

**City of Wichita
City Council Meeting
May 4, 2004**

Agenda Report No. _____

TO: Mayor and City Council

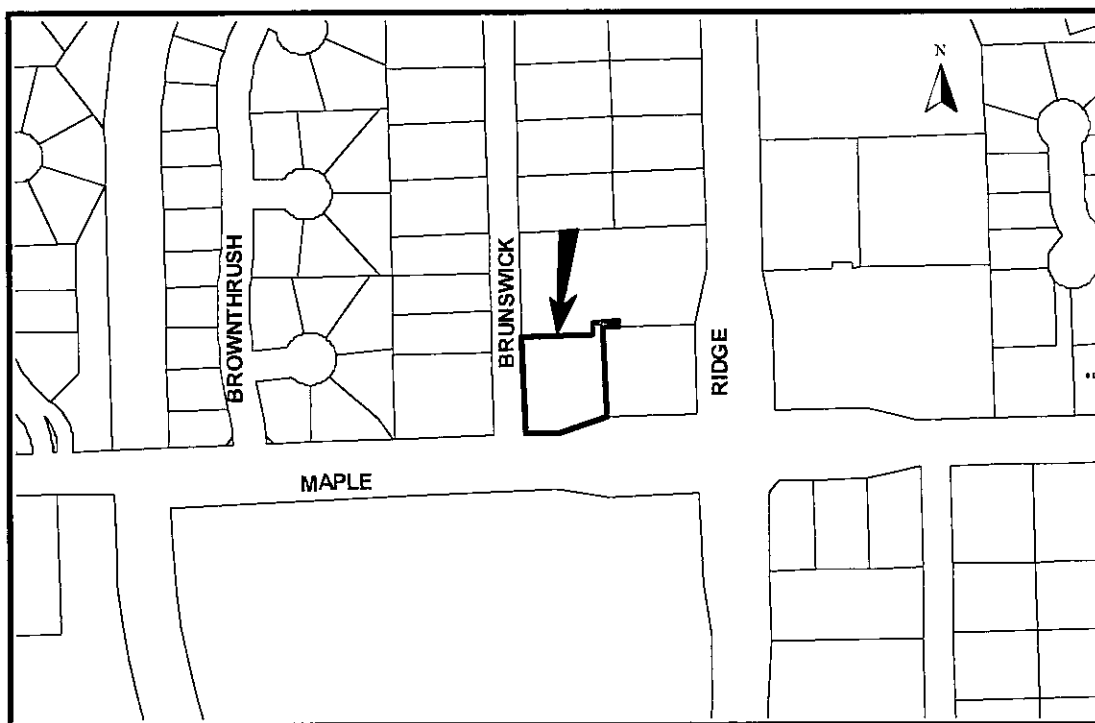
SUBJECT: ZON2004-00007 – Eliminate Restriction #5 of Restrictive Covenant #28 to allow a sign per the underlying “LC” Limited Commercial zoning district. Generally located north of Maple and west of Ridge. (District V)

INITIATED BY: Metropolitan Area Planning Department *DM for JKS*

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to provisions of Protective Overlay #135. (11-0)

MAPD Staff Recommendations: Approve, subject to provisions of Protective Overlay #135.



Background: The applicant requests elimination of Restriction #5 of Restrictive Covenant #28 (see attached) on a 0.7 acre platted tract located north of Maple and west of Ridge that is currently developed with a carpet showroom. The purpose of the request is to allow a sign per the underlying "LC" zoning district as opposed to the "BB" (now "GO") zoning district as required by Restrictive Covenant #28. The proposed sign is 17'5" tall and 84.2 square feet in size (see attached). Such a sign would be permitted by Restrictive Covenant #28 if the sign were for a multi-tenant building containing at least four tenants. Since the subject property has a single tenant, only a 32 square-foot sign is permitted by Restrictive Covenant #28.

The surrounding area is characterized by commercial development located at the Maple and Ridge intersection. The properties to the north, south, and east are zoned "LC" Limited Commercial and are developed with various commercial uses. The properties to the west are zoned "SF-5" Single-Family Residential and are developed with single family residences. The view of the proposed sign from the single-family residences to the west is blocked by the carpet showroom building.

Analysis: At the MAPC hearing on April 8, 2004, there were no speakers in opposition to the request. The MAPC voted (11-0) to recommend that Restrictive Covenant #28 be eliminated and to establish Protective Overlay District #135 that contains the following provisions:

1. Uses on the property shall be limited to: all uses permitted under the "NR" Neighborhood Retail district regulations, and a carpet showroom, which will display carpet samples for sale, but does not include the storage or warehousing of any carpet product.
2. A minimum 20 foot landscaped area shall be maintained along Brunswick with solid screening of evergreen trees planted and maintained in this area, except the south 25 feet of the property.
3. A wrought iron fence shall be constructed along the west property line.
4. If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent residential zoning district across Brunswick.
5. A maximum of one pole or monument sign shall be permitted. No signs shall be permitted along the Brunswick frontage.
6. A minimum building setback line of 35 feet shall be required along the Maple St. frontage.

Financial Considerations: None.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Concur with the findings of the MAPC and eliminate Restrictive Covenant #28 and establish Protective Overlay District #133; place the ordinance establishing the Protective Overlay District on first reading; or
2. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a two-third majority vote of the City Council on the first hearing.)

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(150004) Published in The Wichita Eagle on 5-14-04

ORDINANCE NO. 46-177

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. ZON2004-00007

Zone change eliminate Restrict Covenant #28 and create Protective Overlay District #135 on property zoned "LC" Limited Commercial and described as:

Lot 1 Beg SW Cor N 188 Ft E 137 Ft N 22 Ft E 49 Ft S 10 Ft to Pt on N LI Lot 2 W 24 Ft to NW Cor Lot 2 S 175 Ft to SLY Most Cor Com Lots 1 & 2 SWLY 103.36 Ft W 62 Ft to Beg Westview 3rd Add. Generally located north of Maple and west of Ridge.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #135:

1. Uses on the property shall be limited to: all uses permitted under the "NR" Neighborhood Retail district regulations, and a carpet showroom, which will display carpet samples for sale, but does not include the storage or warehousing of any carpet product.
2. A minimum 20 foot landscaped area shall be maintained along Brunswick with solid screening of evergreen trees planted and maintained in this area, except the south 25 feet of the property.
3. A wrought iron fence shall be constructed along the west property line.
4. If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent residential zoning district across Brunswick.

5. A maximum of one pole or monument sign shall be permitted. No signs shall be permitted along the Brunswick frontage.
6. A minimum building setback line of 35 feet shall be required along the Maple St. frontage.

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, 5-11-04

Carlos Mayans, Mayor

ATTEST:



Keren Smith, City Clerk

Approved as to form:

Gary E. Rebenstorf
Gary E. Rebenstorf, City Attorney