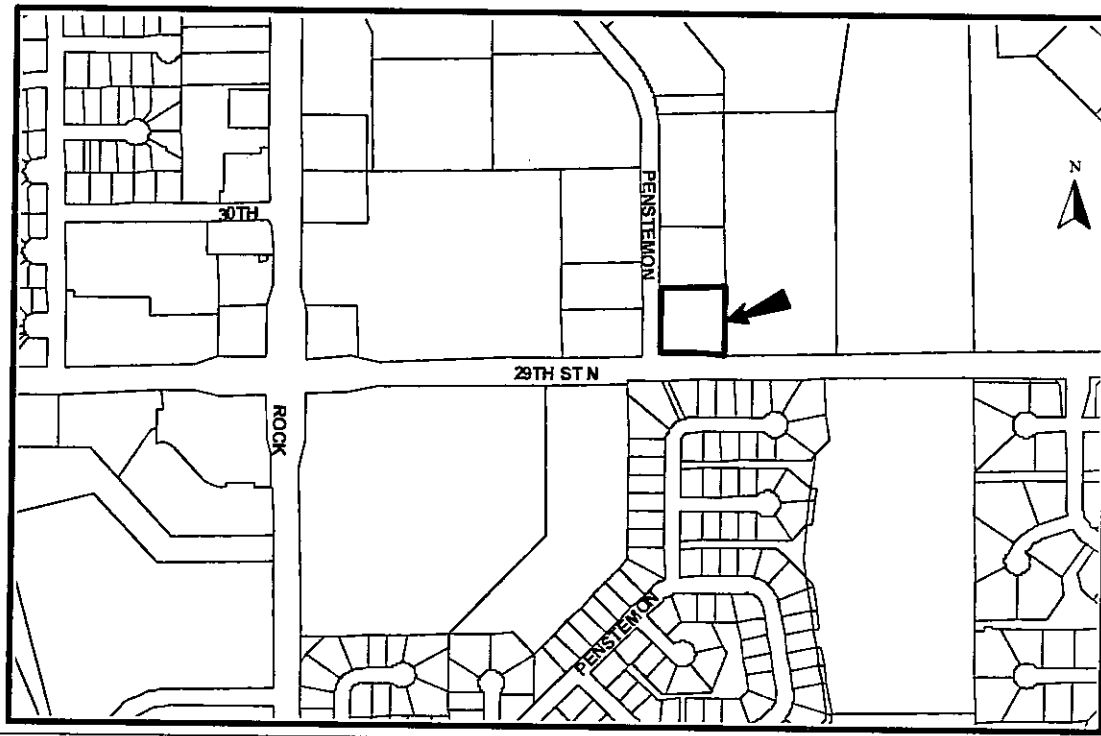
INITIATED BY: Metropolitan Area Planning Department. *JLS*

AGENDA: Planning (consent)

MAPC Recommendation: Approve (12-0)

Staff Recommendation: Approve.

DAB Recommendation: Approve (7-2)



BACKGROUND: The applicant requests an Amendment to Parcel 3 of DP-194 Home Design Center CUP and a zone change for the subject property from "GO" General Office to "LC" Limited Commercial. The subject property is located at the northeast corner of 29th Street North and Penstemon and is undeveloped.

The surrounding area is characterized by commercial uses along the Rock Road and K-96 corridors and residential uses in the Tallgrass neighborhood. The properties to the west and north are zoned "LC" Limited Commercial and "GC" General Commercial and are developed with various commercial uses. The property to the east is zoned "MF-18" Multi-Family and is undeveloped. The properties to the south are zoned "SF-5" Single Family and are developed with single-family residences and a church.

Parcel 3 is zoned "GO" General Office, the CUP permits all uses allowed in the "GO" zoning district. The applicant proposes to rezone Parcel 3 to "LC" Limited Commercial and to permit the following uses: general office; office/warehouse; professional office; furniture, carpet, lumber, plumbing, and similar furnishings; appliances, equipment, and fixture supplier outlets; light commercial uses limited to home/office supply; decorating, construction material, and design store; restaurants; and specialty retail sales. The applicant proposes no other changes to the CUP.

The CUP currently requires a 10-foot landscape buffer along 29th Street North consisting of a three-foot high berm landscaped with trees, shrubs, and grass. The CUP also requires a six- to eight-foot high masonry wall on the east property line. Building setbacks of 35-feet are required along the east property line and along Penstemon, and a 50-foot building setback is required along 29th Street North. Access to 29th Street North is limited to one opening.

In recognition of the subject property's proximity to low-density residential uses, the zoning and uses permitted on the subject property were limited to office uses when the CUP was originally approved in order to improve compatibility of the commercial uses in the CUP with the nearby residential uses. In order to maintain compatibility while allowing additional commercial uses to encourage development of a vacant commercial property, planning staff recommends several conditions of approval pertaining to permitted uses, signage, building materials, and landscaping. Planning staff recommends approval of the applicant's proposed uses with the exception of office/warehouse, which is not permitted by right in the requested "LC" zoning district, and drive-in or free-standing drive-thru restaurants, which generally are incompatible with low-density residential neighborhoods due to the traffic, noise, trash, and light they generate. Planning staff also recommends that the list of permitted uses use terms defined by the Unified Zoning Code rather than the proposed terms in order to assist with future implementation of the CUP. To mitigate the visual impact of signage on nearby residences, planning staff recommends that signage be permitted per the "NR" Neighborhood Retail zoning district, which permits shorter and smaller signs than the "LC" zoning district. To ensure compatibility of building design with surrounding residential areas, planning staff recommends that buildings on the subject property be constructed of materials consistent with the residences in the area (e.g., masonry, stucco, wood, etc.). To improve the visual appearance of commercial development on the subject property, planning staff recommends that the subject property be developed with a landscaped street yard and parking lot screening along Penstemon and a landscape buffer along the east property line.

District Advisory Board II reviewed this case on October 6, 2003. No one other than staff and DAB members provided comments. DAB members asked questions concerning signage and building setback requirements. The DAB recommended approval 7-2, but asked that ground signage be limited to monument type signs with a maximum height of 10 feet.

The Metropolitan Area Planning Commission (MAPC) heard the case on October 9, 2003. The MAPC recommended approval 12-0, subject to the recommendations contained in the staff report. In that staff report, signage was restricted to that permitted in the "NR" Neighborhood Retail district which permits ground sign heights of 22 feet, and does not restrict signage to monument type signs. No one spoke for or against the request at the MAPC meeting, and no written protests have been received.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change and CUP amendment request, subject to recommended conditions; approve first reading of the ordinance establishing the zone change and amendment; or
2. Return the application to the MAPC for reconsideration.

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

First
Ord 11-04-03
OK to Pub

(150004) Pub" hed in The Derby Reporter on 11-21-03
ORDINANCE NO. 45-931

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. ZON2003-00043

Request for zone change from "GO" General Office to "LC" Limited Commercial on property described as:

Lot 1, Block 1, Home Design Center 3rd Addition, Wichita, Sedgwick County, Kansas.
Generally located at the northeast corner of 29th Street North and Penstemon.

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, November 4, 2003.

Carlos Mayans 17 Nov 03
Carlos Mayans, Mayor

ATTEST:

Karen Schofield
Karen Schofield, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf J.E.H.
Gary E. Rebenstorf, City Attorney